

Comhairle Chontae Chill Chainnigh

Kilkenny County Council

Planning Report



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

Planning Ref. 26/47
Due Date: 15/07/2026

Applicant: Mark O'Connor
Subject: Permission to erect a dwelling house sewage treatment system, detached garage and all ancillary site works at Ballyfasy Lower, Glenmore, Co. Kilkenny

Site Location:

The site is located in the rural townland of Ballyfasy Lower, approx 3km northwest of Mullinavat. The site is located on the southern side of the L3426. The site is located to the east of an existing single storey, with Ballyfacey National School located across the road to the northwest. The application site forms part of a larger field in the applicant's family ownership. The applicants family home is located to the east of the application site.

Planning History:

No recent on site planning history.

Site to the west:

001060 – Permission granted to Richard O' Connor for the erection of fully serviced dwelling and associated site works.

Referrals:

Area Engineer – No objection subject to condition.

Third Party Submissions:

None on file.

Kilkenny City and 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 policy states the following:

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.*

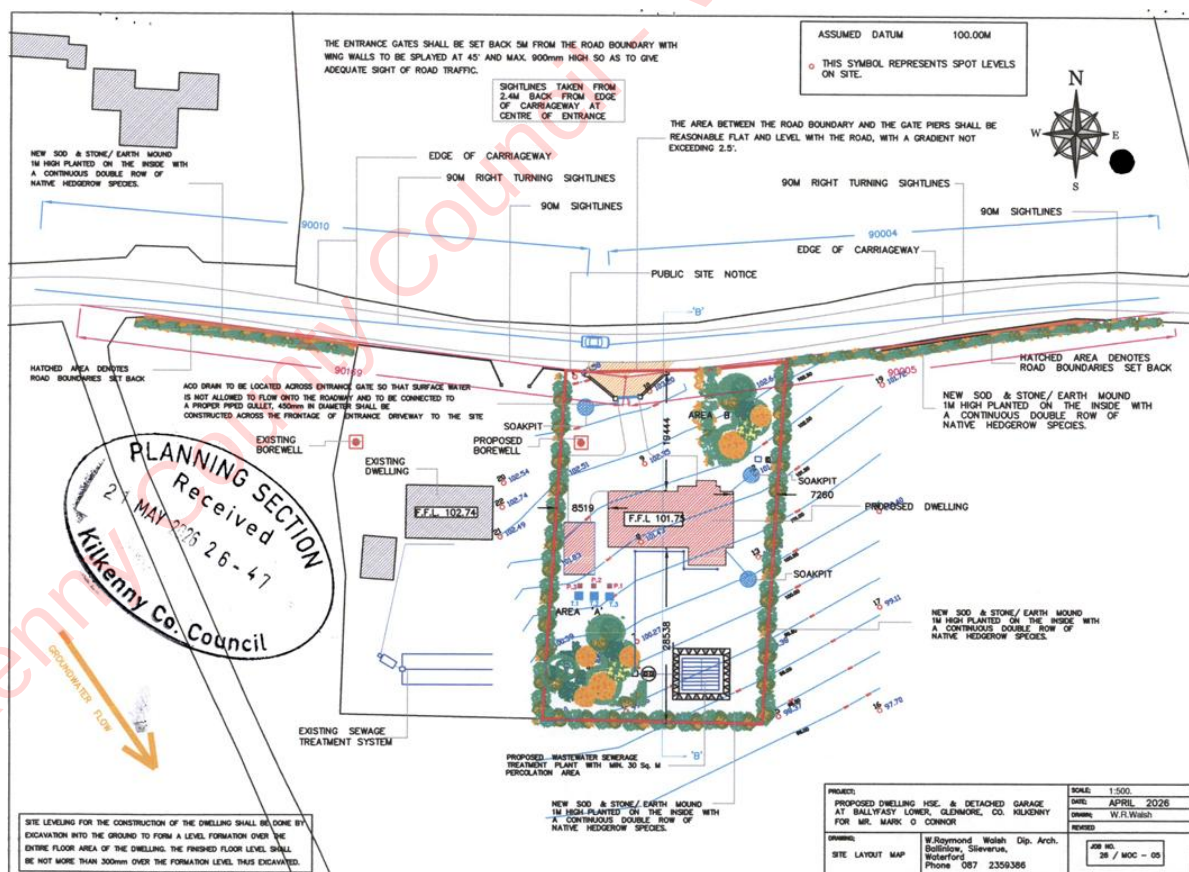
All applicants for one-off rural housing will need to demonstrate compliance with the qualifying criteria of one of the above categories unless otherwise specified as being located within an area where the Rural Housing Policy does not apply.

The applicant's homeplace is indicated to be located to the east of the site. The site forms part of the family landholding. The applicant has submitted a letter from Ballyfacey National School confirming that he attended here. It is considered that the applicant complies with the rural housing policy for this area.

