



Development

for retention as built 1. Single-storey log cabin for residential purposes. 2. One steel container for storage of animal feed and general domestic storage. 3. Planning Permission for New Sewage treatment system.

Location

Ballyhendricken , Ballycallan , Co. Kilkenny

Planning Authority

Kilkenny County Council

Planning Authority Reg. Ref.

2560561

Applicant(s)

Garreth Cahill

Type of Application

Retention

Planning Authority Decision

Refuse Retention

Type of Appeal

First Party Normal Planning Appeal

Appellant(s)

Garreth Cahill

Observer(s)

None

Date of Site Inspection

23rd of March 2026

Inspector

Caryn Coogan

Table of Contents

1.0	Site Location and Description	3
2.0	Proposed Development.....	3
3.0	Planning Authority Decision	4
4.0	Planning History.....	6
5.0	Policy Context.....	7
6.0	EIA Screening.....	9
7.0	The Appeal	9
8.0	Assessment	10
9.0	AA Screening.....	16
10.0	Water Framework Directive.....	Error! Bookmark not defined.
11.0	Recommendation.....	17
12.0	Reasons and Considerations	17
	Appendix 1: Form 1 EIA Pre-Screening	19
	Appendix 2: Form 2 - EIA Preliminary Examination	22
	Appendix 3: Standard AA Screening Determination Template 2 ...	24

1.0 Site Location and Description

- 1.1. The site, 1.5ha, is located in Ballyhendrick, approximately 5km west of Kilkenny city. It is accessed from Ballyhendrick Lane which serves a number of one off dwellings houses and an equestrian facility. The site itself is accessed from a private lane serving one other dwelling.
- 1.2. The site is flat and has an irregular shape. It is hard surfaced, and includes a steel container along the south west site boundary, and a log cabin along the southern site boundary. The site extends out into an agricultural field to the rear of the log cabin.
- 1.3. There is a mature hedge along the southwest site boundary. There is another mature hedge along the south-eastern site boundary which a surface water ditch traversing the middle of the overall site. Beyond this ditch is a field owned by a third party (Mr. Willian Egan) where the polishing filter of the proposed sewage treatment system is to be located.
- 1.4. To the east of the site there is a gallop for training the horses associated with the adjoining equestrian facility, which is immediately to the west of the subject site.
- 1.5. The site has no road frontage, it only as an access from a short lane that leads to another private lane.

2.0 Proposed Development

- 2.1. Retention permission sought for the following:
 - Single-storey log cabin for residential purposes.
 - One steel container for storage of animal feed and general domestic storage.

Planning permission sought for new sewage treatment system and associated percolation area and all associated landscape planting and associated site development works. The site has a stated area of 1.53ha. The log cabin dwelling for retention has a stated area of 80sq.m.; the area of the storage container has not been stated.

- 2.2 A letter of consent from the adjoining landowner (Mr. William Egan) which states the applicant is buying an acre off him to locate a new percolation/ sewage treatment system, which is to the rear of the log cabin and south-east of the subject site.

2.3 A letter of consent has been provided from Donna Cahill (sister of applicant) to provide the applicant with a right of way access to their gallop which is their family business to locate a new percolation/ sewage treatment system. (I presume this relates to a right of way over her private lane which serves her dwelling and the gallop).

3.0 **Planning Authority Decision**

3.1. **Decision**

Kilkenny Co. Co. refused the development for the two following reasons:

1. The applicant has failed to demonstrate that the development as proposed would not be prejudicial to public health and to the environment by virtue of the following:
 - the high-water table noted on site and accordingly non-compliance with requirements of the EPA Code of Practice for Domestic Wastewater Treatment Systems 2021 as per the design and layout of the proposed wastewater treatment system submitted,
 - the location of the site and Wastewater Treatment Plant within an area of flood risk potential,

The proposed development is accordingly considered as prejudicial to public health and safety and contrary to the proper planning and sustainable development of the area.

