

An
Bord
Pleanála

Board Order ABP-317387-23

Planning and Development Acts 2000 to 2022

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 23/60009

Appeal by Joseph Walsh of Dowling, Piltown, County Kilkenny against the decision made on the 22nd day of May, 2023 by Kilkenny County Council to grant subject to conditions a permission to Heather Kennington care of Rory Kennedy of Saint Oliver's, Church Road, Tramore, County Waterford in accordance with plans and particulars lodged with the said Council.

Proposed Development: Development to an existing house, outhouses and extensions converting into a dwelling, including a new well borehole, sewerage treatment system, percolation area, landscaping, site entrance, with all site development works and associated connections, all at Dowling, Piltown, County Kilkenny.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the policies and objectives of the Kilkenny City and County Development Plan 2021-2027, in particular Section 7.8.5 (Refurbishment and Replacement Dwellings in Rural Areas), and the principle of the proposed development, which is the refurbishment and re-use of a derelict dwelling in a rural area for domestic purposes, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the policies of the Kilkenny City and County Development Plan 2021-2027, would not seriously injure the amenities of the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 27th day of April, 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed ground floor window on the western elevation shall be omitted.

Reason: In the interest of residential amenity.

3. Prior to commencement of development, the developer shall retain a suitably qualified person to complete an assessment on the type, depth and current condition of the existing well and shall submit a detailed proposal in relation to the decommissioning of the well for agreement with the planning authority.

Reason: In the interest of public health and to provide for the protection of the environment.

4. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with the application and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (b) Treated effluent from the wastewater treatment system shall be discharged to a percolation area which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.

- (c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

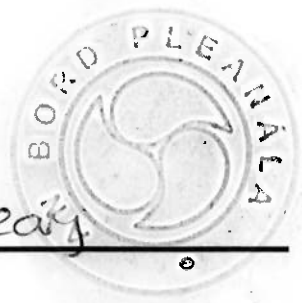
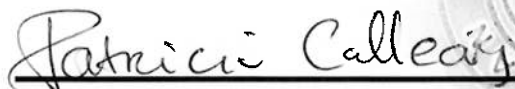
Reason: In the interest of public health and to prevent water pollution.

5. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interest of sustainable drainage.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Patricia Calleary

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board**

Dated this 03 day of October 2024.