



An
Coimisiún
Pleanála

Inspector's Report

ACP-322918-25

Development

A cluster development, to include renovating and extending an existing cottage, two new dwellings, shared entrance, internal road network, wastewater treatment systems/percolation areas and all associated works.

Location

Churchquarter, Kilfeacle, Co.Tipperary

Planning Authority

Tipperary County Council

Planning Authority Reg. Ref.

2560307

Applicant(s)

Maureen and James Hally

Type of Application

Outline Permission.

Planning Authority Decision

Refuse Outline Permission

Type of Appeal

First Party

Appellant(s)

Maureen and James Hally.

Observer(s)

None.

Date of Site Inspection

26th August 2025

Inspector

Carol Hurley

1.0 Site Location and Description

- 1.1. The application site is located at Churchquarter, Kilfeacle, Co. Tipperary. The site has a stated area of c. 0.54 hectares.
- 1.2. The site is located on the northern side of the N74 roadway with a southeast facing orientation.
- 1.3. At time of site visit the land was overgrown with the roadside boundary consisting of dense planting. There was a large mature tree at the eastern side of the entrance to the site.
- 1.4. There is an existing dwelling on the site, it is not derelict but has been unlive in for some time. The dwelling is single storey with a gable roof profile with sliding sash windows of a vertical emphasis, reflective of an old school building.
- 1.5. The site slopes downwards to the east.
- 1.6. The surrounding area consists of residential development laid out in a linear manner on the northern and southern sides of the N74. There is a stud farm on the southern side of the N74, opposite the subject site.
- 1.7. The village of Kilfeacle is located to the west and is arranged around the crossroads. I observed a graveyard, community hall, tennis courts and a rugby club. Tipperary town would be the closest urban centre being c. 10km to the west.
- 1.8. During my site visit, it was evident that the N74 is heavily trafficked with fast moving vehicles. I noted the significant presence of tipper trucks using the road and would submit they are coming and going from Kilfeacle Quarry which is located to the west of the village.
- 1.9. The site lies predominantly within the 80 kmph speed limit with the signpost being located at the western end of the site and road markings consisting of a continuous white line for the majority of the site.

2.0 Proposed Development

- 2.1. The applicant is seeking Outline Planning Permission for a cluster development to include;

- Renovating and extending an existing cottage. Given the Outline nature of the application, no further details have been included.
- Provision of two new dwellings. On the site layout plans, the proposed dwellings are indicated to be to the east of the existing dwelling but set back behind the building line.

The proposed dwellings are indicated to have four bedrooms with FFL's indicated to be 93.5 and 90.75. The drawing entitled 'Contiguous Elevation' indicates a block layout, suggesting a stepped ridge height for the proposed dwellings.

- The proposed development includes for the provision of a shared entrance. The location of the entrance would be at a more easterly point than the existing entrance.

In order to achieve sightlines, it is proposed that the entire front boundary and ditch would be removed (c.45m). The roadside boundary would be replaced with a grass verge to the western part of the site and hedging to the eastern part of the roadside boundary. (No elevation or further detail)

The proposed entrance is indicated to be c.8m in width.

- An internal road network would be included to serve the three dwellings.
- Each of the dwellings are proposed to be served by on site wastewater treatment systems/ percolation areas. The site layout plan indicates these systems would be located to the rear of the dwellings.
- The development to include for all associated site works.

3.0 Planning Authority Decision

3.1. Decision

On the 4th June 2025 Tipperary County Council issued a Notification of a Decision to Refuse Outline Permission for a cluster development, to include renovating and extending an existing cottage, two new dwellings, shared entrance, internal road

network, wastewater treatment systems/percolation areas and all associated site works. Permission was refused for two reasons;

1. It is a stated objective under Policy 5.6 of the Tipperary County Development Plan 2022-2028 to support and facilitate cluster housing developments and serviced sites in rural settlements, in line with land zoning provisions, and immediately adjacent to the boundary, where it is demonstrated to the satisfaction of the Council that the development is of a high quality and can link effectively with, and contribute positively to the village form. The proposed development is located on the N74 National Secondary Route, outside of the 60kph speed limits associated with Kilfeacle Village. The site does not benefit from pedestrian infrastructure providing connectivity with the village and does not effectively link with the village. The linear nature of the development along the N74 does not contribute to the village form. Therefore, the proposed development would materially contravene Policy 5.6 of the Tipperary County Development Plan and would be contrary to the proper planning and sustainable development of the area.
2. This application seeks outline permission for a cluster development to the east of the settlement of Kilfeacle. The site is to be served by a new entrance onto the N74 National Secondary Road at a location where the 80kph speed limit applies.

