



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-323102-25

### Development

for the following developments at their organic farm, (a) construction of a storey and a half style dwelling house, (b) sewage treatment system, (c) slatted cow shed, (d) tractor/hay shed, (e) garden shed, (f) gravel driveway and all associated site development works

### Location

Jerpoint West , Thomastown , Co. Kilkenny

### Planning Authority

Kilkenny County Council

### Planning Authority Reg. Ref.

2460645

### Applicant(s)

Marijke Danzeisen and Ward Smis

### Type of Application

Permission

### Planning Authority Decision

Grant with Conditions

### Type of Appeal

Third Party

### Appellant(s)

Michael Conway

### Date of Site Inspection

7<sup>th</sup> of January 2026

### Inspector

Caryn Coogan

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## 1.0 Site Location and Description

- 1.1. The site is located in the townland of Jerpoint West, Thomastown, Co. Kilkenny, which is 1.2km west of Thomastown. The site is accessed from Station Road which serves a high concentration of linear developments, and number of farms. It connects Thomastown with the Mount Juliet estate.
- 1.2. The site has a narrow road frontage, with a stone wall. This is an agricultural entrance. It is positioned alongside a dwelling house, and there is another dwellinghouse on the opposite side of the road.
- 1.3. The site includes 3 agricultural fields, with a total area of 19.23Ha (47acres), and includes a wooded area alongside the River Nore which forms the north-western site boundary.
- 1.4. The northern site boundary is a roadway to a dwellinghouse, which is located in a dip in the topography with a backdrop of trees. This dwelling is not visible from the surrounding area (third party appellant's dwelling).
- 1.5. The southern western site boundary, is the River Nore, with a strip of woodland between the river and the agricultural lands.
- 1.6. There are a number of dwellings bounding the site to the north-east which are positioned on the Station Road.
- 1.7. The general topography slopes downwards towards the River Nore across the landholding. The overall site is exposed countryside.

## 2.0 Proposed Development

- 2.1. The proposed development is described in the public notices as:
  - Construction of a storey and half dwelling
  - Sewage treatment system
  - Slatted cow shed
  - Tractor/ hay shed
  - Garden shed

- Driveway

2.2. The proposed dwelling is 297sq.m. and the proposed sheds are 330sq.m.. The development will be set back from existing dwellings and Station Road.

2.3. The proposal is to facilitate the development of an organic farm on the property, which was purchased by the applicants in 2024, and who immediately started the process of organic certification. The planning authority request further information on 20<sup>th</sup> of February 2025.

2.4. The Further Information from the applicant was received on 29<sup>th</sup> of May 2025. It included:

Details of silage storage, livestock numbers, AA screening, and a report on the proposed agricultural developments.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

Kilkenny Co. Co. granted planning permission for the proposed development subject to 11No. conditions.

The conditions are standard planning conditions which include provisions for:

- Development contributions
- Occupancy condition for 7 years
- Agricultural conditions

#### 3.2. **Planning Authority Reports**

##### 3.2.1. ***Planning Reports***

- An AA screening report is required.
- Area under Urban Influence having regard to the Kilkenny City and County Development Plan 2021 -2027. The applicants work as both social workers and dairy farmers. Letters of rental agreement and utility bills are attached as confirmation. The applicants have been living and working within the Camphill

community for the past twelve years as settled members of the local community. The applicant plans to further develop the farm which they purchased and is in organic conversion since April 2024. They state the lands will be fully certified organic in April 2026.

- The lands comprise of approx. 35.5 acres of agriculture land and 10 acres of semi-native woodland bordering the river Nore.
- The business plan submitted does not provided details on how the proposed development would be financed and why the applicant requires a dwelling house as part of their employment in the context to their present address in Jerpoint, Thomastown, County Kilkenny. It is also unclear whether the applicant primary employment is in full time farming as required to justify a demonstrable economic need to live in the particular local rural area.
- Sightlines are acceptable
- Additional information regarding sewage treatment
- Exposed siting of dwelling. It is considered that the proposed development by reason of its position, form and scale would result in serious injury to the visual amenities of the area by reason of visual intrusiveness and would contravene policy as set out at Section 9.2.12 of the Kilkenny County Development Plan 2021-2027, which relates to the protection of landscape character and scenic amenity. The proposed development would if permitted potentially open the lands for further backland development and infill, therefore, be contrary to the proper planning and sustainable development of the area.
- Recommendation to REFUSE was overturned by Senior Planner who considered the applicants complied with the development plan policies, therefore a request for further information issued (20<sup>th</sup> of February 2025) in respect of outstanding matters. Outstanding matters included current residence, farming activities, source of income, herd number and the date the land was purchased. Other information is required in respect of cow flow paths, watercourses and drains, surface water runoff, fodder storage, details

of cow shed, slatted tank, milking parlour, sewage treatment system, , appropriate assessment screening report, surface finishes for HGVs.

- **Second Planning Report** : Following receipt of the further information (29<sup>th</sup> of May 2025). The Report stated, it is considered both applicants have intrinsic links to the rural area, they have a herd number since March 2024, Stage 2 NIS is not required, storage capacity is adequate, and there is sufficient separation distances from wells. The agricultural entrance granted under planning reference 05336 is adequate. The applicant wishes to create an organic farm at the location. Recommendation to grant planning permission for the proposed development.

### 3.2.2 **Other Technical Reports**

- **Environment Section (18/02/2025)** Further information is required on the segregation of soiled and clean water, watercourses within the landholding, dung storage, stocking rates, greater design detail water supply and Design detail of the cow shed, sewage treatment design, environmental screening.
- **AA Screening Form.** Further Information required.

### 3.3. **Prescribed Bodies**

Uisce Eireann state a water connection is feasible.

