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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number: 18/735**

**APPEAL** by Martin Brophy and Laura Maher of Ballyouskill, Attanagh, Kilkenny, Via County Laois against the decision made on the 11<sup>th</sup> day of April, 2019 by Kilkenny County Council to refuse permission.

**Proposed Development:** Construction of a dwellinghouse, detached garage, wastewater treatment system, new private entrance and all associated site works at Ballyda, Danesfort, 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**

On the basis of the information submitted with the planning application and the appeal, it is considered that, taken in conjunction with existing development in the vicinity served by individual, private effluent treatment systems and private wells, the proposed development would exacerbate the threat to groundwater quality in the area, with particular regard to nitrate contamination and would, therefore, seriously injure the amenities of the area and would be prejudicial to public health. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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**Chris McGarry**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2019.**