



An
Bord
Pleanála

Inspector's Report ABP-300933-18

Question

Whether the works involved in the removal of a putting course and the creation of a relatively level green open space is or is not development or is or is not exempted development.

Location

Mount Juliet Estate, Thomastown, Co. Kilkenny

Declaration

Planning Authority

Kilkenny County Council

Planning Authority Reg. Ref.

DEC469

Applicant for Declaration

Mount Juliet Estate Residents

Planning Authority Decision

Development and Exempted
Development

Referral

Referred by

Mount Juliet Estate Residents.

Owner/ Occupier

MJBE Investments 3 Limited.

Observer(s)

None

Date of Site Inspection

1st June, 2018.

Inspector

A. Considine

1.0 Site Location and Description

- 1.1. This is a referral, submitted by Peter Thomson Planning Solutions on behalf of Mount Juliet Residents, of the Declaration made by Kilkenny County Council on 23rd January 2018, under Section 5(3) of the Planning & Development Act, of the question as to whether the works involved in the removal of a putting course and the creation of a relatively level green open space is or is not development or is or is not exempted development at Mount Juliet Estate, Thomastown, Co. Kilkenny.
- 1.2. The subject site lies within the wider grounds of the Mount Juliet Estate, approximately 10km to the south of Kilkenny City and 2.5km to the west of Thomastown. Mount Juliet Estate is an historic demesne with numerous buildings of architectural heritage merit set within a mature parkland setting. Mount Juliet House is a Georgian Mansion built in the 1760s and is located to the east of the Estate on a hill overlooking the River Nore. Mount Juliet House is occupied as a Golf and Spa Hotel, and the wider estate has been developed to provide for a parkland golf course and variety of out buildings, paths and roadways, residential buildings and homes. Access to the site are off the Local County Road L4206 or off the L4202 via Ballylinch Stud.
- 1.3. The area of the site, the subject of this referral, is located to the north of the area of the Estate known as The Rose Garden, to the west of the Mount Juliet House and to the east of the Chauffeurs Cottage. The area has been left unmanaged and has become a little overgrown, unlike the rest of the grounds of this beautiful estate.

2.0 The Question

- 2.1. The question arising in relation to this Section 5 Declaration request is presented as follows:

Whether the works involved in the removal of a putting course and the creation of a relatively level green open space is or is not development or is or is not exempted development at Mount Juliet Estate, Thomastown, Co. Kilkenny.

3.0 Planning Authority Declaration

3.1. Declaration

Kilkenny County Council determined that the removal of the putting course and the creation of a relatively level green open space is development which is exempted development.

In arriving at this decision, the County Council had regard to the following:

- (a) Section 2 & 3 of the Planning & Development Acts, 2000-2017,
- (b) Class 33 and 34, Part 1, Schedule 2 of the Planning & Development Regulations, 2001-2017,
- (c) Article 9(1)(a)(i) of the Planning & Development Regulations 2001-2017,
- (d) The plans and particulars submitted with the application.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report noted the planning history associated with the subject site, the legislative framework as well as the referrers case. The Planning Report noted the requirements of Condition 4, attached to a grant of permission for the retention of the putting course under reference 687/97, and in particular, the reason for the inclusion of the condition. Condition 4 of permission 687/16 states as follows:

The permitted development comprises those works completed up to 5.9.97 and which are subject of photographic record attached to planning file reference P687/97. No additional construction or landscape works (notwithstanding the exempted development provisions of the Local Government (Planning and Development) Regulations 1994 as amended) may be carried out within the application site without prior planning permission for said works.

Reason: In order to preserve the character of the setting of Mount Juliet House and in order that the impact of the development shall not be greater than indicated in the application documents.

The report on the referral considers that the removal of the putting green and associated landscape features, which in essence is reverting the area back to its original appearance, has not resulted in works which impact on the character of Mount Juliet House nor does it result in an impact greater than indicated in the application documents. The report concludes that the works do not contravene the stated condition. It is therefore concluded that it is development and exempted development.

3.2.2. Other Technical Reports

There are no interdepartmental reports from Kilkenny County Council with regard to the subject referral.

4.0 Planning History

PA ref P97/687: Permission granted for retention of Putting Course and associated landscape features and ponds, as built, adjacent to the Rose Garden Apartments.

Condition 4 of this decision is presented in full above in section 3.2.1 of this report and precluded any construction or landscape works to be carried out without prior planning permission.

PA ref P02/1632: Permission granted for a two storey apartment building (Rose Garden Lodges) & associated site works as part of Mount Juliet Hotel comprising 6 no. apartments (development never commenced) – apartments were proposed to be used solely for the purposes of letting in association with the hotel.