### 3.4. **Third Party Observations**

There were two objections received during the statutory period. A summary of the concerns expressed is as follows:

- The purchase of land to provide housing in the open countryside goes against the correct logic in respect of the carbon footprint.
- The proposed development will be detrimental to the visual qualities of the area and to views along Station Road. The proposal will also negatively impact the visual amenity of those visiting Mount Juliet.
- The site is located within a pNHA and a SAC, removal of hedges, crop spraying will be contrary to conservation objectives.

- The house and the shed will overlook his dwellinghouse. The proposed development is elevated above his dwelling.
- No landscape Plan.
- Its an insensitive development. There are a lot of houses along Station Road and a farm development is inappropriate.
- The design of the dwelling is not in keeping with typical Irish housing.
- The proposal represents a disease treat to the neighbouring stud farm.
- The existing farm is not organic.
- The roadway is heading to the woods with no clear explanation for same.
- The agricultural developments will result in environmental problems that will impact negatively on adjoining residential amenities.
- The entrance to the farm is only 5m from an existing dwelling

#### **4.0 Planning History**

4.1 There is no relevant planning history associated with the subject site, apart from planning permission for an agricultural entrance granted planning permission under reference 05336 in 2005.

#### **5.0 Policy Context**

##### **5.1. Development Plan**

5.1.1 The relevant development plan is the Kilkenny City and County Development Plan 2021-2027. The relevant chapter is Chapter 7 Rural Development. The site is located in an Area Under Urban Influence.

##### **7.8.4 Categories of Rural Compliance and Qualifying criteria:**

It is the Council's objective for areas of urban influence to facilitate the rural generated housing requirements of the local rural community (as identified in this section) while on the other hand directing urban (non-rural) generated housing to

areas zoned and identified for new housing development in the city, or towns and villages.

In areas under urban influence the Council will permit (subject to other planning criteria) single houses for persons where the following stipulations are met:

1. Persons with a demonstrable economic need to live in the particular local rural area, being people who are for example:

a. employed full-time in rural-based activity such as farming, horticulture, forestry, bloodstock or other rural-based activity in the area in which they wish to build or whose employment is intrinsically linked to the rural area in which they wish to build, such as teachers in rural schools or other persons who by the nature of their work have a functional need to reside permanently in the rural area close to their place of work, provided that they have never owned a house in a rural area.

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

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

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

b. Returning emigrants who do not own a house in the local area and wishes to build their first permanent home for their own use in a local rural area in which they lived for a substantial period of their lives (5 years), then moved away or abroad and who now wish to return to reside near other family members. All applicants for one-off rural housing will need to demonstrate compliance with the qualifying criteria of one of the above categories unless otherwise specified as being located within an area where the Rural Housing Policy does not apply.

**7.8.6 Rural House Design Guidance** A Rural Design Guide was produced in 2008 for County Kilkenny. The Design Guide acts as an instrument to develop best practice in the design and siting of one-off rural housing. Those intending to build houses in the countryside are advised to consult the Rural Design Guide for advice on site choice, local design and landscaping at an early stage in their preparations.

## 13.22 Rural Housing

The rural settlement policy is set out in Chapter 7. The Planning Authority has completed a County Kilkenny Rural Design Guide which is intended to provide assistance to people who are considering the development of a single house in the countryside. County Kilkenny enjoys an especially rich rural landscape setting and character that has a value far beyond agricultural uses. Aside from the desire to protect the countryside as a natural asset, there is a need to preserve rural areas for their scenic beauty, historical significance, and environmental importance. However, rural Kilkenny is much more than a beautiful landscape that we can all enjoy, it must also function as an environment in which we can live and work. The countryside needs to evolve whilst retaining the character that makes it special and unique. It is important that design in rural areas meets with the aspirations of those building new homes, without compromising the integrity of Kilkenny's long established rural signature. The County Kilkenny Rural Design Guide aims to provide an insight into the key issues that will determine the success or failure of a new house in rural Kilkenny.

- Any proposed finish will only be permitted where the Council is satisfied that such finishes are in harmony with the surrounding landscape and the vernacular architecture.
- Dwellings which are dominant, intrusive, or incongruous in a rural setting, will be discouraged.

### Section 9.2.12 Landscape

**Figure 9.2** the site is located **Lowlands** and **River Valley**

Where necessary, to require that applications are accompanied by a visual impact assessment, particularly in upland areas, river valleys and areas of greater sensitivity.

To maintain the visual integrity of areas of greater sensitivity in the county and ensure that any development in these areas is appropriately sited and designed. Applicants shall demonstrate that the proposed development can be assimilated into the landscape and will not have a disproportionate visual impact on the landscape.

## 5.1.2 National Policy

### ***Sustainable Rural Housing Planning Guidelines***

The site of the proposed development is located within an area designated as being under strong urban influence. The Guidelines distinguish between 'Urban Generated' and 'Rural Generated' housing need. Examples of situations where rural generated housing need might apply as set out in the Guidelines include rural houses for 'persons who are an intrinsic part of the rural community' and 'persons working full time or part time in rural areas'

### ***National Planning Framework***

National Policy Objective No. 19 states

In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

## 5.1.3 ***S.I. No. 113/2022 - European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022***

The European Union (Good Agricultural Practice for Protection of Waters Regulations 2022 set parameters for farmyard and nutrient management and the distances for spreading fertiliser from water sources to prevent water pollution.

## 5.1.4 ***Land spreading is regulated by S.I. No. 588/2025 - European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025 ("the GAP Regulations")***. Their purpose is to protect waters from pollution caused by nitrates from agricultural sources.

## 5.2. Natural Heritage Designations

### 5.2.1 Site landholding is located within existing Natura 2000 sites on the River Nore/Barrow SAC (Site Code 002162) and River Nore SPA (site Code 004233).

Thomastown Quarry SAC is 5km from the subject site but it is located within a different hydrological catchment to the subject site.

### 5.3. **EIA Screening**

See completed Appendix 1 – Form 1 and Form 2 on file. Having regard to the nature and type of development proposed, it is not considered that it falls within the classes listed in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (As amended), and as such preliminary examination or an environmental impact assessment is not required.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

6.1.1 The appellant resides immediately adjacent to the subject landholding of the planning application. A summary of his original objection to the planning application is detailed under Section 3.4 of this report.

