



Inspector's Report

PL-500677-KK-26

Development	Retention of house and garage and permission to reconstruct original house and all associated works.
Location	Castlebanny, Mullinavat, Co. Kilkenny.
Planning Authority	Kilkenny County Council
Planning Authority Reg. Ref.	2560387
Applicant(s)	Gerard and Sinead Fennelly
Type of Application	Retention
Planning Authority Decision	Grant Retention with Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Brian and Martina Wilson
Observer(s)	None
Date of a Inspection	27 th April 2026
Inspector	Patricia Byrne

1.0 Site Location and Description

- 1.1. The appeal site, extending to an area of 0.509Ha is situated at Castlebanny, Mullinavat Co. Kilkenny. Ballyhale is situated c. 3.0km to the north-west, while Mullinavat lies approximately 7.5km to the south. The property is accessed from Local Secondary Road LS 7547.
- 1.2. The site is partially divided by a hedgerow, separating the residential use in the east from the western section, served by a separate unsurfaced access lane and gated entrance. The southern section of the hedgerow has been removed and the ground cleared, with an area of compacted soil appearing to serve as a parking area to the south of the site. The eastern portion of the site contains the base of a demolished dwelling house, and a detached single storey structure (former garage) which is in residential use.
- 1.3. A dwelling house and associated buildings border the appeal site to the west. A dormer type structure with external stair well is located immediately adjacent the boundary which is poorly defined to this southwestern corner. To the south and east, the site is bounded by agricultural lands in pasture. An agricultural holding and further dwellings on large sites are positioned on the opposite side of the carriageway to the north.
- 1.4. A deep margin, partially in grass, lies between the public road and the front boundary of the plot which is formed by a low stone wall and planting. Two vehicular entrances are in situ, with a surfaced, splayed entrance serving the residential component and a further informal gated entrance further west serving the unsurfaced lane/access.
- 1.5. Ground levels generally fall from east to west.

2.0 Proposed Development

- 2.1. Planning permission was previously granted under P.A. Reg. Ref. 23/60591 for *inter alia*, alterations and renovations to an existing single storey dwelling and the incorporation of a former garage for use as a family flat. During the construction process, the existing dwelling was demolished. An accompanying letter states that the current proposal seeks to regularise matters, including in relation to the converted garage which will attach to the new dwelling.
- 2.2. In relation to the proposed house, plans provided indicate a single storey structure, 6.6m high with a gable fronted feature clad in stone. The remaining elevations will be finished in nap plaster, and the roof will be in slate. The floor plans indicate an overall area of

258.43sq.m., with the family flat extending to 98.35sq.m, connecting to the new dwelling via the utility room.

- 2.3. The application as initially proposed also provided for a work shed/store to accommodate plant and machinery, with no business or work activity envisaged therein. The plans indicate a gable fronted, portal frame building, 6.0m in height, 20.4m in length extending to 240sq.m. The structure is positioned to the northwest of the site, forward of the front building line of the dwelling to the west.
- 2.4. The site layout plan demonstrates amendments to the existing site entrance arrangements whereby an a centrally positioned twin entrance will be provided to serve both the dwelling and work shed/store. The existing boundary wall will be demolished and a new 1.35m wall in natural stone provided further north, with a consequent reduction in depth of the grass margin adjacent the public road. A double row of screen planting is also proposed.
- 2.5. A potable water supply is to be provided via an existing bore well to the south east, while a new on-site tertiary treatment system with sand polishing filter is proposed to replace the existing septic tank. This is to be sited to the north-eastern corner of the plot.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Kilkenny County Council by Order dated 19th December 2025 granted permission for the development subject to 15 no. conditions.

3.1.2. Conditions

The following conditions are noted:

Condition No. 1

'The development shall be carried out and completed strictly in accordance with:

- a) the conditions of this permission.*

b) the documents lodged with this application on the 27th June 2025 and as amended by the further information lodged on the 25th November 2025 except as otherwise required by the conditions of this permission.

c) The permission does not authorise proposed work shed / store as per revised significant information details lodged on the 25th November 2025’.

Condition No. 4 (a)

‘The applicant shall undertake all works to achieve the site visibility lines prior to the commencement of the main development in accordance with site layout plan Drawing No. 25/018 received stamp dated on the 27th June 2025. A single shared entrance only is permitted and involves closing of existing substandard residential accesses’.

Condition No. 9

‘All surface water run-off from roofs, driveways and paved areas shall be collected and disposed of within the curtilage of the site. Surface water run-off shall not be allowed to discharge onto the public road or interfere with adjoining properties. All soakways throughout the site shall be a minimum of 5m from the treatment system and associated percolation area / polishing filter and shall be designed and installed in accordance with BRE Digest 365 design standards. In addition to above, the following works are required;

a) Within six months of the grant of permission the disturbed area / hardstanding gravel finish area on the western section of the proposed site in proximity to neighbouring adjoining dwelling house property shall be reinstated with suitable topsoil and permanent grass or equivalent planting to restore infiltration and slow water movement down the slope toward adjoining dwelling or in accordance with details as otherwise agreed with the Planning Authority. The reinstatement works should be supervised by a suitably qualified and independent professional with relevant experience in soil restoration or civil engineering. On completion, the professional person / company etc shall provide a short-written certification to the Planning Authority confirming that the reinstated area is stable, the soil profile is appropriate for the slope and drainage conditions, and the works reduce the risk of water moving onto neighbouring property.

b) No additional stripping, excavation, grading or alteration of levels should be carried out on these lands without prior agreement with the Planning Authority and/or separate formal planning application supported by a full drainage assessment where appropriate.

c) Given the slope, shallow bedrock and the potential impact for groundwater flow, this section of land (western part of site bedside adjoining residential property) shall not be used for new structures, hard-standing, access tracks or similar works unless otherwise agreed with the Planning Authority supported with acceptable suitable surface water drainage management. The reinstated area shall be maintained in good condition to support natural infiltration and avoid renewed downslope water movement during periods of heavy rainfall'.

