



An
Coimisiún
Pleanála

Inspector's Report PL-501455-CW-26

Development	A new dwelling house with connection to existing services, proposed new well and all associated site works
Location	St. Mullins Road, Tinnahinch, Co. Carlow
Planning Authority	Carlow County Council
Planning Authority Reg. Ref.	2560288
Applicant(s)	Martin & Edna Brophy
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Martin & Edna Brophy
Observer(s)	None
Date of Site Inspection	14 th September 2026
Inspector	Patricia Byrne

1.0 Site Location and Description

- 1.1. The appeal site is located south of the settlements of Graiguenamanagh and Tinnahinch and is accessed by means of a private laneway off St. Mullins Road. Saint Oliver Plunkett Avenue housing estate is located to the north/northwest of the site, and an existing two-storey dwelling house and detached garage/outbuilding lie to the west. This property is also accessed from the private lane. A further dwelling is located to the southwest, accessed directly from St. Mullins Road.
- 1.2. The site is bounded by a footpath to the south/southwest, terminating at the appeal site. The private lane continues onwards in a winding fashion from this point, climbing steeply to a further dwelling house on an elevated site to the east.
- 1.3. Services are provided in the footpath to the southern site edge.
- 1.4. The appeal site is in pasture and contains mature trees, one to the northwest corner and two further trees close to the current entrance to the southwest. The site is bounded by a timber post and rail fence and tree planting to the west and by trimmed hedging and a concrete kerb to the south. A hedgerow forms the boundary to the north with Saint Oliver Plunkett Avenue. The eastern/northeastern boundary is undefined.
- 1.5. The site slopes steeply upwards from west to east, with a level difference of c. 7.0m between the northwestern and the southeastern corners.
- 1.6. Overhead telegraph wires are located to the east.
- 1.7. The stated area of the site is given as 2.680Ha in the application form, however this would appear to be an error, with an area of 0.267Ha indicated on the Site Layout Plan.

2.0 Proposed Development

- 2.1. Permission is sought by Martin and Edna Brophy for a single storey dwelling with connection to public sewer, provision of a private well and all associated site works.
- 2.2. A letter of consent from the landowner is provided in support of the application and consents to a connection to the existing foul sewer and water main in the private lane.
- 2.3. The dwelling house, which has a stated floor area of 136sq.m. is modest in height at 5.66m and is finished with a slated pitched roof and is clad in a mix of timber and nap

plaster to its external elevations. Windows are uPVC. Accommodation provides *inter alia* for 3 no. bedrooms.

- 2.4. The dwelling is set back 25.2m from the private lane.
- 2.5. A landscaping plan indicates existing mature trees will be protected during construction works and preserved as part of the scheme, with hedgerows provided to the eastern, western and northern site boundaries.
- 2.6. A response to a request for Further Information was lodged on the 13th of April 2026 and provided land registry details, together with birth certificates of the applicant's, school records and letters of support for the application. The response also provided minor elevational amendments and sectional drawings indicating site levels together with a landscaping plan undertaken by Seamus Moran. Further details in relation to the external finishes of the dwelling and proposed vehicular entrance were also provided. A revised drawing was also provided, detailing sightlines of 90m to the southeast and 50m to the northwest, with the response stating the site is within the speed limit of 50kph requiring a sight distance of 70m. Furthermore, the response clarifies that no works are proposed to the entrance from the main road, and that such amendments (as indicated on the lodged plans) were carried out under an earlier planning permission.
- 2.7. Consent of the landowner is provided in relation to future access/right of way to the site over the private lane.
- 2.8. The response confirmed that the water supply is not via a Group Water Scheme but rather a public supply operated by Uisce Éireann. Correspondence from Uisce Éireann indicates that a connection to the supply is feasible without infrastructure upgrades.

3.0 Planning Authority Decision

3.1. Decision

Carlow County Council by Order dated 7th May 2026 issued a decision to refuse permission for the following reason:

It is the policy of the Carlow County Development Plan 2022-2028, as set out in Section 3.16 to manage the development of one-off housing in the rural countryside in accordance with the Council's rural housing policy, subject to compliance with normal planning criteria including siting and design considerations. Based on the information submitted with the application, it is considered that the applicants have not demonstrated a functional economic or social requirement to reside in this rural area and therefore do not comply with the Council's local need policy, as outlined in Section 3.16 of the Carlow County Development Plan 2022-2028. As such the proposed development would be contrary to the Carlow County Development Plan 2022-2028 and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial planning report dated 14th November 2025 culminated in a request for Further Information. The report examined the site's location and context, relevant planning history, reports of internal Council Divisions and provisions of the Carlow County Development Plan 2022-2028. Matters requiring further examination included demonstration of compliance with the County's Rural Housing Policy and evidence of family ownership of the site and of residence in the local area for a minimum of five consecutive years; landscaping and boundary treatments and details of cut/fill; Demonstration of compliance with Section 16.10.7 of the Development Plan regarding the provision of 90m sightlines at the junction of the private lane and public road; Evidence of right of way over laneway; Site entrance details, and details of works indicated on the plans to the front wall and piers at the junction of the public road; Elevational finishes to the dwelling and demonstration of capacity to connect to a Group Water Scheme.

A further Planning Report prepared on submission of a response to the request for Further Information determined that the applicants were not compliant with Section 3.16 of the Development Plan relating to the management of housing in the rural

countryside and specifically that the applicants did not have a connection to the subject rural area. The recommendation made within the Planning Report is reflective of the Decision of the planning authority dated 7th May 2026.

3.2.2. Other Technical Reports

Municipal District Engineer

The initial report sought demonstration of sightlines in accordance with Figure 16.1 and Table 16.5 of the Development Plan and sought to identify the level of hedgerow to be removed.

A subsequent report recommended that sightlines be constructed as per drawings provided and subject to standard conditions.

Senior Engineer Environment Planning report

Report recommended a grant of permission subject to conditions in relation to the management and disposal of surface water.

Environment Department

Report raised no objection to the development, requiring compliance with conditions relating to the provision of a Construction Environmental Management Plan (CEMP); Measures to prevent the spread of invasive species; Provision of a Resource and Waste Management Plan (RWMP); and management of construction operations.

Carlow Fire Authority

No report received.

3.3. Prescribed Bodies

None on file.

3.4. Third Party Observations

None received by the planning authority.

4.0 Planning History

Appeal Site

P.A. Reg. Ref. 10/283 Permission GRANTED for a dwelling house and domestic garage with connection to all existing services and all associated site works.

P.A. Reg. Ref 08/351 Permission GRANTED for a dwelling house, domestic garage/store and associated site works on a serviced site granted under PL06/1158

Wider area

P.A. Reg. Ref. 09/41 Permission GRANTED for RETENTION of an access road as built (alteration to plans approved under Reg. Ref. 06/1158) and associated site works.

P.A. Reg. Ref. 06/1158 Permission GRANTED for a dwelling and domestic garage/store with connection to services and for 2 no. sites with associated works.

PL.01.217303/ P.A. Reg. Ref 0679 Permission REFUSED on appeal for a dwelling house and garage, connection to public services and associated ancillary works.

P.A. Reg. Ref. CW8578 Permission GRANTED for a bungalow and septic tank.

5.0 Policy Context

5.1. National Policy

National Planning Framework – First Revision April 2025

The National Planning Framework First Revision (NPF) recognises the continuing housing need for people to live and work in the countryside. Careful planning is required to manage demand in our most accessible countryside around cities and

towns, focusing on the elements required to support the sustainable growth of rural economies and rural communities.

National Policy Objective 24 (NPO 24) ‘

Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid overdevelopment, while sustaining vibrant rural communities.

National Policy Objective 28 (NPO 28)

Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;

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

Sustainable Rural Housing Guidelines 2005

Planning authorities must tailor policies which respond to the differing housing requirements of both urban and rural communities and the varying characteristics of rural areas. The Guidelines also differentiate between rural and urban-generated housing.

Section 3.2.3 refers to rural generated housing with reference to persons who are an intrinsic part of the rural community and to members of an established rural community.

Draft Sustainable Rural and Gaeltacht Housing- National Planning Statement

Government on the 30th of June 2026 agreed a proposed policy direction for rural housing, meaning that the *Draft Sustainable Rural and Gaeltacht National Planning Statement*, prepared by the Department of Housing, Local Government and Heritage, will move to environmental assessment under relevant EU Directives and associated public consultation, prior to its final approval.

5.3 Development Plan

- 5.1.1. The Carlow County Development Plan 2022-2028 is the operable Development Plan for the area and came into effect on the 4th July 2022.