6.1.2 The Executive Planner recommended refusing the permission based on ribbon development and visual amenity degradation, and this was agreed by the Senior Executive Planner. The recommendation was overruled by the Senior Planner because he considered the development was in keeping with Kilkenny County Council directives.

### 6.1.3 **Background**

- It is obvious the applicants bought the land to build a house, and they are setting out to extend ribbon development. The overall design and layout is to support backfill development and add to further ribbon development.
- As set out in the Co. Kilkenny Rural Design Guide where new buildings are proposed in visually sensitive rural areas, they can have a devastating impact on the established rural character.
- **Observation No. 1** regarding the Recommendation to grant permission. There is no organic farm at Jerpoint West. This has not been certified by the Department of Agriculture as organic. The land has been sprayed up until its

sale in 2024. The Senior Planner accepted the applicants evidence to support living locally as letters of a rental agreement and utility bills. The applicants state they are social works and dairy farmers. Their sources of income have not been queried. The rental evidence has not been queried. There was very little scrutiny.

- **Observation No. 2** raises questions in relation to the planning decision. The process was in two parts, the Executive Planners and the Senior Planners. The report included a number of headings (these are standard items, site location, planning history, etc). In the assessment of the case, the Planning Executives had concerns regarding the financial viability of the proposed development. A financial requirement of two million would be a fair estimate considering the cost of the land and construction costs. Based on the design of the development, are the parents going to co-exist at the property. Are they the actual purchasers and would not qualify under the local need. Will the cladded buildings be incompatible within the rural area? The on-site sewage treatment system came on foot of site soil tests. The results are surprising because the entire area is covered by a superficial layer of topsoil. The area is largely a limestone rock underlay worn away by the River Nore. There is a concern of gravity feed into his well from the development. The slope of the land was take into consideration during the design of the development. There was no consideration given to his roadway. This extends downhill at the side of the field purchased. The separation distance was the only consideration given and no consideration of the slope. The garden of the adjacent bungalow partly impairs visibility in the Thomastown direction of Station Road. The Executive's Planner's Report noted Station Road is highly developed. It has a high volume of traffic serving the houses and the adjoining stud. There is no consideration of the turning of large milk tankers into the site.
- In respect of the Design/ Siting in Landscape it is claimed that the planning construction is behind a ribboning of residential development. The siting is not behind, it is on open land visible from Station Road. The space between the proposed house and Station Road will encourage backfill. The floor level is to be 7m below the level of the public road, does that mean none of the buildings will be visible form the road. The report states the site is open and visually

exposed within an unspoilt landscape, and it would be visible from the Mount Juliet area. There is no landscaping plan. The photos shown are only those of the entrance.

- The Senior Planner looked for 21No. items of additional information following the Executive Planner's recommendation to refuse planning permission for the development. It is stated in the second planning report that applicant, Ms. Danzeisen works with an organic farm enterprise but no details are provided to this effect. The applicant was asked to estimate the proportion of time to be split between Camphill and the organic farm, and this was not assessed. There was no details of the organic farm source of income. There details regarding the hard number, i.e. 12 would not make the farm viable. The planning report records that there will be 140cows. This appears to be excessive given the size of the landholding. It is not compatible with the size of livestock accommodation proposed and the milking parlour.
- The aquifer serving his private well is moderately vulnerable, which is a concern. How can it be deemed moderate without a full interrogation of the rock strata.
- The Senior Planner has failed to give adequate attention to the implications of the volume of cattle proposed, i.e. 140No.
- **Observation No. 3:** The Senior Planner concluded both applicants have intrinsic links to the area currently living in rented accommodation approximately 1km from the site and each has an economic need to live in the area, 'currently working as a farm hand and assistant at Camphill, Jerpoint. There is no assessment of certain issues raised in the further information. He also concluded neither a Stage 2 AA or EIA was required. He concluded the storage capacity was adequate for 140No. animals, and that there is sufficient separation of existing wells. He concluded the proposed development complies with the county development plan. There was no consideration of the rock under the field or CO2 and Methane emissions. The Executive Planning report correctly assessed the proposal; would cause serious injury to the visual amenities of the area. That it would contravene policy 9.2.12 of the County Development Plan.

- A condition of the permission states that all farm practices be in accordance with EC (Good Agricultural Practice for Protection of Waters – Regulations 2022). There is no indication how this will be policed. Condition No. 7 is equally aspirational, because the farm is been constructed on a sloped site adjacent to the River Nore, therefore how can only clean water enter the soakaways. There is no reference in the assessment of the Montessori school along Station Road, in terms of traffic. The appellants grounds of objection and concerns were ignored in the report.
- **Observation No. 4 :** The lands purchased , the subject site, should be lands for crop growing and CO2 absorption, rather than the production of methane. In the absence of permission, the applicants have already shown they are running a non-farm business. They have already built a dry toilet facility in the SAC, and are lighting fires on the SAC adjacent to parched woodland. They park on the road. The site is already becoming a glamping and camping site without express sewage facilities and planning.
- **Observation No. 5 :**  
There needs to be demonstrated clearly how soiled and clean water run-off are segregated and managed. The appeal refers to 140cows on the land as been industrial. (note I cannot determine where he goy 140 No. cows). The Senior Planner has not given enough attention to the 140No. cows and the volume of slurry associated with same. There will nuisance in terms of spilling odours and contamination.

## 6.2. Applicant Response

- 6.2.1 The applicants have responded to the appeal. Most of the information stated in the appeal response is included in the planning application documentation. Rather than repeating the entire planning application details I will summarise relevant issues arising to the appeal.
- 6.2.2 The third party appellant resides to the north-west of the proposed development. His dwelling is located 240metres from the propose dwelling and 200metres from the proposed slatted shed and machinery shed.

