

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



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

Planning Ref: P. 26/ 60227

Due Date: 11th June 2026

Applicant: Cathal Dempsey

Subject: Permission to construct a new single-story dwelling house and a new entrance driveway, provision of a new sewage treatment plant, borewell and percolation area and all associated site developments works at Hugginstown Lower, Co. Kilkenny.

Representations

Representation received on 20th May 2026 from Cllr Michael Doyle in support of this application.

Referrals

Environment – recommends refusal as per report dated June 2026.

Municipal District Engineer – further information required, as per report dated May 2026.

Site History

Subject site:

22/60004 – Permission refused to Daniel Burke and Olivia Nolan to construct a dwelling house, sewerage treatment system and percolation area, including all necessary site works; reasons for refusals as follows:

- 1. The applicant has failed to demonstrate that effluent from the proposed development can be treated and discharged at the subject site without risk to public health and the environment.*
- 2. Having regard to the design of the dormer dwelling with first floor gable windows, together with its position on an elevated, exposed site, and relative to the adjoining dwelling to the east, the proposed development would give rise to loss of residential amenities by way of overlooking of adjoining residential properties and would also form an unduly prominent feature in the landscape, the proposed development would be contrary to the proper planning and sustainable development of the area, and detract from the rural landscape character of the area.*

22/26 – application deemed withdrawn for application for Daniel Burke and Olivia Nolan for permission to construct a dwelling house, sewerage treatment system and percolation area, including all necessary site works.

06/2291 – Permission granted to Genevieve Cleary to construct a dwelling house, sewerage system and percolation area, including all necessary site works. The permission has expired and the permitted development was not carried out.

09/225 – Permission granted to David Murphy & Trudy Lennon for the construction of a fully serviced dwelling.

Site approx. 7km south-east of the subject site:

00/2015 – Permission granted to Cathal Dempsey and Deirdre Aylward for a two-storey dwelling house and septic tank, percolation area and all associated site works.

Adjoining site to the east of the subject site:

09/225 – Permission granted to David Murphy and Trudy Lennon for the construction of a fully serviced dwelling. The site boundaries for application 09/225 also extend to the north/ rear of the subject site.

07/1365 – Permission granted to Margaret Murphy to erect dwelling house and all associated works.

Adjoining site to the west:

03/1174 – Permission granted to Jeanie De Volder to erect a dwelling house, sewage treatment system and percolation area, including all necessary site-works.

Pre-planning

No pre-planning meeting noted on the application form with the applicant.

Third Party Submissions

None received to date.

Development Plan Policy

The site is located in an Area Under Urban Influence as per the Council's Rural Housing policy.

Appendix 1 of the planning application form relating to rural housing does not appear to have been submitted as part of the application. From the documentation submitted the following details are noted:

- The applicant was granted permission ref. 09/225 for a dwelling approx. 7km to the south-east of the subject site, and that dwelling ref. 09/225 is currently listed for sale.
- The applicant's daughter attends Ballyhale primary school.
- The applicant works as a carpenter, and letters of support have been submitted from local companies including Walsh Catering Equipment, Mullinavat; Kilkenny Nutritional Beverage Company, Piltown, Dawn Pork and Bacon Grannagh, and FQS Mullinavat.

