



## Inspector's Report

### PL-500350-TY-25

<b>Development</b>	Construction of a house and ancillary works.
<b>Location</b>	Foxhall , Newport , Co Tipperary
<b>Planning Authority</b>	Tipperary County Council
<b>Planning Authority Reg. Ref.</b>	2560391
<b>Applicant(s)</b>	Sarah Hamersley
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party Normal Planning Appeal
<b>Appellant(s)</b>	Sarah Hamersley
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	2 <sup>nd</sup> March 2026
<b>Inspector</b>	Carol Hurley

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## 1.0 Site Location and Description

- 1.1. The application site is located on the L-6003 at Foxhall, Newport, Co. Tipperary. The site has a stated area of 0.183 hectares and addresses the road with an east facing orientation.
- 1.2. The site is at present overgrown and not accessible from the road. There is a deep ditch running along the roadside boundary which appeared to have been recently cleared and was dry at the time of site visit with no evidence of flowing water.
- 1.3. The village of Newport is located to the northeast of the subject site. The River Newport flows in an east-west direction c. 460m to the north of the site.
- 1.4. The subject site is centred between two existing dwellings while there are c. 6 dwellings on the opposing side of the road.
- 1.5. The area can be characterised as being rural in nature.

## 2.0 Proposed Development

- 2.1. The applicant is seeking permission for the following;

- Construction of a new single storey dwelling house. The plans indicate that the proposed dwelling would have a floor area of 236sqm. Internally the dwelling would consist of five bedrooms (one of which would be en-suite), bathroom, study/playroom, kitchen / dining area, utility room and living area.

The dwelling would have a simple pitched roof with a principal height of c. 5.5m. Finishes are not indicated but would appear to be render and a feature element of stone serving the gable to the front elevation.

The proposed dwelling would be setback c. 10.3m from the nearest point of the ditch.

- Construction of a domestic garage which is indicated to have a floor area of 64sqm and a principal height of 4.7m.

The garage would be located in the southern portion of the site.

- Provision of a new entrance, which would be located off centre to the south of the site. The existing open drain is proposed to be piped (225mm diameter pipe) at the entrance with a gravel drive over.
- The development includes for a connection to the public sewer
- And all ancillary works.

The Planning Application was accompanied by the following documentation along with standard drawings;

- Supplementary Information, Part B of the Application Form
- Section (ii) Technical Site Details, Measurement of Speed.
- Planning Statement prepared by Denis J.O'Malley
- Map detailing the locations of the applicant's family home, current rented address and location of the subject site.
- Partial copy of P60 dated 2006
- Bank of Ireland Statement dated 2008
- Partial Halifax Statement dated 2009
- Partial Credit Union Statement dated 2014.

### **3.0 Planning Authority Decision**

3.1. On the 3<sup>rd</sup> November 2025 Tipperary County Council issued a decision to Refuse Planning Permission for the following reasons;

The application site is located in a rural area designated as Under Urban Influence under the Tipperary County Development Plan 2022. Section 5.5.2, Table 5.3 and Policy 5-11 of the Tipperary County Development Plan 2022-2028 sets out the following requirements (inter alia) for new rural dwellings;

- 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),
- The Planning Authority can consider an application for a new dwelling in an 'Area Under Urban Influence' for a person with a demonstrable housing need on the basis

of exceptional medical circumstances. A planning application made in this regard 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.

Having regard to the information submitted as part of this planning application regarding the applicants housing and medical circumstances and prior addresses, the Planning Authority is not satisfied that the applicant complies with the requirements of the Section 5.5.2, Table 5.3 and Policy 5-11 of the Tipperary County Development Plan 2022-2028. The proposed development would therefore be contrary to the stated policy of the Development Plan and would therefore be contrary to the proper planning and sustainable development of the area.

