



An
Coimisiún
Pleanála

Inspector's Report

PL-501076-KK-26

Development	Construction of dwelling with treatment system and percolation area
Location	Newtown, Bonnettstown, Co. Kilkenny
Planning Authority	Kilkenny County Council
Planning Authority Reg. Ref.	2560303
Applicant(s)	Eimear Hogan & James Humphries
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Aine Colgan
Observer(s)	None
Date of Site Inspection	6 th July 2026
Inspector	Patricia Byrne

1.0 Site Location and Description

- 1.1. The appeal site, located at Newtown, Bonnettstown Co. Kilkenny, is sited approximately 5km west of Kilkenny City. The plot forms part of a larger field, accessed from a local secondary road (L5025-37) south-west of its intersection with the local road connecting Tullaroan to Kilkenny City.
- 1.2. The site, which is in grass (recently hay baled), is irregular in shape, extending to a stated area of 0.356Ha. Ground levels fall from north to south across the site, and there are expansive views to the south. Road frontage to its northern boundary is limited, with the site widening in the centre, before tapering again towards the south.
- 1.3. A two-storey dwelling house (in family ownership) bounds the site to the west, with its front (eastern elevation) facing the appeal site. To the north-east is a single-storey dwelling with a detached garage, which addresses the public road. A trimmed, conifer hedge forms the common boundary between the plot and the dwelling to the east, with a gap in planting occurring immediately adjacent the garage/south-western corner of the dwelling.
- 1.4. The wider surrounding area is categorised as agricultural, interspersed with detached dwelling units of various designs on large plots. An area of forestry lies further to the south.

2.0 Proposed Development

- 2.1. The proposal relates to a detached, two-storey, gable-ended dwelling house, with rear single-storey projection. The structure is proposed to be centrally positioned within the site, initially shown located 18.2m off the western boundary and 16.8m from the east, as per plans lodged with the application- *Drawing No. 001 Site Layout & Section*.
- 2.2. The stated floor area extends to 324.85sq.m. and the dwelling comprises *inter alia*, 4 no. double bedrooms. The two-storey element has an overall height of 8.6m and is finished in a nap plaster finish and slate roof. The rear single storey block is faced in natural stone, with the ridge level finishing just below the eaves of the main house.
- 2.3. A detached gable-fronted garage/store indicated to the north-east of the dwelling has a stated floor area of 33.75sq.m; is 4.4m in height and faced in natural stone to its western elevation.

- 2.4. Supporting infrastructural works include an intended connection to the Lacken Rathmoyle Group Water Scheme, with a letter of consent dated April 2025.
- 2.5. Wastewater will be disposed of to a secondary wastewater treatment system and soil polishing filter. The percolation area is shown located to the north of the dwelling house, with the treatment plant sited to the east. The application is accompanied by a Site Characterisation Assessment.
- 2.6. A new recessed vehicular access is proposed to the northern site boundary, adjoining the entrance to the family home to the west.
- 2.7. Further Information was submitted to the planning authority on the 30th January 2026 which includes *inter alia*:
- Revised plans illustrating the repositioning/rotation of the dwelling.
 - Repositioning of the garage and windows.
 - Assessment from IE Consulting Water-Environmental-Civil in response to a request for ground water analysis and Hydrological Modelling.

3.0 Planning Authority Decision

3.1. Decision

Kilkenny County Council by Order dated 10th March 2026 issued a decision to grant permission subject to 16 no. conditions. The following are noted:

Conditions

Condition No. 3

Prior to the commencement of any works on site, the applicant shall submit and agree in writing with the planning authority a revised site layout plan, floor plans and elevations to amend the siting and design of the dwelling as follows:

(a) The position of the dwelling and garage shall both be moved to approximately 10m to the west of the position proposed on the site layout submitted as further information on 30th January 2026,

- (b) The finished floor level shall be “+FFL 96.00” relative to the site levels shown, there shall be no buildup of ground levels under any part of the dwelling,*
- (c) The dwelling shall be further re-orientated, with the front elevation of the dwelling to be positioned parallel with the alignment of the public road at the proposed entrance to the front of the site,*
- (d) the ‘master bedroom’ shall be internally redesigned such that there is no first-floor window in the east facing gable of the dwelling,*
- (e) Prior to the first occupation of the dwelling a 1.8m high panel fence shall be erected along the entire length of the north-east site boundary, and*
- (f) A new hedgerow shall be planted along the entire length of the north-east site boundary within the site, and shall be comprised of a double staggered row of a mix of native shrubs suitable for hedging. The proposed planting mound shall be further extended between the percolation area to the north-east corner of the site.*

Condition No. 5

The applicant shall connect to the group water supply scheme prior to first occupation of the dwelling. The applicant shall provide and arrange for the continuous and indefinite maintenance of a potable water supply for the domestic and sanitary needs of the development in accordance with the European Union (Drinking Water) Regulations 2014.

