



Development

Permission for agricultural shed, alteration and extension to dwelling house and demolition works.
RETENTION of existing temporary log cabin for use as temporary accommodation during the construction works and all associated works.

Location

Kilmore, Lisronagh, Clonmel Co. Tipperary.

Planning Authority

Tipperary County Council

Planning Authority Reg. Ref.

2560816

Applicant(s)

Gerard Purcell Jnr.

Type of Application

Retention and Permission

Planning Authority Decision

Split Decision

Type of Appeal

First Party Normal Planning Appeal

Appellant(s)

Gerard Purcell Jnr.

Observer(s)

None

Date of Site Inspection

27th April 2026

Inspector

Patricia Byrne

1.0 Site Location and Description

- 1.1. The appeal site, extending to a stated area of 0.820Ha. is located at Kilmore, Lisronagh Co. Tipperary. The property is approximately 5.0km north-east of Clonmel town centre. The site contains an existing split level dwelling house, yard areas fronted by agricultural sheds, smaller outbuildings and a detached single storey log cabin.
- 1.2. The property is accessed by 3 no. entrances, 2 no. from the L-6502 serving the dwelling house and the northern farmyard area and a further entrance from the south.
- 1.3. The surrounding area is in agricultural use, interspersed by neighbouring farm holdings and rural dwelling houses. The river Moyle flows to the north of the site.

2.0 Proposed Development

- 2.1. The development as described in the application and public notices contains a number of components. Broadly, permission is sought for a new extension to the existing dwelling, the construction of a general agricultural shed and permission to retain a log cabin for temporary accommodation during the construction period.
- 2.2. In relation to the dwelling house, floor plans indicate the demolition of existing outhouses and a kitchen/lounge and utility area to facilitate the construction of an open plan kitchen/dining/living area extending to 90sq.m with an overall height to 6.6m. The extension will attach to the east of the dwelling.
- 2.3. The total number of bedrooms within the dwelling will remain at four.
- 2.4. A number of lean-to sheds and outhouses will be demolished to accommodate a new agricultural shed to the west of the site, fronting an existing yard. The structure, finished in a plaster base with agri-sheeting to its elevations, will extend to 534sq.m in area, and has an overall height of 9.5m. The structure is to be used for general agricultural storage.
- 2.5. A new concrete yard extending to a stated 738sq.m is to be provided west of the agricultural building, with a further yard intended to the north-east, extending to 340sq.m.
- 2.6. A log cabin is currently located to the north-western corner of the site, adjacent the entrance from the public road. The structure has a stated floor area of 24.7 sq.m and

a height of 3.75m. Internally, accommodation comprises a bathroom, one-bedroom, and a kitchen/dining/lounge area. A small timber deck is covered by the roof overhang, and the structure sits on a gravel parking/circulation area bounded by a grass lawn.

- 2.7. Existing water supply to the property is stated to be via a private well. Wastewater from the existing dwelling house discharges to a septic tank shown located on the opposite side of the road to the north. A separate system is shown to serve the log cabin.

Note: The wastewater system serving the dwelling is shown outside the red line application site boundary of the site.

3.0 Planning Authority Decision

3.1. Decision

- 3.2. Tipperary County Council by Order dated 14th January 2026 issued a split decision, deciding under Schedule One to Grant Permission for the agricultural shed for use as general farm storage; yards; extension to the dwelling house; and demolition works. Permission to retain the log cabin as temporary accommodation was Refused Permission.

- 3.3. The Reason for Refusal read as follows:

This application pertains to the retention of an existing log cabin (and associated waste water infrastructure) for use as temporary accommodation at a site in an unserviced rural location. It is an objective of the Tipperary County Development Plan 2022 (Policy 15-2) that all new septic tanks be located and constructed in accordance with the EPA Code of Practice -Domestic waste water treatment systems (EPA, 2021) (and any amendment thereof).The waste water treatment proposals for the temporary on site accommodation, which include the collection and land spreading of waste waters, are not in accordance with the EPA Code of Practice 2021 -Domestic Waste Water Treatments Systems publication and would therefore be contrary to a stated policy of the Tipperary County Development Plan 2022 (Policy 15-2). The proposal to retain the temporary onsite accommodation would therefore be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

3.3.1. Conditions

9 no. conditions were contained within Schedule Two. The following are noted:

Condition No. 3

The storage shed permitted herein shall be used for agricultural purposes only.

Condition No. 4

All surface water runoff from roofs, driveways and paved areas shall be collected and disposed of within the curtilage of the site by means of soak pits. Surface water runoff shall not be allowed to discharge onto the public road or adjoining properties

Condition No. 5

- (a) Sightlines shall be taken from a point 2.4 metres back from the road edge at the centre of the proposed access to a point 120 metres to the north west and 90 metres to the south east at the nearside road edge. The roadside boundary within the sight distance triangle shall be lowered to a height of 1 metre and shall be maintained at that height in perpetuity.*
- (b) Where roadside boundary is removed, a new roadside boundary hedge shall be constructed, the new roadside boundary shall compose of an earthen bank to a consolidated height of 1.2 metres that shall be planted with shrubs suitable for hedging and common to the locality (e.g. holly, hawthorn, blackthorn, ash, elder, bramble etc.) All landscaping and planting shall take place in the first planting season following occupation of the dwelling. Details of the proposed roadside boundary treatment shall be included in the landscaping details to be submitted to the Planning Authority.*
- (c) ESB, Telecom poles or services connections on roadside shall be removed and either setback to the new fence line or laid underground in agreement with the service provider.*

(d) The area between road boundary and road carriageway shall be trimmed and rolled level with the carriageway, top soiled, seeded with grass and thereafter maintained without obstruction, trim and tidy.