2. On the basis of the documentation submitted in support of the application, the applicant has failed to demonstrate compliance with the Rural Housing policy for this Area under Urban Influence as set out in the current Kilkenny City and County Development Plan 2021 –2027. It is the policy of the Council to facilitate the rural generated housing requirements of the local community. The applicant has not demonstrated compliance with the rural housing policy as set out in Section 7.8.4 of the Kilkenny County Development Plan 2021-2027. The development as proposed would therefore be contrary to the policies and objectives of the Kilkenny County Development Plan 2021 – 2027 and the National Planning Framework and would be contrary to the proper planning and sustainable development of this area.

3.2. Planning Authority Reports

3.2.1. Planning Report

- The site is located within an area of “High Probability” flood risk as per the OPW NIFM; a site-specific flood risk assessment has not been submitted.
- Having regard to mottling noted at approx. 500mm below ground level, and water within the trial hole at approx. 650mm below ground level, together with the location of the site within in area of flood risk potential, the application is required to address these concerns, including a site-specific cross section is also required.
- A letter has been submitted from Willie Egan entitled “Confirmation of consent to apply for planning permission on lands”, and that the application is in the process of purchasing one acre to accommodate that proposed percolation area. A copy of a wayleave agreement has been submitted. A letter of support has been from Donna Cahill in relation to use of laneway, which also serves the gallops which is the family’s business.
- A Screening exercise was completed, which showed that further information would be required to assess if any significant environmental impact on Natura 2000 sites would be likely, having regard to the proposed location and construction of the wastewater treatment plant adjacent to a watercourse/ drain and the construction of a feeder pipe through the drain.
- A refusal is recommended.

3.2.2. *Other Technical Reports*

- Municipal District Engineer - the report received for previous planning application ref. 23/60417 stated that “the entrance to the proposed development is via an existing car road off the Local Tertiary Road, the L10123. I have no objection to the proposed development”.

3.3. Prescribed Bodies

There were no statutory referrals issued and there were no submissions.

3.4. Third Party Observations

There were no third party submissions, apart from those accompanying the planning application in support of the applicant.

4.0 Planning History

4.1. Planning Ref. No. : 23/60417

Permission refused to Garreth Cahill for retention permission for 1) existing dwelling as constructed 2) section of roadway to existing dwelling; and permission for 1) to clad the existing dwelling with concrete board and nap plaster finish 2) extension to existing dwelling 3) new treatment plant and soil polishing filter 4) proposed well and all associated site works for the following 2No. reasons:

1. *The applicant has failed to demonstrate that the development as proposed would not be prejudicial to public health and to the environment by virtue of the following:*

- *the high-water table noted on site and accordingly non-compliance with requirements of the EPA Code of Practice for Domestic Wastewater Treatment Systems 2021,*
- *the location of the site and Wastewater Treatment Plant within an area of flood risk potential,*
- *design and layout of the proposed wastewater treatment system and*
- *lengthy circuitous route of the percolation piping along an access road.*

The proposed development is accordingly considered as prejudicial to public health and safety and contrary to the proper planning and sustainable development of the area.

2. *On the basis of the documentation submitted in support of the application, the applicant has failed to demonstrate compliance with the Rural Housing policy for this Area under Urban Influence as set out in the current Kilkenny City and County Development Plan 2021 – 2027. It is the policy of the Council to facilitate the rural generated housing requirements of the local community. The applicant has not demonstrated compliance with the rural housing policy as set out in Section 7.8.4 of the Kilkenny County Development Plan 2021-2027. The development as proposed would therefore be contrary to the policies and objectives of the Kilkenny County*

Development Plan 2021 – 2027 and the National Planning Framework and would be contrary to the proper planning and sustainable development of this area.

4.2 Planning Ref. No : 22/782

Permission refused to retain (a) timber log cabin with septic tank and well, (b) existing steel containers for storage and all associated site works.

4.3 ENF 22/018 – current unauthorised development file relating to a timber log cabin, septic tank and steel containers. Enforcement Notice issued on 21/11/2022.

5.0 Policy Context

5.1. Development Plan

5.1.1 The Kilkenny City and County Development Plan 2021-2027 is the relevant development plan. The appeal site is not subject to any specific land-use zoning under the Kilkenny City and County Development Plan 2021-2027. The appeal site is located within an area identified as an 'Area Under Strong Urban Influence' - see Figure 7.1 Kilkenny City and County Development Plan 2021-2027.

