



An
Coimisiún
Pleanála

Commission Order
PL-501369-KK-26

Planning and Development Act 2000, as amended

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 25/60486

Appeal by Eugene McGuinness and by Clare Meehan and Kieran McCardle and others against the decision made on the 23rd day of April, 2026 by Kilkenny County Council to grant, subject to conditions, a permission to Michael Joseph McGuinness in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of 24 apartments, private open space amenity, car parking etc. The proposed works to comprise; - 1) demolition of existing warehouse, shed and yard slabs, certain boundary walls and alterations to walls retained; 2) the construction of three floors of residential accommodation, (each floor will contain four number one-bed apartments and four number two-bed apartments, the total units proposed is 24 units) over a ground floor entrance hall/stair and lift well, waste management room, services accommodation and car park; 3) bicycle parking, 4) open space/amenity; 5) site services comprising surface water disposal and attenuation system (SUDS), foul drainage disposal system to existing mains,

water services from existing Irish Water mains, fire hydrants, street lighting etc. underground cables and ducts and all associated site works; 6) upgrading of existing access to O'Loughlin Road for pedestrians, cyclists and vehicular use; 7) boundary treatments, hard and soft landscaping, etc. Site area circa 0.24 hectares. Note; existing buildings on the frontage of O'Loughlin Road are unaffected, all at O'Loughlin Road, Kilkenny, as revised by the further public notice received by the planning authority on the 27th day of March, 2026.

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 2021-2024, as varied, and to the location of the proposed development on zoned and serviced lands within an urban neighbourhood, it is considered, subject to compliance with the conditions set out below, that the proposed development would positively contribute to this neighbourhood, would provide an increase in housing stock in this accessible urban location with a range of social, commercial, and public transport infrastructure, would be acceptable in terms of urban design and building height, and would provide an acceptable form of residential amenity for future occupants and not seriously injure the residential amenity of adjacent dwellings. 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 13th day of March, 2026 and the 27th day of March 2026, 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. Prior to the commencement of development, the applicant shall submit to, and agree in writing with, the planning authority:
 - (a) a revised site plan showing the allocation, measurements and access points to separate communal and private open space(s) on site, and the creation of 'pedestrian only' access/egress from the site to the adjacent laneway where an existing ramp and vehicular entrance appears to be operating in the northeast corner of the site, shown in white on the site plans, and
 - (b) details of the materials, including colours and textures, of all external finishes to the proposed development.

Reason: In the interest of visual amenity.

3. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development. This scheme shall include the following:

- (a) details of all proposed hard surface and/or permeable surface finishes, including samples of proposed paving slabs/materials for the communal area within the development, and
- (b) proposed landscape planting including box planters, in the development, including details of proposed species.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

4. Prior to commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP), as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness, these details shall be placed on file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. 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 interest of sustainable waste management.

5. The construction of the 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 demolition and construction practice for the development, including:
- (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse,
 - (b) location of areas for 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 demolition/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, noting that access/egress shall only be from O'Loughlin Road,
 - (f) measures to obviate 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) provision of parking for the existing commercial properties facing O'Loughlin Road during the demolition and construction period,
- (j) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (k) 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,
- (l) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil,
- (m) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains, and
- (n) a record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

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

6. Prior to the commencement of development, the developer shall enter into a connection agreement with Uisce Éireann to provide for a service connection to the public water supply and wastewater collection network.

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

7. 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 interests of public health and surface water management.

8. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. A management scheme providing adequate measures for the future maintenance of communal areas and bicycle parking etc. shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

9. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted the Public Lighting Layout drawing number S22-010-ES01, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any residential unit and shall include lighting of proposed pedestrian link to the south-east of the site.

Reason: In the interests of amenity and public safety.

10. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

11. Prior to commencement of development, the applicant shall submit proposals for the provision of a bike rack (minimum 4.5 square metres) with capacity appropriate to the scale of the development.

Reason: In the interest of residential amenity.

12. 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 interests of visual and residential amenity.

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

Reason: In the interest of protecting residential amenity.

14. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

15. The applicant shall carry out and submit for consideration of the planning authority a Stage 3 Road Safety Audit of the completed development.

Reason: In the interest of traffic safety.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

17. 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 Coimisiún 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

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

Dated this 25th day of September 2026.