

Mark & Mary T Hennessy
Wallslough
Co. Kilkenny
R95 YF6E

Email: [REDACTED]

02nd August 2024

The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1,
D01 V902

Re: Observation to the Referral against Kilkenny Planning Section 5 Declaration (Ref.: DEC808) Regarding is the construction of wastewater/sewage tanks within the grounds of the equestrian shed (granted under permission P97/396) allowed without planning permission noting these are now complete at Wallslough Equestrian Facility, Wallslough, Co. Kilkenny

Your Case Number: ABP-320262-24

Kilkenny Planning Section 5 Declaration Reference: DEC 808

Dear Sir / Madam,

Based on the above submission of Mr. and Mrs. Kelly, we wish to make the following observations:

As detailed in Appendix A, the Wallslough Residents Group wrote to Kilkenny County Council (KCC) on May 20, 2024, under the AIE Regulations, the Aarhus Convention, and Directive 2003/4/EC of the European Parliament, which pertains to the European Communities (Access to Information on the Environment).

Residents sought Access to Information on the Environment (AIE) pertaining to the above development and specifically requesting the following: -

- *“All documents and assessments in the possession of Kilkenny County Council relating to: -
 - Waste treatment processes determining suitability,
 - Water supply determining suitability
 - Fire water supply determining suitability”*
- *All documents and assessments in the possession of Kilkenny County Council relating to environmental compliance with Irish and EU regulations.*
- *All documents and assessments in the possession of Kilkenny County Council relating to environmental impact and management.*

On the 22nd of April 2024, Mr. Sean McKeown of Kilkenny County Council wrote to residents confirming the developments location at approximately 1km from the River Nore SAC wherein it stated it was the council's:-

“considered view..... the proposed development..... would not be likely to have a significant effect on any Natura 2000 designated sites”

We are specifically requesting the assessment report that formed the basis for this decision, as the reasoning remains unclear. Notably, the letter dated April 22, 2024, mentioned that Kilkenny County Council had also requested additional information from the developers concerning water supply and wastewater sewerage proposals for further consideration."

As detailed in Appendix B, dated July 19, 2024, Kilkenny County Council's (KCC) decision regarding "AIE request 005 2024" effectively decided not to provide any environmental information. However, this decision was accompanied by a "schedule of records," which revealed the following:

- A. "Proposal for Wastewater Treatment" was submitted on May 25, 2023, but no further proposals were submitted.

Additionally, correspondence from Kilkenny County Council dated April 22, 2024 (see Appendix C), indicated that KCC's Environment Section had requested further information from the property owner regarding the wastewater proposal. The correspondence states:

"In relation to wastewater and sewerage services, the council's Environmental Section has sought further information from the property owner in relation to the wastewater proposal..."

- B. There are no records indicating that the following documents have been completed by KCC:

- Appropriate Assessment screening
- Environmental Impact Assessment screening, despite wastewater treatment plants being a project type covered by category 11 (C) of part 2
- Ecologist's report
- KCC Environmental Section reports assessing the proposal's:

i. Waste treatment processes for determining suitability

ii. Water supply for determining suitability

iii. Fire water supply for determining suitability

As KCC's "AIE request 005 2024" and the accompanying official "schedule of records" do not mention or document the existence of either an AA or an EIA screening, we believe these processes have not been completed.

Consequently, we question how the development, including its already constructed foul water waste holding tank, can be considered an exempt development without these required screenings under section 3(1) and 3(2) of SI 306/2022 (i.e. section 181A to 181C of the Planning & Development Act 2000 apply).

In light of this, and considering the matter of public interest, we believe ABP has no choice but to refuse planning permission for this development.

Kind regards,

Mark & Mary T Hennessey

Wallslough

Kilkenny

R95 YF6E

APPENDIX A

Wallslough Residents Group
Email: wallslough.residentgroup@gmail.com
20th May 2024

AIE Officer,
Environment Section,
Kilkenny County Council,
81 John Street Lower,
Collegepark,
Kilkenny, R95 PK20,
Sent by email: AIE@kilkennycoco.ie

Subject: Concerns Regarding Proposed Accommodation of 299 Persons within the Wallslough Equestrian Facility, Wallslough Village, Wallslough, Co. Kilkenny Eircode R95 T9FE

Dear AIE Officer,

We are writing to you under the AIE Regulations, the Aarhus Convention and Directive 2003/4/EC of the European Parliament, the European Communities (Access to Information on the Environment).

We are seeking Access to Information on the Environment (AIE) pertaining to the above development and specifically requesting the following: -

- All documents and assessments in the possession of Kilkenny County Council relating to: -
 - Waste treatment processes determining suitability,
 - Water supply determining suitability
 - Fire water supply determining suitability
- All documents and assessments in the possession of Kilkenny County Council relating to environmental compliance with Irish and EU regulations.
- All documents and assessments in the possession of Kilkenny County Council relating to environmental impact and management.