3.2. Planning Authority Reports

Planning Report

The initial planning report dated 21st August 2025 referenced the planning history of the site, relevant Development Plan policy and planning enforcement with respect to an unauthorised garage conversion. Matters raised by a third party were considered, as well as recommendations contained in inter-departmental reports. The planning officer referred to the demolition of the original dwelling and to the retained granny flat, noting that the replacement dwelling was considered acceptable in terms of design and finish. Concerns were expressed in relation to the scale and location of the work shed/store.

In relation to access arrangements, the report was favourable towards a single shared entrance and to the closure of the existing substandard entrance.

The proposed tertiary wastewater treatment system with sand polishing filter was considered acceptable and an environmental improvement on the existing septic tank system. The initial planning report culminated in a recommendation to seek Further Information.

Screening for Appropriate Assessment was undertaken by the planning authority, which determined that there was no likelihood of significant effects on a European site.

Planning Report following submission of Significant Further Information

Report dated 19th December 2025 examined the response to the request for Further Information, which was deemed to be significant in nature. Article 35 revised public notice

procedures were invoked. The applicant in responding to the request, proposed the removal of the work shed/store. The response also clarified that the family flat would be occupied by the applicants until the house was completed and thereafter by a member of the family. The flat was considered compliant with Section 13.15 of the Kilkenny City and County Development Plan.

In addition, the response provided results of soakaway testing conducted by Byrne McCabe Design and included proposals to install soakaways on site. Topographical survey results were supplied and the response provided clarity in relation to the function of the mechanical room and the intended use of attic floors for non-habitable purposes. A window excluded from the elevational drawings was reinstated in the updated drawings.

The planning report concluded with a recommendation to grant planning permission.

3.2.1. Other Technical Reports

Callan & Thomastown Area Office

Report dated 11th July 2025 refers to the location of the site off Local Secondary Road L-7547 where a speed limit of 60 kph pertains. The report stipulates that 90m sightlines are required in both directions from the entrance to the near side road edge. No objection is expressed to the development, subject to 5 no. conditions, all of which are of a general nature and content.

Environment Section

Report dated 16th December 2025 indicates no objection to the development in terms of wastewater disposal, stormwater management and potable water supply arrangements, subject to conditions pertaining to each. Further general conditions are included with regard to construction impacts, including waste management, air/noise protection and chemical/fuel storage. A further condition to mitigate unforeseen glint and glare impacts on third parties, is also included.

3.3. Prescribed Bodies

None on file.

3.4. Third Party Observations

A third-party observation raised the following matters:

- Permission should be refused due to the material contravention of the Development Plan.
- Planning and Enforcement history pertain to the site. The dwelling approved has been demolished and there is a failure to comply with the conditions of P23/60591.
- Concerns in relation to the location, excessive scale and intended use of the shed/store which would not be incidental to the dwelling.
- A planning condition relating to the approved location of the shed/store under a previous application was ambiguous and deprived third parties of clarity.
- Independent access arrangements give rise to impacts on residential amenity, facilitating independent operation of the shed/store.
- Concerns are raised in relation to surface water disposal and site conditions. Indemnity and evidence of professional insurance sought.
- Road safety and sightline concerns given failure to provide topographical survey, accurate information on planting, boundaries and evidence of ownership/consent for boundary alterations to achieve sightlines. Two entrances intensify traffic movements.
- Omission of data/information gives rise to loss of amenity to neighbouring dwelling.
- Status of earlier planning permission.
- Development is incremental, non-compliant and incompatible with the rural setting.

Third Party Observations following submission of Significant Further Information

A further observation was made by the third party on the 2nd December 2025 following the lodgement of Significant Further Information. The matters raised are set out below:

- Drawings lodged contain conflicting or outdated/superseded information, giving rise to lack of transparency and potential future confusion/lack of clarity as to the approved scheme. An accurate version of the proposed development should remain on the record.
- Dual access arrangements remain on the revised plans creating ambiguity.

- Absence of sight line and visibility assessment giving rise to road safety concerns.
- Concerns in relation surface water management on site and in relation to assessment.
- Removal of vegetation assists surface water ingress to neighbouring property. Without a hydrological assessment considering disturbed ground and proposed soakaway system, no assurance that drainage from the development can be contained.
- Ongoing activity at the site boundary impacts amenities and gives rise to risk of contamination. The site should be restored and activity halted.
- Planning Authority is requested to seek clarification of further information with regard to unresolved issues. Specific conditions regarding the eastern lands were included in the submission in the event that permission is awarded.

4.0 Planning History

P.A. Reg. Ref. 23/60591

Permission GRANTED for alterations, renovation and a single storey extension to existing dwelling to incorporate a former garage for use as a family flat, a new 240m² work shed/store, waste water treatment system plus all associated site works. Retention permission is also sought for unauthorised conversion of domestic garage to flat (for incorporation into the main dwelling) plus retention of unauthorised secondary site access.

P.A. Reg. Ref. 23/60047

Permission REFUSED for retention of domestic garage / store and associated site works.

ENF23048: Unauthorised conversion of a detached garage to habitable accommodation.

