



An
Coimisiún
Pleanála

**Commission Order
PL-501200-KK-26**

Planning and Development Act 2000, as amended

Planning Authority: Kilkenny County Council

Planning Register Reference Number: 26/60070

Appeal by Zinc Properties Limited against the decision made on the 2nd day of April, 2026 by Kilkenny County Council to refuse permission for the proposed development.

Proposed Development: (1) Construction of two number loading docks to existing warehouse (Building A), (2) extension of the existing concrete service yard north-eastwards (840 square metres), (3) erection of a new section of retaining boundary wall along the north-east boundary (65 metres length by 1.2 metres height), (4) change of use of Building C from its previous use as a workshop to new use as a warehouse, (5) the siting of five number temporary refrigeration containers to the north-east of Building A (12 by 2.5 by three metres), (6) the siting of six number temporary containers for Waterford Crane Hire on part of the service yard to the east of the site (six by 2.5 by three metres), one number for a staff canteen, five number for storage, (7) the siting of one number temporary office cabin for Waterford Crane Hire on part of the service yard to the east of the site (six by 2.5 by three metres), and (8) the siting of one number temporary canteen cabin to the north-west of warehouse Building A (12 by three by three metres), together with associated site works, all at Newrath, County Kilkenny.

Decision

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

Reasons and Considerations

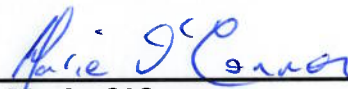
Having regard to the location of the site and the information and submissions provided with the application and appeal (including the Appropriate Assessment Screening Report), the Commission is not satisfied that it has been demonstrated that the proposed retention of development either individually 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 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 would 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 2021 - 2027, 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 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 north-east of Building A;
- (c) the siting of six number temporary containers on part of the service yard to the east of the site, south-east 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 south-east 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, therefore, 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.



Marie O'Connor

Planning Commissioner of An Coimisiún

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



Dated this 25th day of August 2026.