5.1.2 The provisions of the Kilkenny City and County Development Plan 2021-2027 relevant to this assessment are as follows:

7.8.4 – Categories of Rural Compliance and Qualifying Criteria

13.22.1 – Access and Sight Lines

13.22.2 – Wastewater Treatment Systems.

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. Further guidance is given in Section 13.22 Rural Housing and Section 12.11.3 Access to National Roads and Section 12.11.10.1 Roads Development Management Requirements.

13.22.2 Wastewater Treatment Systems

Kilkenny County Council requires that sites will be assessed in accordance with the EPA Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) (EPA Code of Practice 2021) or any subsequent revisions or replacement. The person carrying out the assessment must be suitably qualified. Water and wastewater systems for new rural developments shall be located within the subject site.

5.2. Relevant National or Regional Policy / Ministerial Guidelines

5.2.1 National Planning Framework (NPF)3 – Project Ireland 2040

National Policy Objective 28 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.

5.2.1 Code of Practice Domestic Wastewater Treatment Systems (p.e. ≤ 10) 2021

The Code of Practice (CoP) sets out guidance on the design, operation and maintenance of on-site wastewater treatment systems for single houses.

5.2.2 Sustainable Rural Housing, Guidelines for Planning Authorities (2005)

The appeal site is located within an area identified as an 'Area Under Strong Urban Influence' - see Figure 7.1 Kilkenny City and County Development Plan 2021-2027. The Guidelines state that these areas exhibit characteristics such as proximity to the immediate environs or close commuting catchment of large cities and towns, rapidly rising population, evidence of considerable pressure for development of housing due to proximity to such urban areas, or to major transport corridors with ready access to the urban area, and pressures on infrastructure such as the local road network.

5.3. Natural Heritage Designations

The appeal site is not located within or close to any European Site. The closest European Sites are River Barrow and River Nore SAC (Site Code:002162) and River Nore SPA (Site Code: 004233) which are c. 7 km east of the site.

6.0 EIA Screening

- 6.1. (See Form 1 and Form 2 attached to this report) 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.

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1 The Council's first reason for refusal relates to the high-water table and the suitability of the site for wastewater disposal. The concerns have been addressed based on the following information:

(a) Two independent percolation tests were carried out on the site in 2023 and 2024 both of which were completed by qualified professionals in accordance with the EPA Code of Practice.

(b) Additional land secured to an additional one acre parcel of land from a neighbouring land owner.

(c) Comprehensive engineering documentation, soil assessment and revised layouts were submitted to demonstrate viability of the system and its compliance with EPA standards.

(d) High water table concerns can be mitigated. The planner referenced mottling during the during wet-season inspections, the percolation reports and soil profiles provided confirm that appropriate soil depth remains available for a treatment system to operate safely on the revised layout.

- 7.1.2 The second reason for refusal states that the Rural Housing Policy requirements were not met, however the following is submitted to support the case of the applicant.

(i) Garreth Cahill has a genuine, established local need.

(ii) His family has lived in Ballyhendricken for generations.

- (iii) He currently resides with his elderly parents who need ongoing support
- (iv) His sister is wheelchair dependent and relies on family assistance
- (v) His employment and care commitments are fully local.
- (vi) This is not speculative development.

7.1.3 If the Commission do not grant the dwelling house, it is requested the existing structure be permitted for non-habitable storage use only. The existing steel container on site is already used for storage of materials. To avoid any ambiguity there would be no wastewater treatment system, no kitchen bathroom or domestic services, no residential accommodation, no commercial traffic or business use, no public access. The fallback solution is a modest and reasonable compromise.

7.1.4 The applicant has complied and worked with Kilkenny Co. Co. throughout the process. The applicant is willing to comply with the terms and conditions the Commission imposes.

7.1.5 The applicant submitted with his appeal full details of the planning application, Planning ref: 25/60561.

7.2. **Planning Authority Response**

No submission has been received from the planning authority in response to the submitted grounds of appeal.