5.0 Policy Context

5.1. Development Plan

The Kilkenny City and County Development Plan 2021-2027 came into effect on the 15th October 2021 and is the operative Development Plan for the area. The following are relevant to this assessment:

Volume 1 County

- **7.8.5 Refurbishment and Replacement Dwellings in Rural Areas**

The Council will encourage and facilitate the appropriate refurbishment of existing housing stock and other structures in rural areas and in certain limited cases the replacement of existing dwellings subject to the criteria outlined below:

- In the case of replacement dwellings, to require proof that the original structure was last used as a dwelling and was a habitable dwelling so as not to invoke the policies under Section 7.8.3 Rural Housing Policies.
- In cases where retention or reuse of the existing dwelling is not technically feasible, the size and scale of any replacement dwelling should reflect the site's characteristics and context and shall accord with best practice in rural house design.

- **Section 7.8.6 Rural Housing Design Guidance**

Refers to the *County Kilkenny -Rural Design Guide* providing design guidance in relation to housing in the countryside.

- **Section 10.2.8 Development Management Requirements**

Requires *inter alia* that in the case of one-off rural dwellings or extensions, except in circumstances where an existing surface water drainage system is available to the proposed site for development and which, in the opinion of the planning authority has adequate capacity to accommodate the identified surface water loading, surface water shall be disposed of, in its entirety within the curtilage of the development site by way of suitably sized soak holes.

- **Section 13 Requirements for Development**

- **Section 13.15 Family Flat.**

Structure shall not be a separate detached unit; should be possible to provide direct access to the remainder of the house; no permanent subdivision of the garden. The 'family' flat shall not be let or sold, other than as part of the overall property and shall

revert to being part of the original house when no longer occupied by a family member. The design should ensure that the flat forms an integral part of the main dwelling unit, is capable of reintegration and shall generally be less than 50% of the floor area of the main dwelling. External doors will normally only be permitted to the side and rear of the house, with the presumption against an independent front door. Access shall be either from an internal door or by side door well screened from the front elevation. The design should have regard to the need for light and privacy of adjoining properties. The form and design of the existing building should be followed, and the extension should integrate fully with the existing building by using similar detailing and window proportions, materials and finishes.

- **Section 13.22 Rural Housing**

- **Section 13.22.1 Access and Sight Lines.**

An applicant must demonstrate safe vehicular access is provided in terms of visibility from a proposed entrance, but also in terms of impact on road traffic on the public road, through generation of turning and stopping movements by vehicles leaving and entering the proposed site. Applicants must adhere to the TII document Design Manual for Roads and Bridges (DMRB) and TII Standard DN-GEO-03060 Geometric Design of Junctions when assessing planning applications and DMURS and TII Standard DN-GEO-03084 where appropriate.

- **Section 13.22.2 Waste Water Treatment Systems.**

Sites will be assessed in accordance with the EPA Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) (EPA Code of Practice 2021) or any subsequent revisions or replacement.

Archaeology

Archaeological remains including a castle in ruins (KK036-003) and a Ringfort-Rath (KK036-004) are located on lands due north of the site.

5.2. Natural Heritage Designations

The site is not located within or bounding a Natura 2000 site. The following natural heritage designations relate:

River Barrow and River Nore SAC (Site Code 002162) c. 3.50km

Hugginstown Fen SAC (Site Code 000404) c.3.6km

River Nore SPA (Site Code 004233) c. 9.3km

pNHA Kilkeasy Bog (Site Code 000839) c. 1.2km

pNHA Hugginstown Fen (Site Code 000404) c 3.6km

6.0 EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

7.0 The Appeal

7.1. Grounds of Appeal

The decision of the Planning Authority is the subject of a Third-Party appeal by Brian and Martina Wilson. The matters raised are summarised below:

- The public record does not contain a definitive, co-ordinated set of drawings and documents (a decision set) which can be relied upon by a third party to determine which elements are permitted and which are excluded. This undermines both public participation and the assessment and gives rise to the possibility of future disputes as to which elements are authorised.
- The file contains conflicting/outdated drawings.
- Condition 1(c) does not authorise the work shed/store, yet drawings and references referring to the structure remain within the planning record.

- A permission is not capable of implementation or enforcement with certainty where a major element of a proposal is excluded by planning condition yet continues to form part of the assessed record.
- Attachment of planning conditions cannot 'fix' a file or resolve underlying uncertainty and the appropriate outcome is to refuse permission.
- Concerns in relation to the management and disposal of surface water. The surface water report provided indicates that the test area may have been disturbed or comprises made ground which may not represent natural infiltration behaviour. BRE Digest requires infiltration testing provide representative results for the proposed soakaway location and a site must be examined for issues that would affect long term percolation and stability. The decision does not satisfactorily assess risk to adjoining properties.
- BRE Digest 365 links testing and investigation to design. The method is intended to prevent over-optimistic outcomes by tying the test to the soakaway position / depth and by taking a conservative view where conditions vary. The decision record does not indicate how the altered ground was addressed such that the results may be treated as representative of the final soakaway locations and depths. The record does not set out a defined exceedance / overflow route for prolonged rainfall or reduced infiltration performance which is a concern given the sloping site and relationship to adjoining lands.
- Concerns raised in relation to sight line assessment. The planning history and documentation records a changing context in relation to road speeds and sight lines and at stages, indicates more than one entrance. The public file does not demonstrate one clear access proposal supported by surveyed sightline drawings with consistent assessment.
- The Commission is requested to determine that the application has not been properly defined, and the assessment is unreliable. Refusal is the correct planning outcome. Additional conditions cannot resolve underlying uncertainty.