3.4. Planning Authority Reports

3.4.1. Planning Reports

The initial planning report indicated no land use objection to the expansion of the farm enterprise or to the domestic extension given the established residential use on site. The report noted that the temporary accommodation had been in place for a significant period of time (not specified) and that under normal circumstances, the planning authority would be agreeable to permitting such accommodation for the duration of the construction (12 month period), noting that a separate waste water treatment system should not be provided. The report culminated in a request for Further Information in relation to the duration of the construction phase and length of time the temporary accommodation was required for; details of wastewater treatment arrangements for the log cabin; demonstration of sightlines at the entrance given the intensification of use proposed and clarity as to the status of other agricultural buildings on site and if same were to be retained.

A subsequent planning report examined the response to the Further Information noting that as the applicant was undertaking the works himself, a longer than normal period for the temporary accommodation should be allowed. The planning authority considered a 12-month period to be appropriate. The response indicated that the existing septic tank would be treated as a sump and wastewater discharged to the treatment system serving the dwelling house. The report noted the location of the system on the opposite side of the L-6502 and outside of the application site boundaries, with no record of planning consent for the system in question. Concerns were also raised in relation to the proximity of the septic tank to the log cabin and compliance with the EPA Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10). The results of the speed survey suggesting an

operational speed for the road of 25 kph from the west and 26.9kph from the east, were queried. The report suggested that a planning condition be included facilitating 120m sightlines to the northwest and 90m sightlines to the southeast. Lands to the east and west of the entrance are under the applicant's control. The report culminated in a request for Clarification of Further Information.

The final planning report was prepared following receipt of the response to the Clarification of Further Information request. The existing wastewater treatment system serving the dwelling was permitted under P3842. Wastewater from the log cabin would not be disposed of to the existing system serving the house, but rather to the existing septic tank in proximity to the cabin, with the tank relocated as necessary. Wastewater would then be collected in a sump and land spread. The report found that as the EPA Code of Practice requirements were not satisfied and as no mitigating circumstances to warrant a derogation from the requirements were demonstrated, a decision to refuse permission for the log cabin was recommended, given the risk to public health. Permission was recommended for the agricultural building and domestic extension.

- 3.4.2. The final planning report prepared stated with respect to Appropriate Assessment that *'in the absence of satisfactory details in relation to waste water management, it is not possible to complete the AA screening with respect to the provision of the temporary on site accommodation. This element is to be refused permission. It is reasonable however, to determine that should appropriate waste water arrangement be provided, there would be no impact on the lower River Suir SAC. A refusal reason on AA grounds is not warranted.*

With respect to the works proposed, given that the existing [waste] water treatment system is permitted and the extension proposed will not place additional demands on same, impacts on the Lower River Suir SAC can be screened out'.

- 3.4.3. Other Technical Reports

District Engineer

An initial report requested Further Information to indicate how required sightlines at the entrance could be achieved.

A subsequent report referred to an observation of surface water flowing onto the public road from the entrance and suggested installation of a cattle grid/aqua drain. The report determined a road speed limit of 60kph to be applicable on the L-6502-0, rather than 25 kph/26.9 kph recounted by the applicant. The report recommended sightlines should be improved. A road opening licence would be required for any future connection to the septic tank.

3.5. **Prescribed Bodies**

The application was referred to Uisce Éireann with no report received.

3.6. **Third Party Observations**

None on file.

4.0 **Planning History**

4.1. The following relate to the appeal site:

Ref: S5/25/106 ACP Ref RL92.323586

Decision pending from An Coimisiún Pleanála as to whether the provision of temporary accommodation (small log cabin) for the use of the applicant during the period in which exempted works are being carried out is or is not development or is or is not exempted development. The planning authority determined the works did not constitute exempted development.

Enforcement:

Ref: TUD-23-218 Enforcement Notice issued with regard to a timber log cabin and associated site works.

5.0 Policy Context

5.1. Tipperary County Development Plan 2022-2028

The Tipperary County Development Plan 2022-2028 is the operational Development Plan for the appeal site and came into effect on the 22nd of August 2022. The following provisions are relevant to this appeal:

5.2. Volume 1 Written Statement

- **Section 5.5 Residential Development in the Open Countryside-** the site is located within an Area under Urban Influence. The Development Plan states *‘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.*
- **Section 8.4.1 Agriculture and Horticulture-** *‘This Council will support the sustainable expansion of agriculture and horticulture, where it is demonstrated that it respects the natural functions of the environment, including water systems and ecology’.*
- **Planning Policy 11-14** *‘Ensure that proposals for agricultural developments, as appropriate, comply with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2010 or any amendment thereof’.*
- **Chapter 15.0 Water and Energy Utilities**
- **Planning Policy 15-2** *‘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.*

