



An
Coimisiún
Pleanála

Inspector's Report ACP-322864-25

Development	Construction of 20 no. houses and 8 serviced sites.
Location	Gowran, Co Kilkenny
Planning Authority	Kilkenny County Council
Planning Authority Reg. Ref.	2460239
Applicant(s)	Daniel Fogarty
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Julie Moorhouse on behalf of residents of Rockfield Estate.
Observer(s)	None
Date of Site Inspection	19 th September 2025
Inspector	Catherine Dillon

1.0 Site Location and Description

- 1.1. The subject site is located on the northern edge of Gowran town approximately 300m to the north of the town's Main Street. The Gowran river flows to the south of the Main Street. The R702 to the south west of the site connects the town to the N9 and Kilkenny city, approximately 13km to the west.
- 1.2. The site is an irregular shaped greenfield site which forms part of a larger landholding bordered by a roadside hedge on its western boundary with the L6697 (Clover). There is an existing agricultural gate into the site off this road. The site rises from the west to east boundary by approximately 5m and by 1m from the south to north boundary. An ESB line currently traverses the site. The site has a stated area of 2.7 hectares.
- 1.3. Immediately to the south west of the site are a row of detached bungalows Nos.5-9 Rockfield. These dwellings are served by a vehicular access off the L6697 which terminates at No. 9 Rockfield and continues via a pedestrian footpath onto the Rockfield View and Green View estates.
- 1.4. Nos. 4-8 Rockfield View, No.20 Green View and Nos. 19-28 Abbeygrove, all two storey properties have rear gardens that wrap around the south and south eastern corner of the subject site. A single storey nursing home is positioned along the south eastern boundary of the site and sits above the existing ground level of the subject site.
- 1.5. There is an existing pathway which extends between No. 9 Rockfield and No. 8 Rockfield View and abuts the south western boundary of the subject site. This laneway provides an access to the rear of Nos. 5-8 Rockfield View.
- 1.6. Opposite the subject site along the L6697 are a row of detached dwellings with individual accesses onto this road.
- 1.7. To the south of the subject site along the L6697, there is a community playground and tennis courts to the rear of dwellings Nos.1-4 Rockfield next to a housing estate (Ogenty) to the south which appears to be under construction. The alignment of the L6697 has been redesigned at this location to a 5.5m carriageway with a footpath with street lighting. The speed limit along this road is 60kph.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of 20 semi-detached dwellings and 8 individual serviced sites, served by an internal road accessed off the L6697.

20 semi-detached dwellings

- 2.2. The internal road would extend for a distance of c.195m into the site and terminate with a turning head at the north eastern boundary of the site. This road would serve 20 two storey semi-detached units located to the north and south east of the internal road.
- 2.3. Eight of the semi-detached houses (Nos.H1-H8) would face the south western boundary of the site and would be set back c. 50m from this boundary. It is indicated the finished floor levels to these properties would range from between 64-69m, which would align with the contours of the site at this location.
- 2.4. The second row of semi-detached dwellings (Nos.H9-H20) would be positioned in the south eastern corner of the site and would front onto the internal road. These properties would be set back between 10m-27m from the site's boundaries. The proposed houses would have finished floor levels ranging from 68-71m and would reflect the site's existing contours.
- 2.5. The dwellings would comprise 12, three bedroom units (with a floor area of 106m²) and 8, four bedroom units (with a floor area of 134m²). The houses would be finished in a mixture of napp plaster and brick with blue/black slates on the roof.

8 serviced sites

- 2.6. The 8 serviced sites would have large plots reflective of the plots to the south and west of the subject site.
- 2.7. Six of the serviced sites would be clustered and positioned close to the new entrance into the site, with 3 of these sites positioned parallel to the public road. The remaining two serviced sites would be located on the western portion of the site, to the south of the internal road abutting the rear boundaries of the bungalows at Nos. 8 and 9 Rockfield. The siting of the proposed dwellings are indicated on the site plan but would be subject to individual planning applications.

- 2.8. Sites Nos. 1-6 positioned along the western part of the site have stated finished floor areas of approximately 64m. Sites Nos. 7 & 8 have stated finished floor levels of 66m.
- 2.9. The internal road would wrap around the 6 serviced sites to the front of the site and terminate on the northern boundary. There are no plans submitted indicating the future development of adjoining lands to the north.

Other elements of the overall development

- 2.10. A pedestrian pathway is proposed within the development to connect with the existing laneway/path between No.9 Rockfield and No.8 Rockfield View. The existing path is stated as being in the ownership of the Council.
- 2.11. The development would have a density of 10.4 houses per hectare with a total open space area of 0.2 hectares (7% of the site area). There would be an element of cut and fill on the site.
- 2.12. A temporary well and pumphouse is indicated to the west of the pedestrian pathway on the boundary treatment and services drawing (DF/PLNFI-009). It is proposed to connect to Gowran Waste Water Treatment Plant and to the public water supply. The landscaping plan (Drg.Nos. DF/PLNI-010) indicates a swale basin in the south western open space area
- 2.13. The application included a Flood Risk Assessment Screening Report, an outline CEMP & Waste Management, and Lighting reports.
- 2.14. The application was revised during the course of consideration by the P.A and readvertised. The amended application received as further information (F.I) by the P.A is the proposed development under consideration in this appeal.

3.0 Authority Decision

3.1. Decision

- 3.1.1. On 24th June 2025, Kilkenny County Council issued a Notification of Decision to Grant Permission for the proposed development subject to 26 conditions. Conditions of note include the following:

Condition 3- Special development contribution towards provision of footpath to playground & road widening works along the L6697.

Condition 5a- Design proposals for 8 serviced sites to be submitted- Sites 7&8 shall be bungalow or dormer dwelling type only.

b. Revised proposals for house H9-H12 to be set back from the nursing home in accordance with SPPR 1.

Condition 6- Roads (a- i)

a. Revised sightlines to be submitted to reflect the agreed road widening proposals.

c. Road widening proposals to be submitted.

d. DMURS Quality Audit & Stage 1//2 Roads Safety Audit prior to commencement.

f. Traffic Management Plan

g. Lighting to be LED

Condition 8 Stormwater (a-j)

a. All stormwater to be designed in accordance with BRE Digest 365.

b,c,d,e – All relate to prior to commencement details to be agreed regarding full drainage drawings, mitigation measures regarding flooding to Sites 1-4, new soakaway tests, sediment control to be used in drainage system.

Condition 13- Wastewater (i-v)

i) Prior to commencement connection agreement with Uisce Eireann.

Condition 14- Potable water (i-v)

i) Prior to commencement connection agreement with Uisce Eireann.

Condition 23- Part V

3.2. Planning Authority Reports

3.2.1. Initial Planner's report dated 18/7/2024

- The site forms a natural extension to the town, no objection in principle.

- Proposed pedestrian access places the development within 300-350m from the Main Street of the town and would contribute to permeability. Notes clarity with regards to the ownership of the pathway is required.
- Vehicular access can only be provided off L6697 which will require upgrade.
- Principle of serviced sites is supported in the NPF as an alternative option to rural housing, and Gowran is identified in the KCCDP where such development could be accommodated within the settlement boundary.
- Notes the site is prone to flooding in winter time.
- Considered location of site notice could be read from the public road.
- Further information was issued on 10 items relating to internal technical reports and included a request to relocate the serviced sites to front onto the L6697, indicate existing services in the area on a map, replace serviced sites Nos. 5 & 6 with open space to facilitate surveillance of the pedestrian link, indicate whether the applicant proposes interim measures for potable water for the site prior to the upgrade of the Gowran water network, submission of a new PCE from Uisce Eireann, identify position of foul line, proposals to widen the public road and extend footpath to new playground, revised road measures including sightlines, Part V proposals, surface water management including infiltration testing, site specific flood risk assessment, light pollution survey, a CEMP, and a 3 bin system.

A response was received on 24/4/2025. The application was considered significant and readvertised.

3.2.2. Second planner's report on receipt of F.I response dated 4/6/2025

- Serviced sites relocated to address the public road.
- Two storey properties located to the rear of the site to reflect neighbouring houses to south east.
- Site is within 10 minute walking distance to town centre.
- Relocation of open space area allows for natural surveillance of pedestrian link.

- Report received from Irish Water dated 12th May 2025 confirms feasible connections from the proposed development to public water and waste water infrastructure can be made subject to conditions.
- The report concluded the development was acceptable subject to conditions.

3.2.3. Other Technical Reports

Housing Section report dated 7/6/2024:

No pre-planning held regarding Part V compliance. Notes serviced sites are taken into account when determining Part V provision.

Housing Section report dated 6/2/2025:

Part V agreement in principle for 6 units.

Fire Officer report dated 18/6/2024:

Fire Certificate not required before works commence.

Parks Department report dated 1/7/2024:

Proposal considered acceptable subject to further detail regarding hard and soft landscaping, boundary treatment, & a planting plan by a suitably qualified landscape architect.

Roads Design report dated 2/7/2024:

Further information requested regarding proposal to widen the L6697 to provide footpath to connect to newly constructed play ground, detailed sightline drawings, cross section of estate roads, turning head instead of raised ramp at units 19 & 20 and service site No.2, swept path analysis, traffic calming measures, EV points, public lighting details, DMURS quality audit, Stage 1/2 Road Safety Audit, and masterplan for adjoining lands.

Roads Design report on receipt of F.I dated 16/5/2025:

On receipt of F.I response recommended conditions addressing some of the issues raised in previous report.

Conservation Officer report dated 9/7/2024:

Concurs with recommendations of DHLGH regarding possible archaeology on the site due to its proximity to PDS.

