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5th August 2020

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

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|-------------------------|-----------|
| AN BORD PLEANÁLA | |
| LDG- | 029000-20 |
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| 05 AUG 2020 | |
| Fee: € | 220 |
| Type: | cheque |
| Time: | 13.00 |
| By: | Hand |

Ref.: ED/396
Re: Continued hosting of occasional use events at Newpark Demesne, Ballymote, Co. Sligo
Decision Date: 9th July 2020
Referral By: 5th August 2020

SECTION 5 REFERRAL

Dear Sir or Madam,

We have been instructed by **Christopher & Dorothy-Ellen Kitchin, Newpark Demesne, Newpark, Ballymote, Co. Sligo, F56 X985** to submit the following referral of the above section 5 declaration decision by Sligo County Council in respect of the continued hosting of occasional use events at Newpark Demesne.

The following documents are attached with this section 5 referral:

1. A copy of the local authority declaration
2. A cheque for € 220 in respect of the referral fee
3. A copy of the declaration cover letter plus attachments submitted to the planning authority
4. Letter from Irish Georgian Society dated 24th July 2020
5. Letter from Historic Houses of Ireland dated 27th July 2020
6. Letter from Fáilte Ireland dated 29th July 2020
7. Letter from An Taisce dated 29th July 2020
8. Letter from Association of Irish Festival and Events dated 30th July 2020
9. Opinion of Counsel, Jonathan Moore, dated 31st July 2020
10. This Kiaraan O'Malley & Co. Ltd. referral letter with Appendices

This referral is set out in three sections; section one is an introduction, section two is the declaration that was submitted to Sligo County Council, and section three addresses weddings, which is the only event of the future occasional use events at Newpark Demesne that were identified in the declaration that the Council deemed to constitute development by way of a material change of use and also the only future event that would not comply with Class 37.

SECTION ONE: INTRODUCTION

Our clients do not agree with the Council's decision that is contrary to the longstanding use of Newpark Demesne for occasional use events; a scenario that is repeated without the necessity for planning permission at many country houses and demesne estates throughout Ireland. The nature, scale, frequency, and diversity of events at historic houses are well known being publicised and marketed through various media sources including local and national newspapers (e.g. see <https://www.irishtimes.com/culture/festivals-2020-the-best-arts-music-books-and-film-events-in-ireland-1.4117195>), heritage and tourism websites (see www.heritageireland.ie, www.discoverireland.ie, www.ireland.com, and www.heritageisland.com), by the respective local authorities, and through the event host's own social media platforms.

These events are of recreational and cultural significance to the local and regional communities in which they are located and collectively to Ireland and the people living and visiting our country. They make a significant contribution to the maintenance and upkeep of our built heritage without affecting or altering the character of the historic estates. Our clients have obtained letters of support for their referral from the Irish Georgian Society, Historic Houses of Ireland, Fáilte Ireland, An Taisce, and the Association of Irish Festival Events (see copies attached). The following are extracts from the respective letters of support that confirm the nature, scale, and extent of the many events that are held on private estates throughout Ireland each year:

- *Historic Houses have a long-standing role in acting as a centre for social, cultural and economic activity and frequently continue to do so today. Such activities generate income for the maintenance and care of buildings and gardens and thereby ensure the protection of our built heritage. [Irish Georgian Society]*
- *Each year our members arrange special events in their houses including guided tours, seminars and lectures, chamber music, plays and literary occasions, art classes, food fairs, cookery demonstrations, family celebrations, corporate events, to name but a few. The full list is extensive and expanding continuously. [Historic Houses of Ireland]*
- *Leveraging our heritage assets including our historical houses both in state and private ownership can lead to economic, social and cultural benefits for local communities, and the wider area. [Fáilte Ireland]*
- *We consider that the ability of historic houses to accommodate different types of events is an important consideration in their maintenance and wider appreciation. [An Taisce]*
- *The events of our members are held in a diversity of locations across Ireland. The hosting of events in interesting and authentic settings is a key aspect of Ireland's arts, cultural and tourism offering. Thousands of occasional events each year are held on private properties across the island of Ireland. These are frequently houses, barns, boat sheds, office buildings, stables, lawns and fields. Events range in nature from opera recitals to corporate events, from art exhibitions to family/community celebrations and from biodiversity events to performance arts. [Association of Irish Festival Events]*

Local events are exempt development in historic houses per Class 37 and many of the current events have a county-wide, regional and or national level catchment for attendees drawing on the wider marketing reach achieved by social media such as Twitter, Facebook and dedicated websites. Again, the Board is referred to

the letters of support with this referral that include the following commentary on the scale of the events, where the attendees are drawn from, and the role of the local authorities in supporting these events:

- *Both small and larger events held by our members frequently appeal to regional, national and international clients and visitors. These events bring important economic benefits to typically rural areas.* [Historic Houses of Ireland]
- *...an essential component of our tourist industryprovide attractive and exciting venues for a wide range of events and activities* [Irish Georgian Society]
- *There are many examples of regional or national events hosted in historical houses in collaboration with Local Authorities and other statutory bodies.* [Historic Houses of Ireland]
- *It has been accepted by Local Authorities (and in many cases actively encouraged) that these events have a regional, national and international appeal.* [Association of Irish Festival Events]

The Board's decision on this referral has the potential to impact on many estate properties throughout Ireland that have and continue to host occasional use events including weddings such as those previously hosted and proposed at Newpark Demesne.

From the Council's assessment, it has singled out a wedding event (or wedding events) as the only proposed event that would constitute development by way of a material change of use as confirmed by the following extract from section 7.2 of the planning officer's memo on the declaration:

"Having reviewed the list of events provided by the applicant I would envisage that other than weddings the events outlined would be held once annually and would be consistent with the established use of the estate and wouldn't constitute a material change of use."

It follows that the other proposed events listed, if held at future dates at Newpark Demesne, would not constitute a material change of use and thus would not be development. As a result, section three of this referral only addresses future weddings at Newpark Demesne.

Our clients have obtained legal opinion (see copy attached) by Jonathan Moore, Barrister at Law that accompanies this referral. The opinion assesses how the proposed wedding events compare to those events held at Newpark Demesne prior to 1st of October 1964. It is demonstrated in Annex I of the opinion that weddings are comparable in all aspects to the occasional use events held prior to 1st October 1964 and hence a small number of modestly scaled, occasional weddings (or other similar private family celebrations) and the other proposed events are part of the authorised use of Newpark Demesne.

The Council excluded weddings from the pre-63 authorised use citing the potential for multiple weddings and the referrers' website, www.juniperbarn.ie. Neither is a valid justification to exclude weddings and both are addressed below in section three. The table in Annex I of the legal opinion, also demonstrates that weddings are comparable to the pre-63 authorised use of the estate and that a material change of use would not occur with the proposed hosting of a wedding or weddings.

Finally, the Council also considered that weddings where at least one of the couple to be married either lives in county Sligo or who's family originates from County Sligo does not come within the meaning of local in the context of Class 37. The Council relied on the Oxford English Dictionary (OED) definition of local and that the event and or event hosts should have a link with the Ballymote Community. The OED definition is very narrow and does not have any statutory basis in Irish planning law. The legal opinion from Jonathan Moore also assesses the meaning of local in the context of class 37 exempt development. It is submitted to the Board that Irish planning legislation provides for a broader countywide definition for local and that our clients' proposed 'locals' limitation¹ is fully compliant with Class 37.

Our clients' experience to date is that the genuine enquiries they are receiving are from Sligo couples or Sligo families i.e. it is consistent with their local definition. Unlike say weddings at Coolbawn Quay Resort and Spa (that was subject of a referral to the Board - RL 2684), Newpark Demesne is not a destination wedding venue because it does not provide accommodation for guests. As a result, it attracts and it is more suitable for Sligo based couples and families that do not require on-site accommodation and can arrange local transport to get to and from Newpark Demesne.

It is submitted to the Board that:-

- Newpark Demesne has hosted hundreds of occasional use events dating back to 1916, which has been accepted by the Council, so the continued hosting of events including weddings is not development because it is compatible with the pre-63 authorised planning use of the estate.
- In the event the authorised use is not deemed to include weddings, a material change of use of Newpark Demesne would not occur as a result of hosting multiple wedding events because the nature, scale, extent and frequency of the proposed future events including weddings, so it is not development.
- If it is considered that occasional use events including weddings is development by virtue of a material change of use, the proposed future occasional use events come within the scope of Class 37 and therefore the events would constitute exempt development.

SECTION TWO: DECLARATION TO SLIGO COUNTY COUNCIL

A full copy of the declaration to Sligo County Council is attached.

The question put to the Council was to determine if the continued hosting of occasional use events (as described below) at Newpark Demesne is development, and if it is development, is it exempt development in accordance with Class 37 of the exempt development provisions in the Planning and Development Regulations 2001 (as amended)?

The question being referred to the Board is unchanged albeit the focus is on wedding events in the context of if it development, and local in the context of class 37 exempt development.

¹ The Juniper Barn website does not currently refer to the proposed locals restriction because it is our clients position that hosting weddings is consistent with the pre-63 use of the estate and it also does not constitute a material change of use.

SECTION THREE: REFERRAL AND WEDDINGS

Our clients' declaration to Sligo County Council had three strands; (i) it was not development because the proposed future uses come within the pre-63 authorised use of Newpark Demesne; (ii) the proposed future uses would not constitute development by way of a material change of use; and (iii) if it was development, the proposed future uses come within Class 37 of the exempt development provisions. As noted above, the Council's decision focussed on weddings with respect to (i) and (ii) above, and the meaning of local in respect to (iii) above. Each is addressed.

(i) Authorised Use

The declaration includes information pertaining to the many and varied occasional use events that have been held at Newpark Demesne dating back to 1916. Appendix I of the declaration provided a description of those events, Appendix II provided a collage of articles from The Sligo Champion reporting on various events, and Appendix III is letters from persons that attended some of the events. None of that verified information was contested by the Council who accepted in the planning officer's memo that the established use of the estate included occasional use events.

However, without any analysis or assessment, the Council specifically excluded weddings with the only apparent justification being that the proposal includes potential for multiple weddings compared with events that the Council deemed to be "*held once annually*" and by reference to the Juniper Barn website. The Council is incorrect on both these matters. The section 5 declaration provided published information that outlined the hosting of multiple events of the same type per annum including:

- Hunt Harriers: "....monthly sporting events.....during the winter only..."
- Public Coursing: " monthly public coursing events.....", " The first meeting of the season.....", "The St. Stephen's Day fixture is the more popular one of the year....."
- The Sligo Pony Club: ".....on a regular basis....."
- Newpark Holiday Camp: "...for 3 or 4 weeks...."
- Irish Countrywomen's Association: ".....monthly events, training days and meetings.....", "...large annual ICA summer and Christmas events at Newpark...." - e.g. two per year

The hosting of multiple events of the same type in the same year is wholly consistent with the pre-63 authorised use at Newpark Demesne. There is no basis to conclude that weddings do not come within the meaning of the authorised use because there could be multiple weddings per year. While there is potential for multiple wedding events each year, there is also potential for multiple hosting of other events held each year and that would be consistent with the historic precedent of hosting multiple events of the same character/nature each year.

With regard to the referrers website, which is www.juniperbarn.ie, the Board and their inspector is welcome to review the website that under The Barns sub-page lists the same 11 future occasional use events² that are cited in the declaration and this referral. The homepage of the website that describes Juniper Barn as "*Rustic Barns available for local events on the Newpark Estate*" is only one of various communication and

² On the website, the White Hag Brewery event, which is a VIP event, is listed as VIP Events

media sources used to promote the various events and activities at Newpark. Others include The Sligo Champion newspaper, Historic Houses of Ireland website, Revenue website, etc. (see the comprehensive listing of the other eight main communication channels on page 15 and 16 of the section 5 cover letter). Cumulatively they promote Newpark Demesne and as previously stated in the declaration, the Juniper Barn website is an additional means of promoting Newpark Demesne for occasional use events that complements use of traditional and social media platforms.

