

An  
Bord  
Pleanála

Board Order  
ABP-319416-24

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## **Planning and Development Acts 2000 to 2022**

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number: 23/60494**

**Appeal** by Seamus Dunne of Lissadell, Castlecomer Road, Kilkenny against the decision made on the 7<sup>th</sup> day of March, 2024 by Kilkenny County Council to grant subject to conditions a permission to Cognito Developments Kilkenny Limited care of Brian Dunlop Architects of 15 Patrick Street, Kilkenny in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Construction of a two-storey dwelling house along with all site and ancillary boundary works. All site and site infrastructure works for the provision of the serviced site, including access road with entrance from the Castlecomer Road, as per granted planning permission Reference Number 20/925 at Site Number 1, Crann Arda, Newpark Lower, Castlecomer Road, 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.**

## Reasons and Considerations

Having regard to the provisions of the Kilkenny City and County Development Plan 2021-2027, and the previously permitted residential infrastructure works on the site (planning register reference number 20/925), it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenity of the area or have an adverse impact on the receiving environment. 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, 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. Construction on the dwelling shall not commence prior to the construction of the fence along the southern boundary of the site as indicated in the plans and particulars received with the planning application, or as may be subsequently amended and in writing with the planning authority.

**Reason:** In the interest of clarity and to protect adjacent residential amenities.

3. An accurate tree survey of the site, which shall be carried out by an arborist or landscape architect, shall be submitted to and agreed in writing with the planning authority prior to commencement of development. The survey shall show the location of each tree on the site, together with the species, height, girth, crown spread and condition of each tree, distinguishing between those which it is proposed to be felled and those which it is proposed to be retained. Measures for the protection of those trees which it is proposed to be retained shall be submitted to, and agreed in writing with, the planning authority before any trees are felled.

**Reason:** To facilitate the identification and subsequent protection of trees to be retained on the site, in the interest of visual amenity.

4. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

**Reason:** In the interest of environmental protection residential amenities, public health and safety and environmental protection.

5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 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 property in the vicinity.

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

**Reason:** In the interest of visual amenity.

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

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

8. The dwelling shall not be occupied prior to the satisfactory completion, as confirmed in writing by the planning authority, of the access road, site entrance and associated works as permitted under planning register reference 20/925. The extent of the works to be satisfactorily completed under planning register reference 20/925 shall be agreed in writing with the planning authority prior to the commencement of development.

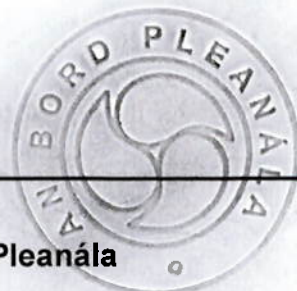
**Reason:** In the interests of orderly development and the proper planning and sustainable development of the area.

9. 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 5<sup>th</sup> day of November 2024