It is an objective of Policy 12-4 of the Tipperary County Development Plan 2022-2028 and the Spatial Planning and National Roads Guidelines for Planning Authorities 2012, to avoid the creation of new accesses and the intensification of existing accesses to national roads where a speed limit greater than 60kph applies. Furthermore, policy 12-4 aims to protect the safety, capacity and efficiency of Tipperary's roads network.

It is considered that the proposed development would endanger public safety by reason of traffic hazard as the site is to be accessed from the heavily trafficked N74 National Secondary Road at a point where a speed limit of 80kph applies. It is considered that the traffic turning movements generated by the development would interfere with the capacity, efficiency, safety and free flow of traffic on this strategic route.

The proposal would therefore conflict with the provisions of Policy 12-4 of the Tipperary County Development Plan 2022-2028 and the Spatial Planning and National Roads Guidelines for Planning Authorities 2012 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 Planning Authorities report dated 27th May 2025 describes the site location, development description, planning history, referrals sought, and observations received. The report sets out the relevant policy.

Concern was raised that the proposed development would not come within the definition of a cluster as described in the Development Plan.

Any dwelling under consideration should be restricted to single storey height.

Sightlines were acceptable.

The proposed intensification of the existing access onto the N74 would not be acceptable and was considered to be contrary to the Spatial Planning and National Roads Guidelines for Planning Authorities 2012 in addition to Policy 12-4 of the Tipperary County Development Plan 2022-2028.

Outline permission was refused based on the proposed development materially contravening Policy 5.6 of the Tipperary Development Plan 2022-2028 as it relates to cluster developments.

The second reason for refusal relates to the traffic hazard generated by the proposed development and the impact to the National Road Network, contravening National Policy and Development Plan Policy.

3.2.2. Other Technical Reports

Roads Capital, Roads Section by report dated 15th May 2025 notes the following;

- The entrance serving the existing dwelling at the western end of the site.
- Sightline distances of 160m in both directions can be provided with the removal of the existing hedgerow. This distance accords with Table 5.2 of TII publication DN-GEO-03060 Geometric Design of Junctions for an 80kph road.

- The development does not create additional entrances, but it may generate an increase in traffic to the national road.
- Refers to Section 2.5 of the Spatial Planning and National Roads Guidelines, Lands adjoining National Roads to which speed limits greater than 60kph apply 'The policy of the planning authority will be to avoid the creation of an additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60kmh apply. This provision applies to all categories of housing.
- Refusal recommended.

Water Services No report received.

District Engineer No report received.

3.3. Prescribed Bodies

Department of Housing, Local Government and Heritage

- Notes the site's location within the zone of notification for RMP TS059-127 'Settlement deserted – medieval'.
- Potential for unknown archaeological features/deposits associated with this monument maybe disturbed during the groundworks required for the proposed development.
- Recommends that an Archaeological Impact Assessment be undertaken as part of Further Information.

Transport Infrastructure Ireland

- Notes that the proposed development would be at variance with official policy in relation to the control of development on/affecting national roads.
- Proposed development would affect the operation and safety of the national road network as it would generate increased traffic from the existing access onto the national road which speed limits greater than 60kph apply.
- The policy referenced is Spatial Planning and National Roads Guidelines for Planning Authorities, January 2012.

An Taisce

No report received.

Heritage Council

No report received.

Uisce Eireann

No report received.

3.4. **Third Party Observations**

None received

4.0 **Planning History**

P37360 – Permission granted for a dwelling.

I note from review of Tipperary County Council Interactive Map that the lands to the west of the subject site and to the west of the crossroads have been subject to several planning applications but have not been developed to date. These include;

05834 – permission was granted for a housing development consisting of 16 no. 3 bedroom, two storey semi-detached dwelling units, the installation of a sewage treatment unit, a new vehicular entrance and all associated site development works.

