Inspector's Report

PL-500373-TY-25

Development	The construction of a dwelling house, treatment system, driveway, entrance and all associated site development works.
Location	Grange, Clonmel, County Tipperary.
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	2560241
Applicants	Willie Carrigan and Susan Maher.
Type of Application	Permission.
Planning Authority Decision	Refusal of permission.
Type of Appeal	First Party
Appellants	Willie Carrigan and Susan Maher

Observers	1. Hugh Carrigan 2. Anne Casey
Date of Site Inspection	12th February 2026.
Inspector	Derek Daly

1.0 Site Location and Description

1.1. The development is located within the village of Grange approximately 8 kilometres north west of Clonmel and 2 kilometres west of the village of Knocklofty in County Tipperary. The appeal site fronts onto a local road which defines the site's northern boundary. To the west of the site is a Catholic Church that is listed on the Record of Protected Structures (S167) and on the National Inventory of Architectural Heritage (22208204). The western boundary is defined by a low lying wall. The remaining boundaries adjoin open lands.

1.2. The roadside boundary is defined by a mature hedgerow and trees and there is a public footpath in place between the road edge and the site boundary. To the east of the site is an agricultural access path.

1.3. The site located within the 50kph speed limit.

1.4. The site is relatively flat with a minor fall in the direction of the public road. There is a rise in level to the east along the public road. The lands to the north of the public road are lower than the lands on the southern site of the road.

1.5. The site has a stated area of 0.680 hectares.

2.0 Proposed Development

2.1. The proposed development as received by the planning authority on the 26th March 2025 was for the construction of a dwelling house, treatment system, driveway, entrance and all associated site development works.

2.2. The proposed dwelling is a two storied of a modern design and construction with a stated floor area of 256.7m^2 which has a max height of 9.36 metres with gable depths of 9.8 and 13.975 metres respectively. The design provides for a hipped roof profile. The dwelling is proposed to be located centrally on the site is set back 51 metres from the public road.

2.3. The means of water supply is from an existing public mains water supply. The proposed means of foul effluent disposal is a septic tank system with the WWTP and percolation area located to the rear(south) of the dwelling. A Site Suitability Assessment was submitted which indicates the main target at risk is the Regionally

Important Aquifer, and with High Vulnerability the GWPR is R2. There are no surface water features nor would there appear to be any bored wells. The soil is described as being "Mineral poorly drained", which may inhibit the percolation values onsite, despite experience in the area being of good percolation values. Based on the results of tests a secondary treatment system and soil polishing filter was proposed.

2.4. The applicant submitted a Site Specific Flood Risk Assessment (SSFRA) in support of the application, prepared by IE consulting which outlines a site-specific flood risk analysis and states that the development as proposed will not result in an adverse impact to the existing hydrological regime of the area and will not increase pluvial flood risk to any adjacent lands or properties or elsewhere and is therefore appropriate from a flood risk perspective and assessed the development in the context of the 'Planning System and Flood Risk Management Guidelines, DOEHLG, 2009'; that the proposed development site does not fall within a fluvial, pluvial or groundwater Flood Zone 'A' or Flood Zone 'B' and the proposed development site therefore falls within Flood Zone 'C'.

In accordance with the 'Planning System and Flood Risk Management Guidelines, DOEHLG, 2009', the development as proposed the report indicates is appropriate from a flood risk perspective and is therefore not subject to 'The Sequential Approach' or 'The Justification Test'. The report also outlined recommendations to ensure that surface water runoff from the entrance and driveway does not have the potential to result in an adverse impact to the existing pluvial regime of the area.

2.5. Further information was submitted on the 7th of October 2025 which was deemed to be significant and as a consequence notices of significant further information were received on the 15 October 2025. The further information in addition to responding the planning authority request also included a peer review of the SSFRA.

2.6. The response reiterates the view that the primary flood risk mechanism to the proposed development site relates to potential pluvial flood risk and that the site is not at risk of fluvial flooding.

In relation to the extent and depth of pluvial flooding associated with a 1:1000 year event and including for Climate Change the response indicates that Met Éireann advise that is not appropriate to extrapolate or estimate rainfall returns period greater than the 1 in 120 year rainfall return period due to the inherent inaccuracies involved

and that all elements of the development as proposed (dwelling house, septic tank, percolation area, driveway, site entrance) do not fall within any maximum predictive pluvial flood zone and will not be impacted during the occurrence of an extreme 1 in 120 year + climate change pluvial flood event.

The peer review submitted with the further information response endorses the approach outlined in relation to flood risk assessment.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The decision of the Planning Authority was to refuse planning permission and two reasons were stated.

1. This application seeks permission for the construction of a new dwelling house in the village of Grange, Co. Tipperary. Policy 11-9 of the Tipperary County Development Plan 2022 (11-9) states that it is a policy of the Planning Authority to assess all new developments (both within and outside designated Flood Risk Zones) in line with the 'Staged Approach' and pre cautionary principle set out in the Planning System and Flood Risk Management Guidelines for Planning Authorities. It is a principle of the Planning System and Flood Risk Management Guidelines for Planning Authorities 2009 that inappropriate types of development that would create unacceptable risks from flooding should not be permitted. Having regard to the known pluvial flood risk in the immediate vicinity of the site, it has not been demonstrated to the satisfaction of the Planning Authority that the development proposed would not be at risk of flooding or would not increase the risk of flooding of third party lands during heavy rainfall events. Adopting a precautionary approach, the proposal is considered to be contrary to Policy 11-9 of the Tipperary County Development Plan 2022 and the Planning System and Flood Risk Management - Guidelines for Planning Authorities (2009). The proposed development, by itself or the precedent it would set for other development, would be contrary to the proper planning and sustainable development of the area.

2. Taking into account the flood risk associated with the application site, the Planning Authority is not satisfied that the applicant has demonstrated that treated effluent can

be discharged at the proposed development site without risk to human health or the environment. It is considered, therefore, that the proposed development would be prejudicial to human health and to the environment and would thus be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The planning report dated the 16th May 2025 refers to planning history, submissions received, development plan provisions and an assessment of the development. The report notes the site's location within the development area of Grange and in principle is acceptable.