Volume 1 Written Statement

Chapter 3 Housing

Section 3.16 Single Housing in the Countryside

Section 3.16.1 Rural Area Types

National and Regional level policy in the NPF and the RSES for the development of single houses in the rural countryside requires a distinction to be made between two types of rural areas and prescribes criteria that must be adhered to in the assessment of development proposals for single house.

Table 3.4 Rural Housing Policy Zones

Zone 1: *Rural Areas Under Urban Influence* and

Zone 2: *Other Rural Areas*.

Both zones are identified on Map 3.2- Rural Housing Policy Zones.

The appeal site is located within Rural Housing Policy Zone 1- Rural Areas Under Urban Influence

Section 3.16.2 Rural Generated Housing Need

Rural Housing Policy Zone 1

The Council shall consider a single house in the countryside for the permanent occupation of an applicant in *Rural Areas Under Urban Influence* where compliance with the criteria listed for **Category 1 or Category 2** can be demonstrated as detailed in Table 3.5. *Rural Housing Policy Zone 1 Categories and Criteria*. The Plan specifies that compliance with only one of the Categories must be demonstrated.

Table 3.5 Rural Housing Policy Zone 1: Rural Areas under Urban Influence

Category 1: Criteria for Functional Economic Requirement

The applicant shall demonstrate with relevant documentary proof, that they have a **functional economic requirement** to live in this rural area and wish to build a home for their own use. This includes persons who:

- (i) have existing occupational or employment related ties to the rural area, such as those involved in full-time agriculture, horticulture, forestry, as well as similar rural-based occupations, and where it can be adequately demonstrated to the satisfaction of the Planning Authority that it is their predominant occupation; **OR**
- (ii) Can demonstrate their commitment to operate a full-time business from their proposed house in the rural area. The nature, viability, and location of any such business must be dependent on, and intrinsically linked to, the rural area. This must be supported by a business plan prepared by a suitably qualified and competent professional.

Category 2: Criteria for Functional Social Requirement

The applicant shall demonstrate with relevant documentary proof that they have a **functional social requirement** to live in this rural area, and wish to build a home for their own use. This includes persons who can demonstrate that they are living or have lived full-time in the local rural area for a minimum of 5 consecutive years at any stage prior to the making of the planning application, including returning migrants seeking a permanent home in their local rural area. For the purposes of this policy, '*local rural*

area' is defined as a site within an 8km radius of where the applicant is living or has lived. (own emphasis).

Where an application for a rural house is being made on the basis of Category 1 or Category 2, the applicant shall also demonstrate:

(a) compliance with all normal siting and design considerations (*Refer also to Policy RH P6*); **and,**

(b) that they do not own or have not been previously granted permission for a single house in the countryside in County Carlow and have not sold this house to an unrelated third party, save in exceptional circumstances

Section 3.16.3 Rural Housing Policies (including)

RH P1 Rural Housing Zones and Criteria

Manage the demand for single houses in the countryside of County Carlow in accordance with the Rural Housing Policy Zones shown on Map Ref. 3.2 and the corresponding criteria listed in Section 3.16.2. Documentary proof of compliance with the criteria listed must be submitted with a planning application.

RH.P2 Occupancy

Restrict the occupancy of a rural house as a permanent place of residence for a period of 7 years to the applicant/occupant who demonstrate compliance with the rural housing policy criteria.

Policy RH. P4 Local Exceptional Circumstances

Recognise that local exceptional circumstances may require a person to live in a particular location. This includes (i) exceptional health needs, where supported by relevant documentation from a registered medical practitioner, or (ii) exceptional personal needs such as the requirement to sell a rural house on foot of a court order (e.g. following a divorce or legal separation), where supported by relevant documentation from a registered legal practitioner.

Section 3.16.5 Siting and Design Policies

Policy RH. P6 Ensure, in addition to the requirement to comply with the rural housing policy criteria, that applicants demonstrate compliance with all normal siting and design requirements. The siting, layout and design of a new rural house shall appropriately integrate with its physical surroundings, including the natural and built heritage of the area, taking account of (*in summary*)

- Rural Housing Design Guidelines
- Character sensitivity and capacity of the county's landscape
- Capacity of the area to absorb development
- Protection and preservation of features in the landscape
- Safe vehicular entrance
- Capacity to accommodate on site wastewater treatment
- Accommodation of on-site surface water management
- Compliance with Planning System and flood Risk Management Guidelines
- Compliance with Spatial Planning and National Roads Guidelines

Chapter 9 Landscape and Green Infrastructure

Policy LA. P10 Ensure that features which contribute to local landscape character, including historic features and buildings, trees, hedgerows, shelter belts and stone walls, are retained, protected, and enhanced where appropriate, so as to preserve the appearance and local landscape character of an area, whilst supporting sustainable landscape change and development. Development proposals necessitating the removal of such features will be discouraged.

