

An
Coimisiún
Pleanála

Direction
ACP-324191-26

The submissions on this file and the Inspector's report were considered at a meeting held on 13/08/2026.

The Commission decided, as set out in the following Order, that

WHEREAS a question has arisen as to:

- (a) whether the repairs and alterations carried out to the two storage warehouse buildings, a workshop and the office/reception building on the site, and the resurfacing of the original service yard, and
- (b) whether the reoccupation and continued use of the warehouse buildings and the service yards referred to (a) above, for warehousing and associated use,

all at Newrath, County Kilkenny are or are not development and are or are not exempted development:

AND WHEREAS Zinc Properties Limited requested a declaration on this question from Kilkenny County Council and the Council issued a declaration on the 10th day of March, 2026 stating that the matter was development and was not exempted development:

AND WHEREAS the said Zinc Properties Limited referred this declaration for review to An Coimisiún Pleanála on the 30th day of March, 2026:

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

- (a) Section 2(1) and Section 3(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (c) Section 4(4) of the Planning and Development Act, 2000, as amended,
- (d) the documentation provided with the application to the planning authority and on referral to An Coimisiún Pleanála,
- (e) the planning history of the site and the pattern of development in the area,
- (f) the nature and scale of the works and the use the subject of the referral, and;
- (g) the Inspector's Report which included an Appropriate Assessment Screening determination:

AND WHEREAS An Coimisiún Pleanála, has concluded that –

- (a) the repairs and alterations carried out to the two storage warehouse buildings (Building A and Building B), a workshop (Building C) and the office/reception (Building D) on the site, and the resurfacing of the original service yard, involved works and therefore comprise development,
- (b) having regard to the history of uses on the site, the reoccupation and continued use of the warehouse buildings (Buildings A and B), for warehousing and associated use, does not constitute a material change of use and does not constitute development,

- (c) by reason of the nature of the repairs and alterations to the buildings (Building A (Warehouse), Building B (Warehouse), Building C (Workshop) and Building D (Office/Reception), such development would comprise works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures,
- (d) the Commission was satisfied that the works for the resurfacing of the original service yard was described within the site delineated in the referral, however, by reason of the likely nature and extent of the works, the interrelationship and dependency on drainage infrastructure across the overall site and the proximity of such works to the River Suir Special Area of Conservation (site code: 002137) and adjacent watercourses and drains discharging to the River Suir, it cannot be excluded that such development would not be likely to have, or have had, significant affects on the conservation objectives of the River Suir Special Area of Conservation (site code: 002137), and
- (e) the continued use of the service yards referred to in question (a) for warehousing, workshop and associated uses cannot be deemed to constitute exempted development, as the works for the resurfacing of those service yards are deemed to be not exempt:

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the 2000 Act, hereby decides that:

- (a) the repairs and alterations carried out to the two storage Warehouse buildings (Buildings A and B), the Workshop (Building C) and the Office/Reception (Building D) is development and is exempted development,
- (b) the reoccupation and continued use of Buildings A and B for warehousing and associated use, does not constitute development within the meaning of Section 3 of the Planning and Development Act, 2000, as amended,

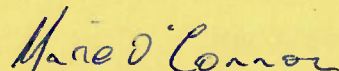
- (c) the resurfacing of the original service yard, is not exempted development having regard to the restriction on exemptions for such works under Section 4(4) of the Planning and Development Act, 2000, as amended, and
- (d) the continued use of the resurfaced service yards for warehousing and associated use cannot be deemed to constitute exempted development as the works for the resurfacing of those service yards are deemed to be not exempt,

all at Newrath, County Kilkenny.

Planning

Commissioner:

Date: 24/08/2026



Marie O'Connor