



### Development

A single storey residence, detached garage, splayed site entrance, driveway, borewell, wastewater treatment system and soil polishing filter and all associated site works

### Location

Ballyhale, Co. Kilkenny

### Planning Authority

Kilkenny County Council

### Planning Authority Reg. Ref.

2560715

### Applicant(s)

Brendan and Michelle Costelloe

### Type of Application

Permission

### Planning Authority Decision

Refuse Permission

### Type of Appeal

First Party Normal Planning Appeal

### Appellant(s)

Brendan and Michelle Costelloe

### Observer(s)

None

### Date of Site Inspection

23<sup>rd</sup> March 2026

### Inspector

Caryn Coogan

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## 1.0 Site Location and Description

- 1.1. The subject site is 0.319ha located along a local rural road, 700m southwest of Ballyhale village in Co. Kilkenny.
- 1.2. The site has a regular configuration and is located at the end of a row of linear/ ribbon development houses (7No.) with a dairy farmyard on the opposite side of the road to the subject site.
- 1.3. The site is substantially level with a slight fall away to the rear of the site. The site forms the corner of a large field used for grazing. There are views across the wider area to the northwest from the site.

## 2.0 Proposed Development

- 2.1. Permission for a single storey private residence (297sq.m.), detached garage, splayed site entrance, driveway, borewell, wastewater treatment system and soil polishing filter and all associated site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

Kilkenny Co. Co. **REFUSED** the proposed dwelling for the following reasons:

1. Having regard to the concentration and pattern of single residential developments along this narrow local road the proposed development represents the eighth house within a 250m road stretch on one side and will extend, strengthen and consolidate a haphazard pattern of ribbon development. It is the policy of the Council to discourage ribbon development as set out in Section 7.8.3 of the current County Development Plan to avoid a proliferation of houses resulting in overdevelopment. It is considered therefore that the proposed development is in contravention of the policy provisions of the Kilkenny City and County Development plan (2021-2027), would be injurious to the visual amenity and rural character of the area and lead to demands for the uneconomic provision of public services outside of the Ballyhale settlement area. Consequently, the proposal is

considered contrary to proper planning and sustainable development of this rural area.

2. The applicant has not demonstrated sufficiently compliance with the provisions of section 7.8.4 of the Kilkenny City and County Development Plan 2021-2027.
3. The applicant has not demonstrated sufficient legal interest and/or consent from adjoining landowner to set back roadside boundary in a westerly direction to achieve safe entrance visibility splay at proposed entrance and in the absence of same, the minimum 90metre sightlines cannot be achieved and proposed development represents a traffic safety hazard endangering public safety and obstruction of road users.

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

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

- The site is located in an Area under Urban Influence having regard to the Kilkenny City and County Development Plan 2021 -2027.
- The applicant is from and grew up in Ballyhale and attended local national primary and secondary school in Ballyhale. Both applicants are employed by the HSE based in Kilkenny City. The family homestead where the applicant grew up is located approx 250metres north of the proposed site.
- 21660 – Permission granted for a private residence, detached garage, vehicular entrance and driveway, borewell, waste water treatment system etc. Applicant Brendan and Michelle Costello. This site is located between Stoneyford and Ballyhale village and was not implemented. This permission expires on the 8/05/2027. However, it is considered the applicant's rural housing need has already been met and does not comply section 7.8 Rural Settlement Strategy of the Kilkenny City and County Development Plan 2021-2027.
- The current proposal would lead to an extension of an existing linear pattern of development along this local road and would be the 8th dwelling within 250metres of road frontage, which constitutes ribbon development as defined in the Dept of the Environments Sustainable Rural Housing Guidelines and

section 7.8.3 Rural Housing Policy of the Kilkenny County Development Plan 2021.

- A secondary wastewater treatments system and raised soil polishing filter to serve a minimum PE5 as per EPA 2021 Code of Practice guidelines is proposed. The site suitability assessment was carried out by an approved site assessor. The nearby houses are connected to public water supply mains.
- Up to 37m of boundary hedgerow requires removal to achieve sightlines which are to be replaced with sod and stone earth mound and native hedgerow. The Area Engineer has expressed no objections to proposed sightlines subject to conditions. It is noted no consent from adjoining landowner is enclosed to authorize boundary removal as per third party submission received and in the absence of same the applicant does not have sufficient legal interests / consent to carry out the works to achieve minimum sightlines required in a westerly direction from the entrance, therefore resulting in a traffic hazard.
- A further dwelling at this site would detract from and be injurious to the visual amenity and rural character of the area and would extend an undesirable pattern of ribbon development.
- A refusal is recommended.