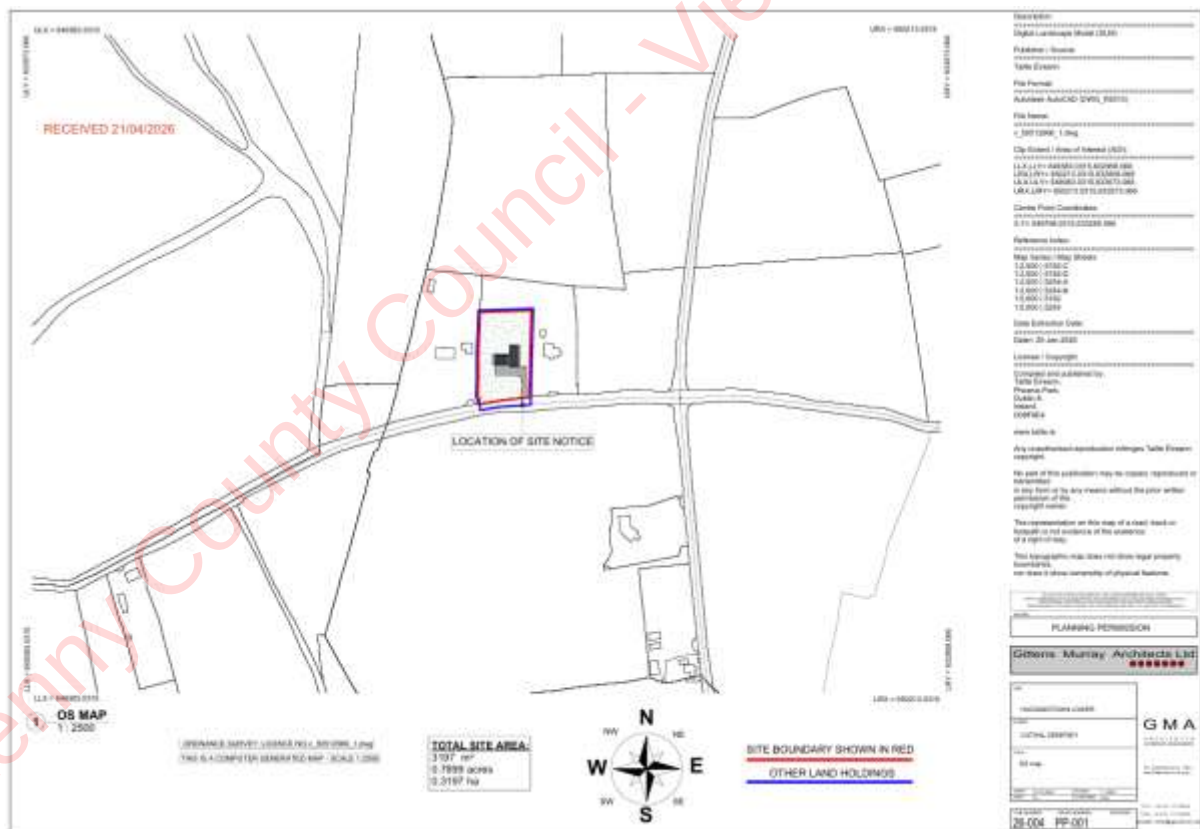
Section 7.8.4 of the Kilkenny City and County Development Plan 2021-2027 sets out the Council's policy for rural dwellings, and sets of the following criteria at 2.(a):

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.

The applicant has built a dwelling in the rural area, ref. 09/225 which is currently listed for sale. No further details have been provided in relation to this dwelling. The applicant has not submitted Appendix 1 of the planning application form to demonstrate compliance with the Council's rural housing policy. The applicant has failed to demonstrate compliance with the rural settlement strategy as set out in section 7.8.4 of the current development plan.

Site location and description

The site is located in the rural area approx. 1.2km from the settlement of Hugginstown. The site is located between two existing sites with detached dwellings. The area to the rear of the subject site appears to form part of the garden of the dwelling to the east, forming an 'L' shaped site. The gradient of the site rises upwards from the public road towards the rear/ north of the site; and there is also a slope from west to east on site. The single storey dwelling on the site to the west is set on higher ground than the site, and the dormer dwelling on the site to the east is set on lower ground. Access to the site is via the local secondary road L-8263.



Site location map

Proposed development

Permission sought “to construct a new single-story dwelling house and a new entrance driveway, provision of a new sewage treatment plant, borewell and percolation area and all associated site developments works”. The site has a stated area of 0.32ha. The dwelling would have a proposed stated area of 144sq.m.



Proposed site layout plan



Proposed dwelling plans and elevations

Services

Water – proposed private well.

Surface water – proposed disposal to on-site soakpit.

Waste water – proposed on-site effluent disposal system. The site is located in an area of ‘Extreme’ vulnerability as per the GIS database, and is underlain by a ‘Locally Important’ aquifer, the adjoining site to the east is underlain by a ‘Regionally Important’ aquifer.

As per the site characterisation form:

- rock was recorded a 0.4m below ground level in the trial hole, which had a stated depth of 2.1m,
- a sub-surface test value of 5.25 and surface-test value of 6.5 were recorded;
- proposed secondary wastewater treatment system and polishing filter.