5.3. Volume 3 Appendix 6 -Development Management Standards

- **Section 4.3 Wastewater Treatment Systems** *‘For an on-site wastewater disposal system, the standards, guidance, design and orientation of the EPA Code of Practice for Domestic Wastewater Treatment Systems (EPA, 2021), shall be met. A report prepared by a qualified site assessor in accordance with the standards shall be submitted with the planning application’.*
- **4.3.1 New Rural Houses** – *‘For an on-site wastewater disposal system, the standards, guidance, design and orientation of the EPA Code of Practice for Domestic Wastewater Treatment Systems (EPA, 2021), shall be met’.*
- **4.3.2 Extensions to Dwellings** – An applicant will be required to demonstrate that the wastewater treatment system is adequate and does not present a risk to human health or the environment. The applicant will be expected to demonstrate to the Council that the wastewater treatment system is fit for purpose, operating and maintained appropriately and is not causing damage.
- **Section 4.12 Domestic Extensions** –The Council will seek to implement the following guidelines in respect of extensions: (a) A ground level extension shall be subordinate to the main dwelling in scale and design. (b) Shall integrate with the primary dwelling, following window proportions, detailing and finishes, including texture, materials and colour. (c) Design and layout shall have regard to the amenities of adjoining properties (d) Where a dwelling is served by an on-site waste water treatment system and where the extension increases the potential occupancy of the dwelling, the applicant shall demonstrate that the system complies with the standards of the EPA Code of Practice for Domestic Wastewater Treatment Systems (EPA, 2021), (or any amendment thereof).
- **Section 6.1 Road Design & Visibility at a Direct Access**- The distance back along the minor road or direct access from which the full visibility is measured is known as the ‘X-Distance’. It is measured back along the centreline of the minor road or direct access from the continuation of the line of the nearside edge of the paved surface (including hard strip or hard shoulder) of the major road. The ‘X-Distance’ on the minor road for visibility measurements shall be as defined in Table 6.1.

▪ **6.1.1 Measuring Operational Speed**

The operational speed shall be determined by measurement of actual speeds between 07:00 am and 07:00 pm over a period of three days, excluding weekends or public holidays. It represents the 85th percentile speed of the traffic travelling on that section of road during that period. The 85th percentile speed is the speed at or below which 85% of the traffic is travelling. As an alternative, the applicant may use the methodology described in Section 10.2 of DN GEO 03031: Rural Road Link Design (TII April 2017) to determine a design speed based on the physical characteristics of the road section. The minimum design or operating speed that will be allowable under any circumstances for a rural non-national road shall be 50kph, and for an urban non-national road it shall be 40kph. The Council's decision on the appropriate design or operating speed shall be final.

5.4. Natural Heritage Designations

- 5.4.1. The appeal site is not located within or bounding designated sites. The following are located within the vicinity:

Lower River Suir SAC (Site Code 002137) c1.63km

Marlfield Lake pNHA (Site Code 001981) c.7.7km

Grove Wood pNHA (Site Code 000954) 5.1km

6.0 EIA Screening

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

7.0 The Appeal

7.1. Grounds of Appeal

The decision of the Planning Authority made on the 14th of January 2026, is the subject of a First Party appeal by Mr. Gerard Purcell Jnr. The matters which have been raised are set out below:

- The appeal relates to the decision to refuse planning permission to retain the temporary log cabin while work on the farm building and extension to the dwelling house proceed.
- The provisions of the Tipperary County Development Plan Volume 1, Development Management Standards Volume 3 do not apply to this development.
- Policy relating to New Rural Houses under Section 4.3.1 and Policy 4.3.2 relating to Extensions to Dwellings under the Development Plan do not apply.
- Management Standards do not therefore apply but are nonetheless complied with.
- The EPA Code of Practice 2021- Domestic Wastewater Treatment Systems sets out guidance on standards to be adhered to. The Code of Practice is not obligatory in its application as the exclusive means of demonstrating appropriate treatment of wastewater and does not exclude demonstration of compliance by means of other equivalent standards.
- The treatment of waste is also permitted under the Waste Management (Use of Sewage Sludge in Agriculture) Regulations.
- The appellant refers to Article 22(2) (c) of the Planning and Development Regulations 2006 disposal of wastewater other than by a public sewer where an applicant must submit information on the type of wastewater treatment system and evidence as to the suitability of the site. Reference is also made to Water Services Guidelines for Planning Authorities under Section 28, and to the functions of the EPA and Irish Water.
- The appeal also includes extracts from the EPA Code of Practice, including Role of the Code of Practice, and Planning System, referring to the Sustainable Rural Housing Guidelines 2005 and Development Plan Guidelines 2007. Guidelines highlight that new houses in unsewered rural areas must demonstrate suitability for the installation

and operation of a domestic waste water treatment system taking into account local ground conditions and the need to protect water quality.

