



**KILKENNY COUNTY COUNCIL**

**PLANNING AND DEVELOPMENT ACTS 2000 – 2013**

**NOTIFICATION OF DECISION TO GRANT**

**TO:** Joseph Hyland  
c/o Michael Condon RIAI (t)  
MRC Design Ltd.  
1 City Wall, James Street  
Kilkenny

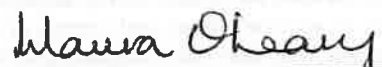
**Planning Register Number:** 14/94  
**Valid Application Received:** 12/03/2014  
**Further Information Received Date:** 30/10/2014

**In pursuance of the powers conferred upon them by the above-mentioned Acts, Kilkenny County Council has by Order dated 25/11/2014 decided for the reason(s) set out in the First Schedule hereto to GRANT PERMISSION for development as follows:-**

to erect 1 No two storey house with entrance to Bleach Road, new pumped sewer line from subject site via Bleach Road to existing MH located in Greenshill, connection to and extending of existing watermain on Bleach Road together with all associated site works AT Friarsinch Bleach Road Kilkenny IN ACCORDANCE WITH THE PLANS, PARTICULARS AND DOCUMENTATION SUBMITTED SUBJECT TO THE 8 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: 25.11.14

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

Tel no. Planning Section: 056-7794010  
Website: 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
- (b) 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
- (c) 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
- (b) state the name and address of the appellant and of the person, if any, acting on his or her behalf
- (c) state the subject matter of the appeal
- (d) state in full the grounds of appeal and the reasons, considerations and arguments on which they are based
- (e) 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
- (f) be accompanied by such fee (if any) as may be payable in respect of such appeal in accordance with Section 144 and
- (g) be made within the period specified for making the appeal.

**FEES FOR APPEAL**

<b>(a) 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
<b>(c) Reduced fee for appeal or referral (applies to certain specified bodies)</b>	€110
<b>(d) Application for leave to appeal (section 37(6)(a) of 2000 Act)</b>	€110
<b>(e) Making submission or observation (specified bodies exempt)</b>	€50
<b>(f) 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 & Considerations for Decision on Planning Ref. P. 14/94**

Having regard to the policies and objectives of the current Kilkenny County Development Plan, and the location and design of the proposed development, it is considered that the proposed development would not seriously injure the amenities of the area and if constructed in accordance with the attached conditions the proposed development would accord with the proper planning and sustainable development of the area.

**Second Schedule**  
**8 No. of Conditions attached to Planning Ref. P.14/94**

**Condition 1**

The development shall be carried out and completed strictly in accordance with:

- (i) the conditions of this permission.
- (ii) the documents lodged with this application on 12/03/14 as amended by documents submitted 30/10/14, 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.

**Condition 2**

The permission is for a single house and associated site works only in accordance with plans and particulars submitted on 30/10/14.

**Reason:** In the interest of orderly development.

**Condition 3**

The Developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in Kilkenny County Council's administrative area that is provided or intended to be provided by or on behalf of the Local Authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Acts 2000-2013.

The amount of the financial contribution is €10,400 (Ten Thousand Four Hundred euro) and is subject to revision with reference to the Wholesale Price Index and to penalty interest in accordance with the terms of Kilkenny County Council's Development Contribution Scheme.

The contribution shall be paid upon commencement of development, with the amount of the contribution being the rate of contribution in existence on commencement of development.

**Reason:** It is a requirement of the Planning and Development Acts 2000-2013 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.

**Condition 4**

- a) The only access (vehicular or pedestrian) to the site from a public road shall be from the public road as shown on the Site Layout Plan submitted on the 30/10/14.
- b) All infrastructure works shall be completed in accordance with the drawings and particulars submitted or as revised throughout this application except where otherwise stated. A hedgerow shall be planted along the site boundary with the Bleach Road, but set back behind the lines of sight.
- c) The site shall be suitably landscaped and at a minimum all landscaping proposals submitted shall be implemented.
- d) All surface water from roofs, driveway & paved areas shall be collected and appropriately discharged to soakpits in such a manner that it does not discharge directly to the river or onto the public road or interfere with adjacent properties. All surface water inlets off the public road shall be maintained and adequately protected.
- e) All service poles shall be relocated as necessary behind any relocated road side boundary to comply with site visibility requirements in consultation with the appropriate statutory body prior to the commencement of the development.
- f) The area between the new roadside boundary fence and the nearside carriageway edge shall be suitably structured and black-top finished for a distance of 10m on either side of the centre of the proposed access. This black-topped area shall slope inwards and downwards from the carriageway edge at a gradient not exceeding 2.5%.
- g) No opening excavation etc shall be made in the public roadway without the written permission of the Senior Engineer, Kilkenny City & Environs.