### 6.2.3 Visual Impact :

- The proposed development will be barely visible from Station Road. The existing road level at the entrance is 100 AOD, while the finished floor levels of the house and the shed are 92.35AOD. Only the top of the roof of the dwelling will be visible from Station Road.
- There is very limited views of the development from Mount Juliet, and these will be from a considerable distance. The Senior Planner was satisfied the buildings could not be seen outside of the site.
- The appellants house is located in a hallow, and only the roof tops of the proposed development is visible form his property.
- There are no protected views from Mount Juliet estate or elsewhere towards the application site.
- The open exposed landscape is very localised and it cannot be seen from outside of the area.
- The Senior Planner did not consider it to be necessary to provide a landscape plan or a visual impact assessment in the further information.

### 6.2.4 Ribboning

- There is an existing pattern of ribbon development. There is a gap between the appellants dwelling and the nearest house. The proposal will not lead to the creation of a gap site or further ribbon development. The house is setback from the public road by 270m and 280m from the appellant's dwelling, and it will not lead to a proliferation of houses or wastewater disposal difficulties.
- The house will be beside farm buildings creating a traditional farm cluster.

### 6.2.5 Heritage of Rural Kilkenny

- Rural land management in the development plan seeks to support appropriate housing where persons have demonstrated a social and economic need to live in the area. The development of an organic farm on an existing agricultural holding is consistent with the development plan rural policies. The

applicants activities with the Camphill Community serve to participate in the Social Farming Project Ireland.

#### 6.2.6 Risk to SAC

- The land holding had been previously let to a farmer in Glenmore who spread slurry and sludge on the land for tillage.
- Slurry will be spread in accordance with Condition No. 5 of the permission. There are detailed agricultural reports on the planning file. The applicants farm practices are inspected annually by the Organic Certifier IOA.
- There was an AA Screening report submitted with the application finding no significant impacts to the SAC.

#### 6.2.7 Local Housing Need

- The planning authority was satisfied based on the information supplied by the applicants that they met with the local housing need requirements outlined in the development plan.

#### 7.2.8 Differing views within the planning department

- The Senior Planner did not share the views of the reporting planner regarding the visual impact of the development and ribbon development.

#### 7.2.9 Onsite wastewater Treatment

- The appellant does not appear to be aware of the Site Suitability Report on file. His assumptions about the ground conditions do not reflect the engineer's findings and photographic evidence on file.

#### 7.2.10 Road/ Access

- There are uninterrupted sightlines of 90m in both directions at the proposed entrance. Large milk tankers will not be required to service the development.

#### 7.2.11 Design/ Siting

- The site layout plan includes landscaping proposals. There is a high stem orchard and vegetable plots included.
- As stated the development cannot be seen from anywhere localised.

### 7.2.12 Other Observations

- The compost toilet referred to on appeal is located outside of the SAC on the edge of the woodland. It was erected as a temporary structure and is exempt under Class 16 of the P & D Regulations 2001.
- The local fishing club has rights to the river bank. The applicant camp on their land for recreational purposes and this does not require planning permission. It is not the development of a campsite. They have also parked their campervan on the roadside and are entitled to do so.
- The allegations of camping, fires and trespass are hearsay and made without any evidence.

The appeal submission was accompanied by a supplementary report from ecologist Rodge Goodwille.

### 6.3. **Planning Authority Response**

- The request for further information addressed the storage of slurry and it accords with the 16weeks required by the Dept. of Ag.
- The proposed sewage treatment system is in accordance with EPA Guidelines and the required response given the underlying aquifer.
- Some additional planting is recommended to the northwest and should be conditioned by the Commission. The hedgerow along the norther west would benefit from a more detailed specification.
- The planning authority consider the dwelling will not contribute to the ribboning along Station Road due to its considerable setback from the road.

## 7.0 **Assessment**

7.1. I have examined the appeal file, the planning application and inspected the site, I intend to assess this case under the following headings:

- Compliance with Rural Housing Policy
- Compliance with Rural Housing Design

- Agricultural Developments
- Access
- Sewage treatment
- Other Issues.

## 7.2 Compliance with Rural Housing Policy

7.2.2 The supplementary information accompanying the planning application, state both applicants work as Social works at Camphill, Jerpoint Church, and one also works as a dairy farmer at the Camphill Community which is 1.1km as the crow flies in Jerpoint Church. They have resided at Jerpoint in rented accommodation since 2012, living and working with the Camphill Community at Jerpoint, Thomastown. They purchased this property , subject site, in 2024, with folio's provided on file. The property is over 19Ha consisting of 3No. agricultural fields, and a wooded area cording the River Nore. It is their plan to develop an organic farm on the landholding and reside on the property. They plan to own 12No. dairy cows with a slatted unit, and a machinery/ Hay shed, in addition to growing fruit and vegetables (not 140No. cows as stated in the third-party appeal, this was confirmed in the further information). The entire proposed development is to be located centrally on their landholding. It includes for a four-bedroom dwelling, with a separate annex for their parents. The further information received on the 29<sup>th</sup> of May 2025 provides more detail regarding the background to the proposed development. Ward Sims works as a dairy farmer in association works David Forristal at the Camphill Community farm in Thomastown. Marijke Danzeisen also works part-time on the farm. From 2030 the farming partnership with David Forristal ends and they are now proposing their own organic farm to continue their income. Presently their herd number is in partnership with David Forristal.

7.2.3 The proposed dwelling is 297sq.m., and it is described in the notices as a one and a half storey dwelling. The applicants state there is an annex included for their parents to reside. This is normally called a granny flat. I would consider it to be, a separate dwelling unit. Notwithstanding the connecting door and hallway between the two-storey dwelling and the single storey dwelling unit, I do consider this to be a separate dwelling unit/ living accommodation. The public notices in my opinion don't fully describe the full nature and extent of the proposed living accommodation associated

with the full scale of the development. Furthermore, there have been no details provided in the planning application, regarding the parents' compliance with the development plan rural housing policy. The third party appellant raised this issue of the parents compliance with the development plan on appeal. The 'annex' is designed to be used as a self-contained unit. It is attached to the main dwelling and has shared items, but it can be described as a house in line with Section 2(1) of the Planning and Development Act 2000 as amended, and in my opinion should be included in the public notices as such and assessed by the planning authority against the development plan requirements.

