



Planning and Development Acts 2000 to 2018

Planning Authority: Kilkenny County Council

Planning Register Reference Number: P.17/660

APPEAL by the Mount Juliet Estates Residents Group care of Peter Thompson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny and by Brian Coleman and others care of 52 Rose Garden Lodge, Mount Juliet, Thomastown, County Kilkenny against the decision made on the 9th day of April, 2018 by Kilkenny County Council to grant subject to conditions a permission to MJBE Investments 3 Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin.

Proposed Development: Construction of 12 number residential dwellings in three number blocks (circa 1,638.9 square metres gross floor area), provision of car parking, vehicular access road and pedestrian pathways and all associated site development, landscaping and boundary treatment works above and below ground, all on a site comprising an area of circa 0.46 hectares in respect of development adjacent to the Rose Garden Lodges, at Mount Juliet Estate, Thomastown, Co. Kilkenny.

Decision

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

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. The proposed development entails the provision of new residential development within the grounds of Mount Juliet Estate in the rural area of County Kilkenny. On the basis of the documentation submitted with the application and the appeal, it is intended that these residential units are to be made available for sale on the open market. Having regard to this fact, it is considered that the applicant has failed to demonstrate that the proposed development would be consistent with Objective 8 of the Mount Juliet Action Area Plan, which is part of the Kilkenny County Development Plan 2014-2020, where the objective is “to provide for the development of additional lodges adjacent to the existing Rose Garden Lodges associated with the estate’s tourism, leisure and recreational functions without detracting from the estate’s landscape character and built natural heritage”. The proposed development would, therefore, be contrary to the provisions of the development plan and contrary to the proper planning and sustainable development of the area.
2. Section 12.11.17 (Tree and Hedgerow Preservation) of the Kilkenny County Development Plan 2014-2020 notes that “development will not generally be permitted where there is likely damage or destruction

either to trees protected by a Tree Preservation Order or those which have a particular local amenity or nature conservation value, or are listed in the Survey of Mature Trees in the City and Environs. Development that requires the felling of mature trees of amenity value, conservation value or special interest, even though they may not be listed in the development plan, will be discouraged". The proposed development, by reason of its location and spatial extent, would entail the removal of a number of mature trees of good quality and life expectancy, solely in order to facilitate the proposed development. Having regard to the importance of mature woodlands and trees to the character of the Mount Juliet estate, a landscape of national significance and heritage value, it is considered that the proposed development, involving the loss of such trees, would interfere with the character of the landscape, which it is necessary to preserve, and would be contrary to development plan policy regarding tree preservation. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Philip Jones
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2019.