



An
Coimisiún
Pleanála

Inspector's Report

ABP 322309-25

Development	Construction of a house and all associated site works.
Location	Jerpoint West, Thomastown, County. Kilkenny.
Planning Authority	Kilkenny County Council.
Planning Authority Reg. Ref.	259
Applicant(s)	Michael & Sheila O'Byrne.
Type of Application	Permission.
Planning Authority Decision	Refusal of permission.
Type of Appeal	First Party
Appellant(s)	Michael & Sheila O'Byrne
Observers	Robert and Mary Anderson

Date of Site Inspection

9th June 2025.

Inspector

Derek Daly

1.0 Site Location and Description

- 1.1. The development is located in the rural townland of Jerpoint West approximately 1.5 kilometres west of the town of Thomastown in County Kilkenny. The site has frontage onto two local county secondary roads which define the site's northeastern and southeastern boundaries. The road on the northeastern boundary (LS8203) is a more significant route carrying traffic into and out of Thomastown and which also serves Thomastown railway station. The other road (L82031-4) is a cul de sac road is narrower in width and of less significance in relation to traffic. Adjoining the appeal site to the northwest is a playschool, and northwest of the playschool site are a number of dwellings. There are dwellings at and on the junction of the two roads with dwellings on both road frontages. In general, there is a very high density of one off rural residential development at this location on the outskirts of Thomastown including an almost continuous row of dwellings served by a roadway which runs immediately parallel to the public road.
- 1.2. In relation to the appeal site, it falls in a gradual slope from north to south and there is mature hedgerow boundary surrounding all site boundaries and a gateway into the site at the southeastern corner of the site fronting onto the minor road.
- 1.3. The site has a stated area of 0.26 hectares.

2.0 Proposed Development

- 2.1. The proposed development as received by the planning authority on the 28th January 2025 was for the erection of a dwelling house and all associated site works.
- 2.2. The proposed dwelling which has a stated floor area of 126m² is a single storied dwelling of modern design and construction with a maximum ridge height of 5metres which is located in the southern area of the site 47 metres back from the LS8203 road with a vehicular access onto the LS8203. In relation to services, it is proposed to connect to the public mains and public sewer and to discharge surface waste to soakpits on the site.
- 2.3. A cover letter accompanying the application indicates the applicants current dwelling is too large and wish to downsize but remain in the community in which they have

lived for over twenty years. The cover letter refers to recent decisions and to the issue of the removal of the hedgerow referred to in a recent appeal decision but will be guided by the planning authority in relation to this matter.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The decision of the Planning Authority was to refuse planning permission. Two reasons were stated.

The first reason refers to the site of the proposed development is located within an 'Area Under Urban Influence' in the Kilkenny City and County Development Plan 2021-2027. It is the Council's objective for areas of urban influence to facilitate the rural generated housing requirements of the local rural community while on the other hand directing urban (non rural) generated housing to areas zoned for new housing development in the city, towns and villages. Having regard to the applicants' planning history documentation submitted with the planning application, the applicants have already received planning permission under reference P05/988 to construct a dormer type dwelling, garage and all associated site works on lands at Jerpoint west, Thomastown, County Kilkenny in the rural area close to proposed site and their rural housing need is already established. Accordingly, the Planning Authority is not satisfied that the applicant qualifies for a second house in the rural area, or that other positive options and housing need of the applicants could not be met in their existing family home or in a another rural/urban settlement or other rural areas having regard to Figure 7.1 Rural Housing Strategy of the plan. It is considered, therefore, that the applicants do not comply with criteria as set out in the National Planning Framework (NPF) for a second rural house at this location or as set out in Section 7.8.3 Rural Housing Policy and in particular section 7.8.4 Categories of Rural Compliance and Qualifying criteria of the Kilkenny City and County Development Plan 2021-2027 which is intended for applicants who are building their first home and who have never owned a rural house. The proposed development is therefore contrary to proper planning and sustainable development of the area.