- An extract from Appendix 3 SI No. 148/1998 Waste Management (Use of Sewage Sludge in Agriculture) Regulations 1998 is provided.
- The proposal within the planning application is misunderstood. The septic tank will be emptied once a month (or as often as required) and sludge spread on land by injection or otherwise in accordance with the regulations.
- The proposal in the application is considered to be in compliance with provisions of the Waste Management (Use of Sewage Sludge in Agriculture) Regulations, including Section 3.2, Section 3.3, Section 3.4.
- Schedule 2 Part 1 Class 17 Exempt Development of the Planning and Development Regulations provides for temporary accommodation in connection with the carrying out of development during the period within which it is being carried out. A waste disposal system is a necessary part of such temporary accommodation.
- It was open to the Planning Authority to grant permission and insert a condition that the wastewater treatment system comply with the relevant regulations. The decision to refuse permission is incorrect and misguided. Waste water treatment system complies with the relevant regulations and standards.
- The proposal to retain the temporary on site accommodation would not be prejudicial to public health or contrary to proper planning and sustainable development.
- If the arguments are not sufficient to convince the Commission to allow this appeal, a copy of a completed Site Characterisation and Site Suitability Report in compliance with the EPA Code of Practice 2021 and indicating the suitability of the site for a waste water treatment system comprising a packaged secondary treatment system and gravity flow discharge to groundwater via standard percolation trenches is provided.
- Appellant provides extracts from Policy 15-2 of the Tipperary County Development Plan and Sections 15.2, 15.2.1, 15.2.2 Volume 1 relating to Water Services. Reference is also made to Appendix 5, Volume 1 Development Management Standards, Section 4.3 Wastewater Treatment Systems, 4.3.1 New Rural Houses, 4.3.2 Extensions to Dwellings.

- The appeal refers to Appendix 6 Design of System proposed and constituent parts which are responded to. Calculations for capacity of the tank and for land spreading are provided, including reference to Section 18.6 of the European Union Good Agricultural Practice for Protection of Waters Regulations 2022 referring to 25,000 l/Ha over 42 days subject to minimum thickness of soil. The farmland has an average depth of soil and subsoil above 1.0m. The septic tank would be emptied once a month or as required and sludge spread.
- The system is accessible and no surface water pipes or services are connected. There is no visible evidence of risk to health or to the environment such as ponding, effluent break out, and no build-up of sewage fungus.
- A Site Characterisation and Site Suitability Assessment is provided.

7.2. Planning Authority Response

None on file.

7.3. Observations

None on file.

8.0 Assessment

8.1. An Coimisiún Pleanála has accepted the appeal arising from the split decision on the basis of determining the application as if it had been made to it in the first instance, and the decision of the Commission will operate to annul the decision of the planning authority as and from the time the decision was made. Having examined the application details and all other documentation on file, including the appeal, the reports of the local authority, having inspected the site, and having regard to the relevant local, regional, national policies and guidance, I consider that the substantive issues in this appeal are as follows:

- Principle of Domestic Extension and Agricultural Building

- Log Cabin and Waste Water Disposal
- Other Matters

8.2. Principle of Domestic Extension and Agricultural Building

- 8.2.1. In relation to the proposed residential extension, I note the intent to demolish existing outbuildings and part of the dwelling in order to construct an open plan kitchen/dining/living area extending to 90sq.m to the east of the structure. The proposal will have an overall height to 6.6m. and its design and finishes will complement the low-profile design of the house. I am satisfied that the provisions of Section 4.12 Domestic Extensions Appendix 6 Volume 3 of the Development Plan setting out guidance in relation to such development have been adhered to.
- 8.2.2. Sections 4.3.2 of Appendix 6 relates to Extensions to Dwellings and requires where living accommodation is to be substantially upgraded and/or extended to accommodate additional occupants, the applicant will be required to demonstrate that the wastewater treatment system is adequate and does not present a risk to human health or to the environment. The applicant will be required to demonstrate to the Council that the wastewater treatment system is fit for purpose, operating and maintained appropriately and is not causing damage.
- 8.2.3. I note that the system is itself located on the opposite site of the local road from the dwelling and requires a connection underneath the carriageway. While the dwelling will be extended in terms of open plan accommodation, there will be no increase in the number of bedrooms therein which will remain at four. The provisions of Section 4.3.2 prescribe the content a report to be prepared by the site assessor to establish the satisfactory operation of an existing treatment system. The results of a formal assessment of the system were not submitted and commentary as to the adequacy of the system were cursory in nature and limited in detail. Notwithstanding, given the nature of the development concerned, its limited extent with no resultant increase in bedroom accommodation/PE, I am of the opinion that the domestic extension is acceptable in principle.
- 8.2.4. The delivery of the agricultural shed will be facilitated by the demolition of a number of lean-to sheds and outhouses which front an existing yard. The structure, finished in a plaster

base with agri-sheeting to its elevations, will extend to 534sq.m and will have an overall height of 9.5m. The structure is to be used for general agricultural storage. Its location and overall design will ensure its integration as part of the farmyard complex. A new concrete yard extending to a stated 738sq.m is to be provided to the west, with a further yard intended to the north-east, extending to 340sq.m.

8.2.5. I am of the opinion that the location, design and intended function of the shed are acceptable and the development could be provided on site without loss to residential or visual amenities. In relation to the management of surface water and noting the observation within the District Engineer's report regarding run-off, it would be appropriate to include a planning condition in relation to the management of same if the Commission is minded to award permission.

8.2.6. Note: A number of existing sheds and outhouses are listed as being retained within the supporting cover letter. These structures are not listed in the public notices and a response to Further Information indicates they are in place since before 1964 and retention is not being sought.

8.3. Log Cabin and Waste Water Disposal

8.3.1. A log cabin is currently situated to the north-west corner of the site and surrounded by a grass lawn. A separate access to the unit has been provided off the entrance serving the yard from the north. The structure is 3.75m in height and contains a bedroom, bathroom and open plan kitchen/lounge/dining, extending to a total floor area of 24.7 sq.m. An overhang of the roof provides a small, covered deck adjacent the entrance.

