



An
Coimisiún
Pleanála

Inspector's Report PL-500191-TY

Development	Construction of a dwelling, a detached garage, new entrance, new wastewater treatment system and percolation area and all associated site works.
Location	Rossestown , Thurles , Co. Tipperary
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	2560022
Applicant(s)	Brenda Campion
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Orsted Onshore Ireland Midco Limited
Observer(s)	None
Date of Site Inspection	2 nd March 2026
Inspector	Carol Hurley

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1.0 Site Location and Description

- 1.1. The application site is located at Rossestown, Thurles, Co. Tipperary with the most proximate main road being the N62 to the west.
- 1.2. The site has a stated area of 0.286 hectares.
- 1.3. A tributary of the River Suir flows to the north of the site before joining the main channel to the west which flows in a southerly direction under Rossestown Bridge. At the time of site visit, the ditch along the southwest (front boundary) contained water which appeared to be flowing in a north westerly direction. I note that the ditch to the immediate southeast of Rossestown Bridge and closest to the River Suir, while appeared to have been wet did not contain any water, flowing or otherwise.
- 1.4. The area can be characterised with the presence of land drains.
- 1.5. The site is located on the northeastern side of the Rossestown Road to the southeast of Rossestown Bridge over the River Suir.
- 1.6. The area can be characterised as rural with limited dwellings located between the junction with the N62 to the west and the subject site.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of;
 - A new single storey detached dwelling. The plans state that the dwelling would have a floor area of 179sqm and would consist of 3 no. bedrooms, bathroom, plant room, study, snug, open plan kitchen/living and utility room.

The dwelling would have a principal height of 6.45m stepping down to 4.605 on the northwest corner.

External finishes are indicated to consist of selected plastered finish to the walls and limited features to be finished in local stone.

The proposed dwelling would be located within the northwest section of the site, setback from the road by 32m.
 - A new detached garage which is stated to have a floor area of 25sqm and a principal height of 5.110m.

The proposed garage would be located on the northeast corner of the site.

- New site entrance is indicated to consist of the existing field gate in situ being reconfigured.
- Boundary treatment to the site is indicated to be 1.2m timber post and wire fence with double ditch native hedgerow screen planting.
- New connections to utilities;
- The provision of a new waste-water treatment system and percolation area to be located in the southeast corner of the site.

The system will be 6PE and the area proposed for percolation is proposed to be raised.

- Water supply is proposed to be via a private well.
- The development to include all associated site works.

In addition to the standard drawings the application was accompanied by the following;

- Letter of consent from the applicant's brother, the owner of the land, to make the planning application.
- Letter of consent from the applicant's brother to enable the applicant to treat the boundaries appropriately for the provision of sightlines.

3.0 Planning Authority Decision

3.1. Decision

On the 9th October 2025 Tipperary County Council issued a notification of a decision to grant permission subject to 14 no. conditions.

Conditions are generally standard however ones of note include;

Condition No.1 – Requires that the development shall be undertaken in accordance with the plans and particulars submitted on 15th January 2025 in addition to the Further Information received including the contents and mitigation measures set out in the

Flood Risk Assessment submitted on 26th August 2025, 12th September 2025 and 25th September 2025.

Condition No. 2 – Requires that the dwelling, when complete shall be first occupied as a place of permanent residence by the applicant and shall remain so occupied for a period of seven years.

Condition No. 4 – To provide for a continuous and indefinite maintenance of an adequate supply of potable water with potential for future connection to public supply in the event it becomes available.

Condition No. 6 – States the required sightlines to be provided for, 90m to the west and 120m to the southeast, taken from a point 2.4m back from the road edge.

Condition No. 7 – Requires that the vehicular access shall be recessed 5 metres from the existing roadside boundary with a maximum width of 3m at the inside piers.

At the entrance a drainage kerb/ cattle grid or other approved shall be setback a minimum of 3 metres behind the roadside boundary.

Surfacing finishes shall be permeable.

Condition No. 14 – Section 48 Financial Contribution.

In considering the application, the Planning Authority sought Further Information in respect of the following matters;

- To submit a Site-Specific Flood Risk Assessment (SSFRA). The SSFRA was required to quantify floor levels on the site, assess the impact of flooding on the proposed development and outline measures to mitigate same. The SSFRA was also requested to be assess the impact of the proposed development on off site flood levels and 3rd party lands.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The first report of the Planning Authority sets out the site location, the description of the proposed development, relevant planning history, internal and external reports, status of observations received, representations and planning policy overview.

Concern was raised that the site intersected with areas at risk of fluvial flooding. Further evaluation was recommended in line with the precautionary principle.

A request for further information was recommended in this regard which sought a Site Specific Flood Risk Assessment which was required to quantify the flood levels on the site, assess the impact of flooding on the proposed development and outline measures to mitigate same. The SSFRA was also required to assess the impact of the proposed development on off-site flood levels and 3rd party lands.

The applicant submitted a response to the request for Further Information on 26th August 2025. The information submitted was deemed Significant.

The revised public notices were received by the Planning Authority on the 12th September 2025.

Unsolicited Further Information was submitted to the Planning Authority on 25th September 2025. This submission contained a response to the 3rd party submission received in relation to rural housing need and the location of the site.

The updated report of the Planning Officer dated 29th September 2025 notes that a submission was received upon receipt of the further information response. The submission raised concern in relation to the applicants housing need and future access to the agricultural lands.

The report of the Planning Officer noted that the issues raised were not in relation to the Further Information request however issues of housing need were addressed in the initial planning report.

It was noted that the Planning Authority would assess any future applications for agricultural access at this location on their own merits.

The findings of the FRA demonstrates that the development will not be at risk, nor will it impinge on the natural flood plain of the River Suir nor Rossestown Stream and therefore will have no adverse impact on off-site flood levels at 3rd party lands.

The report of the Planning Authority considered that the response provided was acceptable and a recommendation to grant permission in line with the decision issued was recommended.

3.2.2. Other Technical Reports

District Engineer by report dated 24th February 2025

- Notes the Road Schedule Reference as being L-8017.
- No objection is raised subject to three conditions in relation to maintenance of hedgerows to prevent impeding sightlines and surface water from within the site and surface water runoff from the public road which flows into the site.

Architectural Conservation Officer by report dated 4th March 2025 can be summarised as follows;

- There are no protected structures on the site, the site is not within or near any Architectural Conservation Area.
- The historic structures (including the masonry arch bridge over the River Suir and recorded archaeological site) in the vicinity of the proposed development will be materially unaffected by the proposed development.
- There will be no indirect visual impact on views towards or from nearby historic structures as a result of the proposed development.
- No observations to make.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

Third party submission received by the Planning Authority can be summarised as follows;

- Notes the location of the site within an area designated as 'Areas under Urban Influence' and notes the requirement for an 'Economic Need' or a 'Social Need'.
- It is not clear if evidence of a housing need has been submitted.
- Refers to the planning history for an application for a dwelling to the north where issues were raised in relation to the site access which is the current farm access to the landholding. (This application has been withdrawn).

- It is not clear how the farmland will be accessed should the dwelling be constructed. Will there be a need to create an additional access to the farm?
- The site is located on a gradual bend with hedgerows and poor visibility and could create a risk in terms of traffic and access to the lands.
- Creating an entrance could create a hazard due to two recent planning applications permitted in the area. (2460555 and 2360448).

I note that the 3rd party submission was received following the receipt of the Significant Further Information, there were no submissions received on the initial application lodged with the Planning Authority.

