

Comhairle Chontae Chill Chainnigh Kilkenny County Council Planning Report



Planning & Development Acts, 2000 – as amended
Planning & Development Regulations, 2001 – as amended

Planning Ref. 2660468

Due date 17/09/2026

Applicant: Shane Walsh and Ellen O Gorman

Subject: Construction of a new dwelling house, part single storey and part one-and-a-half storey, together with a domestic well, packaged secondary wastewater treatment system and percolation area, new vehicular entrance to the eastern site boundary adjoining an existing private entrance, and all associated site development and boundary works.

Site Location:

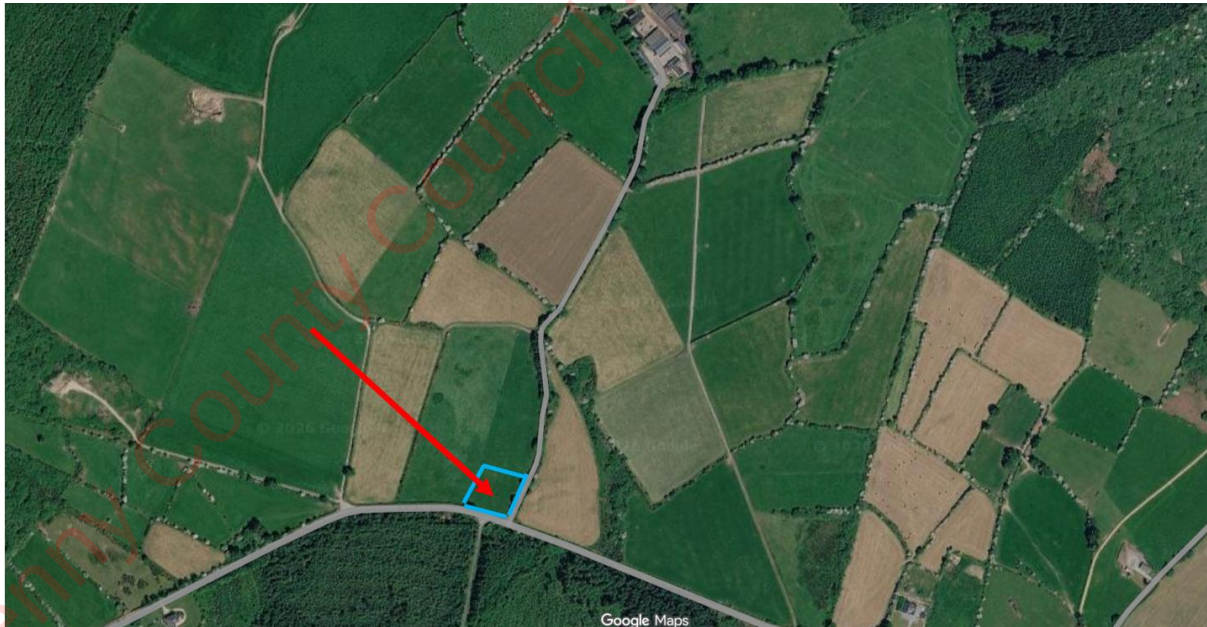


Fig: Aerial View of Site

The application site is in the townland of Corbally c.6.5km west north west of Mullinavat, 5.6km east of Owing and 5.75km north west of Piltown. The application site is an agricultural field under grass surrounded by same to same/northern side of host local secondary road (L5113). There is forestry directly to the southern side of/directly across the road which land

risers from north to south. Application site falls from south west to north east. The surround landscape is undulating.



Fig: Application site

Site Parameters

Site Area: 0.401ha.;

Proposed Works: 233.9sq.m;

Land is owned by first applicant's father. To be transferred in event of GOPP.

Site History:

None.

Pre-Planning

Pre-Planning Date: 08/05/26, 12:30pm.

Persons involved: Applicants and Executive Planner, Niall Sheehan

- Pre-planning in accordance with S247 of P&D Act 2000 as amended and consolidated;
- Demonstrate rural housing need in accordance with S7.8.3 and 7.8.4 of the KKCDP 2021-27;
- See KKCC Rural Design Guide for site layout, DH position and sightlines;
- Given somewhat exposed site provide site specific planting and landscaping scheme;

- Design WWTS, percolation area, borewell to be in accordance with EPA COP 2021-2027;

Enforcement History

None.