The issue of flooding in the area is noted and a review of previous applications in the area indicate that the flooding is a consequence of pluvial rather than fluvial flooding. The report notes that a Flood Risk Assessment was submitted and that the submitted data only considers a 1:100 year event and does not consider a 1:1000 year event or a 1:1000 year event with Climate Change provided for.

The report refers to the design of the proposed dwelling noting that there are a number of two storey dwelling in the area. The site itself is large and the dwelling is set back 51 metres from the public road. As such, it is considered that a two storey dwelling at this location would not detract from the visual character of the receiving environment. The dwelling is set 35 metres from the adjacent Church, which is listed on the Record of Protected Structures and the application was discussed verbally with the Architectural Conservation Officer, who raised no serious concerns.

Site services including the entrance are assessed. A septic tank and percolation area as proposed is acceptable subject to confirmation in respect of extent of pluvial flood risk.

Further information was requested in relation to the Flood Risk Assessment and the entrance.

3.2.3. The planning report dated the 30th October 2025 assessed the further information and notes that the primary concern in this area is the risk associated with overland flow arising from rainfall. The Planning System and Flood Risk Guidelines for

Planning Authorities 2009 defines a precautionary approach as the approach to be used in the assessment of flood risk which requires that lack of full scientific certainty, shall not be used to assume flood hazard or risk does not exist, or as a reason for postponing cost-effective measures to avoid or manage flood risk.

3.2.4. The report in noting the details submitted by the applicant, indicated that the Planning Authority is of the opinion that it has not been demonstrated with certainty that the proposal is not at risk of an extreme pluvial event. It is considered that the subject proposal has the potential to exacerbate flood risk off site by diverting overland flows during heavy rainfall events. Adopting the precautionary principle, as advocated in the Flood Risk Guidelines, the Planning Authority is not satisfied that the applicant has addressed concerns about the potential for the proposal to exacerbate flood risk in the wider area during heavy rainfall events. The Planning Authority also considers that the potential susceptibility of the site to flood risk results in concerns in relation to the ability of the proposed WWTS to effectively treat wastewater. As such, the proposal conflicts with Policy 11-9 of the Tipperary County Development Plan 2022 and the Planning System and Flood Risk Management – Guidelines for Planning Authorities and is to be refused.

3.2.5. Refusal was recommended.

3.3. Report of the District Engineer dated the 6th of May 2025 noted that further information on entrance detailing is required.

3.3.1. Report of the District Engineer dated the 22nd October 2025 noted the further information, that the conclusion of the FRA appear to be accurate, refers to a defined drainage flow path for more recent pluvial flooding instances which were created and enhanced by Tipperary County Council who installed a small drainage scheme for the village in recent years and it is hard to see how this development is at more or less risk than any reasonably sited dwelling house around.

3.4. Third party submissions were received which refers the planning history on site and in the wider area and identified a number of similar applications for which permission was refused on flood risk grounds; that the site is at risk of pluvial flooding and that the development proposed has the potential to cause flood risks elsewhere. The submissions also question the suitability of the site to accommodate an on-site waste water treatment system and the potential for groundwater contamination.

4.0 Planning History

4.1.1. On site

P.A. Ref. No. 10122: 4 no. dwelling sites including access and all associated site development works which was refused. Three reasons stated which included flood risk, risk to public health and un-coordinated development.

P.A. Ref. No. 15/600161 – Permission sought for a dwelling, garage, wastewater treatment system and percolation area, entrance and all associated site works which was refused for three reasons which included flood risk, public health and inefficient use of land.

15600155: permission for a dwelling, garage, stables, wastewater treatment system and percolation area, entrance and all associated site works was refused.

P.A. Ref. No. 15600701: Permission for a permeable access road and all associated works which was granted.

P.A. Ref. No.21/916 construction of new entrance and close existing entrance and all associated site works which was granted planning permission.

P.A. Ref. No.22/60271 - Permission sought by the current applicant for the construction a dwelling house, treatment system, driveway, entrance and all associated site development works which was refused. The reason for refusal referred to the Planning Authority is not satisfied, having regard to the information submitted, that the development is acceptable from a flood risk perspective. It is considered therefore that the proposed development would thus be contrary to the proper planning and sustainable development of the area.

4.1.2. Adjoining lands also have had planning applications for development and flood risk is referred to in the reasons for refusal.

5.0 Policy and Context

5.1. **Development Plan**

5.2. **The statutory development plan is the Tipperary County Development Plan 2022-2028.**

5.3. Volume 1 Written statement

Policy 5-2 Facilitate residential development, in accordance with the policy and objectives for residential development for towns and villages, as set out in Volume 2, in the relevant LAPs (and any review thereof) and as set out in the relevant Development Plan for each town (and any review thereof) and the Development Management Standards set out in Volume 3. Relevant policies include;

Policy 5-5 Support and facilitate the delivery of new residential development in towns and villages.

Policy11-7

a) Ensure the protection of water quality in accordance with the EU WFD, and support the objectives and facilitate the implementation of the associated Programme of Measures of the River Basin Management Plan 2018-2021 and any successor.

b) Support an integrated and collaborative approach to catchment management in accordance with the River Basin Management Plan 2018 2021 and any successor.

Policy 11-9

Assess all new developments (both within and without designated Flood Risk Zones) in line with the 'Staged Approach' and pre-cautionary principle set out in the Planning System and Flood Risk Management Guidelines for Planning Authorities, (DEHLG, 2009) and any amendment thereof, and the following:

(a) Require the submission of site-specific Flood Risk Assessments for developments undertaken within Flood Zones A & B and on lands subject to the mid-range future scenario floods extents, as published by the OPW. These Flood Risk Assessments shall consider climate change impacts and adaptation measures including details of structural and non-structural flood risk management measures, such as those relating to floor levels, internal layout, flood-resistant construction, flood-resilient construction, emergency response planning and access and egress during flood events.

