



An
Bord
Pleanála

Board Order
ABP-319388-24

Planning and Development Acts 2000 to 2022

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 23/60131

Appeal by John and Mary Gleeson of Blanchfied Land, Hebron Road, Kilkenny and Carina Curry of Ballinabanogue, New Ross, County Wexford against the decision made on the 29th day of February, 2024 by Kilkenny County Council to grant subject to conditions a permission to Salway Limited care of Peter Lyons of Block 6 Central Business Park, Clonminch, Tullamore, County Offaly in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development will comprise of a hotel, leisure and conference complex, incorporating the refurbishment and change of use of Hebron House (a Protected Structure) as the hotel reception with meeting rooms and offices, the development of hotel parkland and the construction of an access road off the N10. The hotel extension off the refurbished two-storey over semi-basement Hebron House will provide a new two and three-storey hotel structure with 136 number bedrooms, reception area, restaurant, bars, kitchen, staff room, stores, toilets, service areas, meeting rooms and conference centre and a lower ground floor level swimming pool, leisure centre, fitness suite, plant rooms and storage rooms. Within the grounds of the hotel, leisure and conference complex, it is proposed to redevelop and

landscape the existing walled garden and develop a landscaped parkland along the Pococke River, including footpaths and cycleways and a hotel car and bus park. A new access road is proposed from the N10 roundabout into Blanchfieldsland which will provide access to the proposed hotel complex and future developments on the Business Park zoned lands. Other works involve the demolition of existing outbuildings and sheds and the carrying out of all associated site development works, including a foul sewer pump station, storm drainage and attenuation, water services, ESB substation and lighting at Hebron Road/N10, Blanchfieldsland, Kilkenny, County Kilkenny, as amended by the further public notices received by the planning authority on the 2nd day of February, 2024.

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 Business Park and Amenity/Green Links/Biodiversity Conservation/Open Space Recreation zoning objective for the area and to the policies and objectives of the Kilkenny City and County Development Plan 2021-2027, 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 residential amenity of property in the vicinity, would not be seriously harmful to the architectural character of Hebron House, a Protected Structure and would not give rise to any significant impacts on the natural heritage of the area or affect the integrity of any European Site. 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 received by the planning authority on the 11th day of December 2023, 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 mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.

3. Details of the materials, colours and textures of all the external finishes to the proposed hotel shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenity of the area and to protect the setting of Hebron House.

4. (a) During the operational phase of the proposed development, the noise level shall not exceed (a) 55 dB(A) rated sound level between the hours of 0700 to 2300, and 45 dB(A) 15min and 60 dB L_{Afmax}, 15min at all other times, (corrected for a tonal or impulsive component) as measured at the nearest dwelling.

- (b) All entrance doors in the external envelope shall be tightly fitting and self-closing.

- (c) All windows and roof lights shall be double-glazed and tightly fitting.
- (d) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes.

Details and procedures indicating the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

- 5. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the attenuation and disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

- 6. Prior to the commencement of development, the developer shall enter into a Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

7. Prior to the commencement of any development works on the site, including the removal of any building, landscape feature or vegetation, a new survey to ascertain the presence of any bat activity on the site for roosting or foraging purposes and an assessment of any potential impact on the species arising from the proposed development shall be undertaken by a suitably qualified ecologist and the findings submitted for written approval of the planning authority. Should the significant presence of bats be established on the site, no development shall occur until the necessary permission/derogation licence has been obtained from the appropriate statutory body.

Reason: In the interest of bat protection and to provide for the preservation and conservation of this species

8. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit an updated Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The Construction Environmental Management Plan shall incorporate details for the following:

- (a) collection and disposal of construction waste, and
- (b) surface water run-off from the site, on-site road construction, and environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures.

A record of daily checks that the construction works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept at the construction site office for inspection by the planning authority. The agreed Construction Environmental Management Plan shall be implemented in full in the carrying out of the development.

Reason: In the interests of residential amenities, public health and safety.

9. Prior to the commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's 'Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects' (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

10. (a) The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development, as appropriate, following consultation with the Local Authority Archaeologist or the National Monument Service (NMS). Prior to the commencement of such works, the archaeologist shall consult with and forward to the Local Authority archaeologist or the National Monument Service as appropriate a method statement for written agreement.

- (b) The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation.
- (c) The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.
- (d) Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation, either in situ or by record, of places, caves, sites, features or other objects of archaeological interest

11. A full architectural and photographic survey of all the outbuildings or elements of buildings proposed for demolition shall be carried out, and drawings and photographs indicating details of these buildings, to a scale acceptable to the planning authority, shall be submitted to the planning authority prior to the commencement of development. Two copies of this record shall be submitted to the planning authority prior to the commencement of development.

Reason: In order to facilitate the preservation by record and/or recording of the architectural heritage of the site.

12. A repair methodology and specification for the three-span stone bridge, and the walled garden shall be submitted to the planning authority for written agreement prior to the commencement of the works.

Reason: In the interest of the protection of the architectural heritage of the site

13. The landscaping scheme shown on the Landscape Proposals plan drawing number 793/PHL/GA/ZZ/DR/L/1000/3, as submitted to the planning authority on the 11th day of December 2023 shall be carried out within the first planting season following substantial completion of external construction works. 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 interests of residential and visual amenity.

14. (a) The developer shall submit and agree the detailed design and layout of the proposed amendments to the N10 Ring Road junction to cater for the proposed development, the overall business park and the proposed spine road, with Kilkenny Council in consultation with Transport Infrastructure Ireland, prior to commencement of development works. The design shall be carried out in accordance with the requirements of the Transport Infrastructure Ireland Design Manual for Roads and Bridges (DMRB) and the Design Manual for Urban Roads and Street (DMURS) and shall be subject to a Road Safety Audit. The length of two lane stacking at the roundabout exit shall facilitate the movement of traffic and to minimise potential queuing on the spine road. The design shall also consider the impact on the existing safety barriers kerb-lines, splitter islands, signage, drainage, services and boundary treatment. The design shall also take into consideration the layout and position of the two existing agricultural entrances on the access road in close proximity to the roundabout.
- (b) The developer shall submit and agree the detailed design, extent, cross section and layout of the spine road with the planning authority, prior to commencement of development works. The design shall be carried out in accordance with the requirements of the Transport Infrastructure Ireland Design Manual for Roads and Bridges (DMRB), the National Cycle Manual and the Design Manual for Urban Roads and Street (DMURS) and shall be subject to a Road Safety Audit. The vertical profile of the road shall be redesigned to provide adequate longitudinal drainage profiles (Reference Issue 3.17 of Design Manual for Urban Roads and Street Audit). Appropriate pedestrian and cycling crossing points shall be identified and detailed for agreement.

- (c) The developer shall submit and agree the detailed design of the proposed four metres wide shared cycle-track with the Kilkenny Municipal District Office and the Active Travel Office of Kilkenny County Council. Details of the interface with the N10 Ring at the Hebron Road Roundabout and across the existing Pococke bridge structure shall also be agreed. The cycle track shall also have an adjacent segregated pedestrian facility provided.
- (d) The developer shall incorporate the recommendations of the submitted Design Manual for Urban Roads and Street Quality Audit into the detailed design of the proposed development.
- (e) The developer shall carry out a Stage 3 Road Safety Audit of the development and spine road on completion of the works and to carry out the agreed recommendations of the Audit, which shall be funded by the developer.

Reason: In the interests of traffic safety and orderly development

- 15. 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.



Declan Moore

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

Dated this 13th day of FEBRUARY 2025.