



<b>Development</b>	RETENTION: for as constructed surface water infrastructure, footpaths, boundary screen walls around houses and permission for alterations to the approved site development works, general revisions to the public lighting layout, roads, paths & parking.
<b>Location</b>	Schoolhouse Row , Portroe , Co Tipperary
<b>Planning Authority</b>	Tipperary County Council
<b>Planning Authority Reg. Ref.</b>	2560301
<b>Applicant(s)</b>	Subgero Ltd.
<b>Type of Application</b>	Retention
<b>Planning Authority Decision</b>	Refuse Retention
<b>Type of Appeal</b>	First Party Normal Planning Appeal
<b>Appellant(s)</b>	Subgero Ltd.
<b>Observer(s)</b>	Nessa O'Driscoll and Others Bernard Seymour
<b>Date of Site Inspection</b>	3 <sup>rd</sup> of June 2026
<b>Inspector</b>	Caryn Coogan

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## 1.0 Site Location and Description

- 1.1. The subject site is located in the village of Portroe, Co. Tipperary. Portroe (An Port Rua) is an attractive village at the foot of the Arra Mountains, approximately 10km west of Nenagh and just 2.5km south of Lough Derg. The site, 0.65Ha, is located at the western side of the village, on the northern side of the Regional Road R494 (Nenagh – Ballina) which forms the main road through the village. The village has developed in a linear fashion along both sides of the regional road.
- 1.2. The site is an unfinished housing development or ghost estate from the 2008 economic crash. There are 22No. dwellings constructed on foot of a planning permission granted in 2003. A certain amount of hard landscaping has been carried out throughout the layout. The layout of the internal service road and footpaths are obvious, along with individual boundary treatments.
- 1.3. To the immediate west of the site is Portroe National School. There is a two-storey dwelling to the east. There is a farm to the north of the site, and the land owner claims to have a right of way through the estate. The Regional Road forms the southern, roadside boundary. The road frontage consists of a low stone wall, metal cladding, a footpath and wide green verge which includes a number of trees. The access to the site and the housing estate under construction is at the western extremity of the roadside boundary.
- 1.4. The site is located along a built-up streetscape, with two storey dwellings on the opposite side of the road. There is perpendicular parking associated with the school west of the site. There is a pedestrian crossing along the regional road west of the site on the brow of an incline in the road.
- 1.5. The site falls from south to north towards the farm

## 2.0 Proposed Development

- 2.1. The application seeks:

**RETENTION** of the as constructed surface water infrastructure including attenuation tanks, pipework and manholes as laid, where they differ from the approved sewer layout; footpaths within the green area; boundary screen walls

around the sides and rear of houses 18–22, which vary from the approved drawings;

and

**PERMISSION** for alterations to the approved site development works, namely increasing the approved width of footpaths & parking bays from 1.5m to 1.8m and general revisions to the public lighting layout, roads, paths & parking to improve the site layout.

### 3.0 Planning Authority Decision

#### 3.1. Decision

Tipperary Co. Co. Decided to **REFUSE** permission for the development for two reasons:

1. Having regard to:

The absence of clear, consistent and complete information in relation to the existing as constructed surface water infrastructure;

The Planning authority is not satisfied that the infrastructure proposed is adequate or appropriate to serve residential development. The proposed development is therefore, contrary to the proper planning and sustainable development of the area.

2. Having regard to:

- The proposed alterations to the site development works previously permitted – namely increasing the approved width of the footpaths and parking bays from 1.5m to 1.8m and general revisions to the public lighting layout, roads, paths and parking to improve the site layout and limitations with information regarding the proposed alterations
- The failure to demonstrate that the proposed site entrance arrangements can be implemented in accordance with the plans and particulars approved under planning application reference 02510694/ ABP 22.202431
- The failure to submit and agree proposals for traffic calming measures on the public roadway as required by the parent permission.

The proposed development if granted would therefore endanger public safety by reason of traffic hazard or obstruction of road users, and would set an undesirable precedent for similar development, contrary to the requirements of Section 6 of Appendix 6 of the Tipperary County Development Plan 2022-2026, and contrary to the proper planning and sustainable.

### **3.2. Planning Authority Reports**

There are a number of planning reports on file which had assessed the case and looked for Further Information on a number of occasions. The planning reports are repetitive, and I will summarise them in total as opposed to chronological order to save on unnecessary repetition.

#### **3.2.1. Planning Reports**

- The estate was originally granted planning permission in 2003 but became an unfinished estate during the time of the Celtic Tiger crash.
- There were Warning Letters issued regarding unauthorised works on the site in 2024
- Internal reports summarised
- 52No. valid submissions, and objections summarised
- National Planning Framework includes a specific Chapter, No. 6 - 'People Homes and Communities' which is relevant to this development.
- Relevant development plan policies
- It is considered appropriate to request further information from the applicant in relation to the as-built development on site relative to the plans and particulars of the approved development (ref: 02510694).
- Concerns have been raised through the consultation process in relation to the intended use of the site, and whether or not holiday homes are proposed. It is noted that the development description under planning application reference 02510694 did not reference holiday homes, and it is further noted that the

conditions attached to the An Bord Pleanála decision did not require the use of the site to be for holiday home purposes.

- It is acknowledged that the development described in section 9 of the planning application form would give rise to some layout changes to the application site, compared to that which was approved. However, it is considered that the proposed layout would be largely similar to that which was previously approved. Nonetheless, the layout changes would give rise to implications to infrastructure on site.
- The application site is located along a designated scenic route and is within a designated 'Primary' amenity area.
- Further information is required from the applicant in relation to screening of the adjacent National School from the residential development and in relation to boundary treatment for the entire site.
- The development proposal raises concerns for local residents relating to the adequacy of the internal road network; road safety; traffic management; carparking and rights of way.
- The development approved under planning application reference 02510694 included a vehicular entrance onto the R494. There are no proposed changes to this approved entrance arrangement under the current planning application.
- Concerns have been raised in relation to a strip of land immediately outside the site on the R494 which the proposed access will rely upon. Third party submission(s) state that this is not the applicant's ownership and consent has been given to use same.
- Condition no. 2 attached to ABP decision reference PL22.202431. This condition pertains to the submission of a traffic calming scheme on the R494 prior to the occupation of any unit. The requirement for an appropriate traffic calming scheme remains.
- A vehicular access from the site to the farmland at the rear was noted during a recent site inspection. Although this access (gate) has been identified on the proposed site layout plan, the roadway to same has not been identified.

