



An  
Coimisiún  
Pleanála

## Inspector's Report

**ACP-323642-25**

<b>Development</b>	Retention permission is sought for fences erected at the property.
<b>Location</b>	Grallagh, Ballinure, Thurles, Co. Tipperary
<b>Planning Authority</b>	Tipperary County Council
<b>Planning Authority Reg. Ref.</b>	24270
<b>Applicant(s)</b>	Viara Guentcheva.
<b>Type of Application</b>	Retention.
<b>Planning Authority Decision</b>	Grant Retention
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Denis Looby and Others.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	2 <sup>nd</sup> December 2025.
<b>Inspector</b>	Carol Hurley

## **Appendix 1 – Form 1: EIA Pre-Screening**

## **1.0 Site Location and Description**

- 1.1. The subject site is located at Grallagh, Ballinure, Thurles, Co. Tipperary. The site has a stated area of 0.1895 hectares and consists of a dwelling and several outbuildings. Included within the blue line of ownership is a field extending to the west.
- 1.2. The site is located on the western side of the L1401 at a point of curvature in the road.
- 1.3. The area can be characterised as being rural in nature with dwellings addressing the road in a linear manner.
- 1.4. There are buildings consistent with agricultural uses within the vicinity of the subject site.
- 1.5. The existing dwelling is a bungalow with a hipped roof profile. The dwelling is not readily visible from the road; regard being had to the increased height of the roadside boundary treatment.
- 1.6. The M8 is c. 3km to the west and the town of Cashel being c. 12km to the southwest of the subject site.

## **2.0 Development Seeking Retention**

- 2.1. As per the original submission to the Planning Authority, the development seeking retention permission consists of ;
  - (a) Fences erected at the property.
  - (b) The fences are located inside the side (northern) boundary wall and rear (northwestern) boundary wall.
  - (c) The fences along the rear boundary wall, indicated as A-B on Drawing No. VG-11-24-03 have a stated maximum height of 2.750m with a stated length of 16.7m.
  - (d) The fences along the side boundary wall, indicated as C-D on Drawing No.VG-11-24-03 have a stated maximum height of 2.5m with a stated length of 10.050m.

The fences to the rear and side consist of horizontal panels with vertical posts.

Following a request for further information, the following elements were identified on the revised plans which were deemed to be Significant Further Information;

- (a) Fence located inside the front (eastern) boundary wall with a stated height of 1.9m. This fence consists of vertical panels and a decorative upper section.
- (b) The increase in height of the gate piers to 2.350m.
- (c) The decommissioning of the existing agricultural entrance. (This element is discussed below)

All fences in place on site are cream/off white colour, the amended gate piers are painted dark grey which harmonises with the existing front boundary wall.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

On the 27<sup>th</sup> August 2025 Tipperary County Council issued a notification to grant retention permission subject to 3 no. conditions.

Condition No. 1 – Compliance with the plans submitted on 29<sup>th</sup> November 2024 and as amended by the Further Information received 23<sup>rd</sup> July 2025. Specifically noting that this permission does not include for the surrender/closing of the agricultural access onto the L-1401-1 local road.

Condition No. 2 – Surface Water drainage.

Condition No. 3 – Within 3 months of the date of the permission, that the roadside boundary be set-back behind the required sight triangle, taken from a point 4.5m back from the road edge at the centre of the existing agricultural access onto the L-1401-1 to a point 90m away in both directions at the nearside road edge.

- (a) Where the roadside boundary/landscaping is removed, a new roadside boundary hedge shall be constructed, to comprise of an earthen bank to a consolidated height of 1.2m to be planted with shrubs suitable for hedging, common to the area.
- (b) Alternatively, the new front boundary fence shall be of stone and sod, stone faced masonry or dry stonewall, not more than 1.2m in height. The stone used

shall be indigenous to the area. The wall shall not be more than 1.2m in height over road level. A post and rail type fence is specifically not permitted.