### 3.2.2. **Other Technical Reports**

- The Area Engineer had no objection to the proposed development.
- Environment Section recommended Further Information regarding the proposed sewage treatment system.

### 3.3. **Prescribed Bodies**

The application was not referred to the Prescribed Bodies.

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

There were two third party objections to the proposed development:

- Proposed entrance is 50metres away from a dairy farm entrance. The dairy farm operation and livelihood would be directly impacted by proposed development and traffic machinery use.
- Proximity of new dwelling close to their farm may give rise to complaints on farm noise and odours and future conflict.
- Proposed development is incompatible with established agricultural use and character in the area.
- No consent to remove third party hedgerows to provide required sightlines.

## 4.0 Planning History

- 4.1. There is no relevant planning history associated with the subject site.
- 4.2. There are two planning permissions associated with the applicant Brendan Costello for a rural dwelling:

**Reference 21660** – Permission granted for a private residence, detached garage, vehicular entrance and driveway, borewell, waste water treatment system etc. Applicant Brendan and Michelle Costello. This site is located between Stoneyford and Ballyhale village and was not implemented. This permission expires on the 8/05/2027.

**Reference P06/816** Permission granted to construct a dwelling house with attached garage, sewerage and percolation area including all necessary site works, Ballyhale, Co. Kilkenny. Applicant Brendan Costelloe. This site is located approx. 100metres north of proposed development site and accessed from a shared entrance north east of proposed site. This permission was not implemented and has expired.

## 5.0 Policy Context

### 5.1. Development Plan

Section 7.8 of the Kilkenny City and County Development Plan 2021-2027 outlines the Council's Rural Settlement Strategy.

***Qualifying Criteria for Rural Housing:***

## Areas under urban influence

- Areas classified as under Urban Influence are located close to the immediate environs or commuting catchment of cities and towns or to major transport corridors with ready access to urban areas. They are characterised by
  - High levels of commuting patterns to urban areas
  - Areas with high population growth in the County
  - Ready access to a good road network with ready access to the larger urban areas. It is the Council's objective for areas of urban influence to facilitate the rural generated housing requirements of the local rural community (as identified in this section) while on the other hand directing urban (non-rural) generated housing to areas zoned and identified for new housing development in the city, or towns and villages.

### 7.8.4 Categories of Rural Compliance and Qualifying criteria

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

1. Persons with a demonstrable economic need to live in the particular local rural area, being people who are for example: a. employed full-time in rural-based activity such as farming, horticulture, forestry, bloodstock or other rural-based activity in the area in which they wish to build or whose employment is intrinsically linked to the rural area in which they wish to build, such as teachers in rural schools or other persons who by the nature of their work have a **functional need to reside permanently in the rural area** close to their place of work, provided that they have never owned a house in a rural area.
2. Persons with a demonstrable social need to live a particular local rural area,
  - (a) Persons born within the local rural area, or who have lived a substantial period of their lives in the local rural area (minimum 5 years), who have never owned a rural house and who wish to build their first home close to the original family home. Persons born in the area without having lived for the minimum of 5 years must be able to demonstrate strong family and social connections to the area to demonstrate a demonstrable social need.

(b) Returning emigrants who do not own a house in the local area and wishes to build their first permanent home for their own use in a local rural area in which they lived for a substantial period of their lives (5 years), then moved away or abroad and who now wish to return to reside near other family members.

All applicants for one-off rural housing will need to demonstrate compliance with the qualifying criteria of one of the above categories unless otherwise specified as being located within an area where the Rural Housing Policy does not apply.

**Ribbon Development:** is defined as where there are 5 or more houses exist<sup>21</sup> on any one side of a given 250 metres of road frontage. If four houses exist on any one side of a given 250 metres of road frontage, it is likely that ribbon development may be created with an additional house.

