

An
Bord
Pleanála

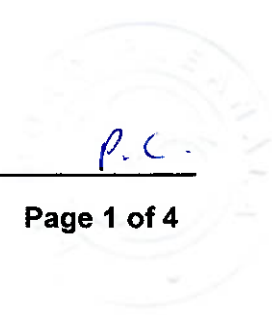
Board Order ABP-317414-23

Planning and Development Acts 2000 to 2022

Planning Authority: Kilkenny County Council

Planning Register Reference Number: DEC739

WHEREAS a question has arisen as to whether the removal of three number (high/eaves level) refrigeration units to eastern elevation, the installation of one number dry cooler unit within the loading bay area, the erection of green mesh fence surrounding the dry cooler unit within the loading bay area, the removal of green mesh fence surrounding the dry cooler unit within the loading bay area, the installation of four number (low/ground level) air conditioning units to the northern elevation, the removal and relocation of four number (low/ground level) air conditioning units to within the loading bay area, the provision of a fifth (low/ground level) air conditioning unit to within the loading bay area, the installation of two number (low/ground level) air conditioning units to the eastern elevation, the provision of a screen/enclosure surrounding air conditioning units and existing dry cooler refrigeration unit within the loading bay area, and landscaping and all associated and ancillary works, all at Lidl, Johnswell Road, Kilkenny is or is not development or is or is not exempted development,



AND WHEREAS Lidl (Ireland) GmbH care of The Planning Partnership of McHale Retail Park, Castlebar, County Mayo requested a declaration on this matter from Kilkenny County Council and the Council issued a declaration on the 26th day of May, 2023 stating that the matter is development and is not exempted development,

AND WHEREAS Lidl (Ireland) GmbH care of The Planning Partnership of McHale Retail Park, Castlebar, County Mayo referred this declaration for review to An Bord Pleanála on the 20th day of June, 2023,

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to:

- (a) Section 2(1) of the Planning and Development Act 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act 2000, as amended,
- (c) Section 4(1)(h) of the Planning and Development Act 2000, as amended,
- (d) the planning history of the site,
- (e) the pattern of development in the area,
- (f) the report and recommendation of the Inspector, and
- (g) the Board's own deliberations,

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the removal of three number (high/eaves level) refrigeration units to the eastern elevation, the installation of one number dry cooler unit within the loading bay area, the erection of green mesh fence surrounding the dry cooler unit within the loading bay area, the removal of green mesh fence surrounding the dry cooler unit within the loading bay area, the installation of four number (low/ground level) air conditioning units to the northern elevation, the removal and relocation of four number (low/ground level) air conditioning units to within the loading bay area, the provision of a fifth (low/ground level) air conditioning unit to within the loading bay area, the installation of two number (low/ground level) air conditioning units to the eastern elevation, the provision of a screen/enclosure surrounding proposed air conditioning units and existing dry cooler refrigeration unit within the loading bay area, and landscaping is works in accordance with Section 2(1) and, therefore, development in accordance with Section 3(1) of the Planning and Development Act 2000, as amended,
- (b) the development referred to at (a) above fall within the scope of Section 4(1)(h) of the Planning and Development Act 2000, as amended, as the development consists of the carrying out of works for the maintenance, improvement or other alteration of the structure (Lidl), being works which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures,
- (c) the development the subject matter of the referral is not a class of development that requires environmental impact assessment, and
- (d) no appropriate assessment is required,

P.C.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the Planning and Development Act 2000, as amended, hereby decides that the removal of three number (high/eaves level) refrigeration units to the eastern elevation, the installation of one number dry cooler unit within the loading bay area, the erection of green mesh fence surrounding the dry cooler unit within the loading bay area, the removal of green mesh fence surrounding the dry cooler unit within the loading bay area, the installation of four number (low/ground level) air conditioning units to the northern elevation, the removal and relocation of four number (low/ground level) air conditioning units to within the loading bay area, the provision of a fifth (low/ground level) air conditioning unit to within the loading bay area, the installation of two number (low/ground level) air conditioning units to the eastern elevation, the provision of a screen/enclosure surrounding air conditioning units and existing dry cooler refrigeration unit within the loading bay area, and landscaping and all associated and ancillary works, all at Lidl, Johnswell Road, Kilkenny is development and is exempted development.

Patricia Calleary

Patricia Calleary

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *15th* day of *October* 2024.