12/65 – permission granted to complete the six unfinished houses, granted under 05/834.

18/601491 – permission was granted to complete six unfinished houses for which permission expired under 12/65.

24/109 – permission refused for the completion of the unfinished six houses, and all development works on the site for which planning permission has expired under reference number 12/65 (this has been previously granted under 18601491)

06637 –Permission granted for 38 houses, creche, 3 no. shops, 2 no apartments and all associated site works. Permission was originally sought for 60 dwellings, 10 garages, creche, offices 3 no. shops and 2 no. apartments.

5.0 **Policy Context**

5.1. **National Planning Policy**

ACP-322918-25

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

National Policy Objective 28 - To provide a distinction between areas under urban influence for rural housing. In rural areas under urban influence, to facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

National Strategic Outcome 2 – this relates to enhanced regional accessibility and ensuring connectivity between centres of population of scale to support the objectives of the National Planning Framework. It is submitted that better connectivity between the four main cities is critical to enable the potential of these centres to be activated. Specific reference is made to inter urban roads and the need to maintain the strategic capacity and safety of the national road network. It is sought to improve average inter-urban journey times.

5.2. Regional Policy

5.2.1. Regional Spatial and Economic Strategy - Southern Regional Assembly

Section 6.3.3.2 Framework for the Integration of Transport Planning with Spatial Planning Policies

- Managing and enhancing the national and strategic road networks to address the Region's intra-regional, inter-regional and international connectivity.

5.3. 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.

5.4. Ministerial Guidelines

5.4.1. Spatial Planning and National Roads, Guidelines for Planning Authorities (2012).

Section 2.5

Lands adjoining National Roads to which speed limits greater than 60 kmh apply: The policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 kmh apply. This

provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.

5.4.2. 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.

Section 3.3.4 'Transport'

The objectives and policies of the development plan should make Planning Guidelines it clear that direct access from future development should not be permitted to national roads outside of the speed limit zones for towns and villages. Development control policy should, in the first instance, seek to channel traffic from new development onto existing local roads and in this way use established access points to gain entry onto national roads.

Appendix 4 'Ribbon Development' – The guidelines recommend against the creation of ribbon development for several reasons including, road safety, future demands for the provision of public infrastructure in addition to visual impacts.

5.5. Tipperary County Development Plan 2022-2028

The subject lands are not zoned.

The site is located within an area which is defined as being under urban influence.

Within the Settlement Guide and Settlement Plans, Volume 2, Kilfeacle proper, located to the west of the subject site is designated as a Local Service Centre.

GO1: To facilitate low density development proposals to meet local housing demands together with the provision of local and community services / facilities and local employment opportunities within the village/settlement boundary in accordance with the principles of proper planning and sustainable development, and the Council's 'Design and Best Practice Guidelines for Cluster Housing Schemes in Rural Villages'.

Appendix 5 Design and Best Practice for Cluster Housing Schemes in Rural Villages Development Plan

Table 5.1 Residential Development in Rural Settlements – identifies the approach to residential development and sets out that applications for infill development, village housing schemes and cluster housing schemes of an appropriate character and scale will be considered. The table specifically refers to ‘Housing Clusters’ in line with the ‘Cluster Guidelines’ will be considered within or adjacent to the village boundary.

Section 5.5 – This refers to the need to plan for sustainable communities in the rural area. This will be achieved through attracting new residents to live in rural settlements and make provision for housing in the countryside for those who demonstrate a need to live in our rural areas.

Section 5.5.1 – Refers to the Core Strategy which makes the distinction between rural ‘Areas under Urban Influence’ and the areas outside of these or ‘Open Countryside’.

In ‘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, environmental and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

Table 5.3 Rural Areas with Strategic Transport Corridors and Primary Amenity Areas

Section 5.5.2 – Refers to the Rural Housing Policy.

Policy 5-6 – Refers to the provision of cluster housing development in rural settlements, in line with land zoning provisions and immediately adjacent to the boundary. It must be demonstrated to the Council that the development is of high quality and can link effectively with and contribute to the village form. Such developments will need to comply with ‘Design and Best Practice Guidelines for Cluster Housing Schemes in Rural Villages, 2018 (as maybe amended).

