

Planning and Development Act 2000, as amended

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 25/60456

Appeal by Pat and Jacinta Cantwell against the decision made on the 2nd day of June, 2026 by Kilkenny County Council to grant subject to conditions a permission to Oakmane Limited in accordance with the plans and particulars lodged with the said Council.

Proposed Development: Residential development of 39 new dwellings consisting of four number Type A two bedroom single storey semi-detached dwellings, four number Type B three bedroom single storey detached dwellings, 12 number Type C/C1 three bedroom single storey detached dwellings, two number Type D/D1 two bedroom single storey detached dwellings, two number Type E two bedroom single storey semi-detached dwellings, six number Type F/F1 four bedroom single storey detached dwellings, six number Type G/G1 five bedroom two storey detached dwellings, two number Type H/H1 four bedroom two storey detached dwellings, plus, alterations, extension and renovation of existing building number two to a four bedroom detached dwelling, demolition of existing buildings one and four plus partial demolition and conversion of existing building number three to a residents communal building. (Total area of demolition equals 1,766.90 square metres). Permission is sought for alterations to existing site entrance, plus the provision of a new site entrance to Sion Road, alterations to roadside boundary, including blocking of an existing residential site entrance and provision of new footpath to Sion Road,

provision of public open space; landscaping and boundary treatments and new planting; water and utility services and connections; lighting; plus all enabling and ancillary development and works above and below ground level, all at the former Sion Hermitage, Sion Road, Kilkenny, County Kilkenny. A Natura Impact Statement (NIS) has been submitted with the application. The proposed development was revised by further public notices received by the planning authority on the 29th day of April, 2026 and the 6th day of May, 2026.

Decision

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

Reasons and Considerations

1. Having regard to the information provided with the application, including the Natura Impact Statement and scientific observations on the proposed development, the Commission considers that reasonable scientific doubt remains as to the implications for the proposed development on site integrity for the River Barrow and River Nore Special Area of Conservation (SAC) (site code 002162) and the River Nore Special Protection Area (SPA) (site code 004233). Given the failure of the Natura Impact Statement (NIS) to address the construction of a stormwater detention basin in part of the Special Area of Conservation (SAC) and to identify and deal with potential increased human activity in the SAC, the absence therein of up to date surveys of the presence of otter and kingfisher in the vicinity of the site in line with best practice, and that absent details therein as to how potential disturbance impacts on qualifying interest species of the SAC and SPA can be credibly avoided or prevented at construction and operation stages, adverse effects on otter, kingfisher and the qualifying interests affected by water quality cannot be excluded beyond reasonable scientific doubt in view of the conservation objectives for the site. The Commission cannot be satisfied beyond reasonable scientific doubt that the proposed development, individually, would not adversely affect

the integrity of the River Barrow and River Nore SAC (site code 002162) and the River Nore SPA (site code 004233) European Sites in view of the conservation objectives and qualifying interests of the site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

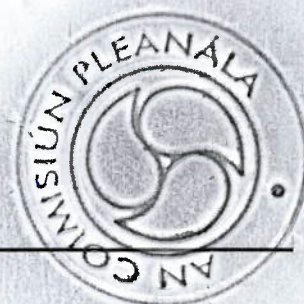
2. Having regard to the failure to fully comply with the 12 urban design criteria of Section 13.3 (Urban Design) of Volume 1 of the Kilkenny County Development Plan 2021-2027 (as varied), in relation to privacy and amenity for the proposed western dwellings adjacent to a new informal route without passive surveillance, the poor quality public realm that this route would constitute, the failure to address the context of the historic architectural status of the existing garden and inappropriate connection to the two European sites in close proximity in relation to the protection of otter and kingfisher from human activities, it is considered that the proposed development would contravene Sections 6.7 (Residential Development), 13.5.1.1 (Development Management Requirements for Urban Infill Development), 13.3 (Urban Design) of the Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. Having regard to the Kilkenny County Development Plan 2021-2027, as varied, it is considered that the proposed provision of public open space at less than 10% of the site area would represent a substandard level of such provision that would be contrary to Section 13.20.2 (Public Open Space Requirements) of the Development Plan and would constitute a poor level of residential amenity for future residents. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4. Having regard to the findings of the Bat Survey report submitted to the planning authority on the 29th day of April, 2026, to Annex IV of the EU Habitats Directive, European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) and to Section 9.2.3 (Green Infrastructure) of the Kilkenny County Development Plan 2021-2027, as varied, it is considered that the applicant has failed to submit a bat survey in line with best practice requirements, and in this context has failed to demonstrate that the proposed development would not lead to undue disturbance or destruction of roosting sites for bats, which are subject to strict protection under the Directive. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



Declan Moore

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



Dated this 13th day of October 2026