(b) SFRAs and site-specific flood risk assessments shall provide information on the implications of climate change with regard to flood risk in relevant locations. The 2009 OPW Draft Guidance on Assessment of Potential Future Scenarios for Flood

Risk Management (or any superseding document) shall be consulted with to this effect.

(c) Ensure each flood risk management activity is examined to determine actions required to embed and provide for effective climate change adaptation as set out in the OPW Climate Change Sectoral Adaptation Plan for Flood Risk Management applicable at the time.

(d) Applications for development on land identified as 'benefitting land' may be prone to flooding, and as such site-specific flood risk assessments may be required in these areas.

Policy11-10

(a) Flood risk assessments shall incorporate consideration of climate change impacts and adaptation measures with regard to flood risk, and,

(b) Flood risk management planning shall determine actions to embed and provide for effective climate change adaptation as set out in the OPW 'Climate Change Sectoral Adaptation Plan for Flood Risk Management' applicable at the time.

Policy15-2

Require that all new septic tanks, proprietary effluent treatment systems and percolation areas to be located and constructed in accordance with the Water Services Guidelines for Planning Authorities (and any review thereof) and the Code of Practice for Domestic waste water treatment systems (EPA, 2021) (and any amendment) and the development management standards of this Plan as set out in Volume 3.

5.4. Volume 2: Settlement Guide and Settlement Plans

5.4.1. The site is located within the development boundary of the settlement of Grange (Clonmel). It is not zoned for a specific use.

5.4.2. Policies include

SO3: To require the submission of Flood Impact Statements, as appropriate, in respect of lands which are liable to flood.

5.5. **National Guidance**

5.5.1. **Flood Management Guidelines, 'The Planning System and Flood Risk Management, Guidelines for Planning Authorities November 2009'**.

5.5.2. The Planning System and Flood Risk management – Guidelines for Planning Authorities" (OPW 2009) outlines guidance in relation to assessment of development in relation to flood risk, with the objectives to avoid inappropriate development in areas at risk of flooding; avoid new developments increasing flood risk elsewhere and ensure effective management of residual risks for development permitted in floodplains.

5.5.3. The guidance outlines that a staged approach should be adopted to flood risk with the application of stages of appraisal and assessment to appraise the adequacy of existing information and to scope the extent of the risk of flooding and a detailed flood risk assessment to assess flood risk issues in sufficient detail and to provide a quantitative appraisal of potential flood risk to a proposed or existing development or land to be zoned, of its potential impact on flood risk elsewhere and of the effectiveness of any proposed mitigation measures.

5.5.4. Section 2.23 refers to flood zones and there are three types or levels of flood zones defined for the purposes of the Guidelines: Flood Zone A where the probability of flooding from rivers and the sea is highest (greater than 1% or 1 in 100 for river flooding or 0.5% or 1 in 200 for coastal flooding); Flood Zone B where the probability of flooding from rivers and the sea is moderate (between 0.1% or 1 in 1000 and 1% or 1 in 100 for river flooding and between 0.1% or 1 in 1000 year and 0.5% or 1 in 200 for coastal flooding); and Flood Zone C where the probability of flooding from rivers and the sea is low (less than 0.1% or 1 in 1000 for both river and coastal flooding). Flood Zone C covers all areas of the plan which are not in zones A or B. A sequential approach is outlined in relation to assessment of proposed development within each flood zone.

5.5.5. Chapter 3 refers to Principles and Key Mechanisms and that the key principles of a risk-based sequential approach to managing flood risk in the planning system are:

- Avoid development in areas at risk of flooding; If this is not possible, consider substituting a land use that is less vulnerable to flooding.
- Only when both avoidance and substitution cannot take place should consideration be given to mitigation and management of risks.

- Inappropriate types of development that would create unacceptable risks from flooding should not be planned for or permitted.
- Exceptions to the restriction of development due to potential flood risks are provided for through the use of a Justification Test, where the planning need and the sustainable management of flood risk to an acceptable level must be demonstrated.

5.5.6. Section 3.1 refers to the principal actions when considering flood risk management in the planning system are that:

- flood hazard and potential flood risk from all sources should be identified and considered at the earliest stage in the planning process; development should preferentially be located in areas with little or no flood hazard thereby avoiding or minimising the risk;
- development should only be permitted in areas at risk of flooding when there are no alternative, reasonable sites available in areas at lower risk that also meet the objectives of proper planning and sustainable development a precautionary approach should be applied, where necessary, to reflect uncertainties in flooding datasets and risk assessment techniques and the ability to predict the future climate and performance of existing flood defences;
- development should be designed with careful consideration to possible future changes in flood risk, including the effects of climate change and / or coastal erosion so that future occupants are not subject to unacceptable risks and flood risk to, and arising from,
- new development should be managed through location, layout and design incorporating Sustainable Drainage Systems and compensation for any loss of floodplain as a precautionary response to the potential incremental impacts in the catchment.

5.5.7. Essentially the guidance outlines that preferably choose lower risk flood zones for new development and ensuring flood risk is reduced to acceptable levels.

5.5.8. Chapter 5 outlines Flooding and Development Management, stages of development management and identification of flood risk and where necessary the application of the justification test. Permission should be refused where flood issues have not

been, or cannot be, addressed successfully and where the presence of unacceptable residual flood risks remain for the development, its occupants and adjoining property.

5.5.9. In relation to assessment of minor proposals in areas of flood risk section 5.28 indicates that *applications for minor development, such as small extensions to houses, and most changes of use of existing buildings and or extensions and additions to existing commercial and industrial enterprises, are unlikely to raise significant flooding issues, unless they obstruct important flow paths, introduce a significant additional number of people into flood risk areas or entail the storage of hazardous substances. Since such applications concern existing buildings, the sequential approach cannot be used to locate them in lower-risk areas and the Justification Test will not apply. However, a commensurate assessment of the risks of flooding should accompany such applications to demonstrate that they would not have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities. These proposals should follow best practice in the management of health and safety for users and residents of the proposal*.