- It is clear that the location of the existing vehicular entrance is not the location of the approved vehicular entrance on site – the site entrance is to be located further east. The current planning application does not seek to alter this approved arrangement. It is clear the construction of the approved entrance arrangement on site would not result in a loss of loss of street carparking at this location.
- The Inspectors report (dated October 2003) has been considered, and it is noted that the matter of carparking was addressed therein. The Inspectors report states ‘A further element of the development is the provision of car parking actually on the appeal site itself to be used in conjunction with the school. I consider it to be an unnecessary imposition on the appeal site to be required to provide off-street car parking for an adjoining development’. As such, there were no planning conditions imposed which required same.
- An annotation on drawing number 25.09-02-02 states that it is proposed to provide 1.8m wide parallel carparking spaces in lieu of 1.5m wide parking spaces. This is not in accordance with Development Management Standard 6.5.1 pertaining to carparking which states that ‘Each car space shall be 4.8 m x 2.5 m with 6.1 m wide circulation aisles’.
- A topographical survey of the existing services on site is required, together with the details of proposed services as per the requirements of Uisce Eireann
- As per Engineer report.
- AA not required
- Development Contributions required.
- F.I. Recommended.

### 3.2.2. Other Technical Reports

#### **Nenagh District Engineer:**

Surface Water Infrastructure including attenuation tanks.

- Insufficient information to make an assessment of the suitability of the surface water drainage system. The drawing shows the proposed drainage system in 2004. There is no information with the current planning application to indicate

what drainage has been installed and where they differ from the original approved sewer layout.

- The surface water drainage system at the development is very unusual in that there is no surface water outfall and all water will be discharged to the subsoils. It is very important to have a properly designed drainage system to successfully infiltrate surface water without surface discharges to the lands beyond the site. The information provided on the attenuation tank is incomplete and generic in nature.
- The applicant is proposing to install an ECOBLOBK MAXX sized as 10 x 10 x 2 metres which appears to be based on the 2002 design.
- With regard to the attenuation tanks, a design in accordance with BRE 365 Design of Soakaways should be submitted which should include monitoring of the groundwater and establishing the percolation of the subsoils. The previously installed tanks should be exposed to allow for verification of the size of the attenuation tanks.
- The design of drainage system has developed with the introduction of Suburban Drainage Systems (SUDS) and allowances for climate changes. There is insufficient information to make an assessment of the surface water drainage system and the following information is required:
  - a) Design calculations for the proposed drainage system to incorporate climate change allowances and SUDS measures.
  - b) Provide details of the Designers for Surface Water Network including copies of Professional Indemnity and CV detailing qualifications and previous experience.
  - c) Site layout drawings for the proposed drainage layout system including the infiltration tanks.
  - d) Site layout drawings for the as-built drainage layout system including pipe invert levels.
  - e) Site records including any test results for the as-built sections of the surface water drainage system.

### Road Safety

- The access creates a road hazard which has not been addressed. The road safety hazard at this location arise from the accumulation of a number of site specific factors:
- The R494 is a heavily trafficked regional road and it has a steep gradient which induces speeding for vehicles travelling downhill towards Nenagh.
- The entrance is located beside a busy national school. The site entrance is close to the summit of a hill and sightlines are impacted. The sightlines are significantly reduced by cars parked perpendicular to the road at the school carpark. The applicant should be asked to submit a sightline assessment at the development access onto the R494 in accordance with the CDP 2022-2027.
- The applicant should be asked to submit a design for the entrance in accordance with DMURS which should include measures for traffic calming. The design should be subjected to a Stage 1 Road Safety Audit.

### Road Construction Details

- The applicant should be asked to cross sections of the development roads and entrance construction details for the road including specification and thickness of the capping, subbase, binder and surface courses.
- Road markings and signage.

### **3.3. Prescribed Bodies**

There were no submissions received from Prescribed Bodies.

### **3.4. Third Party Observations**

There was significant local objection to the development with 52No valid submissions received. The following is a summary of the concerns expressed in the submissions:

- Unauthorised development
- Traffic management
- Insufficient onsite parking and loss of parking for school
- Concerns regarding legally registered wayleave

- Amenity facilities for the village
- Structural integrity of the buildings
- Surface water design is not as per the planning approval
- Attenuation tank has been installed at the back of the site
- Noise pollution, sewage and water drainage concerns
- Fire and Safety Regulations
- Access to the Health Clinic
- Right of way for agricultural machinery through the site
- Unsafe access / egress – inadequate sightlines- traffic safety concerns
- Emergency access, waste collection and agricultural vehicles
- Substandard planning application
- Developer does not own land at the front of the development
- Non-compliance with building standards
- Noise monitoring required
- Boundary treatment on site is not documented
- The technical issues around grading, petrol interception and filtration as well as contemporary ways of dealing with run off through biofiltration, SUDS, swales etc are wholly absent and should in 2025 be an essential ingredient.
- A strip of land outside the site on the main street remains outside of the applicant's ownership.
- Intended use of the houses – holiday homes

## 4.0 Planning History

### 4.1. Planning Reference: 02/51/0694 (ABP: PL 22.202431)

The original planning permission for the development was granted by ABP in October 2003. It was for 22 no. two storey semi-detached and terraced dwelling houses,

access roads and ancillary site works. There were 13No. conditions attached by the Board, with conditions No.s 2, 3 and 9 relevant to this current appeal.

**4.2 Planning Reference 08/51/1001:**

Extension of Duration of Planning Permission granted until 08/04/2009.

**4.3 Planning Reference 09/51/0194**

Extension of Duration of Planning Permission Refused because the Further Information was received late.

**4.4 In respect of Portroe National School: Planning Reference 19/60/0398**

Planning permission granted for single storey extension with basement level storage space and alterations for special needs purposes to a protected structure Ref: S622 to include extension to provide

1. Two no. additional classrooms and associated corridors, sanitary and all ancillary works

2. Two no. withdrawal rooms

3. 4 no. storage rooms at basement level

4. Changes to create a defined front entrance with new covered porch and new universal access pedestrian entrance

5. New rear entrance. Internal alterations to provide

6. Two no. multi-purpose rooms

7. Sensory room

8. Staff room

9. Office. Associated corridors, sanitary, storage areas and all ancillary works.

**4.5 Planning Reference: 19600575**

Planning permission granted for temporary accommodation within the curtilage of a protected structure Ref No S622 to provide (1) two no additional classrooms, (2) two no. group rooms, (3) therapy room, (4) general administration room and associated corridors, sanitary, storage areas and all ancillary works.

**4.6 Enforcement:**

**TUD-24-082** The Planning Authority has issued Warning Letters on 6/6/2024 and 13/9/2024 regarding unauthorised development on the site. An Enforcement Notice has not been issued.