7.2. Applicant Response to Third Party Appeal

The applicants, Gerard and Sinead Fennelly have provided a response to the matters raised in the third-party appeal. The issues raised are summarised below:

- Planning permission was granted for a dwelling house under Reg. Ref. P95/485. Permission to convert the garage to living accommodation (granny flat) and to build a dwelling house and shed/workshop was permitted under Reg. Ref. P2360591.
- Site works had commenced, including to the western section of the site, relating to the shed/workshop. During construction, the existing house was demolished. An Enforcement Notice issued under ENF 23048.
- The work shed/store has been removed from the proposal to address concerns raised by the neighbouring property owners.
- The grant of permission is neither unclear nor contradictory regarding the work shed/store. Condition No.1(c) does not authorise the structure as per the revised significant information lodged. The revised public notices and plans also refer to the omission of the work shed/store.
- Section 382 of the Planning and Development Act 2024 requires planning authorities to maintain a planning register. Section 383 of the Act sets out the documents to be made available. Section 384 requires the planning authority to make the register and documents referred to in Section 383 publicly available.
- Given the legislative requirements, references and other materials relating to an application remain a matter of public record and cannot be removed. Therefore references/superseded drawings and particulars relating to the structure must be retained on file.
- The current legislative framework does not require planning authorities to produce a single co-ordinated decision set. To assist with clarity, and to address the appellants concerns, a consolidated set of drawings taking account of the conditions of permission are provided.
- It is acknowledged that outdated and conflicting drawings were provided as part of the significant further information, including plans which continued to show elements to be removed and earlier access arrangements. It is contended that this does not constitute a valid ground for appeal.
- A previously prepared topographical survey was re-used as part of the application.

- To address the perceived lack of clarity in relation to the disposal of surface water and reference to altered ground conditions, the first party provides a letter from Byrne and McCabe Design Ltd. No evidence is provided by the appellants to support the claim that the surface water disposal strategy is unreliable and not in accordance with BRE Digest 365.
- Reference to the potential presence of altered ground is taken into account out of an abundance of caution.
- An area to the west of the site has been stripped in preparation for development but will be reinstated as per Condition no. 9 of the decision. Testing to BRE Digest 265 was requested as part of the Further Information request and three surface water soakaways are to be installed on site.
- The absence of gutters and downpipes to manage roof run-off on the third-party property contributes to pooling at the perimeter and flow onto the appeal site. This contravenes a condition of permission.
- No evidence is provided by the appellants to support the claim that inadequate surface water proposals will impact their property.
- The third party does not clarify how the assessment of site access and sightlines have been incorrectly completed. The layout plan indicates sightlines as per Development Plan requirements. The proposal was deemed acceptable by the area office and no further requirements sought.
- Speed limits on local tertiary roads changed from 80km/hr to 60km/hr after 7th February 2025. The planning history on the site up to this date reflects the earlier speed limit and consequent sightlines. The proposal is based on a single site entrance and the closure of an existing residential access.
- Failure by a third party to understand the planning process, including the professional assessment of the planning authority and technical details supplied is not a legitimate reason for refusal.

Byrne and MacCabe Design Ltd- Planning and Engineering Services.

- The response of the first party contains a further report from Byrne and McCabe Design Ltd. with respect to the assessment conducted for surface water disposal. The response is summarised as follows:

- A copy of Public Indemnity PI insurance of the firm is sent yearly to the local authority.
- The soakaway test was carried out as per BRE Digest design criteria and the design of the soakaways are carried out to the Wallingford procedure as required by the local authority.
- In relation to ground conditions, the ground referred to as being altered is further away from the proposed soakaways. Topsoil on the lower part of the field is of less depth than the remainder of the site, and no soakaways are proposed in this area.
- For steeply sloped sites during a storm event, surfacewater will flow across the natural ground and find its own path to the nearest receptor/stream ditch.
- The report refers to the absence of gutters to the roof of the garage on third party lands which may be contributing to surface water ponding. If the roof has not had the benefit of a gutter, downpipe or soakway it may have eroded or compacted topsoil reducing its ability to absorb rainfall. Condition No. 3 of the associated permission PL 08/876 required the collection and disposal of surface water within the site. New planting was also proposed to the boundary at that time
- Report proposes the planting of certain tree types used in SuDs nature-based design to the inside of the boundary to prevent surface water from entering the site and to assist in water absorption.

7.3. Planning Authority Response

None on file.

7.4. Observations

None on file

8.0 Assessment

- 8.1. This is a Third-Party appeal against the decision of Kilkenny County Council to Grant Permission in respect of Reg. Ref. 2560387. I am satisfied, having examined the details of the application and all other documentation on file and having visited the site, that the main issues for consideration relate to the following:

- Principle of Development
- Application Documentation
- Surface Water Disposal
- Site Access
- Work Shed/Store
- Other Matters

8.2. Principle of Development

- 8.2.1. This appeal relates to an elevated rural site where the applicants have previously received planning permission for design alterations to a dwelling house and for the incorporation as part of that dwelling of a former garage (in current use as a family flat). The dwelling house was subsequently demolished with just the base now remaining, together with the detached family flat.
- 8.2.2. The site is located within an area Under Urban Influence as identified in the Kilkenny City and County Development Plan 2021-2027 (Volume 1). As such, applications for dwelling units in such areas would be expected to comply with the provisions of the Development Plan, including the County's Rural Settlement Strategy as set out under Section 7.8. The applicant's compliance with the settlement strategy was not raised by the planning authority in its assessment.
- 8.2.3. I note Section 7.8.5 of the Development Plan relating to Refurbishment and Replacement Dwellings in Rural Areas. The Council will encourage and facilitate the appropriate refurbishment of existing housing stock, and in certain limited cases, the replacement of existing dwellings. In the case of replacement dwellings, proof that the original structure was last used as a dwelling and was habitable, is required so as not to invoke Section 7.8.3 Rural Housing Policies.
- 8.2.4. Notwithstanding the demolition of the dwelling unit on site, I am satisfied given the recent permission under P.A. Reg. Ref. 23/60591 for alterations, renovation and extension of that dwelling, that the established use of the appeal site remains as residential and that

compliance with the county's rural settlement strategy, including demonstration of qualifying criteria to reside in an area under urban influence is not required.