Setting aside the Council's 'justification', our clients have obtained a legal opinion that compares the authorised pre-63 use of Newpark Demesne and wedding events. The Board's attention is drawn to the table in Annex I that compares the authorised pre-63 events at Newpark Demesne with proposed wedding events under numerous headings including number of attendees, origin of attendees, nature of events, frequency of events, hours, etc. It is submitted that this direct comparison that is absent from the planning officer's memo on the declaration, and when added to our clients declaration, conclusively demonstrates that hosting wedding events come within the authorised pre-63 use of Newpark Demesne and thus they are not development. Accordingly, the legal opinion concludes in para. 20 that *"a small number of modestly scaled, occasional weddings (and the other proposed events) are an authorised use of Newpark Demesne"*.

The Board is invited to agree that the Council did not properly consider weddings in the context of the authorised pre-63 use of Newpark Demesne and that all of the proposed events as set out in the declaration come within the authorised use of the estate.

(ii) Not a Material Change of Use

Following from the Council stated position *"that other than weddings the events outlined would be held once annually and would be consistent with the established use of the estate and wouldn't constitute a material change of use"*, the test to determine whether or not a material change of use would occur would be based on the addition of wedding events at Newpark Demesne and not all future events listed in the declaration. Despite singling out weddings or multiple weddings, it is noted that the Council's planner hasn't provided any planning justification, assessment or explanation for his *"opinion that the change from agricultural use to the hosting of specific events is a change of use in materials terms and therefore constitutes development"*.

Our clients declaration set out why the future use events including weddings would not constitute a material change of use, particularly with reference to the verified historic use of the estate for events that drew local, regional, national and even international attendees and that information was accepted by the Council. The use and importance of historic properties for occasional use events with a geographically broad appeal has also been confirmed in the letters of support from the Irish Georgian Society, Historic Houses of Ireland, Fáilte Ireland, An Taisce, and the Association of Irish Festival Events with this referral. In reality, it appears to be the accepted planning practice that occasional use events at historic houses and estates are either part of the authorised pre-63 use of the property and or do not constitute a material change of use.

The hosting of wedding events as part of a diverse mix of events at Newpark Demesne is entirely consistent with the nature, scale, extent and frequency of the pre-63 events as confirmed by the analysis in Annex I of the legal opinion from Jonathan Moore. It should therefore follow that the hosting of not more than 7

events, some of which could be weddings, per annum at Newpark Demesne would not represent a material change of use.

(iii) Is it Exempt Development?

As set out in the declaration and repeated in this referral, in order to ensure that only local events of a religious, social, or recreational character are catered for in compliance with Class 37, Newpark Demesne would only be made available where at least one of the couple to be married either lives in county Sligo or who's family originates from County Sligo. The Council didn't accept this position by reference to the Oxford English Dictionary definition of local and its erroneous assumption that previous events at Newpark had links with the Ballymote community.

Our clients have also obtained a legal opinion with regard to the meaning of local in the context of Class 37; see copy attached. This opinion provides a legislative basis to broaden the meaning of local to a countywide level i.e. County Sligo, which is the administrative area of Sligo County Council. Further, it supports and endorses our clients position that weddings at Newpark Demesne per their Sligo local connection is meeting a local need and would accord with Class 37 exempt development.

Our clients position that the term 'local event' includes at least one of the couple's family originating from County Sligo is offered as a way of addressing the common scenario whereby those marrying may be of an age where they are working and living away from Sligo, whilst their parents, brothers, sisters, cousins, neighbours and friends are living in County Sligo. This would still be a local event as outlined in the legal opinion of Jonathan Moore. The Board is invited to assess compliance with Class 37 on that basis and if it accepts our clients' position, they would accordingly amend its website and screen enquiries to reflect the County Sligo local planning requirement for all events (weddings or otherwise).

With regard to the previous events at Newpark, which should not be a factor in determining compliance with the Class 37 exemption, the following are many examples of pre-63 events at Newpark that were not specifically related to the Ballymote community:

- **Annual Garden Fetes:** Advertised in The Sligo Champion targeting readership of The Sligo Champion
- **Hunt Harriers:** A pan-Sligo group who hold events across all areas of County Sligo, as listed in The Sligo Champion
- **Newpark Holiday Camp:** One would anticipate that 'holiday makers' came from further afield than Ballymote
- **The Sligo Pony Club:** A pan-Sligo group who hold events across all areas of County Sligo
- **Sligo Field Club:** A pan-Sligo group who hold events across all areas of County Sligo
- **Northern Irish Outreach:** 'Refugees from Derry'
- **Irish Ballooning Club and British Ballooning Association:** National organisations with no known link to Ballymote
- **Annaghmore Estate Shoot Dinner:** Annaghmore Estate is located near Collooney and not Ballymote
- **Concerts:** Dublin musician
- **Film Location:** Organised by 'Sixteen Films' production company who are based in the UK
- **Irish Orienteering Association:** A national organisation

It follows that the Council's Ballymote community basis from the previous events at Newpark Demesne is incorrect. The county Sligo local criteria proposed by our clients would ensure the venue is used for local Sligo weddings only. The Board is therefore invited to agree that the proposal including weddings would be exempt development in accordance with Class 37.

Please acknowledge receipt of this referral and direct all future correspondence to this office.

Regards,


Raymond O'Malley

Kieran O'Malley & Co. Ltd.

ROM: rom

Enclosures





COMHAIRLE CONTAE SHLIGIGH
ÁRÁS AN CONTAE COIS ABHAINN SLIGEACH

SLIGO COUNTY COUNCIL
COUNTY HALL RIVERSIDE SLIGO

T +353 71 911 1111 E info@sligococo.ie
F +353 71 914 1119 W www.sligococo.ie

July, 2020

File Ref: ED 396/KK/NF

Christopher & Dorothy-Ellen Kitchin,
St. Helen's,
Stillorgan Park,
Blackrock,
Co. Dublin.

Re: Application for exemption in accordance with Section 5 of the Planning and Development Act 2000 (as amended) in respect of permission for the continued hosting of occasional events at Newpark Demesne, Newpark, Ballymote, Co. Sligo.

I enclose herewith a declaration in accordance with Section 5 of the Planning and Development Act, 2000 (as amended) in respect of the following:

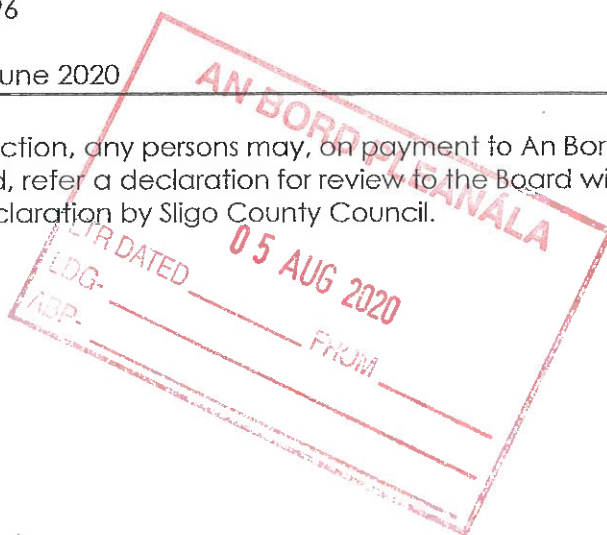
| | |
|---|--|
| Name & Address of Applicant: | Christopher & Dorothy-Ellen Kitchin, St. Helens, Stillorgan Park, Blackrock, Co. Dublin. |
| Declaration Requested for: | The continued hosting of occasional events |
| Location: | Newpark Demesne, Newpark, Ballymote, Co. Sligo |
| File Reference: | ED 396 |
| Application Received: | 12 th June 2020 |

Where a Declaration is issued under this Section, any persons may, on payment to An Bord Pleanála of such fee as may be prescribed, refer a declaration for review to the Board within four weeks of the date of issuing of the declaration by Sligo County Council.

Signed on behalf of Sligo County Council

Karen Kennedy

Janet McNamara
ADMINISTRATIVE OFFICER
PLANNING SECTION



Kieran O'Malley & Co. Ltd.
RECEIVED
14 JUL 2020

SLIGO COUNTY COUNCIL
(Comhairle Chontae Shligigh)
CHIEF EXECUTIVE'S ORDER

P226/20
ED/396

APPLICATION FOR DECLARATION OF EXEMPTED DEVELOPMENT PURSUANT TO SECTION 5 OF THE
PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED)

Name & Address of Applicant: Christopher & Dorothy-Ellen Kitchin, St. Helens, Stillorgan
Park, Blackrock, Co. Dublin.

Declaration Requested for: The continued hosting of occasional events

Location: Newpark Demense, Newpark, Ballymote, Co. Sligo

Having regard to:

- the details submitted under Exemption Certificate ED 396 received on 12th June 2020,
- the provisions of the Sligo County Development Plan 2017 -2023
- Article 6.3 of EU Habitats Directive (Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora)
- the Planning and Development Act 2000 (as amended)
- the Planning and Development Regulations, 2001 (as amended)

The Planning Authority considers that:

The proposed works consisting of the continued hosting of occasional events at Newpark Demense, Newpark, Ballymote, Co. Sligo, is considered to constitute development and is Not Exempted Development.

Order: Pursuant to Section 5 of the Planning & Development Act 2000 as amended, Sligo County Council hereby decides that the proposed works consisting of 'the continued hosting of occasional events at Newpark Demense, Newpark, Ballymote, Co. Sligo', is considered to constitute development and is NOT exempted development, and accordingly does require planning permission.

Dorothy E. Clarke
Director of Services
9th July 2020
Date
LIR DATED 05 AUG 2020
LDG-
FROM

To Whom this function has been delegated in accordance with the provisions of Section 154 of the Local Government Act, 2001, by Order No. No. 6/19 dated 23/1/2019.



Association of Irish Festival Events
Enterprise & Technology Centre,
Creagh.
Ballinasloe
Co. Galway

T.090 964 5831 E. info@aoifeonline.com
W. www.aoifeonline.com

An Bord Pleanála
64 Marlborough St
Rotunda
Dublin 1

30 July 2020

A Cara,

On behalf of Association of Irish Festivals and Events, I wish to make an observation on the recent determination of Sligo County Council regarding the application for exemption in accordance with Section 5 of the Planning and Development Act 2000 (as amended) in respect of permission for the continued hosting of occasional events at Newpark Demesne, Co. Sligo (ED396/KK/NF).

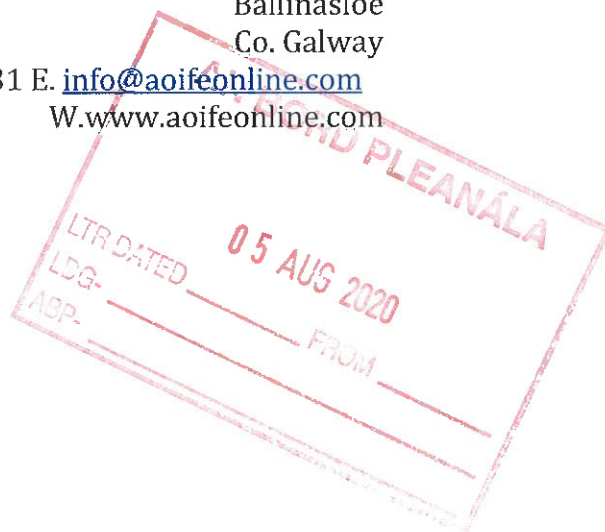
About Aoife

The Association of Irish Festivals and Events (AOIFE) has been representing the not for profit festivals and events sector in Ireland for 27 years, making sure communities continue to produce unique, quality, and safe festivals and events in all places. Providing support, professional development, services, advocacy, and networking while fostering a community of passionate people invested in the festival and event industry, AOIFE strives to deliver membership benefits that help support the growth of the sector. Our broad-based membership includes festivals, events, local authorities, third level campuses, venues, Community Development Associations, Chambers of Commerce, and everyone in between. Each member contributes to our growing community of people who know what it's like to run successful festivals and events. Together with AOIFE our members have an active role in the growth of the festival and event sector.

