

Comhairle Chontae Chill Chainnigh
Kilkenny County Council
Planning Report



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

Our Ref: 2651
Due Date: 17/08/2026
Applicant: David Mulcahy Electrical Ltd
Subject: Extension of duration of planning permission P20/202

The site is located off the rear of no 73 Maudlin Street with access from the laneway to the rear. No works have commenced on site

Planning permission 20/202 was granted for the construction of for development for the construction of a two-storey dwelling to the rear garden of No 73 Maudlin Street, proposed connections to existing services and all associated site works

Development Proposal:

The application relates to an extension of duration of planning permission P20/202 which was granted to Mary Jennings on the 02/07/2021 and permission expires 01/07/2026.

Zoning:

Zoning: Existing Residential.

Purpose: To protect, provide and improve residential amenities.

Referrals:

None

Appropriate Assessment

Appropriate Assessment Screening was completed at the time of the assessment of the parent permission P20/202 which showed no significant environmental impact likely on any Natura 2000 site as a consequence of the proposed development.

EIAR 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.

Planning and Development Act 2000 as amended

Extensions of duration under section 42 Extensions of duration of permissions for un-commenced housing development Section 28 of the Planning and Development (Amendment) Act 2025 (Act of 2025) inserts

new provisions into section 42 of the Act of 2000 allowing for extensions of duration of un commenced permissions for development of one or more houses.

new subsection (1A) of section 42, where such a permission has not commenced within its appropriate period, a planning authority shall extend the appropriate period by such additional period (not exceeding 3 years) as the planning authority considers necessary to enable the development concerned to be completed.

This is subject to the application being made—

- before, but not earlier than 2 years before, the expiry of the permission, and
- not later than 6 months after the commencement of section 28 of the Planning and Development (Amendment) Act 2025 (i.e. from 1 August 2025). and that the planning authority is satisfied the development will be completed within a reasonable time.

An extension of the appropriate period under subsection (1A) ceases to have effect if the development is not commenced within 18 months of section 28 of the Planning and Development (Amendment) Act 2025 coming into operation (i.e. from 1 August 2025).

The applicant cannot avail of the above as the application was not made *later than 6 months after the commencement of section 28 of the Planning and Development (Amendment) Act 2025 (i.e. from 1 August 2025). and that the planning authority is satisfied the development will be completed within a reasonable time*



Planning permission 20/ P20/202 which was granted to Mary Jennings on the 02/07/2021 and permission expired on 01/07/2026.

The application is for an extension of duration was lodged on 23/06/26 which is before the expiry date

- On the application form it states the following works are completed
- An alcohol licence has been applied for

- Construction drawings have been prepared
- The raft foundation will be complete by end of August

All of the above are considered preparation work – no works have begun on site and therefore substantial works have not been carried out.

From a site inspection I can confirm no physical works have begun on site

Having inspected the site and carried out the above assessment completed to date the Planning Authority is satisfied that

- The new provisions into section 42 of the Act of 2000 allowing for extensions of duration of un-commenced development of one or more houses do not apply in this instance.
- the development to which the permission 20/202 had not expired before the application was made but has subsequently expired.
- the development to which the permission 20/202 relates has not commenced and accordingly, substantial works were not carried out pursuant to the permission during the applicable period.

In accordance with the provision of Section 42 of the Planning and Development Act the Planning Authority is statute barred from granting an extension of duration.

Recommendation

It is recommended that permission to extend permission 20/202 be refused for the reason below:

Reason for Refusal of application 26/51

Pursuant to Section 42(1) of the Planning and Development Act 2000-, as amended, it is hereby decided to REFUSE EXTENSION OF DURATION on Planning Reference No. P20/202 because, contrary to requirements, development has not commenced and substantial work have not been carried out. the Planning Authority is statute barred from granting an extension of duration and herewith refuse permission to extend the duration of permission 20/202.



30/07/26

C Bambrick

A/Senior Executive Planner



05/08/'26

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A/Senior Planner