Condition No. 10

- (a) A minimum of six deciduous trees (not dwarfed) species shall be included along the north-east site boundary. Suggested species include field maple, sycamore, silver birch, rowan, white beam, and space permitting, oak, beech or chestnut. The trees shall be maintained indefinitely and replaced if failures occur.*
- (b) All new side and rear boundaries, including the entire length of the north-east site boundary shall be hedged with a mix of deciduous shrubs suitable for hedging and common to the locality (e.g. holly, hawthorn, blackthorn, field maple). The hedging shall be planted continuously (in a double row) and indefinitely maintained along the boundaries of the site.*

(c) The planting shall be carried out in the first planting season following commencement of development. When planted the trees/hedgerows shall be adequately protected from damage by animals or wind and the trees should be allowed to grow to maturity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial planning report dated 23rd July 2025 culminated in a request for Further Information and took into consideration matters raised in a third-party submission, the recommendations of the Environment Section and issues relating to site access, including demonstration of sightlines. The applicant (Eimear Hogan) was found to have adequately demonstrated compliance with the rural housing policy of Kilkenny County Council.

Planning Report following response to Further Information

The response to the request for Further Information, lodged on the 30th of January 2026 was deemed significant in nature, warranting publication of revised public notices.

A subsequent planning report, signed 10th March 2026, found the amendments insufficient to address loss of residential amenity to the dwelling to the east. Additional measures to address these concerns were examined in the planning report, including further adjustments to siting/orientation, internal reconfiguration of floor space and landscaping/fencing proposals. Matters in relation to wastewater disposal and site access arrangements were resolved to the satisfaction of the planning authority. Permission was recommended, subject to 16 no. conditions.

3.2.2. Other Technical Reports

Environment Section

The initial report dated from the Section dated 22nd July 2025, sought further information with respect to the grading of the raised percolation area/mound relative to ground levels; clarity in relation to the trial hole photographs and identification of neighbouring septic tanks. Concern was expressed in relation to the density of housing locally and poor subsoil

drainage. A hydrological assessment was requested, requiring analysis of ground water and hydrological monitoring using resultant concentrations post-discharge of treated effluent to ground.

A subsequent report from the Environment Section dated 9th March 2026, indicated no further concerns subject to standard conditions relating to the construction of the treatment system to EPA Code of Practice 2021 requirements, certification of the system, appropriate disposal of surface water; minimisation of waste production; control of dust and noise emissions during construction; and indefinite maintenance of a potable water supply for domestic and sanitary requirements.

3.3. Prescribed Bodies

None on file.

3.4. Third Party Observations

A Third-Party submission raised the following matters:

- Loss of privacy and overlooking.
- Suitability of the site for waste-water treatment and risk to public health.
- Errors and omissions in the application challenge the robustness of the site characterisation report.
- Management of surface water runoff.
- Suitability of the site access arrangements and sight line provision.
- Proposal is not in keeping with existing development and is at variance with the rural pattern of development.

A further submission received following the response to further information raised the following matters:

- Overlooking and privacy concerns remain.
- Loss of daylight, overshadowing and impact on recreational amenity.

- Trees do not provide an appropriate long-term response.
- Impact of the development on photovoltaic panels to the garage roof.
- Boundary hedge has been maintained at its current height since 2015.
- Concerns in relation to ground levels and final building heights.
- Noise disruption from the proposed garage.
- Sightlines have not been achieved, and an independent traffic count/speed detection survey has not been provided.
- Lack of clarity regarding removal of the ditch.
- Plans do not address ESB pole adjacent the site entrance or overhead electrical cables.
- Concerns remain in relation to the suitability of the site for wastewater disposal.
- Suitable alternative designs/siting which would eliminate privacy concerns and respect the established pattern of development have not been considered.

4.0 Planning History

Appeal Site

P.A. Reg. Ref. 071717

Permission GRANTED to decommission an existing effluent treatment system and percolation area and to construct a new system with percolation area in a revised location, together with all associated site works.

To West

P.A. Reg. Ref. 01685

Permission GRANTED to construct a wall and extension to side of existing dwelling house.

P.A Reg. Ref. 96122

Permission GRANTED for a two-storey dwelling house and associated site works.

To East

P.A. Reg. Ref. 05280

Permission GRANTED for a garage/store with associated site works.

P.A. Reg. Ref. 0216

Approval GRANTED for a two-storey house, treatment system and associated works.

P.A. Reg. Ref. 0097

Outline permission GRANTED for a dwelling house and wastewater treatment system site entrance and associated works.

5.0 Policy Context

5.1. National Policy

- **National Planning Framework – First Revision April 2025**

The National Planning Framework First Revision (NPF) recognises the continuing housing need for people to live and work in the countryside. Careful planning is required to manage demand in our most accessible countryside around cities and towns, focusing on the elements required to support the sustainable growth of rural economies and rural communities.

National Policy Objective 24 (NPO 24) ‘

Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid overdevelopment, while sustaining vibrant rural communities.

National Policy Objective 28 (NPO 28)

Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

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

-In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

▪ Sustainable Rural Housing Guidelines 2005

Planning authorities must tailor policies which respond to the differing housing requirements of both urban and rural communities and the varying characteristics of rural areas. The Guidelines also differentiate between rural and urban-generated housing.

Section 3.2.3 refers to rural generated housing with reference to persons who are an intrinsic part of the rural community and to members of an established rural community.

