



Planning and Development Acts 2000 to 2020

Planning Authority: Wicklow County Council

Planning Register Reference Number: EX 03/19

WHEREAS a question has arisen as to whether the provision of a landscaped amphitheatre space at Powerscourt Hotel, Enniskerry, County Wicklow is or is not development or is or is not exempted development:

AND WHEREAS Sugarloaf Investment Property Holdings care of Tom Phillips and Associates of 80 Harcourt Street, Dublin requested a declaration on the question from Wicklow County Council and the Council issued a declaration on the 21st day of February, 2019 stating that the matter is development and is not exempted development:

AND WHEREAS Sugarloaf Investment Property Holdings referred the 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 Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (c) the planning history of the site, and
- (d) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that the landscaped amphitheatre space -

- (a) is development in accordance with section 3(1) of the Planning and Development Act 2000, as amended,
- (b) does not fall within the scope of section 4(1)(h) of that Act, 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,
- (c) 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 at this location,
- (d) in so far as the works element is concerned, does not fall with the scope of Class 33 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, and

- (e) 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 (3)(a) of the 2000 Act, hereby decides that the provision of a landscaped amphitheatre space on these lands, at the garden area of Powerscourt Hotel, Enniskerry, County Wicklow is development and is not exempted development.

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.

Maria FitzGerald
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2021.