



An
Coimisiún
Pleanála

Commission Order
PL-501076-KK

Planning and Development Act 2000, as amended

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 25/60303

Appeal by Aine Colgan against the decision made on the 10th day of March, 2026 by Kilkenny County Council to grant subject to conditions a permission to Eimear Hogan and James Humphries.

Proposed Development: Construction of a dwellinghouse and domestic garage/store with treatment system and percolation area and all associated site works, all at Newtown, Bonnettstown, 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 infill nature of the proposed development, its siting and design including the proposed on site wastewater treatment system and drainage measures, it is considered that, subject to compliance with the conditions set out below, the proposed dwelling would be an acceptable form of 'rural generated' development in this rural area, would not adversely impact on the environment, would not seriously injure the visual or residential amenities of the rural area, would not be prejudicial to public health and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's sole reason for a recommendation to refuse permission in relation to the disposal of wastewater, the Commission considered the totality of information on file including inter alia the availability of a managed group water scheme, the report by IE Consulting and the recommendations of the Environment Section of the planning authority. The Commission agreed with the Inspector's assertion that where wastewater is disposed of in accordance with the Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) contamination of ground waters would be unlikely to arise. In this regard, the Commission was satisfied, subject to compliance with conditions set out below, that the wastewater treatment system proposed, which includes a secondary polishing filter when appraised in conjunction with the slow groundwater velocity, the lateral downgradient direction towards the south and southeast and natural attenuation processes as outlined in the IE report, will result in a substantial reduction in contaminant concentrations prior to any potential interaction with downgradient groundwater or surface water receptors, and therefore the Commission determined that contamination of ground waters would be unlikely to arise.

Conditions

1. The 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 30th day of January, 2026, 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The proposed dwelling shall be positioned as per Drawing: Site Layout and Section No 001 such that the front elevation is set back 28 metres from the northern site boundary, the eastern gable is set back 16.8 metres from the boundary it faces and a distance of 18.2 metres is observed between the western gable of the dwelling and the boundary of the adjoining house to the west.
- (b) The finished floor level shall be +FFL 96.00 relative to the site levels shown, there shall be no buildup of ground levels under any part of the building.

Reason: In the interests of visual and residential amenity

3. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as

the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect

- (b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation. This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted to meeting essential local need in the interest of the proper planning and sustainable development of the area.

- 4. (a) The entrance gates to the proposed house shall be set back not less than four metres and not more than six metres from the edge of the public road. Wing walls forming the entrance shall be splayed at an angle of not less than 45 degrees and shall not exceed one metre in height, the exact height and location of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) The existing front boundary hedge shall be retained except to the extent that its removal is necessary to provide for the entrance to the site and to achieve the sight visibility lines as indicated on the site layout plan submitted as further information on 30th day of January 2026.

Reason: In the interests of traffic safety and visual amenity.

5. (a) The roof colour of the proposed house shall be blue-black, dark brown or dark grey. The colour of the ridge tile shall be the same as the colour of the roof.
- (b) The external walls shall be finished in neutral colours such as grey or off-white. Any stone detailing shall be of natural stone only.

Reason: In the interest of visual amenity.

6. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.
- (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

7. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on the 30th day of January, 2026 and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10) " – Environmental Protection Agency, 2021.
- (b) Treated effluent from the wastewater treatment system shall be discharged to a polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Wastewater 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 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.

8. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
 - (a) A plan to scale of not less than 1:500 showing:
 - (i) Existing trees and hedgerows, specifying which are proposed for retention as features of the site landscaping.
 - (ii) The measures to be put in place for the protection of these landscape features during the construction period.
 - (iii) The species, variety, number, size and locations of all proposed trees and shrubs, which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and which shall not include prunus species.
 - (iv) Details of screen planting to all site boundaries which shall not include cupressocyparis x leylandii.

- (b) A timescale for implementation All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilated it into the surrounding rural landscape, in the interest of residential and visual amenity.

9. The garage shall not be used for human habitation or for commercial purposes or for any other purposes other than for purposes incidental to the enjoyment of the dwelling.

Reason: To protect the residential amenities of the area.

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interest of visual amenity.

11. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

12. 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 Coimisiún 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.



Emer Maughan
Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.

Dated this 23th day of July 2026.