Environment Section report dated 16/7/2024

Further information regarding surface, waste water and waste management including inter alia; infiltration tests, potential surface flooding and ponding, site specific flood risk assessment, FFL of houses, full drainage drawings, updated Confirmation of Feasibility, ownership of lands, position of foul line, light pollution survey, CEMP, & Resource & Waste Management Plan. Applicant to submit a new PCE to connect to public water infrastructure.

Environment Section report on receipt of F.I dated 4/6/2025:

On receipt of F.I no objections subject to conditions.

3.3. Prescribed Bodies

Dept of Housing, Local Government & Heritage (DHLGH): Dated 27/6/2024

- Requested an Archaeological Impact Assessment (AIA) to be carried out by way of further information, given the size of the site.

DHLGH: Dated 22/5/2025 in response to F.I:

- In line with previous comments required an AIA to be carried out – sample condition as per OPR PN03.

Uisce Eireann (UE): Dated 17/6/2024:

- Requested further information re new pre-Connection Enquiry (PCE) and Confirmation of Feasibility (CoF) to connect to public water/waste water infrastructure and to be submitted to P.A.
- Noted an existing CoF (CDS22003707) was issued in July 2022. (relates to P.A Ref: 23/60350 to NE of site)
- UE standard conditions attached.

UE: Dated 12/5/2025 in response to F.I:

- No record of a new PCE being lodged as requested.
- Construction works commenced in 2024 to progress the Gowran Regional Water Supply Scheme to improve water supply across Gowran, Goresbridge & Paulstown and is scheduled for completion end of 2025.

- Applicant will need to enter into a Connection Agreement with UE for service connections.
- UE standard conditions attached.

3.4. Third Party Observations

- 3.4.1. Two submissions were received to the planning application including a submission with 21 signatures on behalf of residents in Rockfield to the initial proposal on the following summarised grounds:

Residential amenity

- Loss of view of tranquil countryside
- Loss of natural light and enjoyment of property.
- Proposal inappropriate.
- Concern about future extensions.
- Use of the laneway would impose on residents as this lane is currently used for deliveries to residents.
- Disruptions and impact on privacy.

Zoning

- Site is not zoned & there are more central locations in the town that have not been built out.
- Reference to KCCDP 2021-2027 requirements for compact growth and stopping the spread outwards.
- The town does not have adequate facilities with many closures in the past 10 years of shops and services.
- Primary school is at capacity and secondary school children could not get bus places.
- There are numerous empty houses in Gowran and there are many being constructed (Ogenty).

Flooding

- Site is liable to flooding & floods every winter.
- Proposed swale is an indication of this problem.

Traffic

- L6697 is a minor substandard rural back road where vehicles cannot pass. Increase amount of traffic due to houses.
- Playground about to open which will lead to additional traffic, large amount of children using the road.

Design & Layout

- Two storey units are not in keeping with the character of the area.

Infrastructure

- Inadequate water and wastewater infrastructure.

Biodiversity

- Loss of biodiversity & trees.

Anomalies in planning application

- Date of application.
- Misnaming.
- Plan deviation.
- Site notice not located appropriately.

3.4.2. A further two submissions were received to the F.I on similar grounds to the initial planning application, and to the current third party appeal grounds, outlined in detail in Section 6 of this report.

4.0 Planning History

4.1. There is no planning history connected with the subject site.

4.2. Of relevance is a planning application to the north east of the subject site and included within the blue line of the planning application site plan.

P.A Ref: 23/60350: Planning permission was refused to Daniel Fogarty on 21st September 2023 for 44 houses on 2 grounds. The first refusal reason related to the exposed topography of the site, integration of the development with the village, low density and contrary to the core strategy and the second reason related to traffic grounds. The access for this planning application was onto the R448/R702.

- 4.3. Third parties make reference to a development named Ogenty to the south of the subject site along the L6697. For completeness the planning history associated with this development is outlined below. This site is next to the newly completed playground.

ABP Ref: 321323-24 & P.A Ref: 2460234: ABP granted planning permission on 12/3/2025 for alterations to previous permission comprising 23 units with associated site developments. This application related to a parent planning permission P.A Ref: 19/56 & ABP Ref: 305914-19 for 40 units which had been uncompleted.

5.0 Policy Context

5.1. Kilkenny City & County Development Plan (KCCDP) 2021-2027

- 5.1.1. Gowran is 1 of 47 small towns and villages (Tier 4) within the county settlement hierarchy of the KCCDP. Small towns and villages are identified as areas with a population <1,500. The subject site lies within the settlement boundary of Gowran as outlined in Figure 4.11 of the Plan.

5.1.2. Chapter 4- Core Strategy

The Core Strategy is based on the housing demand analysis model provided by the Department of Housing, Planning and Local Government which has been used to create a housing demand for the County for the period 2021-2027. For the purpose of this Plan, the time period would be to 2027. Growth is anticipated to take place towards the upper levels of the projections and growth is assumed to be linear.

Objective 4B

To ensure growth is achieved in a compact form, with:

- 40% of the projected growth of the County to be delivered in Kilkenny City and the towns and villages within the county

- 30% of the new housing earmarked for the City and towns to be catered for within their built-up footprints.

Variation No. 2 of the Plan

- 5.1.3. This variation was adopted on 21/10/2024 to clarify the settlement hierarchy in relation to small settlements. Specific to this appeal the category ‘rural towns & villages’, and ‘smaller towns and villages’ were condensed to ‘small towns and villages’. This change did not impact on the overall Core Strategy of the Development Plan and population projections remain the same.
- 5.1.4. The Variation increased the number of settlements within this category from 22 to 47 by including villages previously designated as ‘rural nodes’ as ‘small towns and villages without settlement boundaries’ in the settlement hierarchy. Gowran village remained within the same hierarchical tier (Tier 4) of the settlement strategy but was re-classified to ‘small towns and villages’ within Variation No.2. Minor alterations were made to the KCCDP to reflect this variation within the Development Plan. These amendments are incorporated into any policy included within this report.

5.1.5. **Section 4.6 Small Towns and Villages**

To promote the vitality and viability of these smaller settlements as rural service centres, it is an objective of the National Planning Framework (NPO 18b) to “develop a programme of new homes in small towns and small villages with local authorities and agencies such as Irish Water and local communities to provide serviced sites with the appropriate infrastructure to attract people to build their own homes and live in small towns and villages”.

In order to offer an effective alternative to the provision of single houses in surrounding un-serviced rural areas, proposals for developments with densities of up to 15-20 units¹ per hectare will be considered in small towns and villages where social services such as a school, church, pub etc. are available and engineering services are either available or can be provided by the relevant agencies within the lifetime of the plan. Individual houses are promoted and where a housing scheme is proposed, these will be proportionate to the scale of the settlement. Housing development within those small towns and villages with a settlement boundary (See

¹ The density prior to Variation No. 2 was 10 dwellings per hectare

Figures 4.4 to 4.25) denoted in Table 4.3 County Settlement Hierarchy, will not be subject to the rural housing policy as outlined in Section 7.8 Rural Settlement Strategy.

The scale and density of development in small towns and villages with a settlement boundary will depend on a number of factors including:

- Availability of infrastructure including appropriate social, waste water treatment facilities and water supply,
- Contribution to the enhancement of the village form by reinforcing the street pattern or assisting in the redevelopment of backlands,
- Contribution to the protection of the architectural and environmental qualities of the village,
- Capacity of the existing services in the village to accommodate the proposed development.

Future growth in all the small towns and villages listed in Table 4.3 will be incremental, small in scale and appropriate to the size, scale and character of the village.

The Council will encourage development of economic activity, services and infrastructure provision in all the small towns and villages of the county and allow for town and village renewal and serviced site housing provision in small towns and villages where services are available and/or planned, at a scale and character which is proportionate, in order to sustain and renew population and services in these areas.

These settlements have been assigned proportionate growth targets for the purpose of this Core Strategy, using the CSO 2016 figures as a base.

5.1.6. **Section 4.6.1.1 Serviced sites**

For the District Towns and the small towns and villages, support is also provided for the development of a 'New Homes in Small Towns and Villages' initiative to provide services and serviced sites in rural settlements which is a policy objective of the NPF18b and RSES 26g. The following incentives are designed to encourage the development of serviced sites within settlement boundaries:

- Provision of services by agencies subject to budgetary constraints

- Exclusion from the compliance requirements of the Rural Housing Policy for persons wishing to purchase serviced sites The Council will proactively work with the respective agencies to prioritise services delivery in support of this initiative.

5.1.7. **Objective 4J** To develop a programme for ‘new homes in small towns and villages’ in conjunction with, public infrastructure agencies such as Irish Water and local communities for the provision of serviced sites with appropriate infrastructure to attract people to build their own homes and live in small towns and villages.

5.1.8. **Section 4.8 Development Management Requirements** (as amended by Variation No.2)

- For small towns and villages with settlement boundaries, individual serviced sites for individual houses and appropriately designed small housing schemes are promoted where social and engineering infrastructure are available.
- The Planning Authority may limit the extent of development on any one site within the designated small towns and villages in accordance with the overall water services capacity and the availability of land for development within the village.
- For small towns and villages where no settlement boundary is designated, individual housing sites or small clusters, sympathetic to the existing form, will be considered contiguous to the existing built up area so as to promote their contribution to place making and the strengthening of the settlement/village core.

5.1.9. **Chapter 6 Housing & Community**

Sections 6.7 & 6.10 relate to residential development & housing development management standards.

5.1.10. **Chapter 10 Infrastructure & Environment**

Section 10.1.4 Water supply & Treatment

Section 10.1.16 Waste water networks & treatment

Section 10.2.6 Flooding

Section 10.2.7 Surface Water Drainage

5.1.11. **Chapter 12- Movement & Mobility**

Section 12.11.9: Road Safety Audit

5.1.12. **Chapter 13- Requirements for Development**

This chapter outlines the relevant criteria for all new developments including housing.