PA ref P07/1534: Application withdrawn – permission sought for a two storey apartment building (Rose Garden Apartments), associated with the estates sporting and recreational functions, comprising 6 no. 3 bedroom apartments, including 2 duplex units, (total 1173.19 sq.m gross floor area in 2 blocks) and associated site

works including revised roadways, car parking and landscaping layout, as a substitution for a previously approved scheme, Planning Register Reference P.02/1632, on a site adjacent to the existing Rose Garden Lodges.

PA ref P15/6: Permission granted for: Demolition of a single storey cabin (c.139 sqm (Gross Floor Area(GFA)) and provision of a new golf clubhouse including bar, pro shop, changing areas and bag store (c.654 sqm GFA); Alterations to Hunters Yard including demolition of part of the 2 storey hotel bedroom accommodation to the north-east and provision of a new 2 storey extension comprising 68 No. new hotel bedrooms: demolition of kitchen/restaurant area at ground floor to the south-east and provision of new extended kitchen, banquet hall and toilets; demolition of single storey bar to south and provision of new extended restaurant; new corridor, reception area, ancillary storage and terraces at ground floor; demolition of part of leisure centre to north-west and provision of new reception area; new office/admin space at first floor; internal rearrangement of Hunters Yard to provide for 3 No. meeting rooms (replacing golf shop now relocated to new clubhouse), alteration to layout of spa and leisure facilities to provide new gym, locker rooms and toilets at ground floor; and provision of 5 No. new hotel bedrooms at first floor level (79 No. hotel bedrooms in total at Hunters Yard). Internal and external alterations to existing building for new openings/enclosure at ground and first floor of Hunters Yard and to link with new build elements. The development at Hunters Yard provides for demolition of c.845 sqm GFA and new floorspace of c.4374 sqm GFA. The retention of single storey structure (c.295 sqm GFA) used as a drop-in childcare facility to north-west of Hunters Yard. Alteration to internal access roads, including widening, removal of a section of road to the south of Hunters Yard (new fire tender access route to be provided south of this section), new vehicular access road to north of Hunters Yard and new formal entrance to Hunters Yard. The rearrangement of the existing car park layout to the west of Hunters Yard will accommodate 171 No. car parking spaces, provision of 36 No. staff car parking spaces at existing equestrian centre car park.

PA ref P16/486: Permission granted for modifications and omissions to previously approved Hotel development (Plan Ref No. 15/6).

ABP-301551-18 (PA ref 17/660): Permission granted by Kilkenny County Council for development at Mount Juliet Estate, Thomastown, Co. Kilkenny. The application site

comprises an area of c. 0.46 hectares and relates to development adjacent to the Rose Garden Lodges. A number of Protected Structures exist at Mount Juliet Estate (including Refs. C367; D24, C1021, C1022, C1023). However, no works are proposed to these structures. Permission is sought for: the construction of 12 No. residential dwellings in 3 No. blocks (c. 1,638.9 sqm Gross Floor Area), provision of car parking, vehicular access road and pedestrian pathways. All associated site development, landscaping and boundary treatment works above and below ground.

This application is currently on appeal with the Board and it is notable that the proposed development site comprises the southern area of the previous par 3 putting course, the subject of this referral. The Board will also note that a response to a further information request in relation to PA ref 17/660, submitted to KCC on the 13th March, 2018 (after this referral was sent to the Board for consideration), acknowledges that the applicant was not aware of condition 4 of PA ref 687/97 and subsequently sought retention for the works associated with the removal of the putting course as part of PA ref 17/660. A revised AA Screening Report was submitted with the response to the FI request.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Kilkenny County Development Plan, 2014-2020 is the relevant policy document in relation to the subject site. The Board will note that a review of this plan commenced on the 20th of April, 2018.

5.1.2. Section 7.9.5 of the Plan deals with the Mount Juliet Area Action Plan. The Area Action Plan aims to facilitate appropriate development in a manner which respects the sensitive nature of the landscape, heritage and environmental attributes of the estate and seeks to ensure their protection and enhancement. The Plan identifies both permissible uses and uses open for consideration and also protected views, which are set out below:

Table 7.1: Mount Juliet Protected views	
View	Description
V1	From Mount Juliet House to Ballylinch Stud
V2	Approach from Thomastown gate towards Mount Juliet House and the Inch
V3	River valley from White bridge
V4	River valley from Ballylinch bridge

5.1.3. Mount Juliet Development Management Standards

- To protect and enhance the Protected Structure, its curtilage and attendant grounds and woodlands. To protect and enhance existing landscape, ecological, water quality and other environmental amenities and in particular to provide for the protection of the River Nore (designated cSAC and SPA).
- To provide for the maintenance and enhancement of tourism, sporting, leisure and related uses, and of existing agricultural and equestrian lands and buildings in an area of sensitive landscape.
- To protect the residential amenity of existing dwellings.