Policy 5-9 Refers to the need to incorporate measures into new residential development of all scales to address climate change actions and measures.

Policy 5-11 Refers to proposals for dwellings in the countryside outside of settlements in accordance with NPF Policy NPO19. The policy distinguishes between ‘Areas

Under Urban Influence' and 'Primary Amenity Areas' whereby the Council will consider single houses for persons where the criteria set out in Category 1A or B or Category 2 are met. In 'Open Countryside' the development plan seeks to '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'

Policy 5-12 Refers to 'ribbon development' consisting of 5 houses (existing or are permitted) within any continuous 250 metre section of roadway. In this regard the Council will seek to resist further development in the interest of road traffic safety, visual amenity and groundwater quality.

Policy 8-G Refers to the intention to work with national and regional partners to deliver a coordinated strategy for the 'Limerick-Waterford Transport and Economic Network'

Policy 11-1 – Refers to the need to balance the need for new development with the protection and enhancement of the natural environment and human health. No plans, programmes etc or projects to give rise to direct, indirect or secondary impacts on European sites.

Policy 11-3 – Refers to the need to conserve and protect existing and proposed NHA's.

Policy 11-7 – Refers to the need to ensure the protection of water quality in accordance with the WFD, support an integrated and collaborative approach to catchment management in accordance with River Basin Management Plan and the provision of an undisturbed edge or buffer zone to be maintained between developments and riparian zones of water bodies.

Policy 11-9 – Refers to the need to assess all new developments (both within and without designated Flood Risk Zones).

Section 12.5.2 – Safeguarding the Strategic Road Network – It is a key aim of the Council to maintain and protect the safety, capacity and efficiency of national roads, avoiding the creation of new accesses and the intensification of existing accesses to national roads. The Council will restrict access onto national routes in order to protect critical investment in infrastructure, capacity and safety of road users. Routes have been identified of strategic importance by virtue of their significance in terms of connectivity between settlements, traffic volumes etc. These routes include all

motorways, national primary and secondary routes and heavily trafficked regional routes. Figure 12.2 sets out these routes.

Archaeology

The subject site is located within a Zone of Archaeological Potential for the following recorded monuments;

To the north (rear of the site)

TS04936 – Barrow-ring-barrow (SMRN: TS059-146)

To the northwest

TS04937 – Barrow-ring-barrow (SMRN: TS059-147)

TS01077 – Settlement deserted – medieval (SMRN: TS059-127)

TS04932 – Church (SMRN: TS059- 127002)

TS04933 – Graveyard (SMRN: TS059-127003)

To the southwest

TS04098 – Castle-Motte and Bailey (SMRN:TS059-127001)

5.6. Natural Heritage Designations

The subject site is not located within or adjacent to any natura 2000 sites. The site is located c.7.3km to the northwest of Knockroe Fox Covert pNHA (000964) and c.4.8km to the northeast of Bansha Wood pNHA (002043)

The application site is located c. 5.2km to the west of the Special Area of Conservation for Lower River Suir (002137).

6.0 EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment. 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.

See completed Form 1 and 2 on file.

7.0 The Appeal

7.1. Grounds of Appeal

- The proposed cluster development is in keeping with the Development Plan.
- The nature of the development would provide a base layout with infrastructure designed in and offers a housing solution in the village of Kilfeacle.
- Sets out how the proposed development reflects the linear pattern of development of Kilfeacle and would protect the villages structural and visual integrity.
- The shared access would reduce impact to the road.
- Sets out the merits of Kilfeacle Village.

7.2. Planning Authority Response

- None received.

7.3. Observations

- None

8.0 Assessment

- 8.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having visited the site, and having regard to the relevant local policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows;

- Principle of the proposed development

- Access
- Other Matters
- Water Framework Directive Screening
- Appropriate Assessment

