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**Planning and Development Acts 2000 to 2017**

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number: 16/511**

**Appeal** by James Delahunty of Listolín, Mullinavat, County Kilkenny against the decision made on the 25<sup>th</sup> day of July, 201 by Kilkenny County Council to grant subject to conditions a permission to Kenneth Phelan care of Pat Rohan of Listolín, Mullinavat, County Kilkenny.

**Proposed Development:** Construction of a dwellinghouse, a new entrance, wastewater treatment plant and percolation area and all associated site works, all at Listolín, Mullinavat, County Kilkenny.

**Decision**

**REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.**

**Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## Reasons and Considerations

1. The site of the proposed development is located within an area designated as an Area under Significant Urban Influence in the Kilkenny County Development Plan 2014-2020, where emphasis is placed on the importance of designing with the landscape and of siting of development to minimise visual intrusion as set out in Section 12.10 of the County Development Plan and the County Kilkenny Rural Design Guide. Having regard to its location, the site contours, siting and design, with the resulting cutting and filling for the extensive driveway and the removal of the front boundary wall and hedging, it is considered that the proposed development would form a dominant and obtrusive feature on the landscape at this location, would militate against the preservation of the rural environment and would set an undesirable precedent for other such prominently located development in the vicinity. The proposed development would, therefore, seriously injure the visual amenities of the area and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the lack of information on the soil conditions on the revised location for the proposed polishing filter and percolation area, and the proximity of two wells on adjoining lands, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development can be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health.