5.1.13. **Appendix B- Housing Strategy**

Section 3.2 Housing Trends, Demand and Affordability Predictions up to and including 2027

It is expected that the rural settlements between 50 and 1500 people will grow proportionally over the period 2021 to 2027. A settlement is defined by the Central Statistics office as having a minimum of 50 occupied dwellings, with a maximum distance between any dwelling and the building closest to it of 100 metres, and where there was evidence of an urban centre (shop, school etc). Growth in these predominantly rural settlements is anticipated to take place within the settlement boundaries as proposed in the Core Strategy.

The growth of housing will be restricted by the availability of wastewater and the wastewater capacity is a big growth inhibitor in some of the larger settlements like Paulstown, Bennettsbridge, Piltown, Fiddown and Gowran. The Irish Water Small Settlements program aims to make available funding and may provide wastewater capacity within the lifetime of the plan. For this reason, capacity for growth in some of the candidate settlements have been retained, but subject to the delivery of the projects during the lifetime of the plan.

In Appendix B Table 2 'Projected growth for the Rural Settlements', in 2016 Gowran had a population of 804 persons with a projected population of 899 for 2027, an uplift of 96 persons.

5.2. **National Planning Context**

5.2.1. National Planning Framework (First Revision April 2025)

A number of overarching national policy objectives (NPOs) are applicable to the proposed development from the NPF, including:

NPO 24: Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.

NPO 25: Target the reversal of rural decline in the core of small towns and villages through sustainable targeted measures that address vacant premises and deliver sustainable reuse and regeneration outcomes.

NPO 26: Continue to support the proportionate growth of and appropriately designed development in rural towns that will contribute to their regeneration and renewal, including interventions in the public realm, the provision of amenities, the acquisition of sites and the provision of services.

NPO 27: Continue to support programmes for ‘new homes in small towns and villages’ with local authorities, public infrastructure agencies such as Uisce Éireann and local communities to provide serviced sites with appropriate infrastructure to attract people to build their own homes and live in small towns and villages.

5.2.2. Climate Action Plan (CAP 2025 / CAP 2024)

The Climate Action Plan 2025 updates measures and actions required to deliver carbon budgets and sectoral emissions ceilings, to be read in conjunction with Climate Action Plan 2024.

5.2.3. Ireland’s 4th National Biodiversity Action Plan (NBAP) 2023-2030

Includes 5 key strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss.

Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Commission, as a public body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Commission. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account in decision-making, having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework

Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

5.3. Regional Policy

5.3.1. Regional Spatial and Economic Strategy (RSES) for the Southern Region 2020

RPO 26: Towns and Villages:

- a) To strongly support strengthening the viability of our towns and rural settlements, as a key objective of the RSES, including the protection of essential rural services such as post offices, shops, and medical facilities;
- b) To seek investment and initiatives that deliver smart technologies, revitalisation of mixed-use town and village centre streets, and pilot initiatives for regional good practice in renewal and re-use of buildings;
- c) To seek investment, the timely delivery and the sustainable delivery of holistic infrastructures in towns and villages to support their service role along the Region's tourism corridors consistent with the settlement hierarchies as set out in relevant development plans;
- d) To ensure that development plans tailor the appropriate planning response by reference to the scale, nature and location of the settlement. Local authorities will identify settlements which can play an enhanced role at sub-regional level to drive the development of their area;
- e) To support the development of guidelines for cluster housing development within the existing footprint of our rural settlements;
- f) To support co-ordination between local authorities, Irish Water and other stakeholders to deliver investment in the sustainable development of water and wastewater and other infrastructure for towns and villages, prioritising retrofitting and improvement in the quality of existing services;
- g) To seek investment in the sustainable development of a "New Homes in Small Towns and Villages" initiative in the Region and the delivery of actions by local authorities, Irish Water, communities and other stakeholders in the provision of services and serviced sites to create "build your own home" opportunities within the

existing footprint of rural settlements. Local authorities should identify and prioritise the provision and implementation of serviced sites within towns and villages as an objective of development plans. These programmes shall ensure a sustainable and appropriate spread of development between towns and villages within their areas

5.4. Section 28 Ministerial Guidance/Other relevant guidance

Having considered the nature of the proposal, I consider that the directly relevant section 28 Ministerial Guidelines and other national policy documents are:

5.4.1. Sustainable Residential Development and Compact Settlement - Guidelines for Planning Authorities (2024). (Compact Settlement guidelines)

These guidelines allow greater flexibility in residential design standards and cover issues such as open space, car and cycle parking, and separation distances. Section 2.2 notes that these Guidelines should be read in conjunction with other guidelines and where there are differences between these Guidelines and other previously issued Section 28 guidelines, it is intended that the policies and objectives and specific planning policy requirements (SPPR's) of the Compact Settlements Guidelines will take precedence.

5.4.2. Section 3.3.5 Rural Towns and villages (<1,500 population)

Description of Settlement

Rural towns and villages with a population of 1,500 persons or less offer services to a wide rural hinterland. These settlements are not identified for significant population growth under the NPF and should grow at a limited pace that is appropriate to the service and employment function of the settlement, and the availability and capacity of infrastructure to support further development. Planning authorities should look to promote and support housing that would offer an alternative, including serviced sites, to persons who might otherwise construct rural one off housing in the surrounding countryside in rural towns and villages.

The key priorities for compact growth in Rural Towns and Villages in order of priority are to:

- (a) strengthen the existing urban core through the adaptation, re-use and intensification of existing building stock,
- (b) realise opportunities for infill and backland development, and
- (c) provide for sequential and sustainable housing development at the edge of the settlement at suitable locations that are closest to the urban core and are integrated into, or can be integrated into the existing built up footprint of the settlement and can be serviced by necessary supporting infrastructure.

In table 3.7 of these guidelines, a density range is not specified with the policy and objective being that development in rural towns and villages is tailored to the scale, form and character of the settlement and the capacity of infrastructure.

5.4.3. Housing for All Housing for All (2021)

This policy notes that Ireland needs an average of 33,000 homes built per annum until 2030 to meet the NPF targets. These homes need to be affordable, built in the right place, to the right standard and in support of climate action.

5.4.4. Design Manual for Urban Roads and Streets (DMURS) updated 2019

The principles, approaches and standards set out in this manual apply to the design of all urban roads and streets (with a speed limit of 60 km/h or less) and aims to put well designed streets at the heart of sustainable communities to promote access by walking, cycling and public transport, influenced by the type of place in which the street is located.

5.4.5. The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009 (Flood Risk Guidelines) & Circular PL2/2014.

These guidelines advice that a fair balance between avoiding flood risk and facilitating necessary development, and enabling future development to avoid areas of highest risk and ensuring that appropriate measures are taken to reduce flood risk to an acceptable level for those developments that have to take place, for reasons of proper planning and sustainable development, in areas at risk of flooding.

5.5. Natural Heritage Designations

The site is not located in any designated European Site. The following sites are noted in proximity to the site.

- Red Bog p NHA (site code: 000846), c. 3.8km to south west of the site.
- River Barrow and River Nore SAC (site code: 002162), c.4.8km to east and 8.7 km to the west of the site.
- River Nore Special Protection Area (site code: 004233), c.8.9km to west of the site.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The grounds of appeal are submitted by Julie Moorhouse on behalf of the residents of Rockfield Estate. The submission includes 17 signatures with addresses at Rockfield, Hempfield House, Abbey Court and Clover. The grounds of appeal are summarised as follows:

Contrary to County Development Plan

- Contrary to Section 3.4 which promotes compact growth and infill development.
- Contrary to Section 10.2.2 which requires infrastructure before development.
- Undermines the Core Strategy which prioritises infrastructure led growth.
- Site is peripheral and unserved.

Inadequate waste & water infrastructure

- No confirmation from Uisce Eireann to connect to public water supply.
- No evidence of waste water treatment capacity.
- Development breaches WWT regulations, EU Water Framework Directive, UE water services plan.

Flood risk & inadequate drainage management

- Documented winter flooding on site.
- No SSFRA submitted.
- Soakaways were not independently verified and conducted away from flood prone areas.
- Condition 8(d) of P.A planning permission is contrary to BRE 365 and Flood guidelines.

Environmental & Biodiversity Impacts

- Proposal involves hedgerow removal, artificial lighting, no lighting impact assessment submitted, violates EU Habitats Directive & National Biodiversity Plan.
- AA screening relies solely on desktop conclusions and no consultation with NPWS.

Access, Safety & Transport Deficiencies

- The L6697 is a rural local road and is inadequate for proposed volume of traffic and sole access.
- Mitigation measures are dependent on road widening in a different ownership.
- Local authority did not request a community capacity study and there are inadequate facilities in village and future residents would be car dependent.
- Application premature.
- Increased traffic will exacerbate queuing times at the L6697/R702 junction at peak times.
- R702 not designed for increased traffic movements, no junction capacity assessment for higher density development carried out.
- No safety audit, Traffic Impact Assessment, breaches Section 5.4.1 of DMURS.
- Condition 6(c) of planning permission requires road widening & footpath construction post permission.
- Council admits plans inadequate and incomplete.

- Development lacks a phasing strategy in tandem with infrastructure and services.
- Failure to address the safety of the junction undermines safety.

Residential Amenity & Community Impacts

- Two storey houses out of character in the area.
- Overshadowing and overlooking.
- Increased light, noise and communal open space pose risks to residential amenity and privacy.
- Open space and pedestrian linkages back onto private homes without due consideration to existing residents.
- Contrary to Section 13.3 of CDP which requires public open space to protect communities.

Procedural issues

- Site notices unreadable.
- Inadequate time to comment on further information.
- Post Part V agreement is flawed.