▪ Draft Sustainable Rural and Gaeltacht Housing- National Planning Statement

Government on the 30th of June 2026 agreed a proposed policy direction for rural housing, meaning that the *Draft Sustainable Rural and Gaeltacht National Planning Statement*, prepared by the Department of Housing, Local Government and Heritage, will move to environmental assessment under relevant EU Directives and associated public consultation, prior to its final approval.

5.2. Kilkenny City and County Development Plan 2021-2027

The Kilkenny City and County Development Plan which came into effect on the 15th October 2021, is the operational Development Plan for the area.

Volume 1: County

Chapter 7 Rural Development

7.8 Rural Settlement Strategy

The Rural Settlement Strategy for County Kilkenny is set out in Section 7.8.

The appeal site is located within an Area under Urban Influence as per Figure 7.1 Rural Housing Strategy.

7.8.3 Rural Housing Policies

Outlines policies which respond to the housing requirements of urban and rural communities within the county and provides definitions and associated policies in relation to Urban Areas, Urban Generated Housing, Rural Generated Housing, Ribbon Development and Local Area. Urban Generated Housing is housing need considered to be urban generated where an application is made in a rural area by persons originating from urban areas and includes applications for second homes. Rural Generated Housing is defined as housing in rural areas within the established rural community by persons from that community or whose occupation is intrinsically linked with that particular rural area as defined in Section 7.8.4 Categories of Rural Compliance.

Ribbon Development

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.

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 [in] 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.

An occupancy condition will apply where permission is granted for housing in an Area under Urban Influence restricting the use of the dwelling to the applicant or members his/her immediate family. The requisite period is seven years from first occupancy.

7.8.6 Rural Housing Design Guidance

County Kilkenny -Rural Design Guide provides design guidance in relation to housing in the countryside.

Chapter 10 Infrastructure and Environment

10.1.8.5 Water Quality Development Management Requirements

To assess all new applications for single houses in accordance with the EPA Manual entitled Code of Practice: Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) or any subsequent revisions or replacement.

Chapter 12 Movement and Mobility

12.11.10 Regional and Local Road Objectives

Section 12.11.10.1 Roads Development Management Requirements

Requires that standards for sight and stopping distances are in compliance as far as possible with current geometry standards as outlined in:

- TII document Design Manual for Roads and Bridges (DMRB) and TII Standard DN-GEO-03060 Geometric Design of Junctions.
- Design Manual for Urban Roads and Streets (DMURS) and TII Standard DN-GEO 03084 'The Treatment of Transition Zones to Towns and Villages on National Roads' where appropriate.
- In cases of single houses in the countryside, such standards should not be achieved by the extensive removal of hedgerows, ditches, embankments, trees or old walls, and should accord with Section 2.8 of the Rural Design Guide.

Chapter 13 Requirements for Development

13.22 Rural Housing

13.22.1 Access and Sight lines

An 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.

Section 13.22.2: Wastewater Treatments Systems

Kilkenny County Council requires that sites will be assessed in accordance with the EPA Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) (EPA Code of Practice 2021) or any subsequent revisions or replacement.

5.3. Natural Heritage Designations

The appeal site is not lie within or bound a natural heritage designation. The following in the wider area are noted:

River Nore SPA (Site Code 004233) c.4.7km

River Barrow and River Nore SAC (Site Code 002162) c.4.5km

Lough Macask pNHA (Site Code 001914) c.3.7km

Newpark Marsh pNHA (Site Code 00845) c.5.5km

Dunmore Complex pNHA (Site Code 001859) c.4.7km

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

7.1.1. The decision of the Planning Authority made on the 10th of March 2026, is the subject of a Third-Party appeal by Aine Colgan. The matters raised in the appeal are set out below:

- Lack of precision with respect to Condition No.3(a) and associated positioning of the permitted dwelling house/garage. The condition should be adjusted to remove ambiguity and to reflect the intent of the recommendation contained within the planner's report.
- Condition No.10(a) raises concerns in relation to overshadowing. The condition should be amended such that overshadowing and impact on the amenity of neighbouring property do not arise.
- Lack of clarity with respect to relocation of ESB supply lines and impact on third party property.
- Concerns with respect to the integrity of the Hydrological Assessment and the finding of elevated levels of phosphorous and coliforms. A single ground water sample is an insufficiently robust sample size upon which to draw conclusions and is not reflective of changing conditions throughout the year.
- Potential for effluent discharge to migrate to the southeast adjoining third-party property. Concerns that the treatment system is of an inadequate design, incorrectly installed, and would give rise to operational concerns – smell and raw sewage adjacent third-party property.
- Queries if revised plans address road safety concerns and if works would impact third party property. Condition No. 8 does not clarify this matter.

7.2. First Party Response

A response to the appeal is provided by the First Party, with the following raised:

- Background to the application is provided, including that the lands are within the family ownership of one of the applicants.