Chapter 13: Rural Design Guide

Chapter 16 Development Management Standards

Section 16.10.7 Entrances and Sightlines

Section 16.10.10 Local Roads states that only minimum interference with existing roadside boundaries and hedges shall be permitted in relation to visibility splays on

Local Roads. Visibility splays to be stipulated at 90 metres unless a safety audit is submitted to justify a reduced sight distance.

If a development is located on a private laneway, details of maintenance and upgrade if required together with legal entitlement to carry out same shall be submitted with the planning application.

Graiguenamanagh – Tinnahinch Local Area Plan 2021-2027

Prepared jointly by Kilkenny County Council and Carlow County Council and adopted on the 19th of July 2021.

The appeal site is located to the immediate south (and outside) of the boundaries of the LAP.

5.4 Natural Heritage Designations

The appeal site does not lie within or bounding a natural heritage designation. The following in the wider area are noted:

Natura 2000 Site	Distance from site
River Barrow and River Nore SAC (Site Code 002162)	c.330m
Clohasia pNHA (Site Code 000830)	c. 3.1km
Blackstairs Mountains pNHA (Site Code 000770)	c. 6.2km
Blackstairs Mountains SAC (Site Code 000770)	c. 6.2km

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). 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

The decision of the Planning Authority made on the 7th of May 2026, is the subject of a First-Party appeal by Martin and Edna Brophy. The matters raised are set out below:

- Section 3.16 of the Carlow County Development Plan 2022-2028 provides guidelines for one-off housing in the rural countryside. The applicants are returning immigrants from America.
- No definite reason has been given by the planning authority/within the planner's report as to why the applicants were considered not to be compliant with the rural housing policy.
- Information provided in response to the request for Further Information included land registry details and evidence of family ownership of the site, together with details of Edna Brophy's original family home and existing farm.
- Birth certificate of Edna Brophy confirmed her family address at Tinnegraney, together with school records while residing at this location. The applicant resided at Tinnegraney from birth to 18 years and then resided in the USA for 38 years. Additional proof is not feasible as records are no longer available.
- 5 consecutive years residing in a rural area have been demonstrated.
- Land Registry Folio details are provided of family land at Tinnegraney (46.90Ha), owned and farmed by a member of the applicant's family.
- The appeal site is close to the applicant's sister's landholding at Tinnahinch Graiguenamanagh Co. Carlow and is the basis for selecting the site rather than lands at Tinnagraney which are not suitable for the applicant's requirements.
- The applicant has mobility issues and wishes to reside close to her sister. (Information provided to the local authority and copy included as part of the appeal).
- The applicant is considered to comply with the Development Plan's rural housing policy and medical conditions should be considered as she will receive support from family members close to the site.

- Returning immigrants have an entitlement under national and local rural housing policy to retire back to where they were born. The appellants are compliant with this policy and should have been granted permission.
- The Commission is requested to overturn the Planning Authority's decision and to grant permission.
- Additional details are provided including:
 - Copy of planning authority decision dated 7th May 20206.
 - Copy of application, including qualifying criteria.
 - Application cover letter from Byrne and McCabe Design Ltd providing background in relation to the applicants.
 - Letter from landowner consenting to the application and to connection to foul sewer and water supply.
 - Letter of consent from the agents of the landowner agreeing to a right of way to serve the site from the public road on condition of grant of planning permission.
 - Confirmation of Feasibility to connect to water connection from Uisce Éireann dated 16th February 2026.
 - Medical record.
 - Letter from Edna Brophy to Carlow Co. Council
 - Response to Further Information request dated 2nd April 2026.
 - Land Registry and Folio details of the appeal site and wider landholding.
 - Letter of support from the applicant's sister.
 - National School records for Edna Brennan of Tinnegarney.
 - Birth Certificates of Edna Brennan and Martin Brophy
 - National School and Secondary school records Martin Brophy.
 - Registration of Marriage

7.2. Planning Authority Response

The planning authority in a response dated 26th June 2026 indicates that it has no further comment with regard to the appeal. The Commission is referred to the planning authority's planning report which sets out the basis of the decision to refuse permission.

7.3. Observations

None on file.