8.0 **Assessment**

8.1. I have considered the planning application file, visited the site and considered the appeal file. The issues which need to be addressed in this appeal will be dealt with under the following headings:

- Rural Housing Policy
- Design and Layout
- Sewage Treatment
- Appropriate Assessment

8.2. **Rural Housing Policy**

- 8.2.1 The appeal site is located within a rural area 7km west of Kilkenny City. The Council's Rural Housing Policy or Settlement Strategy is outlined under Section 7.8 of the Kilkenny City and County Development Plan, and it applies to this proposal.
- 8.2.2 The Documentation on file includes a statement that the applicant, his family including parents and sister all reside in two different houses in Ballyhendricken. The applicant has resided at Ballyhendricken for over twenty years. He has two children that visit him regularly and he needs a home for them to visit. He works as a social worker, providing support for children. His mother requires care. Rural Housing applicants are required to submit a Form 2 with the planning application, and this was not provided by the applicant. He has indicated on a photograph the locations of immediate family houses relative to the appeal site. I do not doubt the information is correct, and that Mr. Garrett Cahill is a longterm member of the community. However, the applicant has provided very little evidence to substantiate his case, in particular maps of the family landholding. I have examined the previous planning application associated with the applicant and the subject site, planning reference 23/60417. There would appear to be more information on the previous planning file, in terms of the family's landholding in Ballyhendricken and referenced bank statements. However the planning authority assessed the applicants compliance with the development plan policy and refused the previous planning application on noncompliance with the Rural housing Policy. The development plan has remained unchanged under the current application. The previous application indicated, the applicant worked in Tramore and again, there was no rural housing section Form 2 completed with the planning application. On this basis, the Council concluded under the applicant had not demonstrated he was born into the area, and a refusal issued as per Section 4 of this Report. The mapping on the previous planning application outlines the lands owned by Kathleen and William Cahill , who are the applicant's parents. This information is not provided in the current planning application under appeal. The applicant has not provided any evidence that he does not own another dwelling house. Although, I am satisfied the applicant has family members in the immediate vicinity and may have lived at this location for a considerable amount of time, I find it unacceptable that the relevant Rural Housing Form was not completed by the applicant which is a standard procedural requirement for anyone applying for a rural house in Co. Kilkenny, especially when the omission was highlighted under the

previous planning application. In saying that, I do consider the applicant, as a son of the landowner and his sister resides in the dwelling sharing the same access to the subject site, has established intrinsic links to Ballyhendricken, and I consider it would be unreasonable to refuse the applicant planning permission on the basis of non-compliance with the rural housing policy, when examines both planning application collectively.

8.3 Design and Layout

- 8.3.1 The appeal site is a narrow strip of land which is covered in hardcore, flanked by the equestrian facility to west and a gallop to the east. To the southeast there is a greenfield which is in agricultural use and owned by a third party. The site contains a steel container along one site boundary and a log cabin. The issue of sewage treatment is assessed in the next section, however, the portion of land where the subject items for retention are located, is in my opinion not suitable for sewage treatment due to its dimensions, the location of a watercourse midway traversing the site and poor soil percolative properties. In short, the landholding under the ownership of Mr. Cahill, cannot comply with the EPA Guidelines for an individual sewage treatment system as demonstrated in the two previous planning applications associated with the site.
- 8.3.2 The development in my opinion is ad hoc and piecemeal. The two structures on site do not resemble the design or layouts of rural developments in the general area of the site. I refer to Photo Plate 4 from my site inspection which illustrates the structures in the context of the appeal site. Whilst I would accept the appeal site is located at the end of the lane and is screened from the general view due to its considerable setback from the public roads, the overall design and layout of the development is incongruous with the surrounding area, and it fails to appropriately integrate into receiving rural landscape. Section 13.22 of the Kilkenny County and City Development Plan, specifies 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. In this instance, the
- 8.3.3 The overall design and specification of the dwelling and the steel container bear no resemblance to existing rural housing, design and specification in Co. Kilkenny. The

external finish of the dwelling is timber and the container is steel. Furthermore, there is no explanation or design statement on the planning file, to justify such a departure from the Kilkenny Rural House Design Guidelines.