- Acknowledgement that the appeal primarily relates to a lack of clarity in relation to planning conditions and interpretation of plans and particulars.
- First Party acknowledges that the text of Condition No. 3 does not reflect the recommendation made by the case planner. *Drawing No. 001 Draft Condition 3 Compliance Rev A* provided as part of the response, illustrates the dwelling and garage repositioned 10m to the west as per Condition 3(a) and reorientates the dwelling as per Condition 3(c).
- *Drawing No. 002 'Revised First floor Layout'* reconfigures the master bedroom, omitting fenestration to the first-floor gable elevation.
- Save for the gap in the existing north-eastern boundary, the fence required under Condition No. 3 will not provide a screening function as an evergreen hedge is currently in place.
- Removal of the word '*approximately*' from Condition No. 3 addresses concerns regarding lack of precision.
- As the case will be considered *de novo*, consideration should be given to retaining the dwelling in its current location, or adjusting by 5m to the west, to negate the need to redesign the master bedroom/remove windows. *Drawing No. 001 'Site Layout & Section - Alternative Appeal Rev B'* refers.
- The requirement for the house to be reorientated so as to align parallel with the public road is unnecessary. The extant settlement pattern is scattered, with no fixed set back or rigid building orientation/building line in place.
- Proposed clustering of trees and reinstatement of the existing boundary would be more appropriate than landscaping the entire north-eastern boundary inside a 1.8m boundary fence. Maintenance of a fence with planting in front would be difficult.
- Approval of alternative layout proposed under the response, with reinstated planting to the north-east boundary (or revised text to Condition No. 3 to achieve these amendments) would be welcomed.
- The location of the house and garage relative to the appellant's property ensures no possibility of overshadowing given the separation distance.

- Clustering of trees close to the northwest boundary could be adjusted if the garage is relocated westwards, removing potential for trees to overshadow and removing concerns regarding loss of effectiveness of solar panels.
- No proposals to reposition power lines crossing the site. The applicants will consult ESB following determination of the application.
- Hydrological Assessment by IE Consulting concurred with the findings of the Site Characterisation report and the design of the wastewater treatment system. The ground water sample is from the property of a family member, with all other houses connected to the group water scheme.
- Findings of elevated phosphorus and coliforms were not considered an impediment to development. Evidence from local monitoring data supports the conclusion that cumulative effluent discharge will not result in significant deterioration of ground or surface water quality.
- Environment Section raised no objections to the development, subject to conditions.
- The wastewater treatment system has been designed to EPA Code of Practice Standards by suitably qualified engineers. Condition No. 7 requires compliance with EPA Code of Practice and certification prior to occupation with maintenance thereafter to manufacturer's instructions. Condition No. 7 is fully enforceable.
- With the system correctly installed, including required separation distances, raw sewage/odours will not result at property boundaries.
- Proposal does not create a traffic hazard and is acceptable to the planning authority. No impacts arise to the appellant's property.
- ESB pole on the applicant's site is outside of the sightline and does not obstruct visibility.
- Housing need has been demonstrated.
- Application relates to a gap site and does not extend a pattern of ribbon development. The site is the only one available to the applicant.
- The Commission is requested to uphold the decision of the Council and grant permission.

7.3. Planning Authority Response

The local authority confirmed on the 27th of April 2026 it had no further comments with respect to the appeal.

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 planning permission in respect of P.A. Reg. Ref. 2560303. I am satisfied having examined the details of the application and having visited the site, that the main issues for consideration relate to the following:

- Principle of Development and Rural Housing Policy
- Impact on Residential Amenities
- Disposal of Wastewater
- Site Access
- Other Matters

8.2. Principle of Development and Rural Housing Policy

8.2.1. The planning authority did not raise concerns in relation to the applicant's ability to comply with the County's Rural Settlement Strategy. Furthermore, I note no objection raised in the third-party appeal on such grounds.

8.2.2. The site is located within an Area under Urban Influence as per Figure 7.1, Volume 1 of the Kilkenny City and County Development Plan 2021-2027. Section 7.8.4 sets out the relevant qualifying criteria for housing in such areas, including an applicant's eligibility. Qualifying criteria includes persons with a demonstrable social need to live in the area; those who have

lived a substantial period of time in the locality (minimum 5 years); who have never owned a rural house; and who wish to build close to the original family home.

- 8.2.3. I note supporting documentation provided by Eimear Hogan, including from national and secondary schools attended, confirming her address and the location of the family home which lies immediately adjacent the site. The overall landholding of applicant's parents is outlined in blue on an accompanying site location map. It is stated that the applicant continues to reside at the family home adjacent the site. I am satisfied that Eimear Hogan has demonstrated compliance with Criteria 2 under Section 7.8.4 Categories of Rural Compliance and Qualifying Criteria relating to Areas under Urban Influence.
- 8.2.4. Accordingly, while matters in relation to design, impact on residential amenities, wastewater disposal and access arrangements will be examined in later sections of this report, I am satisfied that the applicant has demonstrated compliance with Kilkenny County Council's rural housing policy as contained in Volume 1 of the operational Development Plan, and that the principle of a rural dwelling on this site is acceptable.