Third Party Submissions:

None

Referrals:

Area Engineer: Recommend grant with conditions;

Services proposed:

Water supply: Proposed private well;
Waste water: Packaged secondary wastewater treatment system and percolation area;
Surface water: Proposed soakpits.

Appropriate Assessment

A Screening exercise was completed, which shows that there are no significant impact likely having regard to scale and absence of pathways from the application site to the nearest Natura 2000. It is therefore concluded that a Natura Impact Statement is not required.

EIA Conclusion

A preliminary examination of the nature, size and location of the proposed development has been carried out which determines that there is no real likelihood of significant effects on the environment arising from the proposed development. It is therefore concluded that an EIAR is not required.

Heritage

Protected Structure – None on site;

Architectural Conservation Area – The site is not located in any Architectural Conservation Area;

Recorded Monuments – None in the immediate vicinity;

Zone of Archaeological Potential - The site is not located within any Zone of Archaeological Potential;

Protected views - The site is not located within any protected view.

Future National Roads in South Kilkenny

Waterford to Cahir N24 Scheme - The site **is not** located within buffer area for this scheme however will not have any impacts.

Waterford to Glenmore N25 Scheme - The site **is not** located within buffer area for this scheme

Planning Policy and Assessment

The site is located in an area of urban influence in the Kilkenny City and County Development Plan 2021-2027. The Qualifying Criteria for Rural Housing in areas under urban influence is as follows:

- Areas classified as under Urban Influence are located close to the immediate environs or commuting catchment of cities and towns or to major transport corridors with ready access to urban areas. They are characterised by:
 - High levels of commuting patterns to urban areas

- Areas with high population growth in the County
- Ready access to a good road network with ready access to the larger urban areas.

It is the Council's objective for areas of urban influence to facilitate the rural generated housing requirements of the local rural community (as identified in this section) while on the other hand directing urban (non-rural) generated housing to areas zoned and identified for new housing development in the city, or towns and villages.

Areas under urban influence display the greatest pressures for development due to the commuter dependence of these areas on urban areas for reasons of employment and other social and economic functions¹.

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

1. Persons with a demonstrable economic need to live in the particular local rural area, being people who are for example:
 - a. employed full-time in rural-based activity such as farming, horticulture, forestry, bloodstock or other rural-based activity in the area in which they wish to build or whose employment is intrinsically linked to the rural area in which they wish to build, such as teachers in rural schools or other persons who by the nature of their work have a **functional need to reside permanently in the rural** area close to their place of work, provided that they have never owned a house in a rural area.
2. Persons with a demonstrable social need to live a particular local rural area,
 - a. Persons born within the local rural area, or who have lived a substantial period of their lives in the local rural area (minimum 5 years), who have never owned a rural house and who wish to build their first home close to the original family home. Persons born in the area without having lived for the minimum of 5 years must be able to demonstrate strong family and social connections to the area to demonstrate a demonstrable social need.
 - b. Returning emigrants who do not own a house in the local area and wishes to build their first permanent home for their own use in a local rural area in which they lived for a substantial period of their lives (5 years), then moved away or abroad and who now wish to return to reside near other family members.

All applicants for one-off rural housing will need to demonstrate compliance with the qualifying criteria of one of the above categories unless otherwise specified as being located within an area where the Rural Housing Policy does not apply. The Planning Authority shall have regard to the viability of smaller towns and rural settlements in the implementation of the policy.