Ribbon Development is discouraged for a variety of reasons, including road safety, future demand for the provision of public infrastructure and visual impact. The Planning Authority will have discretion to allow well-spaced infill ribboning to complete a particular settlement pattern only, but not where it will lead to further gap infill sites or the coalescence of separate ribbons of development or, in combination with other ribbons, lead to the over proliferation of houses resulting in overdevelopment creating ribbon development, wastewater disposal difficulties, traffic or other serious planning issues in the immediate area.

### **Section 13 Requirements for Development**

Section 13.22 provides guidance in relation to the construction of rural housing. Section 13.22.1 and Section 13.22.2 refer to access and sight lines, and to Wastewater Treatments Systems respectively.

Section 13.22.1 states 'the applicant must demonstrate that safe vehicular access to and from a proposed site is provided in terms of visibility from a proposed entrance, but also in terms of impact on road traffic on the adjoining public road, through generation of turning and stopping movements by vehicles leaving and entering the proposed site..... Site entrances should be located so as to require the least amount of hedgerow removal in accordance with DMRB requirements. Excessive hedgerow removal will be resisted where setback is considered significant or roadside definition

is compromised'. Landscape Character Area The site is located within the Lowland Landscape Character Area.

## 5.2. **Relevant National or Regional Policy / Ministerial Guidelines**

### **National Planning Framework**

In accordance with National Policy Objective 19, the future focus will continue to be on the facilitation of single houses in the countryside, based on the Core considerations of demonstrable economic or social need to live in a rural area and the siting and design criteria for rural housing, whilst having regard to the viability of the smaller towns and rural settlements. It will continue to be necessary to demonstrate a functional Economic and/or Social need to live in the commuter catchment of large towns and cities, including Kilkenny City and Waterford City.

### **Sustainable Rural Housing Development Guidelines April 2005**

In assessing individual housing proposals in rural areas planning authorities will therefore in some circumstances need to form a view as to whether that proposal would contribute to or exacerbate ribbon development. Taking account of the above and the dispersed nature of existing housing in many rural areas, areas characterised by ribbon development will in most cases be located on the edges of cities and towns and will exhibit characteristics such as a high density of almost continuous road frontage type development, for example where 5 or more houses exist on any one side of a given 250 metres of road frontage.

## 5.3. **Natural Heritage Designations**

The subject site is circa 500metres east of the River Nore and River Barrow SAC.

Kilkeasy Bog pNHA (Site Coe 000839) and Hugginstown Fen SAC (Site Code 000404) are 5km from the site.

## 6.0 **EIA Screening**

- 6.1. 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 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

In response to the three reasons for refusal cited by the planning authority in the Decision to refuse permission for the development the applicants have responded as follows

- It is acknowledged that the proposal is the eighth house within 250m on one side of the road, the pattern of ribbon development is already established on the road. There is a public water connection available to the development. Despite the number of septic tanks there has been no deterioration in water quality. The proposal is for a single storey dwelling with the overall design carefully considered to minimise impact.
- The applicants comply with economic need to live in the area. The applicant Brendan Costelloe is a person who was born in the local area and he has lived in a rural area substantial period of his life (minimum 5 years), who never owned a rural house and wish to build their first home close to their original family home. He has strong family and social connections to the area.
- There was an error on site layout plan which demonstrated proposed sightlines, 90metres, are achievable without consent from the adjoining landowner to set back the roadside boundary in a westerly direction to achieve safe entrance visibility splay at proposed entrance.
- In terms of meeting the rural housing requirements specified in the development plan Brenden Costello attended primary and secondary school in Ballyhale. He played hurling with the local GGA club. His daughter attends school in Ballyhale and plays camogie with the same club. He works for the HSE in Kilkenny, which requires living in close proximity to attend meetings, site visits and multidisciplinary team meetings. He suffers mobility issues from an accident he had 10years previously. The house in Ballyhale will ensure his long

term engagement in community life and independence. He can also support his elderly parents who live in Ballyhale.

## 7.2. Planning Authority Response

Kilkenny County Council made a submission in response to the First Party appeal.