In considering the planning application, the Planning Authority sought Further Information in relation to the need for the applicant to satisfy the policy requirements of Policy 5-11 of the Tipperary County Development Plan 2022-2028, the applicant was requested to submit documentary evidence to clearly demonstrate compliance with Category 1: Economic Need of Policy 5-11 of the Development Plan

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The first report of the Planning Authority dated 26<sup>th</sup> June 2025 notes the site location, description of the proposed development, relevant planning history, internal and prescribed bodies referrals, summary of the observations and submissions, representation and planning policy overview in addition environmental screenings in relation to EIA and AA.

The report noted concern regarding the applicant's compliance with Policy 5-11 of the Tipperary County Development Plan 2022-2028 which relates to the Rural Housing Policy. The report noted that having regard to the applicant's address being located in the village of Newport, the applicant did not have a Category 2: 'Social Need'.

The Further Information request sought for the applicant to satisfy the policy requirements of Policy 5-11 of the Tipperary County Development Plan 2022-2028 and

submit documentary evidence to clearly demonstrate compliance with Category 1: 'Economic Need' of Policy 5-11 of the Tipperary County Development Plan 2022-2028.

On the 13<sup>th</sup> October 2025, the applicant submitted a response to the request for Further Information. The response noted that the applicant does not own the property at 56 Mulcair Manor, is renting and has a housing need.

The applicant's husband has a medical condition and as the applicant's husband deteriorates in health it will be necessary for him to live in a dwelling that will be suitable for his needs, i.e. single storey, wheelchair accessible.

There is no suitable property to purchase in the area with the only option to provide suitable housing being to build in the local rural area where the applicant has been based for most of her life, where their children go to school and are involved in the local community.

The site was purchased by the applicant in 2024, which was previously identified as a gap site and would not increase sprawl and is serviced.

The second report of the Planning Officer dated 28<sup>th</sup> October 2025 considered that the applicant did not demonstrate that she has resided in the rural area within 10km of the application site for a substantial period of her life (10 years) nor has she demonstrated an economic need to live in the rural area.

In terms of the stated medical circumstances, the applicant failed to submit documentation to confirm the stated medical circumstances and as such failed to demonstrate a housing need on the basis of exceptional medical circumstances. It was noted that the stated medical circumstances pertain to the applicant's husband rather than the applicant herself.

The report concluded that the supporting documents failed to demonstrate compliance with Policy 5-11 of the Tipperary County Development Plan 2022-2028 and recommended that permission be refused in this regard.

### 3.2.2. Other Technical Reports

The report of the NMD District Engineer can be summarised as follows;

- Describes the road as being a local secondary road which is lightly trafficked.

- A speed survey accompanied the application and indicated that the effective speed is less than 60km/h which is consistent with that of the PA Engineers observations.
- Notes the drainage ditch and the access requires to be piped. A 300mm diameter pipe would be more suitable than the proposed 225mm diameter pipe.
- No objection is raised subject to standard drainage condition and that the access be piped with a 300mm diameter pipe.

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

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

- The local need of the applicant.
- In adequate capacity of the public mains water supply to accommodate further development without risk to the community. Experience of low pressure and occasional contaminants.
- Proximity of the development to the junction.
- Speed of traffic where the site is located.
- Concerns regarding the validity of the speed survey undertaken to reduce the operational speed.
- The sightlines indicated do not exist.
- The sightline for the mandatory speed limit has not been provided.
- The opposing agricultural entrance has not been detailed. Concern regarding how the proposed entrance would impact this.
- This is a busy road for walkers and there is no footpath.
- There are already 7 dwellings along this 250m stretch of road and adding one more would contravene the policies of the Development Plan.

## 4.0 Planning History

**PA Ref: 2460169** - permission refused to a different applicant for construction of a dwelling house, entrance, garage, connection to the public sewer and ancillary works.

The reasons for refusal related to failure to satisfy the requirements of Section 5.5.2, Table 5.2 and Policy 5-11 of the Tipperary Development Plan in respect of demonstrable need in addition to failure to comply with Section 6.1 and Tables 6.1 and 6.2 and as such would endanger public safety by reason of traffic hazard.

