



An
Coimisiún
Pleanála

Inspector's Report

PL-500404-KK-25

Development	The construction of a new vehicle/pedestrian entrance & boundary wall to roadside boundary.
Location	Cloghabrody, Thomastown, County Kilkenny.
Planning Authority	Kilkenny County Council
Planning Authority Reg. Ref.	2560299
Applicants	Brid Lyons and Ray Hughes.
Type of Application	Permission.
Planning Authority Decision	Permission.
Type of Appeal	Third Party
Appellant	Christopher O'Reilly

Observers

None

Date of Site Inspection

12th February 2026.

Inspector

Derek Daly

1.0 Site Location and Description

- 1.1. The development is located in the northern fringe of the town of Thomastown in County Kilkenny. The site fronts onto the R448 (Dublin road) which defines the site's eastern boundary and is within the 60 kph speed limit area.
- 1.2. On the site is a detached dwelling with a site access located at the northeastern corner of the site. The remainder of the roadside boundary is defined by a boundary block wall and evergreen hedgerow. There is a footpath and grass verge between the front boundary and the road carriageway.
- 1.3. The existing entrance is located immediately beside a vehicular entrance associated with a commercial premises located to the north of the appeal site. The area is primarily residential but are also commercial/retail developments in the area and a cemetery is located on the opposite side of the R448.
- 1.4. The site has a stated area of 0.240 hectares.

2.0 Proposed Development

- 2.1.1. The proposed development as received by the planning authority on the 27th May 2025 was for;

The construction of a new vehicle/pedestrian entrance & boundary wall on the roadside boundary with the relocation of the entrance to the southeastern corner of the site. It is proposed to close the existing dwelling vehicular entrance located at the northeastern corner of the site as part of proposed works and replaced with the construction of a boundary wall to match existing.
- 2.1.2. Revised information was received on the 14th October 2025 in relation to sightline visibility; details relating to manholes; the position of sewer connection from adjoining commercial premises to the mains sewer on the road and that existing manholes that are within the applicant's site will not be impacted by proposed development and all existing rights of access will be upheld with access for maintenance and inspection. Plans to plant trees to the front of the boundary wall are omitted and that two no. cars and associated internal turning movements can be facilitated on site associated with proposed new access.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The decision of the Planning Authority was to grant planning permission subject to 4 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report dated the 18th July 2025 refers to the planning history, development plan provisions, a third party submission received and an assessment of the development.

There was no objection in principle to the development but further information was requested based on the report of the Area Engineer requiring]

- a clearly labelled sightline layout drawing indicating sighting and stopping distance for a vehicle turning right into the property;
- that boundary treatment must be set a minimum of 1m behind the identified sight visibility lines to ensure that the vertical and horizontal sightlines remain free of boundary obstructions at all times in both directions and also to clearly demonstrate the required quantity of hedgerow/trees/walls/clay banks etc to be removed/maintained along both sides of the road as required to achieve such sightlines;
- include a dropped kerb and proposals for drainage across the entrance and to collect / prevent water from the public road entering the property.
- details relating to the connections from the baker / confectionary premises to the public sewer and water mains which exist on the site of the proposed development in particular the location of two no manholes for maintenance and inspection purposes was requested;
- consider revising or omitting proposed tree planting to the front of the proposed development to ensure that visibility lines for proposed development and that for neighbouring commercial property access is not impeded and

- to submit a revised site layout plan shall be submitted that accurately shows dimension of two no cars on site and turning movements associated with same to development plan standards.

The planning report dated the 6th November 2025 having assessed the further information submitted recommended permission.

- 3.3. The application was referred to the Area Engineer who in a report dated 18th July 2025 had no objection in principle to proposed development but requires that a sightline drawing be shown on the site layout plan to development plan standards (70m at 2.4m back for a 60km/h speed zone) having regard to the site location along a busy regional road and close proximity to a pedestrian crossing / traffic light. Further information was requested in relation to this.
- 3.4. The area engineer indicated no objections to the further information submitted.
- 3.5. A third party submission was received which refers to concerns that existing piped service connections to the baker / confectionary premises will be impacted by proposed development, in particular two no manholes for maintenance and inspection purposes from heavy equipment and machinery and also that the proposed tree planting to the front of proposed development may impede visibility sightlines for vehicles entering and exiting his commercial premises.