8.2. Principle

- 8.2.1. As per the Development Plan, the rural settlements of the county have been identified in the settlement strategy as 'Service Centres', 'Local Service Centres' and 'Settlement Nodes' according to their scale and capacity for growth.
- 8.2.2. There are 36 Local Service Centres in Tipperary and these generally have a population of around 50 to 100 persons. Local Service Centres act as local residential and community centres and accommodate an appropriate level of development, including housing and community services such as childcare, primary level education, recreation, convenience retailing etc. The plan also recognises that many of these villages have vacant and derelict buildings in their centres, suitable for reuse and redevelopment as housing and this is a priority for all Local Service Centres. A Settlement Statement for each Local Service Centre is set out in Volume 2 of the development plan and seeks to inform and guide new development in line with the policies and objectives of the Plan.
- 8.2.3. Table 5.1 of the Development Plan describes the various categories of rural settlements. Kilfeacle is located within a Local Services Centre. Within this category it is set out that 'Housing Clusters' will be considered within or adjacent to the village boundary.
- 8.2.4. Policy 5-6 of the development plan supports and facilitates cluster housing in rural settlements and immediately adjacent to the boundary where it is demonstrated to the satisfaction of the Council that the development is of a high quality and can link effectively with and contribute positively to the village form.
- 8.2.5. The subject site is located outside of the settlement boundary for the designated local service centre of Kilfeacle.
- 8.2.6. I note that within Table 5.1 of the settlement category in respect of Service Centres sets out that applications for Housing Clusters will be considered on lands outside of

and directly adjoining rural settlement boundaries. For reference I note that this is distinct from the designation of Local Service Centres which sets out that 'Housing Clusters' will be considered within, or adjacent to, the village boundary.

- 8.2.7. Furthermore, Objective GO1 as it specifically relates to Killeale within the Settlement Guide refers to the provision of low-density housing to meet local housing needs within the village settlement boundary, in accordance with the principles of proper planning and sustainable development.
- 8.2.8. The Planning Authority acknowledged that the site is located outside of and immediately adjacent to the settlement boundary. The assessment contended that as the development could not link effectively with and contribute positively to the village form as a result of the absence of any footpath connectivity with the village centre and linear form and the location of the site being outside of the 60kph speed limit as such the proposal could not be considered to fall under the definition of a cluster development as set out in Policy 5-6 and a refusal was recommended in this regard.
- 8.2.9. It is my opinion that the language of the Development Plan and Settlement Guide is somewhat ambiguous between the wording of Table 5.1 and Policy 5-6 of the Development Plan and Objective GO1 of the Settlement Guide as it relates development being within and adjacent to the Local Service Centres.
- 8.2.10. I agree with the Planning Authority that while the subject site is located outside of the settlement boundary, it is however immediately adjacent as per Policy 5-6 of the Development Plan.
- 8.2.11. Policy 5-6 of the Development Plan also requires that the proposed development must demonstrate an effective link with and contribute positively to the village form.
- 8.2.12. The subject site is detached from the village core which I consider is the area centred around the crossroads to the west. The only physical link available to the village core is by car. In this regard I agree with the Planning Authority that the site cannot link effectively to the village.
- 8.2.13. The appellant contends that the placement and style of the proposed dwellings would follow the existing layout and pattern of development providing continuance and therefore protecting the villages structural and visual integrity. I do not agree with the appellant in this regard as given the 'Outline' nature of the proposed development no

elevations or design brief have been provided to determine visual integration. Further, by virtue of the site's detached context being adjacent but outside of the settlement boundary, such development would not contribute to the village form or provide for consolidation of the village would erode the integrity of the settlement and exacerbate ribbon development along the N74 to an unacceptable degree. In my opinion the extensive loss of an established roadside boundary to facilitate sightlines, would be injurious to the visual amenities of the area.

8.2.14. In light of the above, I agree that the proposed development does not accord with Policy 5-6.

8.2.15. While I accept the Development Plan provides for development 'adjacent' to the settlement boundary, normal planning considerations must be taken into account. It would appear to me that there are other sites within the settlement boundary of Kilfeacle which could be appropriately developed in accordance with Policy 5-6 and the Cluster Development Guidelines.

8.2.16. I would therefore contend that the sequential development and consolidation of the village has not yet occurred. Where a settlement hierarchy is set out, the focus should be on the consolidation of these areas in a sustainable manner in the first instance, before consideration should be given to development on lands outside of the settlement boundary notwithstanding the 'adjacent' location. I also submit that the available lands for development within the settlement boundary could be realised without the need for a direct access onto the N74.