On the 22nd of April 2024, Mr. Sean McKeown of Kilkenny County Council wrote to residents confirming the developments location at approximately 1km from the River Nore SAC wherein it stated it was the council's:-

"considered view..... the proposed development..... would not be likely to have a significant effect on any Natura 2000 designated sites"

We are specifically requesting the assessment report that formed the basis for this decision, as the reasoning remains unclear. Notably, the letter dated April 22, 2024, mentioned that Kilkenny County Council had also requested additional information from the developers concerning water supply and wastewater sewerage proposals for further consideration.

We have been seeking this information for some time, and the provision of these documents is now urgently required. Therefore, we kindly request expedited processing of this request.

Thank you for your attention to this matter.

Regards,

Wallslough Residents Group

CC:

- Kathleen Funchion TD (kathleen.funchion@oireachtas.ie)
- Malcolm Noonan TD (malcolm.noonan@oireachtas.ie)

APPENDIX B



Comhairle Chontae Chill Chainnigh

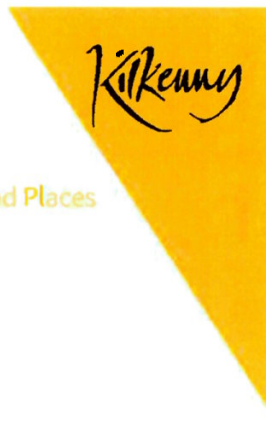
Halla an Chontae Sraid Eoin Cill Chainnigh
R95 A39T

Pobail agus Áiteanna Inbhuanaíthe a Chruthú

Kilkenny County Council

County Hall John Street Kilkenny
R95 A39T

Creating Sustainable Communities and Places



19th July 2024

Mark Hennessy

On behalf of

Wallslough Residents Group

wallslough.residentgroup@gmail.com

Re: AIE request 005 2024

Dear Mr. Hennessy,

I refer to the request you made under the European Communities (Access to Information on the Environment) Regulations 2007 to 2018 (S.I. No. 133 of 2007, S.I. No. 662 of 2011, S.I. 615 of 2014 and S.I. No. 309 of 2018) (hereafter referred to as the AIE Regulations) for access to information held by Kilkenny County Council relating to;

*"All documents and assessments in the possession of Kilkenny County Council relating to: -
Waste treatment processes determining suitability,
Water supply determining suitability*

Fire water supply determining suitability

All documents and assessments in the possession of Kilkenny County Council relating to environmental compliance with Irish and EU regulations.

All documents and assessments in the possession of Kilkenny County Council relating to environmental impact and management.

On the 22nd of April 2024, Mr. Sean McKeown of Kilkenny County Council wrote to residents "considering the development proposed, it is not possible to determine whether there are significant effects on Natura 2000 designated sites"

We are specifically requesting the assessment report that formed the basis for this decision, as the reasoning remains unclear. Notably, the letter dated April 22, 2024, mentioned that Kilkenny County Council had also requested additional information from the developers concerning water supply and wastewater sewerage proposals for further consideration."

The date for a decision was extended on 18th June 2024 to the 19th July 2024 because of the complexity of the records involved.

A final decision was made on your request by the undersigned on 19th July 2024 to part grant your request.

Summary of Decision

I have identified 513 records which relate to your request. I have attached a schedule relating to the relevant record with this letter. The schedule provides a brief description of the record and the decision I have made on these records. Where I have decided to refuse access to records or to grant partially access to records, it specifies the Article of the AIE Regulations under which this decision has been made.

Contd.....

II

I have refused access to some records in accordance with Article 8(a)(i) of the AIE Regulations, as these records contain personal information. Article 8(a)(i) of the European Communities (Access to Information on the Environment) Regulations 2007 to 2018 provides as follows:

8. A public authority shall not make available environmental information in accordance with article 7 where disclosure of the information—

(a) would adversely affect

(i) the confidentiality of personal information relating to a natural person who has not consented to the disclosure of the information, and where that confidentiality is otherwise protected by law

It is my decision that the confidentiality of the records in question is otherwise protected by law under Section 37(1) of the Freedom of Information Act 2014. This provides that:

(1) Subject to this section, a head shall refuse to grant an FOI request if, in the opinion of the head, access to the record concerned would involve the disclosure of personal information (including personal information relating to a deceased individual).

Further, the confidentiality of personal information is protected in Irish law under:

- the Data Protection Acts 1988 to 2018;
- the General Data Protection Regulation (EU) 2016/679;
- the European Convention on Human Rights; and
- the Irish Constitution

In arriving at a decision on your request, I confirm that I have had regard to the provisions of Article 10 of the Regulations, as a decision to refuse to disclose information under Articles 8 and/or 9 must not be taken in isolation from the relevant provisions in Article 10.

Public Interest

In line with Article 10(3), my deliberations have included weighing the public interest served by disclosure against the interest served by refusal.

