

An
Coimisiún
Pleanála

Commission Order
ABP-320327-24

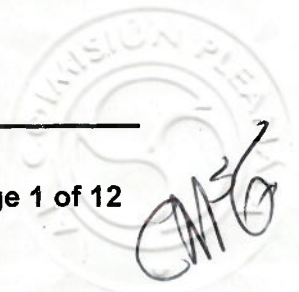
Planning and Development Act 2000, as amended

Planning Authority: Wicklow County Council

Planning Register Reference Number: EX53/2024

WHEREAS a question has arisen as to whether or not:

- (a) Structure Number 1: Gate Lodge A and Gate Lodge B,
- (b) Structure Number 2: Semi-detached agricultural storage facility,
- (c) Structure Number 3: Detached agricultural maintenance/storage facility,
- (d) Structure Number 4: Electricity distribution building,
- (e) Structure Number 5: Open fronted agricultural storage shed,
- (f) Structure Number 6: Former agricultural building, now used to accommodate protected persons,
- (g) Structure Number 7 and Structure Number 8: Pavillion and kitchen building,
- (h) Structure Number 10: Former Belfry Building,



- (i) Structure Number 11: Concrete paved area adjacent to Structure Number 10 and 12,
- (j) Structure Number 12: Accommodation Block Number 1,
- (k) Structure Number 13: Art O'Neill's Building,
- (l) Structure Number 14: Car park adjacent to the former Belfry Building,
- (m) Structure Number 15: Large gravelled area to the north-east of the holiday village,
- (n) Structure Number 16: Accommodation Block Number 2, and
- (o) on-site storage of soil/stone, boulders, machinery and building materials,

all at Kippure Lodge and Holiday Village, Kippure Estate, Manor Kilbride, Blessington, County Wicklow is or is not development or is or is not exempted development,

AND WHEREAS Seefin Events Unlimited Company care of ABBD of Clonshanny, Clara, County Offaly requested a declaration on the said question from Wicklow County Council and the said Council issued a declaration on the 4th day of July, 2024 stating that:

- (a) Structure Number 1: Gate Lodge A and Gate Lodge B is development and is not exempted development,
- (b) Structure Number 2: Semi-detached agricultural storage facility is development and is not exempted development,
- (c) Structure Number 3: Detached agricultural maintenance/storage facility is development and is not exempted development,

- (d) Structure Number 4: Electricity distribution building is development and is not exempted development,
- (e) Structure Number 5: Open fronted agricultural shed is development and is not exempted development,
- (f) Structure Number 6: Former agricultural building, now used to accommodate protected persons, is development and is not exempted development,
- (g) Structure Number 7 and Structure Number 8: Pavillion and kitchen building is development and is not exempted development,
- (h) Structure Number 10: Former Belfry Building is development and is not exempted development,
- (i) Structure Number 11: Concrete paved area adjacent to Structure Number 10 and 12 is development and is not exempted development,
- (j) Structure Number 12: Accommodation block is development and is not exempted development,
- (k) Structure Number 13: Art O'Neill's Building is development and is not exempted development,
- (l) Structure Number 14: Car park adjacent to the former Belfry Building is development and is not exempted development,
- (m) Structure Number 15: Large-gravelled area to the north-east of the holiday village is development and is not exempted development,
- (n) Structure Number 16: Accommodation Block Number 2 is development and is not exempted development, and
- (o) on-site storage of soil/stone, boulders, machinery and building materials is development and is not exempted development,

AND WHEREAS Seefin Events Unlimited Company care of ABBD of Clonshanny, Clara, County Offaly referred the declaration for review to An Coimisiún Pleanála on the 31st day of July, 2024,

AND WHEREAS An Coimisiún Pleanála, in considering this referral, had regard particularly to:

- (a) Sections 2(1), 3(1), 4(1)(h), 177U and 181(1)(a) of the Planning and Development Act 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Schedule 2, Part 1 – Exempted Development – General and Schedule 2, Part 3 – Exempted Development – Rural of the Planning and Development Regulations 2001, as amended,
- (d) The European Union (Planning and Development) (Displaced Persons from Ukraine Temporary Protection) Regulations 2022 (S.I. Number 306/2022),
- (e) the planning history of the site, and
- (f) the report and recommendation of the Inspector,

AND WHEREAS An Coimisiún Pleanála has concluded that all the items involved works or a material change of use and, therefore, constitute development.