The second reason refers to the proposed development, which would be located in an unzoned, rural area outside the development boundary of Thomastown, would constitute an excessive number amount of houses and ribbon development in this rural area which is under strong development pressure and has reached saturation point in terms of rural one off housing. It is the policy of the Planning Authority, as set out in the Kilkenny City and County Development Plan 2021-2027, to channel housing into suitably zoned land in areas where the appropriate social, community and physical infrastructure either exists or is planned. It is considered that the proposed development taken in conjunction with existing developments in the vicinity would exacerbate the haphazard and unplanned form of development in this rural area, would intensify urban sprawl on the local road thereby injuring the visual amenity and rural character of the area and would lead to demands for the uneconomic provision of certain public services outside of the Thomastown zoned area and. The development would also would represent an undesirable precedent for further such development in the area, and would be contrary to the policies set out in the said Development Plan and the Thomastown Local Area Plan 2019. The proposed development would, therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report dated the 21st March 2025 refers to the planning history of the site and the area including planning history relating to the applicants; to submissions received, to the road network in the area and provisions of the statutory development plan. Following assessment in relation to the road access and the rural settlement policy provisions of the current County Development Plan refusal of permission was recommended.

- 3.2.2. The Area Engineer in a report dated the 5th March 2025 refers to the planning history in the area and the current nature of the road network and deficiency of the network and recommended that further information be requested in relation to achieving sightline visibility at the proposed access and boundary treatments.

3.3. Prescribed Bodies

The application was referred to Uisce Éireann but no response was received.

3.4. Third Party Observations

Two third party submissions were received by the planning authority which in summary refer to;

- The applicants planning history which suggest their current housing needs are already met and proposed development is more likely to be for financial gain rather than downsize.
- The applicant rural housing need has already been satisfied and does not meet NPF or county development plan policy and is contrary to proper planning and development. They do not have a valid housing need which would justify the development of an additional house in this already overdeveloped rural area.
- Station Road is a busy road, lacking a footpath and its site is adjacent to a Montessori school. Additional traffic generation could pose a serious traffic hazard for road users.
- The suggestion applicant would have to leave the area if permission is refused is not a valid argument given they currently reside in a substantial dwelling with an additional rental unit.
- The site of proposed development is located outside the settlement boundary of Thomastown in a rural area classified as an Area under Urban Influence as defined in Kilkenny City and County Development Plan 2021 -2027.
- Planning permission was refused for a number of other similar proposals in the vicinity of the site and would set an undesirable precedent for further similar developments.
- The proposal would injure the visual amenity and rural character of the area, would lead to demands for the uneconomic provision of certain public services outside of the Thomastown zoned area and would be contrary to proper planning and sustainable development of the area.

4.0 Planning History

4.1.1. There is an extensive history of development in the immediate vicinity of the proposed development referred to in the planning report. I would note the following which relate to the appellants and their family.

4.1.2. ABP Ref. No. 319663-24 / P.A. Ref. No. 24/24

Permission to construct one new two-bedroom house with integrated garage and all associated site works on lands immediately to the south of the current appeal site for the current appellants son was refused on appeal endorsing the planning authority decision to refuse planning permission. One reason stated which refers to

Section 4.4 of Sustainable Rural Housing Development Guidelines (2005) and Section 9.2.5.1 and 13.22.1 of the CDP where there is a requirement to retain hedgerow unless removal is required to facilitate traffic safety. The proposal is for the removal of a substantial length of existing mature hedgerow along the frontage of two roads in a rural area in favour of the provision of sightlines for a single dwelling. The removal of such would not be justified on the basis of traffic safety alone and the proposal would be contrary to Development Plan policy in relation to such as well as resulting in a substantially diminished rural character and the loss of biodiversity.

4.1.3. P.A. Ref. No. P23/203

Permission refused to construct a two-bedroom house with integrated garage and all associated site works to the current appellants on a similar site to ABP Ref. No. 319663-24 / P.A. Ref. No. 24/24. Four reasons were stated which refer to traffic hazard, density, rural housing policy and proper planning.