8.3. Impact on Residential Amenities

- 8.3.1. I refer the Commission to concerns raised in relation to Condition No. 3 of the Planning Authority's Decision. The text of the Condition does not appear to reflect the intent of the planning officer as set out in the second planning report which recommended the dwelling and garage be repositioned 10m further west. Instead, the use of the word *approximately* within part 3(a) of the Condition, gives rise to uncertainty and ambiguity in its application.
- 8.3.2. I note that the response to the request for Further Information adjusted the location of the dwelling and garage in order to lessen impacts on the property to the east. Windows within the north-eastern elevation of the garage were also omitted. The response was not considered by the planning authority to fully address concerns regarding loss of privacy to third party property, and I note the further adjustments sought under Condition No. 3 to the location/orientation of the dwelling. These include Condition No. 3(c) which necessitates the alignment of the front elevation of the dwelling parallel with the public road and part 3(d)

requiring the redesign of the master bedroom such that windows at first floor level in the eastern gable elevation are omitted.

- 8.3.3. As proposed under Drawing: *Site Layout & Section: Ref No. 001*, the original location of the dwelling is such that the front elevation is set back 28m from the northern site boundary, while the eastern gable elevation is set back 16.8m from the boundary it faces. A distance of 18.2m is observed between the western gable elevation of the dwelling and the common boundary with the applicant's family home.
- 8.3.4. I refer to the First Party response to the appeal where it is stated that consideration should be given to retaining the dwelling in its original location, or alternatively, to its repositioning 5.0m west to negate the requirement to redesign the master bedroom suite.
- 8.3.5. I am of the view that the requirement to reconfigure the master bedroom suite and to omit the window in the gable elevation serving this room are not required, and that sufficient set back is provided for between the dwelling and the property to the north-east. Furthermore, I do not consider it necessary to re-orientate the front elevation of the dwelling to a position parallel with the public road, given the pattern of development locally. On balance, I am not of the opinion that such additional adjustments are necessary to ensure the protection of residential amenities above that already achieved. Furthermore, repositioning of the dwelling is not required to enhance design given the absence of a defined building line at this location, with the property to the west stepped forward of the proposed dwelling, and the property to the east sited forward of both units.
- 8.3.6. If the Commission is minded to award permission, consideration could be given to the re-configuration of the master bedroom suite, removing all windows to the first-floor eastern elevation as indicated in the First Party response.
- 8.3.7. Condition No. 3(b) ensuring no build-up of ground levels as part of the build should continue to apply.
- 8.3.8. I am of the view that a landscaping plan should be agreed with the planning authority, prior to the commencement of development. I note the location of the evergreen/conifer hedging in place to the north-eastern boundary; however, the remaining site boundaries would

benefit from demarcation/strengthening. There would also be a benefit in providing appropriate supplementary planting north of the garage to offset the existing gap in the hedging at this location. Given the extent of current planting along this boundary, a panel fence and further double hedgerow would not in my view, be necessary. This would also alleviate concerns raised by the appellant in relation to the potential for overshadowing arising from Condition 10(a). The landscaping plan to be provided should be cognisant of such requirements.

8.4. Disposal of Wastewater

- 8.4.1. I note that the completed Site Characterisation Form and percolation test results undertaken by the applicant, determined a T-value of 45 and a P-value of 27. The report noted a Groundwater Protection Response of R2 1 with the site located proximate to three Ground Water Vulnerability categories- Extreme, High and Moderate with a consequent proposal to install a secondary treatment system with soil polishing filter to cater for 6 PE.
- 8.4.2. The Site Characterisation Form indicates the trial hole was excavated to a depth of 1.8m with the water table encountered at 1.7m. Soil/subsoil was found to comprise silt/clay within the top 400mm with clay/silt at 1000mm.
- 8.4.3. I refer the Commission to the Section 3.3(a) *Subsurface Percolation Test for Subsoil -Step 2 Pre-Soaking Test Holes* of the Site Characterisation Form. Pre-soak is stated to have commenced on the 31st of January 2025 in the stated time range 09:10hrs- 09:25hrs across the 3 no. test holes, with the 2nd pre-soak commencing on the 1st of February 2025 with the stated time range given as 09:40hrs-09:52hrs. I note the date of subsoil testing is given as the 2nd of February 2025 in the time range 08:10hrs-08:25hrs. The time logs would appear to indicate an almost 48-hour gap between the 1st pre-soak and testing commencing.
- 8.4.4. Section 3.3(b) *Surface Percolation Test for Soil* of the Site Characterisation Form also indicates pre-soaking of test holes commencing on the 31st of January 2025 in the time range 10:10hrs-10:15hrs with the 2nd pre-soak commencing on the 1st of February 2025 within the time range 09:50hrs-10:20hrs. Percolation testing is stated to have taken place

on the 2nd of February 2025 (08:31hrs-08:45 hrs). This again reflects a period of just under 48 hours between initial pre-soak and percolation testing.