4.0 Planning History

Adjoining the subject site to the west and northwest

PA. Ref 211815 – Outline planning permission was sought for construction of a new dwelling, wastewater treatment system and percolation area and all associated site works. The Planning Authority sought a request for Further Information in relation to the need to undertake a commensurate flood risk assessment, demonstration of sightlines and submission of a site suitability report in accordance with the EPA Code of Practice.

The applicant subsequently requested that the application be withdrawn.

Lands to the north, northwest, northeast, southwest, Site Entrance No. 3 would be c. 10m to the northwest.

PA92.321454 – The proposed development which has been submitted directly to An Coimisiun Pleanala on 17th December 2024 is indicated to consist of 10 no. wind turbines, 110kV Electrical Substation and ancillary development within the townlands of Brittas, Rossestown, Clobanna, Brownstown, Killeenleigh, Kilkillahara, Brittasroad, Coolgarrane, Athinid More, Cassestown, Laghtagalla, Farranreigh, Furze, Loughlahan, Ballygammane, Co. Tipperary. The development seeks a 10 year permission with an operational period of no less than 35 years from the date of commissioning of the entire windfarm.

Site to the 237m to the southeast

PL92.500787 (PA Ref: 2561182) – Decision to grant permission is the subject of a 3rd party appeal for the construction of a four-bedroom bungalow, new entrance, garage, wastewater treatment system and all associated site works.

ABP-321579-25 (PA Ref 2460555) Refuse permission for the construction of a dwelling, new entrance, garage and wastewater treatment system and all associated site works for the following reasons.

Based on the information submitted, the developer has failed to demonstrate that the proposed access would not result in the creation of a traffic hazard due to limited sightlines at the proposed entrance due to the horizontal alignment of the road. It is considered, therefore, that the proposed development would be prejudicial to public safety and contrary to the proper planning and sustainable development of the area. Having regard to the soil conditions and high-water table, the Board is not satisfied, on the basis of the site characteristic forms submitted with the planning application, that the proposed raised polishing filter is acceptable on this site. The proposed development would, therefore, be prejudicial to public health and contrary to the proper planning and sustainable development of the area

5.0 Policy Context

5.1. National Planning Framework First Revision April 2025

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.

In rural areas elsewhere to facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.2. Ministerial Guidelines

5.2.1. Sustainable Rural Housing, Guidelines for Planning Authorities (2005)

The appeal site is located within a rural area under strong urban influence. The Guidelines state that these areas exhibit characteristics such as proximity to the immediate environs or close commuting catchment of large cities and towns, rapidly rising population, evidence of considerable pressure for development of housing due to proximity to such urban areas, or to major transport corridors with ready access to the urban area, and pressures on infrastructure such as the local road network.

5.3. Development Plan

The Tipperary County Development Plan 2022-2028 is the operative plan for the area.

This plan came into effect on 22nd August 2022.

The subject site is not zoned and is not located within a Settlement Boundary. The site is located within an area designated as being Under Urban Influence.

The site is located within the vicinity of the following recorded monuments;

- East of SMR TN041-008
- Southwest of SMR TN041-009
- Northwest of SMR TN041-010

Relevant Policy

Section 4.6.4 – Open Countryside

This section introduces the policy of the Council for housing in the countryside outside of settlements.

The Council has made a distinction in line with NPF policy NPO19 between rural 'Areas under Urban Influence' and 'Open Countryside' areas having consideration to demand for 'urban generated' housing in certain areas and having consideration to the protection of the viability of smaller towns and rural settlements.

Policy 4-2

Ensure in providing for the development of rural housing, that a distinction is made between 'Areas under Urban Influence', i.e. within the commuter catchment of cities and large towns and centres of employment, and other areas in the open countryside.

Section 5.5.1 – Rural Area Designations

The Core Strategy makes a distinction between rural 'Areas under Urban Influence' and the areas outside of these or 'Open Countryside' as of the overall approach to strengthening rural fabric and communities and the protection of the environment. The following will apply;

- 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. (*The subject site is located within this type of rural area*).
- In 'Open Countryside' facilitate the provision of single housing in the countryside based on siting, environmental and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

Figure 5.3 illustrates these areas.

Section 5.5.2 – Rural Housing Policy

The planning policy for one-off houses in the countryside has been developed in compliance with NPO19 of the NPF, Circular Letter PL 2/217 relating to the Flemish Decree and the Sustainable Rural Housing: Guidelines for Planning Authorities.

The Council has developed a set of principles for applicants to consider, these are contained within Table 5.2 and cover the following; Site and Design, Housing Need and Occupancy, Sustainable Low Carbon Design Function, Road Traffic Safety, Environment, Flooding and Cultural Heritage.

Table 5.2 – Rural Housing Technical Principles for Applicants

This table considers Site and Design, Housing Need and Occupancy, Sustainable Low-Carbon Design and Function, Road Safety, Environment, Flooding and Cultural Heritage.

In relation to Section 2 'Housing Need and Occupancy', an applicant seeking a new rural dwelling must be building their first home for their permanent occupation, demonstrate a housing need, and must not already own a dwelling in a rural area. The application must be made by the person for whom it is intended and an Occupancy Condition will be attached to any grant of permission.

Table 5.3 – Housing Need Definitions

Economic

A person who is actively engaged in farming/agricultural activity on the landholding on which the house is to be built, meeting either of the following:

- (a) A farmer of the land – defined as a landowner with a holding of >20ha. Or
- (b) An owner and operator of a farming/horticultural/forestry/bloodstock activity on an area less than 20ha, who is engaged in farming activity on a daily basis, where it is demonstrated that the farming/agricultural activity forms a significant part of their livelihood

Social

- (a) A person who has resided in a rural area (as defined in Table 2.4 Chapter 2 Core Strategy):
 - (i) Within 5km of the site where they intend to build for a substantial period of their lives (10 Years) within a 'Primary Amenity Area',
 - (ii) Within 10km of the site where they intend to build, for a substantial period of their lives (10 Years) within an 'Area of Urban Influence' Or
- (a) A person with a demonstratable housing need on the basis of exceptional medical circumstances. Any planning application must be supported by documentation from a registered medical practitioner and disability organisation, proving that a person requires to live in a particular environment, and in a dwelling designed and built purposely to suit their medical needs.

Policy 5-9

Require that climate change actions and measures⁴⁵ be incorporated in new residential development of all scales to demonstrate how the development will minimise energy use, enhance accessibility, manage waste and support biodiversity⁴⁶

Policy 5-11

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

In 'Areas Under Urban Influence' and 'Primary Amenity Areas', the Council will consider single houses for persons where the criteria set out in Category 1A or B, or Category 2 hereunder are met:

Category 1: 'Economic Need'

A: The applicant must demonstrate an economic need to reside in the area through active employment in farming/agricultural activity (farming, horticulture, forestry, bloodstock). The farm must exceed 20ha in total.

And all the criteria below is met:

- (i) The applicant must be actively engaged in farming,
- (ii) The applicant must demonstrate that they have been engaged in farming at that location for a continuous period of over 5 years prior to making the application,
- (iii) The applicant does not, or has never owned a house in the open countryside.

B: The applicant must demonstrate an economic need to reside in the area through active engagement in the running of a farming/horticultural/forestry/bloodstock activity on an area less than 20ha where it is demonstrated to form a significant part of the livelihood of the applicant who is engaged in farming activity on a daily basis, and/or where the farming/agricultural activity provides local employment.

And all the criteria below is met:

- (i) The applicant is trained in good farming practice (or qualifies for an exemption from training), owns or occupies, works and maintains land for the purposes of achieving outputs, and demonstrate that they have been engaged in farming/agricultural activity at that location for a continuous period of over 5 years prior to making the application

- (ii) The applicant does not, or has never owned a house in the open countryside,
- (iii) A detailed 5-year business plan will be required to demonstrate 'compliance with Section (i).