I have considered the public interest issues which arise in this case and have taken account of the following factors in favour of release:

- Ensuring openness and transparency of the functions of Kilkenny County Council to the greatest possible extent,
- That there is more than just a transitory interest by the public in this information,
- The right to privacy is outweighed by the needs of the public.
- The public interest in members of the public exercising their rights under the FOI Act

In considering the public interest factors which favour withholding the records, I have taken account of the following:

Contd.....

III

- Allowing a public body to hold personal information without undue access,
- The public interest does not override the right of a public body to confidentially retain the personal information of staff,
- That Kilkenny County Council can conduct its business in a confidential manner,
- That there is a reasonable and implied expectation by employees that sensitive personal information will remain confidential.

I have considered the release of this personal information but having balanced the factors both for and against the release, I decided that the public interest in preserving the personal information and the reasonable expectation that information can be maintained in a confidential manner by Kilkenny County Council in the context of its dealings with planning applications outweighs the public interest which would be served were the records released to you.

I have refused access to some records in accordance with Article 8(a)(iv) of the AIE Regulations, as the records contains confidential information. Article 8(a)(iv) of the European Communities (Access to Information on the Environment) Regulations 2007 to 2018 provides as follows

8. A public authority shall not make available environmental information in accordance with article 7 where disclosure of the information— would adversely affect-

(iv) without prejudice to paragraph (b), the confidentiality of the proceedings of public authorities, where such confidentiality is otherwise protected by law (including the Freedom of Information Acts 1997 and 2003 with respect to exempt records within the meaning of those Acts);

In arriving at a decision on your request, I confirm that I have had regard to the provisions of Article 10 of the Regulations, as a decision to refuse to disclose information under Articles 8 and/or 9 must not be taken in isolation from the relevant provisions in Article 10.

It is my decision that the confidentiality of the records in question is otherwise protected by law under Section 29, of the Freedom of Information Act 2014.

Section 29 Deliberative Process

Section 29(1) of the FOI Act 2014 states:-

"A head may refuse to grant an FOI request-

- (a) *If the record concerned contains matter relating to the deliberative process of an FOI body (including opinions, advice, recommendations, and the results of consultations, considered by the body, the head of the body, or a member of the body or the staff of the body for the purpose of those processes), and*
- (b) *The granting of the request would in the opinion of the head, be contrary to the public interest"*

Contd.....

IV

The information withheld under this exemption relates to matters currently under deliberations by Kilkenny County Council. The deliberations are in the early stages and it is my view that the release of this information at this stage in the process would be contrary to the public interest as the information contained is incomplete and not yet fully developed and may cause undue concern among Staff and members of the Public. I am satisfied that the release would be harmful to the process and it is therefore my view that this information should not be released. I have set out below the factors that I have considered in the public interest.

Public Interest Test

In line with Article 10(3), my deliberations have included weighing the public interest served by disclosure against the interest served by refusal.

I have considered the public interest issues which arise in this case and have taken account of the following factors in favour of release:

- The right of the public to have access to information.
- Disclosure will reveal reasons for decisions.
- The accountability of administrators and scrutiny of decision making processes.
- The need for the public to be better informed and more competent to comment on public affairs.
- The information will make a valuable contribution to the public debate on an issue.

In considering the public interest factors which favour withholding the records I have taken account of the following:

- The need to preserve confidentiality having regard to the subject matter and the circumstances of the communications
- The release of records would impair future decisions
- Premature release could contaminate the decision making process
- Premature release of records would impair the integrity and viability of the decision making process to a significant or substantial degree without countervailing benefit to the public.
- Broader community interests must be considered, as distinct from those of the applicant and the subject of the record.

Having balanced the above factors, I place greater weight on the public interest favouring the withholding of the records and therefore my decision is not to release the records.

I have refused access to some records in accordance with Article 9(2)(c) of the AIE Regulations, as the records that are not yet complete. Article 9(2)(c) of the European Communities (Access to Information on the Environment) Regulations 2007 to 2018 provides as follows

Contd.....

9. (2) A public authority may refuse to make environmental information available where the request—
(c) concerns material in the course of completion, or unfinished documents or data,

In arriving at a decision on the aforementioned, I confirm that I have had regard to the provisions of Article 10 of the Regulations, as a decision to refuse to disclose information under Articles 8 and/or 9 must not be taken in isolation from the relevant provisions in Article 10.

It is my decision that the confidentiality of the records in question is otherwise protected by law under Section 30 and 32 of the Freedom of Information Act 2014.
The Kilkenny County Council may refuse to make environmental information available where disclosure of the information requested would adversely affect the planning process.

Section 30 (1) – Functions and Negotiations of FOI bodies states:

“A head shall refuse to grant an FOI request if access to the record concerned could, in the opinion of the head, reasonably be expected to-.....

(c) disclose positions taken, or to be taken, or plans, procedures, criteria or instructions used or followed, or to be used or followed, for the purpose of any negotiations carried on or being, or to be, carried on by or on behalf of the Government or FOI body.”

