

An
Coimisiún
Pleanála

Direction
ACP-322976-25

The submissions on this file and the Inspector's report were considered at a meeting held on 03/02/2026.

The Commission decided, as set out in the following Order, as follows:-

WHEREAS Beauscandle Limited the referrer submitted the question as to

1. whether the proposed temporary use of Kells Court, the swimming pool building and linked activation room building and a group of three number chalets to accommodate protected persons at Saint Patricks Centre, Kells Road, County Kilkenny is or is not exempted development
2. whether internal works at Kells Court, the swimming pool building the activation room building and a group of three number chalets at Saint Patricks Centre, Kells Road, County Kilkenny required to facilitate the proposed temporary use as accommodation for protected persons is or is not exempted development

AND WHEREAS the Commission considered the questions as to whether the proposed temporary use of, and internal works at Kells Court, the swimming pool building and linked activation room building and a group of three number chalets to accommodate protected persons at Saint Patricks Centre, Kells Road, County Kilkenny is or is not development or is or is not exempted development

AND WHEREAS Beauscandle Limited requested a declaration on this question from the Kilkenny County Council and the Council issued a declaration on the 9th day of June 2025 stating that the matter was development and was not exempted development

AND WHEREAS Beauscandle Limited referred this declaration for review to An Coimisiún Pleanála on the 7th day of July 2025

AND WHEREAS An Coimisiún Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) Section 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (d) Article 6(1) and Article 9(1)(viiB) and (viiC) of the Planning and Development Regulations, 2001, as amended,
- (e) Class 14(h) of the Planning and Development Regulations, 2001, as amended
- (f) the planning history of the site,
- (g) the Appropriate Assessment Screening carried out by Panther Ecology Limited, and
- (h) the report of the Planning Inspector:

AND WHEREAS An Coimisiún Pleanála considered that temporary use of, and internal works at Kells Court constitute a material change in the use of the land and structures and that the proposed development is works and constitutes development under Section 3(1) of the Planning and Development Act, 2000,

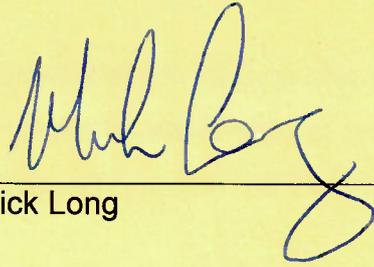
AND WHEREAS An Coimisiún Pleanála considered that temporary use of, and internal works at, Kells Court may fall within the criteria for exempted development under Section 14(h) of the Planning and Development Act, 2000,

AND WHEREAS An Coimisiún Pleanála cannot be satisfied that the proposed works to the existing wastewater treatment system, which are necessary for the the temporary use and the necessary internal works, which could be considered as mitigation measures, will not give rise to significant effects on the River Barrow and River Nore SAC in view of the sites conservation objectives

AND WHEREAS An Coimisiún Pleanála cannot be satisfied the proposed works would require an appropriate assessment and would therefore be restricted under Article 9(1)(viiB) and (viiC) of the Planning and Development Regulations, 2001, as amended,

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 (1) (a) of the 2000 Act, hereby decides that the proposed temporary use and internal works at Kells Court, the swimming pool building and linked activation room building and a group of three number chalets to accommodate protected persons at Saint Patricks Centre, Kells Road, County Kilkenny is development and is not exempted development.

**Planning
Commissioner:**

A handwritten signature in blue ink, appearing to read "Mick Long", is written over a horizontal line.

Mick Long

Date: 04/02/2026