4.0 Planning History

- 4.1.1. P.A. Ref. No. 19643 – Permission to (a) demolish existing derelict single storey dwelling and garage (b) construct a new single storey dwelling and garage (c) construct new boundary wall to roadside boundary and all associated site development works.
- 4.1.2. P.A. Ref. No. 18/693 – Permission granted to construct a new vehicle entrance to an existing dwelling. The new entrance is to replace an existing shared vehicle entrance with an adjoining bakery unit and all associated site works on lands at Cloghabrody, Thomastown, Co. Kilkenny.

5.0 Policy and Context

5.1. Development Plan

- 5.1.1. The statutory development plan is the Kilkenny City and County Development Plan 2021 – 2027.
- 5.1.2. The site is located on lands zoned 'Residential' lands in the Thomastown Local Area Plan 2019 with the zoning objective to allow for new residential development and other services incidental to residential development.

5.2. Natural Heritage Designations

- 5.2.1. The subject site is not located within a site designated as a Natura 2000 site or NHA/pNHA.

6.0 EIA Screening

- 6.1. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside.

7.0 The Appeal

7.1. Grounds of Appeal

The appellant grounds of appeal in summary refers to;

- The appellant refers to the history of the site which the current applicant purchased as part of a sub division of the original site and which had connections to the sewer and watermain to the bakery site. There are two manholes on the appeal site for maintenance and inspection in the area of the proposed works.
- Concern is raised in relation to the use of heavy equipment damaging these connections and also in relation to the planting of trees.
- A blockage arising would compromise the appellant's business.

- Issues are raised in relation to the construction of a wall which would result in taking ownership of the party wall on the property boundary and ownership of the affected by the new wall and lands is unclear.
- The applicant has not engaged in discussions in relation to the issue of ownership and the boundary appears to have altered from a previous application.
- Concern is raised in relation to the height of the wall 1.8 metres in height which is not in keeping with the area.

7.2. First Party Response

The first party in a response indicates,

- The issues in relation to the sewer and watermain connections were resolved in the further information response.
- Eight existing trees on the boundary will be removed and no new trees will be planted.
- The boundary between the properties will remain untouched and the front boundary wall will be built solely on their property.
- A land registry map is submitted.
- The previous drawing from 2019 was part of a pre-purchase agreement and intended as a visual aid.
- The appellant has a wall of 1.8 metres and the planned wall is the same height.
- The applicants have fully engaged with the planning authority and followed their advice and received planning permission.

7.3. Planning Authority Response

- 7.3.1. The planning authority has indicated that it has no comments to make in relation to the appeal submission.

8.0 Assessment

8.1. The main issues in this appeal relate to the principle of the development, and to the matters raised in the grounds of appeal which are largely site specific issues. Appropriate Assessment also requires to be considered. I am satisfied that no other substantive issues arise.

8.2. The principle of the development

8.2.1. The proposal as initially submitted is as indicated in public notices and is for the construction of a new vehicle/pedestrian entrance and boundary wall on the roadside boundary with the relocation of the entrance to the southeastern corner of the site. It is proposed to close the existing dwelling vehicular entrance located at the northeastern corner of the site as part of proposed works and replaced with the construction of a boundary wall to match existing. In the revised information received on the 14th October 2025 further details were submitted in relation to sightline visibility; details relating to manholes; the position of sewer connection from adjoining commercial premises to the mains sewer on the road; that proposals to plant trees to the front of the boundary wall are omitted and that two no. cars and associated internal turning movements can be facilitated on site associated with proposed new access.

8.2.2. Given the current residential use of the site and its location within a built up area the principle of the development is acceptable.

8.3. Grounds of appeal

8.3.1. In the grounds of appeal issues are raised in relation to the current arrangements for sewerage connections to appellant's business premises which would be impacted by the development and for ongoing maintenance and inspection in the area of the manholes which connect to the mains sewer; to potential damage arising to the sewer arising from the use of heavy equipment damaging these connections and also in relation to the planting of trees. Issues also are raised in relation to the party wall which would result in taking ownership of the party wall on the property boundary and ownership of the affected by the new wall and lands is unclear. Concern is raised in relation to the height of the wall 1.8 metres in height which is not in keeping with the area.