4.1.4. P.A. Ref. No. P05/988

Permission granted to the current appellants to construct a dormer type dwelling, garage and all associated site works on lands immediately to the north of the playschool. The playschool was formerly the residence of the current appellants.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. The statutory development plan is the Kilkenny City and County Development Plan 2021-2027.
- 5.1.2. Chapter 7 refers to Rural Development and section 7.8 of the Development Plan sets out the Rural Settlement Strategy which outlines that the National Planning Framework NPF provides a comprehensive set of objectives to strengthen the rural fabric and support the communities living there; to plan for future growth and development, while addressing decline, and focusing on the potential for the renewal and development of smaller towns and villages.
- 5.1.3. Figure 7.1 identifies the site as within an area under urban influence.
- 5.1.4. Section 7.8.4 refers to Categories of Rural Compliance and Qualifying criteria: In line with the NPF, National Policy Objective 19 requires a clear distinction to be made between areas under urban influence and elsewhere in providing for the development of rural housing.
- 5.1.5. Specific to areas under urban influence which are areas classified as under Urban Influence are located close to the immediate environs or commuting catchment of cities and towns or to major transport corridors with ready access to urban areas. They are characterised by high levels of commuting patterns to urban areas with high population growth in the County and ready access to a good road network with ready access to the larger urban areas.
- 5.1.6. Qualifying Criteria for Rural Housing: Areas Under Urban Influence are outlined and in areas under urban influence the Council will permit (subject to other planning criteria) single houses for persons where the following stipulations are met:
 - 1. Persons with a demonstrable economic need to live in the particular local rural area, being people who are for example: a. employed full-time in rural-based activity such as farming, horticulture, forestry, bloodstock or other rural-based activity in the area in which they wish to build or whose employment is intrinsically linked to the rural area in which they wish to build, such as teachers in rural schools or other persons who by the nature of their work have a functional need to reside

permanently in the rural area close to their place of work, provided that they have never owned a house in a rural area.

2. Persons with a demonstrable social need to live in a particular local rural area,

a. Persons born within the local rural area, or who have lived a substantial period of their lives in the local rural area (minimum 5 years), who have never owned a rural house and who wish to build their first home close to the original family home.

Persons born in the area without having lived for the minimum of 5 years must be able to demonstrate strong family and social connections to the area to demonstrate a demonstrable social need.

b. Returning emigrants who do not own a house in the local area and wishes to build their first permanent home for their own use in a local rural area in which they lived for a substantial period of their lives (5 years), then moved away or abroad and who now wish to return to reside near other family members.

All applicants for one-off rural housing will need to demonstrate compliance with the qualifying criteria of one of the above categories unless otherwise specified as being located within an area where the Rural Housing Policy does not apply. The Planning Authority shall have regard to the viability of smaller towns and rural settlements in the implementation of the policy.

Chapter 13 outlines requirements for development and 13.22 specifically refers to Rural Housing and outlines requirements on a range of criteria including design, access and sightlines and waste water treatment.

5.1.7. Thomastown Local Area Plan 2019

The Local Area Plan 2019 extended to 2029 has a development boundary and the appeal site is outside of this boundary and therefore considered to be in the rural area.

5.2. National Guidance.

5.2.1. National/Regional/Local Planning Policy National Planning Framework – Project Ireland 2040

The National Planning Framework – Project Ireland 2040 (NPF) is a strategic plan for shaping the future growth and development of Ireland to 2040. A key objective of the Framework is to ensure balanced regional growth, the promotion of compact

development and the prevention of urban sprawl. It is a target of the NPF that 40% of all new housing is to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites with the remaining houses to be delivered at the edge of settlements and in rural areas.

National Policy Objective 19 refers to the necessity to demonstrate a functional economic or social requirement for housing need in areas under urban influence, i.e., the commuter catchment of cities and large towns and centres of employment. This will also be subject to siting and design considerations. In rural areas elsewhere, it refers to the need to facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements. In all cases the protection of ground and surface water quality shall remain the overriding priority and proposals must definitely demonstrate that the proposed development will not have an adverse impact on water quality and requirements set out in EU and national legislation and guidance documents.

5.2.2. Sustainable Rural Housing Development Guidelines 2005

The guidelines make clear distinction between urban and rural generated housing and to differentiate between development needed in rural areas to sustain rural communities and development tending to take place principally in urban areas. The guidance defines rural area types and the subject site is within an area defined as an Area Under Strong Urban Influence. The guidelines in terms of housing need distinguish between urban generated housing need and rural generated housing need.