**TUD-22-143** This file was closed as case was being examined under TUD-24-082.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

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

##### **Volume 2 – Settlement Guide and Settlement Plans**

The site is zoned '**Existing Residential**', the development objective of which is to:

- To preserve and enhance existing residential development and residential amenity and provide for additional facilities where gaps are identified

#### 5.1.1 **Volume 1 – Written Statement**

##### **Section 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<sup>42</sup>) and the Development Management Standards set out in Volume 3

##### **Section 5 – 5**

Support and facilitate the delivery of new residential development in towns and villages and where the applicant has demonstrated compliance with the following:

- a) New residential development shall meet the relevant Development Management Standards as set out in Volume 3.
- b) New residential developments of 10 or more units shall be accompanied by a 'Sustainability Statement', and a 'Statement of Housing Mix'.
- c) New development shall be of an appropriate density and quality in accordance with the Sustainable Residential Development in Urban Areas, Guidelines for

Planning Authorities, (DHLGH, 2009), and any amendment thereof, and shall demonstrate that all opportunities for connectivity and linkages have been explored and incorporated in accordance with the 10-Minute Town concept and supporting active travel options.

- d) Residential development in rural settlements shall be appropriate to the scale, character and infrastructural capacity of the settlement in which it is to be located.

### **Section 5-15**

In line with the provisions of Section 5.3.1 of the Draft Water Services Guidelines for Planning Authorities (or any review thereof) new development will connect to existing water infrastructure, where capacity exists, in order to maximise the use of existing infrastructure and reduce additional investment costs. There is a general presumption that development will be focused into areas that are serviced by public water supply and wastewater collection network. In settlement centres where, municipal treatment plants do not have the capacity to cater for additional development, the Council will facilitate development, where the developer has agreed proposals for the up-grade of the treatment plant and/or network, as may be necessary, with Irish Water in accordance with the Draft Water Services Guidelines for Planning Authorities, and any amendment thereof, and the Irish Water Connection Charges Policy. The Council will require that such infrastructure is in place, prior to the commencement of the development.

### **Section 15-7**

Require all new development to provide a separate foul and surface water management system and to incorporate nature-based water sensitive urban design, where appropriate, in new development and the public realm. New developments, or retrofit/upgrading works, including those contributing to combined drainage systems where streetscape enhancement programmes or resurfacing programmes are planned, will incorporate measures to reduce the generation of storm water run-off, and to ensure that all storm water generated is managed on-site, or is attenuated and treated prior to discharge to an approved storm water system, with consideration to the following:

- (a) Nature-Based Solutions to the Management of Rainwater and Surface

Water Runoff in Urban Areas (water sensitive urban design) Best Practice Interim Guidance Document (DHLGH, 2001) and any review thereof,

- (b) The infiltration into the ground through the development of porous pavement such as permeable paving, swales and detention basis,
- (c) The holding of water in storage areas through the construction of green roofs, rainwater harvesting, detention basis, ponds and wetlands etc.
- (d) The slow-down in the movement of water.

**5.1.2 Volume 3 – Development Management Standards**

**Section 6.0 Parking, Traffic and Road Safety**

**6.1 Road Design & Visibility at a Direct Access**

A direct access is a vehicular access from any residential, commercial or agricultural property to and from a public road. New direct accesses shall not be permitted within 90m of the exit of a roundabout on a national road, or within 50m of the exit on a non-national road.

The 'X-Distance' on the minor road for visibility measurements shall be as defined in Table 6.1

Also relevant is Table 6.2:

*Speeds and associated Y-Distances in Table 6.2 shall apply.*

Table 6.2: Design Speeds and associated Y-Distances					
Mandatory Speed Limit	Design Speed (operational Speed)	Rural National Road	Non-National Road	Urban National Road	Non-National Road
km/h	km/h	Y-Distance (m)		Y-Distance (m)	
30	40	N/A		33	
40	50	70		45	
50	60	90		59	
60	70	120		72	
80	85	160		N/A	
100	100	215		N/A	

Tipperary County Development Plan 2022 – 2028 Settlement Guide and Settlement Plans – Chapter 11. Portroe

Zoned Existing Residential

**SO2:** To support and facilitate the provision of infrastructure for, and development of, cluster housing schemes in accordance with the 'Design and Best Practice Guidelines for Cluster Housing Schemes in Rural Villages'.

**SO14:** In the public interest, the Planning Authority will look at all options for the renewal or regeneration of obsolete or neglected areas or land, within the village, and in particular the development known as Schoolhouse Row, including the use of Part XIV of the Planning and Development Act 2000 (as amended).

## 5.2. Relevant National or Regional Policy / Ministerial Guidelines

### 5.2.1 National Planning Framework

Project Ireland 2040 – National Planning Framework First Revision (April 2025) The National Planning Framework First Revision (NPF) was approved by Government in April 2025 and constitutes the overarching spatial planning strategy for the State. The NPF projects population growth requiring an average of 50,000 new homes per year to 2040. A central pillar of the NPF is the promotion of compact growth and the consolidation of development within the existing built-up footprints of settlements. The National Planning Framework places a major focus on rural areas in relation to strengthening Ireland’s rural fabric and supporting the communities who live there; and planning for the future growth and development of rural areas, including addressing decline, with a special focus on activating the potential for the renewal and development of smaller towns and villages. Specifically,

- NPO 26 supports the proportionate growth of and appropriately designed development in rural towns that will contribute to their regeneration and renewal.
- NPO 27 continues to support programmes for new homes in small towns and villages to provide serviced sites and attract people to build their own homes and live in small towns and villages.

The NPF is explicit, that housing in rural towns must be 'tailored to the scale, form and character of the settlement' and that 'the design should respond in a positive way to established context to ensure that a suburban or high-density urban approach is not applied within a rural setting'. The NPF also identifies the following National Policy Objectives of broader relevance:

- NPO 7 seeks to deliver at least 40% of all new homes nationally within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.
- NPO 9 seeks to deliver at least 30% of all new homes in settlements other than the five cities within their existing built-up footprints. While the subject site does not contribute to this target, the objective reinforces the policy primacy of consolidation and sequential development.
- NPO 13 provides that planning and related standards, including building height and car parking, shall be based on performance criteria that seek to achieve well-designed, high-quality outcomes.
- NPO 24 supports the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline, while managing the growth of areas under strong urban influence.
- NPO 28 requires, in providing for rural housing, that a distinction be made between areas under urban influence and areas elsewhere, with a more flexible approach applying in less accessible rural areas having regard to the viability of smaller towns and rural settlements

### 5.2.2 **Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024**

These Guidelines replace the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities issued as Ministerial guidelines under Section 28 of the Act in 2009, which in turn replaced the Residential Density Guidelines issued in 1999.

