



Planning and Development Acts 2000 to 2017

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 17/393

Appeal by Peter Wilsdon care of Alexander J. Wilsdon of Herronville, Dublin Road, Kilkenny against the decision made on the 26th day of October, 2017 by Kilkenny County Council to grant subject to conditions a permission to Bluetrack Limited care of Byrne and McCabe Design, Upper Main Street, Graiguenamanagh, County Kilkenny.

Proposed Development

Retention permission for 2 number floors slabs, alterations to internal layouts and elevations and the supply and fitting of windows and doors as was approved but now expired under permission granted under planning register reference number 06/441. Also, permission to complete external doors, windows to rear, curtain walling, install new switch room in lieu of transformer, external finishes and all associated site works.

Commercial Unit Number 3, Area 5, Parklands Business Centre, Kilkenny.

Decision

DISMISS the said appeal under subsection (1)(b)(i) of section 138 of the Planning and Development Act, 2000, based on the reasons and considerations 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

The Board is satisfied that, in the particular circumstances, the appeal should not be further considered by it having regard to the grounds of appeal which relate solely to matters regarding legal issues of title, and do not raise planning issues in relation to the development for which retention and planning permission has been sought. The matters of title are specifically legal matters, and the resolution of these matters does not come within the remit of the Board. Furthermore, the Board is satisfied, based on the information on the file, that issues in relation to surface water drainage design could be adequately addressed by compliance with condition number 2 of the permission granted by Kilkenny County Council for the proposed development and the development proposed to be retained. The Board is, therefore, satisfied that, in the particular circumstances, this appeal should not be further considered by it, having regard to the nature of the appeal.

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

Dated this day of 2018.