Legal & Regulatory Non compliance in grant conditions

- Conditions attached to permission defer flood analysis, road safety audit, water and wastewater and drainage compliance.

The submission included a screenshot from video footage indicating traffic congestion around the children's playground.

6.2. Applicant Response

The First party has responded on the following summarised grounds:

Policy & Infrastructure concerns

- Revised NPF specifies the need to accommodate 50,000 units per annum to meet additional population projections.

- Kilkenny CDP's based housing allocation projections on ESRI figures from the 2016 census and needs to be updated in accordance with the revised NPF.
- Proposed development would increase critical mass in Gowran and improve businesses and services in accordance with Core Strategy of CDP.

National Planning Framework (NPF) Project Ireland 2040

- Refers to NPOs 4, 6, 27 & 33 of the NPF which support plan led development as granted by KCC.

Kilkenny County Development Plan (CDP)

- The site is located within the settlement boundary of Gowran village as defined in Figure 4.11 of the KCCDP.
- Objective of NPF to develop new homes in small towns and villages (NPO18b).
- Effective alternative to single houses in unserviced rural areas.
- In Development Management standards of CDP housing is encouraged at 15-20 units per hectare for smaller towns and villages

Inadequate Water & Wastewater Infrastructure

- Application has a valid pre-connection agreement enquiry from Uisce Eireann confirming feasibility of foul sewer connection for 44 houses.
- At pre application planning stage applicant was instructed by KCC to adhere to the capacity constraints of the existing wastewater system, and therefore there is no wastewater connection feasibility.
- A private water well will supply the public water to the development and capacity is not an issue – a report is attached from Fogarty Well Drilling to confirm there is a public, reliable and sustainable potable water source.

Environmental, Flooding and Engineering Risks

- SSFRA screening was carried out and there is no potential for flood risk and no requirement to carry out a SSFRA.
- The applicant will carry out a SSFRA if the Board consider it necessary.

- Soakaway tests carried out were required as part of the Further information response. Do not understand why a soakaway test should be carried outside the site boundary.
- Planning authority considered the principle of the development was acceptable and as a precautionary approach inserted a number of pre-construction conditions such as flood risk amelioration works, soakaway testing, landscape plans, construction and demolition reports etc which is reasonable.

Environmental & Biodiversity Impacts

- Hedgerow removal is minimal and of low quality.
- Landscape plan outweighs any negative hedgerow removal.
- Development has been subject to a lighting impact report and designed accordingly.
- AA screening report does not require consultation with NPWS.
- Objections are a form of NIMBYism.

Access, Safety & Transport Deficiencies

- Robust report submitted by a road traffic consultant.
- Road Safety Audit is not required for 20 houses and 8 sites.
- No evidence submitted to refute expert's report.

Inadequate Traffic management, Road Safety Risks and Unsustainable car dependency

- Applicant will provide a widening of the road to accommodate the development, provide new footpaths and a link to existing footpaths which is an extensive contribution to the public realm.
- Issues raised regarding traffic congestion at the main street and playground indicates that these areas are a successful space.
- All rural towns and villages need improvement, but this can only be brought about with development and people, and a critical mass is needed in Gowran.

- Proposed development is not a cause or symptom of the appellants perception of Gowran.

Residential Amenity and Community Impacts

- Two storey housing is reflective of the vernacular architecture in the village.
- Layout has been designed to avoid overlooking, overshadowing, and negative visual impact on adjacent houses due to its design, large open spaces and separation distances.

Unjustified Public Open Space Design

- Walkability and connectivity are the cornerstone elements of sustainable neighbourhoods.
- Proposed development integrates and connects to the town centre.

Site Notice and Consultation Irregularities

- Local Authority accepted the site notice and consultation periods were met.

Breach of Section 96-Part V provision

- Part V Housing provision has been agreed and conditioned with the local authority.

Invalid Deferral of Essential Assessments

- Conditions relating to flood risk, road safety, water, waste water and drainage compliance is normal for planning applications.
- There is no need for a SSFRA or RSA.
- Wastewater capacity has been accepted by Uisce Eireann and a well can be accommodated on site.
- Drainage details have been accepted by the local authority.

6.3. Planning Authority Response

None

6.4. Observations

None

7.0 Assessment

7.1. Introduction

7.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority and the amendments made by way of further information, and having inspected the site, and having regard to the relevant local, regional and national policies and guidance, I consider that the issues to be considered in this appeal are as follows:

- Principle and location of the proposed development
- Infrastructure-water and waste water infrastructure
- Flooding and surface water
- Residential amenity
- Density, layout, housing mix and design (New issue)
- Traffic
- Natural & Cultural Heritage, and
- Procedural.

7.2. Principle and location of the development

7.2.1. Gowran falls within the small town and village hierarchy (Tier 4) in the Kilkenny City and County Development Plan (KCCDP). The subject site although not zoned lies within the settlement boundary for the town and as such is identified for development. Objective 4B of the KCCDP states 40% of the projected growth of the County is to be delivered in Kilkenny city and the towns and villages within the county, and 30% of new housing is to be catered for within the built-up footprint. The Core Strategy for small towns and villages as adopted by Variation No.2 of the Plan did not specify a housing demand for Gowran but refers to the Housing Strategy in this regard which is contained within Appendix B of the Plan.

- 7.2.2. In Appendix B of the KCCDP, Gowran had a population of 804 persons in 2016, it therefore falls within the definition of a small rural town as defined within the NPF and Compact Settlement guidelines. The expected natural population growth for Gowran as outlined in the Housing Strategy was for 96 people between 2016 and 2027. The 2022 census indicates that Gowran had a population of 847 persons², an increase of 43 persons from the 2016 census. This would leave a capacity of approximately 53 additional people to 2027, which at 2.74³ persons per household, represents approximately 19 houses. The proposed development would exceed this figure by 9 houses, however, 8 of the proposed sites relate to individual houses on serviced sites and would provide an alternative to rural housing in the countryside, in accordance with relevant policies and guidance.
- 7.2.3. The proposed development would exceed the population projection for Gowran up to 2027 by 25 persons, however, allowing for 8 of the units being serviced sites (population equivalent of 22 persons), the proposed would broadly be in line with the population projections for the town up to 2027. I am cognisant of the 40 houses partially under construction at Ogenty (ABP Ref: 321323-24 & ABP Ref: 305914-19 refers) to the south of the site and note that the parent permission for this development was granted prior to the adoption of the current CDP.
- 7.2.4. Third parties consider the proposed development is contrary to the CDP in that it does not promote compact growth, is not plan led, is peripheral to the town and unserviced, and that there are vacant sites closer to the town centre. The subject site is currently a greenfield site but it lies within the settlement boundary of Gowran as identified in Figure 4.11 of the CDP. There are two other areas of land, to the north west and south east of the Main Street, contained within the settlement boundary but I consider these areas would be of a similar distance to the Main Street as the subject site. I therefore consider the proposed development being located within the settlement boundary is plan led and sequential.
- 7.2.5. I noted from my site inspection there is an element of vacancy within Gowran town centre, however this predominantly relates to commercial units. I noted the development to the south of the subject site known as Ogenty is only partially

² CSO Small towns 2022

³ The 2022 census recorded an average of 2.74 people per household in Ireland

completed. Nevertheless, I consider the subject site is within walking distance to the town centre either via the L6697 or through the proposed pedestrian path into the Rockfield View and Greenview estates. I also note the applicant is willing to contribute to the provision of a footpath along the L6697 to connect to the new footpath along this road which would link the site to the playground and town centre. The development site is therefore connected and accessible to the town centre and offers a choice of pedestrian routes into the centre of the town.

Conclusion

- 7.2.6. The site lies within the development boundary of the town and is within walking distance to the town centre core and to the social infrastructure within the town including the school, creche, church, a number of shops and GAA grounds. The site is also within walking distance to a regional bus stop. The development would meet the upper levels for the housing targets for the town as set out in the Housing Strategy of the CDP, by 9 units or 25 persons, however 8 of the units would include serviced individual sites. I therefore consider in principle the development is acceptable in this location and in accordance with the CDP.

7.3. Infrastructure - water and waste water

- 7.3.1. Section 4.8 of the CDP promotes development within the settlement boundaries of the small towns and villages, subject to the availability of infrastructure including water supply and waste water treatment facilities. Third parties have raised concerns about the water pressure and lack of waste water facilities in the town.

Water

- 7.3.2. Uisce Eirann's water register (accessed 26/9/25) indicates there is capital investment required for the Gowran-Goresbridge-Paulstown water supply to increase capacity and this is reiterated in the CDP. I note from Uisce Eireann's response to the development that works commenced in 2024 to progress the Gowran Regional Water Supply Scheme to improve the security of water supply across Gowran, Goresbridge and Paulstown and this is scheduled for completion by the end of 2025. Nevertheless, Uisce Eireann's report to the F.I confirms feasible connections from the proposed development to the public water supply can be facilitated subject to conditions. Reference is made by the first party to a previous Confirmation of

Feasibility issued in July 2022 but this relates to the development to the north east of the subject site, which was refused planning permission for 44 houses, and is therefore not relevant.

- 7.3.3. The applicant by way of further information is proposing to provide a temporary private well for the development and carried out a borehole test on the land which indicates it could cater for the water demand for the scheme. The P.A had no objections to a temporary well to serve the development and in Condition No.14 of the decision to grant recommended the applicant sign a connection agreement with Uisce Eireann prior to the commencement of the development. I consider this a reasonable approach in view that upgrades to the water supply would be completed by 2025 as stated by Uisce Eireann. However, given Uisce Eireann have stated the works would be complete by the end of 2025, I would recommend in the event the Commission are minded to grant planning permission that the houses are not occupied until they are connected to the public water supply in the interest of orderly development.

