

An
Bord
Pleanála

Board Order ABP-318333-23

Planning and Development Acts 2000 to 2022

Planning Authority: Kilkenny County Council

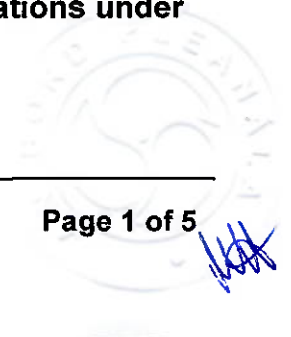
Planning Register Reference Number: 23/60363

Appeal by Hebron Development Association care of O’Leary Consulting Engineers of “Rathview”, Rathmore, Broadway, County Wexford against the decision made on the 5th day of October, 2023 by Kilkenny County Council to grant subject to conditions a permission to Moonshell Limited trading as Store4U care of Damian Browne of Quinagh, Carlow, County Carlow in accordance with plans and particulars lodged with the said Council.

Proposed Development: To use an existing undeveloped site as a self-storage facility consisting of 84 number containers for self-storage purposes, replacement of the existing entrance gate with an electric gate controlling access to the site, the provision of 10 number parking spaces, the provision of signage and all associated site works for a period of 10 years, all at sites 21 and 22 Hebron Business Park, Leggetsrath West, 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.



Reasons and Considerations

Having regard to the provisions of the Kilkenny City and County Development Plan 2021 -2027, and the location of this specific site outside the area covered by the Hebron Road Urban Design Strategy, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the zoning objective for the area, would not seriously injure the amenity of the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

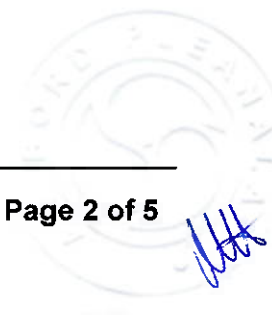
Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This grant of planning permission is for an operational period not exceeding 10 years from the date of this order. All structures shall be removed from site not later than the end of the 10-year period, unless planning permission is granted for a further period.

Reason: To review the suitability of these temporary structures at this location over a reasonable period of time, in the interest of proper planning, sustainable development and the visual amenity of the area.



3. The proposed development shall be amended to allow the distance of at least four metres between the fence with Irish Rail and the first container (container number 34 shall be omitted, if required) and the car parking area. Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of Irish rail preservation.

4. No goods, raw materials or waste products shall be placed or stored between the front of the building and the public road or outside the containers.

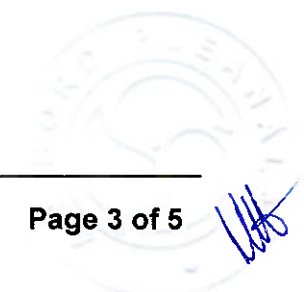
Reason: In the interest of public health and visual amenity.

5. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained, and waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment and the amenities of properties in the vicinity.

6. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the site and any potential light spill onto the neighbouring railway line. Such lighting shall be provided prior to the making available of the self-storage units.

Reason: In the interest of amenity and public safety.



7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

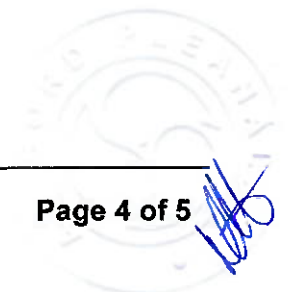
Reason: In the interest of visual amenity.

8. Site development and building works shall be carried out between the hours of 0800 to 1900 Mondays to Fridays, inclusive, between 0700 to 1400 on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

9. The proposed development shall be managed in accordance with a management scheme which shall be submitted to, and agreed in writing with, the planning authority, prior to the use of the self-storage units. This scheme shall provide adequate measures relating to the future maintenance of the proposed development, including landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services together with management responsibilities and maintenance schedules.

Reason: To provide for the satisfactory future maintenance of the proposed development in the interest of visual amenity.



10. 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.

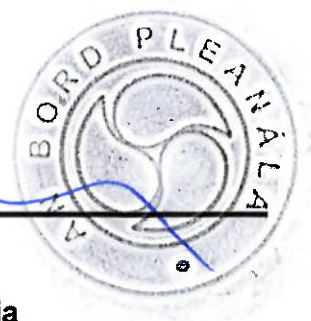


Martina Hennessy

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this *27th* day of *September* 2024.