Category 2: 'Social Need'

The applicant must demonstrate a social need to reside in the local rural area for social purposes in line with Table 5.3.

And all the criteria set out below is met:

- (i) Within a 'Primary Amenity Area', the applicant must have resided within 5km of the site where they intend to build for a substantial period of their lives (10 years),
- (ii) Within an 'Area of Urban Influence', the applicant must have resided within 10km of the site where they intend to build for a substantial period of their lives (10 years), And
- (iii) The applicant does not or has never owned a house in the open countryside.

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

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

Policy 5-12

Where 5 houses in total exist or are permitted, within any continuous 250 metre section of roadway thereby constituting 'ribbon development' the Council will seek to resist further development in the interest of road traffic safety, visual amenity and groundwater quality.

Policy 15-6

Require development proposals to connect to the public water supply, where such facilities are available.

Policy 15-7

Require all new development to provide a separate foul and surface water management system and to incorporate nature-based water sensitive urban design, where appropriate, in new development and the public realm

Appendix 4

Rural Housing Design Guide

The purpose of this manual is to aid the applicant in identifying the key issues to be considered before applying for planning permission which include design, layout and compliance with County Development Plan policy.

- Section 3.3 Sustainable Site Planning

Building Form, Orientation and Solar Gain

Solar radiation is transmitted indoors through windows and other glazing and is then converted into heat when it is absorbed by surface such as concrete, stone or brick walls and masonry. These surfaces then store and release passive solar heat within the building.

A building can then be designed to make maximum use of these gains by optimising internal room design, position and orientation. Maximising the use of this free solar energy for heating, the building requires less input from a primary heating source (e.g. a boiler).

Figure 9 illustrates the best use of orientation and passive solar gain.

- Section 3.5 Site Proportion and Set-Back

Consideration must be given to the proportion of the proposed house in relation to both the size of the available plot and the side of the existing buildings in the vicinity.

Figure 10 provides an illustrative guide to appropriate set-backs.

Appendix 6

Development Management Standards

- Section 4.1

The design, orientation, landscaping and other features of all new one-off houses outside designated settlements shall comply with the relevant policies of the Plan and the 'Rural Housing Design Guidelines' for One off houses in the open countryside set out in Volume 3 of the Plan.

- Section 4.3.1 New Rural Houses (Wastewater treatment Systems)

Connections to public services shall be made where available. For on-site wastewater disposal system, the standards, guidance, design and orientation of the EPA Code of Practice for Domestic Wastewater Treatment Systems (EPA, 2021) shall be met. A report prepared by a qualified site assessor in accordance with the standards shall be submitted with the application.

- Section 4.14 Domestic Garages

The scale and detail of domestic garages shall be subordinate to the main dwelling and their use shall not impact on adjoining residential amenity. Detached garages should be less than 70sqm and should be discreetly located on the site to compliment the dwelling appearance and finish.

- Section 6.1 Road design and visibility at a direct access.

Forward visibility equal to the Y-Distance shall also be provided along the public road on approaches from each side of an access.

Table 6.1: X Distance Requirements –

Regional and Local Roads – All junctions and accesses, Stop Control requires an X-Distance of 2.4m

Regional and Local Roads – Accesses lightly trafficked (single residence) requires an X-Distance of 2.0m

Table 6.2 : Design Speeds and Associated Y-Distances

A mandatory speed limit of 80km/hr with an operation speed of 85 km/hr requires a Y-Distance of 160m

A mandatory speed limit of 60km/hr with an operational speed of 70km/hr requires a Y-Distance of 120m

On non-national roads, the use of a lower design speed for a given mandatory speed limit maybe accepted by the Council. The applicant will be required to demonstrate to the satisfaction of the Council that the 'operational speed' of the road is less than the specified design speed.

Section 6.1.1 sets out the requirements which must be followed to measure 'Operational' Speed.

5.4. Natural Heritage Designations

The subject site is not located within or immediately adjacent to any European Site or other Natural Heritage Site. The site is located c.2.3km to the northeast of the pNHA for Cabragh Wetlands (001934).

The site is located c. 6.7km to the northeast of the Special Area of Conservation for the Lower River Suir (002137) and c. 21km to the east of the Special Protected Area for Slievefelim to Silvermines Mountains (004165).

5.5. EIA Screening

The 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.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the third-party appeal can be summarised as follows;

- Refers to the sites location within an area designated as 'Areas under Urban Influence.
- The report of the Planning Authority acknowledges that the applicant has previously owned a house. This is contrary to the intent of the development plan which restricts rural housing in these areas to applicants who are building their first home for their permanent occupation.
- The previous planning history relating to adjacent lands raised concerns regarding access as the entrance serves as the primary access to the active farmland within the holding.
- This access is frequently used by farm vehicles and it is unclear how the farmland will be accessed. No detail has been provided as to whether an additional agricultural access will be required.
- Having regard to the location of the proposed entrance on a gradual bend, with hedgerows and poor visibility would create a traffic hazard, considering the recent grants of permissions under PA Ref's. 2460555 and 2360448
- The design of the proposed dwelling does not comply with the Rural House Design Guide.
- The design does not respond to the character, topography or vernacular landscape and would contribute to a suburbanisation pattern inconsistent with the rural environment.
- The proposal does not optimise energy efficiency in terms of design and orientation.
- Save for the PV panels, no further information has been provided in terms of renewable energy measures.

- Having regard to the extensive landholding, it is contended that there are more appropriate sites for the proposed development.
- The proposed development is contrary to the proper planning and sustainable development of the area.

6.2. Applicant Response

A response received from the applicant on 1st December 2025 can be summarised as follows;

Rural Housing Need

- The applicant demonstrated compliance with the rural housing requirements of the Tipperary County Development Plan 2022-2028 through documentation which formed part of the initial submission.
- If this was not the case, the Further Information request would have included for this.
- The applicant had previously owned a dwelling out of the county but does not currently own a dwelling. The applicant had returned home to assist in the care of her elderly parents and is also working locally.
- The only aspect to the Further Information request was in relation to Flood Risk which was addressed.

Location

- In relation to the previous planning history (PA Ref 211815), the 3 issues raised in the Further Information request related to;
 - Flood Risk
 - Safe Sightlines
 - Site Suitability
- The applicant notes the Site Specific Flood Risk Assessment which was undertaken and submitted in response to the request for Further Information.

- The site layout plan demonstrates safe stopping distances in accordance with the requirements of Section II – Technical Site Details, Planning Application Form Part B.
- These sightlines were assessed and accepted.
- The applicant submits that the sightlines proposed and approved were a significant improvement on the sightlines incorporated as part of PA Ref 211815.
- PA Ref 211815 was withdrawn due to the Flood Risk, not traffic safety. Accordingly, the site location has been moved to mitigate for flood risk.
- In terms of farm access, it is stated that the remaining landholding can be accessed via an internal farm track network and as such an additional vehicular entrance for farm machinery will not be required at this location.
- In terms of site suitability, Tipperary County Council deemed that the house meets the criteria for rural housing.

The prioritisation and hierarchy for solar gain and natural light emphasis is entirely subjective and dependent on the applicants specific requirements.

The generalisation that 'all living spaces are orientated northwards' is misleading. The kitchen benefits from an easterly orientation to maximise morning sunshine and daylight in addition to the master bedroom.

The snug an open plan living space would have a south-west/westerly orientation to maximise the evening sunshine and prime location for external landscaped areas.