*“house” means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;*

7.2.4 Chapter 7 Rural Development of the ***Kilkenny City and County Development Plan 2021-2027*** outlines the rural housing policies which are in accordance with National Policy Objective 19. Whereby, the future focus will continue to be on the facilitation of single houses in the countryside, based on the core considerations of demonstrable economic or social need to live in a rural area and the siting and design criteria for rural housing, whilst having regard to the viability of the smaller towns and rural settlements. According to the evidence presented on the planning application, I consider the proposed development to be a Rural Generated Housing need. Both applicants are the established in rural community for over twelve years and it would appear their occupation is intrinsically linked with that particular rural area, Camphill Community, Jerpoint Church, as defined in Section 7.8.4 of the Plan. In addition, they have provided revenue sheets and rental details. I do accept the information is quite scant, however, I would accept following the purchase of the land, that they have demonstrated an economic reason to reside at this location. The plan requires applicants with a demonstrable economic need to live in the particular local rural area, being people who are for example:

*a. employed full-time in rural-based activity such as farming, horticulture, forestry, bloodstock or other rural-based activity in the area in which they wish to build or whose employment is intrinsically linked to the rural area in which they wish to build, such as teachers in rural schools or other persons who by the nature of their work*

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

7.2.4 I am satisfied the applicants meet with the Rural Housing Need Policies of the current development plan. I am not satisfied that their parents have demonstrated a need to reside on the smaller dwelling unit proposed included in the footprint of the proposed dwelling. This is a unique situation in terms of rural housing policy, and the development plan policies should be adhered to in full to ensure consistency in terms of implementation. It is a subjective issue, and clearly the planning authority viewed the development as one dwelling, however, in my opinion, the public notices do not describe the full nature and extent of the living accommodation accurately.

### **7.3 Compliance with Rural Housing Design**

7.3.1 The compliance with the adopted Rural Housing Design Guidelines is an important consideration in this instance. The site is a large greenfield site on the banks of the River Nore, on approach to the Mount Juliet estate and Ballylynch stud. The site of the proposed development is located within a lowland area forming part of the 'Kilkenny Eastern Basin' adjacent to the Nore River valley as designated in the Landscape Character Assessment set out at Figure 9.2 of the Kilkenny County Development Plan 2021 -2027 and which borders the Mount Juliet Area Action Area Plan. The landholding consists of two landscape designations, lowland and River Valley.

7.3.2 In my opinion, the site is open and visually exposed, unspoilt, attractive and scenic landscape. It has a wonderful setting on the Kilkenny landscape, positioned alongside the River Nore with the Mount Juliet estate on the opposite side of the river. There is a special section in the development plan devoted to the Mount Juliet estate, which has been developed under very strict design guidelines. The subject landholding has considerable landscape qualities, please refer to attached photographs from my site inspection. The River Nore and adjoining woodland area within the site (10acres approx.) are significant topographical features. I note from the Design Guide that County Kilkenny has a distinctive pattern of medium-large sized simple 'Big Box' farmhouses and Glebe houses that sit in relatively flat landscapes but are set far back from the main road. When viewed from the main road the effect of perspective reduces the apparent size of the large house and a line

of mature deciduous trees along the roadside helps to screen it. Often a backdrop of mature trees behind helps such houses to blend in further. In this instance the site is exposed grassland which slopes downwards towards the river. The Design Guide continues by stating there is a range of materials, details and finishes found throughout County Kilkenny have established a distinct colour palette and texture that is an essential component of the design language, character, and signature of the county and its countryside. These are listed on Page 26 of the Design Guide.

7.3.3 As stated previously, the dwelling is at 297sq.m. which is a sizable dwelling, with a maximum ridge height of 7.2metres which is modest in height. The proposed external finishes consist of a larch timber cladding, blue/ black roof slates, pvc windows and aluminium gutters. The proposed agricultural buildings are positioned alongside the dwelling. I have considered the applicant's submission on appeal which argues the proposed dwelling cannot be viewed from the general public realm. It is positioned behind an incline in the landholding and only the rooftops will be seen from Station Road. Regardless of visibility, I am concerned about the design and specification of the subject dwelling.

7.3.7 The overall design and specification of the dwelling bears no resemblance to existing rural housing, design and specification in Co. Kilkenny. The external finish is larch timber cladding. The fenestration design and roof design are totally incongruous with its rural setting, and the legibility of the house demonstrates very poor proportions. The design and finish will look completely out of place on the landscape, at a point where the location is completely exposed. There are no hedgerows or screening to integrate the development into the wider area. Furthermore, there is no explanation or design statement on the planning file, to justify such a departure from the Rural House Design Guidelines and the surrounding rural housing. Whilst, I do accept house design is a subjective issue, I do not see how this house relates to its beautiful setting and surroundings. I note the Design Guide states, 'a number of architects have come up with very contemporary, innovative solutions that take traditional forms and do interesting things with them. Retaining simplicity in the shape and form of new dwellings can significantly help with blending new houses into rural settings'. Yet, there is no reference as to where the design and finish of the dwelling was derived from and how it relates to the receiving environment. The applicant's appeal submission states the site layout plan submitted on the 29<sup>th</sup> of

May 29/05/2025 is a landscape plan. The drawing includes vegetable plots/ garden and indigenous hedgerow to be planted along the access road and a high stem orchard. This landscaping proposal is not typical of the landscape characteristics of this area, and I do not see how these proposals would help assimilate the development into the landscape.

