



An
Coimisiún
Pleanála

Commission Order
ABP-319389-24

Planning and Development Act 2000, as amended

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 2360079

Appeal by Conor Clery and Others care of Áine Ryan Consulting of 28 Rath Ullórd, Bonnettsrath Road, Kilkenny against the decision made on the 29th day of February 2024, by Kilkenny County Council to grant permission subject to conditions to Spark Way Limited care of Manahan Planners of 38 Dawson Street, Dublin for the proposed development.

Proposed Development: The development will consist of: clearance works on a 0.3217 hectare site and the construction of a seven storey hotel (gross floor area 8,221 square metres) comprising 99 number ensuite bedrooms, ground floor restaurant and bar, hotel foyer and reception, gym, first floor function room, meeting rooms, first floor outdoor terrace, fifth floor bar/restaurant with outdoor terraces and balcony and sixth floor outdoor swimming pool area and bar/restaurant with outdoor terrace. A public plaza area is also proposed along the west of the site. A vehicle set down area is proposed along Dublin Road. The proposal includes green roofs, 18 number bicycle parking spaces, ESB substation, landscaping and drainage works.

Works to demolish a limestone wall which is part of the Protected Structure of MacDonagh Station (reference number: D86) and its reuse within the site is also proposed, all at lands to the south of MacDonagh Station, Dublin Road, Kilkenny as amended by the further public notices received by the planning authority on the 2nd day of February 2024.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

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 sites' 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'. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Eamonn James Kelly

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Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this *26th* day of *September*, 2025.