- **Rural Housing Need Considerations:** The applicant has submitted information regarding his links to the local area, but he has not submitted any supporting letter or documentation from a GP or practitioner in relation to the applicants exceptional health circumstances as set out in the Dept. of Environments Sustainable Rural Housing Guidelines 2005. The applicant is from the area and his parents live 250m from the site. The applicants currently live at Chapel View, Stoneyford. It is unclear whether the applicant owns this rural houses or not. They were asked to clarify this under question 11 Appendix 1. In addition, the applicant also received planning permission for another dwelling house under Planning reference 21/660. The site is located between Stoneyford and Ballyhale village. The permission expires in the 08/05/2027. In addition, under planning reference 06/816 planning permission was granted to Bredan Costello at Ballyhale approximately 100metres north of the site. This permission was not implemented and has since expired. There have been no references to previous planning permissions in the current planning application or appeal, in particular the live permission granted under P21/660. Under the circumstances it is considered the applicants rural housing need has already been met and does not comply with Section 7.8 Rural Strategy of the development plan.
- **Rural Housing/ Ribbon Development:** There are a number of houses in the immediate vicinity of the site, particularly northeast of the site. The rural character of the area has already been eroded by the proliferation of houses on the outskirts of the village. The current proposal would lead to an extension of an existing linear pattern of development along the local road and would be the eight dwelling within 250m of road frontage, which constitutes ribbon development as defined in the Sustainable Rural Housing Guidelines and Section 7.8.3 Rural Housing Policy. The proposed development contravenes the policy of the County development Plan. Most of the existing

houses from the linear pattern were permitted before the 2005 Department Guidelines, save for P11/471 which was an infill site. The proposed development is an undesirable extension of ribbon development.

## 8.0 **Assessment**

8.1. I will assess the appeal under the following headings:

- Rural Housing Need
- Design Layout
- Traffic
- Effluent Treatment

### 8.2 **Rural Housing Need**

8.2.1 In order to be considered for a dwelling house in a rural area and on the rural landscape in Co. Kilkenny, the applicants must demonstrate that they have complied with the Rural Housing Policy in the current Kilkenny City and County Development Plan 2021-2027. Being on the outskirts of Ballyhale village, which is less than 20km south of Kilkenny City, the site is located in a designated Area under Urban Influence. In such areas, all applicants applying for a dwelling houses are required to comply with Section 7.8 of the Rural Housing Strategy outlined under Section 5 of this report.

8.2.2 I examined the supporting documentation submitted with the planning application. I would accept that the applicant Brendan Costello was born and reared in Ballyhale village. His parents reside in close proximity to the appeal site and he remains a committed member of the local Ballyhale GAA club. Both applicants work for the HSE in Kilkenny City, and are currently living in the village of Stonyford, 9km north of the appeal site. It was not established if the applicant owned the dwellinghouse in Stonyford, however it was established he had been granted planning permission for a dwelling house in a rural area on two previous occasions, one in Ballyhale and the other between Ballyhale and Stonyford. One of the permissions has expired, however, Planning Reference 21660, is still live and will not expire until 8<sup>th</sup> of May 2027. Permission was granted for a dwelling house, detached garage, sewage

treatment system at Floodhall, Rathtooemy, Co. Kilkenny. I examined this planning application, and it was applied for in 2021, both applicants resided at Knocktopher at the time and their employment status was different to the current information on the appeal file. Regardless of the circumstances, it was accepted the applicants met with the Rural Housing Policy in place at that time, and permission was granted. Essentially, the applicant's both have an existing planning permission for a rural dwellinghouse granted under reference 21660, which is circa 6km north of the appeal site. Therefore, it is clear the applicant's already have planning permission for a rural house in the area and therefore do not comply with the development plan policy regarding rural housing need.

8.2.3 The applicant has submitted a supporting letter on appeal, indicating that he has medical reasons to reside in Ballyhale. Yet this medical requirement is not substantiated by any evidence from medical practitioners. It is also submitted that the applicant's elderly parents reside in close proximity to the appeal site and he needs to support and care for his parents. However, there is no evidence to substantiate the claims of the care required.

8.2.4 In conclusion, the applicants have not demonstrated compliance with the relevant provisions of section 7.8.4, 2 (a) Categories of Rural Compliance and Qualifying criteria of the Kilkenny City and County Development Plan 2021-2027.

### 8.3 Design Layout

8.3.1 The proposed dwelling is a single storey low profile dwelling with a ridge height of 4.8metres, positioned centrally on a 0.319Ha standard rural site. The sewage treatment system is located to the rear of the dwelling. The site is a corner of an agricultural field, with mature hedgerows on two sides, and open boundaries on two sides. Landscaping is proposed on the open boundaries, i.e. north-west and south west boundaries. The proposed access to the site is at the north-east extremity of the roadside boundary.