**Reason:** In the interests of traffic safety.

**Condition 5**

There shall be no discharge to the river Nore during either construction or habitation of the structure. Prior to commencement of development the developer shall submit detailed construction management plan for the agreement of the planning authority to achieve same.

**Reason:** In the interest of preserving the integrity of the river Barrow/Nore SAC.

**Condition 6**

- a. The water supply from the proposed bored well where intended for human consumption, shall comply fully with the requirements of the European Union (drinking water) Regulations 2014.
- b. The developer shall not commence development until an agreement for the discharge of wastewater has been reached with Irish Water. The connection to the public infrastructure shall be to the satisfaction of Irish Water and the applicant shall adhere to the standards and conditions set out in that agreement.

**Reason:** In the interests of public health

**Condition 7:**

The garage and garden shed shall be used for purposes ancillary to the enjoyment of the house and shall not be used for commercial purposes or for the housing of animals.

**Reason:** In the interest of residential amenity.

**Condition 8:**

All retaining walls shall be designed and certified by a competent Engineer.

**Reason:** In the interest of public health and safety

**FOOTNOTES**

If there is no appeal against this decision, a Grant of Outline 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 Pleanála. (See attached).

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



**PLANNING AND DEVELOPMENT ACTS 2000 - 2013**

**NOTIFICATION OF GRANT OF PERMISSION**

**(SUBJECT TO CONDITIONS)**

**COUNCIL OF THE COUNTY OF KILKENNY**

**TO:** Joseph Hyland  
c/o Michael Condon RIAI (t)  
MRC Design Ltd.  
1 City Wall, James Street  
Kilkenny

**Planning Register Number:** 14/94


**Application Receipt Date:** 12/03/2014

**PERMISSION** to erect 2 No two storey houses with individual entrances to Bleach Road, new pumped sewer line from subject site via Bleach Road to existing MH located in Greenshill, connection to and extending of existing watermain on Bleach Road together with all associated site works at Friarsinch, Bleach Road, Kilkenny

Further to the Order dated : 25/11/2014

A **PERMISSION** has been granted subject to the 8 conditions set out in the Schedule which accompanied the Notification of the Council's decision dated 25/11/2014 to erect 1 No two storey house with entrance to Bleach Road, new pumped sewer line from subject site via Bleach Road to existing MH located in Greenshill, connection to and extending of existing watermain on Bleach Road together with all associated site works AT Friarsinch, Bleach Road, Kilkenny

Signed on behalf of Kilkenny County Council:

  
**A. M. Walsh,**  
**FOR DIRECTOR OF SERVICES**

Date: 31.12.2014



## PRO FORMA INVOICE

<b>Joseph Hyland</b> c/o Michael Condon RIAI (t) MRC Design Ltd. 1 City Wall, James Street Kilkenny	<b>Invoice No.:</b> 81022104 <b>Invoice Date:</b> 05/01/2015 <b>Invoice Due Date:</b> 05/01/2015 <b>Customer ID:</b> 403484 <b>Planning Reference:</b> 1494
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**Description:**

to erect 1 No two storey house with entrance to Bleach Road, new pumped sewer line from subject site via Bleach Road to existing MH located in Greenshill, connection to and extending of existing watermain on Bleach Road together with all associated site works at development address: Friarsinch Bleach Road Kilkenny

Item #	Description	Qty	Original Unit Charge	Original Total	Price Index Increase	Total
1	house (1) URBAN HOUSE Roads & Recreation	1	9,860.00	9,860.00		9,860.00
						9,860.00
3	garage (2) PDC Residential R&R	1	540.00	540.00		540.00
						540.00

<b>TOTAL AMOUNT DUE</b>	<b>10,400.00</b>
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- (i) The above contributions are due on commencement of the development, no payment is due at this time.  
(ii) This amount may be subject to increase in accordance with the Wholesale Price Index.  
(iii) Commencement Notice (as attached) to be lodged a minimum of 2 weeks prior to commencement of development with a fee of €30 per development unit.