Proposed development

Permission is sought for a single storey dwelling. The dwelling house has a proposed floor area of 189 sqm and a max height of 5.3 m. The design incorporates a single storey, 3 bedroom dwelling. The house is proposed to have a napped plaster and natural stone finish with blue/black roof slates. The siting and design are considered acceptable at this location.

A single storey detached garage with a floor area of 40 sqm and a maximum ridge height of 4.2 m is also proposed to the side and rear of the dwelling house at the northern elevation. The garage is proposed to have a napped plaster finish. The siting and design are considered acceptable at this location.



Services

Water – new connection to private well
 Wastewater – on site treatment system proposed.
 Surface water – Soakpit.

A surface value of 15 and sub surface value of 10.97 were achieved on site. A secondary treatment system and soil polishing filter is proposed.

Access

A new vehicular entrance is proposed off of the local primary road. Sightlines of 90 m are required and shown on the submitted site layout plan. The file was referred to the Area Engineer who has raised no objection, subject to conditions.

Development Contribution:

Class 1 & Class 3.

Impact on Natura 2000 site

A Screening exercise was completed, which showed that no significant environmental impact is likely on any Natura 2000 site.

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.

Recommendation:

Having regard to the policies and objectives of the Kilkenny City and County Development Plan 2021-2027, the documents submitted with this application and all other material considerations, it is recommended that permission is granted subject to the conditions set out below.

FIRST SCHEDULE**REASONS AND CONSIDERATIONS ON DECISION 26/47**

Having regard to the policies and objectives of the Kilkenny City and County Development Plan 2021-2027, the details submitted and all other material considerations, it is considered that the proposed development subject to being carried out in accordance with 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 26/47**

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 the 21st May, 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.~~

~~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.~~

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~~**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 proposed dwelling when completed shall be first occupied as a place of permanent residence by **Mark O'Connor** 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 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.

4. (a) The on-site wastewater treatment system proposed shall be constructed in accordance with the recommendations in the Environmental Protection Agency's 2021 Code of Practice Domestic Waste Water Treatment Systems PE $\leq$ 10. 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 infiltration area / raised 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 with as-constructed cross and long sectional drawings through the effluent treatment system and associated infiltration area / polishing filter with distribution pipes. Distribution pipes shall comply with the code of practice and the cross and long section drawings shall show the required clearances between the bottom of the trench and the water table / bedrock. A generic cross or long 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.

5. Clean stormwater shall be managed within the curtilage of the landholding via suitably sized soakaways designed in accordance with BRE Digest 365 – Soakaway Design.

Reason: In the interests of environmental protection.

6. The development works shall be designed and undertaken so as to facilitate the minimization of waste production. Any wastes to be removed from site (including concrete, subsoil, stone and rubble) shall only be removed by an Authorised Waste Contractor and shall be disposed of to an Authorised Recovery/Disposal Site.

Reason: To minimise waste and in the interests of environmental protection.

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

Reason: In the interests of public health.

8. The external material finishes to 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.

9. A new double staggered row of hedgerow of native species shall be planted along the new southern site boundary. All landscaping proposals shall be carried out in the first planting

season following commencement of the main development. All new site boundaries shall be planted with a double staggered row of native hedgerow species e.g. Hawthorn, field maple, holly, blackthorn, hazel etc. The native hedgerow shall be planted with not less than 3 different species and shall be carried out in the first planting season following commencement of development on site. All planting that fails shall be replaced.

Reason: In the interests of visual amenity and to help assimilate the proposed development into its rural setting.

10. All external finishes to the proposed garage shall match those of the dwelling house. The garage shall solely be used for purposes incidental to the residential enjoyment of the dwelling and shall not be used for any of the following:

- habitable purposes
- the housing of animals
- commercial purposes

Reason: In the interests of visual amenity and to help assimilate the proposed development into its rural setting.

11. The only vehicular access to the site from a public road shall be as shown on the Site Layout Plan. The entrance gates shall be back not less than 4.5m from the roadside boundary within a splayed recess space, which shall be a minimum of 11m wide along the line of the new roadside boundary. 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.

Reason: In the interests of traffic and general safety and to protect the integrity of the public road network

12. 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.

Reason: In the interests of traffic and general safety and to protect the integrity of the public road network

13. 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 applicant's own expense.

Reason: In the interests of traffic and general safety and to protect the integrity of the public road network

14. 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 and/or egressing into property.

Reason: In the interests of traffic and general safety and to protect the integrity of the public road network

15. 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.

Reason: In the interests of traffic and general safety and to protect the integrity of the public road network

16. 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.

Reason: In the interests of traffic and general safety and to protect the integrity of the public road network

FOOTNOTES

Section 34 (13) of the Local Government (Planning & Development) Acts 2000 - 2023, 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.

Please note that the Site Notice shall be removed by the Applicant following the notification of the Planning Authority decision under Article 31.

The building on this site shall comply with the requirements of Part M of the Building Regulations 2010, in that it must provide universal access for all persons.



Date: 13th July 2026

E. Newman
Assistant Planner



14/07/26

N. Louw,
Senior Executive Planner

Kilkenny County Council - Viewing Purposes Only!