



An
Bord
Pleanála

Board Direction
ABP-303958-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 24/03/2021.

The Board decided, as set out in the following Order, that

Board Order as follows:-

WHEREAS a question has arisen as to whether the provision of a landscaped amphitheatre space is or is not development or is or is not exempted development:

AND WHEREAS Sugarloaf Investment Property Holdings under Section 5 of the Planning and Development Act 2000, as amended, referred a declaration for review to An Bord Pleanála on the 15th day of March 2019:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Sections 2(1), 3(1) and 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (b) Article 6 and Class 33 of Schedule 1 of Class 1 of the Planning and Development Regulations, 2001 as amended and
- (c) the planning history of the site,
- (d) the pattern of development in the area:

- (a) **AND WHEREAS** An Bord Pleanála has concluded that the landscaped amphitheatre space,
- (b) Is development in accordance with Section 3(1), of the Planning and Development Act 2000 as amended,
- (c) does not fall within the scope of Section 4(1)(h), of the Planning and Development Act 2000 as amended, as the planning history of the site indicates that the development has taken place beyond the area that was previously used as a helipad and is outside of what is considered to be the permitted structure of the hotel,
- (d) is a material change of use as the functional use of the space for events associated with the hotel is a use for which there is no permission for at this location,
- (e) In, so far as the works element is concerned, does not fall with the scope of Class 33 of the Planning and Development Regulations 2001, and
- (f) There are no other exempted development provisions that would apply to the landscaped amphitheatre space:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 of the 2000 Planning and Development Act as amended, hereby decides that the provision of a landscaped amphitheatre space on these lands, at the garden area of Powerscourt Hotel, is development and is not exempted development.

Board Member:

Date: 26/03/2021

Maria FitzGerald