The information withheld under this exemption section relates to the negotiations and considerations of the Council and owners of Wallslough and their consultants in relation to the planning process. The release of this information could reasonably be expected to result in incomplete or inaccurate information being provided which are ongoing in relation to this matter. It is essential that this deliberative process is protected from undue intrusion and it is therefore my decision to refuse access to these records at this time.

Public Interest Test

In line with Article 10(3), my deliberations have included weighing the public interest served by disclosure against the interest served by refusal.

I have considered the public interest issues which arise in this case and have taken account of the following factors in favour of release

- The public interest in individuals being able to exercise their rights under the AIE Regulations to the greatest extent possible in order to access environmental information; and
- The public interest in environmental information being made available and disseminated to the public in order to achieve the widest possible systematic availability and dissemination to the public of environmental information.
- The accountability and objectivity in the decision making processes.
- The public interest in ensuring that negotiations are thorough and robust procedures are used and followed.

Contd.....

VI

- There is a public interest in ensuring that the Council is accountable to the public for the decisions that they make.

In considering the public interest factors which favour withholding the records I have taken account of the following:

- The public interest in ensuring that information is not released under the AIE regime that could adversely affect the course of
- The need to protect the efficient and effective processes of the Council.
- Premature release of records under the AIE regime would impair the integrity and viability of the decision making process to a significant or substantial degree without countervailing benefit to the public.
- Broader community interests must be considered, as distinct from those of the requester.
- There is a public interest in the Council being able to make informed decisions in the course of carrying out its functions and in being able to maintain the confidentiality of its deliberative process in some circumstances, particularly where those deliberative processes relate to ongoing negotiations.

Some records that are withheld under this exemption relate to early negotiations with the owners of the premises for change of use. It is my view that the release of this record could reasonably be expected to lead inaccurate and misleading information being provided to the public in relation to negotiations that are ongoing at present. It is essential that the negotiations between Kilkenny County Council and the owners regarding the compliance process is protected in order for the Council to continue to engage with the owners with a view to resolving any issues in this case.

Section 32 – Law Enforcement and Public Safety

A head may refuse to grant an FOI request if access to the record concerned could, in the opinion of the head, reasonably be expected to—

(a) prejudice or impair—

(ix) the security of a building or other structure or a vehicle, ship, boat or aircraft,

(b) endanger the life or safety of any person

Kilkenny County Council have a duty of care to all parties and their properties. I have taken this into consideration when deciding whether to provide information which is currently been discussed and deliberated.

Contd.....

VII

In addition, I have decided to refuse access to some records where enforcement action is ongoing. This is in accordance with Article 9(1)(b) of the AIE Regulations, as there is an ongoing enforcement action in relation to this facility. Article 9(1)(b) of the European Communities (Access to Information on the Environment) Regulations 2007 to 2018 provides as follows:

9. (1) A public authority may refuse to make available environmental information where disclosure of the information requested would adversely affect—
(b) the course of justice (including criminal inquiries and disciplinary inquiries),

Kilkenny County Council may refuse to make environmental information available where disclosure of the information requested would adversely affect the course of justice

In arriving at a decision on the aforementioned, I confirm that I have had regard to the provisions of Article 10 of the Regulations, as a decision to refuse to disclose information under Articles 8 and/or 9 must not be taken in isolation from the relevant provisions in Article 10.

Public Interest Test

In line with Article 10(3), my deliberations have included weighing the public interest served by disclosure against the interest served by refusal as set out below.

I have considered the public interest issues which arise in this case and have taken account of the following factors in favour of release

- The public interest in individuals being able to exercise their rights under the AIE Regulations to the greatest extent possible in order to access environmental information; and
- The public interest in environmental information being made available and disseminated to the public in order to achieve the widest possible systematic availability and dissemination to the public of environmental information.

In considering the public interest factors which favour withholding the records I have taken account of the following:

- The public interest in ensuring that information is not released under the AIE regime that could adversely affect the course of justice; and

Right of review

Under Article 11 of the AIE Regulations you have a right to request an internal review of this decision. An internal review involves a complete reconsideration of the matter by a member of the staff of this Department, unconnected with the original decision, of the same or higher rank than the original decision-maker, who may affirm, vary or annul the original decision.

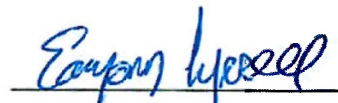
Contd.....

VIII

If you wish to request an internal review, you can do so by writing to Eamonn Tyrrell, AIE Officer, referring to this decision, quoting the AIE reference number. This request must be made within one month of the date of receipt of this decision. The decision of an internal review will be communicated to you within one month of receipt of your request for an internal review.

Please contact me at 056-7794277 or Eamonn.tyrrell@kilkenneyco.co.ie if I can assist you in any matter relating to your request.