- 8.4.5. I refer the Commission to Appendix D: Percolation Test Procedure of the Code of Practice: Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) which stipulates a minimum of three steps, with the holes excavated under Step 1, pre-soaking twice from 4 to 24 hours before the start of the percolation test under Step 2, and testing commencing under Step 3. (Testing is required to commence the next day or immediately following Step 2 if the water in the hole fully percolates in less than 10 minutes, twice). The procedure does not allow for the extension of the period beyond 24 hours.
- 8.4.6. Given that the period between the pre-soak and percolation testing referred to in the Site Characterisation Form is almost double that stipulated in the Code of Practice, and given the lack of rationale for extending the period, I cannot be certain that the test results obtained are reflective of ground conditions on site or the ability to adequately attenuate and dispose of effluent in a manner that would not be prejudicial to public health. Consequently, the polishing filter proposed may be undersized as a result of the invalid percolation values.
- 8.4.7. Given the recorded variable Ground Water Vulnerability applicable to the immediate area which ranges between Extreme, High and Moderate, it is important to clearly establish the percolation value of the receiving soils and consequent extent of percolation filter required. I note in this regard concerns raised by the Third Party concerning the potential for wastewater discharge at the boundary of the properties and to future operational concerns.
- 8.4.8. I refer the Commission to the Hydrological Assessment undertaken by IE Consulting, provided in response to the request for Further Information. The report confirms the location of the site in an area of variable vulnerability and refers to the P and T test values obtained in the Site Characterisation, confirming site conditions are suitable for a secondary system, followed by a soil polishing filter. Note: The Hydrological Assessment refers incorrectly to a P-value of 37 mins (rather than 27 mins as recorded in the Site Characterisation Form).
- 8.4.9. I refer to the results of ground water sample analysis and hydrological modelling using resultant concentrations. I note concerns raised in the appeal as to the integrity of the hydrological assessment conducted and to the inclusion of a single ground water sample,

showing elevated phosphorus and coliform levels which is viewed by the appellant as an insufficiently robust sample size.

- 8.4.10. I note also that the area is served by the Lacken Rathmoyle Group Water Scheme within which capacity exists to facilitate new connections as advised by the secretary to the scheme. In this regard, it is likely that properties in the area would avail of connections to the group scheme rather than provide for an on-site supply. Numbers of private borewells in the immediate area are therefore likely to be somewhat limited.
- 8.4.11. A water sample was obtained from a site in extended family ownership, located 102m to the northwest. The report states under Section 5 - Water Quality, that there is likely *'a relic of phosphorus being retained in the subsoil and behaving as sponge or filter, storing Phosphorous in the upper layers. This combined with the presence of total coliforms of 12 cfu/100 mL and with no detected faecal coliforms or enterococci, meaning the coliform signal does not confirm a direct faecal contamination pathway, and may reflect an issue with the sanitary seals in the well or the need for increased wellhead protection. ...This background groundwater quality assessment indicates that septic tank influence is not a key pressure in the area immediately upgradient of the proposed development. Ammonium (NH₄⁺) and ammoniacal nitrogen (as N) concentrations are low, with no associated elevation of conservative tracers such as chloride or potassium'*.
- 8.4.12. The report otherwise concludes under Section 8 that *'hydrogeological modelling indicates that while treated effluent concentrations may be elevated at the point of discharge, the combination of slow groundwater velocities, lateral downgradient migration, and natural attenuation processes will result in substantial reduction in contaminant concentrations prior to any potential interaction with downgradient groundwater or surface water receptors. The calculations indicate that phosphorus (0.05 mg/L) and ammonium (2.68 mg/L) concentrations at the point of discharge would be elevated relative to the relevant guideline values. However, once reaching the water table, the effluent plume is expected to migrate very slowly (c. 0.06 m/day) in a lateral downgradient direction toward the south and south-east, along the weathered bedrock toward the Kingsland West stream. Based on this conservative groundwater velocity, travel time to the nearest surface water receptor is on the order of years, allowing extensive attenuation prior to receptor interaction'*.

- 8.4.13. It is further stated under the same Section that *'the proposed wastewater treatment system and percolation area are therefore hydrogeologically appropriate for the site and are not expected to result in significant or sustained deterioration of groundwater or surface water quality, provided the system is installed and maintained in accordance with the EPA Code of Practice for Domestic Wastewater Treatment Systems (2021)'*.
- 8.4.14. I have taken into consideration the report conducted by IE Consulting and the recommendations of the Environment Section of the Planning Authority. I am of the view that the availability of a managed group water scheme impacts the availability and quantity of ground water samples achievable in proximity to the appeal site and therefore may impact the sample size. Based on the information available to me, including the report of the Planning Authority's Environment Section which recommended permission subject to conditions; I am of the view that where wastewater is disposed of in accordance with the EPA Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10), contamination of ground waters would be unlikely to arise.
- 8.4.15. On balance however, I am of the view that the particulars as provided, including the percolation test methodology set out in the Site Characterisation Form, do not adequately demonstrate that wastewater arising from the dwelling may be disposed of in accordance with the requirements of the EPA Code of Practice or that the polishing filter has been shown to be appropriately sized, particularly given the ground water vulnerability applicable.

8.5. Site Access

- 8.5.1. Site access arrangements entail a new vehicular access to the northern site boundary. Condition No. 8 of the Decision requires compliance with sight visibility splays as detailed on plans lodged on the 30th January 2026, with works to be carried out prior to the main development.
- 8.5.2. The plans and vertical alignment provided in response to the request for Further Information indicate on *Drawing Ref 001 Site Layout & Section*, a setback of 2.4m from the roadside edge with 90m visibility to the west (to the far side road edge over part of its length) and 51m to the east towards the junction. The response also states that vehicles travel at a lower

speed turning off the main road, with forward visibility available extending to 50m from the junction for vehicles entering the site with 68m forward visibility from the west.