Waste water

- 7.3.4. In Appendix B of the Housing Strategy a number of towns are identified including Gowran where growth has been restricted due to the availability of waste water infrastructure, but it is recognised that this maybe provided during the lifetime of the Plan through funding. I accessed Uisce Eireann's waste water capacity register (26/9/2025) and the waste water plant in Gowran (D0335) is stated as having spare capacity. I also note from Uisce Eireann's Annual Environmental Report on the plant (2024), that the plant has a capacity of 1600 PE and is in compliance with its Discharge Licence and that the annual mean hydraulic loading is less than the peak Treatment Capacity of the Plant. Both the P.A and Uisce Eireann raised no objections to the development on this ground subject to a service connection agreement being made to connect to the network, prior to the commencement of the development and confirmation of feasibility to build over or divert existing network services.

Conclusion

- 7.3.5. I am satisfied given the upgrades being carried out to the water supply, and the capacity of the Gowran waste water treatment plant, that the public infrastructure is

in place to service the development and that the proposed development would be in compliance with Section 4.8 of the CDP.

7.4. Flooding and surface water

- 7.4.1. Third parties have stated that the lands are subject to flooding and have submitted photographs indicating an area to the north west of the site under water or experiencing ponding. A Site Specific Flood Risk Assessment (SSFRA) scoping report was submitted by way of a further information response from the applicant.

Flooding

- 7.4.2. The Gowran river is located c. 600m to the south of the site and the Main Street and flows in an easterly direction towards Goresbridge. This river is subject to fluvial flooding according to www.floodmaps.ie (accessed 26/9/25) however it is a significant distance and at a lower level than the subject site. The OSI maps do not indicate the lands being mapped as benefitting lands, and there is no record of past flood events on or close to the subject site. The Strategic Flood Risk Assessment for the KCCDP, did not identify the subject site as liable to flooding or requiring a SSFRA (Map 8 in Consolidated Strategic Flood Risk Assessment for the CDP).
- 7.4.3. The subject site forms part of a larger field to the north and east which is at a higher level than the subject site which slopes from north to south and east to west. Photographs submitted by third parties indicate an area to the north west of the site is subject to pluvial flooding. I would agree with the applicant that this could be attributed to potential heavy rainfall and ponding on a natural depression next to the proposed sites Nos. 1 & 4 and beyond the red line boundary of the site. However, the site does not lie within Flood Zone A or B and there is therefore a low risk of fluvial flooding of the site, and a Justification Test is not required for the development in accordance with the Flood Risk Management Guidelines.

Surface Water

- 7.4.4. It is proposed to collect surface water run off from the site to an attenuation tank at the lower south west corner of the site. The surface water would pass through the attenuation storage area which has been designed to cater for a 100 year storm event (+30% allowance for climate change) and would pass through a control chamber before discharging to ground. The storage chamber would have a silt trap

to prevent the release of silt or hydrocarbons to ground and the storage capacity of the attenuation tank has been calculated based on the impermeable surface area of the proposed housing development but not the serviced sites.

- 7.4.5. By way of F.I the applicant carried out trial pits for soak hole testing and calculations located close to the proposed swale and attenuation tank area (Dwg.No. DF/PLNFI-010) in the south west of the site. Two trial trenches were excavated close to the entrance of the site, in the south west corner of the site. No water table was encountered at 1.75m in depth. Attenuation results indicated the water table is low and percolation rates are slow and the subsoil is indicated on GSI mapping of having moderate permeability. The attenuation tank has been designed to reflect the site characteristics with a shallower storage depth over a larger area.
- 7.4.6. Section 10.2.8 of the KCCDP requires in general the limitation of surface water run off to pre-development levels are required, and where this has been clearly demonstrated then the P.A shall consider such proposals on a case by case basis. The calculations as submitted do not clearly demonstrate that the capacity exists to accommodate surface water run off levels to match pre development levels. The applicant's attenuation storage capacity is based on the proposed 20 dwellings and associated hard standing areas only. I note it is stated by the applicant that the attenuation tank allows for the storage of surface water during a rainfall event to percolate directly to ground without discharging to the surface water drainage network, mirroring the pre development conditions. However, I am not satisfied with the details as submitted that the calculations take into consideration pre development run off rates and have included the serviced site footprints.
- 7.4.7. I note the initial planning layout indicated that the individual serviced sites would have soak holes, however this has not been indicated on the F.I drawings. I do acknowledge however, that this could be accommodated by way of a planning condition but has not been included in the attenuation storage calculations. The applicant has incorporated a number of SuDS features including a swale area with a volume of 76m³ to the south west of the site and permeable paving on public pathways, but has not included any additional features such as rainwater harvesting measures or grey water recycling that would minimise additional surface water run-off from the proposed development.

- 7.4.8. The P.A in condition 8 relating to stormwater have requested the applicant submit several prior to commencement conditions indicating how the stormwater shall be managed within the curtilage of the landholding via suitably sized soakaways and condition 8 (c) specifically requires appropriate mitigation measures to address potential flooding issues along the boundaries of serviced sites 1 & 4 caused by the natural depression of the land outside the site boundary. The P.A therefore had a concern regarding pluvial flooding on the north west of the site.
- 7.4.9. The applicant did not provide any details of the direction of the surface water flow on the site. However, based on the site contours surface water after a period of rain would collect in the north western area of the site as indicated in the third parties photographs and acknowledged by the applicant. The applicant in their response to the appeal did not address condition 8 (c) or provide further drainage details, other than to comment they could not understand why they would need to do a soakaway test on an area of land outside the site boundary. I consider this a reasonable request by the P.A., as I note the lands to the north of the subject site are indicated as being in the applicant's ownership. The P.A clearly had concerns that surface water from the lands to the north would impact on sites Nos 1 and 4 and this is not disputed by the applicant, and I consider if it is not addressed could result in future ponding and surface run off which would impact the proposed development during periods of heavy rainfall.

Conclusion

- 7.4.10. Both the applicant and the P.A acknowledge the site is subject to pluvial flooding, particularly in the north western area of the site. I do not consider the pluvial flooding has been satisfactorily addressed by the applicant in accordance with Section 10.2.8 of the CDP. I would therefore recommend if the Commission are minded to grant planning permission that serviced sites Nos.1 and 4 are removed from the proposed development to allow for greater infiltration at this location of the site and prevent surface run off into the road and elsewhere in the vicinity of the site as a result of the development.

7.5. Residential Amenity

- 7.5.1. Third parties have raised concerns that two storey properties are inappropriate in this location and the development would result in a loss of privacy and overlooking to the existing neighbouring properties.
- 7.5.2. The revised layout has relocated the two storey dwellings to the south eastern area of the site and the rear elevation of the proposed houses would face onto the rear of the two storey houses in Abbeygrove and Green View and the single storey nursing home, which are separated from the site by a high retaining wall. The houses in Abbeygrove and Green View are set back c.10m from the site's boundary, and although the nursing home is positioned close to the subject site's boundary wall, it is at a higher level than the subject site.
- 7.5.3. I note condition 5b of the P.A decision to grant requires Houses H9-H12 to be set back a sufficient distance in accordance with SPPR1 of the Compact Settlement Guidelines from the nursing home. SPPR 1 requires a minimum separation distance of 16m between opposing windows serving habitable rooms above ground level. House Nos H9-H12 would have rear gardens depths of 10m, and the single storey nursing home is positioned between c.1-3m from the shared boundary. To achieve a separation distance of 16m House Nos.H9-H12 would need to be set back a further 3-5m from the rear boundary of the site. I note the P.A's condition, however, it is not clear if these houses when moved further away from the rear boundary would have adequate space to accommodate off street parking and whether it would impact on the proposed turning head.
- 7.5.4. House Nos H1-H8 would be set back c.52m from the south/south west boundary and House Nos. H13-H20 would be positioned a minimum distance of 24m from opposing windows in the two storey houses in Abbeygrove and Green View. The separation distances for these proposed dwellings would exceed the separation distances in SPPR 1 of the Compact Settlement Guidelines and would be sufficient to prevent overlooking or loss of privacy of adjoining properties.
- 7.5.5. Serviced sites Nos. H1-H6 would be located along the frontage of the site away from the south western boundary and Nos.H7 & H8 would be located to the rear of bungalows Nos. 8 and 9 Rockfield. Although the design details have not been specified for the proposed units on the serviced sites, I note the P.A placed a

condition restricting the serviced sites Nos. 7 & 8 are either bungalows or dormer bungalows (Condition 5a). I consider this a reasonable condition given the properties in Rockfield are bungalows.

- 7.5.6. The bungalows in Rockfield which abut the south western boundary of the site and the dwellings to the west of the L6697 are set back a minimum distance of 20m from the site's boundaries. Given the separation distances of the serviced sites from neighbouring properties, I would be satisfied there would be no loss of light or privacy to the occupiers of Rockfield or along the L6697 from the serviced sites.
- 7.5.7. A concern was raised regarding the proposed houses extending beyond the footprint in the future. The proposed houses would avail of exempted development to build an extension once occupied, subject to certain criteria being met. Should any extension exceed the permitted development size it would be subject to a planning application, and third parties would be able to comment on such a proposal. However, I consider with the exception of House Nos.H9-H12, the separation distances are such that it is not necessary to remove the exempted development for the proposed development.

Location of open space

- 7.5.8. Two open space areas are proposed for the development along the south western boundary. One of the areas (904m²) would be located to the rear of Nos.5-7 Rockfield. It is proposed to erect a 2m high block wall along this shared boundary to separate the open space area from these properties. The second open space area (1147m²) would be located to the rear of Nos. 5-8 Rockfield View and to the side of No. 4 Rockfield View. This open space area would be enclosed by a 2m high block wall. I consider the proposed boundary wall to the open space areas would remove any potential overlooking, loss of privacy or noise and disturbance from the open space areas to the neighbouring properties.