- (c) The area between the new road fence and road carriageway shall be trimmed and rolled level with the carriageway, top soiled, seeded with grass and maintained without obstruction.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

- The original report of the Planning Officer set out the site location and description, description of the development seeking retention permission, the relevant planning history, referrals made, summary of the observations received, overview of planning policy and planning appraisal.
- The assessment considered that the fences seeking retention permission located at the northern and western boundaries are acceptable in principle.
- Concern was raised regarding apparent changes to the entrance including that the height of the piers have been raised and that there was a white PVC fence exceeding 1.2m placed inside the front boundary wall. The accompanying site layout plan does not identify that retention is being sought for same. Further information was recommended to be requested in this regard.
- Noted that the development does not present any roads related issues.
- Following a site visit it was noted that Condition No. 5 of Ref. 19601251 has not been complied with. Further information was recommended to be requested in this regard.
- No concerns were raised in relation to the disposal of Surface Water and conditions were recommended in the event of a grant of permission.
- The updated report of the Planning Officer dated 25<sup>th</sup> August 2025 in respect of the Significant Further Information received does not accept the applicants contention that the agricultural entrance onto the L-1401-1 does not provide access to the lands to the rear/west of the landholding with same being accessed by way of an agricultural access onto the private lane to the south.

- The applicant set out that this entrance is therefore not in use and suggested the closing of the entrance to negate the requirement to provide the sightlines required under Condition 5 of Ref. 19601251.
- The Planning Officer submitted that the parent permission for the kennels was permitted on the basis that the entrance serving the development was capable of being modified to provide for 90m sightlines from a 4.5m setback.
- The requirements of the condition cannot be released unless an alternative access to the same standard can be provided at an alternative location which is not the case.
- Concluded that the requirements for the boundary setback could be dealt with by condition attached to the subject permission or pursued by Enforcement.
- In respect of Item 2 of the further information request, the report of the Planning Officer accepts the updated information regarding the fence placed inside of the boundary wall but notes that this will be modified by the requirement to deliver the sightlines referred to above.
- Concludes that the fencing for which retention permission is being sought does not further impede the sightlines referred to under Item 1 of the request.
- Summary of the observations received in relation to the Significant Further Information received.
- Recommendation to Grant Retention Planning Permission subject to three conditions.

### 3.2.2. Other Technical Reports

Report of the District Engineer dated 13<sup>th</sup> December 2024 notes;

- No alterations are being made to the existing entrance.
- Requirements for forward stopping sight lines, not applicable.
- Recommend the inclusion of a condition to require that all surface water runoff from roads, driveways and paved areas to be collected and disposed of within the curtilage of the site by means of soakpits. No surface water runoff is permitted to discharge onto the public road or adjoining properties.

Updated Report of the District Engineer dated 3<sup>rd</sup> September 2025;

- Notes Item 1 of the request for Further Information. The response is stated to be 'no comment' and notes that the conditions were issued by the Planning Officer as part of the application response.
- Reiteration of previously recommended condition in respect of surface water runoff.

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

Third party submissions made to the Planning Authority in relation to the original planning application can be summarised as follows;

- New fencing is in breach of planning conditions.
- Restricts sightlines when exiting property (to the immediate north).
- Rationale for the retention application.
- Location of fence within c. 15m of the 3<sup>rd</sup> party's bedroom.
- Potential non-compliance of previous planning permission conditions (19601251) – impact arising from the increase in scale of activities at the site, the existing boundary wall was not set back. The new PVC fencing is not in line with the conditions of the original permission and is not indigenous to the area.
- Since 2019, two fences were erected at the front of the site.
- Additionally, new chainlink fencing and planting have been installed to the lefthand side of the site.
- Concerns regarding water runoff and what is contained therein maybe seeping into the water mains via a hole in the front boundary.
- This is the third planning permission for retention sought by the applicant.
- Suggest the relevant policies of the Development Plan are Policy 11-7, 11-18 and 11-19.

Third party submissions made to the Planning Authority in relation to the Significant Further Information response can be summarised as follows;

- The number of dogs exceed that permitted and operations appear to involve commercial activity. Queries whether commercial use at this location is permitted under current and previous permissions.
- The applicant is running a business breeding and selling dogs
- Impact to residential amenities.
- Concerns remain and the further information provided does not address the issues raised.
- The historical agricultural laneway referenced was not part of the original planning conditions.
- Sightlines referred to in the original application applied to the main entrance only and not the historical laneway.
- The laneway to the south constitutes an easement serving multiple landowners.
- Surface water accumulation on the laneway to the south of the site.
- Fencing and planning works installed have obstructed sightlines for laneway users, creating a safety hazard.
- These works have also exacerbated flooding at the mouth of the laneway.
- Reference to case law in relation to nature of retention permission.

