

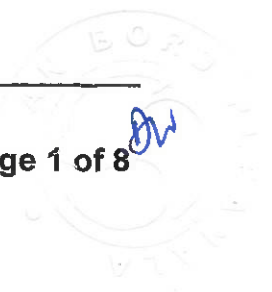
Planning and Development Acts 2000 to 2020

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 20/762

Appeal by Gordon Harrison of 16 Saint Luke's Crescent, Dundrum Road, Dublin and by Maria Dollard of Vianore, Greenshill, Kilkenny against the decision made on the 12th day of January, 2021 by Kilkenny County Council to grant subject to conditions a permission to Kilkenny Abbey Quarter Development Partnership, acting by its General Partner, Kilkenny Abbey Quarter Development Limited care of Roadplan Consulting Limited of 7 Ormonde Road, Kilkenny in accordance with plans and particulars lodged with the said Council:

Proposed Development: A temporary car and coach park and associated development works (for a period of up to seven years). The proposed development will involve the provision of 120 number car parking spaces and seven number coach parking spaces, at the former Smithwicks Brewery site (now referred locally as the Abbey Quarter) at Saint Canice's Place, Kilkenny.



Decision

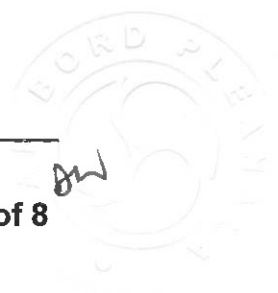
GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

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 provisions of the Kilkenny City & Environs Development Plan 2014-2020 and to the documents prepared for the future redevelopment of the area of which the site forms part of, that is, 'Urban Design Framework Masterplan for Abbey Creative Quarter, Kilkenny' (July 2015) and 'Abbey Quarter Urban Design Code' (January 2018), and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed temporary development would be acceptable in terms of zoning and land use and would not seriously injure the amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.



Appropriate Assessment Screening

The Board considered screening for Appropriate Assessment and the Natura impact statement and all the other relevant submissions and carried out an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites. The Board agreed with and adopted the screening assessment carried out and conclusions reached in the Inspector's report that the River Barrow and River Nore Special Area of Conservation (Site Code: 002162) and River Nore Special Protection Area (Site Code: 004233) are the only European sites in respect of which the proposed development has the potential to have a significant effect in view of the conservation objectives for these sites and for which Appropriate Assessment is required.

Appropriate Assessment

The Board considered the Natura impact statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the aforementioned European sites in view of the sites' Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the Appropriate Assessment, the Board considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the Conservation Objectives for the European Sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European sites, having regard to the sites' Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not adversely affect the integrity of the European sites, having regard to the sites' Conservation Objectives.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.

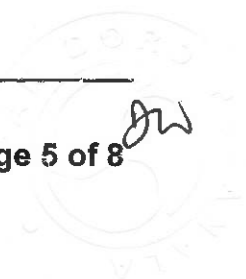
2. (i) All mitigation measures contained in the Natura impact statement submitted with the planning application shall be carried out.
- (ii) Prior to commencement of development, details of the proposed oil/silt interceptor with alarm shall be agreed in writing with the planning authority. The interceptor system shall be installed prior to commencement of development.

Reason: In the interest of the environmental protection.

3. The car park shall cater for coach parking and for those working within the Abbey Quarter (Old Brewhouse site), currently under construction. The car park shall not be open for use by the general public.

Reason: In the interest of clarity.

4. Prior to commencement of development, a revised site layout plan shall be submitted for the written agreement of the planning authority, showing:
 - (i) the main internal vehicular access road directly accessing the car parking area with internal junctions shall be modified accordingly,
 - (ii) entrance detail which maintains the footpath and cycle track giving priority to pedestrians and cyclists,



- (iii) internal footpaths/pedestrian walkways from the parking areas to the main access and the proposed pedestrian access in the north west corner,
- (iv) appropriate definition to the coach parking area,
- (v) provision for vehicles to turn around and exit in the event that the car park is fully occupied,
- (vi) a minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle (EV) charging stations/points, and
- (vii) an appropriate number of disabled parking spaces and bicycle parking spaces.

The vehicular entrance shall be in the position shown on the plans and particulars lodged with the planning application and the capacity of the car park shall not exceed 120 number cars and seven number coaches.

Reason: In the interests of traffic, pedestrian and cyclist safety and sustainable transport.

5. Lighting shall be provided in accordance with a scheme, 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 amenity and public safety.

6. 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.

Reason: In the interest of sustainable waste management.

7. (i) All mitigation measures contained in the Archaeological Impact Assessment submitted with the planning application shall be carried out.
- (ii) The boundary treatment in front of the Bull Inn ruin shall be similar to that proposed along the eastern boundary.
- (iii) Prior to commencement of development, a strategy for vibration monitoring on the Bull Inn and the nearby masonry gable shall be drawn up and executed.

Reason: In order to conserve the archaeological heritage of the site, to allow views of the Bull Inn building to be retained and to secure the preservation and protection of any remains that may exist within the site

8. 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 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.

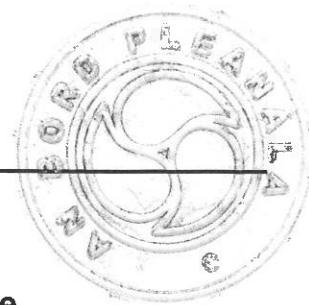
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Dave Walsh

Member of An Bord Pleanála

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



Dated this *2nd* day of *June* 2021