Permissible uses/ developments:

- Equestrian, sport and leisure facilities.
- Stores, machinery storage/repair & office uses related to maintenance of estate lands.

Uses open for consideration:

- Temporary tented or other temporary enclosures.

5.1.4. Table 7.2 of the Plan outlines the Site Specific Development Management Standards for Mount Juliet which includes the following:

6 & 7	To provide for the enhancement and development of tourism, leisure and recreational facilities and related activities at appropriate locations within the estate, including the Hunters Yard and the Walled Garden, without detracting from the estate's built and natural heritage.
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5.1.5. There are a number of structures on the Record of Protected Structures at Mount Juliet Estate (including Refs. C367; D24, C1021, C1022, C1023). The works have not affected the protected structures.

5.1.6. Designed landscape

Mount Juliet is recognised as a designed landscape and is included in the National Inventory of Architectural Heritage Historic Gardens and designed Landscape, reference KK-67-S-552418.

The woodland and designed landscape on the Mount Juliet Estate is recognised as being integral to the setting of the main house, and its inclusion in the NIAH's Historic Gardens and Designed Landscapes KK-67-S-552418, further recognises its importance. This is also acknowledged in the Kilkenny County Development Plan 2014-2020: Section 8.3.5.3 Historic Gardens and Designed Landscapes, where it is the stated policy objective:

'To seek the protection and sustainable management of historic gardens, parklands and designed landscapes in the county, their setting and their visual amenity.'

5.1.7. In 2016, following a review by the owners of Mount Juliet estate, there was a proposal to vary the County Development Plan to provide additional housing development associated with the estate's sporting and recreational functions. The proposed variation sought to include amendments to the site-specific development standards for Mount Juliet estate. This variation was not passed by the council.

5.2. Natural Heritage Designations

Mount Juliet Estate is located within and adjacent to the River Nore and River Barrow Special Area of Conservation, Site Code 002162, and River Nore Special Protection Area, Site Code 00233. The area relating to this referral is not located within either of the Natura 2000 sites, being approximately 170m to the west of the River Nore.

6.0 The Referral

6.1. Referrer's Case

Peter Thomson, on behalf of Mount Juliet Estates Residents, has referred the declaration made by Kilkenny County Council, which issued on the 23rd of January, 2018 in respect of the question posed. The referral presents a background to the question posed and is summarised as follows:

- Prior to the submission of the application for permission for houses on the site, the referrer wrote to the Planning Authority about a number of unauthorised developments at Mount Juliet.
- A letter of objection was submitted in relation to file reference 17/660, where issues of validity of that application were raised given Condition 4 which was attached to planning permission P97/687.
- The matters raised were included in a further information request and resulted in retention for the works, the subject of this referral, being sought. A revised AA Screening Report was submitted.
- The declaration issued concluded that the works were exempted development. There is no justification for this alternative stance provided in the Planning Report.
- Condition 4 of P97/687 is very specific and the PA has no legal authority to deviate from the terms of the condition, regardless of the specified reason. The report for this case states the background and reasoning for the inclusion of the condition.
- The reason for the works undertaken have not been addressed and it has been the intention of the developer to develop the area for housing, as evidenced in the failed variation to the Kilkenny County Development Plan in 2016. In this regard, it was not the intention to create a relatively level green amenity area or park as provided for in the exemptions permitted under Class 33.
- The protection of Mount Juliet House, the aim of condition 4 of P97/687, requires the protection of its curtilage.

- Brining machinery on site to carry out the works of levelling the putting course was clearly an act of development. The FI request for 17/660 considered the development as unauthorised and not exempted development.
- The declaration is flawed as:
 - The works were in direct contravention of Condition 4 of P97/687
 - Article 9(1)(a)(i) de-exempts otherwise exempted development where it would be in contravention of a planning condition
 - The putting course was within the curtilage of Mount Juliet House, a protected structure, and any works to structures within the curtilage of a protected structure are de-exempted by Section 57(1) of the Act
 - It has not been determined that the works involved in removing the putting course did not, either directly or indirectly, impact on the conservation objectives of the SAC and that, therefore, exemption cannot be claimed.

It is requested that the Board overturn the determination of the Planning Authority and declare that the works carried out is development and is not exempted development.

The submission provides a number of appendices.