Assessment

Rural Housing Need

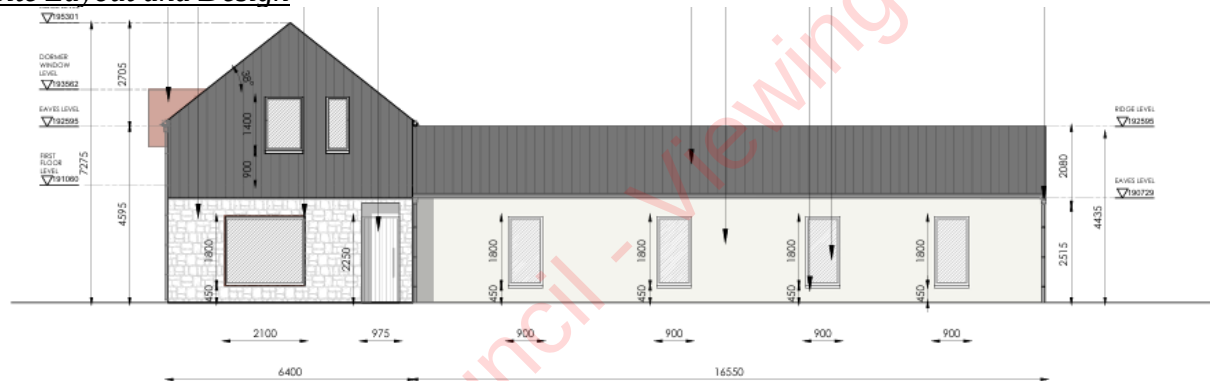
The applicant has completed Appendix 1 outlining application site on family lands, distance of work from present residence, and, distance to work from proposed residence. A letter from the

local primary school attended for the first applicant has been included. A cover letter summarising the applicants rural housing need has also been included including the first applicant's involvement in the running of the family farm.

The applicants have indicated in submitted documentation that they do not own a house in the rural area, the proposed dwellinghouse would be for their permanent place of residence, and, they would be willing to enter into an occupancy agreement restricting first occupancy of the proposed house as a place of permanent residence. The application site is located on family lands (site to be inherited in the event of receipt of planning permission). Ordnance Survey landholding map included.

I consider the first applicant/applicants to satisfactorily demonstrate adequate social and economic need to live at the site location proximate to the family homeplace in an Area Under Urban Influence and thus in compliance with Section 7.8.4 of Kilkenny County Development Plan 2021-2027 (rural housing policy which refers to applicants who have never owned a rural house looking to build their own rural house/home). I would recommend the attachment of an occupancy condition in the event of a grant of planning permission.

Site Layout and Design



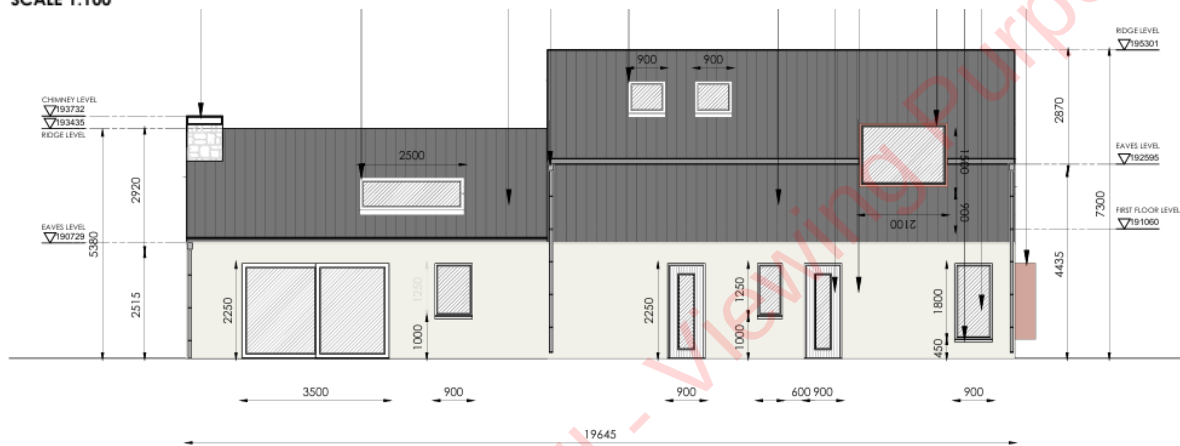
PROPOSED FRONT / SOUTH-EAST ELEVATION
SCALE 1:100



PROPOSED REAR / NORTH-WEST ELEVATION
SCALE 1:100



PROPOSED SIDE / NORTH-EAST ELEVATION
SCALE 1:100



PROPOSED SIDE / SOUTH-WEST ELEVATION
SCALE 1:100

Fig: Proposed Elevations



Fig: Example CGI of front elevation of dwellinghouse

L-Shaped Part single, part one and a half storey dwellinghouse set at an angle to the host public roadway.