The site has been chosen to minimise the impact of the development on the remaining farm landholding and cause little disruption to farm activities as possible.

- The applicant contends that the revised site location, accompanying flood risk assessment and increased sightlines, demonstrate compliance with all relevant planning policies and the applicant meets the rural housing criteria.
- The reference to the permitted planning histories and the potential to create a traffic hazard is unclear as PA Ref 2460555 was refused planning

permission on appeal (ABP-321579-25) and PA Ref 2360448 was an invalidated application for a property in Friar Street in Thurles.

- The applicant refers to the context in which the appeal has been made by a renewable energy company as being an egregious overreach into the fabric of rural communities.
- The applicant respects the need for diversification and security of the renewable energy supply however appropriate locations exist for their development and should not be prioritised over the needs of rural communities.

6.3. **Planning Authority Response**

None

6.4. **Observations**

None

6.5. **Further Responses**

None

7.0 **Assessment**

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 development Including Rural Housing Policy
- Design, Layout and Site Location
- Access and Sightlines
- Wastewater treatment disposal (New Issues)

- Other Matters
- Water Framework Directive Screening

7.1. Principle of the development including Rural Housing Policy

- 7.1.1. The appellant has raised concerns regarding the applicant's compliance with the rural housing policy.
- 7.1.2. Table 5.2 of the Tipperary Development Plan 2022-2028 sets out the Rural Housing Technical Principles for Applicants. Section 2 sets out that an applicant seeking a new rural dwelling 'must be building their first home for their permanent occupation, demonstrate a housing need, and must not already own a dwelling in a rural area'.
- 7.1.3. The subject site is located within Rossestown which Figure 5.3 of the Tipperary County Development Plan 2022-2028 identifies as being within an Area under Urban Influence.
- 7.1.4. The applicant confirms that she is a sister of the landowner, Martin Campion. A 'non applicable' response was provided as to whether additional family members maybe required to be accommodated on the landholding. The total landholding is c.51.33 hectares. I note that PA Ref 2360548 was granted to Martin Campion for the construction of a dwelling house on lands to the c. 500m (as the crow flies) to the southeast of the subject site. This site is located within the lands outlined in blue on the map entitled 'Existing 6" Map which accompanies the application.
- 7.1.5. The specific need to live at this location is stated to be that the applicants elderly parents live in Rossestown and require constant care and medical supervision.
- The applicant also submits that she works in the area as a self-employed midwife offering homebirth services and postnatal care.
- 7.1.6. In support of her application, the applicant has included the completed Part B (Supplementary Information Section) of the Application Form, Birth Certificate, letters from Ursuline Convent Primary School and Ursuline Convent Secondary School, telephone bills and bank statements.
- 7.1.7. The letter from Scoil Angela, Ursuline Primary School states that the applicant was a pupil from September 1972 until June 1979 and while she was in attendance, her home address was Rossestown, Thurles, Co. Tipperary.

7.1.8. The letter from Ursuline Secondary School, states that the applicant was a full-time pupil from September 1980 until June 1986 and the family home is stated to be Rossestown, Thurles, Co. Tipperary.

In response to Question 10 of Form B sets out the details of the addresses and timelines of all previous residences associated with the applicant.

This indicates that the applicant lived in Rossestown from birth until 2003, then lived in Lauragh, Mountmellick, Co.Laois from October 2003 until January 2023 and is currently living in Rossestown with her parents from January 2023.

7.1.9. The applicant has provided the information in respect of the previously owned dwelling in Lauragh which appears to be a rural area of Co. Laois. No further details have been provided in relation to the location of the dwelling in Co. Laois. The response to the third-party appeal states that *'the applicant had previously owned a dwelling outside of the county but does not currently own a dwelling. She had returned home to assist with the care of her elderly parents...'*

7.1.10. The assessment of the Planning Authority in relation to the subject site concluded that the proposal did not constitute ribbon development, is not located on a strategic route and as the applicant has never owned a house locally the applicant has demonstrated satisfactory compliance with the Policy 5-11 of the Tipperary County Development Plan 2022-2028.

7.1.11. Based on the information before me, I am satisfied that the applicant is from the local rural area of Rossestown which I would consider demonstrates compliance with Policy 5-11 Category 2 (ii).

7.1.12. However, by virtue of previously owning a dwelling in the rural area of County Laois, the applicant does not demonstrate compliance with Category 2 (iii) of Policy 5-11 which states that *'The applicant does not or has never owned a house in the open countryside'*.

7.1.13. I consider that the social need provision does not apply in this instance and the applicant cannot comply with Policy 5-11 of the Tipperary County Development Plan and has not established a sufficient housing need.

7.1.14. In reaching my conclusion on this issue, I refer to the wording of Policy 5-11 Category 2: 'Social Need' which requires the applicant to demonstrate a social need to reside in

the *local* rural area for social purposes. Criteria (iii) of this policy requires that the applicant does not or has never owned a house in the *open countryside*, the wording of this requirement is not specific to the local rural area. I would also refer to the wording of Section 2 'Housing Need and Occupancy', Table 5.2 which states that 'an applicant must not already own a dwelling in a rural area'.

I contend that the wording of the policies in respect of 'rural area' and 'open countryside' are not exclusive to the locality of Tipperary whereas the applicants demonstrated need for social purposes is based on a connection to the local rural area as evidenced by the written text of Policy 5-11.

7.1.15. I also note that Section 2 'Housing Need and Occupancy' also references that 'An applicant...must not already own a dwelling in a rural area'. I acknowledge that the applicant states that they do not own a dwelling however Policy 5-11 in respect of both Category 1 A and B 'Economic Need' and Category 2 'Social Need' and 'Open Countryside' is clear and consistent with the requirement that 'The applicant does not, or has never owned a house in the open countryside'.

7.1.16. Table 2.4 of the Core Strategy defines the rural areas as being 'Rural Settlements' and 'Open Countryside'. Figure 5.3 makes a distinction between 'Areas under Urban Influence' and 'Open Countryside'.

7.1.17. Section 5.5.1 sets out the approach for strengthening the rural fabric and communities and the protection of the environment by way of distinction of the rural area into 'Areas under Urban Influence' and the areas outside of these or 'Open Countryside'.

7.1.18. In this regard I am satisfied that Open Countryside refers to all rural areas that are located outside of an area designated as being under urban influence or settlement boundary.

7.1.19. I share the concerns raised by the third party in this regard and consider that to grant permission for the subject development would contravene this policy of the Tipperary County Development Plan. I recommend that permission be refused in this regard.

7.2. Design, Layout and Site Location

7.2.1. The appellant contends that the proposed dwelling does not comply with the Rural Housing Design Guide, it appears to be an 'off the shelf suburban design' and does not adequately respond to the character, topography or vernacular landscape of the

area. It is submitted that the development would contribute to a suburbanisation pattern which would be inconsistent with the rural environment.

- 7.2.2. The design is consistent with Section 4.3 'Scale and Form' Appendix 4 Rural Housing Design Guide with a rectangular form, consistent roof slopes, well proportioned windows and doors and minimal ornate decoration. I accept the stone features are limited and will add a sense of character to the simple design approach. I do not consider that the design is consistent with an 'off the shelf suburban design' and has been considered appropriately for the subject site.

From site visit, the prevailing character of dwellings in the vicinity of the subject site are of a similar design approach, of note, the dwelling granted permission under PA Ref 2561182 on lands to the southwest of the subject site. I also noted a dwelling under construction to the southeast (PA Ref 2360548) on the southern side of Rossestown Road appeared to be single storey with a contemporary expression of a traditional rural dwelling.