Lighting

- 7.5.9. There would be an increase in lighting as a result of the proposed development. However, the lux readings from the lighting assessment indicates that the lighting would not over spill beyond the site's boundaries.

Use of laneway between Rockfield and Green View

- 7.5.10. There is an existing pedestrian laneway between No.9 Rockfield and No. 8 Green View, which accesses onto Rock Field View/Green View estates. It is indicated by the submitted folio as being in Council ownership and this is not disputed by the Local Authority or third parties. The laneway provides a rear access into the houses at Nos.7 and 8 Green View. However, the rear access does not appear to extend beyond No. 7 Green View as there is a single storey structure extending over the laneway to the rear of No.6 Green View. Residents have raised concerns that the use of the laneway would block their rear access and create anti-social behaviour.
- 7.5.11. This laneway is short in length and is visible from Rock Field View and Green View. I consider the use of this laneway by future occupiers of the proposed development and the location of H20 subject to windows being provided on the western elevation at first floor level would enhance the natural surveillance to this laneway and promote a permeable link for the future occupiers of the development to the town centre. The use of this laneway by the development would not prohibit the use of the laneway for the residents in Green View to access the rear of their properties. I do not consider serviced site No.8 being single storey and enclosed with a high boundary wall would overlook this laneway.

Conclusion

- 7.5.12. With the exception of House Nos.H9-H12, I do not consider there would be any direct overlooking or loss of privacy to the existing residential occupiers from the development as the minimum separation distance exceeds 16m in accordance with SPPR 1 of the Compact Settlement Guidelines. I note Condition No.5a of the P.A with regards moving House Nos.H9-H12 at least 16m from the rear of the nursing home. However in the absence of a revised layout I cannot ascertain whether the car parking can be accommodated on the front gardens to these dwellings and whether the turning head would be impacted. Furthermore, I consider if these units were removed from the development, it would significantly reduce the overall density of the development.

7.6. Density, Layout, Housing Mix and Design (New issue)

Density

- 7.6.1. The proposed density was not assessed by the planning authority and was not raised in the appeal. The proposed development would be for 20 houses and would include a further 8 self serviced sites with an overall density of 10.4 units per hectare. Section 4.8 of the CDP promotes within the settlement boundaries of small towns individual serviced sites as an alternative to the provision of single houses in surrounding unserviced rural areas and such houses would not be subject to the rural housing policy. The 8 serviced sites are on large plots and consequently this has reduced the overall density of the site.
- 7.6.2. The proposed density is lower than the 15-20 units per hectare as specified in Section 4.6 of the CDP (as varied in Variation No.2). However, the Compact Settlement Guidelines promotes unserviced sites for rural towns and prioritises the scale and form of a development to the character of a town over a specific density range for small towns at the lower end of the population range such as Gowran. Whilst I note the detached bungalows in Rockfield are of a low density, the houses in Green View and Abbeygrove to the south east of the subject site are of a higher density and closer to the Main Street of the town.
- 7.6.3. The subject site is therefore positioned between two different character areas, and although a density of 10.4 hectares is low, I consider it is reflective of the two combined areas. The relocation of the two storey houses to the south east of the subject site corresponds to the height of the neighbouring dwellings, and the individual house plots reflect the houses on the opposite side of the road and the bungalows to the south west. I therefore do not consider the proposed development materially contravenes the CDP regarding density or the Compact Settlement Guidelines which place an emphasis for development in small towns being tailored to the scale, form and character of the settlement and that the density at such locations should correspond in a positive way to the established context.
- 7.6.4. However, I would have a concern in the absence of any phasing details from the applicant that the individual plots could be developed prior to the higher density development to the south east of the site which would not be an effective or efficient use of these lands. I would therefore recommend if the Commission are minded to

grant planning permission for the development the higher density units are either constructed prior to the service sites or in tandem with the serviced sites.

Layout and design

- 7.6.5. The proposed layout of the road serving the site is overly long (c.195m) and dominates the development with the open space areas appearing as 'left over' irregular shaped areas to the south of the road. Future occupiers of the development would have to cross the spine road to avail of the open space areas, one of which is located close to the entrance of the site which I consider is poorly thought out and potentially unsafe for children. I consider the arrangement of the road compromises a coherent and efficient arrangement of the layout of the houses on the site.
- 7.6.6. I further consider the general layout fails to provide a high-quality development and a sense of place as required in the Compact Settlement Guidelines for rural towns. It is proposed to have a 2m high boundary wall to the rear of House Nos H1-H8 and a 2m high boundary wall between the serviced sites Nos H1-H6 which again would appear out of context juxtaposed to the open field to the north. Given the proposed development's low density, the layout has little space to incorporate green areas for landscaping to soften the development, which given the site's linear shape with houses and car parking fronting the road in addition to the proposed 2m high walls, would appear harsh and would not compliment the rural setting.
- 7.6.7. The individual sites would be better designed in an informal layout with open plan frontages maximising the potential for a landscaped dominant development and the visual variety of the houses could be enhanced with the use of a variety of house types and plot widths. A group of terraces for example would reflect the traditional character of the houses in Gowran town centre and the style of the houses to the south east and achieve a higher density and combine modern housing standards with a more traditional urban form. The proposed houses are on wide semi-detached plots and are suburban in design and character, however House Nos H17-H20 appear squashed and cramped into the south eastern corner of the site with long and narrow rear gardens despite having wide frontages.
- 7.6.8. The layout of the development was revised by way of a further information request during the course of consideration by the P.A. However, the number of units and the design of the units were simply reorientated or 'flipped' within the site without due

consideration being given to how the proposed development could be tailored to the existing character of the area and the layout of the site. I note the applicant owns the adjoining lands to the north and these lands also lie within the Gowran settlement boundary. The applicant has not provided a masterplan to indicate how the proposed development would integrate with the adjoining lands, and future development of these lands could therefore be prejudiced by the current proposal. As a consequence, I consider the development is piecemeal without a coherent structured layout and has a haphazard arrangement and does not respond in a positive way to the established context.

Open Space

- 7.6.9. Section 13.20.3 of the KCCDP requires a minimum public open space provision of 2.4 hectares per 1,000 population, and a reduction to this standard will only be permitted in exceptional circumstances as determined by the local authority. Where such a relaxation occurs the provision of open space within any scheme should not be below 10% of the site area.
- 7.6.10. The open space area for the development would equate to 7% of the site area. Objective 5.1 of the Compact Settlement Guidelines requires a minimum of 10% of the net site area and not more than 15% for open space in new residential areas. Although the open space provision is below 10% of the site area, the P.A did not raise any concerns about the open space provision.
- 7.6.11. The Compact Settlement Guidelines state the minimum requirement should be justified taking into account existing public open space provision in the area and broader nature conservation and environmental considerations. The subject site is in close proximity to a public park and the individual serviced sites would have adequate private gardens and the proposed houses would meet the minimum garden sizes specified in SPPR 2 of the Compact Settlement Guidelines.
- 7.6.12. However, whilst I consider the removal of serviced sites H1 and H4 to provide for additional SuDS measures outlined in 7.4 above would provide for additional open space provision, this area would be remote and isolated from the houses. Nevertheless, I consider the quality of the proposed open space areas are poor and remote from the housing which would predominantly cater for families and therefore

the open space provision is contrary to the CDP requirements and Compact Settlement Guidelines in this regard.

Housing Mix

- 7.6.13. The proposed 20 semi detached houses would comprise 40%, 4 bedroom units and 60%, 3 bedroom units. The size and mix of the serviced sites houses have not been specified but based on the footprint they would be either 3 or 4 bedroom properties. Although a Housing Need Demand Assessment was not submitted with the planning application I note in Table 13 of the Housing Strategy for the CDP that the breakdown of need on the Council's housing list for Gowran is greatest for 2 bedroom units, followed by 1 bedroom with 3 and 4 bedroom units having the lowest demand. This breakdown of unit size is reflective of the whole county in general with 77% of the demand being for 1 and 2 bedroom units.
- 7.6.14. I consider the proposed housing mix of the houses would cater for families and as such would not cater for the demand for 1 and 2 bedroom units identified in the Housing Strategy for Gowran and the mix is inappropriate and has not been justified.

Conclusion

- 7.6.15. Overall I consider the layout of the development is poor, dominated by the proposed road, the open space provision is incidental, and the buildings are typical of suburban style housing and do not promote a strong sense of identity for this rural town. I also consider the development of the site is piecemeal and haphazard in its development approach, with no rationale provided for the shape of the subject site or connectivity with, or consideration of the future development of the adjoining lands to the north, in the applicant's ownership and within the settlement boundary of the town.

7.7. Traffic

- 7.7.1. Third parties consider the proposed development would increase the level of traffic onto the L6697 a minor rural road, in conjunction with the new playground and completion of the Ogenty development. The speed limit along this road is 60kph. The L6697 is a narrow road particularly to the north of the proposed entrance (c.3m in width) and from my site inspection could not accommodate two way traffic. However, there are a number of laybys along the road and due to the width of the

road, traffic speeds would tend to be slow. The road has been widened to 5.5m to the south next to the new playground and housing development in Ogenty.