6.2. Planning Authority Response

The Planning Authority responded to the Section 5 referral advising no further comments.

6.3. Owner/ occupier's response

Submission acknowledges the determination of KCC and current appeal ABP-301551-18 which also relates to the subject site.

6.4. Further Responses

The Third Party referrer submitted a response to the Planning Authority submission in relation to the referral. The submission is summarised as follows:

The PA could have advised that since the referral was made,

- Permission has been granted for development under 17/660.
- Further information was requested to include for the retention of the putting course being incorporated into the application.
- Could have explained what change in circumstances let it to change its position in terms of the exempted / not exempted nature of the works.

The Planning Authority is not empowered to ignore a very specific and clear planning condition as it did.

The submission included a copy of the applicants response to the further information request relating to the question posed in this referral.

7.0 Statutory Provisions

7.1. Planning and Development Act, 2000

7.1.1. Section 2 (1) of the 2000 Planning and Development Act states as follows:-

“In this Act, except where the context otherwise requires – ‘development’ has the meaning assigned to it by Section 3 ...”

In Section 2 (1) of the Act “works” are interpreted as including “*any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure*”.

7.1.2. Section 3 (1) of the 2000 Planning and Development Act states as follows:-

“In this Act, ‘development’ means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land.”

7.1.3. Section 4(1) of the Planning and Development Act identifies what may be considered as exempted development for the purposes of the Act, and Section 4(2)

of the Act provides that the Minister, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations, 2001.

7.2. Planning and Development Regulations, 2001

7.2.1. Article 6(1) of the Planning & Development Regulations, 2001 as amended states as follows:-

“Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.”

7.2.2. Article 9(1) of the Planning & Development Regulations, 2001 as amended, provides a number of scenarios whereby development to which article 6 relates shall not be exempted development for the purposes of the Act. Of relevance is the following

(1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.

7.2.3. Article 10 deals with changes of use and provides as follows;

(1) Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted

development for the purposes of the Act, provided that the development, if carried out would not—

- (a) involve the carrying out of any works other than works which are exempted development,
- (b) contravene a condition attached to a permission under the Act,
- (c) be inconsistent with any use specified or included in such a permission, or
- (d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

7.2.4. The following Classes, contained in Part 1 (exempted development – Classes of Use) of Schedule 2 are considered relevant and states as follows:

<p><i>Development for amenity or recreational purposes</i></p> <p>CLASS 33</p> <p>Development consisting of the laying out and use of land—</p> <p>(a) as a park, private open space or ornamental garden,</p> <p>(b) as a roadside shrine, or</p> <p>(c) for athletics or sports (other than golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), where no charge is made for</p>	<p>The area of any such shrine shall not exceed 2 square metres, the height shall not exceed 2 metres above the centre of the road opposite the structure and it shall not be illuminated.</p>
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admission of the public to the land.	
<p>CLASS 34</p> <p>Works incidental to the maintenance and management of any golf course or pitch and putt course, including alterations to the layout thereof, excluding any extension to the area of a golf course or pitch and putt course.</p>	

8.0 Assessment

8.1. Introduction

- 8.1.1. The question has been posed as to whether the works involved in the removal of a putting course and the creation of a relatively level green open space is or is not development or is or is not exempted development at Mount Juliet Estate, Thomastown, Co. Kilkenny.
- 8.1.2. In terms of this assessment, I note the planning history associated with the subject site, planning reference PA ref. P97/687 in particular refers, which included condition 4 precluding any construction or landscape works to be carried out without prior planning permission.
- 8.1.3. The Board will also note the most recent Kilkenny County Council decision, which sought the retention of the works the subject of this appeal following a request for further information under planning reference PA ref 17/660. This application is currently on appeal with the Board, ABP-301551-18 refers, and the proposed development site comprises the southern area of the previous par 3 putting course, the subject of this referral. It was submitted that the applicant was not aware of condition 4 of PA ref 687/97, and removed the putting course without the benefit of planning permission.

8.2. Is or is not development

8.2.1. Section 2 (1) of the Act defines “works” as including “any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure”. I am satisfied that, in accordance with the above definition, the subject referral relates to ‘works’.

8.2.2. In terms of Section 3(1) of the Act, ‘development’ means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land.” I am satisfied that the said ‘works’ comprise ‘development’. This determined, consideration is required as to whether the ‘works’ would constitute “exempted development”.

8.3. Is or is not exempted development

Is the Development Exempt under the Act?

