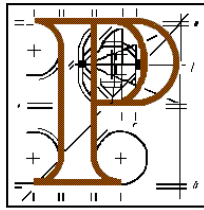


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

## Clare County

**Planning Authority Reference Number: R16-032**

An Bord Pleanála Reference Number: 03.RL.3483

**WHEREAS** a question has arisen as to whether the raising of the height of an existing driving range berm at the Trump International Golf Links and Hotel, Doonbeg, County Clare is or is not development or is or is not exempted development:

**AND WHEREAS** TIGL Enterprises Limited care of Cunnane Stratton Reynolds of Copley Hall, Cotters Street, Cork requested a declaration on the said question from Clare County Council and the said Council issued a declaration on the 25<sup>th</sup> day of April, 2016 stating that the said matter is development and is not exempted development:

**AND WHEREAS** the said TIGL Enterprises Limited referred the declaration for review to An Bord Pleanála on the 23<sup>rd</sup> day of May, 2016:

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

- (a) sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) section 4(4) of the Planning and Development Act, 2000, as amended,
- (c) Articles 6 (3) and 9 (1) (a) (vi), (viiB) and (viiC) of the Planning and Development Regulations, 2001, as amended,

- (d) Class 34, Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, and
- (e) the planning history of the site:

**AND WHEREAS** An Bord Pleanála has concluded that –

- (a) the raising of a berm at the bottom of an existing driving range within a golf course in order to mitigate against golf balls overshooting the bottom of the driving range and travelling on to adjacent roads and spaces comprise works incidental to the management of a golf course and, therefore, comes within the scope of Class 34, Part 1 of Schedule 2 of the Planning and Development Regulations, 2001,
- (b) based on the nature and limited extent of the increase in height of the existing berm, the scale and visual appearance of the berm in question, the Board was satisfied that the development has only localised impact of the visual character of the landscape and due to its scale and setting it would not interfere with the character of the Heritage Landscape as designated in the Clare County Development Plan 2017-2023. Accordingly, the de-exemption provision of Article 9(1)(a)(vi) of the Planning and Development Regulations 2001, as amended, do not apply,
- (c) based on the documentation on file and having regard to its nature and limited scale, there is no evidence of any mechanism by which the White Strand/Carrowmore Marsh proposed Natural Heritage Area would be interfered with as a consequence of the increase in height of the berm. Furthermore, the status of the area in which the site is located is that of a proposed Natural Heritage Area rather than that of a Natural Heritage Area confirmed by Order pursuant to section 18 of the Wildlife (Amendment) Act, 2000 and therefore, the de-exemption provision under Article 9(1)(a)(viiC) of the Planning and Development Regulations 2001, as amended, does not apply,