Yours sincerely,



Eamonn Tyrrell
AIE Officer

SCHEDULE OF RECORDS

Requestor Name: Mark Hennessy File Ref: 005 2024						
Page No:	Date of Record	Description of Record	Decision	Relevant Section of AIE Regulations	Public Interest	Emissions – where information is refused under Article 8 and /or 9(1)(c)
1-38	29 th June 2023	Email from Paul Byrne dated Thursday 29 th June 2023 11:51 with 4 * pdf attachments, Site Suitability plan, Site Characterisation Form, MIES3291 Report, Site Layout Plan	Withhold	Duplication at 192-265 below		
39-40	29 th June 2023	Email thread from Paul Byrne dated Thursday 29 th June 2023 12:06 with 4 * pdf attachments (same attachments as first document above, not reprinted)	Withhold	Section 9(2)(c), 8(a)(iv)	See attached letter	N/a
41-42	29 th June 2023	Email thread from Michael Arthurs dated Thursday 29 th June 2023 12:45	Withhold	Section 9(2)(d), 8(a)(iv)	See attached letter	N/a
43-44	6 th July 2023	Email thread from Brendan Moore dated Thursday 6 th July 2023 09:37	Withhold	Section 9(2)(c), 8(a)(iv)	See attached letter	N/a
45	25 th July 2023	Email from Siobhan Stapleton dated Thursday 25 th July 2023 12:28	Withhold	Section 8(a)(i)	See attached letter	N/a
46-47	3 rd November 2023	Email thread from Francis Brophy dated Friday 3 rd November 2023 12:25	Withhold	Section 9(2)(d)	See attached letter	N/a
48-61	11 th November 2023	Email thread from Fiona Deegan dated Saturday 11 th November 2023 11:38 with 2 * pdf attachments	Withhold	Section 9(2)(c), 8(a)(iv)	See attached letter	N/a

62	17 th November 2023	Email from Brendan Moore dated Friday 17 th November 2023 18:19 with 1 *pdf attachment (same attachments as document above, 48-61)	Withhold	Section 9(2)(c), 8(a)(iv)	See attached letter	N/a
63-64	20 th November 2023	Email from Francis Brophy dated Monday 20 th November 2023 09:36	Withhold	Section 9(2)(c), 8(a)(iv)	See attached letter	N/a
65-67	23 rd November 2023	Email from Francis Brophy dated Monday 23 rd November 2023 11:30 with 1 * pdf attachment	Withhold	Section 9(2)(c), 8(a)(iv)	See attached letter	N/a
68-69	23 rd November 2023	Email from Francis Brophy dated Monday 24 th November 2023 09:09	Withhold	Section 9(2)(c), 8(a)(iv)	See attached letter	N/a
70	12 th January 2024	Email from Eamon Hoare dated Friday 12 th January 2024 16:11	Release			
71-75	15 th January 2024	Email thread from Francis Brophy dated Monday 15 th January 2024 10:02 with email attached	Withhold	Section 9(2)(c), 8(a)(iv)	See attached letter	N/a
76-77	15 th January 2024	Email thread from Francis Brophy dated Monday 15 th January 2024 15:20	Withhold	Section 9(2)(c), 8(a)(iv)	See attached letter	N/a
78-83	17 th January 2024	Email thread from Fiona Deegan dated 17 th January 2024 13:46 with 1 * odf attachment	Part Release	Section 9(2)(c), 8(a)(iv)	See attached letter	N/a
84-95	17 th January 2024	Email thread from Brendan Moore dated Wednesday 17 th January 2024 22:36 with 5 * attachments	Withhold	Section 9(2)(c), 8(a)(iv)	See attached letter	N/a
96	18 th January 2024	Meeting invitation: Thursday 18 th January 2024 at 12:00 "Meeting with Wallslough promoters re Ukrainian development"	Withhold	Section 9(2)(c), 8(a)(iv)	See attached letter	N/a
97-99	19 th January 2024	Email from Fiona Deegan dated Friday 19 th January 2024 10:07 with minutes of meeting 18.01.24 attached	Withhold	Section 9(2)(c), 8(a)(iv)	See attached letter	N/a

100-102	19 th January 2024	Email from Fiona Deegan dated 19 th January 2024 14:26 with 1 * odf attachment	Release			
103-104	19 th January 2024	Email from Francis Brophy dated Friday 19 th January 2024 17:36	Withhold	Section 9(2)(c), 8(a)(iv)	See attached letter	N/a
105-112	6 th February 2024	Email from Fiona Deegan dated Tuesday 6 th February 2024 11:10 with 2* attachments	Withhold	Section 9(2)(c), 8(a)(iv)	See attached letter	N/a
113-115	7 th February 2024	Email from Brendan Moore dated Wednesday 7 th February 2024 21:01	Withhold	Section 9(2)(c), 8(a)(iv)	See attached letter	N/a
116-134	16 th February 2024	Email from Francis Brophy dated Friday 16 th February 2024 12:57 with 7 attachments	Withhold	Section 9(2)(c), 8(a)(iv)	See attached letter	N/a
135-156	19 th February 2024	Email from Brendan Moore dated Monday 19 th February 2024 10:13 with 1 attachment	Part Release	Section 9(2)(c), 8(a)(iv)	See attached letter	N/a
157	4 th April 2024	Email from Francis Brophy dated Thursday 4 April 2024 12:52	Release			
158-163	4 th April 2024	Email from Denis Malone dated Thursday 4 th April 2024 14:19	Withhold	Section 9(1)(b)	See attached letter	N/a
164-165	10 th April 2024	Email from Eamon Hoare dated Wednesday 10 th April 2024 19:37 with 1* attachment	Withhold	Section 9(2)(c), 8(a)(iv)	See attached letter	N/a
166-175	13 th April 2024	Email from Brendan Moore dated Saturday 13 th April 2024 14:15 with 1* attachments	Withhold	Provided at 502-5013		
176-185	26 th April 2023	Email from Info@wallsloughvillage.ie dated 26 th April 2023 17.22 plus attachments	Withhold	Section 9(2)(c), 8(a)(iv)	See attached letter	N/a
186-187	9 th May 2023	Email thread from Fiona Deegan to Info@wallsloughvillage.ie dated 9 th May 2023 14.38	Withhold	Section 9(2)(c), 8(a)(iv)	See attached letter	N/a