Section refers to 3.2.3 Rural Generated Housing Persons who are an intrinsic part of the rural community and that such persons will normally have spent substantial periods of their lives, living in rural areas as members of the established rural community which would include farmers, their sons and daughters and or any persons taking over the ownership and running of farms, as well as people who have lived most of their lives in rural areas and are building their first homes or wish to care for elderly family members. Having defined rural generated housing needs, the development plan should make very clear that subject to satisfying normal planning considerations relating to siting and design, such as those outlined in section 4 of the

guidelines, the planning authority will look favourably upon an applicant's proposal for an individual house in a rural area where that applicant comes within the development plan definition of need.

Rural housing policies will normally be linked to other sections of the plan dealing with landscape character; protection of key natural assets such as surface and ground water resources and that the consideration of individual sites will be subject to normal siting and design considerations.

5.3. Natural Heritage Designations

- 5.3.1. The subject site is not located within site designated as a Natura 2000 site or NHA/pNHA and a significant distance of the subject site from any designated site.

6.0 EIA Screening

- 6.1. The proposed development has been subject to preliminary examination for environmental impact assessment and in this regard, I refer to Form 2 in Appendix 1 of this report. 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. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

- 7.2. The appellants grounds of appeal in summary refers to;
- The appellants have lived in the area for 58 years and wish to downsize from their current dwelling.
 - The refusal decision inadequately assesses the potential impacts on the surrounding environment, landscape and the appellants who have a demonstratable social need to live in the area.

- Reference is made to 73 houses granted planning permission in the area which suggests inconsistency in planning criteria.
- The proposal is clearly rural generated and no urban generated and their current house will be available for sale to another family wishing to live in the area.
- Reference is made to the previous planning appeal by the appellants' son where the only reason for refusal related to removal of hedgerow and the current proposal would have a more benign impact on the environment.
- It is not clear what social, community and physical is missing in the area as the proposal can connect to the public sewer and water supply is near to the railway station than Thomastown and has public lighting.
- Planning permissions in the area have required upgrading of the road network and sightlines are available.
- In relation to precedence a planning application must be considered on its own merits.

7.3. Planning Authority Response

The planning authority in a response to the appeal submissions in summary refer to;

- The Planning Authority have submitted a map of the area outlining the excessive density of development in this rural area and that the proposed development would result in an unacceptable density of development at this location.
- In relation to rural settlement policy reference is made to the appellants' planning history and that a key consideration of the rural housing policy as stated in section 7.8.4 of the CDP is that the applicants never owned a house.
- The current proposal does not comply with the rural housing policy.
- The reasons for refusal adequately address how the proposal conflicts with statutory and policy requirements.

7.4. Observer Submission

The observers in a submission in relation to the appeal in summary refer to;

- The submission refers to the planning history of the applicant with an accompanying map.
- The applicants reside in a dwelling which also has an apartment.
- The applicant does not maintain the hedgerow at the junction contributing to making the junction unsafe.
- Reference is made to additional traffic and traffic hazard arising from the additional traffic.
- The observers raise concerns in relation to the removal of a large amount of roadside hedgerow.

8.0 Assessment

8.1. The main issues in this appeal are principle of the development and the grounds of appeal. Site specific issues relating to design and services and Appropriate Assessment also needs to be considered. I am satisfied that no other substantive issues arise.

8.2. The principle of the development

8.2.1. The proposal as submitted is for the construction of a house and all associated site works and the first reason for refusal focus primarily on the provisions of the current Kilkenny City and County Development Plan 2021-2027 and the provisions and policy in relation to development in rural areas and in particular the issue of housing need.

8.2.2. The site is located outside of the development boundary for Thomastown as defined in the Thomastown Local Area Plan 2019 (as extended to 2029) and therefore the provisions of the Kilkenny City and County Development Plan 2021-2027 relating to rural areas and rural settlement policy apply. Figure 7.1 of the plan identifies the site as within an area under urban influence.

8.2.3. In this regard, the consideration of a dwelling are assessed in the context of section 7.8.4 refers to categories of rural compliance and qualifying criteria which largely follow national guidance as outlined in the NPF and National Policy Objective 19

which requires a clear distinction to be made between areas under urban influence and elsewhere in providing for the development of rural housing. The NPF also largely reflects the position as outlined in the 2005 national guidance on rural housing.

