



KILKENNY COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACTS 2000 (AS AMENDED)

NOTIFICATION OF DECISION TO REFUSE

TO: John Taylor Construction Ltd
c/o Byrne and McCabe Design Ltd
Upper Main Street
Graigenamanagh
Co. Kilkenny
R95 YYN3

Planning Register Number: 26/60489
Valid Application Received: 04/08/2026
Further Information Received Date:

In pursuance of the powers conferred upon them by the above-mentioned Acts, Kilkenny County Council has by Order dated 25/09/2026 decided to REFUSE TO GRANT RETENTION for development of land, namely:-

for 1) change of use of existing car park to a contractor's yard 2) Retention of storage shed 3) retention for the storage of two containers 4) retention of modifications to east boundary wall 5) retention of existing entrance gate and permission for new landscaping surface water management all associated site works AT Silverweir Paulstown Co Kilkenny IN ACCORDANCE WITH THE PLANS SUBMITTED WITH THE APPLICATION.

For the reason and considerations stipulated on the First Schedule hereto.

In deciding the Planning Application the Planning Authority have regard to submissions or observations received in accordance with the Regulations.

Signed on behalf of Kilkenny County Council

Linda Gibbons

for DIRECTOR OF SERVICES

DATE: 25/09/2026

See final page for details of appeal procedures.

Tel no. Planning Section: 056-7794010

Website: www.kilkennycoco.ie

Note: An applicant for permission and any person who made submissions or observations in writing in relation to the planning application to the planning authority in accordance with the permission regulations and on payment of the appropriate fee, may, at any time before the expiration of the appropriate period – “the appropriate period” means the period of four weeks beginning on the day of the decision of the planning authority – appeal to An Coimisiún Pleanála against a decision of a planning authority under Section 34.

AN APPEAL SHALL BE MADE

- (a) by sending the appeal by prepaid post to An Coimisiún Pleanála, 64 Marlborough Street, Dublin 1, Tel 01.8588100 or LoCall 1890 275175
- (b) by leaving the appeal with an employee of An Coimisiún Pleanála, at the offices of the Board during office hours (as determined by the Board) or
- (c) by such other means as may be prescribed.

APPEALING A DEVELOPMENT CONTRIBUTION.

- (a) Subject to paragraph (b), no appeal shall lie to the Board in relation to a condition requiring a contribution to be paid in accordance with a scheme made under this section.
- (b) An appeal may be brought to the Board where an applicant for permission under Section 34 considers that the terms of the scheme have not been properly applied in respect of any condition laid down by the planning authority.

AN APPEAL SHALL

- (a) be made in writing
- (b) state the name and address of the appellant and of the person, if any, acting on his or her behalf
- (c) state the subject matter of the appeal
- (d) state in full the grounds of appeal and the reasons, considerations and arguments on which they are based
- (e) in the case of an appeal under *Section 37* by a person who made submissions or observations in accordance with the permission regulations, be accompanied by the acknowledgement by the planning authority of receipt of the submissions or observations
- (f) be accompanied by such fee (if any) as may be payable in respect of such appeal in accordance with *Section 144* and
- (g) be made within the period specified for making the appeal.

FEES FOR APPEAL

(a)	Appeals against decisions of Planning Authorities	
	Appeal	
(i)	1 st party appeal relating to commercial development where the application included the retention of development	€4,500 or €9,000 if an EIS or NIS involved
(ii)	1 st party appeal relating to commercial development (no retention element in application)	€1,500 or €3,000 if EIS or NIS involved
(iii)	1 st party appeal non-commercial development where the application included the retention of development	€660
(iv)	1 st party appeal solely against contribution conditions (s) – (2000 Act section 48 or 49)	€220
(v)	Appeal following grant of leave to appeal	€110
(vi)	An appeal other than referred to in (i) to (v) above	€220
(b)	Referral	€220
(c)	Reduced fee for appeal or referral (applies to certain specified bodies)	€110
(d)	Application for leave to appeal (section 37(6)(a) of 2000 Act)	€110
(e)	Making submission or observation (specified bodies exempt)	€50
(f)	Request for oral hearing under section 134 of 2000 Act	€50
Note: The above fee levels for planning appeals and referrals remain unchanged from those already in force since 2007 (but note the addition of NIS in (i) and (ii) above)		

ORAL HEARINGS

The Board may, in its absolute discretion, hold an oral hearing of an appeal. A party to an appeal may request an oral hearing of the appeal. A request for an oral hearing of an appeal shall be made in writing to the Board and shall be accompanied by such fee (if any) as may be payable in respect of the request in accordance with *Section 144*. A request for an oral hearing of an appeal which is not accompanied by such fee (if any) as may be payable in respect of the request shall not be considered by the Board.

A request by an appellant for an oral hearing of an appeal under *Section 37* shall be made within the appropriate period referred to in that section (the period of four weeks beginning on the day of the decision of the Planning Authority) and any request received by the Board after the expiration of that period shall not be considered by the Board. A request by a party to an appeal other than the appellant for an oral hearing of an appeal shall be made within the period referred to in *Section 129(2)(a)* (within a period of 4 weeks beginning on the day on which a copy of the appeal is sent to that party by the Board) within which the party may make submissions or observations to the Board in relation to the appeal, and any such request received by the Board after the expiration of that period shall not be considered by the Board.

Further details are available on the Board's website – www.pleanala.ie

First Schedule

Reasons & Considerations for Decision on Planning Ref. P.26/60489

1. Having regard to Section 4.6 of the Kilkenny City and County Development Plan 2021-2027, which sets out objectives for smaller towns and villages, it is considered the proposed development by virtue of its location on a former car park associated with a public house, along with the type of commercial activity proposed to be retained associated with a builders contractors yard, would have a serious negative visual impact on Paulstown rural village settlement. The proposed development by virtue of its site location, raised northern dividing boundary wall / entrance gate finish, surrounding pattern of development and nature of the proposed activity fails to integrate with its physical surroundings and would militate against the preservation of the rural village environment and surrounding amenity. It is therefore considered that the development at this location would represent an unacceptable visual intrusion that would seriously detract from the amenity of, and be inconsistent with the visual character of the area and surrounding residential land use. As such, the development would conflict with above policy of the Kilkenny County Development Plan 2021-2027 and to the proper planning and sustainable development of the area.
2. Having regard to the nature and extent of the development proposed and to the sites close proximity to adjoining dwelling units, Marble Court Residential Estate and site location within a predominately residential area of Paulstown village, it is considered that, notwithstanding submitted mitigation measures, noise assessment and landscaping plan, that the development of a builders contractors yard of the site with associated containers and sheds for the purposes outlined would seriously injure the areas residential amenities by virtue of noise and general disturbance, would be incompatible with existing character and setting of Paulstown village and would be contrary to proper planning and sustainable development of the area.
3. The proposed development relates to an existing contractor's builder's storage yard which represents an unauthorised material change of use of the land and structures on site and that the proposed development would facilitate the consolidation and intensification of unauthorised commercial use and development issued under ENF25133. Accordingly, it is considered that it would be inappropriate for the Planning Authority to consider a grant of permission for the proposed development in such circumstances.