



An
Bord
Pleanála

Inspector's Report

ABP-317387-23

Development	Conversion of buildings to a house with associated site works.
Location	Dowling, Piltown, Co. Kilkenny
Planning Authority	Kilkenny County Council
Planning Authority Reg. Ref.	2360009
Applicant(s)	Heather Kennington.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Joseph Walsh
Observer(s)	None
Date of Site Inspection	9 th August 2024.
Inspector	Peter Nelson

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1.0 Site Location and Description

- 1.1. The site is in a rural elevated townland of Dowling, northeast of Piltown village, Co. Kilkenny.
- 1.2. The site has a very narrow road frontage, which provides access to a narrow field, and at the end of the field, there is a derelict farmhouse in a courtyard with outhouses and a stone wall enclosing the property. The main dwelling is along the western site boundary, and it is two-storey. There is a single-storey outhouse along the northern portion of the courtyard. The house is in semi-derelict condition.
- 1.3. There are mature trees and hedgerows along the longer site boundaries, east and west. Adjacent to the dwelling house on site is a livestock shed and farm buildings to the west. It is not accessible from the subject site. The shed's galvanised roof can be seen from the subject site.
- 1.4. The stated site size is 0.450 Hectares.

2.0 Proposed Development

- 2.1. The proposed development consists of converting an existing house, outhouses and extensions to a new dwelling house served by a new borehole, sewerage treatment system, percolation area, landscaping and all site development works and associated connections.
- 2.2. The proposed conversion will result in a three-bedroom dwelling with an attached shed and a separate complex that includes a home office, art/music room, and a separate storage building.

3.0 Planning Authority Decision

3.1. Decision

On the 8th March 2023 the Planning Authority requested the applicant to submit Further Information relating to the details of the wastewater treatment system, a revised site plan showing the location of the open drain/watercourse to the east of the site and the location of any wells within a 250m radius of the proposed

development. The applicant was also requested to demonstrate that all surface water from the proposed development will not impact adjoining lands and will be disposed of within the curtilage of the applicant's site.

On the 22nd of May 2023, the Planning Authority granted permission subject to 12 standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points of the first planner's report dated the 8th March 2023 can be summarised as follows:

- The proposal complies in full with National Objective 19 in relation to the refurbishment of traditional dwellings and the embodied energy policy.
- The reuse of the structures represents sustainable development, and the overall design complies with the County Kilkenny Rural Design Guidelines.
- While acknowledging the applicant's compliance with the rural housing policy, as the applicant is ensuring the sensitive restoration of this building, the rural housing policy does not apply.
- The design of the alterations and extensions is considered acceptable.
- The Environment Section has requested further information relating to the wastewater treatment system.
- The Area Engineer has no objection to this development in relation to traffic safety.
- Recommends that further information be requested.

The main points of the second planner's report dated the 24th May 2023 stated that details addressing the concerns of the Environment Section were submitted, and there is no objection to the proposed development. The planner recommended that permission be granted.

3.2.2. Other Technical Reports

- Regional Design Office: N24 to Cahir project. No objection.
- District Office: Roads, No objection
- Environment Department:
 - Report dated 6th March 2023. Request Further Information.
 - Report dated the 17th May 2023. No objection subject to 6no. conditions.

3.2.3. Conditions

Twelve conditions were attached to the notification of grant of permission. Condition No.5 related to submitting a site-specific section of the domestic wastewater treatment system. Condition No. 6 relates to the decommissioning of the well on site. Condition No. 11 relates to the finishes of the dwelling.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

One observation was received from the appellant. The main points can be summarised as follows:

- Previously, the proposed development was refused by An Bord Pleanála.
- The development may contribute to the encroachment of random rural development.
- The information in the site characterisation assessment report is incorrect. The wastewater system is unfit for use, and the rural environment, aquifers, wells and watercourses are at risk of contamination.
- The proposed restoration cannot take place as the wall of the house is the boundary with a farmyard where livestock are being kept.

- The integrity of the boundary wall has not been evaluated for refurbishment purposes.