Some key metrics on Aoife and the Irish Festival and Events Industry

- Aoife services and supports over 600 not for profit festivals and events
- €600m direct and indirect value of this sector to the economy
- €49m of ROI of grant aid and some £2.5m of Northern Ireland underpinning some elements of production costs.
- €150m of direct costs resourced by sector
- 40,000 volunteers required annually to make calendar happen
- 300 FTE (Full Time Equivalents) jobs in total to sector
- 5.2 million total festival audience over 12 months
- 42 local authorities funding festivals and events

The events of our members are held in a diversity of locations across Ireland. The hosting of events in interesting and authentic settings is a key aspect of Ireland's arts, cultural and tourism offering. Thousands of occasional events each year are held on private properties across the island of Ireland. These are frequently houses, barns, boat sheds, office buildings, stables, lawns and fields. Events range in nature



from opera recitals to corporate events, from art exhibitions to family/community celebrations and from biodiversity events to performance arts.

Whilst some events are open to the public and/or for the benefit of the local community, many others have private, national and/or commercial aspects. This diversity of event types, funding approaches and audiences is an essential part of the event industry in Ireland.

It should also be noted that the events organised by our members frequently draw valuable economic activity into rural communities – providing much needed employment through ancillary activities such as meals, arts roles, accommodation, support services, etc.

Legislative Context

Whilst the licensing of larger scale festivals is clearly articulated in the Planning and Development Act, 2000, our understanding is that smaller scale events held in existing buildings are not specifically provided for in The Act, with the exception of those provided for under the Class 37 exemption.

Through informal arrangements and understandings with Local Authorities around the country, it has been broadly accepted over the past number of decades that the hosting of a small number of occasional events in buildings, where those events are of an appropriate scale, does not constitute a material change of use, and should not be subject to the need for planning permission. Furthermore, it has been accepted by Local Authorities (an in many cases actively encouraged) that these events have a regional, national and international appeal.

It is the view of AOIFE and our members that the hosting of occasional and appropriated-sized events in interesting and culturally rich locations should not be considered a material change of use of those locations in planning terms.

While not wishing to get into the details of specific cases, we find two aspects of Sligo County Council's determination particularly concerning for the events industry, namely:

1. ".....the change from agricultural to the hosting of specific events is a change of use in material terms and therefore constitutes development....."
2. Under Class 37 of exemptions, the criteria used by SCC to determine a local event:
 - a. Whether they are organised by a local group or organisation
 - b. Whether they are private, invite only events
 - c. Whether they are annual events or not
 - d. Whether each event would involve a different group of people
 - e. Whether the venue for the event was chosen due to its uniqueness rather than any connection with the local community

If the above logic were applied and enforced at a national level, a significant proportion of the thousands of events held across the country would cease to be legally feasible in the absence of planning permission, thereby constraining Ireland's arts, cultural and tourism offering.

We would encourage An Bord Pleanála to consider the context of the events sector at a national level, and its use of a diversity of settings, and to take a pragmatic approach both in determining whether the hosting of occasional events represents a material change of use and in determining whether events need to be confined to 'local' audiences.

Yours sincerely,

Colm Croffy

Colm Croffy
Executive Director, AOIFE

Thomas Cosby, Esq
Chairman
Historic Houses of Ireland

Sent by email to: chairman@ihh.ie

29th July 2020

Re. With regard to determination of Sligo County Council regarding the application for exemption in accordance with Section 5 of the Planning and Development Act 2000 (as amended) in respect of permission for the continued hosting of occasional events at Newpark Demesne, Newpark, Ballymote, Co. Sligo (ED396/KK/NF)

Dear Mr Cosby,

An Taisce endorses and supports the concerns expressed in your letter to An Bord Pleanála in relation to events at Newpark Demesne, Co. Sligo.

We consider that the ability of historic houses to accommodate different types of events is an important consideration in their maintenance and wider appreciation.

Yours sincerely,

Ian Lumley
Head of Advocacy
An Taisce – The National Trust for Ireland



An Taisce is a membership-based charity | Join us at www.antaisce.org/membership

An Taisce – The National Trust for Ireland | *Protecting Ireland's heritage, safeguarding its future*

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Directors: Philip Kearney (Chair), Trish O'Connell (Vice-Chair),
Stuart McCaul (Secretary), Nick Armstrong, Alison Hough, Hugh O'Reilly, Olivia Rogers, John Sweeney

Christoper Kitchen
Newpark Demense
Ballymote
Co. Sligo

29th July, 2020

Regarding Newpark Demesne, Newpark, Ballymote, Co. Sligo

Dear Mr. Kitchen

Fáilte Ireland recognises that there is a strong interdependency between heritage and tourism with heritage an intrinsic element of Ireland's tourism offering. Leveraging our heritage assets including our historical houses both in state and private ownership can lead to economic, social and cultural benefits for local communities, and the wider area. In this regard, we acknowledge and support the work of Office of Public Works (OPW) and Irish Historic Houses Association.

Fáilte Ireland supports the delivery and implementation of the Action Plan for the Sustainable Future of the Irish Historic House in Private Ownership (Department of Arts, Heritage and the Gaeltacht in collaboration with Irish Historic Houses Association). Of particular note and a point we support and endorse is the that historic houses *"are an essential component of our tourist industry and are increasingly seen as stimulating and exciting places of learning for everyone. They can provide attractive and exciting venues for a wide range of events and activities such as musical concerts, historical re-enactment and festivals making them an essential ingredient in Irelands annual events calendar."*

Under planning legislation Fáilte Ireland is listed as a prescribed body. As a prescribed body under these laws, Fáilte Ireland discharges this responsibility in two ways; at a strategic level by preparing submissions to county and city development plans and at a project level by commenting on planning applications which may have an impact on tourism in a specific area/ location or on a specific sector of the industry. However, we do not have any remit under the provisions of Section 5 of the Planning and Development Act 2000 (as amended).

Consequently, we are not in a position to comment on individual referrals or any declarations issued and defer to An Bord Pleanála to make an informed decision

as the competent authority. However, I would like to wish you well as you take your declaration request through the referral process.

Sincerely,



Planning & Environment Manager

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OPINION OF COUNSEL

Querist: Christopher and Dorothy-Ellen Kitchin
Agent: Amoss Solicitors (Killian Morris)
Re: Authorised Use and Exempted Development
Newpark Demesne, Ballymote, County Sligo
Date: 31 July 2020

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Abbreviations

| | |
|--------------------------|--|
| PDA 2000 | Planning and Development Act 2000 (as amended) |
| P&D Regulations | Planning and Development Regulations 2001 - 2020 (as amended) |
| The Local Government Act | The Local Government Act 2001 (as amended) |
| The Council | Sligo County Council |
| The Application | The Application (Ref: ED 396) by Querist to Sligo County Council for a declaration under section 5 PDA dated 11 July 2020 |
| The Planner | Barry Ward (Executive Planner) Sligo County Council, author of Memo (Ref: ED 396) dated 3/7/20 and co-signed by Frank Moylan |
| The Decision | The decision (Ref: P226/20) under section 5 PDA of the Council dated 9 July 2020 |
| The Board | An Bord Pleanála |

I FACTUAL BACKGROUND

1. Querist is the owner of Newpark Demesne, Newpark, Ballymote, County Sligo, F56 X985 ("Newpark Demesne"). Newpark Demesne is situated c.5km from Ballymote and c.20km from Sligo town. Newpark Demesne consists of Newpark House¹ built in the late 18th Century, Newpark Gate Lodge² and a walled estate, gardens, ornamental lake, a range of outbuildings, barns and yards. It is a working farm extending to c.79 hectares (c.190 acres) comprising forestry, sheep and suckler cattle.

¹ Sligo Record of Protected Structures May 2011, No. 318 "Newpark House, Newpark, Drumfin".

² Sligo Record of Protected Structures May 2011, No. 319 "Newpark House Gate Lodge, Newpark, Drumfin".

2. Agriculture is the primary use of Newpark Demesne, however, Querist intends to continue to host occasional events including coffee mornings, National Heritage Week open days, local sports competitions, heritage weekends, weddings, archaeology workshops, music recitals, brewers events, garden fetes, yoga day retreats and local biodiversity days (“the proposed events”). Querist proposes holding only seven such events a year, attracting between 20 – 120 people. Gardens, yards, barns and the house will be used to host the events. Some temporary or movable structures (portaloo, cooking facilities, etc) will be used during events.
3. On or about 11 June 2020, Querist applied to the Council for a declaration on exempted development under Section 5 of the PDA for the continued hosting of occasional use events at Newpark Demesne. On or about 9 July 2020, the Council made a Decision that *inter alia* “the proposed works consisting of ‘the continued hosting of occasional events at Newpark Demesne, Newpark, Ballymote, Co. Sligo’, is considered to constitute development and is **NOT** exempted development, and accordingly does require planning permission”. Querist intends to appeal this matter to the Board.
4. It is Querist’s position that such events have been held at Newpark Demesne for over 100 years and the continued occasional use for the proposed events are thus an authorised use and are not “development”. Further, it is Querist’s position that there is no material change of use of Newpark Demesne in hosting such events and thus it is not “development”. In the alternative, if the proposed events are deemed to be “development” that they are “exempted development” pursuant to Class 37 PDR. Querist has sought my advice as to these issues.
5. In considering the matter, I undertook a review of the following documentation:
 - (a) Cover letter for section 5 declaration Application from Kieran O’Malley & Co. Limited, on behalf of Querist, to the Council, dated 11 June 2020;
 - (b) The Application form for section 5 declaration completed by Kieran O’Malley Kieran O’Malley & Co. Limited
 - (c) Various appendices to the Application including maps, plans, historical newspaper cuttings, searches from local newspaper and nine letters of testimony from third parties;
 - (d) Letter from the Irish Georgian Society to Querist dated 24 July 2020 and letter from Historic Houses of Ireland to Querist dated 27 July 2020.
 - (e) The Planner’s Memo and the Council’s Decision; and
 - (f) The PDA 2000, the PDR, the Local Government Act and relevant authorities.

II AUTHORISED USE AND MATERIAL CHANGE OF USE

A Relevant provisions

6. Section 32 of the PDA stipulates that planning permission is required for any development that is not exempted development and, in the case of unauthorised development, for the retention of any unauthorised development. No development shall be carried out except under and in accordance with such permission. This requirement to obtain planning permission was first introduced on 1 October 1964 with the commencement of the Local Government (Planning and Development) Act 1963.
7. “Development” is defined by section 3 of the PDA as meaning “*except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land*”.

8. "Works" is defined by section 2 of the PDA 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*".
9. "Use" is defined by section 2 of the PDA as meaning "*in relation to land, does not include the use of the land by the carrying out of any works thereon*".
10. "Unauthorised works" is defined by section 2 of the PDA as meaning "*any works on, in, over or under land commenced on or after 1 October 1964, being development other than—*
(a) exempted development (within the meaning of section 4 of the Act of 1963 or section 4 of this Act), or
(b) development which is the subject of a permission granted under Part IV of the Act of 1963 F21 [or under section 34 , 37G or 37N of this Act], being a permission which has not been revoked, and which is carried out in compliance with that permission or any condition to which that permission is subject"
11. "Unauthorised use" is defined by section 2 of the PDA as meaning "*in relation to land, use commenced on or after 1 October 1964, being a use which is a material change in use of any structure or other land and being development other than—*
(a) exempted development (within the meaning of section 4 of the Act of 1963 or section 4 of this Act), or
(b) development which is the subject of a permission granted under Part IV of the Act of 1963 F21 [or under section 34 , 37G or 37N of this Act], being a permission which has not been revoked, and which is carried out in compliance with that permission or any condition to which that permission is subject".

B Determining a change of use

12. To determine whether a change of use has taken place, first one must look at the use prior to the act of development and compare it to the use after the act of development. In circumstances where there is no planning permission in place, the before and after use can be easily compared.
13. Secondly, to determine whether a change in use is material or not,³ is a question of fact and degree. The Courts have determined that material means material for planning purposes.⁴ The Courts have looked at the character of the change in use,⁵ as well as the effects of the change in use. In *Westmeath County Council v Quirke & Sons*, unreported (HC) 23 May 1996, which related to the intensification of quarrying works, Budd J stated as follows:

"Whether such changes amount to a material change in use is a question of fact as is explained in *Monaghan County Council - v- Brogan*. Consideration of the materiality of a change in use means assessing not only the use itself but also its effects."

³ Section 3 of the PDA refers to some examples of what would be a material change in use, such as use for the exhibition of advertisements; the placing or keeping of any vans, tents or other objects, whether or not moveable and whether or not collapsible, for the purpose of caravanning or camping or habitation or the sale of goods; the storage of caravans or tents; the deposit of vehicles whether or not usable for the purpose for which they were constructed or last used, old metal, mining or industrial waste, builders' waste, rubbish or debris. None of which are relevant to the within scenario.