5.5.10. Appendix A refers to the Identification and Assessment of Flood Risk and section 1.5.1 in particular to flooding from other sources and that identification and assessment of flooding from sources other than the coast and rivers, such as overland flow can be more complex than river and coastal flooding but it is essential that they be considered and, if necessary, addressed.

The guidance includes technical appendices in relation to the identification and assessment of flood risk and addressing flood risk management in design of development and that a range of interactive mapping (GIS), topographical analysis and overland routing techniques can be used to assess and map flood risk from other sources as part of detailed assessment to provide an indication of overland flow routes and areas prone to surface water flooding that are not identified by flood zone mapping and that surface water flood risk mapping generally requires a 3 dimensional representation of the area of interest,

5.5.11. Appendix B refers to Addressing Flood Risk Management in Design of Development of which is to provide information on how new development in flood risk areas should be planned, designed and constructed to reduce and manage flood risk and be adaptable to changes in climate.

5.6. **Met Éireann Technical Note No. 68 Estimation of point rainfall frequencies in Ireland**.

5.6.1. The goal of this research paper was to calculate return values for various return periods for specific rainfall thresholds ranging from 1 to 25 days and for 15 minutes to 24 hours based on data up to 2021 and according to the depth duration-frequency model for use in building design in support of Action 203 of Ireland's Climate Action Plan 2021 - Develop specific climate maps and data for use in building design to enhance resilience in support of climate change adaptation and to support the National Adaptation Framework.

5.6.2. In relation to A depth-duration-frequency (DDF) model is a method to estimate a rainfall amount it is indicated that although very long return values can be calculated, such as once in 1000-year levels from the fitted distribution, the confidence in such results may be minimal as the length of the return period is considerably greater than the period covered by the sample of extremes. Therefore, estimating return levels for very long return periods is susceptible to large sampling errors and possible large biases owing to imprecise comprehension of the shape of the tails of a distribution. In general, confidence in a return level diminishes quickly when the return period is more than twice the length of the original historical dataset. Therefore, in this research, return values are presented for return periods of 2, 5, 10, 20, 50, 100 and 120 years.

5.7. **Natural Heritage Designations**

5.7.1. The subject site is not located within a site designated as a Natura 2000 site or NHA/pNHA.

6.0 EIA Screening

6.1. The proposed development has been subject to preliminary examination for environmental impact assessment and in this regard, I refer to Form 2 in Appendix 1 of this report.

7.0 The Appeal

7.1. Grounds of Appeal

The appellants grounds of appeal in summary refer to;

- The appellants refer to the submissions made to the planning authority in relation to flood risk and that the consultant's report has demonstrated that there is no flood risk to the proposed site and a summary of the report is submitted with the grounds of appeal.
- The report was peer reviewed by an independent flood risk expert who was the lead author of the national guidelines on flood risk management.
- The summary report in relation to flood risk assessment indicates a detailed stage 3 Site Specific Flood Risk Assessment was prepared which included a detailed hydrological analysis and a detailed 2D pluvial modelling exercise.
- The output of the Stage 3 assessment categorically demonstrates that the proposed development site does not fall within a present day scenario or future climate change scenario fluvial flood zone "A" or "B" and does not fall within an extreme 1 in 100 year+ climate change pluvial zone.
- Further analysis was submitted in a response to a request for further information which included additional 2D fluvial modelling up to the 1 in 120+climate change rainfall event and utilised Met Eireann data as this is the maximum rainfall scenario where reliable and realistic rainfall data can be used for analysis as advised by Met Eireann as it is not recommended to extrapolate rainfall data beyond a 1 in 120 rainfall event.
- There is no reliable data to assess a 1 in 1000 year + climate change rainfall event as requested by the planning authority.
- A 1 in 1000 year in the context of the Planning Guidelines only applies to Flood Zone B and to fluvial and coastal flooding and not to pluvial flood risk.
- The Stage 3 site specific Flood Risk Assessment and 2D modelling information submitted including the further information complies with the Planning Guidelines and passes the Justification Test.

- The Flood Risk Assessment meets the requirements of the CDP and is considered best practice.
- In Grange there is a defined flow route to the northern side of the church which is served by a ditch on the northern side of the road and does not pass through or impact on the area where the dwelling is planned. The site is not within this defined route or path.
- The property has been placed above and out with the predicted pluvial flood wet cells.
- Reference is made to developments in the vicinity granted by the planning authority which fall within a predictive pluvial zone and the planning authority did not raise concerns in relation to these developments.
- The planning authority has not provided any alternative analysis to demonstrate the site falls within a pluvial zone.
- There is no historical, anecdotal, recorded or photographical to demonstrate the proposed development site is subject to potential pluvial flood risk and it is not appropriate for the planning authority to refuse the development in the absence of any substantive information.

7.2. Planning Authority Response

7.2.1. The planning authority has not submitted a response to the appeal submission.

7.3. Observer Submission

7.3.1. The observer Hugh Carrigan in a submission in summary refers to;

- The decision of the planning authority is agreed with.
- The high risk of flooding on the landholding is well documented in previous decisions.
- An extract from a OPW report with photographs clearing showing water flow in Grange is submitted and the applicants have not addressed the serious concerns of flooding.

- The lands to the south west, west, north west and north of Grange village all contribute to flooding.
- The flow route to the north referred to in the FRA cannot take the volume of water in periods of high and persistent rainfall and the submission refers to flooding to other properties which have as a consequence arisen.
- Reference is made to the topography and geology(limestone) of the area around Grange which exacerbates surface water flooding issues from topographical runoff resulting to severe flood risk to properties and risks of sewerage inundation and impact on ground water and to an extremely vulnerable aquifer.
- Reference is made to the presence of a turlough 380 metres from the site and there is no assessment of the discharge from this water feature.