4.0 Planning History

ABP Ref: 311105-21

Permission was refused on the 5th May 2022 for the development of a derelict farmhouse, outhouses and extensions converting into a house, new well bore, sewerage treatment system, percolation area, and all associated site works for the following reason:

1. Having regard to the location of the site within a rural area under urban influence, as identified in Figure 7.1 of the Kilkenny City and County Development Plan 2021, and to National Policy Objective 19 of the National Planning Framework (February 2018) which, for rural areas under urban influence, seeks to facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements it is considered that, notwithstanding the development plan policy in section 7.8.5 of the plan in respect of the sensitive restoration of vernacular and traditional buildings in the rural area, the applicant has not demonstrated an economic or social need to live in a rural area having regard to the viability of smaller towns and rural settlements and, therefore, the proposed development would not comply with National Policy Objective 19. The proposed development would contribute to the encroachment of random rural development in the area, would mitigate against the preservation of the rural environment and the efficient provision of public services and infrastructure and would contravene the provisions of the National Planning Framework. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

The Kilkenny City and County Development Plan 2021 is the operational plan for the area. The plan came into effect on the 15th October, 2021.

Policies

Kilkenny City and County Development Plan 2021 Vol. 1

7.8.5 Refurbishment and Replacement Dwellings in Rural Areas

The Council will encourage and facilitate the appropriate refurbishment of existing housing stock and other structures in rural areas and in certain limited cases the replacement of existing dwellings subject to the criteria outlined below.

Development Management Requirements:

- For refurbishment of structures the emphasis should be on the retention, refurbishment and reuse of the structure as part of the development proposal.
 - For refurbishment the scale and architectural treatment of proposed works should be sympathetic to the character of the original structure and the surrounding area including adjoining or nearby development.
 - In the case of replacement dwellings, to require proof that the original structure was last used as a dwelling and was a habitable dwelling so as not to invoke the policies under Section 7.8.3 Rural Housing Policies.
 - In cases where retention or reuse of the existing dwelling is not technically feasible, the size and scale of any replacement dwelling should reflect the site's characteristics and context and shall accord with best practice in rural house design.
- Where an original structure was not habitable, if an applicant can demonstrate that their proposals will ensure the sensitive restoration of vernacular and traditional buildings in the rural area, thereby respecting and maintaining the integrity and scale of the original building, and does not compromise any other development management considerations, such proposals shall not be subject to the policies in

Section 7.8.3 Rural Housing Policies that applies to new dwellings.

9.3.6 The Vernacular Built Heritage

The Council will apply the conservation principles and guidelines in practice as set out in the ICOMOS Charter on the Built Vernacular Heritage (Mexico 1999) when considering proposals to adapt vernacular buildings to meet contemporary living standards and needs.

The Council will promote the retention and re-use of the vernacular built heritage through increasing public awareness of its potential for re-use and its adaptability to change.

Development Management Requirements:

- To apply the conservation principles and guidelines in practice as set out in the ICOMOS Charter on the Built Vernacular Heritage (Mexico 1999) when considering proposals to adapt vernacular buildings to meet contemporary living standards and needs.
- To promote the retention and re-use of the vernacular built heritage through increasing public awareness of its potential for re-use and its adaptability to change. See Re-use of Farm Buildings Laura Bowen and Nicki Matthews, Kildare County Council, 2007 and National Rural Network Case Study, Conservation of Old Farm Buildings.
- To promote the refurbishment of vernacular built heritage in rural areas as per development managements standards set out under Section 7.8 Rural Settlement Strategy of this Plan.

5.2. Natural Heritage Designations

The Lower River Suir Special Area of Conservation is approximately 5km south of the site.

5.3. EIA Screening

See Form 1 and Form 2. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The main points of appeal can be summarised as follows:

- As outlined in red on the application, the site encroaches on lands in the appellant's ownership.
- The appellant has not given written consent for the application to apply for permission on his lands.
- The elevation drawings submitted do not represent the proposed works on the structure.
- The structure's design will result in a window being directly on the boundary with the appellant's land.
- The proposed windows will cause overlooking and privacy issues.
- The planning authority should have considered the proposed use for such a significant scale development as the drawings indicate it is to be a 'yoga retreat'.
- The appellant will not be able to continue with the daily operations of his farm during construction.
- The appellant has concerns relating to the location of the proposed wastewater treatment plant close to an old well, the adjoining boundary and watercourse.

- Allowing the development creates an unnecessary situation where civil disputes may occur in the future due to noise from machinery and animals at night.