8.3.2. The structure is intended to be occupied on a temporary basis pending the construction of the works sought under this appeal, although the response to the Further Information suggests a longer than normal period may be required given the self-build nature of the scheme. The planning authority signalled that a period of 12 months may be appropriate and referred to previous applications concerning temporary accommodation under P.A. Reg. Ref. 2560161 and P.A. Reg. Ref. 2560117.

- 8.3.3. I note also on file, information pertaining to farm payments/area-based scheme with land parcels/extents listed, together with letters of support/references from sporting organisations and a school. The purpose of this documentation is not elaborated upon, and I note that the application does not otherwise suggest a new permanent residential unit is under consideration.
- 8.3.4. The Commission is advised that temporary accommodation of the nature proposed does not appear to be supported by policy contained within the Tipperary County Development Plan 2022-2028. I have reviewed the two case files referred to in the planning authority's planning report, with both concerning temporary accommodation during build periods. I note also Class 17 Temporary Structures and Uses under Schedule 2 Part 1 of the Planning and Development Regulations 2001 (as amended) and while not directly pertinent to this application, the principle of such development as exempted development is applicable in certain instances. Given the nature of the works proposed, the long-established nature of the farm and residential complex, I am of the opinion that consideration could be given to the structure in providing temporary accommodation requirements during the build period, with the life of the permission being time restricted. I agree with the planning authority that notwithstanding the multi-strand nature of the application, completion of the residential extension would enable a return to occupancy of the main house in a timely manner and would enable the removal of the temporary cabin. Therefore, a 12-month period with removal of the structure and associated works thereafter, together with site reinstatement could be considered.
- 8.3.5. A central focus of the appeal and the basis for the refusal of the log cabin centres on the appropriate treatment and disposal of wastewater arising. The appellant contends that the EPA Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) is a guidance document which is not obligatory in application. Furthermore, the COP does not exclude demonstration of compliance by equivalent standards/means. In this regard, it is contended that treatment of such waste is also permitted under Waste Management (Use of Sewage Sludge in Agriculture) Regulations 1998. The appellant suggests that wastewater arising could be directed to the septic tank which would be emptied once a month (or as required) with sludge spread by injection method or otherwise worked into the land as per the Waste Management Regulations.

- 8.3.6. The appellant views such means of disposal as appropriate given the limited quantities of waste anticipated, the availability and quality of land for spreading, and the temporary nature of the proposal. The First Party also states that if the Commission is not otherwise convinced by this arrangement, a packaged secondary treatment system and gravity flow discharge to ground water via percolation trenches would be provided. To this end, the appellant has undertaken site assessment and provided a Site Characterisation Form, recommending a secondary wastewater treatment system with soil polishing filter.
- 8.3.7. The planning application initially indicated a septic tank and percolation area – Drawing Ref: ‘*Site Layout Plan Existing*’ serving the log cabin, however this was amended in the response to the Further Information request, with an outfall from the septic tank to the wastewater treatment system of the primary dwelling house shown on Drawing Ref: ‘*Site Entrance Layout Plan*’ dated 10th November 2025. This arrangement was later amended under the response to Clarification of Further Information dated 10th December 2025 wherein it was proposed that treated effluent would instead be collected in a 4.0m³ sump and spread periodically (approximately once a month) on land within the farm-holding. I note the concerns of the planning authority in relation to the design/layout of the septic tank and in relation to compliance with the Code of Practice. In relation to Table 6.2 Separation Distances within the EPA Code of Practice, the applicant stated that adjoining lands were in his ownership with no risk arising to neighbouring property. Should malodour or contamination risk arise, the occupant would address such matters by moving the septic tank to a location 7.0m from the cabin and 3.0m from the boundary.
- 8.3.8. I note the argument made within the appeal that the EPA Code of Practice is guidance based, is not obligatory and that alternative means of waste disposal under other Codes are available. I refer in this regard to Circular Letter PSSP 01/10 from the then Department of Environment, Heritage and Local Government, addressed to each county and city manager and to An Bord Pleanála, which requested that the 2009 COP be implemented in respect of all planning applications. The Department stated that planning authorities must not, in any circumstances, approve development subject to conditions requiring compliance with the COP without first satisfying themselves that the provisions within the COP can be complied with, and on the basis of expert and verifiable evidence, including a positive site suitability assessment by an appropriately trained and qualified assessor. Such guidance has been

updated and superseded since introduction with the current iteration comprising the EPA Code of Practice for Wastewater Treatment.

8.3.9. Circular NRUP 01/2021 dated 24th March 2021 issued from the Department of Housing, Local Government and Heritage referred to the updated EPA Code of Practice. The Circular stated that *‘with regard to the application of this Code of Practice, in accordance with Section 22(2)(c) of the Planning and Development Regulations 2001 to 2020 (the Regulations), a planning application under sub-article 22(1) of the Regulations shall be accompanied by: “(c) where it is proposed to dispose of wastewater from the proposed development other than to a public sewer, information on the on-site treatment system proposed and evidence as to the suitability of the site for the system proposed.”*

8.3.10. I refer also to policy concerning the disposal of wastewater contained within the Tipperary County Development Plan 2022-2028 where disposal to all new septic tanks/proprietary effluent treatment systems/percolation areas must comply with the EPA Code of Practice for Domestic Wastewater Treatment Systems (EPA, 2021). Planning Policy 15-2 in particular states *‘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.*

8.3.11. I am satisfied given the prescriptive nature of the Development Plan planning policy regarding compliance with the EPA Code of Practice, the established nature of the Code of Practice in question and updates thereof, that the development is required to demonstrate compliance with same, and reliance on other equivalent means of disposal as envisaged by the appeal is not appropriate.