The report received from the Environment Section dated June 2026 recommends refusal, and states as follows:

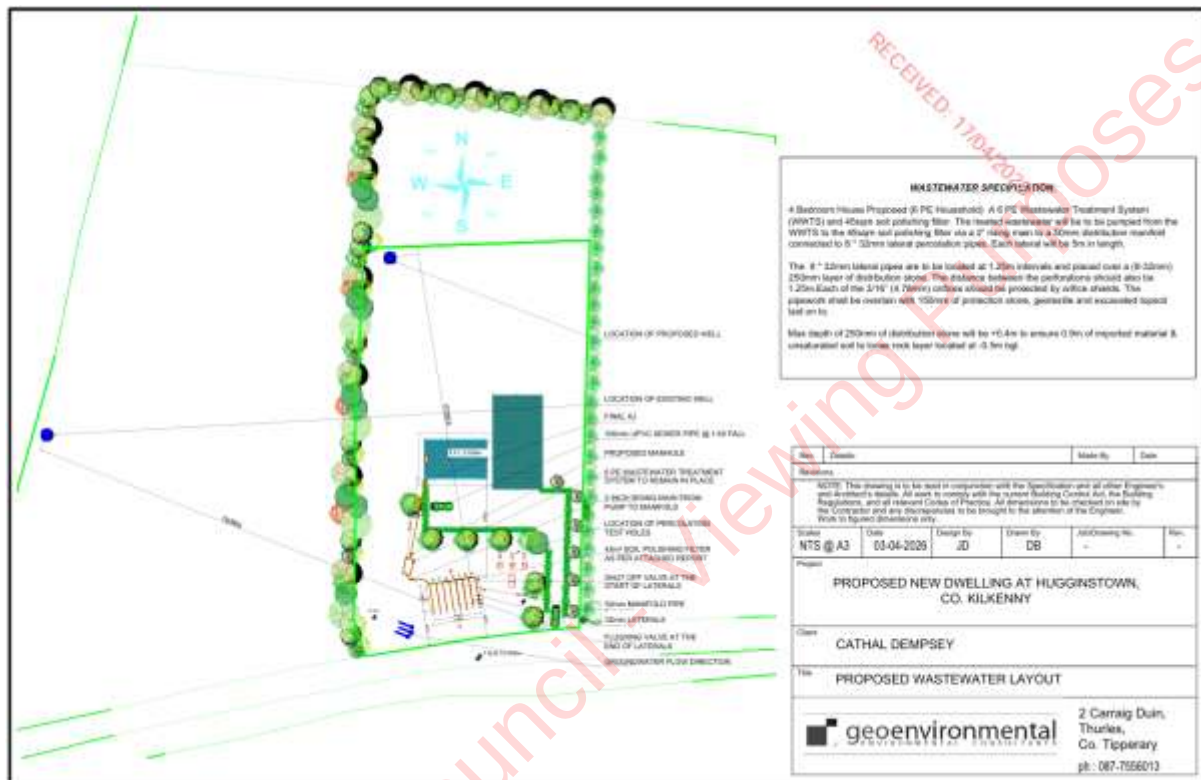
1. *A site visit was carried out on 03/06/2026 where the following was observed:*
 - a. *Bedrock was observed at ground level in the trial hole down to 1.2m where there appears to be a stratum change.*
 - b. *The majority of the site has a slope greater than 1:8*
2. *From review of the Planning application files the following was noted:*
 - a. *The site had previously received planning permission in 2006, however the neighbouring site to the east has since been developed under application 09/225. This dwelling has a borehole located to the north west corner of the site.*
 - b. *The applicant has proposed to install a well on site in the north west corner of the site directly adjacent to the neighbouring properties percolation area.*
 - c. *The applicant’s percolation area appears to be positioned on a sloping section of the site perpendicular to the contours which is discouraged.*
 - d. *There is a proposed soakaway upgradient of the dwelling in an area known to have bedrock close to ground level.*

The applicant has not adequately demonstrated that the site is capable of the safe disposal of treated effluent without risk to public health. The proposed development is therefore considered to be contrary to proper planning, protection of the environment and the sustainable development of the area.