8.2.5. While the floor area proposed has been extended from the original, I am satisfied that the overall design and scale of the structure is acceptable.

8.3. Application Documentation

8.3.1. The appellants are concerned that there is no single set of approved plans/documents associated with the decision of the planning authority. This is perceived to give rise to concerns that the decision record is unclear, inconsistent and undermining of public participation in the planning process. It is further considered that the assessment gives rise to the possibility of future disputes as to which elements are authorised.

8.3.2. The determination of a planning application is a somewhat iterative process. The planning authority in its assessment must examine the proposal in light of numerous factors, including its compliance with policies and objectives of the adopted Development Plan, Ministerial Guidance and Codes of Practice. In order to arrive at a decision, the planning authority must also fully consider third party submissions, reports from its own internal divisions and inputs from prescribed bodies, where they arise. I have reviewed in full the planning application lodged under P.A. Reg. Ref. 2560387 and the process undertaken by the planning authority in its assessment, culminating in a decision to grant retention and to grant permission on the 19th of December 2025. The assessment included the issuing of a request for Further Information on the 20th of August 2025, and the determination that the response to same was significant in nature, necessitating revised public notice procedures. I note also that the revised public notices subsequently prepared specifically referred to the removal of the work shed/store.

8.3.3. Part III of the Planning and Development Act 2000, as amended relates to the Control of Development, which in turn is supported by the legislative requirements of the Planning and Development Regulations 2001, as amended. Section 38 of the Act refers to the *Availability of Documents Relating to Planning Applications* and prescribes that a planning authority must make available for inspection, all documents pertaining to the application. This

includes, *inter alia*, any particulars, environmental impact assessment report, other written study or further information received or obtained by the planning authority from the applicant in accordance with the regulations under the Act and copy of any submissions or observations. As such, there is a legislative requirement that documents forming part of the application must be maintained as a record.

8.3.4. While the appellants argue that continuing to hold information on file, which may be superseded as the process proceeds, results in a lack of transparency; I am of the view that the inclusion on file of all documents considered in arriving at the decision is fundamental to both the process and to the principle of transparency. I do not agree, as contended by the appellants, that a permission is not capable of implementation or enforcement where an element excluded by planning condition, continues to form part of the record. Equally, I do not concur that the inclusion of such material or the absence of a single set of approved plans gives rise to concerns in relation to enforceability or dispute as to status of elements.

8.4. Surface Water Disposal

8.4.1. I refer to the concerns raised by the appellants in relation to the management and ultimate disposal of surface water and impacts on the adjoining property. I note in particular, concerns that sections of the site comprise of altered or made-ground which may not be representative of natural infiltration. Also, that the proposal does not clarify the manner of disposal in times of prolonged rainfall or reduced infiltration performance, particularly given the sloping nature of the site and relationship to adjoining lands.

8.4.2. I note from site inspection an area of disturbed ground to the western/south-western end of the site which would appear to be used for the parking of vehicles and machinery. I note also the absence of a complete boundary at the southern-western corner of the site with the appellants property.

8.4.3. The applicant undertook in response to the request for further information a soakaway test conducted by Byrne and McCabe Design Ltd. The report proposes two soakaways for the dwelling and one for the hard standing area (road and parking) and reference is made to Drawing No. 25-191-001 illustrating same. A section through a soakaway is provided on the

same drawing. I note also reference on Page 3 of the report by Byrne and McCabe to text stating *'existing trial holes on the lower section of site excavated for percolation test depth to bedrock 0.6m to 0.8m (ground may have been altered in this section in the past)'*. The appellants infer from this statement that the test results may be flawed and not representative of drainage conditions. I note the updated report from Byrne and McCabe Design which states that topsoil on the lower part of the field is of less depth than the rest of the site, but that no soakaways are proposed in this area. I note in this regard the southernmost soakaway depicted as being within a future lawn area.

8.4.4. While I note the comments of the first party concerning the absence of rainwater goods contributing to surfacewater ponding on adjoining lands, I am of the view that notwithstanding any such contribution, it is incumbent on the applicants to ensure that surface water arising from the proposed development is disposed of within the confines of the appeal site.

8.4.5. I refer the Commission to Condition No. 9 of the planning authority's decision to grant permission which required the disturbed area / hardstanding gravel finish on the western section of the site to be reinstated with suitable topsoil and permanent grass or equivalent planting to restore infiltration and slow water movement down the slope toward adjoining dwelling or in accordance with details as otherwise agreed with the Planning Authority. The reinstatement works are to be supervised by a suitably qualified and independent professional with relevant experience in soil restoration or civil engineering. On completion, the condition requires written certification to be provided to the planning authority confirming the reinstated area is stable, the soil profile is appropriate for the slope and drainage conditions, and the works reduce the risk of water moving onto neighbouring property. The condition also requires that the area not be subject to additional stripping, excavation, grading or alteration and not be used for new structures, hard-standing, access tracks or similar works unless otherwise agreed with the Planning Authority. A timeline of six months was imposed for such reinstatement.

8.4.6. I am of the view, having inspected the area concerned, that a similar condition, coupled with the installation of surface water soakaways to BRE Digest 365 requirements as specified in the Significant Further Information submission would provide a robust response to the matter of surface water disposal. Such condition would furthermore result in a significant

improvement to the visual appearance of the site, particularly to west. It is suggested that if the Commission is minded to permit this development, consideration should be given to including a similar condition.

8.4.7. Additionally, planting could be introduced to augment deficiencies in the western site boundary, noting that species used in SuDs nature-based designs are recommended within the Byrne and McCabe Design report and include English/Penanale oak, Silver Birch, (quick growing), Alder and Mountain Ash.