Finishing materials to comprise of baumit render to select colour to walls, limestone/concrete cills, zinc standing seam roofing/cladding in dark grey to roof, powder coated aluminium rainwater goods, select colour timber front door (alu-clad), select box windows to corten colour (alu-clad), perforated chimney.

Ground floorplan to comprise of 3 no. bedrooms to one part, snug, bathroom, utility/plant, family, kitchen/dining/living room to other part. First floor plan (including reduced head height space) to comprise of bedroom, ensuite and office.

Proposed siting, positioning, scale, fenestration and finish considered to be acceptable in context of proposed planting and landscaping as discussed below and save for other detailed considerations including transportation and environment.

Planting and Landscaping

Existing tree, hedgerow and sodden earth bank to be partially removed to western side of existing entrance in order to improve sightlines to entrance in light of increased traffic volumes including construction traffic.

Existing hedgerow and sodden earth bank to be removed to western side of entrance.

Existing hedgerow and sodden earth bank to directly south to front roadside boundary/existing entrance to be partially set-back in light of increased traffic volumes.

Proposed native Aspen trees or similar to be planted to southern/front roadside boundary to shelter house from road

Water / Wastewater and Surface Water

Water

It is proposed to bore a private well to the south western front corner of the site upgradient of WWTS.

Wastewater:

Site Suitability Assessment by Linguan Environmental. Assessment contains the following information:

Eurotank BaF2 secondary treatment system pump discharge to raised soil polishing filter 90sq.m proposed to be located to the rear of the site downgradient;

Designed for internal layout of 4 no. bedrooms, 6 no. persons;

Locally important aquifer;

Extreme vulnerability;

Groundwater protection response of R2¹;

Shallow slope (1:27.5);

2.4m deep trial hole, no bedrock encountered, water table encountered at 2.3m;

Groundwater vulnerability of extreme;

Subsurface percolation value of 29.17;

Surface percolation area of 22.81

Piltown/Fiddawn source protection area over 1km;



Fig: Trial Hole as dug

Surface water

2 no. proposed soakpits located to the rear of the site.

Access



Fig: Proposed Site Layout Plan

It is proposed to take access off existing hard surfaced laneway to the family homeplace/farmyard for which entrance to public roadway is hard surfaced, splayed and includes a dwell area. Permission has been provided to applicants to make consent and have right of access over. Area Engineer has assessed and considers acceptable subject to conditions.

Development Contribution

Class 1 - 233.90sq.m – Proposed dwellinghouse

Recommendation:

It is recommended that permission be granted subject to the conditions in schedule 2 below



Date: 10th of September 2026

**Niall Sheehan,
Executive Planner**



Date: 10th of September 2026

**Catriona Bambrick
A/Senior Executive Planner**

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FIRST SCHEDULE
REASONS AND CONSIDERATIONS ON DECISION P.2660468

Having regard to the policies and objectives of the *Kilkenny City and County Development Plan 2021-2027*, it is considered that the proposed development subject to the attached conditions, would not seriously injure the amenity of the area and would therefore, be in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE
CONDITIONS ATTACHED TO PLANNING P.2660468

1. The development shall be carried out and completed strictly in accordance with:
 - (i) the conditions of this permission.
 - (ii) the documents lodged with this application on 24th of July 2026, except as otherwise required by the conditions of this permission.

Reason: To ensure that the development strictly accords with the permission and to ensure that effective control is maintained.

- ~~2. The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in Kilkenny County Council's administrative area that is provided or intended to be provided by or on behalf of the Local Authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Acts 2000-2023. As amended. The amount of the financial contribution shall be paid upon commencement of development, with the amount of the contribution being the rate of contribution in existence on commencement of development. In accordance with the current scheme the amount of the contribution is calculated at € (), however this amount may be recalculated in accordance with any newly adopted Development Contribution Scheme that may supercede the current scheme prior to commencement of development. Any applicable amount is subject to revision with reference to the Wholesale Price Index and to penalty interest in accordance with the terms of Kilkenny County Council's Development Contribution Scheme.~~

~~Reason: It is a requirement of the Planning and Development Acts 2000-2023 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.~~

The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in Kilkenny County Council's administrative area that is provided or intended to be provided by or on behalf of the Local Authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Acts 2000, as amended.