In relation to whether the development is or is not exempted development:

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- (a) Structure Number 1: Gate Lodge A and Gate Lodge B do not come within the scope of Section 4(1)(h) of the Planning and Development Act 2000, as amended, as they are new structures. These structures do not fall within the scope of Class 17 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, as they are to provide accommodation for security staff for persons occupying the facility during its operational phase and do not relate to accommodation for persons employed or otherwise during construction works. Therefore, these structures do not constitute exempted development.
- (b) Structure Number 2: Semi-detached agricultural storage facility does not fall within the scope of Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended, as the use of the structure for agriculture or forestry has not been adequately demonstrated. The structure has a gross floor area that exceeds the 300-square-metre limitation and the aggregate gross floor space of the structure, with other such structures within 100 metres, exceeds the 900-square-metre limitation. Therefore, this structure does not constitute exempted development.
- (c) Structure Number 3: Detached agricultural maintenance/storage facility does not fall within the scope of Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended, as the use of the structure for agriculture or forestry has not been adequately demonstrated. In addition, the aggregate gross floor space of the structure, with other such structures within 100 metres, exceeds the 900-square-metre limitation. Therefore, this structure does not constitute exempted development.

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- (d) Structure Number 4: Electricity distribution building does not fall within the scope of Class 29 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, as the referrer is the final customer and not a person engaged in the supply or generation of electricity and is not a licenced or authorised operator. In addition, it does not comply with the conditions and limitations as the structure exceeds 11 cubic meters. Therefore, this structure does not constitute exempted development.
- (e) Structure Number 5: Open fronted agricultural shed does not fall within the scope of Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended, as the use of the structure for agriculture or forestry has not been adequately demonstrated. In addition, the aggregate gross floor space of the structure, with other such structures within 100 metres, exceeds the 900-square-metre limitation. Therefore, this structure does not constitute exempted development.
- (f) Structure Number 6: Former agricultural building, now used to accommodate protected persons, does not fall within the scope of Class 9 of Part 3 of Schedule 2 of the Planning and Development Regulations 2001, as amended, as it has a gross floor area that exceeds the 300-square-metre limitation. In addition, the aggregate gross floor space of the structure, with other such structures within 100 metres, exceeds the 900-square-metre limitation. Therefore, this structure does not constitute exempted development. This structure does not fall within the scope of Class 14(h), (i) or (j), or Class 20F of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, as there is no exemption for a change of use from agriculture to accommodation or an emergency reception and orientation centre for protected persons.

In addition, the referrer has not demonstrated that this structure was constructed on behalf of the Minister for Children, Equality, Disability, Integration and Youth. There is no evidence that Structure Number 6 was carried out in accordance with the provisions of the European Union (Planning and Development) (Displaced Persons from Ukraine Temporary Protection) Regulations 2022 (S.I. Number 306/2022). There is no evidence that the structure is related to accommodation for displaced persons, given the definition of such persons as set out in Annex 2 of the Council Implementing Decision (EU) 2022/382. Therefore, this structure does not constitute exempted development.

- (g) Structure Number 7 and Structure Number 8: The construction of the pavilion and kitchen buildings do not come within the scope of Section 4(1)(h) of the Planning and Development Act 2000, as amended, as they are new structures. Therefore, these structures do not constitute exempted development.
- (h) Structure Number 10: Having regard to the significant nature and scale of the works to the original structure 'Belfry' and the development approved under planning authority Register Reference 05/2792 the works do come within the scope of Section 4(1)(h) of the Planning and Development Act, 2000, as the works materially affects the external appearance of the structure so as to render its appearance inconsistent with the character of the structure. Therefore, the works do not constitute exempted development.

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- (i) Structure Number 11: The provision of a concrete paved area does not fall within the scope of Class 13 of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended, as the width of the paving exceeds three metres. The works do not fall within the scope of Class 33(a) of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended, as they do not comprise a park, private open space or ornamental garden. Therefore, the works do not constitute exempted development.
- (j) Structure Number 12: Accommodation block does not come within the scope of Section 4(1)(h) of the Planning and Development Act 2000, as amended, as it is a new structure. The construction of Structure Number 12 does not fall within the scope of Class 14(h), (i) or (j), of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, as the development does not comprise a change of use. The construction of Structure Number 12 does not fall within the scope of Class 20F of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, as the development does not comprise a change of use. There is no evidence that Structure Number 12 was carried out in accordance with the provisions of the European Union (Planning and Development) (Displaced Persons from Ukraine Temporary Protection) Regulations 2022 (S.I. Number 306/2022). There is no evidence that the structure is related to accommodation for displaced persons, given the definition of such persons as set out in Annex 2 of the Council Implementing Decision (EU) 2022/382. Therefore, the structure does not constitute exempted development.