#### 4.0 Planning History

**PA Reference 22591** – Grant retention permission for two pergola shelters attached to the existing dog kennels.

**PA Reference 19601251** – Grant retention permission for existing dog kennels, hard standing areas, front porch to the dwelling, fencing, extension to the outbuilding, car port and grant permission to extend the car port and raise the height of the existing roadside boundary wall.

Relevant Conditions include;

Condition No. 5

The roadside boundary shall be setback behind the required sight triangle, the sight triangle is taken from a point 4.5m back from the road edge at the centre of the



proposed access to a point 90m away in both directions at the nearside road edge. The sight triangle shall be achieved within three months of the date of this permission.

- (a) Where roadside hedge is removed a new roadside boundary hedge shall be constructed, the new roadside boundary shall compose of an earthen bank to a consolidated height of 1.2 metres that shall be planted with shrubs suitable for hedging and common to the locality (e.g. holly, hawthorn, blackthorn, ash, elder, bramble etc.) All landscaping and planting shall take place in the first planting season following occupation of the dwelling.
- (b) Alternatively the new front boundary fence shall be of stone and sod, stone face masonry or dry stonewall. The stone used shall be indigenous to the area. The wall shall not be more than 1.2 metres in height over road level. A post and rail type fence is specifically not permitted.
- (c) The area between new road fence and road carriageway shall be trimmed and rolled level with the carriageway, top soiled, seeded with grass and thereafter maintained without obstruction, trim and tidy.
- (d) The front boundary wall shall be realigned as per the site layout plan received on the 2<sup>nd</sup> March 2020 and shall remain at a maximum height of 1.2m.

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

## Enforcement

**TUD-18-207** – Warning letter issued in relation to non-compliance with PA Ref 19601251 in addition to a second Warning Letter issued in relation to canopy structures erected at the north and west elevations of the dog kennels.

**TUD-23-139** – File closed (no further information in this regard)

**TUD-24-010** – Warning Letter issued in relation to the construction of a boundary wall exceeding 1.2m in height to the front of the dwelling.

## 5.0 Policy Context

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

The operative plan is the Tipperary County Development Plan 2022-2028 which became effective on 22nd August 2022.

Policy 11-7 – This policy refers to 3 items, (a) Ensure the protection of water quality in respect of the EU WFD and River Based Management Plan 2018-2022 and any successor, (b), support an integrated approach to catchment management in accordance with the River Basin Management Plan, (c) Require an undisturbed edge or buffer zone to be maintained where appropriate between new developments and riparian zones of water bodies.

Policy 11-18 – Ensure that new development does not result in significant noise disturbance and to ensure that all new developments are designed and constructed to minimise noise disturbance in accordance with the provisions of the Noise Action Plan 2018.

Policy 11-19 – Ensure that new development does not result in significant disturbance as a result of light pollution and to ensure that new developments are designed and constructed to minimise impact of light pollution.

Table 6.1: X-Distance Requirements

**Table 6.1: X-Distance Requirements**

Major Road Use	Minor Road use/Direct Access	X-Distance
<b>National Roads</b>	Simple Junctions, Stop control	2.4m
<b>Regional &amp; Local Roads</b>	All junctions and accesses, Stop control	2.4m
<b>Regional &amp; Local Roads</b>	All junctions and accesses, Yield control	3.0m
<b>National Roads, Regional &amp; Local Roads</b>	Multiple residential, Commercial, Agricultural or other	4.5m

Table 6.2: Design Speed and associated Y-Distances

**Table 6.2: Design Speeds and associated Y-Distances**

Mandatory Speed Limit	Design Speed (operational Speed)	Rural Non-National Road	Urban Non-National Road
km/h	km/h	Y-Distance (m)	Y-Distance (m)
<b>30</b>	40	N/A	33
<b>40</b>	50	70	45
<b>50</b>	60	90	59
<b>60</b>	70	120	72
<b>80</b>	85	160	N/A
<b>100</b>	100	215	N/A

## 5.2. Section 28 Guidelines

### Development Management Guidelines for Planning Authorities

Section 7.3 'Basic Criteria for Conditions' refers to a guide to aid in deciding whether to impose a condition. The condition should be

- Necessary,
- Relevant to Planning
- Relevant to the development to be permitted
- Enforceable
- Precise

### **5.3. Natural Heritage Designations**

- 5.3.1. The proposed development is not located within or immediately adjacent to any European Site or other Natural Heritage Site. The site is separated from the Special Protection Area for Slieve Felim to Silvermines Mountains (004165) to northwest by c.25km and c. 9.2km to the east of the Special Conservation Area for Lower River Suir (002137).

