

An
Coimisiún
Pleanála

Commission Order
ABP-321664-25

Planning and Development Act 2000, as amended

Planning Authority: Kilkenny County Council

Planning Authority Reference Number: DEC 849

WHEREAS a question has arisen as to whether the installation, commissioning and use of a well for a commercial building situated on one entity's land which is seeking a derogation under S.I. 306/2022, while the well itself is located on a different entity's land, which has not sought any derogation or exemption, when used for commercial purposes, at Wallslough Equestrian Facility, Wallslough, County Kilkenny is or is not development or is or is not exempted development,

AND WHEREAS Aidan Kelly requested a declaration on this question from Kilkenny County Council and the Council issued a declaration on the 11th day of December, 2024 stating that the matter is exempted development,

AND WHEREAS Aidan Kelly referred the declaration to An Coimisiún Pleanála on the 14th day of January, 2025,

AND WHEREAS in considering the referral the Commission had regard 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, as amended,
- (c) Section 4(1)(a) of the Planning and Development Act 2000, as amended,
- (d) Section 181(1)(a) of the Planning and Development Act 2000, as amended,
- (e) Article 6(1) and Article 9(1) of the Planning and Development Regulations 2001, as amended, and
- (f) S.I. 306/2022 European Union (Planning and Development) (Displaced Persons from Ukraine Temporary Protection) Regulations 2022,

AND WHEREAS An Coimisiún Pleanála considered that the provision of a water well ancillary to the temporary accommodation for displaced persons falls within Article 3, Schedule of S.I. 306/2022 European Union (Planning and Development) (Displaced Persons from Ukraine Temporary Protection) Regulations 2022, Paragraph 7 Infrastructure and other works ancillary to development referred to in Paragraphs 1-6,

AND WHEREAS An Coimisiún Pleanála considered that the development complies with Article 9 of the Planning and Development Regulations 2001, as amended,

AND WHEREAS An Coimisiún Pleanála was satisfied that the need for environmental impact assessment can be excluded at preliminary examination and that a screening determination is not required,

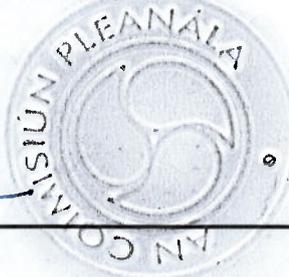
AND WHEREAS An Coimisiún Pleanála was satisfied that no Appropriate Assessment issues arise as the development would not be likely to have a significant impact individually or in combination with other plans or projects on a European Site,

AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) the installation, commissioning and use of a well for a commercial building situated on one entity's land which is seeking a derogation under S.I. 306/2022, while the well itself is located on a different entity's land, which has not sought any derogation or exemption, when used for commercial purposes, constitutes development as defined under Section 3(1)(a) of the Planning and Development Act 2000, as amended, and

- (b) the installation, commissioning and use of a well for a commercial building situated on one entity's land which is seeking a derogation under S.I. 306/2022, while the well itself is located on a different entity's land, which has not sought any derogation or exemption, when used for commercial purposes, is exempted development as it comes within the scope of S.I. 306/2022 European Union (Planning and Development) (Displaced Persons from Ukraine Temporary Protection) Regulations 2022.

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by Section 5(3)(a) of the Planning and Development Act 2000, as amended, hereby decides that the installation, commissioning and use of a well for a commercial building situated on one entity's land which is seeking a derogation under S.I. 306/2022, while the well itself is located on a different entity's land, which has not sought any derogation or exemption, when used for commercial purposes, at Wallslough Equestrian Facility, Wallslough, County Kilkenny is development and is exempted development.



Emer Maughan

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 11th day of February 2026.