188-189	10 th May 2023	Email from Info@wallsloughvillage.ie dated 10 th May 2023 11.12	Withhold	Section 9(2)(c), 8(a)(iv)	See attached letter	N/a
190-191	10 th May 2023	Email thread from Fiona Deegan to Info@wallsloughvillage.ie dated 10 th May 2023 12.33	Withhold	Section 9(2)(c), 8(a)(i), 8(a)(iv)	See attached letter	N/a
192-265	29 th June 2023	Email thread from Fiona Deegan to Info@wallsloughvillage.ie dated 29 th June 2023 11.56 plus attachment	Withhold	Section 9(2)(c), 8(a)(iv)	See attached letter	N/a
266-268	18 th November 2023	Email thread from Brendan Moore to Fiona Deegan dated 18 th November 2023 11.57 plus attachment	Withhold	Section 9(2)(c), 8(a)(iv)	See attached letter	N/a
269-287	30 th January 2024	Email thread from Fiona Deegan to Brendan Moore dated 30 th January 2024 15.08 plus attachment	Withhold	Section 9(2)(c), 8(a)(iv)	See attached letter	N/a
288-289	31 st January 2024	Email thread from Thomas Hughes to Fiona Deegan dated 31 st January 2024 9.38	Withhold	Section 9(2)(c), 8(a)(iv)	See attached letter	N/a
290-294	7 th February 2024	Email thread from Brendan Moore to Fiona Deegan dated 7 th February 2024 20.25	Withhold	Section 9(2)(c), 8(a)(iv)	See attached letter	N/a
295-296	19 th February 2024	Email thread from Fiona Deegan to Tommie Hughes, info@wallsloughvillage.ie , [REDACTED] Brendan Moore dated 19 th February 2024 9.33	Withhold	Section 9(2)(c), 8(a)(iv)	See attached letter	N/a
297-298	19 th February 2024	Email thread from Thomas Hughes to Fiona Deegan dated 19 th February 2024 10.08	Withhold	Section 9(2)(c), 8(a)(iv)	See attached letter	N/a
299-307	13 th April 2024	Email thread from Brendan Moore to Francis Brophy Dated 13 th April 2024 plus attachment	Withhold	Provided at 502-5013		
308-319	17 th January 2024	Email thread from Brendan Moore dated 17 th January 2024 22.36	Withhold	Section 9(2)(c), 8(a)(iv)	See attached letter	N/a

320-341	19 th February 2024	Email thread from Brendan Moore dated 19 th February 2024 10.13	Withhold	Provided at 135-156		
342-345	19 th January 2024	Email thread from Tim Butler dated 19 th January 2024 15.42	Withhold	Section 9(2)(c), 8(a)(iv)	See attached letter	N/a
346-348	19 th January 2024	Email thread from Tim Butler dated 19 th January 2024 17.13	Withhold	Section 9(2)(c), 8(a)(iv)	See attached letter	N/a
349	23 rd January 2024	Email from Tim Butler dated 23 rd January 2024 18.06	Withhold	Section 9(2)(c), 8(a)(iv)	See attached letter	N/a
350-354	24 th January 2024	Email thread from Tim Butler dated 24 th January 2024 10.52	Withhold	Section 9(2)(c), 8(a)(iv)	See attached letter	N/a
355-360	24 th January 2024	Email thread from Tim Butler dated 24 th January 2024 16.27	Withhold	Section 9(2)(c), 8(a)(iv)	See attached letter	N/a
361-362	26 th January 2024	Email thread from Tim Butler dated 26 th January 2024 17.00	Withhold	Section 9(2)(c), 8(a)(iv)	See attached letter	N/a
363-364	29 th January 2024	Email thread from Tim Butler dated 29 th January 2024 12.23	Withhold	Section 9(2)(c), 8(a)(iv)	See attached letter	N/a
365-371	22 nd April 2024	Declaration and Referral on Development and Exempted Development under Section 5 of the Planning & Development Act 2000 – DEC 791	Release			
372-378	22 nd April 2024	Declaration and Referral on Development and Exempted Development under Section 5 of the Planning & Development Act 2000 – DEC 792	Release			
379-380	06/07/2023	Email thread from Brendan Moore to Paul Byrne	Withhold	Section 9(2)(c) and 8(a)(iv)	See attached letter	N/a
381-394	18/05/2023	Site Characterisation Form	Withhold	Section 9(2)(c) and 8(a)(iv)	See attached letter	N/a
395	May 2023	Drawing – Site Layout Plan	Withhold	Section 9(2)(c) and 8(a)(iv)	See attached letter	N/a
396-408	May 2023	Site suitability Report	Withhold	Section 9(2)(c) and 8(a)(iv)	See attached letter	N/a
409-416	25/05/2023	Proposal for Wastewater Treatment	Withhold	Section 9(2)(c) and 8(a)(iv)	See attached letter	N/a
417-449	22/01/2023	Fire Safety Cert	Release			