6.2. Applicant Response

The main points of the applicant's response can be summarised as follows:

- The applicant was born and lived most of her life in the immediate area.
- Mr Walsh has included a folio map that confirms the boundary on his side, confirming that his boundary does not touch much of the applicant's buildings.
- Mr Walsh's ownership line is meters from the applicant's planning permission.
- Notwithstanding, a new site plan has been submitted with revised boundaries.
- The existing building has windows and doors at both ground and first-floor levels. The proposal does not worsen the current situation.
- An option to remove the ground-floor windows has been submitted.
- The proposed development is intended to be used as a home.
- The applicant will work with the appellant to ensure the safety of cattle and use of his land.
- The applicant fulfils the criteria outlined in the Kilkenny Development Plan 7.8.4 Categories of Rural Compliance 2(a) Persons who have lived a substantial period of their lives in the local rural area (5 years).
- This is an existing house and outbuildings that are to be refurbished.
- The development plan under section 7.8.5 Refurbishment and Dwellings in Rural Dwellings, encourages these developments.
- The proposed wastewater treatment plant is to the EPA CoP 2021 specification, size and separation distance requirements.
- An option is included to move the wastewater treatment to the north of the development.

- The applicant is currently living with her father to care for him in Ballygown, Piltown and has a genuine need to live in the area.

6.3. Planning Authority Response

- None

6.4. Observations

- None

6.5. Further Responses

The main points of the appellant's response to the applicant's response to the appeal can be summarised as follows:

- The rear wall of the derelict house that forms part of the planning application forms the boundary as it has always had.
- As claimed by the applicant, there is no boundary 1.5m from the rear of the house.
- A boundary issue was rectified with the owners of the application site, and a copy of a folio is attached.
- The original appeal point that the applicant is not the legal owner of all of the site has not been addressed.
- The claimed window on the ground floor level was a doorway sealed for at least 100 years.
- It is evident from support letters that the applicant plans to start yoga classes at this development.
- The development should not be used for commercial purposes.
- Commercial use would provide additional loading on the wastewater treatment system.

- Allowing this development creates an unnecessary situation where civil disputes may occur in the future due to noise from machinery and animals at night.
- The house with a bored well is 65m from the proposed wastewater treatment location, not 200m as claimed.
- The assessment of the wastewater treatment system should have been made to the rectified boundaries and not the incorrect boundaries used by the applicant.
- All of the farm area is in use.
- The appellant has no issue with the applicant living in the area.
- The appellant has never objected to or appealed any other development in the area.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- The Principle of Development
- Housing Need
- The Site Boundary
- The Wastewater Treatment System.
- Other Matters

7.2. The Principle of Development.

- 7.2.1. The proposed development consists of renovating and extending a derelict vernacular farm dwelling. It is proposed to renovate the attached shed. Another outbuilding is proposed to be renovated and converted into a home office. A new art/music room is proposed to be constructed using an existing stone boundary wall. Another stone outbuilding is to be renovated for storage.
- 7.2.2. I consider that, in principle, the development will comply with Section 7.8.5 Refurbishment and Replacement Dwellings in Rural Areas, of the Kilkenny City and County Development Plan, which is to encourage and facilitate the appropriate refurbishment of existing housing stock and other structures. I consider the design and finishes of the proposed development will result in a sensitive restoration of the existing buildings.
- 7.2.3. It is proposed that the existing field access be used for the development. 90 m of visibility is achievable in both directions, subject to a setback of 23m of the existing boundary to the east. I note that this visibility distance complies with the requirements as detailed in the County Kilkenny Rural Design Guide.
- 7.2.4. The appellant has raised concerns that the applicant intends to start yoga classes at this development. While I recognise that reference is made to the applicant carrying out yoga classes at the site in the letters of support submitted with the appeal, as the planning application is for the renovation of the existing house and outhouses for conversion to a dwelling. I consider the change of use of the development for commercial purposes would require separate planning permission.
- 7.2.5. To conclude, in principle, I consider the proposed renovation of this complex of buildings for residential purposes to be a sensitive restoration of vernacular and traditional buildings.

7.3. Housing Need

- 7.3.1. I note that the previous planning permission on this site was refused on appeal (ABP 311105-21) as the applicant had not demonstrated an economic or social need to live in a rural area and, therefore, the proposed development would not comply with National Planning Framework (NPF) Policy Objective 19. The site is in an area designated in the Kilkenny City and County Development Plan 2021 as an 'Area Under Urban Influence.' I note that the Development Plan states in Policy 7.8.5 that if

an applicant can demonstrate that their proposals will ensure the sensitive restoration of vernacular and traditional buildings in the rural area such proposals shall not be subject to the policies in Section 7.8.3 Rural Housing Policies that applies to new dwellings. Section 7.8.3 requires that applicants demonstrate an economic or social need to live in the particular local rural area.