8.2.17. Being cognisant of the site's location adjacent to but outside of the settlement boundary of Kilfeacle and being within an area designated as under urban influence as per Figure 5.3, I would consider that the requirements of Policy 5-11 would need to be satisfied. Policy 5-11 facilitates proposals for dwellings in the countryside outside of the settlements.

8.2.18. In this regard consideration can be given for single houses for persons where the criteria set out in Category 1A or B (Economic Need) or Category 2 (Social Need) of the policies are met. The nature of the proposal, being more than one dwelling without the details of the intended occupants is speculative.

8.2.19. Considering the foregoing, the proposed development does not comply with the Cluster Guidelines as the site cannot link effectively and contribute positively to the

village form as per Policy 5-6. Consequently, in the absence of the sequential development of the designated village settlement of Kilfeacle, the site of the proposed development being adjacent but outside of the settlement boundary and being within an area under urban influence would amount to uncoordinated and speculative ribbon development. The proposed development would not be in accordance with Policy 5-6, 5-11 and 5-12 of the Development Plan and GO1 of the Settlement Guide.

- 8.2.20. I acknowledge that the Planning Authorities first reason for refusal stated that the proposed development would materially contravene Policy 5.6 of the Tipperary County Development Plan. This policy refers to guidance for cluster housing schemes and is not, in my view, sufficiently specific to 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)(b) of the Planning and Development Act 2000, as amended.

I recommend that the decision to refuse permission be upheld.

8.3. Access

- 8.3.1. The site is currently served with an existing vehicular entrance, located towards the western end of the site.
- 8.3.2. The development proposes the relocation of this entrance to a more central position within the roadside boundary. The relocation of the entrance and the amendments to the roadside boundary enable the provision of a setback of 4.5m and sightlines of 160m in both directions, as per the requirements of Tables 6.1 and 6.2 of the Development Plan. The report of the Roads Section accepted the sightlines in accordance with Table 5.2 of TII publication DN-GEO-03060. This element of the works does not form part of the appeal.
- 8.3.3. The proposed entrance would form a direct access onto the N74 road which is a National Secondary Road. As per Spatial Planning and National Roads Guidelines for Planning Authorities, the function of the national road network is to provide strategic transport links between main centres of population and employment. The N74 runs in an east-west direction connecting Cashel with Tipperary Town. The N74 connects with the M8 motorway to the east. The road also connects with the N24, a national primary

route which is within a strategic transport corridor between Limerick and Waterford. The N24 also provides connections to the M7 motorway in the west.

- 8.3.4. An increase in the provision of entrances with direct accesses onto national roads unduly impacts upon the performance of the road. This can impact the steady flow of traffic by limiting over taking possibilities etc and thereby undermining the primary function of the road for strategic connections between population and employment centres.
- 8.3.5. Furthermore, the creation of new accesses or the intensification of use of existing accesses onto national roads increases additional turning movements which as a consequence introduces safety risks to road users.
- 8.3.6. During my site visit I observed the constant flow of traffic along the road. The site is located within the 80kmh speed limit. I consider that given the context of the road in terms of alignment and width particularly leaving Kilfeacle in an easterly direction, that traffic operates at or above this speed limit. I also noted that a substantial portion of the traffic using the road were tipper/dump trucks, likely associated with Kilfeacle Quarry to the west of the site.
- 8.3.7. Section 2.5, Spatial Planning and National Roads Guidelines, 2012 has clear and specific policy in relation to accesses onto national roads with speed limits greater than 60kmh. *The policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 kmh apply. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.*
- 8.3.8. The development plan supports this national policy with Policy 12-4, which seeks to *Maintain and protect the safety, capacity and efficiency of Tipperary's roads network and associated junctions in accordance with the Spatial Planning and National Roads Guidelines for Planning Authorities, (DECLG, 2012) and the Trans-European Networks Regulations and to avoid the creation of additional access points to national roads to which speed limits greater than 60kmh apply.*
- 8.3.9. The submission received from Transport Infrastructure Ireland and the report of the Roads Section which form part of the Planning Authorities assessment concludes that the proposed development would be contrary to National Policy.

8.3.10. I agree that the proposed development would result in an intensification of an existing entrance which if permitted would have a negative impact upon the safety, capacity and efficiency of the strategic road network which would adversely affect the use of a National Road.