449-452	30/04/2024	Email thread from Brendan Moore to John Ormand	Withhold	Section 9(2)(c) and 8(a)(iv)	See attached letter	N/a	
453-479	April 2024	Groundwater Abstraction - Impact Assessment	Withhold	Section 9(2)(c) and 8(a)(iv)	See attached letter	N/a	
480-483	01/05/2024	Email thread from John Ormond to Brendan Moore	Withhold	Section 9(2)(c) and 8(a)(iv)	See attached letter	N/a	
484-489	03/05/2024	Email thread from Brendan Moore to John Ormond with attachments	Withhold	Section 9(2)(c) and 8(a)(iv)	See attached letter	N/a	
490-493	16/05/2024	Email thread from Brendan Moore to John Ormond with Attachment	Withhold	Section 9(2)(c) and 8(a)(iv)	See attached letter	N/a	
496-501	17/05/2024	Email thread from John Ormond to Brendan Moore	Withhold	Section 9(2)(c) and 8(a)(iv)	See attached letter	N/a	
502-513	16 th May 2024	Email thread from Eamonn Hoare to Francis Brophy	Withhold	Section 9(2)(c) and 8(a)(iv)	See attached letter	N/a	
			Total number of pages				513
			Total number of pages for full release				43
			Total number of pages for partial release				4
			Total number of pages being withheld				456

APPENDIX C



Comhairle Chontae Chill Chainnigh

Halla an Chontae Sraid Eoin Cill Chainnigh
R95 A39T

Pobail agus Aiteanna Inbhuanaithe a Chruthú

Kilkenny County Council

County Hall John Street Kilkenny
R95 A39T

Creating Sustainable Communities and Places



22nd April, 2024

Wallslough Residents Group

RE: Concerns regarding proposed accommodation at Wallslough

Dear Mark,

Thank you for your email of 4th April last. I acknowledge and understand your concerns. First and foremost I would like to assure you that Kilkenny County Council are complying fully with the regulations, introduced by Government to provide temporary exemption under the Planning and Development Act for the provision of emergency accommodation for displaced persons from Ukraine (i.e. Statutory Instrument 306/2022) and international protection refugees (i.e. Statutory Instrument 376/2023). Second, Kilkenny County Council are required to implement Government policy. While eligible proposals may avail of exemptions under the Planning and Development Act, they must still comply with all other relevant regulatory requirements, including under the remit of local authorities, namely fire safety, building control and environmental regulations. In this regard, the Council are following up with all developments that have been notified to it, to ensure compliance with these regulations.

As regards your queries in relation to the proposed accommodation facility at Wallslough, I wish to advise that this property is currently under consideration under the Emergency Ukrainian Refurbishment Programme. The property owner is in receipt of a Letter of Intent from the Department of Children Equality Disability Integration and Youth (DCEDIY) for temporary use of the premises as an accommodation facility. The Letter of Intent states that the accommodation shall be made available by for the exclusive use of the Minister **subject to regulatory compliance**. The Letter of Intent suffices to commence a process, whereby the various service areas of Kilkenny County Council, namely Fire Services, Building Control and Environment must ensure the proposal is in compliance with the respective regulatory requirements. DCEDIY will only enter into a contract with the property owner once they have received confirmation from the Council that the property is in compliance with all regulatory requirements.

I will now respond to the specific queries raised in your email of 4th April, as per responses highlighted in Green:

1. Specifics regarding exchanges related to water supply, wastewater and sewerage services between Kilkenny Co. Co., Irish Water, and relevant Government Departments and Agencies.

In relation to water supply, we are aware that Uisce Éireann have responded to the property owner in relation to upgrade works which would be required. Furthermore, we can confirm that a proposal was received by the Council's Environment Section in relation to providing water supply from existing and planned wells. This is under consideration.

In relation to wastewater and sewerage services, the Council's Environment Section have sought further information from the property owner in relation to the wastewater proposal, which will require agreement from Uisce Éireann.

