



**KILKENNY COUNTY COUNCIL**

**PLANNING AND DEVELOPMENT ACTS 2000 (AS AMENDED)**

**NOTIFICATION OF DECISION TO GRANT**

**TO:** Highview Athletic FC  
c/o Byrne & McCabe Design  
Upper Main Street  
Graigenamanagh  
Co. Kilkenny

RECEIVED 13 MAR 2020

**Planning Register Number:** 20/28

**Valid Application Received:** 23/01/2020

**Further Information Received Date:**

**In pursuance of the powers conferred upon them by the above-mentioned Acts, Kilkenny County Council has by Order dated 12/03/2020 decided for the reason(s) set out in the First Schedule hereto to GRANT PERMISSION for development as follows:-**

for 1. Change existing grass pitch to all weather systemic pitch. 2. Install new fence and mesh along perimeter. 3. Install lighting to existing pitch with all associated site works AT Harristown Graigenamanagh Co. Kilkenny IN ACCORDANCE WITH THE PLANS, PARTICULARS AND DOCUMENTATION SUBMITTED SUBJECT TO THE 5 NO. CONDITIONS SPECIFIED IN THE SECOND SCHEDULE HERETO, THE REASONS FOR THE IMPOSITION FOR THE SAID CONDITIONS BEING SET OUT IN THE SAID SECOND SCHEDULE.

**In deciding the Planning Application the Planning Authority have regard to submissions or observations received in accordance with the Regulations.**

Signed on behalf of Kilkenny County Council

  
for DIRECTOR OF SERVICES

Date: 12/03/2020

**See final page for details of appeal procedures.**

**Tel no. Planning Section: 056-7794010**

**Website: [www.kilkennycoco.ie](http://www.kilkennycoco.ie)**

**Note:** An applicant for permission and any person who made submissions or observations in writing in relation to the planning application to the planning authority in accordance with the permission regulations and on payment of the appropriate fee, may, at any time before the expiration of the appropriate period – “the appropriate period” means the period of four weeks beginning on the day of the decision of the planning authority – appeal to An Bord Pleanála against a decision of a planning authority under Section 34.

**AN APPEAL SHALL BE MADE**

(a) by sending the appeal by prepaid post to An Bord Pleanála, 64 Marlborough Street, Dublin 1, Tel 01.8588100 or LoCall 1890 275175

(a) by leaving the appeal with an employee of An Bord Pleanála at the offices of the Board during office hours (as determined by the Board) or

(b) by such other means as may be prescribed.

**APPEALING A DEVELOPMENT CONTRIBUTION.**

(a) Subject to paragraph (b), no appeal shall lie to the Board in relation to a condition requiring a contribution to be paid in accordance with a scheme made under this section.

(b) An appeal may be brought to the Board where an applicant for permission under Section 34 considers that the terms of the scheme have not been properly applied in respect of any condition laid down by the planning authority.

**AN APPEAL SHALL**

(a) be made in writing

(a) state the name and address of the appellant and of the person, if any, acting on his or her behalf

(b) state the subject matter of the appeal

(c) state in full the grounds of appeal and the reasons, considerations and arguments on which they are based

(d) in the case of an appeal under Section 37 by a person who made submissions or observations in accordance with the permission regulations, be accompanied by the acknowledgement by the planning authority of receipt of the submissions or observations

(e) be accompanied by such fee (if any) as may be payable in respect of such appeal in accordance with Section 144 and

(f) be made within the period specified for making the appeal.

**FEES FOR APPEAL**

(a)	<b>Appeals against decisions of Planning Authorities</b>	
	<b>Appeal</b>	
(i)	1 <sup>st</sup> party appeal relating to commercial development where the application included the retention of development	€4,500 or €9,000 if an EIS or NIS involved
(ii)	1 <sup>st</sup> party appeal relating to commercial development (no retention element in application)	€1,500 or €3,000 if EIS or NIS involved
(iii)	1 <sup>st</sup> party appeal non-commercial development where the application included the retention of development	€660
(iv)	1 <sup>st</sup> party appeal solely against contribution conditions (s) – (2000 Act section 48 or 49)	€220
(v)	Appeal following grant of leave to appeal	€110
(vi)	An appeal other than referred to in (i) to (v) above	€220
(b)	<b>Referral</b>	€220
(c)	<b>Reduced fee for appeal or referral (applies to certain specified bodies)</b>	€110
(d)	<b>Application for leave to appeal (section 37(6)(a) of 2000 Act)</b>	€110
(e)	<b>Making submission or observation (specified bodies exempt)</b>	€50
(f)	<b>Request for oral hearing under section 134 of 2000 Act</b>	€50
<b>Note:</b> The above fee levels for planning appeals and referrals remain unchanged from those already in force since 2007 (but note the addition of NIS in (i) and (ii) above)		

**ORAL HEARINGS**

The Board may, in its absolute discretion, hold an oral hearing of an appeal. A party to an appeal may request an oral hearing of the appeal. A request for an oral hearing of an appeal shall be made in writing to the Board and shall be accompanied by such fee (if any) as may be payable in respect of the request in accordance with Section 144. A request for an oral hearing of an appeal which is not accompanied by such fee (if any) as may be payable in respect of the request shall not be considered by the Board.