The site is located c. 2.9km to the northwest of pNHA Laffansbridge (000965) and c. 4.7km to the southeast of pNHA Killough Hill (000959).

## **6.0 EIA Screening**

- 6.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

## **7.0 The Appeal**

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

The 3<sup>rd</sup> party appeal lodged by Denis Looby together with Padraig Kiely and Nicola Kidd can be summarised as follows;

- The appeal generally refers to concerns regarding the kennel operation on the site in terms of scale and potential commercial operations.
- The appellant specifically refers to their concerns being two-fold; the first being the scale and intensity of the kennel operation and second which relates to the context of the 2020 application to restrict the number of dogs to 9.
- The resulting impact of the kennels to the surrounding residential amenities of the area which arises from noise and light spill.
- Concern was raised in relation to wastewater disposal.

- The fencing and planning works recently installed have obstructed sightlines for laneway users, creating a safety hazard. These works have also exacerbated flooding the mouth of the laneway.
- Repeated nature of retention applications
- Included with the appeal are 4 appendices, 1) Screengrabs from YouTube of a Promotional Video, 2) Screenshot from Greyfort Website, 3) Technical Guidance: Planning and Noise: Assessment of Noise from Dog Kennelling and Boarding Establishments, Source - Causeway, Coast and Glens Borough Council, 4) Development Complaint Form – Planning Reference 19/601251.

## 7.2. Applicant Response

7.2.1. The applicant's response to the 3<sup>rd</sup> party appeal can be summarised as follows;

- Contends that the main body of the appeal concerns matters which are removed from subject matter of the development seeking retention permission. *(In this regard, I note that certain comments within the applicants response to the 3<sup>rd</sup> party appeal are unrelated to the subject development. My summary of the submission does not include such comments.*
- The applicant reiterates that the kennels are not a commercial entity and the keeping of greyhounds is the applicant's hobby.
- The fences were erected to safeguard road users, neighbourhood properties and for the dogs themselves. The fence is appropriate for this purpose.
- Sets out that the boundary has not been set-back as it is submitted that the agricultural entrance has not been used for many years and the applicant has no need to use the entrance in the future. The applicant considered that as the entrance was not being used it was thought that there was no necessity to set back the wall.
- As per the applicant's response to the request for Further Information, the applicant is willing to close this entrance permanently with a planted ditch/bund.
- The fences have been erected wholly with the applicant's property and have not been erected on any common boundary.

### 7.3. Planning Authority Response

By letter dated 10<sup>th</sup> October 2025, Tipperary County Council, having considered the grounds of appeal, in addition to the reports and details on the file remains satisfied that the decision to grant retention permission for the fences erected at the property was appropriate. The concerns raised in the appeal have been dealt with in the Planners report on file.

It is respectfully requested that An Coimisiun Pleanála uphold the decision of Tipperary County Council to grant permission.

### 7.4. Observations

None

### 7.5. Further Responses

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;

- Scope of the Appeal
- Principle of the Development Seeking Retention Permission
- Title
- Traffic Safety
- Impact to Residential and Visual Amenity
- Water Framework Directive Screening
- Appropriate Assessment