- 8.5.3. I note the request for Further Information required 90m sightline distances in both directions from a point 2.4m from the road edge at the centre of the entrance and 90m sighting and stopping distances for vehicles turning right into the proposed entrance. The request indicated an independent traffic count/speed detection survey could be sought where the applicant experienced difficulty in achieving the sightlines specified.
- 8.5.4. I note that an independent traffic count/speed detection survey was not conducted.
- 8.5.5. The planning report prepared following lodgement of the Further Information response does not specifically address issue of sightlines and I further note that no report was received from the Municipal District Engineer.
- 8.5.6. A section of timber post and rail fencing and a small section of hedgerow within the applicants control to the northern site boundary will be removed to facilitate the entrance and sightlines. An ESB/telegraph pole is set behind the sightlines indicated and does not require relocation/removal.
- 8.5.7. Having inspected the site and the approach roads to the proposed site entrance, I am satisfied that entrance arrangements are acceptable.

8.6. Other Matters

8.6.1. Ribbon Development

A number of extant dwellings front the southern and northern sides of the local secondary road in the immediate vicinity of the appeal site, and the provision of a further dwelling would result in a total of 5 no. units over 250m of road frontage.

I note the requirements of Appendix 4 Ribbon Development of the Sustainable Rural Housing Guidelines for Planning Authorities, and the requirement in assessing such proposals to determine if a scheme contributes to, or exacerbates such forms of

development at a particular location. I note the Guidelines require consideration of factors including the type of rural area, the degree to which the proposal could be considered infill in nature and whether it extends or contributes to coalescence of ribbon development.

I refer the Commission to Section 7.8.3 Rural Housing Policies Volume 1 of the Kilkenny City and County Development Plan, which states with respect to Ribbon Development, that 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'*.

Given the infill nature of the appeal site and the limited extent of road frontage, I agree with the approach taken by the planning authority that while a linear pattern of development has emerged at this location, the subject proposal would not unduly exacerbate same and could on balance, be considered infill in nature.

8.6.2. ESB power Lines

ESB power lines cross the site centrally and from southwest to northeast. I note concerns raised in the appeal regarding the location of the development relevant to overhead lines and whether these would be relocated with resultant impacts on third party property.

The First Party response indicates that there are currently no proposals to reposition the lines and therefore no impacts arise to the appellants property. On confirmation of the dwelling's position, the applicants intend to consult with the ESB. Poles to the roadside edge are not located within the visibility splay required.

Should the Commission be minded to award permission, it may be appropriate to attach a condition requiring all service cables be located underground.

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 Nore SPA (Site Code 004233) c.4.7km

River Barrow and River Nore SAC (Site Code 002162) c.4.5km

The development of this unserviced site in a rural location comprises the construction of a two-storey dwelling house, single storey garage/store, site entrance and wastewater treatment system, 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 and scope of the works i.e. small scale nature of the development.
 - Location and distance from the nearest European sites.
 - There are no identifiable hydrological/ecological connector pathways between the application site and the Natura 2000 sites.
 - Taking into account the Appropriate Assessment 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 Newtown, Bonnettstown Co. Kilkenny. The development comprises the construction of a two-storey dwelling house and single storey garage/store, with associated site works, including a wastewater treatment system and site entrance. The appeal site is located within the Nore Water Framework Catchment ID_15. Dreelingstown_010 River (IE_SE_15D420500) is located approximately 610m from the site to the west and is approximately 720m to the east.
- 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. Provision of an on-site wastewater treatment system with soil polishing filter designed to the requirements of the EPA Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent ≤ 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 seeks 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 not satisfied that it can be eliminated from further assessment because of the deficiencies demonstrated in compliance with the requirements of the EPA Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) 2021, and in the manner in which wastewater is to be disposed of in an area of variable vulnerability, including Extreme Vulnerability.

11.0 Recommendation

I recommend a decision to refuse permission.

12.0 Reasons and Considerations

Having regard to the location of the appeal site within a rural area of variability ground water vulnerability, including Extreme Ground Water Vulnerability, the Commission is not satisfied on the basis of the information provided, that waste water arising from this development may be appropriately disposed of on site in accordance with the EPA Code of Practice: Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10), 2021. The development as proposed would therefore be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

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

Patricia Byrne

Planning Inspector

14th July 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501076-KK-26
Proposed Development Summary	Construction of a dwelling house with treatment system and percolation area.
Development Address	Newtown Bonnettstown 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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ 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)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
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?	

☐ 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.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ 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)	Class 10(b) Part 2 Schedule 5 Infrastructure Projects Construction of more than 500 dwelling units.
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 ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Appendix 2:

EIA Preliminary Examination

Case Reference	PL-501076-KK-26
Proposed Development Summary	Construction of a dwelling house and garage, served with a wastewater treatment system and percolation area, and connection to a group water scheme.
Development Address	Newtown Bonnettstown 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).	Construction of a detached dwelling house with on-site wastewater treatment system. The site extends to 0.356Ha. and the gross floor area of the dwelling is stated as 324.85sq.m. The development requires site clearance and the creation of a formal vehicular access. The scheme does not require the use of substantial natural resources or gives 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.
Location of development (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.	The development is located within a rural area, requiring the dwelling unit to be served by an on-site wastewater treatment system. A connection to a group water scheme is proposed. 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 2021-2027.

wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	No cultural or historic impacts arise. The site is located c. 4.7km from the River Nore SPA (Site Code 004233) and is c.4.5km from the River Barrow and River Nore SAC (Site Code 002162). Lough Macask pNHA (Site Code 001914) is approximately 3.7km from the site with Newpark Marsh pNHA (Site Code 00845) c.5.5km distance, and Dunmore Complex pNHA (Site Code 001859) approximately 4.7km.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the nature of the proposed development -a detached dwelling house, and given 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.
Conclusion	
Likelihood of Significant Effects	EIA is not required The proposed development has been subject to preliminary examination for environmental impact assessment. 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.