A request by an appellant for an oral hearing of an appeal under Section 37 shall be made within the appropriate period referred to in that section (the period of four weeks beginning on the day of the decision of the Planning Authority) and any request received by the Board after the expiration of that period shall not be considered by the Board. A request by a party to an appeal other than the appellant for an oral hearing of an appeal shall be made within the period referred to in Section 129(2)(a) (within a period of 4 weeks beginning on the day on which a copy of the appeal is sent to that party by the Board) within which the party may make submissions or observations to the Board in relation to the appeal, and any such request received by the Board after the expiration of that period shall not be considered by the Board.

Further details are available on the Board’s website – [www.pleanala.ie](http://www.pleanala.ie)

**First Schedule**  
**Reasons and considerations for Decision on Planning P.20/28**

Having regard to the policies and objectives of the Kilkenny County Development Plan 2014-2020 and its association with an existing sports facility, it is considered that the development proposed will not seriously injure the amenities of the area and if carried out in accordance with the attached conditions the development would accord with the proper planning and sustainable development of the area.

**Second Schedule**  
**5 No. Conditions Attached to Planning P.20/28**

1. The development shall be carried out strictly in accordance with:
  - (i) the conditions of this permission
  - (ii) the documents lodged with this application on the 23/01/2020, except as otherwise required by the conditions of this permission.

**Reason:** To ensure that the development strictly accords with the permission and to ensure that effective control is maintained.

2.
  - a) There shall be 4 no. light-stands only as detailed on Drawing number 003 submitted on 23/01/2020
  - b) The final design and operation of the floodlighting shall be such so as to ensure there is no nuisance as a result of light pollution.
  - c) In the event of any unforeseen light pollution impacts with the potential to effect 3<sup>rd</sup> parties (as determined by the Planning Authority), additional mitigation measures shall be submitted for the agreement of the Planning Authority. Any such additional measures shall be implemented by the developer.
  - d) The developer shall ensure that all activities are carried out in a manner such that flood-lighting do not result in significant impairment of, or significant interference with the environment, or amenities beyond the site.

**Reason:** To ensure that the development does no impact on existing amenities.

3. Prior to commencement of development, the applicant shall submit to the Planning Authority for agreement a site layout plan which details the proposed final ground levels

**Reason** In the interest of clarity.

4. During the construction phase the developer shall ensure that all operations on site are carried out in a manner such that air emissions and/or odours do not result in significant impairment of, or significant interference with, amenities or the environment beyond the site.

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

5. During the construction phase all tank and drum areas shall be rendered impervious to the materials stored therein. In addition, tank and drum storage areas shall be bunded either locally or remotely to a volume not less than 110% of the capacity of the largest tank or drum within the bunded area. Drainage from the bunded area shall be diverted for collection and safe disposal.

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

## **FOOTNOTES**

Section 34 (13) of the Planning & Development Acts, 2000-2019 states:

“A person shall not be entitled solely by reason of a Permission under this section to carry out any development.”

Developers are obliged to comply with other legislation and to avoid infringement of third party rights

Kilkenny County Council Road Authority are to be consulted in respect of a Road Opening Licence for the opening of public road/footpath arising from works associated with the development, such a licence is necessary prior to the opening of a public road.

Applicants are advised to consult with the Chief Fire Officer with regard to the fire safety of this development.

“With certain exceptions it is an offence, under the Forestry Act 2014, to fell trees without a felling licence having been granted by the Forest Service. Failure to obtain felling a licence when necessary may result in a criminal prosecution. Developers are advised to contact the Felling Section, Forest Service, Department of Agriculture and Food, Johnstown Castle Estate, Co. Wexford Tel: (053)9163400 before felling any tree. See <https://www.agriculture.gov.ie/media/migration/forestry/treefelling/NewTreeFellingRequirementsInformationNote090617.pdf>

If there is no appeal against this decision, a Final Grant of Permission in accordance with the Decision will be issued after the expiration of the period within which an appeal may be made to An Bord Pleanala. (See attached).

It should be noted that until a Final Grant of Permission has been issued, the development in question is NOT AUTHORISED and works cannot be carried out.

The Applicant is advised that unless the development described above is carried out within five (5) years from the date of Final Grant of Permission, Planning Permission will cease to have effect. (See Section 40 of the Planning and Development Acts 2000-2019).

Please note that the Site Notice shall be removed by the applicant following the notification of the Planning Authority decision under Article 31.