The amount of the financial contribution shall be paid upon commencement of development, with the amount of the contribution being the rate of contribution in existence on commencement of development. In accordance with the current scheme the amount of the contribution is calculated at €X (Euro). Any applicable amount is subject to revision with reference to the Wholesale Price Index and to penalty interest in accordance with the terms of Kilkenny County Council's Development Contribution Scheme 2026-2030

Reason: It is a requirement of the Planning and Development Acts 2000-2025 that a condition requiring a contribution in accordance with the Kilkenny County Council's

Development Contribution Scheme 2026-2030 made under Section 48 of the Act be applied to the permission.

3. (a) The on-site wastewater treatment system proposed shall be constructed in accordance with the recommendations in the Environmental Protection Agency's Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (EPA, 2021). Prior to installation, the Planning Authority may, in the interest of public health and to facilitate best practice, agree in writing certain EPA compliant variations to the wastewater treatment system approved under this application. Such agreement shall be placed on file and deemed to officially substitute/vary the original granted system. Certification that the complete wastewater treatment unit and percolation area / polishing filter have been satisfactorily installed to accord with EPA, 2021 shall be submitted to the Planning Authority prior to occupation of the house. The certificate shall be completed by a suitably qualified and indemnified person and shall include a site specific 'as constructed' layout plan and cross-sectional drawing through the effluent treatment system and associated percolation area. A generic cross-section is not acceptable. Proof of indemnification insurance shall be submitted with the certificate.

(b) The complete on-site wastewater treatment system shall be installed and maintained in accordance with the manufacturer's instructions.

Reason: In the interests of public health and to provide for the protection of the environment.

Footnote: The certificate to be completed will accompany the Final Grant of Permission.

4. a) The proposed dwelling when completed shall be first occupied as a place of permanent residence by **Shane Walsh and Ellen O Gorman** and shall remain so occupied for a period of at least seven years thereafter, unless consent is granted by the Planning Authority for its occupation by other persons who meet the criteria on local affiliation/links contained in the Kilkenny City and County Development Plan 2021-2027.

b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the Planning Authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or by any person deriving title from such a sale.

Reason: To meet the housing needs of the applicant(s) and in the interest of the proper planning and sustainable development of the area.

5. The roofs of the proposed dwellinghouse shall be blue/black/dark in colour. All other finishes to the outside of the house shall be as per the drawings submitted, unless otherwise agreed in writing with the Planning Authority prior to commencement of development.

Note: Where practicable, the use of uPVC in doors, windows and rainwater goods including gutters, downpipes, fascia, soffits etc. is discouraged in favour of more sustainable materials such as timber/metal. The use of reconstituted stone is also discouraged in favour of natural stone.

Reason: In the interest of the environment and the retention of rural character and visual amenity.

6.