8.5. **Site Access**

8.5.1. The development proposes the regularisation and consolidation of access arrangements to serve the site, providing for a central splayed access with twin entrance points and the removal of a substandard unauthorised access. The twin entrances were intended to serve the dwelling house/family flat and separately, the work shed/store. As this feature has been omitted, the requirement for this access is no longer clear and if the Commission is minded to award permission, consideration could be given to removing same and its associated driveway.

8.5.2. I refer the Commission to the report of the Callan/Thomastown area office and the finding that the speed limit of this local secondary road is 60kph and that 90m sightlines are available in both directions to the nearside road edge. Having examined the site, proposed access and sight visibility splays, I agree that satisfactory access arrangements may be provided, and that the regularisation of access arrangements on site is welcomed. Condition No. 4 (a) of the planning authority's decision refers to the Drawing No. 25/018 received on the 27th of June 2025, requiring that all works to achieve site visibility lines be undertaken prior to the commencement of the main development. I consider this condition to be reasonable and ensures the timely delivery of an improved site access at an early stage of the development.

8.6. **Work Shed/Store**

- 8.6.1. As part of the response to the request for Further Information lodged on the 19th of November 2025, the applicants proposed the removal of the work shed/store. This revision was also described in the revised public notices. The planning authority under Item No. 1 of the request had raised concerns regarding the scale of the structure, considering it excessive in a domestic setting. A reduction in scale, repositioning on site and clarity as to the intended use were requested.
- 8.6.2. While I note that the principle of a work shed/store of the same floor area was permitted as part of P.A. Reg. Ref. 23/60591, the siting of the structure was subject to Condition No. 5 which required it to *'be relocated to an alternative location to the rear of the site to be agreed with the Planning Authority prior to commencement of development. Alternative location B is the preferred option or similar as shown on the revised site layout plan.* Location B was shown to the southwest. While I note the accepted principle of development, I am concerned that final positioning of the structure was not fully resolved and there remained a degree of ambiguity as to how Condition 5 would be discharged. In this regard, I agree with the concerns raised by the third parties regarding this matter.
- 8.6.3. Notwithstanding the previous application and subsequent permission, under the current proposal the structure is once more to be located forward of the applicant's dwelling house and that of the third-party dwelling to the west. Furthermore, the applicants did not engage with the planning authority's invitation to amend the scale/extent and position of the structure in response to the concerns raised, electing instead to omit the shed/store.
- 8.6.4. Consequently, given the uncertainty as to the rationale and justification for the structure, particularly its scale in this residential context, I am of the view that the structure should continue to be omitted from the current scheme.
- 8.6.5. In reviewing the decision of the planning authority, I note reference in the First Schedule to the omission of the proposed store shed with a further specific reference in the Second Schedule under Condition No. 1(c) where the planning authority directs that the decision does not authorise the work shed/store as per revised significant further information lodged on the 25th of November 2025. I am of the view therefore, that the decision is far from ambiguous in its determination of this element of the proposal.

8.6.6. I refer the Commission to the response of the first party which includes drawings and particulars prepared taking into account the conditions of the decision. I note in particular Drawing No. 25/018 which specifically excludes the work shed/store.

8.7. Other Matters

8.7.1. Archaeology

Given the proximity of the appeal site to known archaeological remains to the north, including a castle in ruins (KK036-003) and a Ringfort-Rath (KK036-004), I consider it appropriate that a planning condition be included requiring that where archaeological material is discovered, the National Monuments Service, Department of Housing, Local Government and Heritage, together with the National Museum of Ireland, be notified.

8.7.2. Conflicting and Outdated Drawings

The appellants refer to conflicting and outdated drawings and particulars forming part of the application. The planning history of the site reveals a changing context in terms of road speed and sightline requirements, with earlier permissions referencing a speed limit of 80kph which has since reduced to 60 kph since 7th February 2025 under the Road Traffic Act. This gives rise to a related reduction in the extent of sightlines required, leading to perceived ambiguity when reviewing older planning files.

The first party acknowledges that the significant further information response contained an outdated site layout plan. I note Drawing No. 101PL in this regard, which indicated two separate access points and the continued presence on site of the work shed/store, contrary to the overall response to the Further Information. The intent of the drawing appears to have been to illustrate topographical data collated as part of an earlier application.

While I agree that the inclusion of the drawing as part of the significant further information response could give rise to limited ambiguity, I am of the opinion that when read as part of response in its entirety, together with the attachment of specific planning conditions, and revised public notices, clearly articulates the nature and extent of the permitted scheme.

Waste Water Disposal

The scheme provides for a tertiary wastewater treatment system and sand polishing filter, with the site suitability assessment conducted on the 29th-30th November and 1st December 2023. The system has been designed to accommodate 6 no. bedrooms with a maximum occupancy of 8 no. persons. The site is located within an area with a locally important aquifer with extreme vulnerability. A ground water protection response of R2 1 refers and bedrock was encountered at 1.0m in the trial hole.

The site is served by an existing borewell. A P-value of 12.17 and T-value of 13.17 were recorded. I note the proposal for a sand polishing filter is based on a PE of 8 and not 10 (4 double bedrooms in the dwelling and 2 no. single bedrooms within the family flat) as shown on the plans lodged. I note no objection in principle from the Environment Section of the planning authority, subject to conditions.

The proposed proprietary treatment system replaces an existing septic tank system. Given the potential for the development as a whole to accommodate 10 PE, the treatment system should be adjusted accordingly. I am satisfied based on the documentation on file that the development as proposed is substantially compliant with the separation distances and other requirements of the Environmental Protection Agency Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) 2021.

9.0 AA Screening

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

The separation distances between the appeal site and Natura 2000 sites situated in the wider area are set out below:

River Barrow and River Nore SAC (Site Code 002162) c. 3.50km

Hugginstown Fen SAC (Site Code 000404) c.3.6km

River Nore SPA (Site Code 004233) c. 9.3km.

