



An
Bord
Pleanála

Board Direction
BD-010436-22
ABP-311089-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/04/2022.

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 County Development Plan 2021-2027 and the established educational use on the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, 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.

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 received by the planning authority on the 28th day of June, 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be
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	<p>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.</p> <p>Reason: In the interests of clarity.</p>
2.	<p>Details including samples of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>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.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
5.	<p>The landscaping scheme shown on the Landscape Plan drawing number 940101, as submitted to the planning authority on the 31st day of March, 2021 shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>In addition to the proposals in the submitted scheme, the following shall be carried out:</p>

	<p>The boundary identified as Boundary Type 1 shall be increased in height to a minimum of 1.8 metres between the site and properties on the Waterford Road.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity</p>
6.	<p>The use of the school outside of school hours and outside term time shall be made available to the wider community, to details (including hours of operation) to be agreed in writing with the planning authority before the sports hall is opened for use.</p> <p>Reason: To comply with the requirements of Section 6.13.2.1 (Dual Use of School Buildings) of the City and County Development Plan 2021-2027, and in the interests of the proper planning and sustainable development of the area.</p>
7.	<p>All temporary buildings / prefabricated structures shall be removed from the site within one month of the proposed development being completed and the new school buildings commencing operations, or in accordance with a timescale to be submitted to and agreed in writing the with planning authority.</p> <p>Reason: In the interests of the proper planning and sustainable development of the area.</p>
8.	<p>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 noise management measures and off-site disposal of construction/demolition waste.</p>

	Reason: In the interests of public safety and residential amenity.
9.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July, 2006.</p> <p>Reason: In the interest of sustainable waste management.</p>
10.	<p>The site shall undergo a programme of pre-development archaeological testing, undertaken by a suitably qualified archaeologist, in accordance with the mitigation measures outlined in Section 6 of the Archaeological and Cultural Heritage Assessment as submitted to the Planning Authority authority on the 31st day of March, 2021.</p> <p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site</p>
11.	<p>The 1.8m noise barrier along the boundary with the houses on the Waterford Road, as recommended in Section 4 of the Noise Impact Assessment shall be inserted prior to commencement of development on the site.</p> <p>Reason: To protect the residential amenities of property in the vicinity of the site.</p>

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| 12. | 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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Board Member

Patricia Calleary.
Patricia Calleary

Date: 04/04/2022