



An
Coimisiún
Pleanála

Commission Direction
CD-001065
PL-501200-KK-26

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

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

Planning Commissioner:

Marie O'Connor

Date:

24th day of August 2026

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the location of the site and the information and submissions provided with the application and appeal (including the Appropriate Assessment Screening Report), the Commission is not satisfied that it has been demonstrated that the proposed retention of development either individually or in combination

with other plans or projects would not give rise to significant effects on the Lower River Suir Special Area of Conservation (site code: 002137) in view of the site's conservation objectives. In particular, there is insufficient information provided in relation to the nature and extent of the works undertaken on the site, the identification of and relationship of such works with pathways to the European site, to inform an assessment of the likely significance of impacts on the conservation objectives thereof. Furthermore, it is not considered that the development described in the application and Appropriate Assessment Screening Report adequately describes the extent of works undertaken on the site, that such works can be considered in isolation from the wider development on the site, or that likely significant in-combination effects can be excluded. In the absence of more detailed information or a Natura Impact Statement adverse effects on the integrity of the Lower River Suir Special Area of Conservation (site code: 002137) cannot, therefore, be excluded.

It is therefore considered that the Commission is unable to ascertain, as required by Regulation 27(3) of the European Communities (Natural Habitats) Regulations, 1997, that the proposed development will not adversely affect the integrity of a European Site and it is considered that the proposed retention of development would be contrary to the proper planning and sustainable development of the area.

The Commission agreed with the Inspector that under Variation number 6 of the Kilkenny County Development Plan 2022, the subject site is zoned for Business Enterprise and Technology Parks, which aims to facilitate the development and expansion of business, enterprise and technology and does not provide for warehouse/distribution uses and agreed that Warehouse use would be regarded as an existing non-conforming use on the site. The Commission also

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noted that the Kilkenny County Development Plan 2021-2027 provides that, in relation to non-conforming uses, the extension or improvement of premises may be permitted where they would not seriously injure the amenities of the area or prejudice the proper planning and development of the area. However, the Commission considered, having regard to the past, present and proposed uses in the context of the operation of the overall site, that

- (a) the change of use of Building C (380 square metres) from its use as a workshop to new use as warehouse,
- (b) the siting of five number temporary refrigeration containers to the northeast of Building A,
- (c) the siting of six number temporary containers on part of the service yard to the east of the site, southeast of Building C, and
- (d) the siting of one number temporary office cabin on part of the service yard to the east of the site southeast of Building C,

is considered to constitute an improvement/extension to the existing premises (Buildings A and C) in the context of non-conforming uses on the overall site within the specific definition in the Ferrybank-Belview Framework Plan 2026 and would thus accord with the land use zoning. However, the Commission is not satisfied that they would not seriously injure the amenities of the area or prejudice the proper planning and development of the area having regard to the requirements of the European Communities (Natural Habitats) Regulations, 1997.

Note:

The Commission noted the following and although ordinarily these matters might warrant further consideration and a request for further information, in this instance given the substantive reasons for refusal above, it was decided not to pursue these matters under the current appeal:

1. The Commission noted the absence of plans, elevations and sections, particularly the absence of the plans, elevations and sections in respect of:

- (a) the erection of a new section of retaining boundary wall to the northwest of the site entrance, along the boundary with the back drain,
- (b) the siting of five number temporary refrigeration containers to the northeast of building A (12 by 2.5 by 3 metres),
- (c) the siting of six number temporary containers on part of the service yard to the east of the site (6 by 2.5 by 3 metres), southeast of Building C, one number for use as a staff canteen, five number for storage,
- (d) the siting of one number temporary office cabin for on part of the service yard to the east of the site (6 by 2.5 by 3 metres), southeast of Building C, and
- (e) the siting of one number temporary canteen cabin to the northwest of warehouse Building A (12 by 3 by 3 metres).

2. The Commission noted that Section 5.6 of the Ferrybank Belview Framework Plan (Variation number 6 of the Kilkenny County Development Plan) provides further limitations on land use within Flood Zone A under all zoning objectives and requires the submission of a detailed site specific Flood Risk Assessment.

3. The Commission was not satisfied that adequate information was provided in the documentation submitted to determine that the development would not

give rise to a risk of deterioration in the ecological and/or chemical status of the River Suir Estuary (IE_SE_100_05_50), as required by Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed into Irish law by the European Communities (Water Policy) Regulations 2003 (S.I. No. 722 of 2003), as amended.