In accordance with the provisions of Section 34 of the Act when making a decision in relation to an application that includes a residential element or other elements covered by these guidelines, the planning authority is required to have regard to the policies and objectives of the Guidelines and to apply the specific planning policy requirements (SPPRs).

## 5.2.4 Design Manual for Urban Roads and Streets

SSD Standards as per Table 4.2

SSD STANDARDS																															
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Forward Visibility		Forward Visibility on Bus Routes																													

Table 4.2: Reduced SSD standards for application within cities towns and villages. Reduced forward visibility increases driver caution and reduces vehicle speeds.

### 4.4.9 On Street Parking and Loading

- The standard width of a space should be 2.4m
- The standard length of a space should be 6m (parallel spaces).
- The standard depth of a perpendicular space should be 4.8m (not including a minimum 0.3m overhang, see Section 4.3.1 Footways, Verges and Strips). • The depth of angular parking should be 4.2m for 60o angle parking and 3.6m for 45o angle parking.
- The dimensions of a loading bay should be 2.8 x 6m to cater for large vans. Facilities for larger vehicles, such as trucks, should be located off-street.

## 5.3. Natural Heritage Designations

The site is not located within a designated site. The nearest sites are:

- Lough Derg (Shannon) SPA (site code: 004058) located 2.5km west of the subject site.
- Lough Derg pNHA (site code: 000011) is located 2.5km west of the subject site.
- Slieve Aughty Mountains SPA (site code: 004168) is located c. 5.5km northwest of the subject site.

- Slievefelim to Silvermines Mountains SPA (site code: 004165) is located c. 11km south of the subject site.
- Lough Derg, Northeast Shore SAC (site code: 002241) is located c. 10km northeast of the subject site.
- Silvermines Mountain West SAC (site code: 002258) is located c. 11km south of the subject site.
- Silvermines Mountain SAC (site code: 000939) is located c. 11km south of the subject site.
- Slieve Bernagh Bog SAC (site code: 002312) is located c.10km west of the subject site.
- Lower River Shannon SAC (site code: 002165) is located c. 10km southwest of the subject site.

## **6.0 EIA Screening**

6.1 The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). The proposed development is of a CLASS specified in Part 2, Schedule 5 of the Planning and Development Regulations 2001 (as amended) but is sub-threshold being a Class 10(b)(i) 'Construction of more than 500 dwelling units'. Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## **7.0 The Appeal**

### **7.1 Grounds of Appeal**

7.1.1 The relevant issues submitted in the grounds of appeal are summarised below.

- Planning permission was granted for the development in 2003, and the estate was substantially complete when the Celtic Tiger economy collapsed. The

applicant has now taken over the estate and wishes to finish the estate as quickly as possible. It was intended to complete the estate under Section 40(2) of the Planning and Development Act, 2000. However, following contact with the planning authority it was decided to submit a planning application.

- The site is zoned 'Existing Residential'. The works are aimed at facilitating completion of a permitted residential development. This accords with Development Plan Specific Objective SO14 which states, the Planning Authority will look at all options for the renewal or regeneration of obsolete or neglected areas or land, within the village, and in particular the development known as Schoolhouse Row.
- The detailed design for the drainage was submitted by Tobin consulting engineers in accordance with Condition No. 3 of PL.22.202431 as granted by ACP in March 2008. This showed both foul and surface water sewerage network and surface water drainage to be disposed of within the site. The foul sewer and the water supply network have not been connected to the Uisce Eireann networks. Uisce Eireann have made an offer subject to payment and minor alterations. The surface water is disposed of on site, using SUDs technology for attenuation, which is a departure from the original approved soakaway approved.
- The District Engineer (Nenagh) stated he has reviewed the original planning application 02/51/0694 and that Condition No. 4 required a BRE 365 test. This was not included in the permission granted by ABP under reference PL22.202431, Condition No. 3 was more general.
- The applicants decided based on technical advice that it was preferable to use a proprietary attenuation tank system to limit run off of surface water rather than a simple soakaway. The attenuation tank is to be positioned at the same location as the permitted soakaway. The purpose of the changed arrangement is to restrict the rate of stormwater flow in line with SUDs.
- The P.A. decided to refuse the change arrangement because it was not satisfied it was adequate or appropriate to serve the residential development, with particular reference to surface water drainage.

- Following attenuation the discharge will be to ground. A Soakaway Design Comparison Report was drawn up which included:

BRE 365 soakaway design verification based on site infiltration testing, confirmation of compliance with BRE Digest, and a comparison between traditional granular and proprietary plastic modular soakaway.

The infiltration test results carried out in January 2029 reveal better results than those in 2003.

- The report concludes the use of a proprietary modular plastic soakaway represents a technically robust, policy-complaint and sustainable surface water management solution.
- In terms of foul drainage, the Portroe wastewater treatment system is operated by Uisce Eireann, and has spare capacity.
- The second reason for refusal cites 3 elements.
- ***Site Road and Parking Layout***

The permission granted in 2003 provided for a 1.5m footpath and included some 1.5m wide parking bays for parallel parking. Parking bays of 2.4m were proposed in locations where parking was to be at right angles to the internal site road. The permitted parking layout is illustrated on the architect's drawings 26/03-03-01. The applicant proposed to modify the layout of parking bays and footpaths to achieve a better outcome by increasing both to 1.8m in width. The planning authority has decided that this proposal is not in accordance with its own standard for parking (2.5m) and has refused permission.

It is reasonable to take account of the existing constraints on the site, in particular the location of the houses built several years ago. The houses were constructed in accordance with the permitted development. It is not now possible to meet with the current requirements of the planning authority in respect of parallel parking bay widths at all locations on the site. The proposed 1.8m width for both footpaths and parallel parking bays was put forward as a reasonable solution.

A revised layout is now submitted for the consideration of the Commission. This drawing is 26/03-03-02 and provides for an increase in the width of the parallel parking bays to at least 2m along the main housing access road, 2.4m elsewhere and increased footpath widths. The width of the access road to the houses is 5m, which accords with DMUR. The revised layout includes the connection from the school to the car park. Details will be agreed with the P.A. and school management.

In the Sustainable and Compact Settlement Guidelines Table 3.8 rural villages are within the intermediate and peripheral locations. SPPR3 of the Guidelines sets out the standard maximum parking provision including visitor parking:

*In intermediate and peripheral locations, defined in Chapter 3 (Table 3.8) the maximum rate of parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 2 No. spaces per dwelling.*

The revised layout is a superior layout to the layout submitted with the application.

The lighting issue can be conditioned by the Commission and should not form part of the reasons for refusal.

