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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number: 19/94**

**Appeal** by Jim Dowdall, Enviroguide Consulting of 3D, Core C, Block 71, The Plaza, Park West, Dublin against the decision made on the 22<sup>nd</sup> day of August, 2019 by Kilkenny County Council to grant subject to conditions a permission to Environmental Compaction Systems Limited of Ballyboggan Lower, Castlebridge, County Wexford in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The placement of a pay-to-use portable waste compactor for the acceptance of residual and food waste and a pay-to-use portable waste compactor for mixed recyclables. This activity requires the developers to possess a Waste Collection Permit/Certificate of Registration. All at Emo Oil-Mooncoin Stores, Main Street, Mooncoin, County Kilkenny.

## **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 site within the development boundary of Mooncoin and to the established commercial use of the site and the pattern of development in the area, 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 and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 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 on the 30<sup>th</sup> day of July, 2019 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. The hours of operation, including servicing and collection/removal of waste shall be limited to between 0700 hours and 2200 hours.

**Reason:** In the interests of clarity and residential amenity.

3. No development on foot of this permission shall be undertaken until such time as the developer has applied for and received confirmation from the local authority of a waste authorisation (Waste Permit/Certificate of Registration) relating to the development authorised by this permission and is compliant with any conditions that may be attached to such an authorisation.

**Reason:** To ensure the protection of the environment and compliance with the Waste authorisation legislation.

4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, 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.

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**John Connolly**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2020.**