

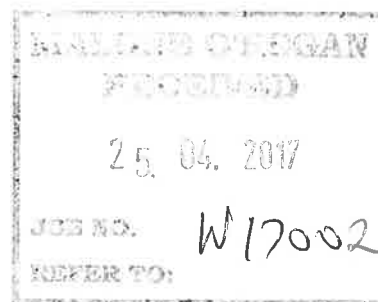


**KILKENNY COUNTY COUNCIL**

**PLANNING AND DEVELOPMENT ACTS 2000 – 2015**

**NOTIFICATION OF DECISION TO GRANT**

**TO:** Port of Waterford Company  
c/o Malone O'Regan Consulting Engineers  
St. Catherine's House  
Catherine Street  
Waterford



**Planning Register Number:** 17/42

**Valid Application Received:** 30/01/2017

**Further Information Received Date:** 31/03/2017

**In pursuance of the powers conferred upon them by the above-mentioned Acts, Kilkenny County Council has by Order dated 24/04/2017 decided for the reason(s) set out in the First Schedule hereto to GRANT PERMISSION for development as follows:-**

for development comprising site development works including security fencing, access control barriers and lighting for truck trailer parking and laydown for port related goods on site AT Gorteens Slieverue Co. Kilkenny IN ACCORDANCE WITH THE PLANS, PARTICULARS AND DOCUMENTATION SUBMITTED SUBJECT TO THE 10 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: 24-04-2017

**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

(a) Appeals against decisions of Planning Authorities		
<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)	Referral	€220
(c)	Reduced fee for appeal or referral (applies to certain specified bodies)	€110
(d)	Application for leave to appeal (section 37(6)(a) of 2000 Act)	€110
(e)	Making submission or observation (specified bodies exempt)	€50
(f)	Request for oral hearing under section 134 of 2000 Act	€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)

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## **FIRST SCHEDULE**

### **REASONS AND CONSIDERATIONS FOR DECISION ON PLANNING P.17/42**

Having regard to Kilkenny County Development Plan Objectives, Ferrybank/Belview Local Area Plan, and all other material considerations it is considered that the proposed development would not seriously injure the amenities of the area and does not conflict with the objectives of the Development Plan and would therefore, be in accordance with the proper planning and sustainable development of the area.

## **SECOND SCHEDULE**

### **10 NO. CONDITIONS ATTACHED TO PLANNING P.17/42**

1. The proposed development shall be carried out and completed in accordance with the application documents lodged with the Planning Authority on the 30<sup>th</sup> January 2017 and further information lodged on the 31<sup>st</sup> March 2017 except as otherwise required in order to comply with the conditions below.

**Reason:** To clarify the detailed development proposals authorised by this permission.

2. 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 2000-2015.

The amount of the financial 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. In accordance with the current scheme the amount of the contribution is calculated at €138,375.00 (one hundred and thirty eight thousand, three hundred and seventy five euro), however this amount may be recalculated in accordance with any newly adopted Development Contribution Scheme that may supercede the current scheme prior to commencement of development. Any applicable amount 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.

**Reason:** It is a requirement of the Planning and Development Acts 2000-2015 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.

3. The permission does not authorise the storage of any hazardous material, fertilizer or any other polluting products on site.

**Reason:** To clarify the detailed development proposals authorised by this permission and for protection of the environment.

4. **Waste:**

**Prior** to the commencement of the operational phase of the development the developer shall prepare a Waste Management Plan for the operational phase of the development. The plan shall deal with all wastes arising from the proposed development including recyclable, biodegradable, residual and hazardous wastes. All

operations at the site shall be managed and programmed in such a manner as to minimise waste production. The plan shall also deal with any litter arising during the operational phase of the development. Wastes sent off site for recovery or disposal shall only be conveyed by an authorised waste contractor and transported from the proposed development site to an authorised site of recovery/disposal in a manner which will not adversely affect the environment. All employees shall be made aware of their obligations under the plan. The plan shall be available for inspection at the site of the proposed development at all reasonable times for examination by any officer of the Local Authority.

**Reason:** To provide for the recovery/disposal of waste and the protection of the environment.

5. **Storm Water Discharges:**

All stormwater shall be managed and discharged to groundwater on site. There shall be no discharges to any third party lands.

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

6. **Storage of Materials:**

(a) During the construction and operational phase of the development, 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.

(b) This permission does not include for the storage of any hazardous materials or waste on site during the construction or operational phases of the development.

**Reason:** In the interests of clarity and to provide for the protection of the environment.

7. **Noise, Air & Odour:**

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

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

8. **Roads:**

(a) All works associated with the Access Road, servicing the proposed development, as imposed under Planning Permission Reference P.15/397 shall be completed to the satisfaction of the Planning Authority prior to the proposed development becoming operational.

(b) The location of the access gate and security hut shall be sufficiently set-back from the Access Road to ensure that there is no overhang of vehicles accessing the site onto the Access Road.