The development of this brownfield site in a rural location comprising the retention of demolition of the original dwelling house, permission for retention of original garage as

converted to a granny flat, reconstruction of the original dwelling house with alterations to the design with attachment of garage/granny flat; shed/store, newly located site entrance, new sewage treatment system and percolation area, including all necessary site works.

- 9.2. The planning authority undertook Appropriate Assessment Screening, determining that significant effects were not likely to arise, either alone or in combination with other plans and projects that would result in significant effects to any Natura 2000 areas. A full Appropriate Assessment of this project was not required.
- 9.3. No nature conservation concerns were raised in the planning appeal.
- 9.4. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:
- Nature of the works i.e. construction of a single storey dwelling house, work shed/store and retention of a family flat and associated site works.
 - Location and distance from the nearest European site and lack of connections.
 - Taking into account determination of the Planning Authority.
- 9.5. I conclude on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site, either alone or in combination with other plans or projects.

Likely significant effects are excluded and thereafter Appropriate Assessment (under Section 177V of the Planning and Development Act 2000), as amended, is not required.

10.0 Water Framework Directive

- 10.1. The subject site is located in the rural area of Castlebanny, Mullinavat Co. Kilkenny. The development comprises the retention of demolition of original dwelling, construction of a single storey dwelling, a work shed/store and the retention of original garage as a converted granny flat, with associated site works including on site waste water treatment system and revised entrance. Surface water run off was raised during the planning appeal and will be disposed of to soakaways. The appeal site is separated by a distance of approximately 633m from the River Blackwater (Kilmacow)_010 IE_SRE_16B020080 to the southeast and

is approximately 1.1km from the River Knockwilliam_010 IE_SE_15K750910 to the northwest. The site is within the Nore Water Framework Directive Catchment ID15.

- 10.2. No direct or indirect discharge to a watercourse is proposed, including surface water run-off, groundwater run-off or drainage. I note in this regard proposals to provide soakaways and a proprietary wastewater treatment system to serve the scheme. Provision of an on-site wastewater treatment system with sand polishing filter designed to the requirements of the EPA Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent \leq 10) 2021 would provide appropriate mitigation.
- 10.3. I have assessed the 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 ground water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:
- Nature of works concerning the construction of a single storey dwelling house, retention of family flat, work shed/store and associated works.
 - Location-distance from nearest water bodies and/or lack of hydrological connections and subject to compliance with the EPA Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent \leq 10) 2021.
 - 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

I recommend a decision to grant permission for retention and to grant permission.

12.0 Reasons and Considerations

Having regard to:

- (a) The provisions of the Kilkenny City and County Development Plan 2021-2027
- (b) The planning history of the site, including residential use thereof.
- (c) The design and layout of the proposal and the pattern of development locally

It is considered that the proposed development, subject to the conditions set out below would not adversely impact the character of the area or seriously injure the amenities of neighbouring properties. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

COND 1.	<p>The development shall be retained and carried out in accordance with the plans and particulars lodged with the application on the 27th June 2025, as amended by the significant further information, plans and particulars received by the planning authority date stamped 19th November 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interests of clarity.</p>
COND 2.	<p>Prior to the commencement of development, a revised site layout plan shall be submitted for the written agreement of the planning authority demonstrating the omission of the proposed work shed/store and associated area of hard standing and access/driveway thereto.</p>

	<p>Development shall not commence on site in advance of the written agreement of the planning authority being received in relation to the foregoing.</p> <p>Reason: In the interests of clarity.</p>
COND 3.	<p>All works to achieve sight visibility splays detailed on Drawing No. 25/018 lodged with the planning authority on the 27th June 2025 shall be undertaken, prior to the commencement of development in relation to the dwelling house.</p> <p>Prior to the commencement of development, revised plans detailing the following shall be submitted for the written agreement of the planning authority:</p> <p>(a) A single entrance to serve the dwelling house shall be provided off the splayed entrance. The entrance previously intended to serve the work shed/store shall be removed.</p> <p>(b) All boundary treatment, including hedgerow planting, shall be set back behind the identified sight visibility lines and the required sight visibility lines in both directions shall at be kept free of all obstructions in perpetuity.</p> <p>(c) Details of the set back of the entrance gates from the roadside boundary, all finishes to the splayed recessed access and verge area between the front boundary and the public road, the design and finish of the front boundary walls/piers and all details relating to road side drainage shall be submitted to and shall be agreed in writing with the planning authority prior to the commencement of development.</p> <p>Reason: In the interests of road traffic safety.</p>
COND 4.	<p>The independent family unit for a family member shall not be sold, let or otherwise conveyed as an independent living unit and shall revert to use as part of the main dwelling on the cessation of such use. The existing garden and curtilage of the overall residential property on this site shall not be subdivided.</p>

	Reason: In the interest of residential amenity and in order to comply with the provisions of the Kilkenny City and County Development Plan 2021-2027.
COND 5.	<p>All surface water run-off from roofs, driveways and paved areas shall be collected and disposed of within the curtilage of the site in accordance with the report prepared by Byrne and McCabe Design Ltd date stamped 19th November 2025. Surface water run-off shall not be allowed to discharge onto the public road or interfere with adjoining properties. All soakways throughout the site shall be a minimum of 5m from the treatment system and associated percolation area / polishing filter and shall be designed and installed in accordance with BRE Digest 365 design standards.</p> <p>Reason: In the interests of public health.</p>
COND 6.	<p>The following shall be complied with:</p> <p>(a) Within six months of this decision, the area of hardstanding to the western section of the site in proximity to third party dwelling house shall be reinstated with suitable topsoil and permanent grass to restore infiltration. The reinstatement works shall be carried out to an agreed method statement and shall be supervised by a suitably qualified and independent professional with relevant experience in soil restoration or civil engineering.</p> <p>(b) On completion of works in (a) above, written certification from a suitably qualified and indemnified professional that all works been completed in accordance with the agreed method statement and confirming that the reinstated area is stable and the soil profile is appropriate for the slope and drainage conditions shall be submitted to the planning authority.</p> <p>(c) the reinstated lands shall not thereafter be used for the storage of vehicles, equipment or other uses not directly related to the residential use of the site.</p> <p>Reason: To ensure the appropriate disposal of surface water on site and in the interests of residential amenity.</p>
COND 7.	The following shall be complied with:

	<p>(a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted on the 27th June 2025 and shall be in accordance with the standards set out in the document entitled Code of Practice-Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) – Environmental Protection Agency, 2021.</p> <p>(b) The system shall be designed to accommodate a total of 10 PE (8 PE as per the dwelling house and 2 PE from the family flat) Revised plans demonstrating this revision shall be submitted for the written agreement of the planning authority prior to the commencement of development on site.</p> <p>(c) Treated effluent from the wastewater treatment system shall be discharged to a polishing filter which shall be provided in accordance with the standards set out in the document entitled ‘Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10)’ – Environmental Protection Agency, 2021.</p> <p>(d) The existing wastewater treatment system shall be decommissioned in an environmentally safe manner.</p> <p>(e) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.</p> <p>Reason: In the interest of public health and to prevent water pollution.</p>
COND 8.	<p>Full details of all boundary planting, which shall comprise a double hedgerow with constituent mix of deciduous shrubs suitable for hedging and native to the area shall be submitted for the written agreement of the planning authority</p> <p>All planting shall be provided in the first planting season following commencement of construction on site and shall be maintained indefinitely</p>

	<p>thereafter, with supplementary planting of similar species where failure occurs.</p> <p>Reason: In the interests of visual amenity.</p>
COND 9.	<p>The first floor of the dwelling house and family flat shall be used for storage purposes only and any change of use for habitable purposes shall require the written consent of the planning authority.</p> <p>Reason: In the interests of clarity.</p>
COND 10.	<p>External finishes to the dwelling house shall comply with those indicated on plans and elevational drawings lodged on the 27th June 2025.</p> <p>Reason: In the interests of visual amenities.</p>
COND 11.	<p>The water supply to serve the dwelling and family flat shall have sufficient yield to serve the proposed development, and the water quality shall be suitable for human consumption. Details, demonstrating compliance with these requirements, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To ensure that adequate water is provided to serve the proposed dwelling, in the interest of public health.</p>
COND 12.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.</p> <p>Reason: In the interests of visual and residential amenity.</p>
COND 13.	<p>If, during the course of site works any archaeological material is discovered, the County Archaeologist/Planning Authority shall be notified immediately. The developer is further advised that in this event, under the National Monuments Act, the National Monuments Service, Department of Housing, Local Government and Heritage and the National Museum of Ireland shall also be notified.</p> <p>Reason: In the interest of preserving or preserving by record</p>

	archaeological material likely to be damaged or destroyed in the course of development
COND 14.	<p>The developer shall pay to the planning authority a financial contribution of €_____ (_____euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission</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.

Patricia Byrne
 Planning Inspector
 5th May 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	ACP-500677-KK-26
Proposed Development Summary	Permission for retention of demolition of original dwelling house, and retention of original garage as converted to a granny flat. Permission to reconstruct the original dwelling house with alterations to design with attachment to garage / granny flat. Permission for utility room to granny flat and for workshed/store, newly located site entrance. Sewage treatment system and percolation area, including all necessary site works.
Development Address	Castlebanny Mullinavat 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 checked="" type="checkbox"/> Yes, it is a Class specified in Part 1.	Class 10(b) Part 2 Schedule 5 Construction of more than 500 dwelling units

<p>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</p>	
<p><input 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>Permission for retention of demolition of original dwelling house, and retention of original garage as converted to a granny flat. Permission to reconstruct the original dwelling house with alterations.</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"/>	
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	PL-500677-KK-26
Proposed Development Summary	Permission for retention of demolition of original dwelling house, and retention of original garage as converted to a granny flat. Permission to reconstruct the original dwelling house with alterations to design with attachment to garage / granny flat. Permission for utility room to granny flat and for workshed/store, newly located site entrance. Sewage treatment system and percolation area, including all necessary site works.
Development Address	Castlebanny Mullinavat Co. Kilkenny.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The site is brownfield in nature containing the base of a demolished dwelling house and former garage which has been converted to residential use.</p> <p>The proposal will facilitate the development of a new site access with new on site wastewater treatment system to replace an existing septic tank system. The site area is stated as 0.509Ha.</p> <p>The development does not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health</p>
Location of development	The development is situated in a rural area and comprises a brownfield site which previously

<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 reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>accommodated a dwelling house. The development is removed from sensitive natural habitats, centres of population and designated sites and landscapes of identified significance in the Kilkenny City and County Development Plan.</p> <p>The site is located c.3.5km from the River Barrow and River Nore SAC (Site Code 002162) and c.3.6km from Hugginstown Fen SAC (Site Code 000404) and c.9.3km from River Nore SPA (Site Code 004233)</p> <p>No cultural or historic impacts arise.</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>Having regard to the modest nature of the proposed development providing for a single dwelling house with new wastewater treatment system, shed and revised site access; its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in Section 171A of the Act.</p>
<p>Conclusion</p>	
<p>Likelihood of Significant Effects</p>	<p>EIA is not required.</p>
<p>There is no real likelihood of</p>	

significant effects on the environment.	
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Inspector: _____ **Date:** _____