8.3.4 I refer to Section 13.22 Rural Housing section 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.*

In my opinion, the design and finishes of the dwelling and the container are not in keeping with the receiving environment and are certainly not vernacular. Both structures are also incompatible with each other, they are opposing shapes and finishes and do not resemble a rural Kilkenny residential curtilage. There is no rationale for the deviation of layout and specification to warrant granting planning permission for this design, which I consider to be unrelated to and incompatible with this rural Kilkenny setting. I consider the overall development appears to be completely out of place, an inappropriate design and it should be refused for this reason. It may also set a highly undesirable precedent for similar developments without detailed and informed justification for permitting such a radical change to the rural architecture and design in rural Co. Kilkenny.

8.3.4 The applicant had requested on appeal in the event that permission was being refused for the residential use of the site, that the log cabin be granted planning permission for storage purposes similar to the steel container on site. I am not familiar with the entire planning history of Ballyhendricken Lane. However, it serves a multitude of one-off housing, farm developments, and an equestrian facility which are all served by laneways. In addition, the road layout approaching the site location is confusing. There are two separate fenced laneways running side by side and parallel to each other, making the approach to individual houses confusing. The layout of the equine facility has been developed incrementally and there is a sizable farmyard north of both laneways. The addition of a log cabin and steel container on a separate site at the end of one of the private laneways, is a clear example of the continued ad hoc and haphazard development of this rural area. The site is a narrow plot sandwiched between two elements of the equestrian facility. In my opinion, it

an unacceptable form of rural development. It has no road frontage and accessed from a laneway serving an existing dwelling. It would appear to me the appeal site is similar to filling in a gap of leftover land, which it is a form of random haphazard development. Therefore, I am recommending the development is not considered for storage purposes only.

8.4 Sewage Treatment

8.4.1 There have been two previous planning applications relating to the subject development, references P22/782 and P23/60417. The current planning application and two previous planning applications were refused, amongst other issues, on public health grounds relating to the proposed onsite sewage treatment system. The proposed development includes decommissioning the existing septic tank and percolation area, and the provision of a secondary wastewater treatment system within the applicant's land holding, with a raised bed polishing filter on third party lands to the south east.

8.4.2 My concerns regarding the proposal for onsite sewage treatment at the appeal site are as follows:

- the planning history of the development,
- the proposed percolation area/ polishing filter is to be located on third party lands (although the applicant has indicated he intends to purchase the portion of the field where the sewage treatment is to be installed). In my opinion, it is not acceptable, legally, based on a letter of consent, to grant permission for a secondary treatment system on the applicant's landholding, and the raised polishing filter on adjoining third party lands.
- the watercourse traversing the site midway, is not referenced in the drawings or the Site Characteristics form accompanying the planning application (in fact Section 3 of the Site Characteristics Form states there is no watercourse present). This watercourse course is of concern to me as per Photo Plates 9 and 10 of my site inspection. The water was not clear and is covered in green algae. There appeared to be no flow associated with the watercourse and I cannot establish where the water discharges to or if it was stagnant water. I also noted, there is a drainage

pipe associated with the watercourse. The planning application needs to include the watercourse and all relevant information associated with the drain.

- The site is located within an area of “High Probability” flood risk as per the OPW NIFM; a site-specific flood risk assessment has not been submitted.
- My visual inspection of the third-party lands where the proposed sewage treatment system is to be located indicated vegetation associated with soils with poor drainage capabilities. Furthermore, there would appear to be conflicting information on the current application and the previous planning application, in terms of the water table levels and topsoil and subsoil levels. Within the trial holes dug which were associated with the previous planning application, (as there appeared to me there were no new holes elsewhere on the site) there was mottling noted at approx. 500mm below ground level, and water within the trial hole at approx. 650mm below ground level, together with the location of the site within in area of flood risk area.
- According to the site layout drawing PP-003, the existing septic tank and percolation area is currently located alongside the watercourse, is to be decommissioned.

