

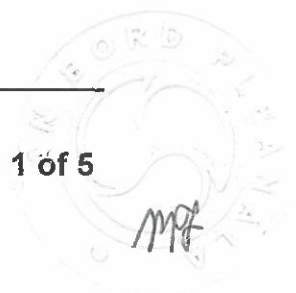
Planning and Development Acts 2000 to 2021

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 21/178

Appeal by Patrick F. O'Reilly of Newhouse Warden, Thomastown, County Kilkenny against the decision made on the 1st day of October, 2021 by Kilkenny County Council to grant subject to conditions a permission to Michael Denieffe of Newhouse, Bennettsbridge, County Kilkenny in accordance with plans and particulars lodged with the said Council:

Proposed Development: (a) Permission to relocate vehicular entrance which was previously permitted under 13/518, (b) construction of an agricultural shed which was previously permitted under 13/518, and associated site works at Newhouse, Bennettsbridge, County Kilkenny.



Decision

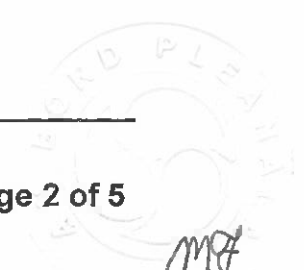
GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

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 existing pattern of development in the area, and to the nature, use and extent of the subject development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, and would be acceptable in terms of traffic safety and convenience. The proposed development 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 plans and particulars submitted on the 12th day of August, 2021 and the 10th 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 and the development shall be carried out and completed in accordance with the agreed particulars.

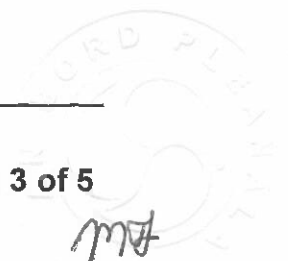
Reason: In the interest of clarity.

2. The agricultural shed shall be confined to use connected with the agricultural use of the farm holding and shall not be used for commercial purposes, sublet or sold separately from the farm holding.

Reason: In the interest of clarity, orderly development and the amenities of the area.

3. A minimum of 16 weeks storage shall be provided in the underground storage tank. Prior to commencement of development, details showing how it is intended to comply with this requirement shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of environmental protection and public health.



4. The development shall be undertaken in accordance with the requirements of the European Union (Good Agricultural Practice for Protection of Waters) Regulations, 2017 (S.I Number 605/2017).

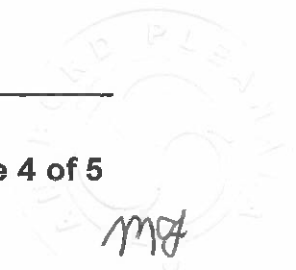
Reason: To ensure that the development accords with good agricultural practices and protects surface/ground waters.

5. The roof and elevational cladding of the proposed shed shall be green in colour, the precise details of which shall be agreed with the planning authority, prior to commencement of development.

Reason: In the interest of visual amenity.

6. All surface water shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties. The precise details of the roadside drainage at the new entrance shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development.

Reason: In the interest of clarity, orderly development and the amenities of the area.



7. 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.

DR. Maria FitzGerald

Maria FitzGerald

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board



Dated this *23rd* day of *February* 2022