8.0 Assessment

8.1. This is a Third-Party appeal against the decision of Carlow County Council to refuse planning permission in respect of P.A. Reg. Ref. 2560288. I am satisfied having examined the details of the application and all other documentation on file, having visited the site, and having regard to local, regional and national planning policies and guidance, that the main issues for consideration relate to the following:

- Principle of Development and Compliance with Rural Settlement Strategy
- Siting and Design
- Access and Road Traffic Safety

8.2. Principle of Development and Compliance with Rural Settlement Strategy

8.2.1. A central component of this appeal relates to the ability of the appellants to comply with the rural settlement strategy of Carlow County Council. The subject lands are unzoned and are located to the south of and outside of the boundaries of the Graiguenamanagh–Tinnahinch Local Area Plan (LAP). The LAP encompasses the residential estate of Saint Oliver Plunkett Avenue which is located abutting and to the north of the site. Accordingly, as set out under Map 3.2 Rural Housing Policy Zones of the Development Plan, the appeal site is located within Zone 1- Rural Areas under

Urban Influence for the purposes of rural housing provision, and as such is subject to the requirements of Section 3.16 of the Development Plan which concerns Single Housing in the Countryside.

- 8.2.2. Section 3.16.2 requires the Council in such applications, to consider a single house in the countryside for the permanent occupation of an applicant in *Rural Areas Under Urban Influence* where compliance with the criteria listed for Category 1 or Category 2 can be demonstrated as detailed in Table 3.5. The appellants in this instance rely on Category 2 [Functional Social Requirement] as the basis of the application.
- 8.2.3. Persons wishing to build a home for their own use under this category must demonstrate that they are living or have lived full time in the local rural area for a minimum of 5 consecutive years at any stage prior to making the planning application. The policy includes returning migrants seeking a permanent home in their local rural area.
- 8.2.4. Category 2 states that for the purposes of this policy, *'local rural area is defined as a site within an 8km radius of where the applicant is living or has lived'*.
- 8.2.5. The appeal and supporting documents indicate that Martin Brophy was born in Carlow town while Edna Brophy was born in Tinnagraney Co. Carlow. **Note:** The application form- Page 13 Part B (ii) Category 2 Functional Social requirement refers to the appellant's birthplace as Tinnegarney Co. Carlow, which may be an alternative spelling. An Eircode provided confirms the original home as close to Bagenalstown Co. Carlow. As such, documentation provided indicates that Martin Brophy's connection to the Tinnahinch area is through his wife's family with otherwise no information provided to demonstrate a link to the area, or to a rural area of Co. Carlow for the requisite period.
- 8.2.6. Edna Brophy, through information provided in support of the planning application and in this appeal, has demonstrated a connection to a rural area outside of Bagenalstown at Tinnagraney/Tinnegarney, where she was born and where she resided while attending school. The response to Item 1(b) of the request for Further Information specifically states that *'Tinnegarney is a rural townland in Carlow. This shows Edna(s)*

rural connection'. It is further stated that *'between birth certificate and school record shows Edna resided rural in Tinnegarney Bagenalstown Co. Carlow for 12 years using these dates'*. For the purposes of Category 2 however, local rural area is defined as a site within an 8km radius of where the applicant is living or has lived. As per the policy, and in this instance, this is taken as an 8km radius of the rural area of Tinnagraney/Tinnegarney and not Tinnahinch, the location of the appeal site. Other than the applicant's sister residing in proximity to the site in question, the appellant has not demonstrated a connection to the rural area in question.

- 8.2.7. Therefore, while a connection to a rural area of the county would appear to exist, the connection is not to Tinnahinch or the appeal site, and accordingly, I do not consider the applicants to be compliant with the requirements of the rural settlement strategy for the county.
- 8.2.8. I refer the Commission to Section 3.16.3 Rural Housing - Policies of the Plan which recognises under Policy RH.P4 Local Exceptional Circumstances, that local exceptional circumstances may require a person to live in a particular location. This includes (i) exceptional health needs supported by relevant documentation from a registered medical practitioner. In this regard, I note that the application refers to personal requirements of one of the appellants which is supported in the application documentation by a medical report. I note also that future assistance is to be provided by a family member.
- 8.2.9. While I note the requirements of this section, I am not of the view that exceptional circumstances present which would necessitate the construction of a new dwelling house in a rural area and I consider that the plans provided would not appear to suggest a design/build which could not otherwise be met by housing within surrounding settlements in proximity to the site. In this regard, lands are zoned for residential development in the immediately adjacent settlement of Tinnahinch under the Graiguenamanagh – Tinnahinch Local Area Plan 2021-2027. Accordingly, it is my opinion that circumstances as presented in the appeal are not considered to be exceptional in nature as would require the appellants to construct a dwelling house in this rural location.