- **Site Entrance Arrangements**

As written by the inspector on the PI22.202431 appeal, the description of the entrance to the site remains generally accurate to its present day, although a number of changes have been carried out by the Council. A pedestrian crossing has been installed in front of the school. The carparking along the edge of the public road has been formalised with spaces marked on the ground. The sightlines have been reduced by the parking provided for by the Council. The sightline to the estate, Schoolhouse Row could be greatly improved by relocating the first number of parking spaces nearest the subject site.

## **7.2 Planning Authority Response**

There was no response received from the planning authority.

## **7.3 Observations**

7.3.1 A collective observation from Ger Fahy Planning Consultants on behalf of 26No. observation parties. The names and addresses of the 26No. observers is provided with the submission. can be summarised as follows:

- The structures have remained unfinished for 22 years, the structures should be considered uninhabitable and are the subject of a Derelict Sites Notice.
- In 2025 it was recommended the development be demolished. Now the applicant is stating the houses are ready for the market. Retention permission for such remedial works is required.
- Construction works has resulted in damage to the school boundary wall. The papering over cracks will only temporarily hide serious structural works.
- The planning application illustrates land ownership to the centre of the road. The land registry reveals a wayleave through the site. There are plots within the site sold under different ownership. Mr. Bernard Seymour has not given his consent to the application. The applicant has insufficient legal interest in the land to carry out the development it should be refused.
- The applicant is not the legal owner of the strip of land fronting the site, the name and address of landowner must be set out under section 10 of Form 2 and consent in accordance with Article 22(2)(g)(i) of the 2011 Regulations. The application is invalid and Tipperary Co. Co. is precluded from making a decision.

### 7.3.2 ***Alleged Unauthorized Development***

- The applicant has ample opportunity to comprehensively address the issues arising in relation to unauthorised works.
- No annotated photographic survey was provided.
- The applicant has failed to show what are the differences between what was permitted and what was provided. Permissions for the alterations should have been sought.
- A full set of the as constructed houses and foul and surface water proposals still have not been provided.
- The proposal as presented will facilitate an unauthorised development.

### 7.3.3 ***Foul Sewers On Site***

- The applicants insists on relying on Tobin drawings and a CCTV report from 2004 as per section 3.0 of the EOB Management Service letter submitted with the appeal.
- If the footpaths and surface water details have changed the foul pipes may have changed. The P.A. requested these several times, and even at appeal they have not submitted the details.
- The report is confusing, the relevance of BRE and details of 2008 are unclear as the applicant is not seeking to utilise these and is seeking retention of alteration to surface water proposals.

### 7.3.4 ***Drainage***

- The EOB Management Services report under the heading 'As Constructed Surface Water Network Drainage' refers back to the Tobin 2004 drawings and Tobin Consulting Engineers details 2007.
- There is no doubt or question that what was approved was acceptable, however the applicant hasn't built that, so it is critical that a set of drawings be provided to show what was constructed to compare it to what was permitted. The absence of detail is the reason for the planning authority's reason for refusal. The applicant's did not construct what was approved.
- There is no drawing submitted showing the exact location of the surface water drainage. There is no information were and when the infiltration tests were carried out the Tobin Surface Water drawings instead of providing a set of as built engineering drawings or retain and complete foul surface water drawings.
- The reason for refusal must be upheld because it has not been addressed.

### 7.3.5 ***Structural Assessment***

- There has been structural assessment of the buildings provided. It is questionable if the buildings comply with Part M.

### 7.3.6 ***Parking/ Traffic***

- A Road Safety Audit should have been provided, updated mobility plan and a DMURS compliant certificate. The applicant has failed to provide a swept path analysis for emergency vehicles and refuse vehicles.
- If parking is to be provided for the school will it reduce the capacity for future residents and give rise to queuing into the scheme from the public road.

### 7.3.7 **Site Entrance Arrangements**

- The applicant has relied on Google Earth images which are unreliable in terms of providing detailed analysis of the proposed entrance.
- At the very least if the applicant wants to rely on DMURS then detailed entrance proposals based on proper topographical surveys of horizontal and vertical alignment of the public road should be provided. The original planning permission granted by An Bord Pleanála required traffic calming measures to be implemented by the applicant.
- Sightline sketches prepared by planning consultants on aerial photographs to DMURS standard are completely useless as they are without any technical standard. The fact that this is proposed as acceptable by professional planning consultants is beyond comprehension. Reference is made to the DMURS sketch, then proceeds to refer to the parking in front of the school apparently facilitated by the Council, whereby the hard shoulder marginally interferes with the sightline. Again no engineering to show this. The appellant then acknowledges they cannot achieve the 49m sightline due to the presence of parking spaces in front of the school, but in their attempt to overcome this issue they suggest people park in the housing estate.
- The permission must be refused in the absence of proper sightline drawings.
- It is now considered best practice to submit detailed entrance proposals and traffic calming with a planning application rather than dealing with it by way of condition. Such traffic calming proposals should have been the subject of a Quality Audit and Roads Safety Audit.
- Planning decisions must be made based on the standards in place at the time of the determination of the application and cannot rely on a 23 year historic decision,

particularly when the proposed entrance is no longer the same as the original application.

7.3.8 Another Observation was received from Bernard Seymour, who is the neighbouring landowner on three sides of the development.

- For many years he has experienced poor surface water management running into the adjoining fields while site debris blows in regularly as the site has not been maintained during inactive construction period over the past two decades.
- He has a right of way access through to the site from the R494, the applicant is now asserting this is under legal review (which he is unaware of).
- The observation is that the development is completed to a decent standard. This concerns is from the work carried out to date has been poor and the proposals to complete the scheme are not to contemporary standards. The work to date on site appears to be poor and proposals to complete same appear to be insufficient to meet contemporary standards. One only has to look at the state of the development, the haphazard information supplied and the tone of the responses to the request for information to loose confidence that the current application will see the development completed to a satisfactory finish.
- The site at Schoolhouse Row has been the subject of a protracted planning issues and drawn out construction period and the latest iteration lacks technical data detail
- The current planning application lacks technical detail and is inadequate to finish the estate to an acceptable standard. While the quality of the submitted information is poor, the responses to the RFI only serve to loose confidence that the current applicant.
- Drawings from twenty years ago are still been used to support the current planning application alongside downloaded technical data and other non-coordinated supporting data, haphazardly put together. The infiltration testing, the site specific responses and or-ordination are insufficient. There should be

an update to incorporate a component of SUDS, swales etc and measures to deal with the greener agenda.