- a) The only access (vehicular or pedestrian) to the site from a public road shall be as shown on the Site Layout Plan submitted on the 24/07/2026. The entire area of the splayed recess shall be suitably structured, to cater for vehicular traffic, surfaced with a suitable bituminous Macadam material. The walls forming the splayed recessed access shall not exceed 1m in height and where of block works shall be neatly capped and plastered where exposed to public view;
- b) The roadside boundary identified on the submitted site layout as requiring removal shall be permanently set back and maintained so as to provide and preserve the sightlines indicated on the submitted drawings to the satisfaction of the Roads Authority;
- c) All works associated with the access and sightlines shall be carried out prior to other works on site to ensure a safe access during construction works. The boundary along the road frontage of the site shall be set back as necessary to achieve the required sightlines and the visibility splay shall be kept clear of all obstructions. The verges shall be maintained to safeguard visibility on an ongoing basis;
- d) Any service poles along the existing road frontage boundary shall be set back against the new boundary in consultation with the appropriate statutory body and at the applicants own expense;
- e) No surface water from the site shall be allowed to discharge onto the public road. Surface water run off shall from the site be discharged to adjacent/nearby watercourses or soakaways within the boundary of the site. A slotted drainage channel shall be provided at the entrance to prevent surface run-off from entering the road;
- f) Roads side drainage shall not be negatively impacted by the works. All surface water inlets off the public road shall be maintained and adequately protected;
- g) Where roadside boundaries are set back / removed, the area between the boundary and the public roadway shall be suitably structured with stone so as not to lead to deterioration of the road edge. The area shall be finished with topsoil to a level of 200-300mm above road level and seeded with grass;
- h) Where the set back from the edge of the public roadway is greater than 2m, then a low earth bund approximately 500mm in height and 1m wide shall be formed along the road edge. The bund is required to provide road edge definition in the absence of the original boundary. The bund and area behind it shall be finished with topsoil and seeded with grass;
- i) Where set back, boundaries shall be parallel to the road. If a hedge is to be planted along a roadside boundary, then it shall be a minimum of 1m behind the minimum visibility requirement. Any damaged caused to the public road or road side drainage, the cost of such repairs shall be borne by the applicant to the satisfaction of Kilkenny Co Council.

Reason: In the interests of traffic safety

- 7. (a) Clean stormwater shall be managed within the curtilage of the landholding via suitably sized soakaways designed in accordance with BRE Digest 365 – Soakaway Design or rainwater harvesting unit.

(b) No surface water run-off from the site shall discharge onto the public road.

Reason: In the interests of environmental protection and to protect the integrity of the public.

- 8. The developer shall provide and arrange and indefinite maintenance of a supply of potable water for domestic and sanitary needs of the development.

Reason: In the interests of public health.

9. Existing shrub and tree vegetation on the site shall be retained, particularly along the entire roadside boundary and to the front of the dwelling, except those strictly required to be removed to carry out the development and achieve sightlines.
Reason: In the interests of visual amenity and integrating the development into the landscape.
10. Landscaping shall be carried out in accordance with the landscaping scheme submitted. The existing rear site boundary shall be retained, maintained and renewed. New side boundaries 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. A minimum of six deciduous trees (not dwarfed) species shall be included to the rear of the roadside boundary hedgerow. 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. 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.
Reason: In the interests of visual amenity and to assist in enfolding this dwelling sympathetically in the rural landscape
11. Any existing services affected by the proposed works shall be relocated in consultation and agreement with the statutory undertakers at the developers' expense.
Reason: In the interests of general and traffic safety.
12. During the construction phase of the development, the developer shall ensure that all operations at the site shall be managed and programmed in such a manner as to minimise waste production. The developer shall also ensure that procedures are in place to deal with any litter arising during the construction phase of the development. Wastes sent off-site for recovery or disposal including soil, subsoil and rubble, shall only be conveyed by an authorised Waste Contractor and transported from the proposed development site to an authorised site of recovery/disposal in a manner which will not adversely affect the environment.
Reason: To provide for the recovery/disposal of waste and the protection of the environment.
13. During the works the applicant shall ensure
- a) The adjoining public road and nearby properties are kept in a clean and orderly fashion;
 - b) All operations on site are carried out in manner such that noise or dust emissions do not result in significant impairment of, or significant interference with, amenities or the environment beyond the immediate works areas / site.
- Reason: In the interests of public health and to provide for the protection of the environment.

FOOTNOTES

Section 34 (13) of the Local Government (Planning & Development) Acts 2000, as amended, reads

“A person shall not be entitled solely by reason of a Permission or Approval under this Section to carry out any development.”

This is referred to in the context of the need to avoid infringing in any way the rights of the adjoining property owners.

If there is no appeal against the said decision, a Final Grant of PERMISSION will be issued after the expiration of the period within which an appeal may be made to An Coimisiún Pleanála. (See attached).

It should be noted that until the Final Grant of Permission has been issued the development in question is NOT AUTHORISED

The Applicant is advised that unless the development described above is carried out within five (5) years from the date of Final Grant of Permission, Planning Permission will cease to have effect. (See Section 40 of the Planning and Development Acts 2000-as amended)

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