7.3.2. I draw the Board's attention to relevant case law. In the Judgement Justice Owens of Murtagh, 2021 No.778 JR, he concludes that in cases where the City Development Plan was adopted prior to the NPF, the former will prevail in cases of conflict between provisions of the development plan and the NPF's provisions.

7.3.3. As stated above in section 7.2 of this report, I consider that the proposed development will ensure the sensitive restoration of vernacular and traditional buildings in this rural area. I therefore consider that the Development Plan policy prevails and the applicant does not require to demonstrate an economic or social need to live in this particular local rural area.

7.4. The Site Boundary

7.4.1. The appellant has stated that the site, as outlined in red, encroaches on lands in his ownership and that he has not given his written legal consent for the applicant to apply for permission. There are two sections of land where this is an issue. One is a narrow section of land to the shed adjoining the derelict dwelling, and the second is a section of the field southwest of the dwelling. The appellant has submitted a Land Registry Folio Map (KK9289) as evidence of the ownership of these two lands. Having checked this Folio Map (KK9289), it is as it appears on Landdirect.ie.

7.4.2. In the appeal response, the applicant claims that the new folio map with the new boundary line has only been produced and has still to be reviewed and confirmed to be accurate. I note the appellant's folio map does not follow the existing field boundary to the southwest of the derelict house.

7.4.3. The applicant claims that the owner of the application was not made aware of the boundary change. The applicant has made inquiries with Land Direct as it is claimed any lawful change can only be made with all folio owners being made aware.

- 7.4.4. In the appellant's response, it is stated that the owners of the site and the appellant rectified a boundary issue, which was evident on the submitted folio maps.
- 7.4.5. It is clear from the submitted documentation that there is a dispute over the boundaries of the application site. I believe that this would not be resolved by the request for further information or submissions under Section 131 of the Planning and Development Act 2000 (as amended).
- 7.4.6. I am satisfied that it remains open to the Board to grant permission as it is not competent to determine issues as to title. In any case, this is a matter to be resolved between the parties having regard to the provisions of s.34(13) of the Planning and Development Act 2000 (as amended).

7.5. The Wastewater Treatment System

- 7.5.1. The appellant has concerns relating to the location of the proposed wastewater treatment system close to an old well, the adjoining boundary and watercourse.
- 7.5.2. I note that the Planning Authority requested the applicant, by the way of further information, to submit a revised site layout plan indicating the relocation of the secondary treatment system as necessary to ensure a gravity discharge from the dwelling to the secondary treatment system.
- 7.5.3. The revised layout, submitted as Further Information, showed the secondary treatment to the south of the dwelling. I note that the Planning Authority's Environment Section has no objection to the revised position of the wastewater treatment system, which is subject to certain conditions.
- 7.5.4. The proposed DWWTS is more than 10m from the drainage ditch east of the site and another watercourse. The DWWTS is more than 3m from the site boundary. The appellant does not give details of the location of the old well. The further information submitted with the application shows that a well on the appellant's site is approximately 85m from the proposed DWWTS.
- 7.5.5. An existing well is shown within the application site. It is proposed that the well be decommissioned in accordance with the EPA code of practice to prevent and limit the input of pollutants.

- 7.5.6. Notwithstanding the boundary issues discussed in Section 7.4 of this report, I am satisfied that the proposal complies with the minimum separation distances from the entire Domestic Wastewater Treatment System (DWWTS) in Table 6.2 in the EPA Code of Practice 2021. I, therefore, consider that the location of the DWWTS, as shown on the Site Plan Sheet No. 1(a) submitted to the planning authority on the 27th April 2023 is acceptable. Condition No. 6 related to the details of the decommissioning of the well on site. If the Board is willing to grant permission, I recommend that this condition be attached to ensure the effective decommissioning of the well.
- 7.5.7. As part of their appeal response, the applicant has, in order to overcome any boundary issues, submitted Option B, which revised the site layout. The treatment system and percolation area are proposed on the field northeast of the outbuildings.
- 7.5.8. I consider the location of the DWWTS to the south of the dwelling to be more appropriate as it would ensure a gravity discharge from the dwelling to the secondary treatment system, and therefore, option B should be discarded.

