

Planning and Development Acts 2000 to 2021

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 20/779

Appeal by Richard Holohan, Bluelime Homes Limited of Drangan, Thurles, County Tipperary and by Conor Foley of 14 Rothe Terrace, Kilkenny against the decision made on the 17th day of February, 2021 by Kilkenny County Council to grant subject to conditions a permission to D. Walsh and Sons Limited care of Malone O'Regan Consulting Engineers of 3-4 Canada Street, Waterford in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of two existing grain silos and to replace them with two new 10.915 metre diameter grain storage silos approximately 20 metres high and associated walkways and conveyors, all on site at Palmerstown, 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:-

- (a) the Industrial/Warehousing zoning objective set out in the current Kilkenny City and Environs Development Plan,
- (b) the planning history of the site,
- (c) the long-established agribusiness land use associated with the site and adjoining site, and
- (d) the scale and layout of the proposed development on the subject site,

it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area, 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 particulars submitted to the planning authority on the 22nd day of January 2021, 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. Site development and demolition 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. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

3. All surface water generated on site shall be collected and disposed of on site. Surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: In the interest of traffic safety.

4. During the demolition and construction phase, the developer shall ensure that all operations on site are carried out in a manner such that noise, air emissions and/or odours do not result in significant impairment of, or significant interference with, amenities or the environment beyond the site.

Reason: In the interest of environmental protection.

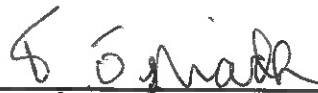
5. During the demolition and construction phase, all tank and drum areas shall be rendered impervious to the materials stored therein. In addition, tank and drum storage areas shall be bunded either locally or remotely to a volume not less than 110% of the capacity of the largest tank or drum within the bunded area. Drainage from the bunded area shall be diverted for collection and safe disposal.

Reason: In the interest of environmental protection.

6. (1) The developer shall prepare a waste management plan for the operational phase of the development in this unit. The plan shall provide for the segregation of all wastes into recyclable, biodegradable and residual wastes, that is, three bin system. All operations at the site shall be managed and programmed in such a manner so as to minimise waste production and maximise recycling. Wastes sent off site for recovery or disposal shall only be conveyed by an authorised waste contractor and transported from the proposed development site to an authorised site of recovery/disposal in a manner which will not adversely affect the environment. All employees shall be made aware of their obligations under the waste management plan. The waste management plan shall be reviewed annually and shall be available at the premises at all reasonable times for examination by any authorised officer of the planning authority.

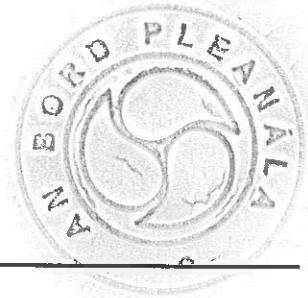
- (2) The developer shall ensure that wastes sent off site for recovery or disposal are only conveyed by an authorised waste contractor and transported from the proposed development site to an authorised site of recovery-disposal in a manner which will not adversely affect the environment.

Reason: To provide for the recovery/disposal of waste in the interest of environmental protection.



Terry Ó Niadh

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



Dated this ^{7th} day of *January*, 2022.