7.3.8 I refer to Section 13.22 Rural Housing in the development plan, in terms of guidance it is stated:

- Any proposed finish will only be permitted where the Council is satisfied that such finishes are in harmony with the surrounding landscape and the vernacular architecture.
- Dwellings which are dominant, intrusive, or incongruous in a rural setting, will be discouraged.

In my opinion, the design and finishes of the proposed dwelling are not in keeping with the receiving environment and are certainly not vernacular. There is no rationale for the contemporary deviation of form, shape, proportions and specification to warrant granting planning permission for this design, which is considered to be incongruous and unrelated to this rural Kilkenny setting. I believe the proposed development will look completely out of place on the lowland landscape adjacent to the River Nore, and it should be refused for this reason. It may also set a highly undesirable precedent without detailed and informed justification for permitting such a radical change to the rural architecture and design in Co. Kilkenny.

#### 7.4 **Agricultural Developments**

7.4.1 The public notices accompanying the planning application stated the applicants intend to develop an organic farm. Currently, the landholding is a number of large fields, with no buildings. The public notices state the development includes a slatted cow shed and a tractor/ hay shed. It also states it is to cater for a maximum of 12No. cows. Connected to the building will be a small milking parlour and a room to process and bottle the milk. This building will allow for the development of a micro dairy. The capacity of the underground storage tank is 172sq.m. and it will store slurry over a 16 week wintering period, and milk washings during Spring and Summer months.

7.4.2 The Environment Section of the planning authority in its report dated 18<sup>th</sup> of February 2025, recommended extensive further information be requested. I note the Agricultural Report submitted to the planning authority on the 29<sup>th</sup> of May 2025, which I consider provides limited information. I do acknowledge that 12No. cow dairy herd is small. It is proposed to store silage in bales on a concrete slab. The farmyard manure and slurry storage requirements are based on a 16-week storage period from Mid -November to Mid-March. There is a slurry tank proposed which has been calculated for adequate slurry storage capacity for all stock as required under European Communities (Good Agricultural Practice for the Protection of Waters) Regulations 2022, (S.I. No. 113 of 2022)). The storage of silage, slurry and farmyard manure is outside of the mandatory separate distances from the watercourse. It should be noted there is a small broad-leaved woodland extending to the Nore River at the northwestern extremity of the site. This will act as a natural buffer in terms of the land spreading. The development includes a small milking parlour and the washings from same will be piped to the underground tank. Land spreading is regulated by S.I. No. 588/2025 - European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025 (“the GAP Regulations”). Their purpose is to protect waters from pollution caused by nitrates from agricultural sources. An Coimisiún Pleanála is not the Competent Authority for the control of land spreading. However, the applicant is legally obliged to adhere the GAP Regulations, 2025, when undertaking land spreading. The purpose of the Regulations is to prevent water pollution. Once land spreading is carried out in accordance with these Regulations, no risk of water pollution arises. A suitable condition requiring adherence to these Regulations should be included in if the Coimisiún is mindful to grant the permission.

7.4.3 The applicants applied for organic farm certification of this in 2024, and it is anticipated the organic classification will be awarded in May 2026. Therefore, I have no objection to the principle of agricultural structures on the property to serve the entire landholding. Under section 5.2.4 of the Kilkenny City and County Development Plan, the planning authority aims to support and facilitate the development of agriculture and food in the county, which is a major economic sector in the County.

## 7.5 Access

7.5.1 The proposed access to the subject development is acceptable in terms of width, alignment, and sightlines. The development is a small scale organic dairy farm, and no large milk trucks will be collecting milk from the facility.

## 7.6 Sewage Treatment

7.6.1 The Site Suitability Report submitted on the 18<sup>th</sup> of December 2024. The proposed sewage treatment system was designed for a five bedroom dwelling with 7No. persons. The soil type is grey brown podzolics, deep well drained minerals. There is a public water supply serving the area. A secondary treatment system and soil polishing filter is proposed.

7.6.2 The proposed sewage treatment system and the receiving soil conditions are acceptable for the provision of a sewage treatment system in line with EPA standards.

## 7.7 Other Issues

7.7.1 The proposed development will be served by the public water supply.

7.7.2 The third-party allegations regarding a dry toilet facility in the SAC, and the lighting of fires on the SAC adjacent to parched woodland, in addition to the alleged glamping and camping site without express sewage facilities and planning, are not matters for the Coimisiún, and are best addressed by the local authority.

## 8.0 AA Screening

8.1. Please refer to Appendix 3 (AA Screening) which contains an AA Screening Assessment Report where I have concluded the following:

8.2. 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 individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Sites including the River Nore/ Barrow SAC and River Nore SPA in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required. This determination is based

on the nature of the proposed works and the location and distance from nearest European site and lack of connections.

## 9.0 Water Framework Directive

- 9.1 The European Union Water Framework Directive aims to improve water quality and applies to all water bodies. The Directive runs in six-year cycles and is currently in its third cycle 2022 to 2027. Member States are required to achieve 'good' status in all waters and must ensure that status does not deteriorate. The Directive has been given effect by the Surface Water and Groundwater Regulations.
- 9.2 The WFD is implemented through River Basin Management Plans (RBMPs) and the subject lands are located within the Nore Catchment. The site of the proposed development is located alongside the River Nore. The current Ecological Status of this river is Moderate and it is At Risk of not meeting its Water Framework Directive objectives. In examining the EPA's Nore Catchment Report, (May 2024), I note that agriculture is listed as a 'significant pressure' type category for at risk waterbodies
- 9.3 Given the nature and extent of works proposed and in noting to the Coimisiún that landspreading does not form part of this application and given the proposals to direct all soiled waters to a storage tank, I am satisfied that the proposal will not pose a risk to ground or surface waters. I suggest that the Coimisiún attach conditions in addition to standard conditions in regard to the treatment of surface waters, in the event that the Coimisiún is minded to grant permission.

## 10.0 Recommendation

I recommend the planning authorities decision to grant planning permission for the proposed development be overturned for the following reasons and considerations.