8.2.10. On the basis of the information provided as part of the planning application and under this appeal, the appellants have not demonstrated compliance with the requirements of Section 3.16 –Single Housing in the Countryside as contained in the Carlow County Development Plan 2022-2028. Accordingly, the development of a detached dwelling on this site would contravene the adopted rural settlement strategy for the county.

8.3. Siting and Design

8.3.1. Given the location of the site to the rear of an existing two-storey dwelling house, together with its siting off a private lane, the structure would be shielded from public view from the adjoining carriageway to the east and would not be visible from Saint Oliver Plunkett Avenue to the north given the rising ground levels and embankment to the northern boundary of the site.

8.3.2. While ground levels rise steeply, with a level difference of c.7.0m indicated between the northwest and the southeastern corners, sectional drawings provided in response to the further information request (Drawing No. 02 Site Layout) indicate that the extent of cut and fill required to accommodate the dwelling would not be excessive.

8.3.3. The house design is that of a low-profile single storey pitched roof structure, 5.56m in height and finished with a plaster and selected timber finish and a slate roof. Coupled with the sensitive landscape proposals tabled under the Landscape Plan provided by Seamus Moran, including the retention of the mature trees on site, I am of the opinion that the dwelling would integrate successfully on site, would be visually acceptable, and would accord with Section 3.16.5 Siting and Design Policies of the Development Plan, including the Rural Housing Design Guidelines.

8.3.4. Having regard to the separation proposed from neighbouring property to the west and southwest, the development would not give rise to material loss of residential amenity to extant dwelling units by reason of overlooking or proximity.

8.3.5. In terms of service provision, the development is shown to connect to an existing foul sewer. While a private borewell is proposed to the northeast of the dwelling, the response to the request for further information includes a pre-connection enquiry from

Uisce Éireann dated 16th February 2026, which indicates that a connection to a public water supply would be feasible. If the Commission is minded to award permission, it is suggested that such connection to the public mains could be conditioned.

8.4. Access and Road Traffic Safety

- 8.4.1. The development would be served via an entrance onto a private lane which connects via a large bell-mouth entrance to St. Mullins Road to the west. A footpath is provided to the southern site boundary, and the dwelling would be served with a recessed splayed entrance comprising timber post and rail fencing and a timber gate. The boundary to the private road would continue to comprise a hawthorn hedge. Currently, the private lane serves two dwelling houses, with a separate entrance serving a detached garage of the property to the west.
- 8.4.2. The Carlow County Development Plan requires under Section 16.10.7 Entrances and Sightlines that where a development is located on a private laneway, details of maintenance and upgrade if required together with legal entitlement to carry out same shall be submitted with the planning application. In this regard, I note that a letter from the landowner confirming the establishment of a right of way to the appeal site would be forthcoming in the event of planning permission.
- 8.4.3. The junction of the private lane with St Mullins Road (L3008) is formed by a formal bell-mouth entrance, surfaced in tarmacadam and bounded by low splayed plastered walls. Drawing Ref 03: Sightlines at Entrance- indicate 90m sightlines to the southeast and 50m to northwest. The boundary to the northwest is comprised of a stone and grass bank with hedgerow atop, while to the southeast, the boundary is formed by a low stone wall. The speed limit sign on entering Tinnahinch is located prior to the entrance to Saint Oliver Plunkett Avenue estate.
- 8.4.4. No objections were raised by the engineering divisions of the planning authority following the submission of the further information response, including in relation to the extant visibility from the entrance onto the public road. I am satisfied that the

development could be accommodated on site given the established nature of the entrance, the low-level of proposed intensification and the sight lines available.

9.0 AA Screening

- 9.1. See completed Screening Determination Form in Appendix 3. 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 River Barrow and River Nore SAC (Site Code 002162) or on the Blackstairs Mountains SAC (Site Code 000770) 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:

- 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.
- Taking into consideration the report of the Environment Department of the planning authority.