Inspector: _____ Date: _____

Appendix 3: AA Screening Determination

Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: PL 501076-KK-26	
Step 1: Description of the project and local site characteristics	
Brief description of project	Proposal provides for the construction of a two-storey dwelling house and single-storey garage/store on a site extending to 0.356Ha. The floor area is 324.85sq.m. An on-site wastewater treatment system and connection to the Lacken-Rathmoyle group water scheme are proposed.
Brief description of development site characteristics and potential impact mechanisms	The site is located in a rural area, approximately 5km west of Kilkenny City. The appeal site is located c.4.7km from the River Nore SPA (Site Code 004233) and is c.4.5km from the River Barrow and River Nore SAC (Site Code 002162). The appeal site is located within the Nore Water Framework Catchment ID_15. Dreelingstown_010 River (IE_SE_15D420500) is located approximately 610m to the west and is approximately 720m to the east.
Screening report	No
Natura Impact Statement	No
Relevant submissions	The Planning Authority undertook Appropriate Assessment Screening, concluding that there was no potential for significant effects to Natura 2000 sites and that a Stage 2 Appropriate Assessment was not required.
Step 2. Identification of relevant European sites using the Source-pathway-receptor model	

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
River Nore SPA (Site Code 004233)	Kingfisher (Alcedo atthis) [A229] The SPA overlaps with River Barrow and River Nore SAC (002162). Conservation objectives for this site should be used in conjunction with those for the overlapping site as appropriate.	4.7km	No direct hydrological/ecological link between the appeal site and SPA	N
River Barrow and River Nore SAC (Site Code 002162).	1016 Desmoulin's Whorl Snail Vertigo moulinsiana 1029 Freshwater Pearl Mussel Margaritifera margaritifera 1092 White-clawed Crayfish	4.5km	No direct hydrological/ecological link between the appeal site and SAC	N

	Austropotamobius pallipes 1095 Sea Lamprey Petromyzon marinus 1096 Brook Lamprey Lampetra planeri 1099 River Lamprey Lampetra fluviatilis 1103 Twaite Shad Alosa fallax fallax 1106 Salmon Salmo salar 1130 Estuaries 1140 Mudflats and sandflats not covered by seawater at low tide 1170 Reefs 1310 Salicornia and other annuals colonising mud and sand 1330 Atlantic salt meadows (Glauco-			
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	Puccinellietalia maritimae) 1355 Otter Lutra lutra 1410 Mediterranean salt meadows (Juncetalia maritimi) 1421 Killarney Fern Trichomanes speciosum 3260 Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho- Batrachion vegetation 4030 European dry heaths 6430Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels			
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	7220 Petrifying springs with tufa formation (Cratoneurion)			
	91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles			
	91E0 Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)			
Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites AA Screening matrix				
Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*			
	Impacts	Effects		
Site 1: River Nore SPA (Site Code 004233)	Direct: None Indirect: None	The development would not require significant excavations, save for limited groundworks associated with the construction of the dwelling house and access.		

		Having regard to the distance from receiving features connected to the European site, it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the site for the SCI listed. Conservation objectives would not be undermined.
	Likelihood of significant effects from proposed development (alone) No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Impacts	Effects
Site 2: Name River Barrow and River Nore SAC (Site Code 002162)	Direct: None	The development would not require significant excavations, save for limited groundworks associated with the construction of the dwelling house and access. Having regard to the distance from receiving features connected to the European site, it highly unlikely that the proposed development could generate impacts of a magnitude that could affect habitat quality within the site for the SCI listed. Conservation objectives would not be undermined.
	Likelihood of significant effects from proposed development (alone) No	

	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No
Step 4: Conclude if the proposed development could result in likely significant effects on a European site	
I conclude that the proposed development (alone) would not result in likely significant effects on the River Nore SPA (Site Code 004233) or on the River Barrow and River Nore SAC (Site Code 002162). The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.	
Screening Determination Finding of no likely significant effects In accordance with Section 177U of the Planning and Development Act 2000, (as amended) and on the basis of the information considered in this AA Screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the River Nore SPA (Site Code 004233) or on the River Barrow and River Nore SAC (Site Code 002162) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required. This determination is based on: ▪ Nature and scope of the works i.e. small-scale nature of the development. ▪ Location and distance from nearest European Sites. ▪ There are no identifiable hydrological/ecological connector pathways between the application site and the Natura 2000 sites.	

- Taking into account the Appropriate Assessment Determination of the Planning Authority.