

Planning and Development Acts 2000, as amended

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 24/43

Appeal by Brennan Fencing Limited care of Eamonn Hughes, Architectural Design Service of Tir na nÓg, Grangefertagh, Johnstown, County Kilkenny against the decision made on the 8th day of April, 2025 by Kilkenny County Council to refuse permission for the proposed development.

Proposed Development: Retention permission to retain indefinitely the following structures as constructed on site: (a) Four bay extension constructed to the rear of the existing workshop, including rear canopy, (b) roadmaster ready built unit erected on site, (c) store extension constructed to the east side of the existing workshop, (d) sanding hut constructed to the west side of the workshop extension, (e) cement store, oil store and power washer store constructed on site, (f) shipping container erected on site.

Planning permission for the following structures: (g) New front extension comprising of unisex toilet and canteen, (h) new four bay stores building, (i) revision to the east site boundary, to include new on-site wastewater treatment system, new car park with all associated siteworks, all at Crosspatrick, Johnstown, County Kilkenny.

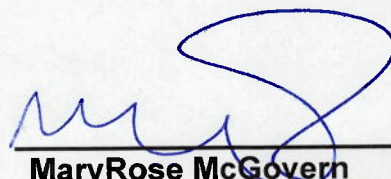
Decision

REFUSE permission for the above proposed development for the reasons and considerations set out below.

Reasons and Considerations

1. The Commission noted the failure to fully implement planning authority permission Register Reference Number 97/1023, including the attendant conditions. Having regard to the scale and nature of permitted development on the subject appeal site, the scale and nature of intensified development proposed to be retained and the scale of further proposed development, which includes a proposed significant increase in site size, it is considered that the proposed development, as presented, represents a haphazard and piecemeal intensification that has not been suitably justified at this location and is excessive for this rural site. The development proposed to be retained, and the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the stated anticipated population equivalent (PE) in excess of 10 persons for the proposed Waste Water Treatment System, the Commission is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development, including trade effluent, can be satisfactorily treated or disposed of on site in accordance with recommendations set out in the Environmental Protection Agency Wastewater Treatment Manual (Treatment Systems for Small Communities, Business, Leisure and Hotels) 1999 and, in particular, the recommended separation distances contained therein, notwithstanding the proposed use of a proprietary wastewater treatment system and associated low pressure percolation bed. The proposed development would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The subject appeal site is located proximate to the River Goul_30 which has a current 'at risk' status. In addition, the subject appeal site straddles both the Shanahoe Groundwater Body (Groundwater Body Code: IE_SE_G_119) and the Rathdowney Groundwater Body (Groundwater Body Code: IE_SE_G_114) which underlie the site, and although both are stated as being 'not at risk', there is insufficient information presented as part of the application and appeal to definitively determine whether or not the proposed development will not result in a deterioration of the existing Water Framework Directive quality status of these said sites. Consequently, the Commission is not satisfied that the proposed development will not impact negatively upon the ability of the aforementioned waterbodies to achieve the relevant water quality status required under the Water Framework Directive. The development proposed to be retained, and the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



MaryRose McGovern

**Planning Commissioner of An Coimisiún
Pleanála**

**duly authorised to authenticate
the seal of the Commission.**

Dated this 26th day of August 2025.