- The applicant has been unable to address the issues regarding the entrance safety onto the R494. The scantily drawn sightlines do nothing to improve the situation and changes were made to his own right of way access to the farmland without consultation. Much of the submissions from the community refer to safety and it is a real concern for the school.
- There has been no attempt by the applicant to improve the submitted information when it was given every chance to do so. The need for a cohesive set of as-built drawings, surveys and co-ordinated well calibrated infrastructure as requested by the planning authority.
- The Commission may wish to permit the houses during a housing shortage crisis, but this would drop standards to a new low bar. It is accepted the estate needs to be completed. Current standards must be applied to the estate, and this requires the applicants sincere attempt to engage with the local authority requirements.

## **8.0 Assessment**

### **8.1 Introduction**

8.1.1 Portroe village is included in the Tipperary Co. Development Plan 2022-2028 Volume 2 Settlement Plans. In the Plan the subject site is zoned *Existing Residential*. The site is an unfinished housing estate which is close to completion. It was granted planning permission and constructed before the demise of the Celtic Tiger, resulting in an unfinished estate for many years. The proposal was originally applied for in 2002 under planning reference 02/51/0694. The decision to grant was appealed to An Bord Pleanála, who granted planning permission for the development. Works commenced on the estate called *Schoolhouse Row*, shortly after permission was granted for the development. The full completion of the estate never happened, and it became a ghost estate, with the 22No. houses completed but infrastructure remained incomplete (roads, footpaths, lighting, parking, sewerage, mains connection, etc).

The applicant has taken over the estate and is intending to finish the estate as quick as possible, under Section 40(2) of the Planning and Development Act 2000. However, due to a number of changes in details to the permitted scheme, the applicant decided to submit a planning application in respect of the works relating to surface water infrastructure, footpaths, boundary screen walls, lighting, roads and parking.

On balance, the overall development was previously permitted by the planning authority and An Bord Pleanála. There were a number of subsequent extensions of permission to complete the estate, which were not carried out due to the economic climate at the time. The current development plan policies are in favour of the development being completed. The Planner's Report acknowledges the principle of the development of 22No. houses is established on the site. I am favourably disposed to granting permission for the development and to finally having it completed and occupied. However, I do accept Tipperary Co. Co. and some members of the local community want the development to be completed to the correct standard.

The main issues arising under this appeal area as follows:

- Surface Water Drainage
- Foul Drainage
- Internal Road and Parking Layout
- Site Entrance
- Traffic Calming Measures

## 8.2 **Surface Water Drainage**

8.2.1 The subject site is an unfinished housing estate on serviced land within a village footprint. The housing estate is substantially complete and has been lying idle for a considerable number of years. It is located on the Main Street of the village, alongside the local national school and other dwellings. The planning permission granted by An Bord Pleanála under PL 22.202431 included a condition No. 3 stating :

*Water supply and drainage arrangements, including the disposal of surface water, shall comply in full with the requirements of the planning authority in the provision of these services. ‘*

The original permitted surface water drainage proposals included for a soakaway system to be collected and disposed of within the open space area at the rear of the site. There was a small soakaway system to the front of the site to cater for the immediate area. The system was designed based on infiltration tests carried out at the time which determined there was sufficient capacity in the site to dispose of the surface water on site.

- 8.2.2 Under the current planning application to complete the housing estate, the applicant proposes to use a proprietary attenuation tank system to limit the run-off of surface water rather than a simple soakaway required under Sustainable Urban Drainage Systems (SUDs). The submitted drawing on appeal indicates the attenuation tank at the north-eastern extremity of the site in the public open space area. The planning authority had raised a number of concerns by way of further information on a number of occasions. From reading the internal reports on the planning file, the technical reports considered the information supplied by the applicant regarding the surface water drainage system to be substandard, inadequate, with missing pages. Tipperary Co. Co. had requested a detailed set of as constructed drawings of the as - constructed surface water system (including pipes sizes, depth, gradients, etc), design calculations for the existing/ proposed drainage system to incorporate climate change allowances and SUDS measures. Other outstanding issues requested included infiltration testing to BRE Digest 365 requirements, design for attenuation tanks, and exposing the previously installed tanks for inspection. I note the final Planning Report dated the 15<sup>th</sup> of January 2026, detailed how the applicant had failed to submit the information requested on a number of occasions and finally seemed to have no other option than to refuse the development, despite having made comprehensive and detailed requests for the outstanding technical data required. In my opinion, the planning authority was reasonable in requesting the information regarding the infrastructure. In the future, Tipperary Co. Co. may be taking in charge the estate. It is important the estate is completed to its required standard, and that the Council has an accurate record of the existing and proposed works.

- 8.2.3 On appeal the as-constructed surface water network drawings have been provided and a CCTV inspection report from 2004. The houses were constructed between 2005 and 2008. According to the applicant's appeal submission, the present stormwater management system has been successfully infiltrating the site. There were infiltration tests carried out on site in 2004, which were submitted with the planning application. The planning authority regarded the submitted tests as ambiguous and incomplete. The applicant had been requested to provide new infiltration tests but did not do so during the assessment of the application. On appeal, in response to the decision to refuse, new tests were carried out on site in January 2026 and submitted to the Commission for consideration.
- 8.2.4 The proposed attenuation tank system is designed to hold stormwater temporarily and release it at a controlled rate into the soil. The soil conditions must suit the infiltration and the water table must be low. A full site audit determines the suitability of an appropriate surface water management system.
- 8.2.5 I refer to the BRE Digest 365 Assessment submitted on appeal. The subsoils will require excellent permeability and a relatively deep water table. The measured infiltration rate is indicative of fast and effective water movement, and the result of the tests submitted reveal the soil is suitable for infiltration drainage. However, there are no details provided of the water table level. I also note the drawings submitted indicate, 'the approximate position of the proposed attenuation tank, and do not include the infiltration area or design/ specification. The accompanying report fails to identify where the tests were carried out on the site. I consider these to be critical omissions of the site suitability analysis, especially having regard to the internal reports on the planning file, the requests for further information and the reasons for refusal given by Tipperary County Council. The applicant has been given numerous opportunities to provide the required information and has failed to do so on appeal. Therefore, it cannot be determined from the findings if the surface water system proposed is suitable, and I recommend the reason for refusal given by the planning authority be upheld.

### 8.3 Foul Drainage

- 8.3.1 The site is serviced by the Portroe wastewater treatment plant which has capacity to cater for the proposed development. Uisce Eireann the responsible body has agreed

with the connection subject to a financial contribution to cover the medication in the public road to facilitate the connection.