## 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. Regional Policy Context

Regional Spatial Economic Strategy for the Southern Region

Section 3.3 acknowledges the need for attractive, alternative options to rural housing within smaller towns and villages.

RPO 27 addresses the issue of urban generated housing to restrict the development of rural housing based on clearly defined eligibility criteria.

### 5.3. Section 28 Guidelines

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

These Guidelines identify a number of rural area typologies. The subject site being within 'An Area Under Urban Influence' exhibits characteristics of 'Rural Areas Under Strong Urban

Influence' such as proximity to the immediate environs or close commuting catchment of large cities and towns, rapidly rising population, evidence of considerable pressure for development of housing due to proximity to such urban areas or to major transport corridors with ready access to the urban area and pressures on infrastructure such as the local road network.

Section 4.3 sets out that Planning Authorities should recognise exceptional health circumstances - supported by relevant documentation from a registered medical practitioner and a disability organisation may require a person to live in a particular environment or close to family support.

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

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

The Tipperary County Development Plan 2022-2028 is the operative plan for the area. This plan came into effect on 22<sup>nd</sup> August 2022.

The subject site is not zoned nor is it located within a designated Settlement Boundary; the site is designated as being an 'Area Under Urban Influence'.

Lands to the west of the subject site: TN04051 (SMR Unlocated) – described as designed landscape – tree ring

#### Relevant Policy

##### Section 5.5

Sets out how National Policy supports the need to plan for sustainable communities and strengthen rural communities. This will be achieved through attracting new residents to live in rural settlements and to make provision for housing in the countryside for those who demonstrate a need to live in the rural areas.

##### Section 5.5.1 – Rural Area Designations

The Core Strategy makes distinction between rural 'Areas under Urban Influence' and the areas outside of these, 'Open Countryside'.

Areas under Urban Influence - facilitate the provision of single housing in the countryside based on the core consideration of demonstrable 'economic or social' need to live in a rural area, and siting, environmental and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;

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 the designated rural area types.

Section 5.5.2 - Sets out the Rural Housing Policy

Table 5.2 – Rural Housing Technical Principles for Applicants to consider and includes – Site and Design, Housing Need and Occupancy, Sustainable Low-Carbon Design and Function, Road Traffic Safety, Environment, Flooding and Cultural Heritage.

Section 2 (Table 5.2)

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. An application for a dwelling in the rural area must be made in the name of the person for whom it is intended, and an 'Occupancy Condition' will be attached to any grant of permission requiring that the applicant must live in the dwelling for the first 7 years after its construction.

Table 5.3 – Housing Need Definitions

Economic - For persons actively engaged in farming / agricultural activity on the landholding on which the house is to be built and either being a farmer of the land, defined as a landowner with a holding of >20ha or 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 person who has resided in the rural area (defined in Table 2.4 Chapter 2 Core Strategy) either within 5km of the site where they intend to build for a substantial period of their lives (10 years) within a 'Primary Amenity Area' or 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 person with a demonstrable housing need on the basis of exceptional medical circumstances. An application of this nature must be accompanied 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.

#### **Appendix 4 – Rural Housing Design Guidelines**

This document provides guidance for consideration in applications for dwellings in the rural area on areas such as the importance and relevance of the site you may choose, and appropriate and sustainable design for one-off houses in rural areas.

