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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number: 20/413**

**Appeal** by Peraghon Limited care of Cunnane Stratton Reynolds of 3 Molesworth Place, Dublin against the decision made on the 12<sup>th</sup> day of March, 2021 by Kilkenny County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Erection of six number two-storey semi-detached dwellings as an extension to existing partially completed housing development, all associated site development works including storm attenuation tank and alterations to the existing site entrance from that granted under planning register number 042073 all at Castlehyde Park, Millbanks, New Ross, County Kilkenny.

## Decision


Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND condition number 19 so that it shall be as follows for the reason set out.

19. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

## Reasons and Considerations

Having regard to the planning history of the subject site, including the documentation submitted and of the details of the development bond paid relative to the parent permission Register Reference: 04/2073, and to the nature of the proposed development which forms a separate entity, it is considered that Condition number 19 is unwarranted and that an amended condition which applies to the proposed development on the site described within the redline boundary would be attached. The subject permission relates to the area as shown within the redline boundary on the drawings submitted, including the Site Layout Plan, delineating the application site. The amendment of this condition would be in accordance with the proper planning and sustainable development of the area.



Michelle Fagan

Member of An Bord Pleanála

duly authorised to authenticate  
the seal of the Board



Dated this 21<sup>st</sup> day of October 2022