#### **8.4 Internal Road and Parking Layout**

- 8.4.1 The second refusal for refusal relates to the proposed increase of the parking bay layout and footpath layout within the scheme. The original planning permission provided for 1.5m wide footpaths with 1.5m wide parallel parking bays. The revised layout on appeal illustrates 32No. parking bays each 2.4m in width and 4.8metres in length. The perpendicular parking is proposed to the front of the site and parallel parking to the rear. There are a further 15No. parallel parking spaces along the service road which are 2metres in width. The proposed parking layout is illustrated on Drawing No. 26/03-03-02.
- 8.4.2 The parking layout was permitted in 2003 as per Drawing No. 26/03-03-01. It is evident that the permitted internal road layout and the front building line of a number of the dwellings do not allow for the standard parking width required by the planning authority by the current development plan, which is a width of 2.4m. In my opinion, a compromise has to be reached under these circumstances due to the site constraints and the permitted layout. The scheme has been permitted in principle and is near completion. I consider the proposed layout presented on appeal provides the required number of carparking spaces as outlined in the Tipperary County Development Plan 2022-2028. The spaces which are 2.4m in width are substantially located to the front of the site and the surplus spaces can cater for drop-off parking associated with the neighbouring school. The spaces which are 2m in width are positioned to the front building lines of the dwelling along the service road. There are no front garden areas associated with the dwellings, instead there is a 1.8mtre footpath between the front building line of the dwellings and the parallel spaces. It is not an ideal arrangement, but has been previously permitted in principle, and the dwellings have been constructed in accordance with the permitted drawings. The width of the internal access road is 5metres which is in accordance with the current DMURS Guidelines. The road layout also includes an opening from the neighbouring school site into the carparking area to the front of the site. According to the appeal, it is submitted this vehicular opening is subject to agreement with the school management. Therefore, I consider the layout provided on appeal to be acceptable.

## 8.5 Site Entrance

- 8.5.1 The road frontage of the subject site is directly onto Regional Road R494, which is 7metres in width. There is a 50kmph speed limit in the village. The roadside boundary is approximately 50metres in width and consists of a stone wall along the western portion, and the metal fence along the eastern portion. The existing access to the site is positioned alongside the neighbouring school site. It is proposed to provide the access further east along the roadside boundary in order to achieve the maximum sightlines.
- 8.5.2 Since the previous decision, the road layout and parking fronting the neighbouring school have been realigned by Tipperary Co. Co. A pedestrian crossing has been provided at the school with new perpendicular carparking layout fronting the school and parallel parking on the opposite side of the road to the school. These works would appear to have been carried out over the previous five years (reference Google Maps). The Regional Road rises in a westerly direction away from the proposed entrance to the site, impeding the visibility line in a westerly direction. However, this horizontal alignment existed and was a consideration when the overall development was permitted in 2003.
- 8.5.3 It should be noted the new perpendicular parking layout alongside the entrance to the school impedes the sightlines at the school entrance and the proposed access to the subject site.
- 8.5.4 I note from the Engineering Report on the planning application file, that an unobstructed sightline of 59metres is required as specified in Table 6.2 Volume 3 of Tipperary County Development Plan. The applicant has submitted on appeal the entrance was permitted by the Board in 2003 with a greater sightline requirement at the time of 80metres. It is also submitted the current sightlines required of 59metres is inconsistent with DMURS. The *Sustainable Residential Development in Urban Areas Guidelines of Planning Authorities* Published by the Department of Housing, Local Government in 2024 after the adoption of the county development plan, states it is a policy and objective of the Guidelines to implement the principles and standards set out in DMURS. The visibility line prescribed by DMURS is 45metres according to Table 4.2.

8.5.6 The removal of a number of the nearest perpendicular parking spaces at the school entrance would facilitate a sufficient sightline in a westerly direction at the proposed development and at an easterly direction at the existing entrance to the school. As stated earlier, the proposed layout includes a vehicular access from the school into the housing estate beside the parking area to the front of the site. The loss of a number of carparking spaces (approximately 3-4No. spaces) would provide the required visibility at the proposed entrance. This could be subject to a condition of a permission to reach an agreement with the planning authority.

## 8.6 Traffic Calming Measures

8.6.1 The original planning permission granted under planning reference 02/51/0694 and An Bord Pleanála PL.22.202431 required by condition agreement between the applicant and the planning authority a comprehensive traffic calming scheme on the R494 Regional Road. The stipulations included the scheme was to be designed by an approved Traffic Management Consultancy, to extend from the east of the site to the junction with L6056 (back road to Garrykenny), and to incorporate a pedestrian crossing on the brow of the hill across the Regional Road. The planning authority has now stated as a reason for refusal in the current proposal, there has been no agreement reached between the parties.

8.6.2 According to the appeal file, the previous applicants had compiled extensive information including traffic counts to inform a traffic calming proposal, but agreement was not reached with the planning authority between 2005-2008. Then the estate remained unfinished for a considerable length of time. In my opinion, this issue can be addressed again by condition. As stated previously, there have been changes to the Regional Road in the general vicinity of the site, implemented since the original permission was permitted. This includes the provision of a pedestrian crossing on the brow of the hill and a change in the parking layout. This issue can be subject to a condition of permission and should be agreed between the parties within six months of this decision. It should include a new parking layout along the Regional Road in front of the school.

## 8.7 Other Matters

- A condition should be attached that the dwellings will not be holiday homes.

- The issues regarding rights of way to the agricultural land to the rear and the green area fronting the site are civil matters.

## **9.0 AA Screening**

9.1 Refer to Appendix 3 'Appropriate Assessment Screening Determination'. 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 any European Sites in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

9.2 This determination is based on:

- The small scale and nature of the proposed development and its location within the serviced settlement of Portroe.
- The lack of a hydrological connection to the Lower Shannon (lough Derg) SPA, and the distance from the subject site to the qualifying interest habitats and species of those sites.
- The capacity of the Portroe WWTP to accommodate the proposed development.

## **10.0 Water Framework Directive**

10.1 An assessment of the development has been undertaken in accordance with Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed by the European Communities (Water Policy) Regulations 2003.

10.2 There is no receiving water environment has been associated with the development. The nearest surface water drain is stream north west of the site, located over 500m from the site. It is Shesharoe Stream (River Water Body Code IE\_SH\_25A050100), which forms part of the River Shannon Lower catchment. There is no hydrological link to the subject site. The underlying waterbody is Nenagh aquifer which has a good status.

10.3 Having regard to the nature, scale, and location of the development, and the design of the proposed the design surface water by infiltration into the groundwater, it is concluded that the development will not:

- Result in deterioration of the ecological, chemical, or quantitative status of any relevant surface water or groundwater body;
- Increase pollutant loading or alter the hydrological regime of any receiving watercourse.