Condition No.5 related to submitting a site-specific section of the domestic wastewater treatment system. If the board is minded to grant permission, I recommend that this condition is not attached as the standard condition for DWWTS will require that it is constructed 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.

7.6. Other Matters

- 7.6.1. The appellant raises concerns about the provision of a window on the ground floor of the dwelling to be converted. This window is on the west elevation. This window is on the boundary with the neighbouring site. The applicant states that there is an existing opening in the same location. This appears to have been an opening serving access to the adjoining lands between the house and shed. In the appeal response, the applicants submitted an option to remove the ground floor window. I consider this an acceptable solution and will prevent unnecessary overlooking of adjoining lands and given the proximity of the adjoining working farm, will improve the residential

amenity of the occupants of the application dwelling. If the Board is minded to grant permission I recommend that a condition be attached requiring the omission of the ground floor window on the west elevation of the dwelling.

- 7.6.2. The appellant has stated that the granting of the development creates an unnecessary situation where civil disputes may occur in the future due to noise from machinery and animals at night. I do not consider that potential future civil issues are within the remit of the Board.
- 7.6.3. As stated in section 7.2.2 of this report that I consider that the finishing of the proposed development will help achieve a sensitive restoration of the existing buildings. Therefore, if the board is minded to grant permission, I recommend that a similar condition to Condition No.11 of the Planning Authorities decision, which related to finishes be attached to a grant of permission.

8.0 AA Screening

- 8.1. I have considered the proposed conversion and extension to existing dwelling and outbuildings in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.2. The subject site is located approximately 5km from the Lower River Suir Special Area of Conservation.
- 8.3. The proposed development comprises a dwelling with a treatment plant, percolation area, and studio and storage buildings.
- 8.4. No nature conservation concerns were raised in the planning appeal.
- 8.5. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
- The small scale and nature of the development.
 - The location from the nearest European site and lack of connections.
 - Taking into account screening report and determination by LPA.

- 8.6. I conclude that on the basis of objective information, the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 8.7. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

I recommend that permission be granted subject to the following conditions and reasons.

10.0 Resons 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', the principle of the proposed development which is the refurbishment and reuse of a derelict dwelling in a rural area for domestic purposes, it is considered the proposed development would comply with the policies of the Kilkenny City and County Development Plan 2021-2027, would not seriously injure the amenities of the area and would be in accordance with the proper planning and sustainable development of the area.

11.0 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 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - a. The proposed ground floor window on the western elevation shall be omitted.

Reason: In the interests of residential amenity.

3. Prior to the commencement of development, the applicant shall retain a suitably qualified person to complete an assessment on the type, depth and current condition of the well and 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 this application on 27th day of April 2024 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. (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.

6. All finishes to the outside of the house, store and studio shall be as per the drawings submitted, unless otherwise agreed in writing with the Planning Authority prior to the commencement of development.

Reason: In the interest of visual amenity and the retention of the rural character.

7. 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Peter Nelson
Planning Inspector

18th September 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	317387-23			
Proposed Development Summary	Development to an existing house and outhouses to create a dwelling. New sewerage treatment plant, percolation area and borehole.			
Development Address	Dowling, Piltown, Co.Kilkenny			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X	
		No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes		Class.....	EIA Mandatory EIAR required	
No	X		Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes	X	10.(b)(i)		Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	<input checked="" type="checkbox"/>	Preliminary Examination required
Yes	<input type="checkbox"/>	Screening Determination required

Inspector: _____

Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	317387-23	
Proposed Development Summary	Development to an existing house and outhouses to ceate a dwelling. New sewerage treatment plant, percolation area and borehole.	
Development Address	Dowling, Piltown, Co.Kilkenny	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The development of the renovation and extension of a derlict dwelling and outhouses is not exceptional in the context of the existing environment</p> <p>The proposed development will be served by a DWWTS which will not result in the production of any significant waste, emissions or pollutants</p>	NO
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>The size of the extension is not exceptional in the context of the existing environment.</p> <p>There are no significant cumulative considerations having regard to other existing and/or permitted projects</p>	NO
Location of the Development		

Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?	The proposed development is not located on, in, adjoining and it doesn't have the potential to significantly impact on an ecologically sensitive site or location.	
Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?	The proposed development does not have the potential to significantly affect other significant environmental sensitivities in the area	
Conclusion		
There is no real likelihood of significant effects on the environment. EIA not required.		

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)