

An
Bord
Pleanála

Board Order
ABP-312589-22

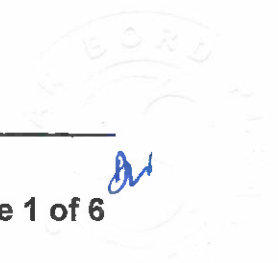
Planning and Development Acts 2000 to 2021

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 21/652

Appeal by Selina Fullam of 104 Sharman Road, Belfast, Northern Ireland against the decision made on the 7th day of January, 2022 by Kilkenny County Council to grant subject to conditions a permission to Freshford Playground Group care of Mary McGee of Clashacrow, Freshford, County Kilkenny in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a playground, public amenity space, access road, parking, fencing, lighting, landscaping, removal of the existing shed and all other associated works on site at Moat TD, Freshford, County Kilkenny, as revised by the further public notice received by the planning authority on the 8th day of December, 2021.



Decision

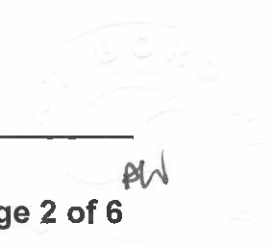
GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

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, to the location of the site in an established residential area and to the nature, form, scale and design of the proposed development, 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 and would be acceptable in terms of traffic safety. 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 19th day of November, 2021 and the 8th day of December, 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. The existing 1.8 metre blockwork roadside wall shall be reduced to 1.2 metres. Details including the finish of the wall shall be submitted to, and agreed in writing with, the planning authority prior to commencement of work on site.

Reason: In the interest of proper planning and sustainable development.

3. (a) Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority an alternative entrance detail and layout maintaining the existing footpath and giving priority to pedestrians and cyclists.
- (b) The developer shall agree in writing with the Municipal District Office, the finishes, construction make-up and detailing of the proposed access and ensure that the access is clearly defined with contrasting material types.

- (c) The existing kerbing shall be dropped for vehicular access and the footpath/entrance reconstructed to cater for traffic loading.
- (d) The applicant shall provide dished curbing and tactile paving at all crossing points along pedestrian desire lines within the development.

Reason: In the interest of traffic safety.

- 4. The playground shall be in compliance with relevant European Standards, EN1177 (safety surfacing) and EN1176 (playground equipment) and shall be certified as being fit for play by a suitably qualified independent play inspector prior to use.

Reason: In the interests of clarity, public safety and proper planning and sustainable development.

- 5. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development. The agreed lighting system shall be fully implemented and operational before the proposed development is open to the public.

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

- 6. 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.

7. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

8. The development shall be taken in charge by the Parks Department of Kilkenny County Council upon completion of works, which includes for the maintenance and upkeep of the park.

Reason: In the interests of proper maintenance and to provide for the protection of the environment.

9. Construction and demolition waste shall be managed in accordance with a construction waste management and demolition 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.

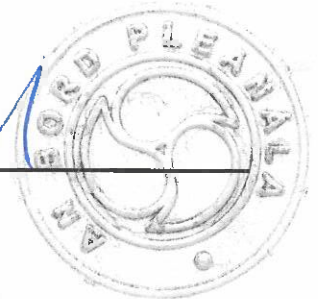
10. The site and building works required to implement the development shall be carried out only between the hours of 0800 and 1800 from Mondays to Fridays, between 0800 and 1400 hours on Saturdays and not at all on Sundays and Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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



Dave Walsh

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



Dated this *8th* day of *April* 2022.