7.3.2. The observer Anne Casey in a submission in summary refers to;

- The observer reiterates her objection to the proposed development.
- The report submitted in relation to flood risk in section 2.3 fails to mention the known, frequent and serious flooding in the area.
- The highly vulnerable aquifer and turlough in the area is not referred to.
- Reference is made to drains in the area and the northern side of the road.
- It is disingenuous to state that the land holding is unlikely to flood or affect flooding in the area.
- Any new house will increase run off which has to flow somewhere potential impacting on properties and posing a risk to groundwater.
- Reference is made to the absence of suitable sewage treatment options.
- The precautionary approach by the planning authority is warranted.

8.0 **Assessment**

8.1. The main issues in this appeal relate to the principle of the development, and to the matters raised in the grounds of appeal and site specific issues and in this regard the

issue of flood risk is the primary issue arising. Appropriate Assessment also requires to be considered. I am satisfied that no other substantive issues arise.

8.2. **The principle of the development**

8.2.1. The proposal as submitted is as indicated in public notices for the construction of a dwelling house, treatment system, driveway, entrance and all associated site development works. The site is located within the village of Grange and the principle of a dwelling on the site is acceptable subject to considering issues specific to the site in particular the issue of flooding and matters related to flooding.

8.2.2. It is also considered that given the separation distance from the church on the adjacent site and the location of the dwelling which is set back further from the public road the proposed development will not impact on the character and setting of the protected structure.

8.3. **Grounds of appeal**

8.3.1. The grounds of appeal primarily consider the issue of flood risk.

8.4. **Flood Risk**

8.4.1. The planning authority decision to refuse planning permission stated two reasons. The first reason specifically refers to policy 11-9 of the Tipperary County Development Plan 2022 assess all new developments (both within and outside designated Flood Risk Zones) in line with the 'Staged Approach' and pre cautionary principle set out in the Planning System and Flood Risk Management Guidelines for Planning Authorities and that inappropriate types of development that would create unacceptable risks from flooding should not be permitted. Having regard to the known pluvial flood risk in the immediate vicinity of the site, it has not been demonstrated to the satisfaction of the Planning Authority that the development proposed would not be at risk of flooding or would not increase the risk of flooding of third party lands during heavy rainfall events and adopting a precautionary approach, the proposal is considered to be contrary to Policy 11-9 of the Tipperary County Development Plan 2022 and the Planning System and Flood Risk Management - Guidelines for Planning Authorities (2009).

8.4.2. The second reason is also related to the issue of flood risk and that the Planning Authority is not satisfied that the applicant has demonstrated that treated effluent can

be discharged at the proposed development site without risk to human health or the environment.

8.4.3. In the grounds of appeal, the appellants refer to the submissions made to the planning authority in relation to flood risk and that the consultant's report has demonstrated that there is no flood risk to the proposed site. The flood risk report was peer reviewed by an independent flood risk expert who was the lead author of the national guidelines on flood risk management which concurred with the findings of the flood risk report. In relation to flood risk assessment a detailed stage 3 Site Specific Flood Risk Assessment was prepared which included a detailed hydrological analysis and a detailed 2D pluvial modelling exercise. The output of the Stage 3 assessment categorically demonstrates that the proposed development site does not fall within a present day scenario or future climate change scenario fluvial flood zone "A" or "B" and does not fall within an extreme 1 in 100 year+ climate change pluvial zone.

Further analysis was submitted in a response to a request for further information which included additional 2D fluvial modelling up to the 1 in 120+climate change rainfall event and utilised Met Éireann data as this is the maximum rainfall scenario where reliable and realistic rainfall data can be used for analysis as advised by Met Éireann as it is not recommended to extrapolate rainfall data beyond a 1 in 120 rainfall event. There is no reliable data to assess a 1 in 1000 year + climate change rainfall event as requested by the planning authority. A 1 in 1000 year in the context of the Planning Guidelines only applies to Flood Zone B and to fluvial and coastal flooding and not to pluvial flood risk.

The Stage 3 site specific Flood Risk Assessment and 2D modelling information submitted including the further information complies with the Planning Guidelines and passes the Justification Test. The Flood Risk Assessment meets the requirements of the CDP and is considered best practice.

In Grange there is a defined flow route to the northern side of the church which is served by a ditch on the northern side of the road and does not pass through or impact on the area where the dwelling is planned. The site is not within this defined route or path. The property has been placed above and out with the predicted pluvial flood wet cells.

The response also noted reference to developments in the vicinity granted by the planning authority which fall within a predictive pluvial zone and the planning authority did not raise concerns in relation to these developments.

It is contended that the planning authority has not provided any alternative analysis to demonstrate the site falls within a pluvial zone. There is no historical, anecdotal, recorded or photographical to demonstrate the proposed development site is subject to potential pluvial flood risk and it is not appropriate for the planning authority to refuse the development in the absence of any substantive information.

8.4.4. In relation to assessment of flood risk the importance of avoidance of development which would contribute to an increased flood risk is acknowledged and stressed in national guidance and this is also reflected in the stated provisions of the CDP. The Flood Management Guidelines, 'The Planning System and Flood Risk Management, Guidelines for Planning Authorities November 2009 and the appendices outline in detail the approach to be adopted in relation to assessment of flood risk with a staged methodology to be adopted.

8.4.5. The submissions submitted by the applicant in the initial report and the further information response I consider largely follows the guidance as set in the Flood Management Guidelines, 'The Planning System and Flood Risk Management, Guidelines for Planning Authorities November 2009'.

8.4.6. The guidance requires that a staged approach should be adopted to flood risk with the application of stages of appraisal and assessment to appraise the adequacy of existing information and to scope the extent of the risk of flooding. Having carried out this the guidance then requires a detailed flood risk assessment to assess flood risk issues in sufficient detail and to provide a quantitative appraisal of potential flood risk to a proposed or existing development or land to be zoned, of its potential impact on flood risk elsewhere and of the effectiveness of any proposed mitigation measures.

8.4.7. In relation to the current site, I have reviewed the OPW flood data and the documentation in relation to flooding and flood maps as referred to in the documentation.

8.4.8. Section 3 of the SSFRA report is an initial flood risk screening assessment and the possible flooding mechanisms in consideration of the site and that the primary potential flood risk to the proposed development site can be attributed to an extreme

pluvial flood event, due to overland flow from the elevated lands to the north, north-east, west and south of the site. Potential secondary flood risk can be attributed to an extreme groundwater flood event due to potential discharge from the mapped groundwater feature located approximately 380m south-west of the site boundary.