8.3.2 The receiving environment is a rural area. On the opposite side of the local road to the subject site, is a substantial farmyard. The owners of the farmyard objected to the proposed development at the planning application stage, because they were concerned the site was too close to their dairy farm, and the proposed development may give rise to complaints in terms of odours and noise, or undermine the general

operations associated the yard and their landholding. I accept their concerns, the farmyard is substantial and the site is in close proximity to it. These can be conflicting landuses because the yard area is an intensive form of farming.

8.3.3 Immediately adjoining the appeal site to the northeast is linear developments consisting of 7No. existing dwellings, with a number of one-off dwellings on the opposite side of the road to the linear developments. In my opinion, this represents a high concentration of one-off dwellings along a narrow road in close proximity to intensive farming activities. There is no planning justification to increase the intensity of one-off houses in the immediate vicinity of the site, or to expand linear developments along the road. The proposed development would effectively lead to eight dwellings along a 250metre length of road. The proposed development constitutes ribbon development as defined in the Dept of the Environment's Sustainable Rural Housing Guidelines and section 7.8.3 Rural Housing Policy of the Kilkenny County Development Plan 2021. The proposed development would exacerbate the existing level of linear developments and be contrary to local and national planning policy. Furthermore, the proposed development represents piecemeal and ad hoc form of development, which militates against the preservation of the rural environment.

#### 8.4 **Traffic**

8.4.1 The planning authority's third reason for refusal stated the applicant had not demonstrated sufficient legal interest and/or consent from adjoining landowner to set back roadside boundary in a westerly direction to achieve safe entrance visibility splay at proposed entrance and in the absence of same, the minimum 90metre sightlines cannot be achieved and proposed development represents a traffic safety hazard. On appeal the applicants have submitted there was an error in the original documentation submitted, and new drawings have been submitted on appeal that the sightlines are achievable in a westerly direction without requiring the removal of hedgerows on third party lands.

8.4.2 I would accept the drawings of the sightlines submitted on appeal. The alignment of the road is straight to the west of the proposed entrance. In addition, the planning application was referred to the Area Engineer. In the response from the Area Engineer dated 20<sup>th</sup> of November 2025, the speed limit along the Local Secondary

Road (L-8316) is 60 kmph. The road width fronting the site is 3metres and the required sightlines in both direction is 90mestres. There was no objection to the sightlines or the proposed entrance from the Area Engineer. I would concur with the recommendations of the report.

## 8.5 Effluent Treatment

8.5.1 The Site Suitability Report submitted with the planning application is more a pictorial review of the site and does not contain the usual relevant material associated with such reports. I note the Environment Section of the Council in the report dated 17/01/2026 recommended extensive further information be requested from the applicant requiring an amended design of the proposed wastewater treatment system. A secondary wastewater treatment system and raised soil polishing filter to serve a minimum PE5 as per EPA 2021 Code of Practice guidelines was proposed. Given the percolation test results and the fact the water table was not encountered, there was no objective to the proposed wastewater treatment system.

8.5.2 It is proposed to connect to the public water supply serving the area. The area is underlain by an extremely vulnerable aquifer. The applicants have submitted on appeal that there has been no deterioration in ground water quality in the area, which has been established by water quality testing on previous planning applications. These results were not included with the appeal in order to verify these claims. It is my opinion, an additional sewage treatment system at this location, where there is a high concentration of such systems within a confined area, will lead to a highly undesirable precedent for permitting such concentrations. Having regard to the information submitted in the Site Characterisation Form, and in particular the absence of information in relation to cross sections of the proposed sewage treatment system, I am not satisfied that it has been adequately demonstrated that the site was suitable for the safe disposal of wastewater. While ordinarily this would warrant further consideration and a request for further information in line with the Environment Section's of the planning authority report, in this instance it could be considered a new issue, I have decided not to pursue this matter under the current appeal.

## 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 site lies approximately 500m east of the River Barrow and River Nore SAC (Site Code 002162). The site lies approximately 5km north of the Kilkeasy Bog pNHA (Site Coe 000839) and 5km north-east of Hugginstown Fen SAC (Site Code 000404).
- 9.2 The site is not immediate to a European site.
- 9.3 The proposed development comprises a single dwelling unit, domestic garage, on site wastewater treatment system and associated works. 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 e.g. a single dwelling unit of small scale.
  - Location and distance from the nearest European site and there is no hydrological connections from the subject site.