#### **Appendix 6 – Development Management Standards**

##### Section 6.1 Road Design & Visibility at a Direct Access

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

##### Table 6.1: X Distance Requirements

Regional and Local Roads – All junctions and accesses, stop control – 2.4m

##### Table 6.2: Design Speeds and Associated Y-Distances

80km/hr – Rural Non-national 160m

The development plan provides for in cases of particular difficulty, the use of a lower design speed for a given mandatory speed limit (as set out in Table 6.2) may be accepted by the Council. In such a case, the applicant must 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 'Measuring Operational Speed

Operational Speed shall be determined by measurement of actual speeds between 07:00am and 07:00pm over a period of three days, excluding weekends or public holidays. It represents the 85<sup>th</sup> percentile speed of the traffic travelling on that section of road during that period. The 85<sup>th</sup> percentile speed is the speed at or below which 85% of the traffic is traveling.

#### **5.5. Natural Heritage Designations**

The subject site is not located within or immediately adjacent to any European Site or other Natural Heritage Site.

Clare Glen pNHA (000930) is located c.1.625km to the southeast of the subject site and Derrygareen Heath (000931) is located c. 3.665km to the south of the subject site.

The subject site is located c. 558m to the southeast and c. 808m to the northwest of the Special Area of Conservation for Lower River Shannon (002165).

The subject site is located c. 2.083km to the northwest of the Special Protected Area for Slievefelim To Silvermines Mountains Special Protected Area.

## **6.0 EIA Screening**

- 6.1. 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.

## **7.0 The Appeal**

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

The grounds of the First Party Appeal can be summarised as follows;

- Permission was refused solely because the site is classified as an 'Area Under Urban Influence' and the appellants current rented address in Newport Town means that a housing need is considered 'urban generated'. The appellant has never owned a property before. The refusal is based on the strict enforcement of the local policy requiring a 10 year residency in a rural area.
- National Planning Framework Objective 19 must take precedent over rigid local rules.

- The appellants husband has a medical need which requires a permanent, accessible, single storey home for mobility and health.
- Planning precedent acknowledges exceptional health as a means to waive residency rules.
- The appellant is an essential worker in Nenagh Hospital.
- Deep community ties – the appellants children are integrated into the local area, attending Birdhill NS and play GAA and Basketball in Newport.
- In support of the appeal the applicant has submitted HSE Confirmation of employment, medical confirmation of the appellants husband and ‘Newport Town Centre First Plan’ map which indicates the subject site being on a proposed pedestrian link for the town.
- The subject site is serviced, and the Planning Authority accepted the proposed house design.

#### 7.2. **Planning Authority Response**

None

#### 7.3. **Observations**

None

### 8.0 **Assessment**

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

- Principle of the development Including Rural Housing Policy
- Ribbon Development
- Traffic and Access – New Issue
- Water Framework Directive Screening
- Appropriate Assessment

8.2. Principle of the development Including Rural Housing Policy

- 8.2.1. Table 5.2 of the Tipperary Development Plan 2022-2028 sets out the Rural Housing Technical Principles for Applicants. Section 2 of this table 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.
- 8.2.2. The subject site is located at Foxhall, Newport, Co. Tipperary which Figure 5.3 of the Tipperary County Development Plan 2022-2028 identifies as being within an Area under Urban Influence.
- 8.2.3. As per Application Form B which accompanied the application, the initial need set out by the applicant was to live near her family in the area where she has lived for the majority of her life and to enable her to live near work. The applicant states that she lived in the family home in Newport from 2005-2019 and following return from Australia from 2015-2019. Subsequently the applicant has been renting a dwelling in the same development as the family home from 2019 to present. It is not stated where the applicant lived prior to 2005. The applicant has never owned a dwelling.
- 8.2.4. In support of the application, documents demonstrating an address in a residential development in Newport have been submitted including from Revenue (2006), Bank of Ireland (2007), Halifax (2009), Credit Union (2014). Table 5.3 of the Tipperary County Development Plan 2022-2028 requires that a person seeking to demonstrate a Social Need is one who has resided in a rural area (as defined in Table 2.4 Chapter 2 Core Strategy), within 10km of the site for a substantial period of their lives. I refer Table 2.4 which defines rural areas as being rural settlements and open countryside. Table 2.4 designates Newport as a Local Town. The area in which the applicant's supporting documentation refers is zoned 'Existing Residential', the objective of which seeks *'To preserve and enhance existing residential amenity including provision of additional facilities for settlements where gaps are identified in the DIA'*. Section 4.6.4 'Open Countryside' refers to housing in the countryside outside of settlements.
- 8.2.5. On this basis the Planning Authority contended that the applicant did not have a Category 2: 'Social Need'.
- 8.2.6. The applicant was then requested to demonstrate a Category 1: Economic Need as part of a request for Further Information. In response to this request the applicant set out that her husband has a medical need. It was further set out that the applicant wished to build in the