### 8.2. Scope of the Appeal

- 8.2.1. The applicant originally sought retention permission for fences erected to the north and west of the subject site. As part of the assessment by the Planning Authority, the extent of the application expanded to include for the retention of amendments to the height of the gate piers of the vehicular entrance serving the dwelling, existing fences located inside the eastern (front) boundary in addition to an attempt to deal with the applicants non-compliance with the requirements of Condition No. 5 associated with PA Reference 19601251 (boundary set back to achieve sightlines for the entrance associated with the kennels permitted under the same reference).
- 8.2.2. The Planning Authority concluded no objection to such development noting no obstacle to compliance with Condition No. 5 of PA Reference 19601251.
- 8.2.3. Condition No. 3 associated with the subject development (PA Reference 24270) replicates Condition No. 5 of PA Reference 19601251. While this area is within the red line of the application site it is not necessary for the development which is the subject of this application. I consider that there is no requirement to include this condition again.
- 8.2.4. I note that within the applicants response to the request for further information and as set out on the Drawing entitled 'Site Layout Map' associated with PA Ref. 24270, dated 23<sup>rd</sup> July 2025, the applicant indicates their willingness to surrender the use of the existing agricultural gate, which in essence would mean that the requirements to achieve the sightlines, outlined in Condition No. 5 of PA Ref. 19601251 would no longer be required. Notwithstanding the foregoing and being cognisant of the determined scope of the appeal, I note that the issue of enforcement is not a matter for the Commission and falls within the jurisdiction of the Planning Authority.
- 8.2.5. Having regard to the alignment of the fencing inside the front boundary of the site, I consider that the granting of retention permission for the subject fences would not preclude/or prevent compliance with Condition No.5 associated with PA Ref. 19601251 or prevent the Planning Authority from taking Enforcement Action in respect thereof.
- 8.2.6. I also note that the applicant while submitting a response to the grounds of the 3<sup>rd</sup> party appeal did not lodge a 1<sup>st</sup> party appeal against Condition No. 3 of PA Reference 24270.

- 8.2.7. Save for Appendix No.4 which accompanies the appeal and contains the appellants initial Development Complaint Form to the Planning Authority, the contents of the overall appeal do not specifically refer to the fences which are the subject of this application. I note that the substantive issues for concern arising from the grounds of appeal predominantly relate to the overall operation of the permitted kennels on site. I refer to the development description within the statutory notices and the determination of the scope of the appeal, outlined above. I would consider that where concerns are raised in relation to the operations of the permitted use, this should be explored through Planning Enforcement. The concerns raised in this regard are outside the scope of this appeal.
- 8.2.8. I also note that within the concluding section of the appeal, reference is made to *“fencing and other planning works recently installed by the applicant which have obstructed sightlines for laneway users”*. It is also submitted that these works have exacerbated flooding at the mouth of the laneway.
- 8.2.9. The laneway is located to the south of the subject site. It is my opinion that this information appears to relate to the chain link fencing and planting which has been placed within the projecting circular piece of land to the southeast of the front (eastern) boundary of the site at the curvature of the road and adjoining the laneway.
- 8.2.10. These lands while not indicated in the redline of the application site are included within the blue line of ownership but do not form part of the subject application and are therefore outside the scope of this appeal.
- 8.2.11. Having regard to the contents of third-party appeal and the applicant’s response to same, my assessment solely considers the development in the context of the proper planning and sustainable development of the area.
- 8.3. Principle of the development seeking retention permission
- 8.3.1. Having regard to the nature of the development seeking retention permission, i.e. previously erected fences to the boundary of the existing dwelling including the increased height of the gate piers, the principle of the development is acceptable.
- 8.4. Title



- 8.4.1. I note within a 3<sup>rd</sup> party submission to the Planning Authority; it was contended that the fencing for which retention is being sought now forms part of the boundary between the 3<sup>rd</sup> party property and application site.
- 8.4.2. From site visit, I would agree with the Planning Authority that the fencing is placed inside the subject site boundary.
- 8.4.3. I note the requirements of Section 22 of the Planning and Development Regulations 2001 (as amended), which requires the applicant to submit the written consent of the legal owners of the application site and provide documentary evidence of the owner's interest where this matter arises. Having examined the 3<sup>rd</sup> party submission to the Planning Authority, I am not satisfied that they have provided sufficient evidence that would support a claim that their consent is required for the making of this application and the subsequent development.
- 8.4.4. I am satisfied that the applicant has provided sufficient evidence of their legal interest to make an application. Any further legal dispute is considered a Civil matter and is outside the scope of the planning appeal. In any case, this is a matter to be resolved between the parties, having regard to the provisions of s.34(13) of the Planning and Development Act 2000, as amended.

#### 8.5. Traffic Safety

Concerns regarding traffic safety are noted. The report of the Planning Authority states that the fencing for which retention is being sought does not further impede the sightlines referred to under Item 1 of the request for further information associated with PA Ref 24270, i.e. in reference to compliance with Condition No.5 of PA Ref 19601251. I also note that no objection was raised by the District Engineer in respect of the fences seeking retention permission. In this regard I consider the development which is subject of this appeal would have no impact upon the laneway to the west or on compliance with the requirements of Condition No. 5 of PA Ref 19601251.

