

An
Bord
Pleanála

Board Order
ABP-317248-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dun Laoghaire-Rathdown County Council

Planning Register Reference Number: 4123

WHEREAS a question has arisen as to whether the maintenance and management of part of the golf course boundary to lower Churchtown Road comprising the removal of old wooden and paladin fence, etc. above the old stone wall and the erection of circa 56 linear metres of a replacement timber fence affixed to and above the old stone boundary wall at Milltown Golf Club, Lower Churchtown Road, Churchtown, Dublin is or is not development or is or is not exempted development,

AND WHEREAS Milltown Golf Club Trustees Limited care of Kieran O'Malley and Co. Limited of 2 Priory Office Park, Stillorgan Road, Blackrock, County Dublin requested a declaration on the said question from Dun Laoghaire-Rathdown County Council and the Council issued a declaration on the 5th day of May, 2023 stating that the matter is development and is not exempted development,

AND WHEREAS Milltown Golf Club Trustees Limited care of Kieran O'Malley and Co. Limited referred the declaration for review to An Bord Pleanála on the 1st day of June, 2023,

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

- (a) Sections 2(1), 3(1) and 4(1) of the Planning and Development Act 2000, as amended,
- (b) Article 6(1) and Article 9(1) of the Planning and Development Regulations 2001, as amended,
- (c) Parts 1 and 4 of Schedule 2 to the Planning and Development Regulations 2001, as amended, including in particular Class 11 and Class 34 thereof,
- (d) the planning history of the site,
- (e) the pattern of development in the area,
- (f) a “golf course” encompassing an area greater than the “greens and fairway” and may more appropriately be considered in accordance with a formally-constituted definition by the relevant sporting regulatory body in Ireland, and
- (g) the lack of sufficient information being presented to demonstrate that the replacement fence, in this case constituting circa 56 linear metres of perimeter fencing on the interface with the public streetscape, was not material and, therefore, incidental,

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the works of alteration to the golf course comprising the removal of old wooden and paladin fence, etc. above the old stone wall and the erection of circa 56 linear metres of a replacement timber fence affixed to and above the old stone boundary wall comes within the meaning of Section 3 of the Planning and Development Act 2000, as amended, and are, therefore, development,
- (b) the works to the golf course, not being works replacing a fence that shall not exceed 1.2 metres or the height of the structure being replaced, whichever is the greater, and in any event shall not exceed two metres, do not come within the scope of Class 11 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, and
- (c) the works to the golf course, being works different in character and height to the pre-existing fence, and for which sufficient information has not been presented to demonstrate that such works are not material, are not, therefore, considered works of an incidental nature to the maintenance and management of the golf course, and do not come within the scope of Class 34 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended,

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the Planning and Development Act 2000, as amended, hereby decides that that the removal of the old wooden and paladin fence, etc. above the old stone wall and the erection of circa 56 linear metres of a replacement timber fence affixed to and above the old stone boundary wall at Milltown Golf Club, Lower Churchtown Road, Churchtown, Dublin is development and is not exempted development.

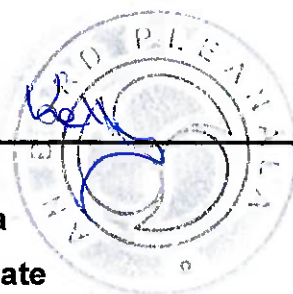
Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this *3rd* day of *May*, 2024.