Cust Name: Joseph Hyland	Invoice No: 81022104	Invoice Amount: 10,400.00
Planning Reference: 1494	Invoice Date: 05/01/2015	Payment Amount: _____
Customer Number: 403484		





DEVELOPMENT CONTRIBUTION SCHEME CALCULATION SHEET

Revenue Codes	Description of Development	UNIT	FILE NUMBER		Amount of Contribution	Area	Cost	Exemptions / Reductions	% Of Reduction	Comments
			P14/94FI							
1 PRES1	Residential development - Roads & Recreation	M <sup>2</sup>								
			€ 18.00	0						
			€ 21.00	0						
			€ 24.00	0						
		0	€ 28.00	0						
	Domestic garage/Fuel store/Garden shed > 25m <sup>2</sup>	30	€ 18.00	18.00	€	€40.00				
	URBAN HOUSE	M <sup>2</sup>	340	€	29.00	340	€9,860.00	€0.00	0	Note: Proposed Private Well with Proposed Connection to Public Sewer
2	PRES2 Residential development - Roads & Recreation + Water	M <sup>2</sup>		€	47.00		€0.00	€0.00	0	
3	PRES3 Residential development - Roads & Recreation + Wastewater	M <sup>2</sup>		€	47.00		€0.00	€0.00	0	
4	PRES4 Residential development - Roads & Recreation + Water + Wastewater	M <sup>2</sup>		€	65.00	0	€0.00	€0.00	0	
5	PCOMIND5 Commercial & Industrial- Roads & Recreation	M <sup>2</sup>		€	29.00		€0.00	€0.00	0	
6	PCOMIND6 Commercial & Industrial- Roads & Recreation + Water	M <sup>2</sup>		€	37.00		€0.00	€0.00	0	
7	PCOMIND7 Commercial & Industrial- Roads & Recreation + Wastewater	M <sup>2</sup>		€	37.00		€0.00	€0.00	0	
8	PCOMIND8 Commercial & Industrial- Roads & Recreation + Water + Wastewater	M <sup>2</sup>		€	45.00		€0.00	€0.00	0	
9	PHOTEL9 Nursing homes, guesthouses, hotels	M <sup>2</sup>		€	45.00		€0.00	€0.00	0	
10	PAGR10 Agricultural Development - 66 per m <sup>2</sup> > 500 m <sup>2</sup> of development area	N/A		€	6.00		€0.00	€0.00	0	
11	Change of use from residential to commercial- The charges are appropriate in 5 to 8, above less any development contributions already paid on the residential development	N/A							0	
12	PCARPK12 Shortfall in car parking provided - (Per Space)	N/A		€	3,500.00		€0.00		0	
13	PFORST13 Initial afforestation : 6600/ha, of site area > 50 ha.(first 50ha exempt) Replace, Afforestation etc. : 6600/ha of site area > 10ha.(first 10 ha exempt)	Ha			€0.00		€0.00		0	
14	POUARY14 Land use for: (a) the winning and working of minerals (b) deposit of refuse or waste (c buildings etc. d storage of quarrying aggregate. (€2,000 per 0.1 ha of site area, subject to a min.charge of €10,000)	Ha		€	2,000.00		€0.00		0	
15	PSTORE15 The provision on, in, over or under land of plant and machinery or of tanks or other structures (other than buildings) for storage purposes	N/A		€	45.00		€0.00		0	
16	PGOLF16 The use of land as a golf course or a pitch and putt course or for any other outdoor recreational facilities (€250 per hectare of site area, subject to a minimum charge of €10,000)	Ha			€250.00		€0.00		0	
17	PWIND17 Wind Farm Development- ≥ 50m in height to hubcentre €5,000 per turbine < 50m in height to hubcentre Exempt	N/A		€	5,000.00		€0.00		0	
18	PMAST18 Communication Masts : €10,000/mast	N/A		€	10,000.00		€0.00		0	
19	POTHER19 Development not coming within any of the foregoing classes	N/A		€	45.00		€0.00		0	
Technician  Date 18/10/2014						TOTAL	€ 10,400.00			