8.3.11. I would concur with the assessment of the Planning Authority in relation to the proposed vehicular access. I also note that the applicants' grounds of appeal do not seek to comprehensively address this reason for refusal save for the statement that the proposed shared access would reduce impact on the road system. In my opinion and having regard to the assessment above the applicants submission does not provide substantive information to the contrary that could negate the proposals contradiction of National Policy.

I recommend that the decision to refuse permission be upheld in this regard.

8.4. Other Matters

8.4.1. No Planning Statement has been provided. The applicant has sought Outline Planning Permission for the entire scheme. Section 4.5 of Volume 3 of the development plan sets out that the delivery of Cluster Dwellings requires a three-step approach which includes the need to seek full planning permission for the site layout accompanied by a design brief for the entire site. No details have been provided in respect of the intended phasing or the manner in which communal site development works of the development would be undertaken.

8.4.2. The Planning Authority accepted the on-site wastewater treatment systems and associated documentation. The site character assessment report concludes that the site is suitable for the on-site disposal of wastewater. From review, I note that there are some gaps in information. While three no. OSWTS's are proposed and the application is accompanied by three no. Site Characterisation Forms, Drawing No. 230139-2 indicates that only two sets of trial hole investigations were undertaken.

I also note that the site overlies a Regionally Important Aquifer which would require trial holes with a depth of 3m. The Site Characterisation Forms refer to trial holes with a depth of 2.5 for sites 1 and 1a and 2.6 for site 2.

I do not consider that these deficiencies in information would warrant a refusal given the substantive reasons outlined above.

- 8.4.3. The site is located within an archaeologically sensitive area being within the zone of notification for recorded monument TS059-127 – Settlement deserted -medieval. I note that the submission received from the Development Applications Unit (Department of Housing, Local Government and Heritage) recommended that an Archaeological Impact Assessment be undertaken as part of a request for Further Information.

9.0 Water Framework Directive

- 9.1. The subject site is located at Churchquarter, Kilfeacle, Co.Tipperary. The subject site is c.552m to the east and c. 1.24km to the west of the Fidaghta River which flows in a northerly direction to the east of the site and flows in a southerly direction to the west of the site.
- 9.2. The site overlies a Regionally Important Aquifer of extreme vulnerability.
- 9.3. The proposed development comprises outline permission for a cluster development to include renovating and extending an existing cottage, two new dwellings, shared entrance, internal road network, wastewater treatment systems/percolation areas and all associated site works.
- 9.4. No water deterioration concerns were raised in the planning appeal.
- 9.5. I have assessed the development seeking permission 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.
- 9.6. The reason for this conclusion is as follows:

- Nature of works e.g. small scale and nature of the development
- Location-distance from nearest surface Water bodies and/or lack of hydrological connections.
- The development subject to compliance with the EPA Code of Practice for Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10)

9.7. 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.

10.0 AA Screening

10.1. I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended. The subject site is not located within or adjacent to any European Site. The application site is located c. 5.2km to the west of the Special Area of Conservation for Lower River Suir (002137).

The proposed development comprises outline permission for a cluster development to include renovating and extending an existing cottage, two new dwellings, shared entrance, internal road network, wastewater treatment systems/percolation area and all associated site works.

10.2. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:

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

10.3. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

11.0 Recommendation

11.1. Having considered the contents of the application, the decision of the planning authority, the provisions of the Development Plan, the grounds of the appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be refused for the reasons set out hereunder.

12.0 Reasons and Considerations

1. The proposed development by reason of the detached location of the site relative to the village core and being outside of the Settlement Boundary for Kilfeacle does not comply with Appendix 5 Design and Best Practice for Cluster Housing Schemes in Rural Villages set out in the Tipperary County Development Plan 2022-2028 as the site does not link effectively and contribute positively to the village form as per Policy 5-6. The site of the proposed development being within an area under urban influence would amount to uncoordinated and speculative ribbon development, would undermine the sequential development of the designated village of Kilfeacle and would not be in accordance with Policy 5-6, 5-11 and 5-12 of the Development Plan and GO1 of the Settlement Guide. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. Access to the subject site is proposed via a relocated existing entrance off the National Secondary Road N74 where the posted speed limit is 80kmph. It is considered that the proposed development would:
 - Involve the intensification of use of an existing relocated entrance directly onto the National Secondary, N74 Route by reason of the additional traffic likely to be generated by the new development proposed,