⁴ *Monaghan County Council v Brogan* [1987] IR 333

⁵ E.g. in *Cusack v Minister for Local Government*, unreported (HC) 4 November 1980 – a change in use from solicitor's office to dentist's surgery was found to be a material change in use on the basis that the nature of the two professions was completely different.

(emphasis added)

14. The test used by Barron J in *Galway County Council v Lackagh Rock Ltd.* [1985] 1IR 120, also concerning intensification of quarrying works, is also useful in this respect, as follows:

“The question to be answered is whether or not the actual use is a materially different use from that on the appointed day [1st October 1964]. In neither case has an application been submitted for a permission. To test whether or not the uses are materially different, it seems to me, that what should be looked at are the matters which the planning authority would take into account in the event of a planning application being made either for the use on the appointed day or for the present use. If these matters are materially different, then the nature of the use must equally be materially different.”

(emphasis added)

15. Therefore, in analysing whether the proposed events to be held at Newpark Demesne are an authorised use, it is important to consider the existing use (and the historical use prior to 1 October 1964) but also to consider the effects of the proposed use on the surrounding area and residents, such that would be considered by a planning authority in a planning application.

C The Planner’s Assessment

16. In terms of the existing use, the Planner noted that the barns and surrounding lands at Newpark Demesne are in agricultural use and that “[F]rom the information contained in the file it appears the events undertaken thus far did not involve any operation of construction, excavation, demolition or extension to existing structures on site”. There is no indication that any works are proposed, nor any works to a protected structure, and the Planner noted that the proposed use of temporary and mobile portaloo and cooking structures for the proposed events did not involve “works”. Therefore, this is not a case of unauthorised works, and the structures on the Demesne (including the barns and buildings) are consistent with the existing agricultural use.
17. The Planner found that other than weddings the events described in the Application were consistent with the established use of Newpark Demesne, as follows: “*other than weddings the events outlined would be held once annually and would be consistent with the established use of the estate and wouldn’t constitute a change of use... the potential for multiple wedding events to be held in the estate every year it [was his] opinion that the change from agricultural use to the hosting of specific events is a change of use in material terms and therefore constitutes development*”. Therefore, the Planner’s concerns centred on the frequency of wedding events.

D Authorised Use

18. I do not agree with this aspect of the assessment that the proposed use is not the authorised use of Newpark Demesne. As stated, first there has to be an actual change in the use and second that the change must be material.⁶ In my view, the first step has been overlooked: the Council cannot find that the use of Newpark Demesne for historical events (which list included weddings) is legitimate but that Newpark Demesne cannot be used for future events of the same nature (including weddings). The factual basis for this decision is contradictory:

⁶ Simons G., *Planning and Development Law*, Second Ed., 2007, p. 73.

- (a) The Sligo Field Club archaeological events were organised by a county-wide group, involving different groups of people and had clearly attracted people nationwide and internationally;⁷
 - (b) Parties, weddings and other events had clearly been invite only;⁸
 - (c) The list of historical events had in fact comprised wedding events;⁹ and
 - (d) Hunting, coursing and pony club meetings were held regularly¹⁰, holiday camps were held for a number of weeks at a time¹¹ and the Irish Countrywomen's Association meetings were held on a weekly basis¹², therefore events were clearly held on multiple occasions throughout any given year.
19. Since, as a matter of fact Newpark Demesne was used for such events prior to 1 October 1964, isolating and prohibiting the future use of wedding events of the same nature is contradictory. To extend a simple analogy from the quarry caselaw above: if a piece of agricultural land was used for quarrying prior to 1 October 1964, whether it is for sand, gravel, or rock, the owner of the land is permitted to use that land for quarrying sand, gravel, or rock without planning permission – restrictions would apply at some point if the use intensifies.¹³ However, in this case, the scale and nature of the proposed events is the same as the historical events.
20. To reinforce this point, the table at Annex 1 – prepared by Querist – illustrates how the proposed wedding events compare to those events held prior to 1st of October 1964. This table demonstrate that weddings are comparable in all aspects to the occasional events held prior to 1st of October 1964 and hence a small number of modestly scaled, occasional weddings (and the other proposed events) are an authorised use of Newpark Demesne.
21. The historic and the proposed future use of Newpark Demesne appears to be consistent with the use of other historic houses in Ireland for public and private events of a cultural, educational, sporting and other nature.¹⁴ The Irish Georgian Society references the “*continued significant role played today by historic houses as venues for public gatherings and events*” as framed in a policy document produced in conjunction with the Department of Arts, Heritage and the Gaeltacht. I also note the Historic Houses of Ireland position that “[h]istorical Houses and Demesnes do not fit squarely within the categories of ‘Residential’ or ‘Agricultural’ - nor are they typically buildings in public ownership or commercial premises [...] using historical houses, castles, gardens, stables and demesnes as a public amenity and as the venue for events is part of their character and function in society”. Therefore, it seems that historic houses, such as Newpark Demesne, fall into a unique category of use that goes beyond the typical – e.g. agricultural use, residential use, commercial use, etc. – and it is within the Board’s powers to define the occasional use of historic houses for events, as proposed, as an authorised use.

⁷ For example: letter from Martin A. Timoney dated June 2020 detailing non-Sligo Field Club attendees from Dublin, Cork, Belfast; and Groups from Athlone, Donegal, Louth, Mayo, Offaly, Fermanagh, Waterford, Wexford, as well as England, Wales and Europe. See also letter from Angela Jinks dated 21 May 2020 and letter from Mary Nellany dated 20 May 2020.

⁸ See letters from Angela Jinks dated 21 May 2020 and Maureen Anderson dated 20 May 2020.

⁹ See letter from Paddy Quinn dated 19 May 2020 and letter from Maureen Anderson dated 20 May 2020.

¹⁰ See letter from Richard Lyons dated 15 May 2020 and Debbie Kitchin dated 29 May 2020.

¹¹ See letter from Anthony Kitchin dated 27 May 2020 and Debbie Kitchin dated 29 May 2020.

¹² See letter from Maureen Anderson dated 20 May 2020.

¹³ Note, this is a simplified analogy, not accounting for the innate issues of intensification of quarries over time and the more recent legislation on substitute consent that is specific to quarries and has no bearing on this matter.

¹⁴ See letter from the Irish Georgian Society to Querist dated 24 July 2020 and letter from Historic Houses of Ireland to Querist dated 27 July 2020.

E Material Change of Use

22. It is accepted law that a fleeting change in use of lands would not represent a material change in use that would trigger a requirement to obtain planning permission.¹⁵ In *Butler v Dublin Corporation* O'Flaherty J found so in the case of the use of Lansdowne Road Stadium for a one or two day pop concert, stating: "*the character of the use to which the stadium is put cannot, it seems to me, be regarded as being materially altered in planning terms by such fleeting changes in its use, the duration of which, over a period of nine years, did not exceed in total more than a few days*".¹⁶ Of note, the applicant in that case was also happy to concede that it would only host a limited number of such events per year, which satisfied the court that it was not going to be an intensification of use.¹⁷ In this case, Querist has proposed to use Newpark Demesne to host only seven events per year (less than hosted in the past).
23. In terms of the effects of the proposed hosting of events at Newpark Demesne, the Planner accepted that having regard to the nature and scale of the proposed development and the distance from any Natura 2000 sites, there is no requirement for EIA or AA. The Planner did not raise any adverse issue with respect to noise, traffic, air quality, landscape, etc., pursuant to his assessment of the proposed development taking account of the Sligo County Development Plan 2017 – 2023 ("the SCDP"). The only conclusion to be taken from this finding is that the net effect of the proposed events at Newpark Demesne is neutral (or even positive in terms of meeting certain objectives in the SCDP, more of which below) in terms of the proper planning and sustainable development of the area.
24. Whilst a full assessment of the alignment of the proposed events at Newpark Demesne with the SCDP is beyond the scope of this Opinion, having briefly considered the SCDP, in my view, the proposed events do align positively with the SCDP. In particular, the Council has identified Ballymote as a Key Support Town in County Sligo settlement hierarchy (SP-S-2)¹⁸ where stimulating economic activities are to be encouraged;¹⁹ the Council has adopted a policy to facilitate farm diversification and the develop rural resource-based enterprise (P-RDD-1);²⁰ and the Council should adopt a flexible approach to proposals for complementary economic enterprises undertaken to supplement income from farming, and such enterprises may be established at existing farm locations, subject to *inter alia* appropriate scale and intensity of development (P-RDD-2).²¹
25. The planning authority has a general duty to secure the objectives of a development plan and a specific duty under section 15 PDA to take such steps that are within its powers to secure such objectives. In this case, the Council has not indicated any contravention of the SCDP by the continued use of Newpark Demesne for the proposed events, but does not appear to have used the opportunity to consider whether same contributes towards securing the objectives of the SCDP, which it seems to do.

F Summary

26. The existing use of Newpark Demesne is agricultural with occasional use for events (including weddings) of the nature and scale as identified and since prior to 1 October 1964. Therefore,

¹⁵ Simons G., *Planning and Development Law*, Second Ed., 2007, p. 406, by reference to the Supreme Court decision in *Butler v Dublin Corporation* [1999] 1IR 565 and *Grimes v Punchestown Developments Company Ltd.* [2002] 1ILRM 409.

¹⁶ *Butler v Dublin Corporation* [1999] 1IR 565 at para [98].

¹⁷ *Ibid.* at para [99].

¹⁸ Sligo County Development Plan 2017 – 2023, section 3.2, page 21.

¹⁹ Sligo County Development Plan 2017 – 2023, section 4.1.1, page 40.

²⁰ Sligo County Development Plan 2017 – 2023, section 4.3.1, page 46.

²¹ Sligo County Development Plan 2017 – 2023, section 4.3.1, page 46.

Querist's proposal to continue to use the Demesne for such events is an authorised use. Furthermore, such a use is not a material change in use as by the Planner's assessment it will not result in any adverse material effect in a planning context on the use of Newpark Demesne and the surrounding area.

III EXEMPTED DEVELOPMENT UNDER CLASS 37

A Relevant Provision

27. If the Board does not accept the arguments in respect of either authorised use or no material change of use, and finds that the proposed events are "development", then Querist is pursuing the alternative argument that the use for such events is "exempted development" pursuant to Class 37 of Part 1 of Schedule 2 of the PDR, set out as follows:

"Development consisting of the use of land for any fair, funfair, bazaar or circus or any local event of a religious, cultural, educational, political, social, recreational or sporting character and the placing or maintenance of tents, vans or other temporary or movable structures or objects on the land in connection with such use."

(emphasis added)

28. The conditions and limitations associated with Class 37 are as follows:

"1. The land shall not be used for any such purposes either continuously for a period exceeding 15 days or occasionally for periods exceeding in aggregate 30 days in any year.

2. On the discontinuance of such use the land shall be reinstated save to such extent as may be authorised or required by a permission under the Act."

29. First, it is clear from the Application that the proposal to host seven occasional use events annually at Newpark Demesne using the gardens, yards, barns and the house, and some temporary or movable structures during events, with a return to agricultural use after such events, is well within the boundaries of the conditions and limitations imposed by Class 37.
30. Secondly, there are two types of activities envisaged under Class 37: (1) fairs, funfairs, bazaars or circuses, and (2) any local event of a religious, cultural, educational, political, social, recreational or sporting character. The placing or maintenance of tents, vans or other temporary or movable structures or objects on the land in connection is permissible with any such use.

B The Planner's Assessment

31. Of the list of events proposed at Newpark Demesne, the only event that the Planner considered to be "development" was a wedding event. It is wedding events that were subjected to analysis as to whether they could be considered a local event of a religious, cultural, educational, political, social, recreational or sporting character as set out in Class 37. Weddings are typically religious and certainly social events, so it is the definition of "local" that is critical to deciding whether the proposed events are "exempted development".
32. On not finding any definition of "local" in the PDA or the PDR, the Planner referred to the Oxford English Dictionary ("OED") definition of "local" as an adjective meaning "*relating to a particular area or the area in which you live*".²² The Planner applied this very general

²² Oxford English Dictionary, Sixth Ed., 2006, p. 442.

definition to the scenario, finding that weddings were of a “different nature” to historical events held at Newpark Demesne as in his view they were not organised by a local group, were a private event invite only, each event would involve a different group of people, would not be an annual event, and ultimately that “an individual living anywhere in Sligo or whose family originates from Sligo would not make that person a local in the Ballymote community”. This led to his conclusion that the hosting of wedding events at Newpark Demesne did not fall within the scope of Class 37 “having regard to the non-local nature of such an event”.