## 11.0 Reasons and Considerations

1. The site of the proposed development is located within a lowland area and partially within a designated river valley forming part of the 'Kilkenny Eastern Basin' adjacent to the 'Nore River Valley' as designated in the Landscape

Character Assessment set out at Figure 9.2 of the Kilkenny County Development Plan 2021 2027. The site is located in open countryside alongside the River Nore and the Mount Juliet estate, within a visually unspoilt, attractive and scenic landscape. It is considered that the proposed development by reason of design and specification fails to have regard to the Rural Design Guide as required under Section 7.8.6 and 13.22 of the Kilkenny City and County Development Plan 2021, would contravene policies as set out at Section 9.2.12 which relates to the protection of landscape character and scenic amenity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed floor plans appear to align with two separate dwellings units within the overall footprint of the structure, therefore the nature and scale of the proposed works do not appear to be accurately described in the public notices accompanying the planning application. In addition, there are no details provided regarding the future occupants of the separate unit in terms of their compliance with section 7.8.4 of the Kilkenny City and County Development Plan 2021 and therefore the proposed development does not accord with the proper planning and sustainable development of the area

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

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**Caryn Coogan**  
**Planning Inspector**

**26<sup>th</sup> of February 2026**

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	323102-25
<b>Proposed Development Summary</b>	Dwelling house, agricultural structures, sewage treatment Plant, garden shed and driveway
<b>Development Address</b>	Jerpoint West, Thomastown, Co. Kilkenny
<b>In all cases check box /or leave blank</b>	
<b>1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA?</b>  (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)	<input checked="" type="checkbox"/> Yes, it is a ‘Project’. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>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?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	<p><b>State the Class and state the relevant threshold</b></p>
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p><b>State the Class and state the relevant threshold</b></p>

<p><b>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)?</b></p>	
<p>Yes <input type="checkbox"/></p>	<p><b>Screening Determination required (Complete Form 3)</b></p>
<p>No <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	323102-25
<b>Proposed Development Summary</b>	Dwelling house, agricultural structures, sewage treatment Plant, garden shed and driveway
<b>Development Address</b>	Jerpoint West, Thomastown, Co. Kilkenny
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (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).	<p>The proposed development is a new dwelling house on a 19 ha landholding with two agricultural buildings one of which has an underground slatted tank in order to develop a new organic farm on the land holding with a small number of dairy cows. (12No. )</p> <p>It is considered that the proposed development will not give rise to the production of significant waste, emissions or pollutants</p>
<b>Location of development</b>  (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).	<p>Having regard to the limited nature and scale of the development and the absence of any significant environmental sensitivity in the vicinity of the site, as well as the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, as amended, 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.</p>
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	<p>The scale of the proposed development would not be described as exceptional in the context of the existing environment.</p> <p>There are no significant developments within the vicinity of the site which would result in significant cumulative effects/considerations.</p>
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>

There is no real likelihood of significant effects on the environment.	EIA is not required.
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Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix 2 Appropriate Assessment Screening

### Screening for Appropriate Assessment

#### Screening Determination

##### Description of the project

I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The proposed development comprises the construction of dwelling house with associated sewage treatment system, a cow shed/ small milking parlour with underground storage tanks together with a machinery/ hay shed and all associated site works. All roof surfaces drain to separate soakaways while the cow shed has a slatted portion and underground tank to collect seepage from the strawed and feed sections, as well as from the milking parlor. Details were submitted in the Further Information Response providing more detailed information on the agricultural activities and an AA Screening Report.

At the outset, for the purposes of clarity, the Coimisiun should note that land spreading does not form part of this application and such process is regulated under Land spreading is regulated by S.I. No. 588/2025 - European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025 ("the GAP Regulations". The regulations contain specific measures to protect surface waters and groundwater from nutrient pollution arising from agricultural sources.

The part of the subject site is located within the River Barrow and Nore SPA (Site Code 002162) and adjacent to River Nore SPA (Site Code 004233). The next closest SAC's is the Thomastown Quarry SAC (Site Code 2252) c. 2.2 km

The application has included an Appropriate Assessment Screening Report submitted at Further Information stage. The Planning Authority undertook an appropriate assessment of the project. The applicant's AA Screening Report was relied upon, and it was concluded that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European sites, in view of their conservation objectives.

##### Submissions

Submissions to the Planning Authority were made by two third parties.

The main concerns raised are as follows:

- The test for Appropriate Assessment is: 'So far as concerns the assessment carried out under Article 6(3) of the Habitats Directive, it should be pointed out that it cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned'.

### **Potential impact mechanisms from the project**

Having regard to the proposed works, I consider that the following elements would potentially generate a source of impact which requires consideration in terms of potential effects on European sites:

Surface water pollution during the construction and/or operation phases.

The site of the proposed development is located in and immediately adjacent to 2No. European Sites.

The Thomastown Quarry is dependant for its water supply on the surrounding local groundwater. It is 2km away and in a different sub-catchment. Therefore can be ruled out from further consideration.

With reference to EPA mapping, the appeal site is in the Nore Catchment is at risk of not meeting its Water Framework Directive objective. In examining the EPA's Nore Catchment Report, (May 2024), I note that agriculture is listed as a 'significant pressure' type category for at risk waterbodies.

### **European Sites**

The AA Screening Report describes the proposed development, its receiving environment and relevant European Sites in the zone of influence of the development. The proposed development is directly connected with European sites, therefore it needs to be determined if the development is likely to have significant effects on any European sites.

Section 3.3 of the Report identifies four European sites within the Zone of Influence. These are River Barrow and Nore SAC (site code: 002162), River Nore SPA (site code: 004233), Thomastown Quarry SAC as cited above. The Coimisiun are advised that a 15km radius is no longer considered an appropriate basis to identify European sites. There is no hydrological connection between the subject site and the Thomastown Quarry SAC. The Screening report rules out significant effects due to the absence of any hydrological connection with the project. I consider that the likelihood of any significant effect of the project on this sites can be reasonably excluded at this preliminary examination stage.

