

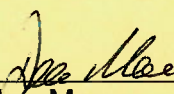
An
Coimisiún
Pleanála

Direction
CD-020733-25
ABP-319389-24

The submissions on this file and the Inspector's report were considered at a meeting held on 19/09/2025.

The Commission decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Planning Commissioner:


Declan Moore

Date: 23/09/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

1. On the basis of the information provided with the application and the appeal, and in the absence of a Natura Impact Statement, the Commission cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not result in adverse effects on the integrity of River Nore and River Barrow Special Area of Conservation (Site Code: 002162) and the River Nore Special Protection Area (Site Code: 004233) in view of the site's Conservation Objectives. In such circumstances the Commission is precluded from granting approval/permission under the provisions of Article 6(3) of the Habitats Directive (92/43/EEC).

2. Having regard to the constraints (dimensions, shape), prominent and sensitive location of the site adjacent to John Street Architectural Conservation Area (ACA) and Saint John's Church and MacDonagh Railway Station, which are both protected structures, and having regard to Section 13.6 of the Kilkenny City and County Development Plan 2021-2027, Volume 1. It is considered that the site is (in effect) a transition zone and the applicant has not provided sufficient detailed information to justify that the architectural design, scale, height, massing and use of materials would not seriously detract from the ACA and protected structures or adversely affect the character of the adjoining Saint John Street ACA and the settings of the MacDonagh Railway Station and Saint John's Church. The proposed development would, therefore, seriously injure the amenities in the vicinity and wider townscape, contrary to the provision of Section 13.6 of the Kilkenny City and County Development Plan 2021-2027, Volume 1 and the provisions contained within the 'Urban Development and Building Heights Guidelines for Planning Authorities 2018'.