C Definition of “Local”

33. It seems that wedding events with a local emphasis – in terms of the origins of the wedding party,²³ the hosts (Querist), the use of local employment and services, the use of local food and produce, the promotion of local accommodation, etc.²⁴ – as hosted historically at Newpark Demesne and as proposed for the future, fall squarely within the activities envisaged by the framers of the exemption under Class 37. Therefore, I do not agree with the Planner’s decision as follows.
34. Objectively, when considering a scale of events (whether by number of visitors, extent of their draw, etc.) a clear hierarchy exists between international, national, regional and local events. The question is how to objectively determine the extent of what is local. Any analysis depends upon the frame of reference. For example, the International Olympic Committee might refer to a regional event as being across Europe while a local event might be across an entire country. In this instance, the frame of reference is the “local authority”, whose functional area is a county. Therefore, even using the Planner’s literal approach to the definition of “local”, the particular area to which this planning decision relates is that which has a link to County Sligo, not just to the area around Ballymote.
35. Support for this interpretation can be found, more appropriately perhaps than the OED, in the Local Government Act. The Local Government Act provides for the functions of the local authority in whose functional area planning decisions, such as this one pursuant to Class 37, are made. Section 10 of the Local Government Act provides for the division of the State into local government areas known as (a) counties, (b) cities and (c) cities and counties (each of which shall be known as a county, a city or a city and county as provided for and set out in columns 1 of Parts 1, 2 and 3, respectively, of Schedule 5). Part 1 of Schedule 5 of the Local Government Act is clear that “Sligo County” is the administrative area for Sligo County Council who made the decision in the instant case.
36. To assist with this interpretation, section 2(1) of the Local Government Act contains the following definitions, set out in full as follows (emphasis added):

“‘administrative area’ means an area standing established under section 10 for the purposes of local government and which is —

 - (a) a county in the case of a county council,
 - (b) a city in the case of a city council,
 - (c) a city and county in the case of a city and county council.”
37. “‘local authority’ means —

- (a) in relation to a municipal district, the county council or the city and county council in which the municipal district is situated, and
- (b) in every other case —
 - (i) a county council,

²³ As suggested by Querist in the Application.

²⁴ As suggested by Querist’s website www.juniperbarn.ie.

- (ii) a city council,
- (iii) a city and county council.”

38. “‘local community’ means persons ordinarily resident in the administrative area of the local authority concerned and, where relevant as regards a function of the authority, includes persons from outside that area who regularly use facilities of a social, economic, recreational, cultural or other nature provided by the authority.”
39. It is the definition of “local community” that resonates most strongly in this context. The Planner refers to the local community as that only local to Ballymote. However, the definition in the Local Government Act makes it clear that the legislature’s definition of local community in a planning context would include all persons living in Sligo County Council’s administrative area (i.e. the County of Sligo), and would also include persons from outside County Sligo who regularly use facilities of a social, economic, recreational, cultural or other nature provided by Sligo County Council.
40. The OED also defines “local authority” as a noun meaning “an administrative body responsible for local government”, “local government” as a noun meaning “the administration of a particular county or district, with representatives elected by those who live there”,²⁵ “county” as a noun meaning “each of the main areas into which some countries are divided for the purposes of local government”²⁶ and “district” as a noun meaning “an area of a town or region, regarded as a unit for administrative purposes or because of a particular feature”.²⁷ These definitions lend considerable weight to the argument that a “local event” is one that encompasses an event for persons ordinarily resident in County Sligo and outside that area if they are regular users of Sligo County Council’s amenities.
41. Further support for the idea that “local” in a planning context is more to do with who enjoys the resource in question than in defining a particular area or region can be drawn from a decision of the England & Wales First-tier Tribunal (General Regulatory).²⁸ In that case Findlay J, in considering the Localism Act 2011 with respect to the use by “local” people of a piece of land owned by the local borough for allotments, found as follows:

“It is, in my view, irrelevant that allotment holders do not have to come from a defined local area or that the land does not serve a particular community. It would be wrong to interpret the word “local” to mean that there must be a link between the Land and Isleworth or another “defined community”. It is likely that allotment holders and their friends and family come from the local community. In addition the wider community will benefit from the wildlife that will thrive in this green area and natural habitat. The birds and insects that will live and thrive on the Land will be enjoyed and benefit the wider local community beyond the gates and the fence.”
42. In other words, when something is “local” it is likely but not necessary that there will be a link to a defined community, however it is also key that that something is of benefit to a wider community that use that resource.
43. Briefly, looking at the Board’s approach to assessing applications under Class 37, there seems to be a consistent trend that “local” means county-wide, as follows:

²⁵ Oxford English Dictionary, Sixth Ed., 2006, p. 442.

²⁶ *Ibid.*, p. 166.

²⁷ *Ibid.*, p. 216.

²⁸ *Trustees of the Duke of Northumberland's Charity and others v London Borough of Hounslow and another*, [2016] Lexis Citation 701 (see attached).

(a) Coolbawn case (DRL2684) – “Class 37 provides for “any local events of a...social [or] recreational...character”. The relevant definition in the Oxford English Dictionary defines local as an adjective “relating to a particular area or to the area in which a person lives”. In the context of class 37 development, I would take it that local event excludes non-local, regional or national events, which limits the catchment and potential scale of such events. The applicant has not indicated that the proposed use is for a local event and I cannot presume that the proposed use is for a local event. The proposed use, as described by the applicant does not therefore fall within the scope of class 37.”²⁹

(b) Claregalway Castle case (DRL3158) – The Inspector in that case listed the main events hosted at a historic castle and grounds, including the following:

- *Open house Galway architectural festival*
- *Showcase for local craft and design for the Connacht region*
- *Promotion of artisan food in the west of Ireland*
- *Clare River boat race*
- *Family fun day for Lily May Foundation*
- *Summer music festival*
- *Botanical art exhibition*
- *Archaeology and history seminar*
- *Summer garden festival*
- *Think-tank weekends such as conferences including ‘optics international conference’ and AGM of Galway Archaeological and History Society etc.*

It appears from the list above that the events undertaken in the recent past are local events and are all of a cultural, educational, social, recreational and sporting character.”

The Inspector went on to state: “The events in question in many instances involve the temporary erection of tents for the exhibition and in some cases possibly sale of goods together with public car parking. [...] I would refer the Board to the brochure associated with the Galway Garden Festival. It is quite clear that a variety of temporary uses were installed on the site and these include over 80 stalls, a coffee shop, an art exhibition, a lecture hall, a book shop and public toilets.”

While satisfied that the events described were local in nature and fell within the parameters of events described in Class 37, the Inspector found that because the events were held for more than an aggregate of 30 days per year and one botanical art event ran for a period of 4 weeks (i.e. continuously exceeding 15 days) contravened the limitations of Class 37. He expressly stated that he would have come to a different conclusion if the botanical art exhibition ran for a shorter period of time.³⁰

(c) Vantastival case (DRL2998) – “a key indicator as to whether the event is local is the extent to which it is marketed”. The Inspector noted that the referrer in that case had submitted that 90% of attendees came from within a 25 mile radius of the site, and she considered “a 25 mile radius to be a relatively sizeable area, and given that it would extend to Julianstown to the south; halfway to Belfast to the north; and into Cavan to the west, would consider this to be (a conservative) indicator of a regional draw; and more realistically to indicate an all-island draw”. Clearly the Inspector was of the view that a “local event” was of a county scale, but decided that the vantastival event was one of a national scale. This is confirmed by her statement that in reaching her conclusion that it was not a local event she was “mindful of the anticipated attendance (maximum and anticipated numbers of attendees 4,999 and 3,500, respectively), and to the fact that the proposal [was] aimed

²⁹ Extract from Inspectors Report RL2684.

³⁰ Extract from Inspector’s Report RL3158.

primarily towards campervan and motorhome enthusiasts, who would likely travel some distance to an event that caters specifically for them".³¹ In fact, the Board went on to decide that case in favour of the applicant on the grounds that the proposed event fell into the definition of "event" under s. 229 PDA and as such was not "development" (and did not require a licence, being for less than 5,000 people).

44. With regard to using Newpark Demesne as a wedding venue, Querist is proposing that in order to ensure that it meets a "local" wedding need in compliance with Class 37, Newpark Demesne will only be made available where at least one of the couple to be married either lives in Sligo or whose family originates from County Sligo. This, it would appear, would conform with the approach of the inspector in the Coolbawn case to restricting it to a local (as opposed to regional or national) event. It is patently clear that the proposed events at Newpark Demesne are considerably smaller in terms of attendance figures and similar in terms of county-wide appeal, as the events in the Claregalway case and yet in that case they were held to fall within the definition of "local" (albeit not complying with the limitations of Class 37). Similarly, the attendance figures and the scope of the marketing for the Vantastival event is in stark contrast to the nature and scale of the proposed wedding events to be held at Newpark Demesne, particularly where at least one of the couple one of the couple to be married either lives in Sligo or whose family originates from County Sligo.

D Summary

45. The definition of "local" as an event linked only to the Ballymote community is construed in too narrow a sense. The definition of "local community" in the Local Government Act and the approach to Class 37 by the Board in the past, indicate that local should be at least "county-wide" and encompass persons that regularly benefit from the resources of county in question. The proposed events at Newpark, if weddings are restricted to involving at least one of the couple one of the couple to be married either lives in Sligo or whose family originates from County Sligo, appear to very comfortably comply with the meaning of "local" in Class 37. The proposed hosting of seven such events per year and the reinstatement to agricultural use thereafter, again, comfortably complies with the conditions and limitations of Class 37.

IV OVERALL CONCLUSION

46. For the reasons set out above, I am of the view that the proposed events to be held at Newpark Demesne are consistent with the existing use and do not represent a material change in use, and as such are not "development". In the alternative, I consider that the occasional use of Newpark Demesne for the proposed events (including weddings) comfortably falls within the meaning of the events intended by Class 37, and are proposed to take place in compliance with the conditions and limitations therein. For the foregoing reasons I agree that the Decision should be appealed for consideration by the Board.

Nothing further occurs. Please revert as necessary.

JONATHAN MOORE BL

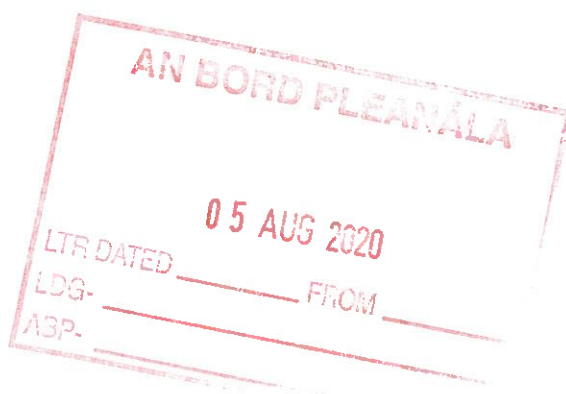
³¹ Extracts from Inspector's Report RL2998.