Having regard to the characteristics of the project in terms of the site's features and location, and the project's scale of works, I consider the following impacts and effect mechanisms require examination for implications for a likely significant effect on two European sites, River Barrow and Nore SAC (site code: 002162), River Nore SPA (site code: 004233)

Deterioration of water quality as a result of sediment, pollution during construction phase.

Deterioration of water quality as a result of pollutants, dust, sediment, oil/hydrocarbon, hard surface run off etc., during operation phase.

**Table 1 European Sites at risk from impacts of the proposed project [example]**

<b>Effect mechanism</b>	<b>Impact pathway/Zone of influence</b>	<b>European Site(s)</b>	<b>Qualifying interest features at risk</b>
Surface water pollution	Impact via a hydrological pathway	River Barrow and River Nore SAC (Site Code 002162)	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glaucopuccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>European dry heaths [4030]</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Petrifying springs with tufa formation</p>

			<p>(Cratoneurion) [7220]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twite Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Trichomanes speciosum</p>	
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			(Killarney Fern) [1421]
As above	As above	River Nore SPA (Site Code 004233)	Kingfisher (Alcedo atthis) [A229]

  

European Site and qualifying feature	Conservation objective (summary)	Construction Surface water pollution	Operational Surface water pollution
<b>River Barrow and River Nore SAC (002162)</b>	<a href="https://www.npws.ie/protected-sites/sac/002162">https://www.npws.ie/protected-sites/sac/002162</a>		
Estuaries	To maintain the favourable conservation condition	N	N
Mudflats and sandflats not covered by seawater at low tide	To maintain the favourable conservation condition	N	N
Reefs	Not stated	N	N
Salicornia and other annuals colonising mud and sand	To maintain the favourable conservation condition	N	N
Atlantic salt meadows	To restore the favourable conservation condition	N	N
Mediterranean salt meadows	To restore the favourable conservation condition	N	N
Water courses of plain to montane levels with the Ranunculus fluitantis and Callitriche-	To maintain the favourable conservation condition	N	N

Batrachion vegetation			
European dry heaths	To maintain the favourable conservation condition	N	N
Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels	To maintain the favourable conservation condition	N	N
Petrifying springs with tufa formation	To maintain the favourable conservation condition	N	N
Old sessile oak woods with Ilex and Blechnum in the British Isles	To restore the favourable conservation condition	N	N
Alluvial forests with Alnus glutinosa and Fraxinus excelsior	To restore the favourable conservation condition	N	N
Desmoulin's Whorl Snail	To maintain the favourable conservation condition	N	N
Freshwater Pearl Mussel	To restore the favourable conservation condition	N	N
Nore freshwater pearl mussel	To restore the favourable conservation condition	N	N
White-clawed Crayfish	To maintain the favourable conservation condition	N	N
Sea Lamprey	To restore the favourable conservation condition	N	N
Brook Lamprey	To restore the favourable conservation condition	N	N
River Lamprey	To restore the favourable conservation condition	N	N
Twaite Shad	To restore the favourable conservation condition	N	N

Salmon	To restore the favourable conservation condition	N	N
Otter	To restore the favourable conservation condition	N	
Killarney Fern	To maintain the favourable conservation condition	N	N

European Site and qualifying feature	Conservation objective (summary)	Could the conservation objectives be undermined (Y/N)?		
		Construction Surface water pollution	Operational Surface water pollution	
River Nore SPA 004233	<a href="https://www.npws.ie/protected-sites/spa/004233">https://www.npws.ie/protected-sites/spa/004233</a>			
Kingfisher (Alcedo atthis) [A229]	To maintain the favourable conservation condition of Kingfisher in the River Nore.	N	N	

#### Appropriate Assessment: Stage 1 – Screening Determination

There is no direct hydrological connection linking the site of the proposed dwelling and the farmyard buildings with the River Nore and all rainfall naturally penetrates to groundwater and is dispersed. Soil drainage properties are excellent on-site and the likely run-off can be accepted by infiltration. All wastewater and agricultural developments are consistent with current legislation which will prevent pollution of groundwater. There are no surface flows in the area.

The design of the farm buildings is in line with current Regulations. There are only 12No. cows and 6No. yearlings associated with the entire development. According to Roger Goodwillie's submission on appeal the slurry will be spread by a contractor with a dripper bar attachment in line with organic farming practices.

The project has been considered in light of the assessment requirements of sections 177U and 177V of the Planning and Development Act 2000, as amended. On the basis of objective information, I have assessed the implications of the project on the River Barrow and River Nore SAC (Site Code 002162) and the River Nore SPA (Site Code 004233) in view of the site's conservation objectives. I have had regard to the applicant's AA Screening Report and all other relevant documentation and submissions on the case file. I consider that the information included in the case file is adequate to allow the carrying out of an Appropriate Assessment.

Following the Appropriate Assessment (Stage 1), it has been concluded that the project, individually or in-combination with other plans or projects would not adversely affect the integrity of the River Barrow and River Nore SAC (Site Code 002162) and the River Nore SPA (Site Code 004233) in view of the site's conservation objectives and qualifying interests.

This conclusion is based on:

- An assessment of all aspects of the project including the implementation of measures to ensure full compliance with S.I. No. 588/2025 - European Union (Good Agricultural Practice for Protection of Waters) Regulations 2025 (“the GAP Regulations”) in relation to the conservation objectives of the River Barrow and River Nore SAC (Site Code 002162) and River Nore SPA (Site Code 004233)
- An assessment of in-combination effects with other plans and projects including historical and current plans and projects.

No reasonable scientific doubt as to the absence of adverse effects on the integrity of the River Barrow and River Nore SAC and the River Nore SPA.

**Inspector: Caryn Coogan**

**Date: 26<sup>th</sup> of February 2026**