8.4.9. A review of the documentation and submissions would indicate that the site is not within a flood zone A or B and any consideration of flood risk would therefore be in the context of flood zone C. It is also noted based on the documentation that any assessment of flood risk would be in relation to pluvial related flooding which is not disputed by any parties to the appeal, the appellants, Planning Authority and observers.

8.4.10. The appellants have carried out a detailed screening assessment in relation to flood risk as outlined in section 4 of the SSFRA. Figure 3 illustrates an extract from the indicative flood map in the vicinity of the proposed development site. The OPW PFRA flood mapping indicates that the proposed development site does not fall within an indicative fluvial, pluvial or groundwater flood zone. An indicative pluvial flood zone is mapped beyond the eastern and northern boundaries of the site and it is stated it does not encroach within the site boundary. The report noted that the extent of flooding illustrated on these maps was developed using a low resolution digital terrain model (DTM) and illustrated flood extents are intended to be indicative only and the flood extents mapped on the OPW PFRA maps are not intended to be used on a site specific basis. It is also noted and indicated in figure 4 that the OPW Flood Info Website was consulted in relation to available historical or anecdotal information on any flooding incidences or occurrences recorded in the vicinity of the proposed development site which indicates that there are no recorded recurring flood events located within the general vicinity of the proposed development site. Historical O.S. mapping does not indicate any historical or anecdotal instances of flooding within or adjacent to the boundary of the proposed development site and also GSI Groundwater Mapping indicates no areas of predictive or historical groundwater or surface water flooding located at or in the immediate vicinity of the site.

8.4.11. The overall finding of screening I consider would indicate that the development/appeal site itself would not be likely to be flooded but the does indicate areas immediate to and in the vicinity of the site are potentially are at risk of flooding.

8.4.12. Section 5 of the SSFRA is a scoping stage which identifies the primary potential flood risk to the proposed development site can be attributed to an extreme pluvial flood event, due to overland flow from the elevated lands to the north, north-east, west and south of the site and also that a potential secondary flood risk can be attributed to an extreme groundwater flood event due to potential discharge from the mapped groundwater feature located approximately 380m south-west of the site boundary. Instances of pluvial flooding in the Grange area during November 2009 have also been assessed and considered as part of this Site Specific Flood Risk Assessment.

8.4.13. Section 6 of the report assesses flood risk based on the scoping and a 2D Surface Water Runoff Model was developed to provide a more accurate, robust and site specific determination of potential pluvial flood risk to the proposed development site. A 2D direct rainfall model was also developed utilising the Flood Modeller Pro software package, which utilises a detailed Digital Terrain Model (DTM) of the site area and surrounding lands and specific extreme rainfall data for the area obtained from Met Éireann.

Depth Duration and Frequency (DDF) data was used to provide the one hour, two hour, three hour, and four hour event duration depths for the 1% AEP (1 in 100 year) storm event. The impact of potential future climate change on potential pluvial flooding has also been accounted for within in the 2D surface water model. The Mid-Range Future Climate Change Scenario (MRFS) allows for an increase of 20% in rainfall amounts as per OPW 'Flood Risk Management Climate Change Sectorial Adaptation Plan' (2015-2019). The pluvial flood extents within the total 2D domain active area (maximum catchment and watershed area of lands to the north, south, east and west of the proposed development site) as outputted by the 2D pluvial model which are illustrated in Figure 11 of the SSFRA.

Figure 12 illustrates this information at the site level which indicates the proposed development site does not fall within a predictive 1% AEP + CC (1 in 100 years + climate change) pluvial flood zone. Predictive pluvial flooding is mapped within lands adjacent to the boundary of the site; however, these do not encroach the site boundary.

Figure 15 indicates that all elements of the development as proposed (dwelling house, septic tank, percolation area, driveway, site entrance) do not fall within any maximum predictive pluvial flood zone and will not be impacted during the occurrence of an extreme 1% AEP+CC (1 in 100 year + climate change) pluvial flood event.

8.4.14. Chapter 7 of the SSFRA report is a discussion of the site-specific flood risk analysis and states that the development as proposed will not result in an adverse impact to the existing hydrological regime of the area and will not increase pluvial flood risk to any adjacent lands or properties or elsewhere and is therefore appropriate from a flood risk perspective and the vehicular access to and egress from the proposed development site would not be impeded or restricted during the occurrence of an extreme pluvial flood event. It also specifically considers the turlough to the south of the site indicating it is not a karst feature such as a turlough or swallow hole.

8.4.15. Chapter 8. refers to the development in the context of the 'Planning System and Flood Risk Management Guidelines, DOEHLG, 2009', that three flood zones are designated in consideration of flood risk to a particular development site; that the proposed development site does not fall within a fluvial, pluvial or groundwater Flood Zone 'A' or Flood Zone 'B' and the proposed development site therefore falls within Flood Zone 'C'. In accordance with the 'Planning System and Flood Risk Management Guidelines, DOEHLG, 2009', the development as proposed is appropriate from a flood risk perspective and is therefore not subject to 'The Sequential Approach' or 'The Justification Test'.

8.4.16. Chapter 9. of the report is a summary and conclusions and in which conclusions and recommendations are made in respect of the proposed development site.

Among the recommendations it was recommended that the proposed development entrance and access driveway be maintained as a permeability surface as this will ensure that surface water runoff from the entrance and driveway does not have the potential to result in an adverse impact to the existing pluvial regime of the area. It was recommended that surface water runoff from the proposed dwelling house discharges to a suitable soakaway system designed and constructed in accordance with BRE365 as this will ensure that surface water runoff from the entrance and

driveway does not have the potential to result in an adverse impact to the existing pluvial regime of the area.