Annex 1

| | Events prior to 1/10/1964 | Proposed wedding events |
|------------------------------|---|---|
| Number of attendees | 1932: "The meetings are the most popular in the Province of Connaught...." 1932: "A large crowd of holiday-makers representative of all the surrounding towns and districts" 1937 wedding: "....200 guests at reception....." 1959: "...the vast numbers who had come from near and far to patronize the function....." " They drew large crowds..." " easily two hundred people attending...." " between 100 and 150 adults and children in attendance " | A maximum of 120 people |
| Origin of attendees: | 1933: "...all the leading kennels of the West and Midlands are represented...." 1959: "...the vast numbers who had come from near and far to patronize the function....." 1958 to 1964: " people travelled from all over Ireland to attend " " people travelling from as far away as Dublin...." " archaeologists, historians and academics from across Ireland and from as far away as Sweden " | On the basis of 'Authorised Use', attendees at weddings could come from both locally and across Ireland. This is similar to the range of attendees 'pre '63' |
| Event Organisers | Annual Garden Fetes – Finlay and Sheela Kitchin Hunt Harriers – A pan-Sligo group Public Coursing – Kilcreevin Coursing Club Newpark Holiday Camp – Finlay and Sheela Kitchin Sligo Pony Club - A pan-Sligo group Irish Country Women's Association – Kilmorgan ICA Guild Sligo Field Club – Finlay Kitchin Garden Fetes – Finlay and Sheela Kitchin | Weddings would be organised by Christopher and Dorothy-Ellen Kitchin on behalf of the wedding couple |
| Public Private Events | Annual Garden Fetes – events open to the public Hunt Harriers – private events open to members only Public Coursing – events open to the public Newpark Holiday Camp – events open to the public Sligo Pony Club – private events open to members only Irish Countrywomen's Association – private events open to members only Sligo Field Club – Private events by invitation only (not open to all club members) Garden Fetes – Finlay and Sheela Kitchin | Weddings would be private events by invitation only |
| Nature of events | Established precedent for recreational and ceremonial events. Parish Priest J.F. O'Hara officiated at Garden Fete in May 1959, as reported in The Sligo Champion Parish Priest A. Durcan was the patron of the coursing events at Newpark. 1958 to 1974: "...events, briefings and discussions at Newpark..." 1958 to 1964: "....regular meetings, presentations and demonstrations...." | Presentations, workshops, briefings and demonstrations broadly comparable to ceremonies – speaker/officiant, participants/delegates and audience. Meal, refreshments, dancing and entertainment similar to |

| | | |
|--------------------------------|--|---|
| | <p>“ speeches made by visitors from Coopershill and Templehouse “</p> <p>“ for briefings, discussions and site visits “</p> <p>“Newpark was used as a venue for meetings and seminars....”</p> | garden fetes, ICA parties, archaeological events, etc. |
| Frequency of events | <p>Hunt Harriers – “....<u>monthly</u> sporting events.....during the winter only...”</p> <p>Public Coursing – “ <u>monthly</u> public coursing events.....”</p> <p>“ The first meeting of the season.....”</p> <p>“The St. Stephen’s Day fixture is the more popular one of the year.....”</p> <p>The Sligo Pony Club – “.....on a regular basis.....”</p> <p>Newpark Holiday Camp – “...for 3 or 4 weeks....”</p> <p>Irish Countrywomen’s Association – “.....monthly events, training days and meetings.....”</p> <p>“...large annual ICA summer and Christmas events at Newpark....” – e.g two per year</p> <p>Prior to 1st of October 1964, there were c. 12 to 15 events per annum</p> | Maximum total events of seven per year, with wedding being subset of this, so monthly events would be a conservative assumption |
| Hours | <p>Morning, afternoon and evening events</p> <p>1918: “ dance up to 2am “</p> <p>“ these conferences typically happen over multiple days....”</p> <p>“ typically start in the afternoon and run into the evening “</p> <p>“ throughout the day and into the late evening “</p> | Typically during the afternoon, with entertainment and dancing coming to an end before 2am. |
| Food and refreshments | <p>1916 to 1918: Food and refreshments served</p> <p>1918: “.....refreshment stalls “</p> <p>1929 to 1933: Refreshments available for purchase</p> <p>1951 to 1961: “ One meal per day was provided by Sheela Kitchin “</p> <p>1958 to 1964: Market stalls for the sale of food, drinks and other gifts</p> <p>“ stalls and tents with tables laid out for people to eat and drink “</p> <p>“ serve food and drinks for all participants....”</p> <p>“ in addition to the music and dancing, which was a great social occasion....”</p> <p>“ For many of the travelling delegates, this would have included being entertained, fed and accommodated at Newpark..”</p> <p>“ arranging the accommodation and catering “</p> | Wedding receptions would have food and refreshments served – some prepaid by wedding couple and some on a pay as you go basis |
| Commerciality of events | <p>People were charged to attend many the events demonstrating a precedent of commercialism.</p> <p>In particular, the number of attendees and revenues at fetes and coursing events were not insignificant.</p> <p>1918:” Fete, 1s; Teas, 1s; Dance, 2s; Refreshments, 1s 6d. “</p> <p>1929: “ admission to see trials is sixpence “</p> <p>1932: “ Admission reduced to 1s; Cars, 2s 6d</p> <p>Refreshment (teas), 10s, others, 5s “</p> <p>1932: Charges for admission, parking, refreshments, etc.</p> | Weddings would be on a paid basis with the wedding couple paying part of the cost and wedding guests paying for certain items (e.g. for drinks). Similar to ‘pre ‘63’ events, events would be run on a paid basis |

| | | |
|--------------------------------|---|---|
| | 1959: Admission to the garden fete is 6d. for adults, children being admitted free..... “ attendees would be asked to pay a contribution “ “ could buy food and drinks that were for sale “ | |
| Marketing of events | Public advertisement in newspapers Invitations issued by letter Word of mouth | In the case of weddings, attendees would be invited by letter or email |
| Entertainment and noise | A common feature of many events 1917: “...two concerts, a play...” 1918: “ two bands will attend...all sorts of amusements” 1959: Excellent music was provided by the Marren Park Boys Band, Ballymote, and by Mr. Feeney’s band, Collooney....” “ the annual summer party included musicians playing and guests dancing.....” | Wedding receptions would include entertainment including bands and/or music. Noise levels associated with entertainment would be comparable to historic events |
| Site logistics | 1917: “ stalls....” 1932: “tents “ 1959: “ a number of stalls, including teas stall, cake stall, white elephant stall, fancy goods stall and minerals and ices stall....” “ held indoors in the outbuildings at Newpark....” | Parking would be provided on site Outbuildings and gardens would be temporarily used for hosting parts of the wedding ceremony and reception Additional temporary facilities would be set up (e.g. toilets, food serving, etc.) |
| Access to site | Cars and buses serving events 1932: Charges for parking 1959: “There will be a special bus leaving Sligo at 2.15 p.m. calling at Ballisodare and Collooney and a special regular bus service will also operate from Ballymote and Riverstown.....” 1959: “Superintendent Kelly and local Gardai, he said had given invaluable assistance in controlling the traffic....” | Attendees would either drive to weddings or would arrive by private mini-bus. Similar to nearly all events pre ‘63 |



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11th June 2020

Planning Department
Sligo County Council
County Hall
Riverside
Sligo
F91 Y763

COPY

Re: NEWPARK DEMESNE, BALLYMOTE
SECTION 5 DECLARATION

Dear Sir or Madam,

We have been instructed by *Christopher & Dorothy-Ellen Kitchin, Newpark Demesne, Newpark, Ballymote, Co. Sligo, F56 X985* to submit a section 5 declaration in respect of the continued hosting of occasional use events at Newpark Demesne.

Sligo County Council is requested to determine if the continued hosting of occasional use events (as described below) at Newpark Demesne is development, and if it is development, is it exempt development in accordance with Class 37 of the exempt development provisions in the Planning and Development Regulations 2001 (as amended)?

It is our clients position that:-

- Newpark Demesne has hosted occasional use events dating back to 1916, so the continued hosting is not development because it is part of the pre-63 authorised planning use of the estate.
- In the event the authorised use is not deemed to include occasional use events, a material change of use of Newpark Demesne would not occur in order to host events, so it is not development.
- If it is considered to be development by virtue of a material change of use, the proposed future occasional use events come within the scope of Class 37 and therefore the events would constitute exempt development.

We attach two copies of the following documents in support of this section 5 declaration:

1. A completed application form
2. A cheque for € 80 in respect of the application fee
3. Site Location Map (Scale 1: 5,000 – 1: 2,500 scale doesn't cover the entire site)
4. Newpark – June 2019: Site Layout Plan (NTS)
5. Kiaraan O'Malley & Co. Ltd. cover letter with Appendices

About Newpark Demesne

Newpark Demesne is an historic walled estate with walled gardens, an ornamental lake, gate lodge, house and a range of outbuildings, barns and yards. It is situated c. 5 km east of Ballymote and c. 20 km south of Sligo Town (see 1: 5,000 site location map attached). Newpark House was built in c. 1780 by the Duke family and it is classified as being of regional importance on the National Inventory of Architectural Heritage. It is a working farm extending to 76.9 hectares (190 acres) comprising forestry, sheep and suckler cattle (see Newpark - June 2019 plan attached). The applicants have recently taken over the running of Newpark Demesne from Christopher's parents, Anthony and Rosemary. Christopher is the fourth generation of his family to farm at Newpark. Farming will continue to be the primary activity at the Demesne.

Occasional Use Events at Newpark Demesne

Consistent with many demesne properties throughout the country including examples within county Sligo, Newpark Demesne is an agricultural property that has a very long history of hosting occasional use events for a range of non-agricultural and complementary purposes. These uses, which typically take place over a single day, are spread across the calendar year but with a greater frequency during late spring to early autumn when the weather is warmer.

From an extensive search of the Sligo Champion archives and reaching out to members of the local community that recall and/or attended events at Newpark, it has been established by our clients that occasional use events have been held at Newpark for over 100 years. The following is a list of the known occasional use events that have been held at Newpark Demesne with a summary provided in Appendix I.

- *Garden Fetes*
- *Hunt Harriers*
- *Public coursing events*
- *Newpark Holiday Camp*
- *The Sligo Pony Club*
- *Irish Countrywomen's Association (Kilmorgan ICA Guild)*
- *Sligo Field Club*
- *Northern Irish Outreach*
- *Irish Ballooning Club and British Ballooning Association*
- *Equestrian Events*
- *English Language Training*
- *Irish Cancer Society*
- *National Heritage Week*
- *Annaghmore Estate Shoot*
- *Concerts*
- *Film and Photography location*
- *Local and Regional Sports Events*
- *Private Functions & Weddings*
- *Section 482 Heritage Property*
- *Newpark Gardens*

Appendix II includes an A3 collage of over 100 articles from the Sligo Champion archives that are search results for events at Newpark before 1st October 1964. We have also produced or copied some of these articles that advertise and report on the various occasional use events at Newpark as far back as a garden fete and dance in September 1917. Our clients found over 100 listings in the newspaper's archives, so the 18 no. extracts attached that date from 1917 to 1974 represent a sample of archive results. The newspaper confirms the hosting of garden fetes with late night dancing, hunt harriers, coursing, I.C.A./Kilmorgan Guild meetings, and DOO Community meetings and that for most events, an admission fee applied.

Appendix III contains a copy of 9 no. letters from persons that recall and or attended the various occasional use events at Newpark. Their recollections relate to events in the 1950's, 60's and 70's and correlate with some of the Sligo Champion extracts from 1959 to 1974.

The list of known and recorded events at Newpark indicate that in the years preceding the introduction of the Planning Act in Ireland, there were c. 12 to 15 events per annum with dancing, live music, food and drinks served attracting crowds of up to 150 persons with some events being serviced by commuter buses and concluding in the early hours of the morning. Newpark has continued to host various events from 1964 to date. These events have been held in the gardens, yards, barns, house, etc. Farming activities have not, and do not, cease during events albeit some of the barns are temporarily vacated to host some events.

Over the most recent fifteen-year period from 2005 to 2019, Newpark Demesne has held an average of 13 events per year. These have ranged in scale from 20 to 160 attendees. These are in addition to the 60 days per annum since 2010 which Newpark Demesne was open to the general public for tours. The nature of an historic estate of 'intrinsic architectural' importance is that it is of public benefit for it to be both conserved and open to the public.

Future Occasional Use Events at Newpark Demesne

It is proposed to continue to open the demesne to the public and to hold occasional use events consistent with the established and historical use of the estate for such events. As custodians of an historic estate, our clients aim to continue to maximise the benefit derived from the estate by the general public. This objective is best achieved through the continued participation in the section 482 scheme and the continued occasional use of the house, barns, gardens and other amenities at Newpark Demesne. The proposed future occasional uses, identified and described below, would continue to complement the estates farming activities.

The following are the anticipated future occasional use events that would be held Newpark Demesne (not all would be held annually):

1. Irish Cancer Society Coffee Morning
This is a charity coffee and cake sale that would be attended by up to 40 people and would be catered for in the gardens or barns (depending on the weather).
2. National Heritage Week open day
This would consist of a heritage tour of Newpark House, outbuildings, and demesne explaining the heritage of the estate, and there would also be a nature walk provided by Michael Bell. Up to 40 people would be expected to attend with refreshments served.

