

An
Bord
Pleanála

Board Order
ABP-311089-21

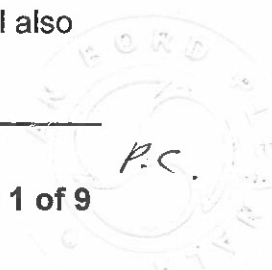
Planning and Development Acts 2000 to 2021

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 21/245

Appeal by Bryan Lawlor of Rodini, Waterford Road, Kilkenny and by Joe and Breda Hennessy of Silver Springs, Waterford Road, County Kilkenny against the decision made on the 22nd day of July, 2021 by Kilkenny County Council to grant subject to conditions a permission to The Board of Management of Presentation Secondary School care of Coakley O'Neill Town Planning of NSC Campus, Mahon, Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: The development will consist of the demolition of the existing school and a number of associated outbuildings and the construction of a new two-storey 37-classroom school building with a total floor area of 10,276 square metres and incorporating a general purpose hall, a P.E. hall, a special needs unit, library, staff rooms and all ancillary accommodation including an external bin store, electricity substation and storage shed. The school building will also include photovoltaic panels on roof to the southern corner. Works to the new school grounds will consist of the provision of a half size GAA pitch with ballstop nets, two MUGA pitches, a basketball court, play and horticultural areas, a sensory garden and associated hard and soft landscaping throughout. The development will also



include modifications to the existing vehicular and pedestrian access arrangements to incorporate new entrance gates and internal access roadway and footpath, an internal drop-off area for both cars and buses and the provision of 93 number car parking spaces (including four number disabled parking spaces), 122 number sheltered bicycle parking spaces for students and 28 number bicycle spaces for visitors. To allow for the construction of the new school while the existing school building remains operational, permission is sought for enabling works to include for the re-routing of ESB cables on the site and temporary drop off and staff parking arrangements. Permission is also sought for all other associated drainage, boundary treatment and site development works at a site situated at Presentation Secondary School, Outrath Road, Loughboy, 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 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.

Appropriate Assessment Screening

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of identification of the European Sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans and projects, on these European Sites in view of the site's conservation objectives and that a Stage 2 Appropriate Assessment is not, therefore, required.

Conditions

1. The development shall be carried out and completed in accordance with the particulars lodged with the application, as amended by the further particulars submitted on the 28th day of June, 2021 and by the further plans and particulars received by An Bord Pleanála on the 8th day of September, 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. 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.

Reason: In the interest of visual amenity.

3. 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.

Reason: In the interest of public health.

4. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

5. 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. 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 residential amenities of property in the vicinity.

6. The landscaping scheme shown on the 'Landscape Plan' drawing number NORE-CSR-PS-Z0-DR-L-940101 received by 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.

In addition to the proposals in the submitted scheme, the following shall be carried out:

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.

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.

Reason: In the interest of residential and visual amenity.

7. 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.

Reason: To comply with the requirements of Section 6.13.2.1 (Dual Use of School Buildings) of the Kilkenny City and County Development Plan 2021-2027, and in the interests of the proper planning and sustainable development of the area.

8. 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 with, the planning authority.

Reason: In the interests of the proper planning and sustainable development of the area.

9. 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.

Reason: In the interests of public safety and residential amenity.

10. 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.

11. 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 received by the planning authority on the 31st day of March, 2021.

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.

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.

12. The 1.8 metres noise barrier along the boundary with the houses on the Waterford Road, as recommended in Section 4 of the Noise Impact Assessment received by the planning authority on the 20th day of June, 2021 and by An Bord Pleanála on the 8th day of September, 2021 shall be inserted prior to commencement of development on the site.

Reason: To protect the residential amenities of property in the vicinity of the site.

13. 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.

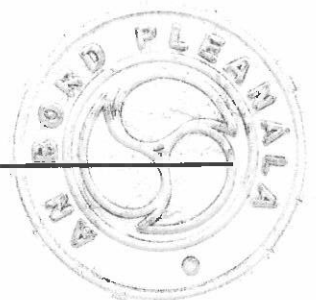
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Patricia Calleary

Patricia Calleary

Member of An Bord Pleanála

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



Dated this 6th day of April 2022