local rural area where the applicant has been based for the majority of her life and where her children are going to school and involved in the local rural community.

- 8.2.7. The Planning Authority concluded that the applicant's connections were not to the local rural area.
- 8.2.8. The applicant did not submit any documentation in support of her husband's medical need and as such did not demonstrate a need on this basis. The application was refused on the basis of the information submitted in relation to the housing and medical circumstances, prior addresses, the Planning Authority were not satisfied that the applicant complied with the requirements of Section 5.5.2, Table 5.3 and Policy 5-11 of the Tipperary County Development Plan 2022-2028.
- 8.2.9. In support of the appeal the applicant contends that her husband has an immediate medical need and requires an accessible single storey home for mobility and health. I do not agree with the applicant's contention that planning precedent recognises 'exceptional health circumstances as grounds to waive strict residency rules'.
- 8.2.10. I note that the Section 4.3 of the Sustainable Rural Housing Guidelines sets out '*In particular, planning authorities should recognise that exceptional health circumstances – supported by relevant documentation from a registered medical practitioner and a disability organisation – may require a person to live in a particular environment or close to family support*'. This policy is reflected in the Tipperary County Development Plan 2022-2028 under Table 5.3 'Housing Need Definitions'.
- 8.2.11. The applicant has submitted two letters in respect of her husband's medical need. A letter from The Laser Clinic refers to a request for a modification to the applicant's husband's working environment for ease of day-to-day difficulties.
- 8.2.12. The letter from the HSE notes the applicant's husband's medical circumstances, however, it is my opinion that the wording of this letter is not so specific to prove the requirement for the applicant's husband to live in a particular environment or in a dwelling of a specific design to suit medical needs.
- 8.2.13. While the applicant has provided a letter from a registered medical practitioner (HSE) no letter has been provided from a disability organisation as per the requirements of Table 5.3 of the Tipperary County Development Plan 2022-2028 and Section 4.3 of the Sustainable Rural Housing Guidelines for Planning Authorities.

8.2.14. Following the applicant's response to the request for Further Information, the applicant is in effect seeking permission for a dwelling on the basis of her husband's medical needs. I refer to Section 2 of Table 5.2 which out that an application for a dwelling in the rural area must be made in the name of the person for whom it is intended. In this regard, I would consider that an application of this nature should be made in the name of the person for whom it is intended, i.e. the person who has the medical need and such the application would be contrary to this policy.

8.2.15. Based on the information available, I am not satisfied that the applicant has suitably demonstrated a housing need in respect of exceptional medical circumstances in accordance with Table 5.3.

8.2.16. Also set out in the appeal, the First Party contends that as she is essential worker, the stability of housing close to work and her community support system is vital.

I refer again to Table 5.3 in respect of Economic Need which relates to people who are actively engaged in farming/agricultural activity on the landholding on which the house to be built. This is reinforced within Policy 5-11. The occupation of the applicant would not come within the scope of Category 1: 'Economic Need'.

In addition, as per Application Form B, the First Partys location of employment is not within the local rural area but is stated to be 28km away and is within an urban environment.

8.2.17. Lastly, the applicant sets out that she has deep community ties and contends that her children are fully integrated into the local area, attending school in Birdhill and are involved with the GAA and Basketball and submits that relocating far from this community to satisfy a technical 10-year rental requirement in a rural area is unsustainable and damaging to the family's stability.