8.3.12. I have reviewed the Site Characterisation Form submitted as part of this appeal. I note in response to proposed water supply arrangements, that mains water is indicated, however the application form indicates the site is served by a private well. The location of the well relative to the wastewater treatment system is not indicated on the layout plans although there appears to be a pump house located in proximity to the percolation area shown.

- 8.3.13. The groundwater protection response is based on a combination of groundwater vulnerability and the aquifer type. The Site Characterisation Form provided indicated the presence of rock at 1.5m and as such, the ground water vulnerability would appear to be Extreme with the underlying aquifer regionally important Karstified diffuse giving a Groundwater Protection rating of R2 2. As per the EPA COP this is *'acceptable subject to normal good practice and the following additional condition: 1. There is a minimum thickness of 2m unsaturated soil/subsoil beneath the invert of the percolation trench of a septic tank system OR 2. A secondary treatment system as described in Chapters 8 and 9 is installed, with a minimum thickness of 0.3 m unsaturated soil/subsoil with percolation values from 3 to 75 (in addition to the polishing filter, which should be a minimum depth of 0.9 m), beneath the invert of the polishing filter (i.e. 1.2 m in total for a soil polishing filter)*. It would appear from the cross-sectional drawing provided in the appeal that this is not being achieved based on the Site Characterisation Report.
- 8.3.14. The cross-sectional drawing of the polishing filter would appear to show the invert of the trench c 900mm above the point of bedrock referenced at 1.55m below ground level (BGL) in the drawing yet the water table is referenced in the trial hole log at 1400mm BGL with bedrock at 1500mm. The trench invert would need to show a minimum separation of 1200mm above the highest point of the bedrock and or water table. In this instance this is the water table shown at 1400mm BGL. This would then appear to allow for a c800mm of vertical separation beneath the trench invert which would fall short of the minimum of 1200mm as per the R2 2 ground water protection response.
- 8.3.15. In addition, I note that the septic tank design capacity should be calculated from the following formula contained within the Code of Practice: $C = (150 \times PE) + 2000$ where C is the design capacity of the tank (litres) and PE is the design population equivalent, with a minimum of four persons. A minimum design capacity of 2600 litres (2.6 m³) should be provided on sites where the population is four or less. The sizing of the primary compartment is indicated as 1.90m³ under Treatment System Details of the Site Characterisation Form, while elsewhere within the appeal documentation a larger capacity is specified, giving rise to a lack of clarity.
- 8.3.16. Furthermore, the opportunity to tie into the existing wastewater system serving the host dwelling is not readily available to the applicant given the location of this system on the

opposite side of a public road, the lack of detail provided in relation to its functionality and given its location outside of the red line site boundary.

8.3.17. Accordingly, I am of the opinion that wastewater arising from the log cabin disposed of in the manner proposed by the appellant i.e. land spread would not accord with the requirements of the EPA Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10 or with the provisions of the Tipperary County Development Plan 2022-2028. Furthermore, I am not satisfied that the documentation provided, detailing a secondary wastewater treatment system has been shown to accord in full with the requirements of the EPA Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10 . Accordingly, the development would give rise to a risk to public health and would fail to accord with Planning Policy 15-2 of the Tipperary County Development Plan in relation to wastewater disposal.

8.4. Other Matters

8.4.1. Public Notices

I note that the public notices for the development did not specifically refer to the provision or retention of a wastewater treatment system to serve the log cabin. The appellant states that such infrastructure is a necessary part of temporary on-site accommodation described under Class 17 Temporary Structures and Uses, Schedule 2 Part 1 of the Planning and Development Regulations 2001 (as amended). I would hold that the provisions of Class 17 are not directly applicable to the subject development as the appellant has not sought to invoke such exemptions with regard to the accommodation in question, seeking instead to include the proposal as part of an application to the planning authority for assessment under Section 34 of the Planning and Development Act 2000, as amended. I am also of the view that such infrastructure should be clearly detailed in the public notices. Notwithstanding, as set out above, I believe there to be fundamental concerns in relation the disposal of wastewater arising from the temporary accommodation in question.

8.4.2. **Sight Lines**

I note Condition No. 5 (a) Schedule 2 of the grant of permission required the provision of sightlines taken from a point 2.4 metres back from the road edge at the centre of the proposed access to a point 120 metres to the north-west and 90 metres to the south-east at the nearside road edge. The roadside boundary within the sight distance triangle was required to be lowered to a height of 1 metre and maintained at that height in perpetuity. Part (b) stated that where roadside boundary is removed a new roadside boundary hedge shall be constructed and the new roadside boundary shall comprise an earthen bank to a consolidated height of 1.2m planted with shrubs suitable for hedging and common to the locality. I note that the planning authority did not agree with speed survey results provided in response to Further Information and confirmed instead a road speed of 60 kph. Also, I am unclear from the plans provided as to the full extent of the set-back which will be required as a revised layout plan was not requested from the applicant.