- 7.2.3. I am satisfied that the proposed dwelling which is modest in scale and height with a simple approach to the elevations and garage of subservient scale would integrate appropriately within the established rural context without undue impact that would be inconsistent with the rural environment.

- 7.2.4. There is no abrupt transition in the topography of the site that would render the development as an inadequate response to the characteristics of the land.

- 7.2.5. The appellant contends that the proposed development would not respond to the vernacular landscape of the area. Section 2.2 'Landform and Landscape' Rural Housing Design Guide sets out the various landscape types present in Tipperary, noting the rolling valleys, uplands and lakelands in the north, Galtee Mountains and Slievenamon in the south and the low-lying open landscapes and river valleys on much of the central area of the county. The subject site is not located within a listed scenic route or view. The subject site is located within a low-lying open landscape characterised by farming and agriculture. I consider that the single storey dwelling with a simple roof profile would not give rise to undue impact to the surrounding low-lying open landscape.

7.2.6. The proposed boundary planting and setback from the road would ensure that the dwelling would be subordinate in the landscape and generally accords with Section 3.5 'Site Proportion and Set-Back' of Appendix 4 Rural Housing Design Guide.

There are no immediately adjoining dwellings and therefore ribbon development is not an issue. I am satisfied that the proposed development does not contribute to a suburbanisation pattern and would be consistent with the rural environment.

7.2.7. Concern has been raised in relation to the orientation of the proposed dwelling on the subject site and that all primary living spaces are orientated northwards which significantly reduces solar gain.

7.2.8. The First Party contends the issues raised as being a generalisation. The First Party notes that the master bedroom and kitchen each have easterly orientations to benefit from the morning light. The snug and open plan living space have a southwest / westerly orientation, and this will benefit from the afternoon – evening sunshine both internally and externally.

7.2.9. The First Party contends that the prioritisation and hierarchy for solar gain and natural light is entirely subjective and dependent upon the applicant's specific requirements.

7.2.10. I do not necessarily share this contention as the appropriate siting of a dwelling within the site ultimately influences energy saving. Each individual has a role to play in moving towards a low carbon society, as reflected in Section 2.6 of the Rural House Design Guide.

7.2.11. I acknowledge the issues raised however I would consider that the living spaces will benefit from solar gain without the intense heat of a southern orientated living space which may result in excessive heat and resulting impact upon the comfort and convenience of the space.

7.2.12. Notwithstanding the foregoing, Section 2.5 of the Rural Housing Design Guide recognises that in many rural locations it is possible to consider the incorporation of renewable energy installations such as solar panels.

7.2.13. I note that Rural Housing Design Guide is a guidance document however Policy 5-9 of the Tipperary County Development Plan requires that climate change actions and measures be incorporated in new residential development of all scales to demonstrate how the development will minimise energy use in addition to enhancing accessibility,

managing waste and supporting biodiversity. In this regard, the applicant has indicated their intention for the installation of renewable technologies (solar panels), the location of which are to be confirmed subject to completion of a provisional BER assessment.

- 7.2.14. I am satisfied that the proposed development will provide for an appropriate orientation and the applicant has considered the inclusion of renewable technologies into the design which are acceptable climate change actions and measures in accordance with Policy 5-9 of the Tipperary Development Plan 2022-2028.
- 7.2.15. The appellant considers that the landowner has an extensive landholding in the area and that there would be more appropriate sites within the landholding that would provide for better site suitability, potential for more integrated design and better access. While I acknowledge the appellants concerns in this regard, I also note that the appellant has not suggested any preferable sites to substantiate the concerns.
- 7.2.16. Notwithstanding the foregoing, I note that the landholding is within the ownership of the applicant's brother, with the ownership of the appeal site to be transferred to the applicant subject to a successful grant of permission. The Planning Authority raised no concerns regarding the suitability of the site for the proposed development.
- 7.2.17. In response to the 3rd party appeal, the First Party submits that the site has been chosen to minimise the impact of the development on the remaining farm-holding and cause little disruption to farm activities as possible.
- 7.2.18. I accept the response of the First Party in this regard. I note the location of the site within the overall landholding and contend that this location will ensure that the farmland is not fragmented. I also consider that the location would ensure no undue impact to the future amenities of the occupants of the dwelling arising from farming operations, which is reflected in Section 3.8 'Neighbouring Amenity, of the Rural Housing Design Guide.
- 7.2.19. As noted above I am satisfied that an integrated design approach has been proposed for the subject site which proposes a generally favourable orientation, inclusion of renewable technologies and will not give rise to flood risk, I am therefore satisfied the site is appropriate in this regard.
- 7.2.20. I am satisfied that the overall design and site layout are acceptable.

7.3. Access and Sightlines

- 7.3.1. The appellant notes that the existing access is frequently used by farm vehicles. It is therefore unclear how the farmland will continue to be accessed should the development proceed and whether an additional agricultural entrance would be required along this road to facilitate ongoing farm operations.
- 7.3.2. The appellant intimates that the previous application (now withdrawn) raised concern regarding access as the entrance serves the primary access to the active farmland within the holding. From review of the Further Information request associated with PA Ref 211815, this related to the inadequate provision of required sightlines and did not raise concern regarding the use of the access. A revised site layout plan was requested in this regard. This application was subsequently requested to be withdrawn by the applicant.
- 7.3.3. In response to the Third Party concerns regarding agricultural access to the lands, the First Party states that the remaining landholding can be accessed via an internal farm track network and as such an additional vehicular entrance is not required for farm machinery. I accept the response of the first party as being reasonable. I consider that should an additional access be required in the future to serve the farm this would be assessed on its own merits as part of a planning application.
- 7.3.4. The appellant has also raised concerns regarding the location of the site on a gradual bend with hedgerows on either side and poor visibility and that the creation of an access could create a traffic hazard.
- 7.3.5. The subject site would access onto the L-8017. I note that on their website, Tipperary County Council state in line with the requirements of the Department of Transportation and the Road Traffic Act 2024, that the speed limit of all Local Roads including the L8017 will be reduced to 60km/h. This came into effect on 7th February 2025.
- 7.3.6. Notwithstanding the foregoing, as per Section (ii) Technical Site Details, Application Form B, the applicant has sought a lower operational speed to be proposed in lieu of the Mandatory Speed which is stated by the applicant to be 80km/h which would require a Y-Distance of 160m.
- 7.3.7. The applicant undertook the speed survey between 28th November 2024 and 10th December 2024 at 10am. The results of the speed survey yielded an operational speed of 69.20km/h on approach from the left and 60.25km/h on approach from the right. The applicant therefore proposes a Y-distance of 120m to the left and 90m to

the right. The applicant notes that approach from the right/left is assumed to be taken as standing at the proposed site entrance looking out towards the road.