8.2.18. I acknowledge and appreciate the concerns of the First Party in this regard and note the applicants submitted community ties. However, I submit that the policies in respect of the provision of housing in the rural area are clear, an applicant must demonstrate either an economic or social need to reside in an area outside of a settlement, i.e. 'Open Countryside'. NPO28 of the National Planning Framework First Revision and RPO 27 of the Regional Spatial Economic Strategy set out the policies to be implemented at local level to avoid ribbon development and over-spill development from urban areas. These policies seek to protect the rural resource for rural communities, including people with an established local connection to the area.

8.2.19. The appellant has included a copy of Newport Town Centre First Plan which illustrates that the subject site is on a proposed pedestrian link for the town. I submit that as per the map entitled 'Cycleway and Footpath Network' of Newport Town Centre First Plan this route is actually identified as being a 'potential pedestrian link'. In any event, I note that the purpose of the plan is for regeneration and renewal and strengthening the role of and resilience of Newport Town Centre and does not affect the status of the subject site being within the rural area.

8.2.20. On balance, having regard to the information submitted to the Planning Authority, at application stage, response to the request for Further Information and the information which accompanies the appeal, I share the conclusion of the Planning Authority and I am not satisfied that the applicant has demonstrated a rural housing need in accordance with Section 5.5.2, Table 5.3 and Policy 5-11 of the Tipperary County Development Plan 2022-2028. I recommend that permission be refused on this basis.

### 8.3. Ribbon Development

8.3.1. The proposed development, if permitted would be the 8<sup>th</sup> dwelling within a 250m stretch of roadway. Notwithstanding Section 2.4 and Figure 5 of Appendix 4, Rural Housing Design Guide of the Development Plan, I note that the Sustainable Rural Housing Guidelines 2005 defines Ribbon Development as being 'where 5 or more houses exist on any one side of a given 250 metres of road frontage' In accordance with Policy 5-12 of the Tipperary County Development Plan 2022-2028, the Planning Authority were satisfied that the site could be considered a 'Gap Site' as the site fully occupies the gap between the existing dwellings. In this regard, ribbon development was not considered to an issue.

8.3.2. Having regard to the context of the subject site and location between two existing dwellings, I would concur with the Planning Authority in this regard.

### 8.4. Traffic and Access – New Issue

8.4.1. The road (L-6003) has a mandatory speed limit of 60 km/h which requires the provision of sightlines of 120m in each direction as per Table 6.2 of the Rural Housing Design Guidelines of the Tipperary County Development Plan 2022-2028.

8.4.2. The applicant has requested to use a lower operational speed and has included a Speed Measurement. I note that no clear justification was provided for this reduction in operational speed other than that the survey indicates a lower operational speed. The measurement

was undertaken on 29<sup>th</sup> Feb 2024 at 12.40pm. I note that Section 6.1.1 of the Rural Housing Design Guidelines sets out that ‘the operational speed shall be determined by measurement of actual speeds between 07:00am and 07:00pm over a period of three days, excluding weekends or public holidays’. Based on the information available, the survey was only undertaken on one day. I am not satisfied that the speed measurement has been undertaken appropriately and the validity of the results cannot be relied upon.

8.4.3. The site layout plan details the reduced sightlines of 90m in each direction and does not indicate the sightlines corresponding to the mandatory speed limit (120m) which is set out in Section (ii) Technical Site Details Application Form B. The site layout plan indicates the ‘edge of roadway’ however the sightlines are not strictly to the nearside edge of the paved surface of the major road. This was also raised as an issue within the assessment of PA Ref: 2460169. I also note that the site layout plan does not indicate roadside features such as trees, hedges or utility poles. The site layout plan does not indicate any works to be undertaken to the existing boundary.