I refer to Section 6.1 Appendix 6 of the Development Plan relating to *Road Design & Visibility at a Direct Access* and to Table 6.2 *Design Speeds and associated Y-Distances* where a design speed (operational speed) of 60kph requires 90m (Y Distance (m)) on rural non-national roads.

I note also that the overall site is served by a total of three existing entrances (one dedicated to the dwelling house and two separate farm entrances to the north and south of the complex). The surrounding area would appear to be lightly trafficked in nature and in my opinion, the development will not result in a material intensification of turning movements. Therefore, I am of the opinion that Condition No. 5 is not warranted.

8.4.3. **Note on Condition**

Condition No. 1 does not refer to the Clarification of Further Information received on the 10th December 2025 as this relates largely to the disposal of wastewater arising from the log cabin.

9.0 AA Screening

See completed Screening Determination in Appendix 2. In accordance with Section 177U of the Planning and Development Act 2000, as amended and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Lower River Suir SAC (Site Code 002137) in view of the conservation objectives of this site and is therefore excluded from further consideration. Appropriate Assessment is not required. This determination is based on:

- Nature and scope of the proposed development.
- The separation between the appeal site and the nearest European Site, together with absence of an ecological pathway.

The development comprises the construction of an agricultural shed; alterations and extension of an existing dwelling house, together with demolition works; permission to retain for temporary use a log cabin to provide accommodation during the construction period; together with all associated works.

10.0 Water Framework Directive

- 10.1. The subject appeal site is located at Kilmore, Lisronagh Co. Tipperary and relates to the construction of an agricultural shed; alterations and extension of an existing dwelling house, together with demolition works; permission to retain for temporary use a log cabin to provide accommodation during the construction period; together with all associated works. The appeal site is separated by a distance of approximately 70m from the River Moyle¹⁶ IE_SE_16M010400 to the north. The Ballyclerihan stream IE_SE_16B090860 is approximately 900m to the south. The groundwater is Clonmel ED IE_SE_G_040 described as Karstic and the site is within the Suir Water Framework Directive Catchment ID_16.
- 10.2. No direct or indirect discharge to a watercourse is proposed, including surface water run-off, groundwater run-off or drainage. I note in this regard, proposals to provide a proprietary wastewater treatment system to serve the log cabin. Provision of an on-site wastewater treatment system with soil polishing filter designed to the requirements of the EPA Code of

Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) 2021 would provide appropriate mitigation.

- 10.3. I have assessed the development seeking permission and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am not satisfied that it can be eliminated from further assessment because of the deficiencies in the manner in which wastewater is to be disposed of in an area of extreme vulnerability and in relation to compliance with the EPA Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) 2021.

11.0 Recommendation

- 11.1. Having regard to the above assessment, I recommend a SPLIT DECISION.

I recommend that permission be REFUSED for the retention of the log cabin for use as temporary accommodation for the reasons and considerations set out in (1) below and I recommend that permission be GRANTED for the remainder of the development as proposed, in accordance with the reasons and considerations set out under (2) and subject to the conditions set out below.

12.0 Reasons and Considerations (1)

Having regard to the location of the appeal site within an unserved rural area of extreme groundwater vulnerability, the Commission is not satisfied on the basis of the information provided that waste water arising from the log cabin may be appropriately disposed of on site, and considers that the development would contravene planning policy 15-2 Volume 1 of the Tipperary County Development Plan 2022-2028 which requires that all new septic tanks, proprietary effluent treatment systems and percolation areas 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 the Plan as set out in Volume 3. The development as proposed would therefore be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

13.0 Reasons and Considerations (2)

- 13.1. Having regard to the nature and scale of the development within an established agricultural farmyard with associated domestic dwelling house and given the schemes compliance with the provisions of the Tipperary County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the development as proposed would not seriously injure the amenities of the area and would be in accordance with proper planning and sustainable development.

14.0 Conditions

| | |
|-----------|---|
| 1. | The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 10 th day of November 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interest of clarity. |
|-----------|---|

| | |
|------------------|---|
| <p>2.</p> | <p>The existing dwelling and the proposed extension shall be jointly occupied as a single residential unit and the extension shall not be used, sold, let or otherwise transferred or conveyed, save as part of the dwelling.</p> <p>Reason: To restrict the use of the extension in the interest of residential amenity</p> |
| <p>3.</p> | <p>The external finishes of the proposed extension (including roof tiles/slates) shall harmonise with those of the existing dwelling in respect of colour and texture.</p> <p>Reason: In the interest of visual amenity.</p> |
| <p>4.</p> | <p>The agricultural building shall be used for agricultural storage and associated purposes only. The building shall not be used for human habitation or any commercial purpose other than a purpose incidental to farming whether or not such use might otherwise constitute exempted development.</p> <p>Reason: In the interest of orderly development and the amenities of the area.</p> |
| <p>5.</p> | <p>Details of the external finishes to the agricultural shed shall be submitted to and agreed in writing with the planning authority prior to the commencement of development on site.</p> <p>Reason: In the interests of visual amenities.</p> |
| <p>6.</p> | <p>Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard-</p> <p>(a) uncontaminated surface water run-off shall be disposed of directly in a sealed system to ground in appropriately sized soakaways.</p> <p>(b) all soiled waters shall be directed to an appropriately sized soiled water storage tank (in accordance with the requirements of the European Union (Good Agricultural Practice for the Protection of Waters (Amendment) Regulations 2022, as amended, or to a slatted tank.</p> |

| | |
|-----------|---|
| | <p>Drainage details shall be submitted to and shall be agreed in writing with the planning authority, prior to commencement of development.</p> <p>(c) all separation distances for potable water supplies as outlined in the European Union (Good Agricultural Practice for the Protection of Waters) (Amendment) Regulations 2022, as amended shall be strictly adhered to.</p> <p>Reason: In the interest of environmental protection and public health.</p> |
| <p>7.</p> | <p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity</p> |
| <p>8.</p> | <p>Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interest of public safety and amenity.</p> |
| <p>9.</p> | <p>The developer shall pay to the planning authority a financial contribution of €_____ (_____euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment.</p> |

| |
|--|
| Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission |
|--|

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.”

