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**Planning and Development Act 2000, as amended**

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number : DEC 858**

**WHEREAS** a question has arisen 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, is or is not exempted development, and (2) whether internal works at Kells Court, the Swimming Pool Building and linked Activation Room Building and a group of three number chalets to facilitate the proposed temporary use as accommodation for protected persons, is or is not exempted development, at Saint Patrick's Centre, Kells Road, County Kilkenny:

**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 Patrick's 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 9<sup>th</sup> 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 7<sup>th</sup> 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 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 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 Special Area of Conservation (Site Code: 002162) in view of the site's conservation objectives.

**AND WHEREAS** An Coimisiún Pleanála cannot be satisfied that 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 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 Patrick's Centre, Kells Road, County Kilkenny, is development and is not exempted development.



**Mick Long**

**Planning Commissioner of An Coimisiún**

**Pleanála duly authorised to authenticate**

**the seal of the Commission.**



Dated this 11 day of February 2026.