



An
Bord
Pleanála

Board Order ABP-321634-25

Planning and Development Acts 2000 to 2022

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 24/60030

Appeal by Tony, Nessa, John and Joe Canny care of Áine Ryan Consulting of 29 Rath Uillórd, Bonnettrath Road, Kilkenny against the decision made on the 5th day of December, 2024 by Kilkenny County Council to grant subject to conditions a permission to The Board of Management of Church Hill National School care of Brian Dunlop Architects of 15 Patrick Street, Kilkenny in accordance with plans and particulars lodged with the said Council.

Proposed Development: Single storey extension to the side of the existing school building to include the following: two classroom SEN Base, including ancillary learning and support spaces, one mainstream classroom, one resource room, one office secure external play areas and a sensory garden off the SEN classroom bases, minor internal and elevational alterations to existing building to accommodate the new extension along with two new rooflights, new staff and dedicated S.E.N. parking area, new replacement ballcourt, temporary vehicular entrance for construction access via adjacent agricultural laneway, removal of existing pre-fabricated buildings upon completion of the extension and all associated site development and ancillary works, all at Church Hill National School, Cuffesgrange, County Kilkenny (the original school building on the site is listed on the NIAH Reference 12402315), as revised by the further public notices received by the planning authority on the 21st day of August, 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 design, scale and layout of the proposed development, the provisions of the Kilkenny City and County Development Plan 2021-2027, and noting that the proposed extension would replace existing temporary accommodation and would not provide for a significant expansion of the school in terms of pupil numbers over and above the number currently enrolled, it is considered that, subject to compliance with the conditions set out below, the proposed development would not result in a traffic hazard or seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development 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, as amended by the further plans and particulars received by the planning authority on the 9th day of August, 2024 and the 8th day of November, 2024, 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. (a) The developer shall engage a suitably qualified archaeologist (licensed under the National Monuments Acts) to monitor all site clearance works, topsoil stripping, groundworks and/or dredging associated with the proposed development. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary.
- (b) 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.

3. The developer shall ensure that all protective measures and recommendations as per the Arboricultural Impact Assessment are implemented in full.

Reason: In the interest of the protection of the environment.

4. The external lighting on site shall be carried out in accordance with the details received by the planning authority on the 9th day of August, 2024.

Reason: In the interest of the protection of the environment and residential amenity.

5.
 - (a) The developer shall submit for the written agreement of the planning authority a Construction Traffic Management Plan prior to commencement of development.
 - (b) All works to achieve the proposed sight visibility splays shall be carried out prior to commencement of the main development.
 - (c) Prior to commencement of development, the developer shall agree in writing with the planning authority the set out, extents and scope of the proposed footpath widening to facilitate the upgrading of existing parking bays to the east of the site.

Reason: In the interest of general and traffic safety.

6. Details of the materials, colours and textures of all the external finishes shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

7. The works hereby permitted to the wastewater treatment system and percolation area shall be completed, operational and certified by a suitably qualified person (with professional indemnity insurance) as having been constructed and are operating in accordance with the relevant standards, as agreed in writing with the planning authority, prior to the extension becoming operational.

Reason: In the interest of public health.

8. The construction of the proposed development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the proposed development, including:

- (a) The location of the site and materials compound(s), including area(s) identified for the storage of construction refuse.
- (b) The location of areas for the construction site offices and staff facilities.
- (c) Details of site security fencing and hoardings.
- (d) Details of on-site car parking facilities for site workers during the course of construction.

- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
- (f) Measures to obviate the queuing of construction traffic on the adjoining road network.
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

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

9. 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.

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interest of visual amenity.

11. 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 or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

12. The developer shall pay to the planning authority a financial contribution of 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. The application of any indexation required by this condition 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.

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 17th day of APRIL 2025.