#### 8.6. Impact to Residential and Visual Amenity

- 8.6.1. My assessment considers the impacts, if any, to the surrounding residential and visual amenities of the area. The appeal does not refer specifically to the fences installed within the northern, eastern and western boundaries of the subject site.

8.6.2. The closest dwelling is located c. 20m to the northwest of the subject site. At time of site visit I noted the presence of mature planting to the rear of the application site and to the southeast of the front of the opposing dwelling, appearing to be within the grounds of the adjacent dwelling. Having regard to the location of the dwelling within the adjacent site relative to the mutual boundaries and subject fences, the difference in levels between the sites, established planting together with the orientation of the site relative to the path of the sun, I do not consider that undue impact to the adjacent residential amenities arises in the form of over-shadowing, overbearance or visual intrusion.

8.6.3. Having visited the site, I consider that the previously installed fencing to the north, west and eastern boundaries integrates appropriately within the established setting without appearing unduly dominant within the rural setting. I am satisfied that the development does not give rise to undue impact to the visual amenities of the area.

#### 8.7. Surface Water

8.7.1. I note the concerns raised regarding water runoff from the site. I also acknowledge that the subject application relates to the retention of fences only which would have limited associated runoff. The report of the Planning Authority recommended that a condition be included in the grant of permission in respect of surface water disposal. I would recommend that a similar condition be included in so far as it relates to the subject matter of this application.

#### 8.8. Water Framework Directive Screening

8.8.1. The subject site is located c.450m to the southeast of the IE\_SE\_16L230480 (Lisnagonoge\_10).

8.8.2. I note that issues in relation to flooding and water runoff were raised however the issues relate to activity associated with the kennels and does not form part of this application.

8.8.3. I have assessed the development seeking retention 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.

8.8.4. The reason for this conclusion is as follows:

- Nature of the development
- Location-distance from nearest Water bodies and/or lack of hydrological connections.

8.8.5. I conclude that on the basis of objective information, that the 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.

## **9.0 AA Screening**

9.1. I have considered the development seeking retention permission in light of the requirements of S177U the Planning and Development Act 2000 as amended. The subject site is not located within or adjacent to any European Site. The subject site is separated from the Special Protection Area for Slieve Felim to Silvermines Mountains (004165) to northwest by c.25km and c. 9.2km to the east of the Special Conservation Area for Lower River Suir (002137).

9.2. The development seeking retention permission comprises of fences erected at the property.

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

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

## **10.0 Recommendation**

- 10.1. I recommend that retention permission be granted subject to the following conditions and reasons.

## **11.0 Reasons and Considerations**

Having regard to the modest nature of the works seeking retention permission it is considered that the development does not negatively impact on adjoining residential or visual amenities, would be satisfactory in terms of traffic safety and convenience, and is in accordance with the provisions of the Tipperary County Development Plan 2022-2028. The development is therefore in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

1. The development to be retained shall be in accordance with the plans and particulars lodged with the application, as amended by the Significant Further Information received by the Planning Authority.

This permission relates to the retention of fences and raising of gate piers identified on the Drawing entitled 'Site Layout Map' lodged to the Planning Authority on 23<sup>rd</sup> July 2025 and specifically, A-B, C-D, D-E and F-G.

This permission does not include for the surrender / closing of the agricultural access onto the L-1401-1 local road.

REASON: In the interest of clarity.

2. The disposal of surface water, insofar as it relates to the development described in the Statutory Notices shall comply with the requirements of the Planning Authority.

REASON: In the interest of public health.

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

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Carol Hurley  
Planning Inspector

16<sup>th</sup> January 2026

## Form 1 - EIA Pre-Screening

### No EIAR Submitted

<b>Case Reference</b>	ACP-323642-25
<b>Proposed Development Summary</b>	Retention of fences at the property
<b>Development Address</b>	Grallagh, Ballinure, Thurles, Co. Tipperary
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (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.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<input 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	

<p>of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	

<b>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)?</b>	
<b>Yes</b> <input type="checkbox"/>	
<b>No</b> <input checked="" type="checkbox"/>	

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

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