8.5. Further information was submitted on the 7th of October 2025 which clarifies the position in relation to the potential impact of outflow and discharge from the groundwater feature south west of the site during an extreme rainfall event this has been specifically accounted for in the 2D pluvial modelling exercise and utilising extremely conservative parameters and hereby confirm that the pluvial flood extent mapping illustrated in Figure 12 of the previously submitted Site Specific Flood Risk Assessment has specifically accounted for outflow and discharge from this groundwater feature during an extreme rainfall event.

8.5.1. The further information also addresses the issue of applying modelling based on data in relation to the extent and depth of pluvial flooding associated with a 1:1000 year event and including for Climate Change and that is not standard procedure to assess potential pluvial flood risk in consideration of a 1 in 1000 year event and that Met Éireann advise that is not appropriate to extrapolate or estimate rainfall returns period greater than the 1 in 120 year rainfall return period due to the inherent inaccuracies involved and therefore, no accurate or reliable estimated or extrapolated rainfall data in consideration of a 1 in 1000 year rainfall event is currently available in order to undertake a 1 in 1000 year 2D pluvial modelling exercise at this location.

8.5.2. All elements of the development as proposed it is contended (dwelling house, septic tank, percolation area, driveway, site entrance) do not fall within any maximum predictive pluvial flood zone and will not be impacted during the occurrence of an extreme 1 in 120 year + climate change pluvial flood event. The peer review submitted with the further information response endorses the SSFRA and that it complies with the Planning System and Flood Risk Management Guidelines and passes the Justification Test (JT).

8.6. I note in relation to flooding in the area, that the documentation submitted refers to an incidence of flooding on lands and on the road to the east of the appeal site although it is noted that mapping on www.floodinfo.ie does not specifically refer to this flooding. The modelling presented in the SSFRA does however identify a risk of flooding on these lands and the public road.

8.6.1. The documentation also refers to overland flows in the vicinity of the site in particular on the northern side of the road. It is noted in this regard that the report of the district engineer refers to a defined drainage flow path for more recent pluvial flooding instances which were created and enhanced by Tipperary County Council who installed a small drainage scheme for the village in recent years. Details in relation to when these works occurred is not stated but at the time of inspection, I noted that there appears to be a road gully located on the southern side of the public road along the site frontage which would collect surface water.

8.6.2. Specifically in relation to whether the modelling produced should have been based in a 1 in 1,000 year event as requested by the planning authority the appellant has contended that the modelling produced is based on a 1 in 120 year return and applying a 1 in 120 year return applies best available data and Met Éireann Technical Note No. 68 Estimation of point rainfall frequencies in Ireland would support the view that in estimating a 1 in 1,000 rainfall event the confidence in such results may be minimal as the length of the and is susceptible to large sampling errors.

8.6.3. Having reviewed the documentation and Met Éireann Technical Note No. 68 modelling based on a 1 in 120 years with provision for climate change as presented by the appellant is I consider reasonable. There is nothing to suggest that extrapolating a model applying a 1 in 1000 year scenario provides a confidence of the data for robust assessment.

8.6.4. Having considered the documentation as submitted I consider that the Flood Risk Assessment as submitted is robust and generally complies with the provisions as outlined in the Planning System and Flood Risk Management Guidelines for Planning Authorities.

8.6.5. The Flood Risk Assessment has I consider complied with identification of potential risk of flooding arising from the development having examined available data through an initial process of screening, it scoped the existing risk of flooding to provide a quantitative appraisal of potential flood risk arising from the proposed or existing development and its potential impact on flood risk elsewhere.

8.6.6. Specifically, the appeal site itself is not at risk of flooding based on the documentation submitted and any historical mapping and information but given its

proximity to a historical recorded flood event it is equally important that any development on the site should not potentially contribute to flooding off the site onto lands and the public road arising from any discharge off the site at a rate which would exceed current discharge and in order to demonstrate this it is I consider necessary to provide a quantitative appraisal of potential impact of flood risk arising from the proposed on lands elsewhere and of the effectiveness of any proposed mitigation measures in this regard.

8.6.7. In relation to this I would note therefore that the guidelines in section 3.1 refers to new development which should be managed through location, layout and design incorporating Sustainable Drainage Systems. The recommendations of the SSFRA makes specific reference in the recommendations that surface water runoff from the proposed dwelling house discharges to a suitable soakaway system designed and constructed in accordance with BRE365 as this will ensure that surface water runoff from the entrance and driveway does not have the potential to result in an adverse impact to the existing pluvial regime of the area.

8.6.8. Applying the precautionary principle which is also referred to in the national guidance, this recommendation is I consider of critical importance and that any development constructed should not contribute to a risk of flooding and demonstrated in particular as there is a historical incidence of flooding in the immediate area to the north and east of the site and the modelling indicated the potential of such flooding in the Grange area.

8.6.9. In relation to storm/surface water the details submitted with the planning application does not indicate specific details in relation to storm/surface water drainage other than two soakaways with no details in relation to the sizing and construction of these soakaways.

8.6.10. Given the sensitivity of flooding, I consider that a surface water management plan designed to incorporate a robust attenuation system in relation to surface water drainage with soakpits designed and constructed based on calculations of anticipated discharges arising from hard and soft surfaces in addition to other measures in accordance with BRE 365 Digest Soakpit Design would be entirely appropriate to have been submitted to ensure that in an extreme rainfall event or potential risk of pluvial flooding the proposed development does not contribute to that

risk. In relation to this the SSFRA does specifically refer to this requirement to mitigate potential risk.

At a minimum applying the precautionary principle of not contributing to a potential increased flood risk this information should have been submitted to eliminate of quantify the risk notwithstanding the limited site area. In the absence of such details the potential to add to a risk of flooding in the area cannot be eliminated as there is no detailed analysis or quantifiable details of the measures proposed to eliminate the risk. In that context the precautionary principle as outlined in the guidelines should apply as the onus is on the applicant to demonstrate through robust documentation that quantifiable potential risks are evaluated and measures proposed to address contributing to flood risk.

