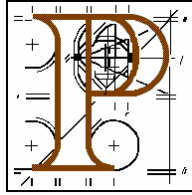


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2010

Kilkenny County

Planning Register Reference Number: 09/126

An Bord Pleanála Reference Number: PL 10.235313

APPEAL by Ballynalina Residents Association care of Peter Thompson Planning Solutions of Penthouse Studio, Bank of Scotland House, 3/4 Canada Street, Waterford and by John Phelan care of Peter Thompson Planning Solutions of Penthouse Studio, Bank of Scotland House, 3/4 Canada Street, Waterford against the decision made on the 19th day of October, 2010 by Kilkenny County Council to grant subject to conditions a permission to CLG Shéamus Stiopháin care of Gittens Murray of number 2 Patrick's Court, Patrick Street, Kilkenny in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Provision of 1. four number playing pitches, 2. new warm up/practice pitch, 3. new clubhouse and changing rooms, 4. new vehicular entrance from the Kells Road, 5. all associated access roads, footpaths, landscaping works, ground level modifications, fencing, protective screen netting, 6. new oil/gas storage tanks, 7. associated car/bus parking and bicycle store, 8. new circa 400 number capacity covered stand, 9. new single storey landscaping maintenance equipment store, 10. new sports hall for indoor practice/sports, 11. new bore well, 12. proposed proprietary sewage treatment system and all associated site development works, at a 14.89 hectares site at Ballynalina, Kells Road, Kilkenny. The application is for a 10 year permission to develop the site in a phased manner. **The proposed development was revised by further public notices received by the planning authority on the 23rd day of September, 2009** including omission of sports hall, revised location of proposed entrance from the Kells Road, additional public lighting to associated carparking and revised landscaping layout.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the location of the proposed development in Saint Patrick's parish, the absence of bar and social club facilities, the proposals for a cycle route to the north-east corner of the site, and for car and bus parking, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board noted the efforts to investigate alternative sites, the location of the development within the historic boundaries of Saint Patrick's parish and the proposals to utilise the local road LP2630 for cyclists. The Board also had particular regard to the absence of any bar or social club facilities as part of the development, and that the building was subsidiary to the training needs of CLG Shéamus Stiopháin.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted the 23rd day of September, 2009 and by the further information received by An Bord Pleanála on the 23rd day of July, 2010, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2.
 - (a) The drainage system to be installed shall be of the type and design, and at the location, specified in the report of Martin Peters Associates dated the 20th day of July, 2010, and shall be installed, operated and maintained in accordance with the recommendations of the Environmental Protection Agency. No system other than the type proposed in that shall be installed unless agreed in writing in advance with the planning authority.
 - (b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
 - (c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the clubhouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
 - (d) Within three weeks of first occupation of the building, the developer shall submit a report from a suitable qualified person with professional indemnity insurance certifying that the proprietary effluent system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed with the standards set by the Environmental Protection Agency. The report shall include a site specific “as constructed” plan detailing the length of percolation/pipe and cross sectional drawings through the effluent treatment system and associated polishing filter.

Reason: In the interest of public health.

3. This permission is for a period of ten years from the date of this order, to enable the developer to carry out the proposed works in a phased manner.

Reason: To clarify the exact nature of the development and to ensure that effective control of the project is maintained.

4. The sports hall shall be omitted from the development and no bar or social club facilities shall be provided on site.

Reason: In the interest of clarity, and of the residential amenities of property in the area.

5. All external lighting along the access road and in the car park area shall be of a similar height and model to Type C as indicated on the application drawings submitted to the planning authority on the 23rd day of September 2009.

Reason: In the interest of residential amenities of property in the area.

6. All car and bus parking shall be of permeable surfacing contained within designated parking bays and set down areas as identified on the revised site layout submitted to the planning authority on the 23rd day of September 2009. No parking of vehicles shall take place on the public road. During peak demand times, a team of traffic management stewards shall marshal traffic away from the regional road, R697, and the local county road LP2630, and into designated parking areas.

Reason: In the interest of traffic safety.

7. Prior to commencement of development, a revised sightlines drawing shall be submitted to and agreed in writing with the planning authority, showing details for the reinstatement/replacement of circa 80 metres of hedgerow to be removed at the proposed entrance on Mr. William Walton's property, as indicated on the sightlines drawing dated the 23rd day of September, 2009, (drawing reference number 081100-007).

Reason: In the interest of traffic safety.

8. Prior to commencement of development, details of vehicular access restriction to the grounds via the junction of the right of way and the cycle entrance to the grounds, together with details of internal road and footpath markings, shall be submitted to and agreed in writing with the planning authority (which may include the provision of removable bollards), together with details of road-side treatment along R697 and LP2630. The developer shall also provide set back of the overhead services along the R697.

Reason: In the interest of traffic safety

9. No surface water shall be permitted to discharge onto the public road from the facility.

Reason: In the interest of traffic safety.

10. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.
- (b) This plan shall provide for screened bin stores.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

11. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

12. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interests of residential and visual amenity.

13. Water supply and drainage arrangements, including the [attenuation and] disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2010.