



An
Coimisiún
Pleanála

Commission Order
ABP-322306-25

Planning and Development Act 2000, as amended

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 24/60341

Appeal by David McNulty of 14 The Paddocks, Naas, County Kildare against the decision made on the 21st day of March, 2025 by Kilkenny County Council to grant subject to conditions a permission to Arrowdell Limited care of Brendan McEvoy of 107 Ludford Road, Ballinteer, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Provision of a motor sales and service facility comprising: Building 'A', single storey motor sales showroom and service workshop facility with associated ancillary spaces, with a total gross floor area of 1,713 square metres (maximum height of circa eight metres) and Building 'B', single storey motor valeting and wash facility, solely for use as part of the vehicle serving business, with a total gross floor area of 350 square metres (maximum height of circa five metres). The development will also include: illuminated signage on the building facades, two number free-standing double-sided illuminated pylon sign, three number flag poles with double-sided flags, realignment of the existing site entrance, customer and staff car parking, bicycle parking, new and used vehicle display parking, vehicle storage area and service parking, electric vehicle charging points, associated lighting, hard and soft landscaping, including the provision of boundary treatments, SUDs

measures, associated site servicing (foul and surface water drainage and water supply), and all other site excavation and development works above and below ground, all on a 1.163-hectare site at the junction of N10 Waterford Road and Waterford Road, Kilkenny Business Park, Springhill, 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

The Commission made its decision consistent with:

- the Climate Action and Low Carbon Development Act 2015, as amended,
- the Climate Action Plan 2024 and Climate Action Plan 2025,

Having regard to the pattern of development in the area, and the Business Park zoning objective associated with the site, as outlined in 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 visual amenities of the area or have an adverse impact on the traffic safety of the area, would not be prejudicial to public health, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening:

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced area, the distance from European Sites, the absence of direct ecological connections, the Inspector's report, and the submissions on file. In completing the screening exercise, the Commission adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site.

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 24th day of February, 2025 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) Prior to commencement of development, the developer shall submit for the written agreement of the planning authority the finishes and layout of the development entrance and associated tactile paving layout for the footpath and cycle track to ensure that priority is given to pedestrians and cyclists and the layout priority is clearly communicated to all road users. The recommendations of the Road Safety Audit and Mobility Audit shall be incorporated into the agreed layout.
- (b) The developer shall incorporate the agreed recommendations of the Mobility Audit and Stage 1/2 Road Safety Audit recommendations into the detailed development design. The developer shall carry out a Stage 3 Road Safety Audit for the proposed development.
- (c) The developer shall provide public lighting for the proposed development. The developer shall carry out an assessment of the constructed lighting and shall adjust the lighting where required to ensure that excessive light spill or direct glare does not adversely affect adjoining properties or the public road. Within six months of commissioning the building, the developer shall provide details of this assessment to the planning authority to demonstrate that the lighting provision is optimised and meets the requirements in relation to excessive light spill and glare and to demonstrate that the maximum Threshold Index along the roads in the vicinity of the proposed development is below the maximum permissible level appropriate for this location.

Reason: In the interest of traffic safety.

3. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The roof colour shall be blue-black, black, dark brown or dark grey in colour only.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

4. Site development and building works shall be carried out only between the hours of 0700 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 residential amenities of property in the vicinity.

5. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. The stormwater shall be managed and maintained in accordance with the BER Soakaway Design which was submitted by way of further information on the 24th day of February, 2025.

Reason: In the interest of public health and surface water management.

6. Prior to commencement of development, the developer shall enter into connection agreements with Uisce Éireann 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.

7. 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 construction site offices and staff facilities.
 - (c) The details of site security fencing and hoardings.
 - (d) The details of on-site car parking facilities for site workers during the course of construction.
 - (e) The 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) The details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels.
- (j) The off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.
- (k) The means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be made available for inspection by the planning authority.

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

8. Prior to commencement of development, an operational waste management plan shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of public health and the protection of the environment.

9. The landscaping scheme submitted with the planning application documentation shall be carried out within 12 months of the date of commencement of development or within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants/ trees which die 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 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 the 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 upon between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Coimisiún 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.



MaryRose McGovern

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission**

Dated this 12th day of August 2025.