- (k) Structure Number 13: The provision of a covered structure to the front of Art O'Neill's Building does not come within the scope of Section 4(1)(h) of the Planning and Development Act 2000, as amended, as the covered structure materially affects the external appearance of the structure so as to render its appearance inconsistent with the character of the structure. Therefore, the works do not constitute exempted development.
- (l) Structure Number 14: The car park does not fall within the scope of Class 16 of the Planning and Development Regulations 2001, as amended, as it does not relate to the placing of plant or machinery needed temporarily in connection with a development that has permission, consent, approval or confirmation granted under the Act or any other enactment, or as exempted development. Therefore, the works do not constitute exempted development.
- (m) Structure Number 15: The large, gravelled area does not fall within the scope of Class 16 of the Planning and Development Regulations 2001, as amended, as it does not relate to the placing of plant or machinery needed temporarily in connection with a development that has permission, consent, approval or confirmation granted under the Act or any other enactment, or as exempted development. Therefore, the structure does not constitute exempted development.
- (n) Structure Number 16: The accommodation block does not come within the scope of Section 4(1)(h) of the Planning and Development Act 2000, as amended, as it is a new structure. The construction of Structure Number 16 does not fall within the scope of Class 14(h), (i) or (j) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, as the development does not comprise a change of use. The

construction of Structure Number 16 does not fall within the scope of Class 20F of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, as the development does not comprise a change of use. There is no evidence that Structure Number 16 was carried out in accordance with the provisions of the European Union (Planning and Development) (Displaced Persons from Ukraine Temporary Protection) Regulations 2022 (S.I. Number 306/2022). There is no evidence that the structure is related to accommodation for displaced persons, given the definition of such persons as set out in Annex 2 of the Council Implementing Decision (EU) 2022/382. Therefore, the structure does not constitute exempted development.

- (o) On-site storage of soil/stone, boulders, machinery and building materials, as necessary and incidental to the development of Kippure, does not fall within the scope of Class 16 of the Planning and Development Regulations 2001, as amended, as it does not relate to the placing of plant or machinery needed temporarily in connection with a development that has permission, consent, approval or confirmation granted under the Act or any other enactment, or as exempted development. Therefore, the development does not constitute exempted development.

NOW THEREFORE An Coimisiún 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:

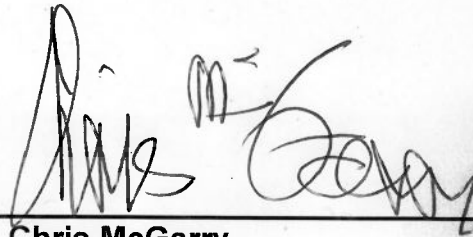
- (a) Structure Number 1: Gate Lodge A and Gate Lodge B,
- (b) Structure Number 2: Semi-detached agricultural storage facility,

- (c) Structure Number 3: Detached agricultural maintenance/storage facility,
- (d) Structure Number 4: Electricity distribution building,
- (e) Structure Number 5: Open fronted agricultural storage shed,
- (f) Structure Number 6: Former agricultural building, now used to accommodate protected persons,
- (g) Structure Number 7 and Structure Number 8: Pavillion and kitchen building,
- (h) Structure Number 10: Former Belfry Building,
- (i) Structure Number 11: Concrete paved area adjacent to Structure Number 10 and 12,
- (j) Structure Number 12: Accommodation Block Number 1,
- (k) Structure Number 13: Art O'Neill's Building,
- (l) Structure Number 14: Car park adjacent to the former Belfry Building,
- (m) Structure Number 15: Large gravelled area to the north-east of the holiday village,
- (n) Structure Number 16: Accommodation Block Number 2, and

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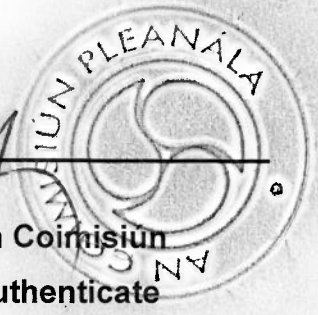
- (o) on-site storage of soil/stone, boulders, machinery and building materials,
as necessary and incidental to the development of Kippure,

all at Kippure Lodge and Holiday Village, Kippure Estate, Manor Kilbride,
Blessington, County Wicklow is development and is not exempted
development.

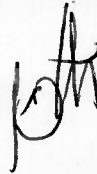


Chris McGarry

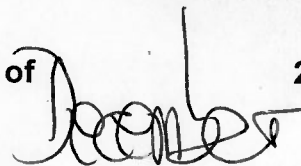
**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this



day of



2025.