10.0 Water Framework Directive

- 10.1. The subject site is located in the rural area of Tinnahinch Co. Carlow and accessed off St. Mullins Road. The development comprises the construction of a single-storey dwelling house, with associated site works. The proposed scheme would be served by a connection to public mains sewer and by a private well. A connection to the public water supply has also been shown to be feasible.
- 10.2. The appeal site is located within the Barrow Water Framework Catchment ID_14. The underlying groundwater body is New Ross IE_SE_G_152 with bedrock described as poorly productive. The overall ecological status is classified as good and not at risk. The River Barrow IE_SE_14B013514 flows to the north, west and south, is separated

from the site by approximately 500m and is classified as having poor ecological status and at risk of achieving WFD.

10.3. 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 soakaways and a proposed private water borewell. Note: Connection to the public water supply has been shown to be feasible. Wastewater will be disposed of to a public sewer.

10.4. 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 satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:

- Nature of works concerned, providing for a dwelling house served by a connection to public sewer mains and a private well, with potential to connect to a public water supply.
- Distance from nearest water bodies and/or lack of hydrological connections.

10.5. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

I recommend that permission is refused.

12.0 Reasons and Considerations

The proposed development is located within Rural Housing Policy Zone 1- Rural Areas under Urban Influence as set out in Map 3.2 Rural Housing Policy Zones of the Carlow County Development Plan 2022-2028. It is the adopted policy of the Development Plan to manage the development of rural housing in the county in accordance with Section 3.16 Single Housing in the Countryside, including rural generated housing need. The Commission is not satisfied based on the information provided, that compliance with Section 3.16.2 Rural Generated Housing Need has been demonstrated, and that a functional economic requirement or a functional social requirement to reside at this location as required by compliance with Category 1 or Category 2 of Table 3.5 Rural Housing Policy Zone 1 Rural Areas under Urban Influence, has been established. The proposal does not therefore comply with the Council's rural settlement strategy and would contravene Section 3.16.2 of the Carlow County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

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

Patricia Byrne

Planning Inspector

25th September 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501455-CW-26
Proposed Development Summary	Permission sought for a new single storey dwelling house with connection to existing services, proposed new well and all associated site works.
Development Address	St. Mullins Road, Tinnahinch Co. Carlow
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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ 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?	
☐ 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.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ 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)	Class 10(b) Part 2 Schedule 5 Infrastructure Projects Construction of more than 500 dwelling units.
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 ☐	

No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)
--	--

Inspector: _____ Date: _____

Appendix 2

EIA Preliminary Examination

Case Reference	PL-501455-CW-26
Proposed Development Summary	Permission is sought for a new single storey dwelling house with connection to existing services, proposed new well and all associated site works.
Development Address	St. Mullins Road Tinnahinch Co. Carlow
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (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).	Construction of a detached dwelling house with connection to a public wastewater sewer and proposed private well. (A connection to a public water supply is also feasible) The site extends to a stated area of 0.267Ha. and the gross floor area of the dwelling is stated as 136sq.m. The site rises from west to east with a level difference of approximately 7.0m across the site necessitating limited cut and fill. The scheme does not require the use of substantial natural resources or gives 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.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely	The development is located within a rural area and is not zoned. A small linear housing estate at Saint Oliver Plunkett Avenue is located to the north and is within the Graiguenamanagh–Tinnahinch Local Area Plan 2021-2027. The dwelling proposes to connect to a public foul sewer and would be served by a private well. There is also scope to connect to a public water supply operated by Uisce Éireann. The development is removed from sensitive natural habitats, centres of population and designated sites and landscapes

populated areas, landscapes, sites of historic, cultural or archaeological significance).	of identified significance in the Carlow County Development Plan 2022-2028. No cultural or historic impacts arise. The site is located c.330m from the River Barrow and River Nore SAC (Site Code 002162) and is approximately 6.2km from the Blackstairs Mountains SAC (Site Code 000770).
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the nature of the proposed development -a detached dwelling house, and given 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.
Conclusion	
Likelihood of Significant Effects	
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ **Date:** _____