- 8.2.4. The Qualifying Criteria for Rural Housing in Areas Under Urban Influence are outlined in section 7.8.4 and that the planning authority will permit (subject to other planning criteria) single houses for persons where the following stipulations are met:

The first criterium is in relation to persons with a demonstrable economic need to live in the particular local rural area, being people who are for example: a. employed full-time in rural-based activity such as farming, horticulture, forestry, bloodstock or other rural-based activity in the area in which they wish to build or whose employment is intrinsically linked to the rural area in which they wish to build, such as teachers in rural schools or other persons who by the nature of their work have a functional need to reside permanently in the rural area close to their place of work, provided that they have never owned a house in a rural area.

In relation to this matter based on the information submitted the appellants have not indicated a demonstrable economic need to live in the particular local rural area and the documentation indicates that they have a current dwelling in the area and would appear to have had a dwelling in the area prior to residing in their current dwelling.

In relation to the second criterium of persons with a demonstrable social need to live a particular local rural area. It is not necessarily disputed that they have a social need to live a particular local rural area but as already indicated they currently reside in this particular local rural area and the basis of submitting the current proposal is to downsize from their current dwelling. It is not disputed that have lived a substantial period of their lives in the local rural area (minimum 5 years), but they do not meet the provision of never owned a rural house or wishing to build their first home close to the original family home. They do not constitute returning emigrants who wish to build their first permanent home for their own use in a local rural area.

On the basis of the criteria outlined the appellants do not satisfy or demonstrate a demonstratable need to reside in the area. I am therefore not satisfied that the applicant qualifies for a second house in the rural area, that their rural housing need is already established or that other positive options and housing need of the

applicants could not be met in their existing family home or in a another rural/urban settlement. I also consider that the provisions as set out in section 7.4 and in particular 7.8.4 are reasonable and comply with national guidance.

- 8.2.5. I would note that a reason for refusal makes reference to the appellants' planning history of having already received planning permission under reference P05/988 to construct a dormer type dwelling, garage and all associated site works on lands at Jerpoint west, Thomastown, County Kilkenny in the rural area close to proposed site and the planning history as referred to is not disputed.
- 8.3. In relation to the second reason for refusal this reason refers to the location of the site in an unzoned rural area outside the development boundary of Thomastown, would constitute an excessive number amount of houses and ribbon development in this rural area which is under strong development pressure and has reached saturation point in terms of rural one off housing. This reason again largely reflects the provisions of section 7.4 of the development plan the provision of which I consider reasonable.
- 8.3.1. The reason also refers to that the proposed development taken in conjunction with existing developments in the vicinity would exacerbate the haphazard and unplanned form of development in this rural area, would intensify urban sprawl on the local road thereby injuring the visual amenity and rural character of the area and would lead to demands for the uneconomic provision of certain public services outside of the Thomastown zoned area and would also would represent an undesirable precedent for further such development in the area.
- 8.3.2. The appellants contend it is not clear what social, community and physical infrastructure is missing in the area as the proposal can connect to the public sewer and water supply is near to the railway station than Thomastown and has public lighting. They also refer to the large volume of planning permissions in the area and that have required upgrading of the road network and sightlines are available and in relation to precedence a planning application must be considered on its own merits.
- 8.3.3. There is no dispute that the area and its vicinity has a very high concentration of dwellings largely fronting onto the local road network extending out from the town which has been identified as having deficiencies and upgrading is required to provide an improved level safety to pedestrians, motorists and cyclists. This increase in

housing has occurred in an incremental and haphazard manner and has impacted on the rural character of the area. The ongoing and future development of the area requires to be addressed in a planned and coordinated manner in relation to future provision of services rather than reactive manner.

8.3.4. It could be contended that the site represents an infill site and in this regard it can be considered on its merits but this also requires that it be considered within the context of whether applicants meet the criteria set out in the development plan and the appellants do not meet the criteria.

8.4. Site specific matters

8.4.1. In relation to the design and siting of the dwelling which has a single storied design I would have no objections.