- 7.3.8. I am satisfied that the measurement of 'Operational Speed' was undertaken in accordance with Section 6.1.1 'Measuring Operational Speed' Development Management Standards, Tipperary County Development Plan 2022-2028.
- 7.3.9. The applicant has included a letter of consent from the landowner (the applicant's brother) permitting relevant treatment to the boundary as required adjacent to the subject site to achieve the required sightlines.
- 7.3.10. The entrance as proposed, and Section (ii) of Application Form B were assessed by the District Engineer of the Planning Authority and no objection was raised in relation to traffic safety or the creation of a potential traffic hazard.
- 7.3.11. During my site visit, I observed the passing traffic and would submit that the curvature in the road to the northwest has a natural calming effect upon the traffic travelling in either direction. I do not consider that the passing traffic appeared to be travelling at significant speeds. Similarly, by virtue of the sites location on the inside of the curve, I am satisfied that visibility and egress can be achieved in a safe manner.
- 7.3.12. Section 6.1 of the Development Management Standards states that 'Forward visibility equal to the Y-Distance shall also be provided along the public road on the approaches from each side of an access'. The provision of the appropriate forward visibility sightlines will ensure safe access to the site with particular attention to a car making a right turn into the site.
- 7.3.13. The report of the Planning Authority's District Engineer notes that the sightlines and entrance arrangements are acceptable however the report did not provide an assessment on forward stopping sight lines. I note that the recommended condition required that 'existing hedgerows to be kept maintained to prevent any impeding for sightlines and forward stopping distance'.
- 7.3.14. This section relates to forward visibility; I acknowledge that this is a new issue. The site layout plan demonstrates the provision of 90m clear sightline to the northwest for a vehicle making a right turn into the subject site. From site visit, I note that there are trees and hedgerows along the western side of the road which have not been included on the site layout plan. I consider these trees and hedges would obscure the line of

sight in respect of forward visibility. I note the requirements of the condition set out by the District Engineer and I also note the letter of consent from the landowner for maintenance of boundaries for visibility however, the landownership map, entitled 'Existing 6" Map does not include these lands within the blue line. I therefore submit that the applicant has no control over the hedge line on western side of the road and in this regard, the proposed development would endanger public safety by reason of a traffic hazard or obstruction of road users or otherwise. This is a new issue, and the Commission may wish to seek the views of the parties. However, having regard to the substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter. I recommend that permission be refused in this regard.

7.4. I acknowledge the concerns raised by the appellant. The appellant submits that PA Ref 2460555 and 2360448 could cause a hazard when considered in the context of the development on the subject site. For reference I note that PA Ref 2360448 does not relate to the subject area. I note that PA Ref 2460555, located to the southwest on the opposite side of the road was appealed to the then An Bord Pleanála, Ref. PL92.321579 and subsequently refused. An additional application has since been lodged and approved on the aforementioned site under PA Ref 2561182. The Planning Authority raised no issues in relation to traffic hazard and therefore I do not consider that the creation of a new access along this road with appropriate visibility could create a hazard when considered cumulatively with the development approved on the lands on the opposite side of the road to the southwest. I would submit that each application is assessed on its own merits.

7.5. Wastewater Treatment Disposal – New Issue

- 7.5.1. The development is proposed to be served by an OSWWTS and associated percolation area. I note that the issue of wastewater disposal does not form part of the grounds of appeal and the Planning Authority raised no objection to same subject to the system being designed, located and constructed in accordance with the requirements of the EPA Code of Practice 2021 – Domestic Wastewater Treatment Systems.
- 7.5.2. A Site Characterisation Form has been provided which has been undertaken by a suitably qualified person.
- 7.5.3. The site overlies a Locally Important aquifer with moderate vulnerability.

- 7.5.4. The stated depth to bedrock of the trial hole is 2.1m with a depth from ground surface to the water table of 1.8m. Limestone was present.
- 7.5.5. A subsurface value of 28 was recorded which indicates that the site is suitable for development. The Site Characterisation Form concludes that the site is suitable for the installation of a secondary treatment system and soil polishing filter. The system is indicated to have a capacity PE of 6 with a polishing filter area.
- 7.5.6. As per Table E1 of the EPA Code of Practice, the site falls within the R1 response category where an on-site system is acceptable, subject to normal good practice. Notwithstanding the decision of the Planning Authority, I have noted some concerns arising from my assessment of the SCF and accompanying plans.
- 7.5.7. From the Site Characterisation Form (SFC) I note that the test holes were soaked (Step 2) on 20th October at 10am with the second soak occurring on 21st October at 10am and the percolation test was undertaken on the 22nd October at 10am. I refer to Appendix D of the EPA Code of Practice which sets out that Step 2, the pre-soaking of the test holes is required to be undertaken from 4 to 24 hours before the start of the percolation test (Step 3). The information provided in the SCF covers a 48 hour period which I would contend is contrary to the requirements of the EPA Code of Practice and therefore I cannot be certain of the validity of the results provided. No surface percolation test was undertaken. While the SCF submits that this was not undertaken as the T Value was considered acceptable, as noted the 48 hour period between Step 2 and 3 raises concerns to me. The Site Characterisation Form submits that the ground conditions, were dry and sound underfoot. I note at the time of my site inspection, the ground located inside of the access gate was not dry nor firm underfoot. Within this area, the site was waterlogged and I was unable to go beyond this point and as such the area of the trial holes was not accessible. I note that EPA Maps indicate that the soil type is poorly drained, this has been reflected in the SCF. I consider that this would be consistent with my findings while on site.
- 7.5.8. The SCF does not reference mottling was encountered. It is however set out in the SCF that some local raising of the ground level by approximately 150mm will enable for percolation trench excavation of 850mm thereby ensuring that the invert of the trench overlies at least 1.2m of unsaturated and rock free subsoil throughout the

proposed percolation bed area. To the contrary I also note that the Site Layout Plan indicates that the level of the ground would be raised by 400mm.

- 7.5.9. Table 6.3 of the EPA CoP sets out that a minimum unsaturated soil/subsoil depth requirement for Ground Water Protection Response (GWPR) R1 is 0.9m for polishing filters following secondary systems and infiltration areas following tertiary systems. The information provided within the Section 3.2 of the SCF appears to demonstrate the provision of an appropriate vertical separation. The need to raise the ground is not clear and taken together with the referenced variances of level increases between the documents is ambiguous.
- 7.5.10. Section 4 of the SCF, concludes that the suitable options are secondary treatment system and soil polishing filter which aligns with the selected WWTS outlined in Section 5. However, Section 5 also makes reference to the provision of a sand polishing filter. Based on the requirements of Table 10.1 regarding the sizing of the treatment area and having regard to the documentation submitted with the application, it is not clear how the design and sizing of the treatment area has been determined.
- 7.5.11. At the time of site visit, I noted a ditch along the roadside boundary. The ditch contained flowing water and is reflective of a high water table at this location. The SCF states that there are no drainage ditches abounding the site. The OSWWTS is proposed to be located in the southeast corner of the site, proximate to the ditch within the roadside boundary. The ditch is not referenced on the site layout plan in this regard I cannot determine whether the required separation distance of 10m has been provided as per the requirements of Table 6.2 of the EPA Code of Practice. I would consider this feature is a sensitive receptor and would be important to be captured appropriately within the assessment.
- 7.5.12. The proposed on site wastewater treatment system would be sited c. 44m to the south east of the proposed well and in excess of 120m from the River Suir to the north and c. 140m from the River Suir to the west. I note that the Flood Risk Assessment which was submitted to the Planning Authority in response to a request for Further Information states that the findings show that no section of the site will be impacted from either a 1:100 or a 1:1000 year event in the stream and that an extreme event in the River Suir would have no impact at the development site. The findings of the Flood

Risk Assessment would ensure no risk of inundation to the OSWWTS and associated percolation area.

7.5.13. Having regard to the above, I am unclear of the basis as to how the siting and design of the WWTS within the site has been undertaken.

7.5.14. The Planning Authority raised no concern in relation to the proposed on-site wastewater treatment system. A condition was attached to the permission in this regard.

7.5.15. On balance, I am not satisfied that it has been adequately demonstrated that the site can accommodate an OSWWTS. As noted, this is a new issue, I recommend that the issue be included as a reason for refusal. I acknowledge that the Commission may wish to seek the views of the parties however having regard to other substantive reasons for refusal it may not be considered necessary to pursue the matter.