3. Local Sports Competitions
Newpark would be a venue for sports events that could utilise the demesne lake, gardens and lands. Number of attendees would vary depending on the type of the event.
4. Ballymote Heritage Weekend Lecture Venue
It is a potential venue for lectures as part of the Ballymote Heritage Weekend with hosting of a presentation and seating in one of the outbuildings. Up to 60 people could be accommodated with refreshments served.
5. Wedding Venue
Weddings for up to 120 people using the demesne grounds and outbuildings for ceremony, reception and entertainment.
6. Archaeology Workshop Venue
This would comprise presentations on local archaeology for c. 40 local and national archaeologists with refreshments served.
7. Musical Recital Venue
This would be evening events promoted locally to attract local attendees (i.e. Sligo Con Brio and/or similar musical/dramatic performances). The events would cater for up to 70 people and depending on the weather, recitals would be beside the lake or in one of the outbuildings.
8. White Hag Brewery –Brewers Event
This is a VIP breakaway or spin-off event for visitors to White Hag ‘Hagstravaganza’ (see <https://www.thewhitehag.com/eventbrite-event/hagstravaganza-2020/>). It would provide for c. 30 VIPs to experience and learn about the local culture of Ballymote including Newpark Demesne.
9. Garden Fetes
Garden Fetes would be aimed at the local community in a similar vein to previous events with food, drink, music, and other entertainment for between 100 to 150 people.
10. Yoga Day Retreat
The proposal is to accommodate a gathering of yoga enthusiasts (up to 20) for instruction by a yoga instructor. Depending on weather, it would be provided indoors or outdoors.
11. Leave No Trace Ireland Local Biodiversity Day
There is potential for collaboration with Leave No Trace that would involve exploring the biodiversity on the Demesne, associated talks and demonstrations with refreshments served.

It is proposed to host 7 occasional use events per annum and these will attract between 20 and 120 people. Depending on the event and time of the year, they would use the gardens, yards, barns and house at Newpark Demesne. In addition, and as adopted previously, there would be a need for some temporary structures such as portaloos, cooking facilities, etc. in conjunction with some of these events. Access would be provided at the existing entrance to the Demesne and all car parking would be catered for within the Demesne, which has extensive hard surface areas.

For clarity, our clients have not held any commercial events including under the Juniper Barn brand at Newpark Demesne since they moved there in November 2019. This section 5 declaration has been

prompted following pre-application consultation with the Council. The www.juniperbarn.ie website is an additional means of promoting Newpark Demesne for occasional use events that complements use of traditional and social media platforms. The photographs on the website were staged with the exception of the group picture from Ben Kitchin's wedding and the barns are currently actively used as part of the farm.

Exempt Development Declaration

Having regard to the known occasional use events that have taken place at Newpark Demesne, the planning authority is asked to determine if the continued hosting of occasional use events (as described above) is development, and if it is development, is it exempt development in accordance with Class 37 of the exempt development provisions in the Planning and Development Regulations 2001 (as amended)?

Is it development?

Section 3 of the Planning and Development Act 2000 (as amended) defines development as *"except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land."* Section 2 of the Act defines land and structure as follows:

*"'Land' includes any structure and any land covered with water (whether inland or coastal);
'Structure' means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and (a) where the context so admits, includes the land on, in or under which the structure is situate".*

So, is the continued hosting of occasional use events at Newpark Demesne using some or all of the gardens, barns, yards, and house constitute development? It is submitted that hosting occasional use events is not development being either part of the authorised pre-63 use of Newpark Demesne or it wouldn't constitute a material change of use of the demesne. Each is considered below.

Authorised Use

Newpark Demesne has hosted occasional use events for over 100 years; these are described above and documented in the numerous extracts from the Sligo Champion in Appendix II and the recollection letters in Appendix III. Taken from the more than 100 newspaper articles referring to events at Newpark before 1st October 1964, the following provides some detail on the nature, scale, extent, frequency, attendees, etc. of the occasional use events at Newpark:

1) People were charged to attend many of the events, demonstrating a precedent of commercialism. In particular, the numbers of attendees and revenue at fetes and coursing events were not insignificant

2) There is a long history of sporting events being held at Newpark. These are clearly sporting and/or recreational events and not agricultural

3) Entertainment, dancing, food and refreshments on a paid basis were a common feature of many events, with some events running until 2am in the morning, as substantiated by newspaper articles
1917: Two concerts, a play and two bands

1918: separate charges for attending fete, dance, refreshment, etc.

1918: Dance until 2a.m.

1932: Charges for admission, parking, refreshments, etc

1932: "The meetings are the most popular in the Province of Connaught.....a large crowd of holiday-makers, representative of all the surrounding towns and districts....."

1933: "everything points to this popular fixture being up to the high standards of recent years.... all the leading kennels of the West and Midlands are represented"

1959: "Admission to the garden fete is 6d. for adults, children being admitted free..... There will be a special bus leaving Sligo at 2.15 p.m. calling at Ballisodare and Collooney and a special regular bus service will also operate from Ballymote and Riverstown....."

1959: "excellent music was provided by the Marren Park Boys Band, Ballymote, and by Mr. Feeney's band, Collooney..... the vast numbers who had come from near and far to patronise the function...."

1958 to 1974: "These eminent archaeologists and historians all attended events, briefings and discussions at Newpark over this period"

1958 to 1964: "there would have been 100 to 150 adults and children in attendance"

"people travelled from all over Ireland to attend"

"...The Irishwoman's Countryside Alliance in the late 1950s with regular meetings, presentations and demonstrations"

".....with people from far and near attending. They drew large crowds"

".... the annual summer party included musicians playing and guests dancing...."

"....held indoors in the outbuildings at Newpark...."

".....these conference typically happen over multiple days...."

".....they would bring caravans and tents and stay for a number of weeks at a time...."

It is beyond doubt that Newpark has hosted many occasional use events before 1st October 1964, which it has continued to do since that date. The Council is invited to agree that the pre-63 authorised planning use of Newpark Demesne includes hosting of occasional use events. Further, the Council is also invited to agree that the proposed future occasional use events are consistent with the nature, scale and frequency of the pre-63 uses. It therefore follows that the continued hosting of occasional use events at Newpark Demesne is not development.

Not a Material Change of Use

If the Council does not consider the hosting of occasional use events is part of the pre-63 authorised use of Newpark Demesne, for the following reasons, it is submitted that a material change of use does not occur at Newpark Demesne:

- (i) There would be no change to the overall planning unit, which is the entirety of Newpark Demesne that has hosted events for over 100 years. *Burdle v Secretary of State for the Environment* sets out the following principles relating to the determination of the appropriate planning unit:
 - *Whenever it is possible to recognise a single main purpose of the occupier's use of his land to which secondary activities are incidental or ancillary, the whole unit of occupation should be considered.*

- *It may be apt to consider the entire unit of occupation even though the occupier carries on a variety of activities and it is not possible to say that one is incidental or ancillary to another. This is well settled in the case of a composite use where the component activities fluctuated in their intensity from time to time, but the different activities are not confined within separate and physically distinct areas of land.*
- *Where two or more physically separate and distinct areas are occupied for different and related purposes in a single unit, each area used for a different main purpose, together with its incidental and ancillary activities, ought to be considered as a separate planning unit.*

The historical context provides that the occasional use of the buildings and other amenities at Newpark Demesne for local events is consistent with the established use of the estate i.e. there is no change to the planning unit. No change of use or material change of use would occur, thus occasional use events do not constitute development. This is consistent with the other section 482 properties in county Sligo.

- (ii) The agricultural demesne that has been open to the public since 2010 under the section 482 scheme. The occasional use would not change the character of the Demesne or its buildings or amenities that would be used. The primary activity at Newpark will continue to be farming and farming would continue while the demesne is open to the public and any of the occasional use events are being held. In other words, the occasional use would not dislodge the primary farming use, even temporarily.
- (iii) There would be no intensification of use. It is proposed to host 7 events per annum, which would be a reduction on annual number of events previously held at Newpark. The occasional use would utilise existing buildings and amenities at Newpark. There would be no increase in floor area to accommodate any of the proposed uses and no new buildings have been constructed in preparation for the occasional use. Further, the areas identified for the occasional uses would be those that have been historically used for events at Newpark Demesne. The planning authority is reminded that some pre 63 events were running until 2 a.m., there were multiple bands playing at events, upwards of 160 people per event, charges for attending, food and drink on sale, "vast numbers of people", etc.
- (iv) There would be no material change to traffic levels experienced at events previously held at Newpark and all car parking can be accommodated within the Demesne. The two car rallies held in the past 15 years had approximately 40 rally cars plus support vehicles and viewers; the various weddings and private parties would have had in the order of 40 - 50 cars per event; and the ballooning events had a range of 4x4 vehicles with trailers. Some of the pre-63 events such as the garden fetes, attracted several hundred people with dedicated buses to and from Sligo town and other urban areas within the county.

In assessing whether or not the proposed would constitute development, the Council must have regard to the longstanding historical use of Newpark Demesne which has always hosted occasional use events. There is documentary evidence that these events have been held at Newpark as long ago as 1917. Based on local

knowledge, it has been confirmed that since 1950's the events have utilised the gardens, yards, barns, and house at Newpark and have taken place up to 12-15 times per annum accommodating upwards of 160 people. Farming activities have not, and will not cease, during events.

The proposal to continue occasional use events on not more than 7 events per annum would not result in a change of use or a material change of use of Newpark Demesne, and therefore it is not development.

Is it Exempt Development?

If the Council considers that occasional use events at Newpark Demesne would constitute development by way of a material change of use, it is submitted that the future occasional use events listed above come within the meaning of Class 37 of the exempt development provisions in the Planning and Development Regulations 2001 (as amended). From the Regulations, Class 37 is:

Development consisting of the use of land for any fair, funfair, bazaar or circus or any local event of a religious, cultural, educational, political, social, recreational or sporting character and the placing or maintenance of tents, vans or other temporary or movable structures or objects on the land in connection with such use.

The following conditions and limitations apply to Class 37:

- 1. The land shall not be used for any such purposes either continuously for a period exceeding 15 days or occasionally for periods exceeding in aggregate 30 days in any year.*
- 2. On the discontinuance of such use the land shall be reinstated save to such extent as may be authorised or required by a permission under the Act.*

There are essentially two type of activities within Class 37; the first is the use of land for any fair, funfair, bazaar or circus and the second comprises local events of religious, cultural, educational, political, social, recreational or sporting character. For both parts of Class 37, the placing or maintenance of tents, vans or other temporary or movable structures or objects on the land in connection with such use is also permissible.

Addressing the second part of Class 37, any occasional event is required to be a local event.

Neither the Planning Acts nor Regulations provide a definition of local and as a result, the meaning of local has been considered in referrals to An Bord Pleanála including RL2684 at Coolbawn Quay, Tipperary, and RL3158 at Claregalway Castle, Galway. While each referral case is different due to the nature and scale of their specific occasional uses, the following are extracts from the Board's inspector's report on those two cases:

From Inspector's Report RL2684:

6.2.4 Class 37 provides for "any local events of a...social [or] recreational...character". The relevant definition in the Oxford English Dictionary defines local as an adjective "relating to a particular area or to the area in which a person lives". In the context of class 37 development, I would take it that local event excludes non-local, regional or national

events, which limits the catchment and potential scale of such events. The applicant has not indicated that the proposed use is for a *local event* and I cannot presume that the proposed use is for a local event. The proposed use, as described by the applicant does not therefore fall within the scope of class 37.

From Board Direction RL3158:

The Board decided that –

the events staged at Claregalway Castle during 2013 constituted development on the grounds that a material change of use of the land took place in the staging of such events and although the nature of the events are covered by the exemption in Class 37 the number and duration of events which had taken place in 2013 had exceeded the limitations in Restriction1 of Class 37 and therefore constituted development which is not exempted development.