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 is not required.

## 10.0 Water Framework Directive

- 10.1. The subject site is located approximately 500m east of a water body referred to as Little Arrigale River, a tributary of the River Nore.
- 10.2. The development comprises a single storey dwelling domestic garage and associated works.
- 10.3. I have assessed the development seeking permission 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.

10.4. The reason for this conclusion is as follows:

- Nature of works e.g. small scale and nature of the development
- Location-distance from nearest Water bodies and/or lack of hydrological connections

#### 10.5 **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 the planning authority's decision to refuse planning permission for the proposed development be upheld for the following reasons.

#### 12.0 **Reasons and Considerations**

1. Having regard to the location of the site within an Area Under Urban Influence as identified in Kilkenny City and County Development Plan 2021-2027 and Qualifying Criteria for Rural Housing and to the policies set out in Section 7.8 of the Plan which seeks to encourage people to live in existing villages and settlements it is considered that the applicant has not adequately demonstrated a need for a permanent residential development at this rural location in accordance with the Development Plan. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random haphazard rural development in the area and would militate against the preservation of the

rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, contravene Section 7.8 of the Kilkenny City and County Development Plan 2021-2027 and would be contrary to the proper planning and sustainable development of the area.

2. It is the policy of the planning authority as set out in the current development Plan to control the over proliferation of houses resulting in ribbon development. This policy is considered to be reasonable. The proposed development would be in conflict with this policy because, when taken in conjunction with existing development in the vicinity of the site, i.e. 7No. existing dwellings to the north-east of the site, it would expand the build-up of ribbon development in an open rural area. This would militate against the preservation of the rural environment and lead to demands for the provision of further public services and community facilities. The proposed development would, therefore, 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.”

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Caryn Coogan  
Planning Inspector

20<sup>th</sup> of May 2026

### Appendix 1: Form 1 EIA Pre-Screening

<b>Case Reference</b>	PL5000724-KK26
<b>Proposed Development Summary</b>	Dwelling, garage, sewage treatment system
<b>Development Address</b>	<b>Ballyhale, Co. Kilkenny</b>
<b>IN ALL CASES CHECK BOX / OR LEAVE BLANK</b>	
<b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	<b>State the Class here</b>
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	

<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. <b>EIA is Mandatory. No Screening Required</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. <b>Preliminary examination required. (Form 2)</b>	Schedule 5 Part 2 Class 10 (b) (i) – Construction of more than 500 dwelling units. Schedule 5 Part 2 Class 11 (c) – Waste water treatment plants with a capacity greater than 10,000 population equivalent as defined in Article 2, point (6), of Directive 91/271/EEC not included in Part 1 of this Schedule.
<b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>	
Yes <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
No <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

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

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

## Appendix 2: Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	PL500724-KK-26
<b>Proposed Development Summary</b>	Dwellinghouse, garage, sewage treatment
<b>Development Address</b>	Ballyhale
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<p><b>Characteristics of proposed development</b></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 proposed development is for a house and WWTS. It is a modest development and would not involve any demolition works. It would not require the use of substantial natural resources and would not pose a risk of major accident and/or disaster. Normal pollution and nuisance can be expected during the construction phase. The site is in a rural area and there are an existing houses adjacent to the northeast. The proposed development would be similar to existing development in the vicinity. The WWTS has been considered in the report. It is to accommodate a single house and waste generation would be very limited.</p>
<p><b>Location of development</b></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.</p>	<p>The development is situated in a rural area on grassland which is relatively abundant in the area. There is a dairy farm on the opposite side of the road. The site is removed from sensitive habitats and centres of population. The closest European site is a tributary of the River Nore, 500m west of the site. There are no protected structures in the immediate vicinity</p>

<p>wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	
<p><b>Types and characteristics of potential impacts</b></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 proposed house and WWTS would have no significant environmental impact. It would be consistent with the existing pattern of development in the immediate vicinity, it would be located away from any environmentally significant area, and the proposed development is substantially below a threshold that could be considered relevant for EIA.</p>
<p><b>Conclusion</b></p> <p>[</p>	
<p><b>There is no real likelihood of significant effects on the environment.</b></p>	<p><b>EIA is not required.</b></p>

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