7.6. Other Matters

7.6.1. The subject site is located to the south and east of the River Suir. The first report of the Planning Authority sought a request for Further Information in relation to Flood Risk. In response to the request, the applicant submitted a Flood Risk Assessment report which had been undertaken by Geoenvironmental Environmental Consultants. The report concluded that the proposed development would not be at risk for reasons including the FFL of the dwelling relative to the projected maximum 1:1000-year flood level, nor will it impinge on the natural flood plain of the River Suir nor Rossestown Stream and therefore would have no adverse impact on off-site flood levels at 3rd party lands.

7.6.2. The second report of the Planning Authority raised no further concerns in respect of flooding. Flood risk did not form part of the appeal. I am satisfied that the assessment has been undertaken in accordance with the requirements of Policy 11-9 of the Tipperary County Development Plan 2022-2028 and the Planning System and Flood Risk Management Guidelines for Planning Authorities, DEHLG, 2009.

7.7. Water Framework Directive Screening

7.7.1. The subject site is located at Rossestown, Thurles, Co. Tipperary.

- 7.7.2. The development seeking permission consists of a dwelling, garage, new entrance, new connections to the utilities, new waste water treatment system and percolation area and all associated site works.
- 7.7.3. No water deterioration concerns were raised.
- 7.7.4. The site is located c. 52m to the south of the IE_SE_16S020500, Suir_050 which flows in a south westerly direction towards Rossestown Bridge and onwards in a southerly direction. The waterbody joins the IE_SE_16S020600, Suir_060 on the southern side of Rossestown Road. There is a drainage ditch along the roadside boundary in which the water appeared to be flowing in a north westerly direction. This drainage ditch is unmapped however review of the Site Characterisation Form associated with PA Ref 211815 noted the presence of a ditch along the western boundary. The SCF accompanying the subject application references no drainage ditches.
- 7.7.5. The site is within the River Sub Basin Suir_050 however the rivers flow into the Sub Basin Suir_060 (IE_SE_16S020600).
- 7.7.6. The groundwater body is IE_SE_G_131, Templemore which is described as being a poorly productive bedrock and has moderate vulnerability.
- 7.7.7. The site overlies a Locally Important Aquifer which is capable of supplying locally important supplies. A LI aquifer is classified as bedrock which is moderately productive only in local zones.
- 7.7.8. As per Table E1 of the EPA Code of Practice: Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10), R1 would apply;
'Acceptable subject to normal good practice (i.e. system selection, construction, operation and maintenance in accordance with this CoP)'
- 7.7.9. Foul water is proposed to be disposed of via an on-site wastewater treatment system and percolation area. While the Site Characterisation Form concluded that the site is suitable for the installation of a wastewater treatment system (secondary treatment system and soil polishing filter), there are outstanding issues in relation to the SCF
- 7.8. 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.

- 7.9. Having considered the nature, scale and location of the project and all of the documentation accompanying the application, I am not satisfied that it can be eliminated from further assessment having regard to the observed ground conditions on the site and the failure to satisfactorily demonstrate that the site is suitable for the on-site treatment and disposal of wastewater.

8.0 AA Screening

- 8.1. I have considered the development seeking permission 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 site is located c. 6.7k to the northeast of the Special Area of Conservation for the Lower River Suir (002137) and 21km to the east of the Special Protected Area for Slievefelim to Silvermines Mountains (004165).
- 8.2. The development seeking permission consists of the construction of a single storey dwelling house, detached garage, new entrance, new connections to the utilities, new wastewater treatment system and percolation area and all associated site works.
- 8.3. Having considered the nature, scale and location of the development seeking permission 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 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 site and the Slievefelim to Silvermines Mountains SPA. The separation from the Lower River Suir SAC and the SPA and the weak indirect nature of the hydrological connections thereto.
- 8.4. I conclude that on the basis of objective information, that the development seeking permission 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.

9.0 Recommendation

- 9.1. Having considered the contents of the application, the decision of the planning and the provisions of the Development Plan, the grounds of the 3rd party appeal and the responses thereto, my site inspection and my assessment of the planning issues, I do not concur with the decision of Tipperary County Council and recommend that permission be refused for the reasons set out hereunder.

10.0 Reasons

1. Having regard to the policies of the Tipperary County Development Plan 2022-2028, in relation to rural housing need and in particular to the provisions of Table 5.2 of the Development Plan and the requirements for housing in rural areas under urban pressure under Policy 5-11, the Commission is not satisfied that the applicant satisfies the criteria for Category 2 Social Need, as the applicant previously owned a dwelling in the rural area of County Laois. The proposed development would therefore lead to demand for the uneconomic provision of further public services in an area where these are not proposed. The development to be retained therefore contravenes the Policy as set out in the Development Plan and if permitted would be contrary to the proper planning and sustainable development of the area.
2. By virtue of restricted forward visibility sightlines to the northwest at a point on the road where additional turning movements would be generated on the road by the proposed development which would endanger public safety by reason of a traffic hazard or obstruction or road users or otherwise.
3. The Commission is not satisfied that the applicant has adequately demonstrated that the site can accommodate the proposed wastewater treatment system and percolation area in accordance with the EPA Code of Practice: Domestic Waste Water Treatment Systems (Population Equivalent

≤10). In this regard the development as proposed would be prejudicial to 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.

Carol Hurley

25th March 2026

Appendix 1 Form 1 - EIA Pre-Screening

No EIAR Submitted

Case Reference	PL-500191-TY
Proposed Development Summary	Construction of detached dwelling and garage. New site entrance, connection to utilities, new waste water treatment system and percolation area and all associated site works.
Development Address	Rossestown, Thurles, 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	

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

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

Inspector: _____

Date: _____

Appendix 2 Form 2 - EIA Preliminary Examination

Case Reference	PL-500191-TY
Proposed Development Summary	Construction of detached dwelling and garage. New site entrance, connection to utilities, new waste water treatment system and percolation area and all associated site works.
Development Address	Rossestown, Thurles, Co. Tipperary
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</p> <p>(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).</p>	<p>No demolition works are proposed.</p> <p>Undue use of natural resources will not arise nor will undue pollution or nuisance.</p> <p>Foul water will be managed by an OSWWTS which will be designed and constructed in accordance with the EPA CoP Domestic Wastewater Treatment Systems.</p> <p>Surface water would be managed with soakpits.</p> <p>The development seeking permission will not give rise to risk of accident / disasters or to human health or create a flood risk.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>No water courses traverse the site.</p> <p>There is a potential weak indirect connection to the River Suir via a drainage ditch along the road side boundary.</p> <p>The site is proximate to the Suir_50.</p> <p>The SSFRA concludes that there is no risk of flooding to the site or to third party lands.</p> <p>The application site is not proximate to any protected sites.</p> <p>There are three recorded monuments in the vicinity of the appeal site but the site is outside the zone of protection. The Conservation Report from the Planning Authority raised no concern.</p> <p>TN041-008 (165m to the west)</p> <p>TN041-009 (481m to the northeast)</p> <p>TN041-010 (450m to the southeast)</p>
Types and characteristics of potential impacts	The development would not have the potential to significantly impact on any ecologically sensitive sites or locations.