- 8.3.2. In the response to the appeal the first party contends that the issues in relation to the sewer and watermain connections and ongoing maintenance and inspection of manholes were resolved in the further information response; that no new trees will be planted; the boundary between the properties will remain untouched and the front boundary wall will be built solely on their property; a land registry map is submitted and that the appellant has a wall of 1.8 metres and the planned wall is the same height.
- 8.3.3. Specifically in relation to the relocation of the entrance, I would have no objection to the relocation. The details submitted including the revised details provide for an access onto the public road which complies with requirements in relation to a safe access arrangement which complies with sightline visibility requirements.
- 8.3.4. In relation to the boundary, it is noted that the revised details provide for no new planting of trees.
- 8.3.5. In relation to the new boundary including along the section where the current entrance exists it is proposed to construct a wall 1800mm in height and that this replaces a lower wall approximately 1 metre in height with a row of evergreen trees inside the wall. There is no uniform roadside boundaries in the area with a mix of low walls and hedges predominating including a low wall along the cemetery frontage. It is noted that there is a wall of a similar height to that proposed on the appellant's boundary frontage. I do however consider that a lower roadside boundary wall up to a maximum height of 1200mm given the length of the roadside frontage would be appropriate for the area.
- 8.3.6. In relation to impact of the sewer and underground services while noting that currently inspection of the manholes referred to may be more readily accessible the relocation of the entrance and closure of the existing entrance does not prevent access to the manholes and that all existing rights of access will be upheld in relation to access for maintenance and inspection and any breach in this regard would be a civil matter.
- 8.3.7. In relation to boundary issues referred to this is a civil matter and not a matter for An Coimisiún Pleanála to resolve and the granting of planning permission does not remove impact on any legal redress in relation to the issue of land ownership. I would however note that the further information response indicates that all

development will take place within their site boundary and the site layout plans which show the neighbouring wall to the south retained.

9.0 AA Screening

- 9.1. I have considered the proposal for the construction of a new vehicle/pedestrian entrance and boundary wall on the roadside boundary with the relocation of the entrance to the southeastern corner of the site. The subject site is located within a built up area and where there is current a dwelling on the site.
- 9.2. The development comprises in effect a relatively minor development as outlined in section 2 in the Inspectors report. Having regard to the location, nature and scale of the proposed development confined within an established residential property located within a built-up urban area with connections to existing services, and the absence of connectivity to European sites it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on these European sites.

10.0 Water Framework

- 10.1. The subject site is located within a built up area and is not located immediate to a waterbody and has piped connections to public services. The proposed development comprises the construction of a new vehicle/pedestrian entrance and boundary wall to roadside boundary as referred to in section 2 of this report. No water deterioration concerns were raised in the planning appeal.
- 10.2. 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 and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:

- Nature of works regarding the nature and scale of the development.
- The context of the surrounding area.
- Location and distance from nearest Water bodies and lack of hydrological connections.

Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

11.1. I recommend that permission be granted.

WFD de minimis para required.

12.0 Reasons and Considerations

12.1. Having regard to the nature of the development, the existing residential use on the site; the design, nature and scale of the proposed development and the pattern and character of development in the vicinity; the planning history of the site and to the provisions of the Kilkenny County Development Plan 2021-2027, it is considered that, subject to compliance with the conditions set out below, the proposed development would not have a significant adverse effect and would not detract from the character of the area, would not seriously injure the amenities of adjacent residential property and would be acceptable in terms of traffic safety and convenience. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	The development shall be carried out in accordance with the drawings and particulars as received by the Planning Authority on the 27 th day of May
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	<p>2025 and as amended by further documentation lodged on the 14th October 2025 except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the Planning Authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity</p>
2.	<p>The new front roadside boundary block wall shall be a maximum of 1.2 metres in height, shall be suitably plastered and capped where exposed to public view.</p> <p>Reason: In the interests of visual amenity.</p>
3.	<p>Water supply and drainage requirements, including surface water collection and disposal, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and to ensure a proper standard of development.</p>
4.	<p>The entrance to the development shall be completed in accordance with details as submitted as received by the Planning Authority on the 27th day of May 2025 and as amended by further documentation lodged on the 14th October 2025</p> <p>Reason: In the interest of clarity and traffic safety</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity</p>

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

Derek Daly
Planning Inspector

25th February 2026

Form 1 - EIA Pre-Screening

Case Reference	PL 500404-KK-25
Proposed Development Summary	The construction of a new vehicle/pedestrian entrance & boundary wall to roadside boundary.
Development Address	Cloghabrody, Thomastown, County Kilkenny.
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?	<input type="checkbox"/> X No , it is a 'Project'. Proceed to Q2.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> , it is a Class specified in Part 1 .	No
<input type="checkbox"/> X No ,	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
x No , the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
No , the proposed development is of a Class and meets/exceeds the threshold.	
No , the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) Yes	

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)
Yes <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Derek Daly Date: 25th February 2026