8.4.2. In relation to vehicular access the area engineer requested further information on a range of matters including demonstrating that sightline visibility of 90 metres can be achieved in both directions. It would appear that this may possibly be achieved but would require the road frontage hedgerow to be removed and reinstated behind an identified visibility splay from the proposed access. I note that the area engineer report refers to previous refusals in the area, deficiencies in the road network and the junction of the two roads onto which the site has road frontage but that they relate to applications for development on the minor local road to east of the site and not the local road which is proposed as means of access. There would however be a level of concern in relation to locating a new access onto the local road in relative close proximity to the junction and adding to the large number of accesses onto the local road and road network adding further to the haphazard nature of development allied to a loss of hedgerow not only along the major local road frontage but a section of the minor local road frontage.

8.4.3. In relation to services, I note it proposed to a public mains water supply and also to a public sewer. There was no response from Uisce Éireann in relation to capacity of the system to accommodate the development but this can be addressed in the event of a permission being granted by a condition requiring a connection agreement with Uisce Éireann prior to the commencement of any development works on the site

9.0 AA Screening

- 9.1. I have considered the proposal for the construction of a single storey house, connection to existing services and all associated site works in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located on an established residential site and within an established residential area.
- 9.2. The proposed development comprises in effect a relatively minor development as outlined in section 2 in the Inspectors report. 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 nature of the development, the distance to designated sites and the absence of pathway to these sites.
- 9.3. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects and likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Recommendation

- 10.1. I recommend that permission be refused.

11.0 Reasons and Considerations

1. Having regard to the location of the site within an Area Under Strong Urban Influence as identified in the Kilkenny City and County Development Plan 2021-2027 in an area located outside of the development area boundary of the town of Thomastown and having regard to the stated provisions of section 7.8.4 of the said development plan for considering rural housing in such areas where consideration of new housing is restricted to persons demonstrating local need which are considered to be reasonable. It is considered that the applicant does not come within the scope of the housing need criteria as set out in the Development Plan for a house at this location. It is also considered

that the applicants do not comply with and contrary to national guidance criteria as set out in the Sustainable Rural Housing Development Guidelines 2005 and National Planning Framework (NPF) for a rural house at this location as they currently have a dwelling in the vicinity of the proposed site. The proposed development would, therefore, be contrary to the stated provisions of section 7.8.4 of the Kilkenny City and County Development Plan 2021-2027 and the proper planning and sustainable development of the area.

2. The proposed development, in the absence of any identified locally based need for the house would exacerbate suburban style development in this area and further contribute to an excessive number level of houses and ribbon development in this rural area which is under strong development pressure. The proposed development therefore taken in conjunction with existing developments in the vicinity would further contribute to the provision of random development and would exacerbate the haphazard and unplanned form of development in this rural area, would intensify urban sprawl on a deficient local road network thereby injuring the visual amenity and rural character of the area and would lead to demands for the uneconomic provision of further public services outside of the town of Thomastown zoned area. The proposed development would, therefore be contrary to the proper planning and sustainable development of the area.

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.

Derek Daly
Planning Inspector

3rd July 2025

Form 1 - EIA Pre-Screening

Case Reference	322309-25
Proposed Development Summary	The construction of a dwellinghouse and all associated site works
Development Address	Jerpoint West, Thomastown, County Kilkenny,
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?	<input type="checkbox"/> X Yes , it is a 'Project'. Proceed to Q2.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> X Yes , it is a Class specified in Part 1 .	
<input type="checkbox"/> No,	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No , the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
No , the proposed development is of a Class and meets/exceeds the threshold.	
Yes , the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2)	

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Derek Daly Date: 03/07/2025

Form 2 - EIA Preliminary Examination

Case Reference	AP322309-25
Proposed Development Summary	The construction of a dwellinghouse and all associated site works
Development Address	Jerpoint West, Thomastown, County Kilkenny,
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (<i>The proposed development has a modest footprint and provides for a dwelling of a modest scale. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</i>
Location of development (<i>The development is situated in a rural area in which some level of existing public services are available. The development is removed from sensitive natural habitats, designated sites and landscapes of identified significance in the County Development Plan</i>
Types and characteristics of potential impacts	<i>Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</i>
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on	EIA is not required.

the environment.	
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	No
There is a real likelihood of significant effects on the environment.	No

Inspector: Derek Daly Date: 3rd July 2025