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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number: 19/608**

**APPEAL** by John Staunton care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny against the decision made on the 17<sup>th</sup> day of June, 2020 by Kilkenny County Council to refuse permission.

**Proposed Development:** Construction of 42 number residential units comprising of 22 number three bed semi-detached houses, two number three bed detached houses, four number four bed semi-detached houses, five number four bed detached houses, one number terrace consisting of two number three bed dwellings and one number two bed dwelling and three number two-storey apartment buildings containing two number bed apartments per building (six number one bed apartments in total). Extension to existing housing estate road network to access the proposed site(s). Provision of new vehicular entrances to the proposed four bed detached dwellings, Minor alterations to existing estate road network to improve road safety. Demolition of existing partially constructed plant building on the site and construction of a new plant building. All associated site development works, at Whitehall, Paulstown, Kilkenny. The proposed development was revised by further public notices received by the planning authority on the 22nd day of May, 2020.

## **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. On the basis of the information presented with the application, the Board is not satisfied that the proposed development can be served by the existing public water supply, or that the proposed temporary on-site water supply would not have negative impacts on existing public water supply sources in the vicinity of the site, or that the proposed solution and associated level of infrastructural works and investment is proportionate to the scale of development proposed. The proposed development would, therefore, be premature pending the upgrading of the public water supply in the vicinity of the site and the timeline within which this constraint may reasonably be expected to cease, would be prejudicial to public health, and would be contrary to the proper planning and sustainable development of the area.

2. On the basis of the information presented with the application, the Board is not satisfied that there is adequate capacity available in the Paulstown wastewater treatment plant to cater for the scale of development proposed. The proposed development would, therefore, be premature having regard to these existing deficiencies and the timeline within which this constraint may reasonably be expected to cease, would be contrary to article 5 of the European Communities Environmental Objectives (Surface Waters) Regulations, 2009, which requires that a public authority, in performance of its functions, shall not undertake those functions in a manner that knowingly causes or allows 'deterioration in the chemical or ecological status of a body of surface water', and would be prejudicial to public health.
  
3. On the basis of the information presented with the application and appeal, and specifically the absence of a detailed specification and layout for the proposed temporary on-site wastewater treatment system and information regarding site conditions, the Board is not satisfied that the option of on-site treatment and disposal of effluent would be capable of being satisfactorily accommodated on the site without adversely impacting on the surface and groundwater sources in the vicinity of the site, including the River Barrow. The proposed development would, therefore, be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

4. Both the connection to the public foul drainage system and the proposed on site treatment system are such that, in the absence of mitigation, the proposed development is considered likely to have significant effects on the River Barrow and River Nore Special Area of Conservation (Site Code: 002162) in light of the conservation objectives of the site. Specifically, the proposed development would result in an exceedance of the authorised discharge from the Paulstown wastewater treatment plant which discharges to the Special Area of Conservation and, in the absence of details regarding any temporary on-site wastewater treatment system, it is considered that the proposed development has the potential to give rise to pollution of the Special Area of Conservation such that likely significant effects on the conservation objectives of the site cannot be ruled out. In such circumstances the Board is therefore precluded from granting permission.

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**Terry Prendergast**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2021.**