2. Documentation pertaining to compliance provisions for wastewater management proposals, highlighting adherence to relevant EU Directives on wastewater management. Please address the proximity of surface water courses and the reliance of local residents on groundwater for drinking water (wells). Please note the locality's vulnerable groundwater 'high risk' status relative to the Wallslough's aquifer.

For your convenience, in Appendices A and B, we have utilized NPWS and Geological Survey Ireland Mapping to accomplish the following:

- A. Highlight the approximate 1KM distance between the development site boundary and the River Nore SPA, as well as the River Barrow and River Nore SAC.

The site is located approximately 1 km from the River Nore SAC.

There is no evidence of a direct hydrological pathway or ecological stepping stone to the SAC from the subject site. On the basis of the information available, it is the considered view of the Council's Planning Section that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on any Natura 2000 designated sites.

- B. Confirm the site location within the area of 'High' Groundwater Vulnerability.

Additionally, in Appendix C, we have included aerial photos illustrating significant excavation works completed on the site, followed by subsequent underground concrete tank structures dated March 21st and April 3rd, 2024, respectively.

As stated above, the Council's Environment Section have requested further information from the property owner in relation to the wastewater proposal, which will require agreement from Uisce Eireann.

3. Correspondence on the surface water implications of the development, taking into account historical and on-going road flooding.

For your convenience, we direct your attention to the following appendices: -

- A. Appendix D: Historical photos from 2018 depicting the extent of road flooding. At that time, members of the community contacted Kilkenny County Council Senior Engineer Seamus Kavanagh, copied on this email, for assistance in alleviating the issue.

In response to flooding of a section of the road at Wallslough, the Council's Thomastown/Callan Area Office implemented mitigation measures in 2021 on the road verges. Works carried out entailed 2m deep soakage trenches along the length of the flooding area on foot of complaints from Mark and Mary Hennessy at the time.

There is no natural outfall for surface water drainage at this location. Flooding of the road only happens on occasion during extreme rainfall events when the water table is too high and ground conditions cannot cater for same. The water then recedes after the rainfall event. It is the considered view of the Council's Roads Section that the proposed change of use will not make further contribution to surface water on the public road.

- B. Appendix E: Engineer's report dated April 7th, 2020, submitted in support of the planning application (which was not enacted, as previously mentioned in correspondence dated March 14th, 2024). This report addresses surface water runoff onto the public road, stating:

"It must be noted that there may have been past issues, as the applicant provided us with documents, as attached in Appendix C, confirming extensive drainage upgrades carried out last year in the hardstanding/car park area in Wallslough Village."

We have included extracts of the relevant documentation and photos referred to by the engineer above.

The Engineer's report you reference refers to a document submitted as part of a response to a further information request under planning application ref 19954. That permission was not executed. The report referenced is from Mr. Denis Brennan consulting engineer and sets out measures which were carried out at Wallslough prior to the planning application ref 19954. I copy below the response to the further information request (item 5) in purple as follows:

5. It is noted that the existing road side drainage is poor in the vicinity of the service entrance to the development and is liable to flooding during severe weather events. In order to mitigate against flooding during these events, the applicant is requested to submit proposals to prevent surface water run-off from the development hardstand areas onto the public road.

Kilkenny County Council Highways department visited the site to review this item with the appointed consultant engineer Denis Brennan. Surface water drainage from the build and was deemed to be in line and functioning as per the granted application. A detailed engineering response from Denis Brennan forms part of this request for further information. We should note that some of the storm gullies did silt up a few years ago and these were fully flushed and remediated last year. Subsequently the management of Wallslough have introduced a maintenance schedule to de-silt all gullies on an ongoing basis.

Denis Brennan's report further states the issue had been addressed by his client prior to lodging of the planning application.

The application was appealed to An Bord Pleanála (ABP) and a decision to grant was made by ABP on 17/2/21.

Appendix C: We have included a sample photo of ongoing road flooding dated October 23rd, 2023, along with a video from the same date, attached to this email.

As stated above, in response to flooding of a section of the road at Wallslough, the Council's Thomastown/Callan Area Office implemented mitigation measures in 2021 on the road verges. Works carried out entailed 2 metre soakage trenches along the length of the flooding area on foot of complaints from Mark and Mary Hennessy at the time.

There is no natural outfall for surface water drainage at this location. Flooding of the road only happens on occasion during extreme rainfall events when the water table is too high and ground conditions cannot cater for same. The water then recedes after the rainfall event. It is the considered view of the Council's Roads Section that the proposed change of use will not make further contribution to surface water on the public road.

D. Appendix C: An aerial photo (dated March 21st and April 3rd, 2024) depicting significant spoil heaps placed over the drainage works referenced in the engineer's report dated April 7th, 2020. The Council's Environment Section note your concerns and will ensure as part of regulatory compliance that the property owner puts in place measures to dispose of all waste in accordance with the relevant Waste legislation.

I trust the above information is helpful.

Yours sincerely,