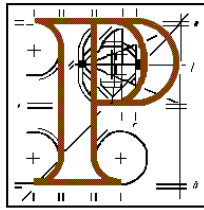


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

## Kilkenny County

**Planning Register Reference Number: 16/130**

An Bord Pleanála Reference Number: 10.LV.3296

**APPLICATION FOR LEAVE TO APPEAL** against the decision of the planning authority by Sean Muldowney of Esker, Jenkinstown, County Kilkenny having an interest in land adjoining the land in respect of which Kilkenny County Council decided on the 28<sup>th</sup> day of April, 2016 to grant subject to conditions permission to Denis Molloy care of Martin Peters Associates of Ormonde Road, Kilkenny.

**PROPOSED DEVELOPMENT:** Development consisting of a 10 year permission for the filling and levelling of a 2.1 hectare site, formerly a sand and gravel pit, to return it to agricultural lands through the recovery of inert material including natural materials of soil, clay, silt, sand, gravel or stone from excavation and dredge spoil or other sources and mixed construction and demolition waste including concrete, bricks, tiles or other such similar material. This development will require a Waste Facility Permit in accordance with the Waste Management (Facility Permit and Registration) Regulations, 2007, as amended, for Class 5, 6 and 7 activities. The works will include the restoration of habitat features such as calcareous grasslands, shallow ponds and marsh areas associated with 0.7 hectares of the Esker Pits proposed Natural Heritage Area (pNHA reference 000832). The works will also include upgraded vehicular entrance, wheelwash and all associated site development works at Esker, Jenkinstown, County Kilkenny.

## **DECISION**

**REFUSE** leave to appeal under section 37 (6) of the Planning and Development Act, 2000, as amended, based on the reasons and considerations set out below.

### **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

### **REASONS AND CONSIDERATIONS**

Having regard to the submissions and documents received in connection with the application for leave to appeal and the conditions set out in the planning authority's decision, it is considered that it has not been shown that the development in respect of which a decision to grant permission has been made will differ materially from the development as set out in the application for permission by reason of conditions imposed by the planning authority to which the grant is subject.

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

**Dated this      day of                      2016.**