Having regard to all of the above, I recommend that this application be refused for the following reasons:

1. *There is not enough evidence to support that effluent resulting from the proposed development will not cause undue harm to human health or the environment.*
2. *There is not enough evidence to support that storm water resulting from the proposed development can be adequately discharged within the curtilage of the site.*

3. *There is not enough evidence to support that potable water can be adequately sourced on site without significant risk of pollution.*
4. *There is potential for the site to be developed however in its current landholding it will be very difficult and will require significant time investment to find a unique solution to ensure suitability for development. The current proposal does not account for the sites unique challenges and therefore should be refused as the risk of polluting the applicants and neighbouring wells is too high.*



Proposed water and wastewater services layout plan



Image of site as per site suitability assessment report submitted

Access

The entrance to the site proposes access onto the local secondary road. Sightlines have not been demonstrated on the site lay out plan. The report received from the Municipal District Engineer dated May 2026 requires further information and states as follows:

1. *The proposed development is located on a Local Secondary Road (L-8263).*
2. *The speed limit on the Local Secondary Road is 60kph.*
3. *The road is approx. 3m wide*
4. *The sightlines required for this road are 90m in both directions measured to the near side road edge at a set-back distance of 3.0m.*
5. *The applicant has not submitted any sightline layout drawings. The applicant shall also provide necessary letters of consent from neighbouring land owners with regards to the removal of hedgerows where required. The applicant must also submit a sightline drawing clearly showing forward stopping distances for vehicles turning right in to the property.*

Landowner

It appears that the applicant is the intended purchaser of the site, although the applicant is indicated on the planning application form as the 'occupier' of the greenfield site. The stated landowner is Marc Velhuis; a letter of consent to make the application has been submitted from the stated landowner.

Development Contribution

Development Contributions class 1 applies as per the current development contribution scheme.

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.

Impact on Natura 2000 site

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

Conclusion

Having regard to the limited area of the site, the site characteristics with bedrock recorded at 0.4m below ground level, site history, the proposals for a well and on-site wastewater treatment system, together with the location of the existing dwellings, wastewater treatment systems and wells on the adjoining sites, I do not consider that the applicant can successfully provide for an on-site wastewater treatment system within the current site boundaries without risk to public health or the environment. If alterations to the position of the well and/ or wastewater treatment system on the adjoining site(s) is feasible, or an extension of the subject site boundaries was possible, there may possibly be a feasible solution; however, this would be subject to testing results which could demonstrate compliance with the EPA Code of Practice 2021. The development proposals as per the current application are prejudicial to public health.

P.26/ 60227**Recommendation**

I recommend that permission be refused for the following reasons:

1. The applicant has failed to demonstrate that effluent from the proposed development can be treated and discharged at the subject site without risk to public health and the environment.
2. ~~On the basis of the documentation submitted in support of the application, the applicant has failed to demonstrate compliance with the rural housing policy for this Area under Urban Influence as set out in the current Kilkenny City and County Development Plan 2021-2027. Furthermore,~~ It is considered ~~therefore~~ that the applicant's rural housing need has previously been satisfied and that he consequently ~~does not comply~~ has failed to ~~demonstrated compliance~~ with the rural housing policy set out in Section 7.8.4 of the *Kilkenny County Development Plan 2021-2027*. ~~As the applicants rural housing need in a rural area which has been previously satisfied.~~ The development as proposed would therefore be contrary to the policies and objectives of the *Kilkenny County Development Plan 2021 – 2027* and the National Planning Framework and would be contrary to the proper planning and sustainable development of this area.
3. The applicant has failed to demonstrate that surface water resulting from the proposed development can be adequately discharged within the curtilage of the site, and would therefore be prejudicial to public health and give rise to traffic hazard.
4. The applicant has failed to demonstrate the provision of adequate sightlines at the proposed entrance to the site, and the development would therefore give rise to traffic hazard.



8th June 2026

C. Kelly, Executive Planner



09/06/'26

N. Louw, Senior Executive Planner

I note that from previous refusal on the site under ref 22/60004 the location of the septic on the adjoining site was shown north west of the site adjacent to the proposed well location here. Recommendation agreed.



D. Malone, Senior Planner
10/06/26

Kilkenny County Council - Viewing Purposes Only!