- would conflict with the Development Plan Policy, as expressed in Policy 12-4
- would conflict with the Spatial Planning and National Roads, Guidelines for Planning Authorities (January 2012) which seek to curtail development along National Roads, to safeguard the strategic role of the National Road Network and to avoid intensification of existing accesses to national roads. The traffic movements likely to be generated by the proposed intensified use of the relocated existing entrance onto the N74 would by itself or by the precedent which the grant of permission for it would set for other relevant development, would adversely affect the use of a national road by interfering with the capacity, efficiency, safety and free flow of traffic on this strategic route.

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.

Carol Hurley
Planning Inspector

13th October 2025

Form 1 - EIA Pre-Screening

No EIAR Submitted

Case Reference	ACP-322918-25
Proposed Development Summary	Cluster development, renovating an existing dwelling and construction of two dwellings, new shared entrance and access road and three on site wastewater treatment systems.
Development Address	Churchquarter, Kilfeacle, 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.	
<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, Schedule 5 or a prescribed type of proposed road	

<p>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)(i) 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: _____

Form 2 - EIA Preliminary Examination

Case Reference	ACP-322918-25
Proposed Development Summary	Cluster development, renovating an existing dwelling and construction of two dwellings, new shared entrance and access road and three on site wastewater treatment systems.
Development Address	Churchquarter, Kilfeacle, 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).	Outline permission sought for construction of two houses and the renovation of the existing dwelling. No demolition works are proposed. The 3 no. dwellings would each be served by OSWWTP's. The scale of the development would be consistent with the surrounding pattern of development.
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 application site is not proximate to any protected sites. There are no water courses traversing the site. The site is within a Zone of Archaeological Potential. A submission received from the DHLGH recommends that an Archaeological Impact Assessment be undertaken.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	The 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.

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.
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)

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	ABP-322918-25	Townland, address	Churchquarter, Kilfeacle, Co.Tipperary
Description of project		A cluster development to include renovating and extending an existing cottage, two new dwellings, shared entrance, internal road network, wastewater treatment systems/percolation areas and all associated site works.	
Brief site description, relevant to WFD Screening,		<p>The site is located within a rural area addressing a national road. The site slopes away to the east. There are no watercourses within or bounding the site, Fidaghta River is located c. 522m to the west and c. 1.24km to the east of the site.</p> <p>The site is located in river sub basin Fidaghta_020.</p> <p>The site overlies a Regionally Important Aquifer. The Groundwater has extreme vulnerability. There are also six existing dwellings within proximity to the subject site.</p>	
Proposed surface water details		Surface waters can drain to soakpits.	
Proposed water supply source & available capacity		Mains	
Proposed wastewater treatment system & available capacity, other issues		The development proposes the installation of three no. on site wastewater treatment systems, proposed to be located to the rear of each of the three dwellings.	
Others?		Not applicable	
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection			

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)	
River Waterbody	522m (west) 1.24km (east)	Fidaghta_020 IE_SE_16F010300	Poor	At Risk	Agriculture DWTS	Not hydrologically connected to surface watercourse. Drainage to groundwater via OSWWTS	
Groundwater waterbody	Underlying site	Tipperary IE_SE_G_145	Good	Not at risk		Drainage to groundwater via OSWWTS Free draining soil conditions.	
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if ‘screened’ in or ‘uncertain’ proceed to Stage 2.

1.	Site Clearance, Construction	Fidaghta_020 IE_SE_16F010300	None	None	Standard Construction Measures	No	Screened out
3.	Site clearance, construction	Tipperary IE_SE_G_145	Drainage	Seepage to ground water	Standard Construction Measures / Conditions and	No	Screened out
OPERATIONAL PHASE							
3.	Surface	Fidaghta_020 IE_SE_16F010300	None	None	None	No	Screened out
4.	Ground	Tipperary IE_SE_G_145	Seepage to ground water	Foul water disposal	Compliance with the EPA Code of Practice for DWWTS	No	Screened out
DECOMMISSIONING PHASE							
5.	NA						