Appendix 3: AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: PL-501455-CW-26	
Step 1: Description of the project and local site characteristics	
Brief description of project	Permission is sought for a new single storey dwelling house with connection to existing services, proposed new well and all associated site works. The floor area of the dwelling is stated as 136sq.m and the area of the site is 0.267Ha.
Brief description of development site characteristics and potential impact mechanisms	The development is located within a rural, unzoned area. A small linear housing estate at Saint Oliver Plunkett Avenue is located to the north and is within the Graiguenamanagh – Tinnahinch Local Area Plan 2021-2027. The proposed dwelling would connect to a public foul sewer and would be served by a private well. There is also scope to connect to a public potable water supply operated by Uisce Éireann. The site is located c.330m from the River Barrow and River Nore SAC (Site Code 002162) and is approximately 6.2km from the Blackstairs Mountains SAC (Site Code 000770). The site is within the Barrow Water Framework Catchment ID_14. The underlying groundwater body is New Ross IE_SE_G_152 with bedrock described as poorly productive. The overall ecological status is classified as good and not at risk. The River Barrow IE_SE_14B013514 flows to the north, west and south and is separated from the site by approximately 500m. The river is classified as having a poor ecological status and is at risk of achieving WFD.
Screening report	No

	The planning authority undertook Appropriate Assessment Screening, determining that the development on its own or in combination with other plans or projects would not be likely to result in any potential significant effects on European sites and Appropriate Assessment of the project was not required. No nature conservation concerns were raised in the planning appeal.			
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
River Barrow and River Nore SAC (Site Code 002162)	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Reefs [1170] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-	c.330m	No direct hydrological/ecological link between the appeal site and SAC. Possible indirect surfacewater run-off during the construction process and disturbance impacts.	Y

	Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho- Batrachion vegetation [3260] European dry heaths [4030] Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430] Petrifying springs with tufa formation (Cratoneurion) [7220] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion			
--	---	--	--	--

	incanae, Salicion albae) [91E0] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Austropotamobius pallipes (White- clawed Crayfish) [1092] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Alosa fallax fallax (Twaiite Shad) [1103] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355] Vandenboschia speciosa (Killarney Fern) [6985]			
--	--	--	--	--

Blackstairs Mountains SAC (Site Code 000770)	Northern Atlantic wet heaths with Erica tetralix [4010] European dry heaths [4030]	c.6.2km	No direct hydrological/ecological link between the appeal site and SAC. Possible indirect surfacewater run-off during the construction process and disturbance impacts.	Y
---	---	----------------	--	----------

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*		
	Impacts	Effects	
Site No. 1 River Barrow and River Nore SAC (Site Code 002162) Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Reefs [1170] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows	Direct: None Indirect: Localised, temporary, low magnitude impacts from noise, dust and construction related emissions to surface water during construction	The development would not require significant excavations, save for limited groundworks associated with the construction of the dwelling house and access and to address levels on site. Having regard to the distance from receiving features connected to the European site, it is highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the site for the SCIs listed. Conservation objectives would not be undermined.	

(Gluco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] European dry heaths [4030] Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430] Petrifying springs with tufa formation (Cratoneurion) [7220] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]		
--	--	--

Alluvial forests with <i>Alnus</i> <i>glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0] <i>Vertigo</i> <i>moulinsiana</i> (Desmoulin's Whorl Snail) [1016] <i>Margaritifera</i> <i>margaritifera</i> (Freshwater Pearl Mussel) [1029] <i>Austropotamobius</i> <i>pallipes</i> (White- clawed Crayfish) [1092] <i>Petromyzon</i> <i>marinus</i> (Sea Lamprey) [1095] <i>Lampetra planeri</i> (Brook Lamprey) [1096] <i>Lampetra</i> <i>fluviatilis</i> (River Lamprey) [1099] <i>Alosa fallax fallax</i> (Twaite Shad) [1103]		
---	--	--

Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355] Vandenboschia speciosa (Killarney Fern) [6985]		
	Likelihood of significant effects from proposed development (alone) No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Impacts	Effects
Site 2: Blackstairs Mountains SAC (Site Code 000770) Northern Atlantic wet heaths with Erica tetralix [4010] European dry heaths [4030]	Direct: None Indirect: Localised, temporary, low magnitude impacts from noise, dust and construction related emissions to surface water during construction	The development would not require significant excavations, save for limited groundworks associated with the construction of the dwelling house and access and to address levels on site. Having regard to the distance from receiving features connected to the European site, it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the site for the SCIs listed. Conservation objectives would not be undermined.
	Likelihood of significant effects from proposed development (alone): No	

	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No
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 the River Barrow and River Nore SAC (Site Code 002162) or on the Blackstairs Mountains SAC (Site Code 000770). 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	
Overall Conclusion- 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 River Barrow and River Nore SAC (Site Code 002162) or on the Blackstairs Mountains SAC (Site Code 000770) 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: ▪ 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. ▪ Taking into consideration the report of the Environment Department of the planning authority.	