8.3.1. Having established that the ‘works’ undertaken amount to ‘development’, the issue to be considered is whether the development is exempted development or not. Section 4(1) of the Act defines certain types of development as being ‘*exempted development*’. There is no class of development described which would equate to the works carried out in this instance. Therefore, the works cannot be considered to be exempted development under the provisions of the Planning & Development Act, 2000 – 2013.

Is the Development Exempt under the Regulations?

8.3.2. Articles 6 and 9 of the Regulations are relevant in terms of this referral.

Article 6 (1) of the Regulations states as follows:

“Subject to Article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such a development complies with the conditions and limitations

specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.”

Article 9 (1) of the Regulations, relating to restrictions on exemption states that

“Development to which article 6 relates shall not be exempted development for the purposes of the Act –

- (a) if the carrying out of such development would –
 - (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act.

8.3.3. The following class of development is considered relevant in relation to this referral:

Class 33 of Part 1 of Schedule 2 – Exempted Development – General (subject to the conditions and limitations imposed under Column 2):-

Development consisting of the laying out and use of land—

- (a) as a park, private open space or ornamental garden,

Class 3 of Part 1 of Schedule 2 – Exempted Development – General (subject to the conditions and limitations imposed under Column 2):-

Works incidental to the maintenance and management of any golf course or pitch and putt course, including alterations to the layout thereof, excluding any extension to the area of a golf course or pitch and putt course.

There are no Conditions or Limitations noted in relation to the above classes.

8.3.4. In terms of Article 10 of the Regulations, which deals with changes of use, it may be considered that the works carried out being the removal of the putting course and the creation of a green open space, constitutes a change of use. In this regard, Article 10 states:

“(1) Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—

- (a) involve the carrying out of any works other than works which are exempted development,
- (b) contravene a condition attached to a permission under the Act,
- (c) be inconsistent with any use specified or included in such a permission, or
- (d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.

Condition 4 of previous grant of planning permission at the site, P97/687 stated as follows:

The permitted development comprises those works completed up to 5.9.97 and which are subject of photographic record attached to planning file reference P687/97. No additional construction or landscape works (notwithstanding the exempted development provisions of the Local Government (Planning and Development) Regulations 1994 as amended) may be carried out within the application site without prior planning permission for said works.

Reason: In order to preserve the character of the setting of Mount Juliet House and in order that the impact of the development shall not be greater than indicated in the application documents.

In terms of Article 10, I am satisfied that the development, the subject of this referral, contravenes a condition attached to a planning permission under the Act, PA ref 97/687, condition 4 refers, and would be inconsistent with the used specified and included in the relevant planning permissions.

8.4. Restrictions on exempted development

8.4.1. In light of the above assessment, I am of the opinion, having due regard to the provisions of the Planning & Development Act, 2000-2013, and associated Regulations, the development works are constrained by the restrictions on exempted

development detailed in Article 9 of the Planning & Development Regulations, 2001, being works which contravene a condition attached to a permission under the Act and therefore, the works do not constitute exempted development.

9.0 Recommendation

9.1. I recommend that the Board should decide this referral in accordance with the following draft order.

WHEREAS a question has arisen as to whether the works involved in the removal of a putting course and the creation of a relatively level green open space is or is not development or is or is not exempted development at Mount Juliet Estate, Thomastown, Co. Kilkenny:

AND WHEREAS Peter Thomson Planning Solutions, on behalf of Mount Juliet Estate Residents, requested a declaration on this question from Kilkenny County Council and the Council issued a declaration on the 23rd day of January, 2018 stating that the matter was development and was exempted development:

AND WHEREAS Peter Thomson Planning Solutions, on behalf of Mount Juliet Estate Residents, referred this declaration for review to An Bord Pleanála on the 16th day of February, 2018:

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

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) Article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (d) Classes 33 and 34 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (e) the planning history of the site, and condition 4 attached to previous grant of permission, P97/687

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The works involved in the removal of the putting course and the creation of a relatively level green open space at Mount Juliet Estate, Thomastown, Co. Kilkenny, constitutes development
- (b) Having regard to the terms and conditions of planning permission register reference number 97/687, and in particular condition 4 of that permission, any exemption that would otherwise apply to such development is restricted, pursuant to article 9 (1)(a)(i) of the Planning and Development Regulations, as it would contravene condition 4, which specifically stated that ‘no additional construction or landscape works (notwithstanding the exempted development provisions of the Local Government (Planning and Development) Regulations 1994 as amended) may be carried out within the application site without prior planning permission for said works.’
The development works are therefore not exempted development.

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 works involved in the removal of a putting course and the creation of a relatively level green open space at Mount Juliet Estate, Thomastown, Co. Kilkenny: is not development and is not exempted development.

A. Considine
Planning Inspector

4th June, 2018