## **11.0 Recommendation**

11.1 I am recommending Tipperary Co. Co. decision to refuse be upheld by the Commission. The applicant has not addressed the issue of the surface water disposal in any meaningful way on appeal.

## 12.0 Reasons

Having regard to the absence of clear, consistent and complete information in relation to the existing, as-constructed surface water infrastructure, a full site suitability analysis regarding the storage and disposal of the surface water including the location of the proposed attenuation tank, and associated infiltration area, details of the water table level, and the mapped location of the trial holes on site, the Commission is not satisfied that the infrastructure proposed is adequate or appropriate to serve the residential development. The proposed development is, therefore, 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.”

---

Caryn Coogan

Planning Inspector

17<sup>th</sup> of June 2026

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

<b>Case Reference</b>	500835-TY-26
<b>Proposed Development Summary</b>	RETENTION: for as constructed surface water infrastructure, footpaths, boundary screen walls around houses and permission for alterations to the approved site development works, general revisions to the public lighting layout, roads, paths & parking
<b>Development Address</b>	Schoolhouse Row, Portroe, Co. Tipperary
<b>IN ALL CASES CHECK BOX / OR LEAVE BLANK</b>	
<b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	<b>State the Class here</b>
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	

<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. <b>No Screening required.</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b> <b>OR</b> <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	10(b)(i): Construction of more than 500 dwelling units.
<b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>	
Yes <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
No <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

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

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

## Appendix 2: Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	PL-500835-TY-26
<b>Proposed Development Summary</b>	RETENTION: for as constructed surface water infrastructure, footpaths, boundary screen walls around houses and permission for alterations to the approved site development works, general revisions to the public lighting layout, roads, paths & parking
<b>Development Address</b>	Schoolhouse Row, Portroe, Co. Tipperary
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b> (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposed development comprises the retention and completion of 22no. dwellings with proposed connections Uisce Eireann networks. SuDS measures and an underground attenuation tank with controlled discharge to groundwater are proposed to address surface water management. The site is a ghost estate within the village core of Portroe. No demolition works are proposed or required to facilitate the scheme or significant excavation. A new access to the site is proposed from Regional Road fronting the site. The development comes forwards as a standalone project, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. 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
<b>Location of development</b> (The environmental sensitivity of geographical areas likely to	The site is not located within or immediately adjacent to any designated site. The proposed development would connect to public water and wastewater SuDS

<p>be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>measures and an underground attenuation tank with controlled discharge to an infiltration system located in the proposed open space area.. It is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.</p>
<p><b>Types and characteristics of potential impacts</b></p>	<p>Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
<p><b>Conclusion</b></p>	
<p><b>Likelihood of Significant Effects</b></p>	<p><b>Conclusion in respect of EIA</b></p>
<p><b>There is no real likelihood of significant effects on the environment.</b></p>	<p><b>EIA is not required.</b></p>

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

## Appendix 3: Standard AA Screening Determination Template 2

### Test for likely significant effects

<b>Screening for Appropriate Assessment</b> <b>Test for likely significant effects</b>	
<b>Case Reference Number: 500835-TY-26</b>	
<b>Brief description of project</b>	<p>The development comprises the retention and completion of 22no. dwellings. Permission is also sought for a new site entrance off the regional road, car parking spaces, public open space and all associated works. See Section 2.0 of the Inspector's Report.</p>
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The site extends to c. 0.65 ha and is an unfinished estate from the Celtic Tiger era, known as a ghost estate. It was permitted planning permission in 2003 and was substantially construction when the Irish economy crashed and the site was left idle and incomplete for almost 20 years. It is located on the western side of Portoe village alongside the local national school. The site is located on the northern side of the Regional Road dissecting the village. The site falls away from the roadside boundary towards and agricultural property at the rear of the site. There is a right of way through the estate to the farm. The other boundaries include a school on one side and a residential boundary to the east.</p> <p>The development includes connection to existing public water and foul sewer networks via Uisce Éireann infrastructure. Foul drainage will be treated at the Portroe WWTP. Surface water will be managed by an unusual system which includes an attenuation tank with a controlled release into the public open space area. There is no surface water ditch beside the subject site. The nearest watercourse is a stream located</p>

	<p>500m north-west of the site. This stream connects into the catchment of the nearest European Site, Lough Derg (Shannon) SPA (site code: 004058) lies c.2.5km northeast and west of the subject site.</p> <p>The primary potential impact mechanisms are non-existent because the estate is near completion, and the construction phase is near completion.</p>
<b>Screening report</b>	Y
<b>Natura Impact Statement</b>	N
<b>Relevant submissions</b>	No submissions received specifically in relation to Appropriate Assessment.

**Step 2. Identification of relevant European sites using the Source-pathway-receptor model** The only site worth considering is Lough Derg (Shannon) SPA (site code: 004058) lies c.2.5km northeast and west of the subject site. All the other sites are located too far away from the site, there is no hydrological connection, and the estate is near completion, therefore it does not involve significant construction works or a Construction Environmental Management Plan.

<b>European Site (code)</b>	<b>Qualifying interests<sup>1</sup> Link to conservation objectives (NPWS, date)</b>	<b>Distance from proposed development (km)</b>	<b>Ecological connections<sup>2</sup></b>	<b>Consider further in screening<sup>3</sup> Y/N</b>
Lough Derg (Shannon)	Cormorant (Phalacrocorax carbo) [A017]	c.2.5km northeast and	<b>None</b>	<b>N</b>

SPA (site code: 004058)	Tufted Duck (Aythya fuligula) [A061] Goldeneye (Bucephala clangula) [A067] Common Tern (Sterna hirundo) [A193] Wetland and Waterbirds [A999]	west of the subject site		
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**Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites AA Screening matrix**

<b>Site name Qualifying interests</b>	<b>Possibility of significant effects (alone) in view of the conservation objectives of the site*</b>		
	<b>Impacts</b>	<b>Effects</b>	
Lough Derg (Shannon) SPA (site code: 004058)	<b>Direct:</b> <b>None</b> <b>Indirect</b> [None]	.	
	<b>Likelihood of significant effects from proposed development (alone):</b> <b>N</b>		
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b> <b>No</b>		

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

I conclude that the proposed development and retention of existing development (alone) would not result in likely significant effects on any European sites. The development would have no likely significant effect in combination with other plans and projects on any European site). 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 any European Site(s)] in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The small scale and nature of the proposed development and its location within the serviced settlement of Portroe.
- The lack of a hydrological connection to the Lower Shannon (lough Derg) SPA, and the distance from the subject site to the qualifying interest habitats and species of those sites.
- The capacity of the Portroe WWTP to accommodate the development.