8.4.4. I note that PA Ref. 2460169 (subject site) was also refused permission as a result of the failure to demonstrate compliance with the requirements of Section 6.1, Tables 6.1 and 6.2 of the Rural Housing Design Guidelines, Tipperary County Development Plan 2022-2028 together with the precedent a grant of permission would set, the development was considered to endanger public safety by reason of traffic hazard. The report of the Planning Authority noted that the site layout plan was lacking detail in terms of roadside features, hedges, trees and utility poles. It was further stated that it was unclear as to what works would be involved to the roadside boundary. I note that when this speed measurement was undertaken as part of PA Ref 2460169 the mandatory speed was stated to be 80km/hr.

8.4.5. I note from the website of Tipperary County Council that from the 7<sup>th</sup> February 2025, a new default speed limit of 60km/hr applies to all rural local roads in Tipperary.

8.4.6. In relation to the subject proposal, this development has been assessed by the District Engineer however no assessment, conclusion or recommendation has been provided as to the acceptability of the sightlines. In respect of the section relating to ‘Sightlines and Entrance Arrangements’ the report notes the submission of the speed survey and that this would be consistent with the observations of the PA Engineer.

8.4.7. I note that the site layout plan submitted with the subject application is very similar to that submitted as part of PA Ref 240169 in relation to the sightlines. I would share the concerns

raised in the report of the Planning Officer for PA Ref 240169 in relation to the lack of detail relating to roadside features in order to determine that the sightlines can be achieved and are not reliant on amendments to 3<sup>rd</sup> party lands.

8.4.8. The report of the District Engineer describes the road as being lightly trafficked. During my site visit on Monday 2<sup>nd</sup> March 2026 at approximately 3pm, I would consider the road as being more than lightly trafficked. A significant portion of cars were passing the subject site in a north-south direction and predominantly using the junction to the south of the site. A speed survey with an assessment of more than one time and date would be beneficial to ascertain the correct operational speed of the road.

8.4.9. Notwithstanding the report of the District Engineer, I am not satisfied that the applicant has sufficiently addressed the reason for refusal in relation to PA Ref 240169 in respect of safe access.

Having regard to the lack of information on the site layout plan, no sightlines corresponding to the mandatory speed and no roadside features, I am not satisfied that the applicant has adequately demonstrated compliance with the requirements of Section 6.1, Tables 6.1 and 6.2 and Section 6.1.1 of Appendix 6 Development Management Standards, Tipperary County Development Plan 2022-2028. I cannot be certain that the reduced sightlines sought can be achieved without the need for amendment to 3<sup>rd</sup> party boundaries necessitating third party written consent.

Therefore, on the basis of the information submitted, I am not satisfied that the applicant has clearly demonstrated that the proposed access would not result in the creation of a traffic hazard due to limited sightlines at the proposed entrance and on that basis, I recommend that permission be refused. 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 necessary to pursue the matter.

8.4.10. I note that the report of the Engineer of the Planning Authority did not refer to forward visibility, nor has the applicant indicated this element on the site layout plan. Having regard to the context and relatively straight alignment of the road I am satisfied that a vehicle making a right turn into the site would have sufficient visibility.

## 9.0 AA Screening

- 9.1. I have considered the development seeking 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 site is located c. 558m to the southeast and c. 808m to the northwest of the Special Area of Conservation for Lower River Shannon (002165). The subject site is located c. 2.083km to the northwest of the Special Protected Area for Slievefelim to Silvermines Mountains Special Protected Area.
- 9.2. The development seeking permission consists of the construction of a new single storey dwelling house, entrance, domestic garage, connection to the public sewer and ancillary works.
- 9.3. 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 and the SAC or SPA.
- 9.4. 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.

## 10.0 Water Framework Directive

- 10.1. The application site is located at Foxhall, Newport, Co. Tipperary.
- 10.2. The development seeking permission for the construction of a dwelling, entrance, domestic garage, connection to the public mains and ancillary works.
- 10.3. No water deterioration concerns were raised.

