

**Comhairle Chontae Chill Chainnigh
Kilkenny County Council
Planning Report**



**Planning & Development Act, 2000 as amended
Planning & Development Regulations, 2001 as amended**

Planning Ref: P25/111
Due Date: 04/12/2025

Applicant: Lachtain Kennedy and Eimear Walsh
Subject: Permission sought to form new vehicular site entrance and construct two storey dwelling house and garage. Connect foul drainage to new wastewater treatment system and percolation bed with new domestic water supply borewell with all associated site works at Moat, Freshford, Co. Kilkenny.

Site location and description:

The site is located in the townland of Moat, approx. 400m south east of Freshford village. The site is accessed off of the LS 5005. The site forms part of a larger agricultural field. There is a two storey dwelling house currently under construction on the neighbouring site to the south of the site. The site is subject to purchase by the applicant.

Referrals

Area Engineer - No objection subject to condition
Environment – Further information requested.

Site History

No recent on site planning history

Neighbouring site:

23/60559 – Outline permission granted for dwelling house on neighbouring site to the south
24/111 – Permission consequent granted for dwelling house etc.

Third Party Submissions

None received.

Services proposed

Water private well
Wastewater wastewater treatment system and percolation area proposed
Surface water Soakpit

Kilkenny County Development Plan 2021-2027

Rural Housing Policy:

The site is located within an area designated as an Area under Urban Influence as defined in the Kilkenny City and County Development Plan 2021-2027 in relation to the Council's rural housing policy.

The male applicant states on the application form that he is from Kilkenny Street, in Freshford village and the female applicant is from Kilkenny City. They are the intended purchasers of this site. Documentary evidence of the male applicants' homeplace in Freshford village has been submitted.

The rural housing policy states that '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.

The male applicants homeplace is indicated at Kilkenny Street within the village of Freshford. The site is located in close proximity to the settlement boundary for Freshford village. It is considered that given the male applicants homeplace is located within the village of Freshford and not the rural area outside of the village and having regards to the viability of Freshford village to meet the applicant's housing needs, it is considered that the applicants have failed to demonstrate compliance with the rural housing policy for this particular site located outside the settlement boundary for the village.

Assessment

Permission is sought for a two storey dwelling house located in line with the new dwelling house currently under construction on the adjoining site to the south. The site is relatively flat in nature with a mature hedgerow along the roadside boundary. As the site forms part of a larger field, the rear and side boundaries are currently undefined.

It is proposed to provide a new vehicular entrance centrally along the roadside boundary of the site. Sightlines of 90m are indicated in each direction. It appears that minimal roadside hedgerow is required

to be removed to achieve the 90m sightlines in each direction. The file was referred to the Area Engineer who has no objection subject to condition.

Drainage

The applicant proposes to install a secondary wastewater treatment system and soil polishing filter on site. The site characterisation form submitted indicates that a surface value of 14 and a subsurface value of 9.6 was achieved on site. No water or bedrock were indicated in the 3.2m trial hole.

This site is located in an area of potential flooding as per the OPW's CFRAM maps. Further information is recommended in this regard.



Fig 3 – GIS map including OPW Indicative Flood areas

Impact on Natura 2000 site (SAC or SPA):

A Screening exercise is incomplete and shall be completed on receipt of further information.

EIAR

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 EIA is not required.

Recommendation:

The following further information is recommended:

1. The site is located within the OPW's Indicative Flood area. Consequently, the applicants are requested to undertake a site-specific flood risk assessment – appropriate to the type and scale of development proposed on this site. The assessment shall delineate the flood risk zones as they may exist on site and submit the results of a justification test. The site-specific flood risk assessment shall be undertaken by a qualified and competent person with particular experience in flood risk assessment and shall be in accordance with the Department of

Environment's Guidance Document entitled *The Planning System and Flood Risk Management*.

2. The letter submitted indicates the applicant Lachtain Kennedy's school attendance from 1996 to 2025. The applicant shall submit revised proof of their residence in the town of Freshford for a period of five years by way of either a letter from the school or bills confirming same. The applicants shall also confirm that they have never owned a rural house before.
3. The planning authority considers that additional development at these lands on the outskirts of town will undermine the viability of the settlement, will place demand on additional infrastructure such as footpaths and that such development should ideally be located within the settlement. The applicant shall submit a map showing the extent of land in the ownership of the landowner and shall submit a letter from the landowner stating their willingness to, in the event of a grant of permission, enter into an agreement under Section 47 of the planning act for the sterilisation of the remainder of their lands along this road.
- ~~4. It is noted that the applicants are originally from the village of Freshford and Kilkenny City, respectively. Having regards to the rural housing policy of the Kilkenny City and County Development Plan 2021—2027, which states 'The Planning Authority shall have regard to the viability of smaller towns and rural settlements in the implementation of the policy' and having regards to the location of the site outside the settlement boundary for Freshford, the applicants are requested to submit further documentary evidence to address the above and to ensure compliance with the rural housing policy.~~



27/11/2025

Deirdre Breen,
Executive Planner

I agree that with the above recommendation.



27/11/'25

N. Louw,
Senior Executive Planner

Date_____