- 7.7.2. Access to the proposed site would be via the L6697 with visibility sightlines of 2.4m by 59m which is in accordance with DMURs for a road with this speed limit. I am satisfied that the sightlines are achievable and furthermore reduce the need to remove a significant amount of hedgerow.
- 7.7.3. The planning authority requested the applicant to design and construct a new section of carriageway adjacent to the subject site to connect with the new section of the L6697 to the south. I note and concur with the applicant's response in this regard in that a significant extent of the land required to achieve the realignment would be outside of the applicant's control. However, the applicant in their response suggested that they would be agreeable to a contribution to the upgrade of the L6697. The Planning Authority attached a special development contribution condition (No.3) towards the road widening and footpath provision along the L6697 to the playground. This would widen the width of the road to the entrance of the development site.
- 7.7.4. A series of swept path analysis was carried out which indicates a fire tender and refuse vehicle can access the site from the L-6697 and within the estate. A DMURS Quality Audit was submitted by way of further information for the proposed development but not a Road Safety Audit. The internal roads have been designed based on a 30kph speed limit and to incorporate homezones. The Road's section of the P.A on receipt of the further information recommended a condition be attached requiring a Road Safety Audit (RSA) Stage 1 & 2 be submitted prior to the commencement of the development and a Stage 3 RSA on completion of the development (Condition 6d), in addition to a Quality Audit. Third parties have raised concerns that the RSA Stage 1 and 2 have not been submitted prior to the development. The primary purpose of a RSA is to identify potential hazards and how they could affect road users and are mandatory on any permanent change to the road layout on National Roads.
- 7.7.5. Appendix C of the Compact Settlement Guidelines which contains advice on supplementary information for planning applications, includes the provision of RSAs in addition to Quality Audits for proposed developments. There is no threshold

specified within these guidelines with regards to the size of a development that would require a RSA and this would suggest there is no minimum threshold. Section 12.11.19 of the KCCDP outlines that RSAs are required for all new housing estates in accordance with DMURS, for new/intensified accesses onto national roads and where specific risks have been identified. I note the P.A did not identify any specific risks with the amended development and had no objections to the proposed development from a road safety aspect.

- 7.7.6. Although a condition was attached by the P.A regarding a RSA Stage 1 & 2 to be submitted prior to the commencement of the development, I consider this could alter the layout as currently being considered by the Commission. As the Road's section did not raise any concerns regarding the proposed access or the capacity of the L6697 or the junction , I consider it is reasonable to conclude the Council were satisfied the local road has the capacity to accommodate the development subject to the road widening proposals along the L6697.
- 7.7.7. The proposed development is small in size and would serve 28 residential units onto the L9967, nevertheless I acknowledge there would be an increase in vehicular traffic using the local road as a result of the development. However, the subject site lies within the settlement boundary of the town, and I consider based on the planning history associated with the land immediately to the north east (P.A Ref: 23/60350), this is the most appropriate vehicular access into the site.

Conclusion

- 7.7.8. The proximity of the site to the town centre would promote alternative modes of transport other than the car, as the site is less than 500m from the town centre. The P.A have requested a RSA audit Stage 1& 2 prior to the commencement of the development but this is not a mandatory requirement for development accessing onto a local road and therefore I do not consider the absence of a RSA materially contravenes the CDP. The Road's section with their knowledge of the road capacity of the town did not raise any traffic concerns regarding the proposed development. I therefore do not consider the proposal would impact on vehicular traffic to warrant a refusal on this ground.

7.8. Natural and Cultural Heritage

- 7.8.1. Third parties have raised concerns about the loss of biodiversity as a result of the proposed development. A revised landscaping plan was submitted in response to the revised layout submitted by way of further information (Drg No. DF/PLNFI-010). This plan includes a planting schedule and details of the hard landscaping, however it is not specific with regards to the exact location, spacing, quantity or size of the species.
- 7.8.2. There are no trees or hedgerows contained within the central area of the site. There is a strong hedge line along the frontage of the site but the majority of this would be retained given the reduced sightlines. There is intermittent hedgerow and shrubbery along the south and east boundaries of the site, which again I consider could be retained and reinforced by way of a detailed landscape plan. I do not consider the proposed development would have a significant impact on the natural heritage of the site which is predominantly a greenfield site laid to grass.
- 7.8.3. I note the P.A landscape architect commented on the original proposal requesting detailed proposals on the hard and soft landscaping for the proposed development. I consider subject to a detailed landscape plan incorporating native species and further planting along the south, west and eastern boundaries of the proposed development would not impact the natural biodiversity of the site.

The Dept. of Housing, Local Government & Heritage requested a condition be attached in the event of planning permission being granted for an Archaeological Impact Assessment (AIA) to be carried prior to commencement due to the site's size. The Council's Conservation Officer concurred with this recommendation. An AIA condition was not attached by the P.A. Conclusion

- 7.8.4. In the event the Commission are minded to grant planning permission I would recommend a condition is attached requiring a detailed landscape plan being submitted prior to the commencement of the development, reinforcing the existing boundaries and a detailed planting plan specifying species variety, quantity, size and spacing with an emphasis on native planting. I would therefore recommend in the event the Commission are minded to grant planning permission a condition is attached requiring an AIA.

7.9. Procedural

- 7.9.1. Third parties have raised issues regarding anomalies in the planning application including the position of the site notice. I note this matter was considered acceptable by the planning authority, and I am satisfied that this not prevent the concerned parties from making representations.

8.0 EIA Screening

- 8.1.1. Having regard to the nature, scale and location of the development, which comprises the construction of 20 No. dwelling houses and 8 serviced sites and associated works within the settlement boundary of an established town where infrastructural services are available, the separation between the site and sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. (Refer to the completed Forms 1 and 2 Appendix 1 of this report).

9.0 Water Framework Directive Screening

- 9.1.1. A screening for the purposes of the Water Framework Directive (WFD) has been carried out. On the basis of objective information, I conclude that the proposed development would not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment. (Refer to appendix 2 of this report).

10.0 AA Screening

- 10.1.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development would not result in likely significant effects on any European Site, namely the River Barrow and Nore SAC and The River Nore SPA, or any other European Site and is therefore excluded from further

consideration. An Appropriate Assessment is not required. (Appropriate Assessment screening is attached to Appendix 3 of this report).

10.1.2. This determination is based on:

- The nature, scale, and location of the proposed residential development,
- The separation distance to a European site,
- The lack of a direct hydrological connection between the proposed development and European site.

11.0 Recommendation

I recommend that planning permission be refused for the reasons and considerations set out below.

11.1. Reasons and Considerations

1. Notwithstanding the proposed development lies within the settlement boundary of Gowran town, having regard to the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024), and the objectives and standards of the Kilkenny City and County Development Plan 2021-2027, it is considered that the proposed development, by reason of its response to the site context, and in particular the suburban layout of the development, the length of the proposed road, the design and mix of the proposed dwellings, the poor and inadequate open space provision, and the proximity of House Nos H9-H12 to the neighbouring boundaries, the development would detract from the character and visual amenities of the area, provide a poor layout for future occupiers of the development and would overlook and result in a loss of privacy to nearby occupiers. The proposed development would, therefore, result in piecemeal and haphazard development and be contrary to the proper planning and sustainable development of the area.
2. On the basis of the information provided the proposed development is in an area which is at risk of pluvial flooding. Having regard to the deficiencies in the surface water and SuDS strategy which forms part of the application, and in particular the failure to address the pluvial flooding in the north west of the site and adjoining site

to the north and failure to consider overland run-off other than from surfaced road areas and the proposed housing development, it is considered that the applicant has not demonstrated that the proposed development would adequately manage surface water from the site and would not give rise to pluvial flooding, within and outside the proposed development. The proposed development would therefore be contrary to Section 10.2.8 of the Kilkenny City and County Development Plan 2021-2027, which seeks in general the limitation of surface water run off to pre-development levels on greenfield sites, and the development would seriously injure the amenities of property both within the proposed development and in the vicinity.

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.

Catherine Dillon
Planning Inspector

6th October 2025

12.0 Appendix 1 EIA Screening

Form 1- EIA Screening

Case Reference	322864-25
Proposed Development Summary	Construction of 20 houses & 8 self serviced sites and all associated works.
Development Address	Gowran, Co.Kilkenny
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
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?	
☐ 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.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Part 2 Class 10(b)(i)- Construction of more than 500 dwelling units. Class 10(b)(iv) Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere The proposed development is for 28 dwelling units on a site area of 2.7 hectares.
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 ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	ACP 322864-25
Proposed Development Summary	Construction of 20 semi detached two storey dwellings and 8 serviced sites with associated works and access of the L6697.
Development Address	Gowran, Co. 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 (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The nature and size of the development for a total of 28 houses on 2.7ha is not exceptional in the context of the existing residential environment. The proposed development would not result in the production of any significant waste, emissions or pollutants. Localised constructions impacts would be temporary. The development, by virtue of its type, does not pose a risk of major accident and/or disaster.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The site is located with the settlement boundary of Gowran town. The nearest European site is the River Barrow and River Nore SAC (site code: 002162), c.4.8km to the east and 8.7 km to the west of the site. The Gowran River passes approximately 600m south of the proposed development site and flows east to join the River Barrow at Goresbridge, approximately 5.2km downstream, at which point the river forms part of the River Barrow and River Nore SAC. The site does not lie within a Flood Zone A or B, and is not identified as being subject to fluvial flooding within the SFRA for the CDP. Given the contours of the site, and evidence submitted by third parties and acknowledged by the applicant the site experiences pluvial flooding. The site is not located within a designated landscape area and would not impact on any protected views. While

	there will be a loss of hedgerow along the frontage of the site , there is no evidence that it is of ecological value and there would be no significant effects on biodiversity. A landscaping plan would provide additional planting on the site. There are a significant number of protected structures & NIAH buildings within Gowran but these are located predominantly along the Main street and the proposed development would not impact on their setting. According to the NMS there are no recorded sites or monuments within the subject site and it lies outside the SMR zone of the town. I note the DHLGH requested an Archaeological Impact Assessment to be carried out by way of F.I., and recommended an AIA be carried out prior to commencement of the development, as the site is large in scale and it is possible there are unknown features on the site. It is recommended a condition is attached in the event of planning permission in this regard.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	During the construction phase, noise dust and vibration emissions are likely. However, any impacts would be local and temporary in nature and the implementation of standard construction practice measures would satisfactorily mitigate potential impacts. No significant impacts on the surrounding road network are considered likely at operational stage.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)