8.7. Public health

8.7.1. The second reason for refusal refers to taking into account the flood risk associated with the application site, the Planning Authority is not satisfied that the applicant has demonstrated that treated effluent can be discharged at the proposed development site without risk to human health or the environment. It is considered, therefore, that the proposed development would be prejudicial to human health and to the environment and would thus be contrary to the proper planning and sustainable development of the area.

8.7.2. In the documentation submitted with the planning application a Site Suitability Assessment was submitted Table3.2 of the EPA Code of Practice (CoP) for Domestic Wastewater Treatment Systems for a PE of 6. The assessment considered the site and tested in the context of the site overlain a regionally important aquifer, with high vulnerability R2. A minimum of 1.20m of unsaturated soils/subsoils would be required beneath the invert level of the trenches, as detailed on Table 6.3 of the EPA CoP 2021. The results do not appear to indicate issues in relation to percolation and issue of flooding in the area it would appear arise from overland flows rather than subterranean flows but discharges within the site from the WWTP and in relation to surface/storm water require to be evaluated collectively.

8.7.3. The testing on the site indicated suitability in relation to percolation and the site is of sufficient area to accommodate a septic tank, soil polishing filter and percolation area but the issue of percolation is also related to how storm/surface water is

managed on the site as this it is proposed will be discharged and filtered within the site.

8.7.4. In the absence of robust quantifiable details in relation to the overall management of water on the site and applying the precautionary principle I do not consider that the applicant has demonstrated that treated effluent can be discharged at the proposed development site without risk to human health or the environment.

8.8. **Site specific issues**

8.8.1. Design of the dwelling.

The dwelling as proposed is for a two storied dwelling of modern design and construction. I would have no objections to the details as submitted. It is sufficiently removed from the Church to the west which is a protected structure to not impact on the structure or its setting.

8.8.2. Traffic

The site is located within the village and sited on a relatively straight section of road within a 50kph speed limit. The provision of an entrance would not present issues in relation to a traffic hazard.

9.0 AA Screening

9.1. I have considered the proposal for the retention the construction of a dwelling house, treatment system, driveway, entrance and all associated site development works.

9.2. The subject site is located within a village. The development comprises in effect a relatively minor development as outlined in section 2 in the Inspectors report. 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 European Site. The reason for this conclusion is as follows; the nature of the development, the distance to designated sites and the absence of pathway to these sites.

9.3. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects and likely significant effects are excluded

and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Recommendation

10.1. I recommend that permission be refused.

11.0 Reasons and Considerations

1. Having regard to the nature of the development, to the history of flooding in the vicinity of the site and to the provisions of the Flood Management Guidelines, 'The Planning System and Flood Risk Management, Guidelines for Planning Authorities November 2009' and the stated provisions of the current Tipperary County Development Plan 2022-2028 in relation to the assessment of development in relation to flood risk assessment, it is considered that the development as proposed will give rise to the potential of increased run off from hard and soft surfaces in relation to surface water and storm water over what currently occurs and the details as submitted do not provide a satisfactory level of detail to indicate that the increased run off arising from the development can be attenuated in a satisfactory manner as not to contribute to additional water flows off the site in the event of an extreme pluvial event and consequently impacting other lands and the public road. In particular the proposed documentation does not provide for a storm/surface water drainage system with soakpits designed and constructed based on quantified calculations of anticipated discharges arising from hard and soft surfaces in addition to other measures in accordance with BRE 365 Digest Soakpit Design.

   The proposed development therefore would be contrary to the provisions as stated in the Planning System and Flood Risk Management, Guidelines for Planning Authorities November 2009' which sets out an overriding objective to avoid inappropriate development in areas at risk of flooding; avoid new developments increasing potential flood risk elsewhere; that new development in flood risk areas should be planned, designed and constructed to reduce and manage flood risk and be adaptable to changes in climate; that proposals

should provide for the effectiveness of any proposed mitigation measures in relation to addressing flood risk which it is considered has not been satisfactorily addressed and that in the overall assessment the pre cautionary principle where these matters are not addressed. The development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Taking into account the flood risk associated with the application site and the absence of details in relation to management of surface/storm water on the site, An Coimisiún Pleanála is not satisfied that the applicant has demonstrated that treated effluent can be discharged satisfactorily at the proposed development site without presenting a risk to human health and the environment. It is considered, therefore, that the proposed development would be prejudicial to human health and to the environment and would thus be contrary to the proper planning and sustainable development of the area.

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

Derek Daly
Planning Inspector

26th February 2026

Form 1 - EIA Pre-Screening

Case Reference	PL500373-TY-25
Proposed Development Summary	The construction of a dwelling house, treatment system, driveway, entrance and all associated site development works.
Development Address	Grange, Clonmel, County Tipperary.
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?	☐ **X Yes**, it is a 'Project'. Proceed to Q2.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ , it is a Class specified **in Part 1.**	**Yes**
☐ **X Yes,**	
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?	
x No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. **No Screening required.**	
No, the proposed development is of a Class and meets/exceeds the threshold.	
No , the proposed development is of a Class but is sub-threshold. **Preliminary examination required. (Form 2)**	

Yes	

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	**Screening Determination required (Complete Form 3)**
No X☐	**Pre-screening determination conclusion remains as above (Q1 to Q3)**

Inspector: Derek Daly Date: 26th February 2026

Form 2 - EIA Preliminary Examination

Case Reference	PL500373-TY-25
Proposed Development Summary	The construction of a dwelling house, treatment system, driveway, entrance and all associated site development works.
Development Address	Grange, Clonmel, County Tipperary.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (	*The development comprise a modest development. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.*
Location of development (	*The development is situated within a village. The development is not located in close proximity to sensitive natural habitats, designated sites and landscapes of identified significance in the County Development Plan*
Types and characteristics of potential impacts	*Having regard to the nature of the proposed development and noting flood risk associated with the area but that impacts are localised only and no*

	likely significant effects on the environment are anticipated and therefore there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	**Conclusion in respect of EIA**
There is no real likelihood of significant effects on the environment.	**EIA is not required.**
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	**No**
There is a real likelihood of significant effects on the environment.	**No**

Inspector: Derek Daly Date: 26th February 2026