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- (c) The applicant shall put a maintenance programme in place to ensure that the hard-standing area's constructed using C1804 crushed rock and maintained in a manner to allow the safe use of same.

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

9. Existing shrub and tree planting along the site embankment boundaries shall be adequately protected during construction works and all landscaping completed in accordance with terms of P.15/397 permission.

**Reason:** In the interests of visual amenity and integrating the development into the landscape.

10. The lighting shall be installed in a manner such that there is (a) no adverse lighting effects or hazard to vehicular movement on the adjoining public roads, and (b) does not cause nuisance to the surrounding properties and amenities.

**Reason:** In the interest of safety and protection of amenities.

#### **FOOTNOTES**

Section 34 (13) of the Planning & Development Acts, 2000-2015 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

Applicants shall consult with the Chief Fire Officer with regard to the fire safety of this development prior to development works commencing and comply with requirements from same. A Fire Safety Certificate is required in respect to proposed development and shall be applied for and obtained prior to development works commencing.

“With certain exceptions it is an offence, under the Forestry Act 1946, 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”

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 Pleanála. (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 2000-2015)

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



# 2015 - 2017 DEVELOPMENT CONTRIBUTION SCHEME - CALCULATION SHEET

CLASS	Revenue Codes	Description of Development	UNIT	FILE NUMBER		P.17-42		% Of Reduction	Comments
				Area	Rate of Charge	Cost	Exemptions / Reductions		
1	6PRES1	Residential Development where Rural Housing Policy applies:							
		Area of House less than 125m <sup>2</sup>	M <sup>2</sup>		€ 15.00	€ 0.00			
		Area of House between 126m <sup>2</sup> and 200m <sup>2</sup>	M <sup>2</sup>		€ 18.00	€ 0.00			
		Area of House between 201m <sup>2</sup> and 275m <sup>2</sup>	M <sup>2</sup>		€ 20.00	€ 0.00			
		Area of House between 276m <sup>2</sup> and 300m <sup>2</sup>	M <sup>2</sup>		€ 22.50	€ 0.00			
		Area of House greater than 301m <sup>2</sup>	M <sup>2</sup>		€ 25.00	€ 0.00			
2	6PRES2	Urban Residential Development	M <sup>2</sup>		€ 25.00	€ 0.00			
3	6PRES	Domestic garage/Fuel store/Garden shed > 25m2	M <sup>2</sup>		€ 15.00	€ 0.00			
4	6PCOMJND5	Non Residential Development including open storage yards	M <sup>2</sup>	18,450	€ 25.00	€ 461,250.00	€ 322,875.00		Truck parking, laydown area for Port goods
5	6PCARPK12	Mobility Management - Shortfall in car parking spaces > 5 spaces	per space		€ 1,000.00	€ 0.00			Total Site 20,000m <sup>2</sup> . Area Subject to Development Contributions = 18,450 M2. As Highlighted in Yellow on Drwg 101 Dated Stamped 30 Jan 2017
6	6PAGRI10	Agricultural development excluding horticultural development - €6 per m2 > 500 m2 of development area	M <sup>2</sup>		€ 6.00	€ 0.00			Development Contribution Scheme 2015 - 2017 provides a Reduction of 70% from the Standard Charge for uncovered storage space.
7	6PAGRI11	Horticultural Development	M <sup>2</sup>		€ 6.00	€ 0.00			
8	6PFORST13	Initial afforestation : €600/ha. of site area > 50 ha.(first 50ha.exempt) Replace.Afforestation etc. : €600/ha.of site area > 10ha.(first 10 ha.exempt)	Ha.		€ .600.00	€ 0.00			
9	6PQUARY14	Quarries/Extractive industry in addition to any buildings	0.1 Ha		€ 2,000.00	€ 0.00			
10	6PWST001	Deposit of Refuse or Waste	0.1 Ha		€ 1,500.00	€ 0.00			
11	6PLAND1	Landfilling/Raising of Sites (inert material) other than for Agricultural Reclamation	0.1 Ha		€ 1,000.00	€ 0.00			
12	6PSTORE15	The provision on, in, over or under land of plant and machinery or of tanks or other structures (other than buildings) for storage purposes	M <sup>2</sup>		€ 15.00	€ 0.00			
13	6PGOLF16	Land (excluding structures) for outdoor recreational use - minimum charge of €500 will apply	Ha.		€ 500.00	€ 0.00			
14	6PWIND17	Renewable Energy Development > 0.1MW (less than 0.1MW is exempt)	per MW		€ 10,000.00	€ 0.00			
15	6PMAST18	Communication Masts	per Mast		€ 10,000.00	€ 0.00			
16	6PMAST19	Other Non Communication Equipment	per structu		€ 1,000.00	€ 0.00			
17	6POTHER19	Development not coming within any of the foregoing classes	M <sup>2</sup>		€ 25.00	€ 0.00			
Technician						€ 138,375.00			As adopted by KKC members 20.04.2015 and revision adopted by KCC members on 20.06.16