8.4.3 Despite the previous refusal the application, the current documentation fails to demonstrate the proposed treatment system complies with requirements of the EPA Code of Practice for Domestic Wastewater Treatment Systems 2021. I note a secondary treatment system is proposed within the applicant’s landholding and a raised bed polishing filter to be provided on the third-party lands. As stated, I am concerned about the requirement to install the raised bed treatment system on third party lands and not within the curtilage or ownership of the applicant and may have potential legal or ownership implications. I am also concerned that the submitted Site Characteristics form is deficient in basic information. Given the physical limitations associated with the subject site in terms of site configuration, distances from wells, watercourses and existing dwellings houses, the prevailing soil conditions, I am not satisfied the subject site is suitable for onsite sewage treatment, and would be prejudicial to public health, especially given the concentration of sewage treatment systems along Ballyhendricken Lane, and underlying soil conditions in the vicinity of the subject site.

9.0 AA Screening

9.1 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 individually or in combination with other plans or projects would not be likely to give rise to significant effects on the River Nore SPA and River Barrow and River Nore SAC 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 small scale and nature of the works involved
- The location of the site removed from the European sites, with no obvious hydrological link to the European sites.

10.0 Water Framework Directive

10.1 The site is situated in a rural area

10.2 The underlying groundwater body is the Kilkenny Karstic aquifer. The aquifer has a high vulnerability in the location of the site. The site is situated in the Nore catchment area.

10.3 The proposed development seeks to construct a sewage treatment system to serve an existing log cabin dwellinghouse. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. I believe the planning application should include more information regarding the water body traversing the site, and where if any, it links to another waterbody within the River Nore catchment, the east of the site. I am not satisfied based on the lack of information on file that the proposed treatment system would not be a conceivable risk to any surface or ground water bodies qualitatively. There is insufficient evidence on file to determine the

nature of the watercourse on site and I am unable to determine whether there is 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 the conclusion is inconclusive.

10.4 As this is a new issue raised under appeal, it will not be included in my recommendation.

11.0 Recommendation

11.1 I recommend the Commission uphold the planning authority's decision to refuse the development.

12.0 Reasons and Considerations

1. Having regard to the soil conditions and high-water table, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development can be satisfactorily treated and or disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. In addition, having regard to the insufficient and incomplete information submitted in relation to the site characterisation, details of the watercourse traversing the appeal site, the applicants have failed to demonstrate that the proposed wastewater treatment system complies with the standards of the EPA Code of Practice for Domestic Wastewater Treatment Systems (EPA 2021). It is therefore considered that the proposed development would pose an unacceptable risk to public health and the receiving environment. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area
2. Having regard to the layout, design and specification of the dwelling, which is a log cabin and steel container the subject of the retention for planning permission, relative to the existing dwellings in the general area and the open countryside, it is considered

that the development is not an appropriate design or layout and fails to appropriately integrate with the surrounding area, as is required under sections 7.8.6 and 13.22 of the Kilkenny City and County Development Plan 2021-2027. The proposed development would be out of character with the rural landscape and would detract from the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area

3. The development is located at the end of a laneway serving an existing dwelling, on a narrow strip of land between facilities associated with the neighbouring equestrian facility, it is considered to constitute haphazard piecemeal development, and will contribute to the further ad hoc development of the Ballyhendrick area, which essentially militates against the rural character of the area. The proposed development would set an undesirable precedent for similar development in the area and would be contrary to the proper planning and sustainable development of the area.

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

Caryn Coogan
Planning Inspector

25th of March 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500314-KK-25
Development Summary	Retention of a log cabin, and steel container and the installation of a new sewage treatment system
Development Address	Ballyhendricken, Ballycallen, 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?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(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)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.	State the Class here

<p>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</p>	
<p><input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3</p>	
<p>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?</p>	
<p><input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> 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)</p>	<p>Class 10 (b)(i) Construction of more than 500 dwelling units Threshold = 500 units. Proposed development = 1no. unit.</p>

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

Inspector: _____

Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	500314
Proposed Development	Log, cabin, steel container, sewage treatment
Development Address	Ballyhenricken, Co. Kilkenny
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</p> <p>(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>	<p>The rural site is unserviced and its size is not exceptional in the context of the prevailing plot size in the area for rural dwellings in the area. A short-term construction phase of the sewage treatment works would be required and the development would not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance due to its scale. The development, by virtue of its type and nature, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. Its operation presents no significant risks to human health. The size and scale of the proposed development is not significantly or exceptionally different to the existing dwellings.</p>
<p>Location of development</p> <p>(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</p>	<p>The proposed layout and design is considered likely to negatively impact on the setting and character of the landscape. These matters are addressed in the assessment above and while they are adverse, they are not significant and therefore do not trigger a requirement to carry out a full EIA. It is considered that, having regard to the limited nature and scale of the development, there is no real likelihood of significant effect on other significant environmental sensitivities in the area. It is not likely to have any cumulative impacts</p>