- 10.4. The IE\_SH\_25N020330, Newport (Tipperary)\_040 is located c. 483m to the northwest of the site and flows in a westerly direction. This river is located within the River Sub Basin Newport (Tipperary)\_040.
- 10.5. The IE\_SH\_25A020300, Annagh (Tipperary)\_030 is located c. 710m to the southeast of the site and flows in a southerly direction. This river is located within the River Sub Basin Annagh (Tipperary)\_030.
- 10.6. The groundwater body is the IE\_SH\_G\_213 and is described as a poorly productive bedrock.
- 10.7. The site overlies a poorly productive bedrock which is generally unproductive except for local zones.
- 10.8. Foul water is proposed to be disposed of to the public mains.
- 10.9. 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.
- 10.10. 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.
- 10.11. The reason for this conclusion is as follows:
- Nature of works e.g. small scale and nature of the development
  - Location-distance from nearest surface water bodies and/or lack of hydrological connections.
  - The proposed connection to the public mains
- 10.12. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## 11.0 Recommendation

I recommend that the Commission uphold the decision of the Planning Authority to refuse permission for the proposed development.

## 12.0 Reasons and Considerations

1. Having regard to the location of the site within an 'Area Under Urban Influence' as identified in Section 5.5.2, Table 5.3 and Policy 5-11 in the Tipperary County Development Plan 2022-2028 and to the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April, 2005, which seek to manage the growth of areas that are under urban influence to avoid over-development and to ensure that the provision of single housing in rural areas under urban influence are provided based upon economic, social or exceptional medical circumstances needs to live in a rural area, it is considered that it has not been satisfactorily demonstrated that the applicant comes within the scope of the housing need criteria as set out in the Tipperary County Development Plan 2022-2028 for a house at this location. The proposed development, in the absence of any identified locally based or exceptional medical need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The Commission is not satisfied that the applicant has adequately demonstrated that the proposed sightlines can be achieved in accordance with the requirements of Section 6.1, Tables 6.1 and 6.2 and Section 6.1.1 of Appendix 6 Development Management Standards of the Tipperary County Development Plan 2022-2028. By virtue of the information provided the proposed access would endanger public safety by reason of a traffic hazard or obstruction of road users or otherwise.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

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Carol Hurley

Planning Inspector

25th March 2026

## Form 1 - EIA Pre-Screening

### No EIAR Submitted

<b>Case Reference</b>	PL-500350-TY-25
<b>Proposed Development Summary</b>	Construction of a new single storey dwelling house, entrance, domestic garage, connection to the public sewer and ancillary works.
<b>Development Address</b>	Foxhall, Newport, 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>	
<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 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 checked="" 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>	<p>S. 5 P.2 10(b)(i) construction of more than 500 dwelling units.</p>

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

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

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	PL-500350-TY-25
<b>Proposed Development Summary</b>	Construction of a new single storey dwelling house, entrance, domestic garage, connection to the public sewer and ancillary works.
<b>Development Address</b>	Foxhall, Newport, Co. Tipperary.
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (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).	No demolition works are proposed. Undue use of natural resources will not arise nor will undue pollution or nuisance. Foul water will be managed by a connection to the public mains. Surface water would be managed with soakpits. The development seeking permission will not give rise to risk of accident / disasters or to human health or create a flood risk.
<b>Location of development</b>  (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).	No water courses traverse the site. There is a ditch along the roadside boundary which was dry at time of site visit. The application site is not proximate to any protected sites. There is a recorded monument located to the west of the site however the site is not located within a zone of archaeological potential however a condition regarding archaeological monitoring could be included in the event of a grant of permission.  <b>TN04051</b> (SMR Unlocated) – described as designed landscape – tree ring
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	The development would not have the potential to significantly impact on any ecologically sensitive sites or locations. 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. Foul water is proposed to be managed by connection to the public mains.

<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

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

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)