Patricia Byrne
Planning Inspector

21st May 2026

Appendix 1: Form 1 EIA Pre-Screening

| | |
|---|---|
| Case Reference | PL-500726-TY-26 |
| Proposed Development Summary | Proposal provides for the construction of an agricultural shed; alteration and extension to an existing dwelling house together with demolition works; permission to retain for temporary use a log cabin to provide accommodation during the construction works; together with all associated works. |
| Development Address | Kilmore Lisronagh Clonmel Co. Tipperary |
| IN ALL CASES CHECK BOX / OR LEAVE BLANK | |
| 1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA? | <input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2. |
| | <input type="checkbox"/> No, No further action required. |
| 2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)? | |
| <input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP. | |
| <input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3 | |
| 3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds? | |

| | |
|--|---|
| <input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required. | |
| <input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required | State the Class and state the relevant threshold |
| <input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required) | State the Class and state the relevant threshold |
| 4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)? | |
| Yes <input type="checkbox"/> | |
| No <input checked="" type="checkbox"/> | Pre-screening determination conclusion remains as above (Q1 to Q3) |

Inspector: _____

Date: _____

Appendix 2: Standard AA Screening Determination Template 2

Test for likely significant effects

| Screening for Appropriate Assessment Test for likely significant effects | |
|--|---|
| Case Reference Number: PL-500726-TY-26 | |
| Step 1: Description of the project and local site characteristics | |
| Brief description of project | Proposal provides for the construction of an agricultural shed; alteration and extension to an existing dwelling house together with demolition works; permission to retain for temporary use a log cabin to provide accommodation during the construction works; all associated works. |
| Brief description of development site characteristics and potential impact mechanisms | Proposal provides for the construction of an agricultural shed; alteration and extension to an existing dwelling house together with demolition works; permission to retain for temporary use a log cabin to provide accommodation during the construction works; all associated works. The appeal site extends to 0.820HA and is located c. 1.63km from the Lower River Suir SAC (Site Code 002137) The site is c. 70m from the River Moyle to the north. The Ballyclerihan stream is approximately 900m to the south. |
| Screening report | No |
| Natura Impact Statement | No |
| Relevant submissions | N/A |
| | |

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

| European Site (code) | Qualifying interests ¹ Link to conservation objectives (NPWS, date) | Distance from proposed development (km) | Ecological connections ² | Consider further in screening ³ Y/N |
|---|--|---|---|---|
| Lower River Suir SAC (Site Code 002137) | <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae)</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles</p> | c.1.63km | <p>No direct hydrological/ecological link between the appeal site and SAC</p> <p>Possible indirect surfacewater run-off during the construction process given proximity to the River Moyle to the north.</p> <p>Possible run-off from the development post construction during its operation.</p> | N |

| | | | | |
|--|--|--|--|--|
| | <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Aino-Padion, <i>Alnion incanae</i>, <i>Salicion albae</i>)</p> <p><i>Taxus baccata</i> woods of the British Isles</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel)</p> <p><i>Austropotamobius pallipes</i> (White- clawed Crayfish)</p> <p><i>Petromyzon marinus</i> (Sea Lamprey)</p> <p><i>Lampetra planeri</i> (Brook Lamprey)</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Alosa fallax fallax</i> (Twaite Shad) [1103]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> | | | |
| | | | | |

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

| Site name Qualifying interests | Possibility of significant effects (alone) in view of the conservation objectives of the site* | |
|---|--|--|
| | Impacts | Effects |
| <p>Site 1: Lower River Suir SAC (Site Code 002137)</p> | <p>Direct: None</p> <p>Indirect Localised, temporary, low magnitude impacts from noise, dust and construction related emissions to surface water during construction.</p> | <p>The nature and limited scale and extent of the proposed works, the established nature of the farm yard, the absence of a direct hydrological/ecological link to the European site and the dilution effect of any run-off make it is highly unlikely that the proposed development could generate impacts of a magnitude that could affect species within the SAC for the QI's listed.</p> |
| | <p>Likelihood of significant effects from proposed development (alone): No</p> | |
| | <p>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</p> | |
| | <p>Proposal is not acceptable on public health grounds, however given the absence of a pathway to the Lower River Suir SAC, no significant effects are likely.</p> | |

Step 4: Conclude if the proposed development could result in likely significant effects on a European site

I conclude that the proposed development (alone) would not result in likely significant effects on Lower River Suir SAC. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project].

No mitigation measures are required to come to these conclusions.

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Lower River Suir SAC (Site Code 002137 in view of the conservation objectives of this site and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Nature and scope of the works- small scale nature of the development.
- Separation distance from the nearest water bodies and lack of hydrological / ecological connections.