<p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Save for the unmapped drainage ditch along the roadside boundary, there are no direct hydrological connections present which would give rise to significant impact on nearby watercourses (whether linked to any European Site or other sensitive receptor) or any drinking water source.</p> <p>Foul water is proposed to be treated with an on-site Wastewater Treatment System and polishing filter to be designed in accordance with the EPA Code of Practice for Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10).</p> <p>The site has a GWPR R1 which is suitable for an OSWWTS subject to design in accordance with the EPA CoP.</p>
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>
<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p>	
<p>There is a real likelihood of significant effects on the environment.</p>	

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3 AA Screening

AA Screening Determination Template Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Brief description of project	Construction of a new dwelling, new garage, new entrance, new connections to utilities, new wastewater treatment system and percolation area and all associated site works.			
Brief description of development characteristics and potential impact mechanisms	Construction of new dwelling and disposal of foul and surface water and presence of a drainage ditch along the roadside boundary which could be a weak hydrological connection to the River Suir.			
Screening report	No			
Natura Impact Statement	None.			
Relevant submissions	None.			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections²	Consider further in screening³ Y/N
Lower River Suir SAC (002137)	Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Water courses of plain to montane levels with the Ranunculum fluitantis and Callitriche-Batrachion vegetation [3260]	6.7km	Potential hydrological connection via the drainage ditch running along the roadside boundary. This could connect to the River Suir. Potential construction related surface water discharge to	Yes

	<p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Taxus baccata woods of the British Isles [91J0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twaite Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p>		<p>nearby watercourses.</p> <p>Foul Water from the operational phase is proposed to be treated with an OSWWTS. Surface water from the operational stage is proposed to be managed with soakpits.</p>	
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	Lutra lutra (Otter) [1355]			
Slievefelim to Silver Mines Mountains SPA *004165)	Hen Harrier (Circus cyaneus) [A082]	21km	None	N

¹ Summary description / **cross reference to NPWS website** is acceptable at this stage in the report
² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species
³if no connections: N

Step 3. Describe the likely effects of the project (if any, alone or 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
Lower River Suir SAC (002137)	Direct: None. Indirect: Potential surface water run-off during construction and operation phases. Potential foul water runoff at operation stage.	The proposed dwelling would be served with an OSWWTS which would be designed and constructed in accordance with the EPA Code of Practice 2021 and surface water disposal would be via soakpits designed in accordance with industry best practice. Notwithstanding the potential indirect weak connection to the River Suir having regard to the distance from receiving features connected to the European site make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the site for the SCI listed. Conservation objectives would not be undermined.
	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
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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 Lower River Suir SAC (002137). The proposed development would have no likely significant effect in combination with other plans and projects on any European sites. 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 the Lower River Suir SAC (002137) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The 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 site and the Slievefelim to Silvermines Mountains SPA. The separation from the Lower River Suir SAC and the SPA and the weak indirect nature of hydrological connections thereto.

Appendix 4 WFD Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality

An Bord Pleanála ref. no.	PL-500191-TY	Townland, address	Rossestown, Thurles, Co. Tipperary
Description of project	Permission for the construction of a new single storey detached dwelling, new detached garage, new site entrance, new connections to utilities, new wastewater treatment system and polishing filter and all associated site works.		
Brief site description, relevant to WFD Screening,	<p>The application site is located c. 52m to the south of the IE_SE_16S020500, Suir_050. This river is located within River Sub Basin Suir_050 however this river joins the IE_SE_16S020600, Suir_060 within the River Sub Basin Suir_060 (IE_SE_16S020600).</p> <p>There is an unmapped drainage ditch along the roadside boundary which is a potential indirect hydrological connection to the River Suir.</p> <p>The site overlies a Locally Important Aquifer which is capable of supplying locally important supplies and is moderately productive only in Local Zones and has moderate vulnerability.</p> <p>The groundwater body is IE_SE_G_131, Templemore with a poorly productive bedrock.</p> <p>The subsoil is Till Type, described as Limestone Till (Carboniferous) and is poorly drained.</p>		

Proposed surface water details	Surface water is proposed to discharge to soakpits.
Proposed water supply source & available capacity	Ground source well.
Proposed wastewater treatment system & available capacity, other issues	Wastewater Treatment System (Secondary Treatment System and Soil Polishing Filter)
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	c. 52m to the south	IE_SE_16S020500, Suir_050	Good	Not at risk		Drainage
River Waterbody	c.385m to the southwest	IE_SE_16S020600	Poor	At Risk	Anthropogenic	Drainage
Groundwater waterbody		IE_SE_G_131 (Templemore)	Good	At Risk	Anthropogenic Agricultural	Drainage

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.
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1.	Surface	IE_SE_16S020500, Suir_050	Existing drainage ditch which is considered to be a weak indirect hydrological connection	Spillages	Standard Construction practice	No	Screened Out
2.	Surface	IE_SE_16S020600 Suir_060	Existing drainage ditch which is considered to be a weak indirect hydrological connection.	Spillages	Standard Construction Practice	No	Screened Out
3.	Ground	IE_SE_G_131 (Templemore)	Drainage	Seepage to ground water	Standard Construction Measures / Conditions	No	Screened Out
OPERATIONAL PHASE							
4.	Surface	IE_SE_16S020500, Suir_050	Existing drainage ditch which is considered to be a weak indirect hydrological connection.	Spillages	Subject to detailed design of soakpits in accordance with industry best practice.	No	Screened out
	Surface	IE_SE_16S020600 Suir_060	Existing drainage ditch which is considered to	Spillages	Subject to detailed	No	Screened out

			be a weak indirect hydrological connection.		design of soakpits in accordance with industry best practice.		
5.	Ground	IE_SE_G_131 (Templemore)	Pathway exists via seepage to ground water.	Foul water to be disposed of by means of a wastewater treatment system and soil polishing filter	Noting the Ground water Response of R1, the proposed Treatment System subject to design in accordance with EPA Code of Practice for Domestic Waste Water Treatment Systems (Population	Yes, following analysis of Site Characterisation Form which accompanied the application there are outstanding issues in addition to the ground conditions observed on the site during site visit.	Uncertain

					Equivalent ≤10) And Subject to detailed design of soakpits in accordance with industry best practice.		
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STAGE 2: ASSESSMENT

Details of Mitigation Required to Comply with WFD Objectives

Surface Water

Development/Activity e.g. culvert, bridge, other crossing, diversion, outfall, etc	<u>Objective 1:Surface</u> <u>Water</u> Prevent deterioration of the status of all bodies of surface water	<u>Objective 2:Surface</u> <u>Water</u> Protect, enhance and restore all bodies of surface water with aim of achieving good status	<u>Objective 3:Surface</u> <u>Water</u> Protect and enhance all artificial and heavily modified bodies of water with aim of achieving	<u>Objective 4: Surface</u> <u>Water</u> Progressively reduce pollution from priority substances and cease or phase out emission,	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a

			good ecological potential and good surface water chemical status	discharges and losses of priority substances	derogation under art. 4.7)
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	Describe mitigation required to meet objective 4:	
Development Activity 1	NA	NA	NA	NA	NA

Details of Mitigation Required to Comply with WFD Objectives				
Groundwater				
Development/Activity e.g. abstraction, outfall, etc.	Objective 1: <u>Groundwater</u> Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the	Objective 2 : <u>Groundwater</u> Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and	Objective 3:Groundwater Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a

	status of all bodies of groundwater	recharge, with the aim of achieving good status*		derogation under art. 4.7)
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	
Development Activity 1 The installation of an on site wastewater treatment system and percolation area.	The proposed OSWWTS to be designed in accordance with EPA Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤10)	The proposed OSWWTS to be designed in accordance with EPA Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤10)	The proposed OSWWTS to be designed in accordance with EPA Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤10)	It cannot be eliminated from further assessment having regard to the observed ground conditions on the site and the failure to satisfactorily demonstrate that the site is suitable for the on-site treatment and disposal of wastewater.