12.1. Appendix 2 WFD Screening

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	322864-25	Townland, address	Gowran, Co.Kilkenny.
Description of project		Construction of 20 houses and 8 self-serviced sites and associated works.	
Brief site description, relevant to WFD Screening		The site is a greenfield site comprising c.2.7 hectares to the north of Gowran Main Street. Hedgerows enclose the western boundary with intermittent hedgerows to the south and east. The site rises from the west to east boundary by approximately 5m and by 1m from the south to north boundaries. There are no water features within the site. The Gowran river flows in an easterly direction, c.600m to the south of the subject site. The closest River Station (RS14G030200) to the east of the subject site indicates the River Gowran at this point has a Q value of 3 which is poor. Subsoils Limestone till and the national soils hydrology map indicates the site is on poorly draining soil. Underlying the site is a regionally important aquifer(kartified). There are no groundwater protection zones located within the subject site or in the immediate vicinity. Vulnerability is Moderate to High	
Proposed surface water details		No surface water infrastructure within the site. Surface water would in the form of an attenuation tank, swale and permeable paving.	
Proposed water supply source & available capacity		Uisce Eireann's response to the development states that works commenced in 2024 to progress the Gowran Regional Water Supply Scheme to improve the security of water supply across Gowran, Goresbridge and Paulstown and this is scheduled for completion by the end of 2025. UE raised no objections to the development. Applicant proposing a temporary well for development until completion of works. There is an existing public water network adjacent to the site along the L6697.	
Proposed wastewater treatment system & available capacity, other issues		Pre connection Enquiry submitted to Uisce Eireann (UE), but not received by UE at time of their response to F.I.. Uisce Eireann's waste water capacity register (accessed 26/9/2025) states the WWTP in Gowran (D0335) has spare	

	capacity. I also note from the Uisce Eireann's AER on the plant (2024), that it has a capacity of 1600 PE and is in compliance with its Discharge Licence and that the annual mean hydraulic loading is less than the peak Treatment Capacity of the Plant. Both the P.A and Uisce Eireann raised no objections to the development on this ground subject to a service connection agreement being made to connect to the network, prior to the commencement of the development and confirmation of feasibility to build over or divert existing network services. The proposed foul water could connect to public sewer network.
Others?	Site lies within Flood Zone C. Proposed development was subject to a SSFRA screening. Site experiences pluvial flooding

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status (2016-2021)	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	c.600m to the south of the site	Gowran_020	Good	Under review	None identified	Not directly connected to surface watercourse.
Groundwater waterbody	Underlying site	Bagenalstown Lower IE_SE_G_157	Good	Not at Risk	None identified	No- poorly draining soils offers protection to groundwater

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.

CONSTRUCTION PHASE

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water
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							environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	Gowran_020	Via surface water run off- no new pathways	Siltation, hydrocarbon spillages	Best practice construction practices CEMP	No	Screened out-
2.	Ground	Bagenalstown Lower IE_SE_G_157	Yes- via underlying aquifer	Hydrocarbon spillages	Best practice measures through CEMP	No	Screened out- poorly draining soils
OPERATIONAL PHASE							
	Component	Waterbody Receptor (EPA code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure	Residual Risk (yes/no) Detail	Determination to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1	Surface	Gowran_020	Via surface water & WWTP	None	SuDs features & swales. Wastewater would discharge to WWTP- in compliance with WFD licence.	No	Screened out

2.	Ground	Bagenalstown Lower IE_SE_G_157	None	None	No	No	Screened out
DECOMMISSIONING PHASE							
	NA						

12.2. Appendix 3 Screening the need for Appropriate Assessment

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief Description of project	Construction of 20 houses and 8 self-serviced sites and associated works. Full description contained in Section 2 of this report. It is proposed to connect the development to Gowran WWTP. Surface water drainage would be connected to the public mains and includes controlled attenuation to the mains surface water sewer. Run off from hard standing areas would divert to this system which would be constructed in accordance with BRE Digest 365. An outline CEMP & Waste management report are submitted with the planning application.
Brief description of development site characteristics and potential impact mechanisms	Development is a greenfield site and is not located within a designated European site. Full description of the site in Section 1 of this report. There are no watercourses or ditches on the site. The River Gowran passes c.600m to the south of the subject site and flows in an easterly direction to join the River Barrow at Goresbridge, c.5km downstream, at which point it forms the part of the River Barrow & River Nore SAC.
Screening report	No
Relevant submissions	No
Additional Information	Kilkenny County Council screened out the need for AA. I note that the application was referred to the DHLGH and Uisce Eireann and no objections were received by the P.A. Third parties have raised a concern that the AA screening was carried out without consultation with the NPWS and relies

		solely on desktop conclusions. The P.A consulted the DHLGH- and no response was received from the NPWS to the planning application.		
Step 2: Identification of relevant European sites arising using the source-pathway- receptor model				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Site 1: River Barrow and River Nore SAC (site code: 002162)	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Reefs [1170] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows [1330] Mediterranean salt meadows [1410] Water courses of plain to montane levels [3260] European dry heaths [4030] Hydrophilous tall herb [6430] Petrifying springs with tufa formation [7220]	4.8km to east & 8.7km to the west	Indirect via surface water drainage network, and Gowran WWTP.	Yes

	Old sessile oak woods with Ilex [91A0] Alluvial forests [91E0] Desmoulin's Whorl Snail [1016] Freshwater Pearl Mussel [1029] White-clawed Crayfish [1092] Sea, Brook & River Lamprey) [1095], [1096], [1099] Twaite Shad [1103] Salmon [1106] Otter [1355] Killarney Fern [6985] River Barrow and River Nore SAC National Parks & Wildlife Service			
Site 2: River Nore Special Protection Area (site code: 004233)	Kingfisher [A229] River Nore SPA National Parks & Wildlife Service	8.9km to the west	No-located sufficient distance from River Nore.	No-
¹Summary description / cross reference to NPWS website is acceptable at this stage in the report ²Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species ³ if no connections: N				

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

There is a risk that pollutants during the construction stage of the development could enter the River Gowran and travel to the River Barrow and into the River Barrow & River Nore SAC.

Conservation objectives for 'good status' water quality are set for Atlantic Salmon and Floating River Vegetation. Given the potential effects to water quality during the construction phase from sedimentation, hydrocarbon spillage, likely effects cannot be ruled out.

AA Screening matrix

Site name Qualifying Interests	Possibility of significant effects (alone) in view of the conservation objectives of the site	
Site 1 River Barrow & River Nore SAC	Impacts	Effects
Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Reefs [1170] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows [1330] Mediterranean salt meadows [1410] Water courses of plain to montane levels [3260] European dry heaths [4030] Hydrophilous tall herb [6430] Petrifying springs with tufa formation [7220] Old sessile oak woods with Ilex [91A0] Alluvial forests [91E0] Desmoulin's Whorl Snail [1016]	<u>Direct impacts</u> : None <u>Indirect:</u> <u>Construction phase:</u> Potential hydrological connections via surface water run off to the Gowran River. Noise or disturbance due to vibration or dust. <u>Operational phase:</u> Surface water would be attenuated by integrated SUDs system and hydrocarbon filtration system. Connection to Gowran WWTP which discharges into the River Barrow.	<u>Noise & disturbance:</u> The distance between the subject site and SAC would negate any effects from noise, disturbance, dust or emissions to air during construction phase. <u>Changes to water quality:</u> There is a low risk of surface water run off from construction reaching sensitive receptors or wetland habitats but due to the hydrological distance and dilution factor no significant changes are predicted. The Gowran WWTP is in compliance with its WFD licence.

Freshwater Pearl Mussel [1029] White-clawed Crayfish [1092] Sea, Brook & River Lamprey) [1095], [1096], [1099] Twaite Shad [1103] Salmon [1106] Otter [1355] Killarney Fern [6985]		
	Likelihood of significant effects from proposed development (alone): No	
	If No. is there likelihood of significant effects occurring in combination with other plans and projects? No	
	Possibility of significant effects (alone) in view of the conservation objectives of the site- No I note that specific conservation objectives for Sea Lamprey, Brook Lamprey, River Lamprey, Twaite Shad, Atlantic Salmon, Atlantic Salt Meadows, Otter, Mediterranean Salt Meadows, Nore Freshwater Pearl Mussel, Old Sessile Oak woods and Alluvial Forests, relate to the 'restoration' of the qualifying interest. The proposed development would not compromise the objective of restoration or make restoration more difficult by virtue of the scale of the project, its location and separation distance from the SAC and the location of the relevant qualifying interests.	
Step 4: Conclude if the proposed development could result in likely significant effects on a European site		
I conclude that the proposed development (alone or in combination with other plans or projects) would not result in likely significant effects on the River Barrow & River Nore SAC (Site Code: 002162) and River Nore Special Protection Area (site code: 004233).		

The possible impacts identified would not be significant in terms of site specific conservation objectives for the River Barrow and River Nore SAC and would not undermine the achievement of restoring favourable conservation status of the qualifying interests of the SAC.

The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s).

No further assessment is required for the project. No mitigation measures are required to come to these conclusions.

Screening Determination

Findings of no likely significant effects

In accordance with section 177U of the Planning & Development Act, 2000 (as amended), and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Iver barrow & River Nore SAC or River Nore SPA or any other European site, in view of the conservation objectives of those sites, and an AA is not therefore required.

This determination is based on:

- The nature, scale, and location of the proposed residential development
- The separation distance to a European site
- The lack of a direct hydrological connection between the proposed development and European site.

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.