



An
Bord
Pleanála

Board Direction
BD-006677-20
ABP-307380-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/10/2020.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the provisions of the Kilkenny City and Environs Development Plan 2014-2020 and the nature and scale of the development, it is considered that, subject to compliance with the conditions as set out below, the development would be consistent with the provisions of the plan in terms of land use, would not have any adverse impact on the setting, character or fabric of the protected structure and would not seriously injure the amenities of the area or property in the vicinity. The 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 14th day of April 2020, 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. Within eight weeks of the date of grant of this permission, the developer shall submit to, and agree in writing with, the planning authority full detail of the extractor unit. The extractor unit shall include the mitigation measure cited in Section 5 of the Noise Impact Assessment, received by An Bord Pleanála on the 20th day of July 2020. Appropriate odour control as set out in Section 3.3 of the Odour Risk Assessment received by An Bord Pleanála on the 20th day of July 2020 shall also be included as shall proposals for maintenance of the unit. Thereafter, the unit on site shall be as approved by the planning authority.

Reason: In the interest of the amenity of the area.

3. Drainage arrangements, including the 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.

4. The applicant or developer shall enter into a water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

5. A plan containing details for the management of waste, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, shall be submitted to, and agreed in writing with, the planning authority within eight weeks of the date of grant of this planning application. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To ensure the provision of adequate refuse storage.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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 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.

Board Member

Date: 09/10/2020

Dave Walsh