<p>reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>or significant cumulative impacts with other existing or permitted projects.</p>
<p>Types and characteristics of potential impacts</p> <p>(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>	<p>The size of the development is notably below the mandatory thresholds in respect of a Class 10 Infrastructure Projects of the Planning and Development Regulations 2001 as amended. Localised construction impacts will be temporary. The proposed development would not give rise to waste, pollution or nuisances beyond what would normally be deemed acceptable. Having regard to the nature of the proposed development and works constituting development within a rural area, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
<p>Conclusion</p>	
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>

Inspector: _____ **Date:** _____

Appendix 3: Standard AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: 500314-KK-25	
Step 1: Description of the project and local site characteristics Retention of a log cabin and steel container and the provision of a sewage treatment system at Ballyhendricken, Ballycallen, Co. Kilkenny. A rural area served by Ballyhenricken Lane, catering for agricultural/ equine landuses and one-off houses. The site is located at the end of a private lane. It is a narrow site hardcored, with a field to the south east proposed for treated effluent disposal.	
Brief description of project	Retention of a log cabin and steel container (storage), and a new sewage treatment system
Brief description of development site characteristics and potential impact mechanisms	<p>The site has a stated area of 1.5ha.</p> <p>The portion where the log cabin and steel container are located is hardcored area. The adjoining field is in agricultural use.</p> <p>There is an open watercourse drain dissecting the site midway. The site has a high water table and may be subject to potential flooding according to OPW mapping.</p> <p>The scale of development is small and domestic with excavations and groundworks limited to the footprint provision of a new sewage treatment system.</p>

	There is a watercourse approximately 700m north and west of the site that leads into the River Nore catchment.
Screening report	Yes
Natura Impact Statement	No
Relevant submissions	N/A

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections²	Consider further in screening³ Y/N
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River Nore SPA 004233	Kingfisher (Alcedo atthis) [A229]	7km east	Wastewater discharge to ground during operational stage.	Yes
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<p>River</p> <p>Barrow and River Nore</p> <p>SAC</p> <p>002162</p>	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Reefs [1170]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia 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 (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>7km east</p>	<p>Wastewater discharge to ground during operational stage</p>	<p>Yes</p>
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Petromyzon marinus (Sea Lamprey) [1095]			
Lampetra planeri (Brook Lamprey) [1096]			
Lampetra fluviatilis (River Lamprey) [1099]			
Alosa fallax fallax (Twaite Shad) [1103]			
Salmo salar (Salmon) [1106]			
Lutra lutra (Otter) [1355]			
Vandenboschia speciosa (Killarney Fern) [6985]			

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

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: River Nore SPA Kingfisher	Direct: None Indirect Wastewater discharge to ground during operational stage or surface water	No significant effect is likely to occur due to the separation between the site and the European sites. Although the information is limited on the drainage ditch dissecting the site, it does not appear to link with any other watercourse, and it would appear there is no hydrological link between the subject site and the SPA
	Likelihood of significant effects from proposed development (alone): No	

	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Impacts	Effects
Site 2: River Nore and River Barrow SAC (as above)	Direct: None Indirect Wastewater discharge to ground during operational stage or surface water	No significant effect is likely to occur due to the separation between the site and the European sites. Although the information is limited on the drainage ditch dissecting the site, it does not appear to link with any other watercourse, and it would appear there is no hydrological link between the subject site and the SAC
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
Step 4: Conclude if the proposed development could result in likely significant effects on a European site		
<p>Screening Determination</p> <p>Finding of no likely significant effects</p> <p>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 the River Nore SPA and River Barrow and River Nore SAC in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.</p>		

This determination is based on:

- The small scale and nature of the works involved
- The location of the site removed from the European sites, with no obvious hydrological link to the European sites

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Inspector: _____ Date _____