



KILKENNY COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACTS 2000 (AS AMENDED)

NOTIFICATION OF DECISION TO REFUSE

TO: Pat Grace
Byrne and McCabe Design Ltd
Upper Main Street
Graiguenamanagh
Co. Kilkenny
R95YYN3

Planning Register Number: 26/60459

Valid Application Received: 17/07/2026

Further Information Received Date:

In pursuance of the powers conferred upon them by the above-mentioned Acts, Kilkenny County Council has by Order dated 09/09/2026 decided to REFUSE TO GRANT OUTLINE PERMISSION for development of land, namely:-

for 3 serviced sites for dwellings with treatment plants and soil filters, wells, new entrance and all associated site works AT Boherduff Ballydonnell Thomastown IN ACCORDANCE WITH THE PLANS SUBMITTED WITH THE APPLICATION.

For the reason and considerations stipulated on the First Schedule hereto.

In deciding the Planning Application the Planning Authority have regard to submissions or observations received in accordance with the Regulations.

Signed on behalf of Kilkenny County Council

Conor Sweeney

for DIRECTOR OF SERVICES

DATE: 09/09/2026

See final page for details of appeal procedures.

Tel no. Planning Section: 056-7794010

Website: www.kilkennycoco.ie

Note: An applicant for permission and any person who made submissions or observations in writing in relation to the planning application to the planning authority in accordance with the permission regulations and on payment of the appropriate fee, may, at any time before the expiration of the appropriate period – “the appropriate period” means the period of four weeks beginning on the day of the decision of the planning authority – appeal to An Coimisiún Pleanála against a decision of a planning authority under Section 34.

AN APPEAL SHALL BE MADE

(a) by sending the appeal by prepaid post to An Coimisiún Pleanála, 64 Marlborough Street, Dublin 1, Tel 01.8588100 or LoCall 1890 275175

(b) by leaving the appeal with an employee of An Coimisiún Pleanála, at the offices of the Board during office hours (as determined by the Board) or

(c) by such other means as may be prescribed.

APPEALING A DEVELOPMENT CONTRIBUTION.

(a) Subject to paragraph (b), no appeal shall lie to the Board in relation to a condition requiring a contribution to be paid in accordance with a scheme made under this section.

(b) An appeal may be brought to the Board where an applicant for permission under Section 34 considers that the terms of the scheme have not been properly applied in respect of any condition laid down by the planning authority.

AN APPEAL SHALL

(a) be made in writing

(b) state the name and address of the appellant and of the person, if any, acting on his or her behalf

(c) state the subject matter of the appeal

(d) state in full the grounds of appeal and the reasons, considerations and arguments on which they are based

(e) in the case of an appeal under Section 37 by a person who made submissions or observations in accordance with the permission regulations, be accompanied by the acknowledgement by the planning authority of receipt of the submissions or observations

(f) be accompanied by such fee (if any) as may be payable in respect of such appeal in accordance with Section 144 and

(g) be made within the period specified for making the appeal.

FEES FOR APPEAL

(a) Appeals against decisions of Planning Authorities	
Appeal	
(i) 1 st party appeal relating to commercial development where the application included the retention of development	€4,500 or €9,000 if an EIS or NIS involved
(ii) 1 st party appeal relating to commercial development (no retention element in application)	€1,500 or €3,000 if EIS or NIS involved
(iii) 1 st party appeal non-commercial development where the application included the retention of development	€660
(iv) 1 st party appeal solely against contribution conditions (s) – (2000 Act section 48 or 49)	€220
(v) Appeal following grant of leave to appeal	€110
(vi) An appeal other than referred to in (i) to (v) above	€220
(b) Referral	€220
(c) Reduced fee for appeal or referral (applies to certain specified bodies)	€110
(d) Application for leave to appeal (section 37(6)(a) of 2000 Act)	€110
(e) Making submission or observation (specified bodies exempt)	€50
(f) Request for oral hearing under section 134 of 2000 Act	€50
Note: The above fee levels for planning appeals and referrals remain unchanged from those already in force since 2007 (but note the addition of NIS in (i) and (ii) above)	

ORAL HEARINGS

The Board may, in its absolute discretion, hold an oral hearing of an appeal. A party to an appeal may request an oral hearing of the appeal. A request for an oral hearing of an appeal shall be made in writing to the Board and shall be accompanied by such fee (if any) as may be payable in respect of the request in accordance with Section 144. A request for an oral hearing of an appeal which is not accompanied by such fee (if any) as may be payable in respect of the request shall not be considered by the Board.

A request by an appellant for an oral hearing of an appeal under Section 37 shall be made within the appropriate period referred to in that section (the period of four weeks beginning on the day of the decision of the Planning Authority) and any request received by the Board after the expiration of that period shall not be considered by the Board. A request by a party to an appeal other than the appellant for an oral hearing of an appeal shall be made within the period referred to in Section 129(2)(a) (within a period of 4 weeks beginning on the day on which a copy of the appeal is sent to that party by the Board) within which the party may make submissions or observations to the Board in relation to the appeal, and any such request received by the Board after the expiration of that period shall not be considered by the Board.

Further details are available on the Board’s website – www.pleanala.ie

First Schedule

Reasons & Considerations for Decision to Refuse Planning Permission Ref. P26 60459

1. Having regard to the provisions of the “Sustainable Rural Housing Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in April 2005, to the location of the site within an area Under Urban Influence as set out in the Kilkenny County Development Plan 2021-2027, to the aims and objectives of the planning authority’s rural settlement strategy in relation to housing in such areas, as set out in the Development Plan, it is considered that the applicant has not demonstrated that future occupants of the houses come within the scope of the housing need criteria set out in the Guidelines or the City and County Development Plan 2021-2027 for housing at this rural location. The proposed development for outline permission, in the absence of any identified locally- based need for the housing, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would therefore be contrary to the provisions of the said Ministerial Guidelines, would contravene the objectives of the Development Plan and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development, which would be in an unzoned, rural area outside the development boundary of Thomastown, would comprise an excessive number of houses in a rural area that is under urban development pressure. It is the policy of the Planning Authority, as set out in the Kilkenny City and County Development Plan 2021-2027, to channel housing into suitably zoned land and into designated settlements where the appropriate social, community and physical infrastructure either exists or is planned. It is considered that the proposed development, taken in conjunction with existing developments in the vicinity, would exacerbate the haphazard unsustainable form of development in this rural area, would intensify urban sprawl on this local road and would be contrary to the policies set out in said Development Plan. The proposed development would, therefore be contrary to the proper planning and sustainable development of the area.

3. Having regard to:

- (a) the existing deficiency in the road network serving the site;
- (b) the restricted width of the roads serving the site, particularly the L8202 where two cars are unable to pass safely,
- (c) absence of footpath infrastructure

it is considered that the additional traffic movements generated by the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users.

4. Having regard to the location of the site on lands underlain by a designated locally important aquifer with an high/extreme vulnerability rating, single site characterisation form submitted only to serve three no dwelling site contrary to EPA Guidelines requirements, absence of ground water testing and to the high density of existing waste water treatment systems already in the area, the Applicant has failed to demonstrate to the satisfaction of the Planning Authority that effluent may be safely disposed of on this site without risk to ground waters or to the environment. The development as proposed would therefore be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

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