In both of these cases, the development referred to the Board was deemed to constitute development and was not exempt development in accordance with Class 37. Notwithstanding, these cases confirm that the Board considers a wedding reception to come within the scope of Class 37 events and they also provide some clarity on the meaning of local in the context of Class 37. In particular, the planning authority is referred to the Claregalway Castle case where the Board stated in its decision that *“the nature of the activities and events was generally covered by the exemption in Class 37”*. The following is the list of events submitted with that referral:

- *Open House Galway Architectural Festival*
- *Craft shows such as needle craft, stone carving, woodwright techniques, furniture and fabric conservation, jewellery makers, metal workers etc.*
- *Food fares including the promotion of high quality artisan food*
- *Clare River boat race*
- *Family fun day*
- *Summer music festivals including evening symphony concerts and opera and free lunchtime concerts*
- *Day seminars on archaeology and history*
- *Botanical art exhibitions*
- *History and horticultural seminars and talks*
- *Think-Tank weekend events mainly in the areas of personal research and interest*
- *International conferences*
- *Annual general meetings*

The Claregalway Castle case provides that a wide range of occasional uses have been deemed to come within the meaning of Class 37 including the county-wide Galway Open House, summer music festivals, and international conferences. Individually and collectively, these events would have attracted persons from beyond the immediate local catchment of Claregalway, county Galway, adjoining counties, and presumably international visitors. From their website, Claregalway Castle continues to host concerts and attract international visitors who compete for the Claregalway Castle Shield at their Medieval Combat Event.

It follows that a local event, while focused on a locality by virtue of its location and/or people, may attract persons beyond its local catchment including international visitors while complying with Class 37. There was

no reference to weddings in the Claregalway castle case but it equally applies that a local wedding at any location has potential to attract guests beyond the local catchment of the venue but that would not re-classify the wedding as a non-local, regional or national event.

The Coolbawn Quay case related in part to hosting weddings in a marquee. The referrer was vague in terms of wedding detail and didn't address the issue of local in the context of weddings. As a result, the Board took a broad view that weddings at Coolbawn Quay was promoted as a destination wedding venue and so the couple did not need to have any local connection to the venue. This would not be the case at Newpark Demesne which is being promoted as an alternative wedding venue for those with a local connection to County Sligo. To this end, our clients inform us that bookings¹ for this year and next year have only been made by couples that live close to or originate from Newpark and or in county Sligo.

Compliance with Class 37

Following on from these referral cases and having regard to the above list of occasional events, it is submitted that all would be local events and clearly come within the meaning of Class 37.

With regard to using Newpark as a wedding venue, in order to ensure that only local events of a religious, social, or recreational character are catered for, Newpark Demesne will only be made available where at least one of the couple to be married either lives in county Sligo or who's family originates from County Sligo. The purpose of this provision is to ensure that Newpark would be meeting a local wedding need in compliance with Class 37.

Conditions and Limitations

It is proposed to have not more than 7 occasional events per annum. Following each event, the land and or structures would be reinstated to their authorised use and any temporary structures would be removed. It therefore follows that our clients are compliant with the conditions and limitations.

Article 9 Restrictions on Exemption

The general restrictions on exemption that apply to all classes of development are set out at Article 9(1)(a) of the Planning and Development Regulations 2001 (as amended). From Article 9(1)(a), restrictions (i), (ii), (iv), (v), (vi), (vii), (viiA), (viiC), (viii), (ix), (x), (xi), and (xii) are not applicable to this proposal. The two remaining restrictions, 9(1)(a)(iii) and (viiB) are addressed in turn.

The full text of Article 9(1)(a)(iii) is "*if the carrying out of such development would endanger public safety by reason of traffic hazard or obstruction of road users*". Having regard to the following, the Council is invited to agree that the occasional use of Newpark Demesne for local events as described above would not endanger public safety by reason of a traffic hazard or obstruction of road users:

- There would be no material change in traffic generation with the proposed occasional use events when compared with previous events. Like previous events with 100 - 120 people attending, in the order of 35 cars would be expected and these would all be parked within Newpark Demesne. A

¹ This relates to bookings made prior to the outbreak of COVID-19. It is likely that these bookings will have to be rescheduled due to the current government restrictions on mass gatherings.

- wedding at Newpark would be likely to also include church and or hotel transfers by transit van type mini-bus, which would also reduce traffic generation and be consistent with previous bus transfers to and from Newpark as reported in the Sligo Champion.
- It is only proposed to hold local events in compliance with Class 37, so that would minimise likely traffic generation due to proximity. Further, most of those attending would be familiar with the road network and how to access Newpark Demesne.
 - Traffic generation at Newpark, which is invariably low in absolute terms of the number of vehicles, has always been accommodated on the local road network without endangering public safety by reason of a traffic hazard or road obstruction.
 - The sightlines at the existing access are in excess of 140 metres in both directions at a point 3.0 metre back from the edge of the metalled roadway.
 - The local road is lightly trafficked, it has good horizontal and vertical alignments, and there is sufficient room for on-coming traffic to pass including agricultural vehicles.
 - The junctions on the N4 to Ballymote road, L1502-32, has undergone recent improvements including additional signage by Sligo County Council and the N4 re-alignment, which is under construction, would further enhance access to Newpark Demesne.

The full text of Article 9(1)(a)(viiB) is *"if the carrying out of such development would 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"*. The following are the nearest sites to Newpark Demesne:

- Slieveward Bog NHA
- Lough Arrow SPA
- Temple House + Cloonacleigha Loughs SAC
- Bricklieve Mountains and Keishcorran SAC

The NHA and SPA are approximately 10 km from Newpark Demesne and the two SAC's are approximately 8 km (all distances are as 'the crow flies'). Having regard to the nature, scale and limited frequency, the planning authority is invited to conclude that the proposed occasional use at Newpark Demesne would not likely have any significant effects on these sites and therefore would not require an appropriate assessment.

The Council is invited to agree that the restrictions on exemption in Article 9(1)(a)(iii) and (viiB) do not de-exempt the occasional use events at Newpark Demesne per Class 37.

Summary and Conclusion

Newpark Demesne is an historic walled estate extending to 76.9 hectares with walled gardens, an ornamental lake, gate lodge, house and a range of outbuildings, barns and yards. It has a long history dating back over 100 years of hosting a range of occasional use events. In the 1950's and prior to 1st October 1964, there were c. 12 to 15 events per annum and these have continued on an ongoing basis to the present day. The events have been held in the gardens, yards, barns, house, etc. with some temporary movable structures

on the land in connection with such use. Farming activities have not, and do not cease, during events albeit some of the barns are temporarily vacated to host some events.

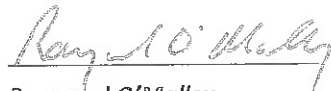
It is our clients' position that the occasional use events at Newpark Demesne are part of the authorised use of the estate being 'pre-63' uses. It therefore follows that the continued hosting of occasional use events that are consistent with the nature, scale and frequency of the pre-63 uses, is not development.

In the event the Council does not agree that the proposed use comes within the pre-63 use, it is submitted a material change of use does not occur because there would be no change to the overall planning unit especially having regard to the longstanding use of the property for occasional use events. Further, there would be no change to the character of the demesne, its buildings or amenities, no intensification of use or no material change in traffic generation that would amount to a material change of use. Therefore the proposal for not more than 7 events per annum does not constitute development by way of a material change of use.

Finally, if the Council considers that the anticipated 7 future occasional use events per annum at Newpark Demesne is development, these would be Class 37 exempt development in accordance with the Planning and Development Regulations 2001 (as amended).

Please acknowledge receipt of this declaration and direct all future correspondence to this office.

Regards,



Raymond O'Malley

Kieran O'Malley & Co. Ltd.

ROM: rom

Enclosures

Appendix I - Occasional Use Events

Our analysis of the known and recorded events listed below in the years preceding 1st October 1964, indicates an average of 12 to 15 events per annum at Newpark. In the past 15 years, there has been an average of 13 events per annum. The following is a description of some of the known and recorded occasional use events that have taken place at Newpark Demesne.

Annual Garden Fetes

As far back as 1916 and the subsequent two years, Annual Garden Fetes were held at Newpark. Attendees were charged to attend and charged for food and refreshments (afternoon and evening music and dancing up until 2 a.m. (as listed in The Sligo Champion)

Hunt Harriers

Mr. O'Hara's Hunt Harriers monthly Sporting events were held from 1923 to 1933 during the winter only (as listed in The Sligo Champion).

Public Coursing

There were monthly public coursing events at Newpark from 1929 to 1933 inclusive with competitors paying and spectators paying to attend, to park cars and to purchase refreshments (as listed in The Sligo Champion).

Newpark Holiday Camp

In the period 1951 to 1961, a holiday camp for disadvantaged people was established each summer for 3 or 4 weeks at Newpark. This typically consisted of 5 or 6 caravans/tents with up to 20 people staying at a time. The holiday makers were typically self-sufficient but one meal per day was provided by Sheela Kitchin from the existing kitchen at Newpark House.

The Sligo Pony Club

The Sligo Pony Club, which was founded in 1955, held a number of the events at Newpark in 1956 to 1959.

Irish Countrywomen's Association (Kilmorgan ICA Guild)

Newpark Demesne was used by the Irish Countrywomen's Association to host monthly events, training days and meetings from 1958 to 1976. These events were attended by between 15 and 20 local people each month. There is still a room at Newpark referred to as 'The ICA room'. In addition, there were large annual ICA summer and Christmas events at Newpark. In 1964, the ICA Guild at Newpark was rebranded as Kilmorgan ICA Guild but continued to hold all activities at Newpark.

Sligo Field Club

Finlay Kitchin (Sligo Field Club) hosted an annual archaeology retreat weekend from 1958 to 1976 at Newpark Demesne. Given the richness of archaeological sites in Sligo, in particular megalithic tombs, these events attracted esteemed archaeologists and professors from across Ireland and even as far away as Sweden. Discussions and briefings were held at Newpark and combined with visits to local monuments and archaeology sites.

Garden Fetes

Between 1958 and 1964, annual Garden Fetes were again held at Newpark. These fetes, which charged for admission, included the erection of marquees and market stalls for the sale of food, drinks and other gifts for purchase. Entertainment was provided by local musicians with entertainment and dancing into the night. These fetes catered for 100 - 150 people per day. On two occasions, the fete was officially opened by Lady Goulding who travelled from Dublin to perform this role.

Northern Irish Outreach

In 1969, in collaboration with nearby Cloonamahon, Newpark was used to facilitate catholic 'refugees' fleeing from The Troubles in Derry. 'Refugees' came on day trips to Newpark from Cloonamahon as a form of entertainment and were fed by Sheela Kitchin.

Irish Ballooning Club and British Ballooning Association

In both 1982 and 1987, some members of the Irish Ballooning Club and British Ballooning Association (on tour) used Newpark Demesne as a launch/landing site.

Equestrian Events

Annual equestrian events e.g. speed pattern racing and timed games for riders on horses, were held at Newpark during 1990 to 1999. These were attended by up to 60 people primarily from county Sligo with a few attendees from South Donegal, North Roscommon and Mayo. Food and drinks were served in the barns during inclement weather or in the yard in fair weather. The farmyards at Newpark were used to facilitate a number of 'Riding for the Disabled' events between 1991 and 1996.

English Language Training

In 1992, Newpark was also used to host interactive English language training sessions and this lasted until 2003. Grants and loans were received from Bord Fáilte and Sligo Enterprise to support this. The sessions were typically for students from continental Europe during summer months. Professionals wishing to improve their business English were catered for outside summer months. Attendees stayed on site at Newpark House and two training rooms were set up in one of the Demesne buildings. The number of attendees ranged initially from 6 up to 50 in the later years.

Irish Cancer Society

From 2004 to date, the annual fundraising events have been hosted at Newpark House for the Irish Cancer Society utilising the house, turf barn and weather permitting, the gardens.

National Heritage Week

Since 2011, Newpark host an open day as part of National Heritage Week. Access is provided to the house, turf barn, gardens and the wider demesne. Nature talks are hosted by Michael Bell, local environmentalist.

Annaghmore Estate Shoot

Between 2004 and 2018, an Annaghmore Estate Shoot dinner has been held at Newpark Demesne.

Concerts

In 2007, an indoor concert featuring Deirdre O'Callaghan, a Dublin based harpist, was held at Newpark Demesne. There were 25 attendees including some travelling from Dublin and Cork.

Film and Photography Location

There was a commercial venue hire agreement in place between Newpark Demesne and a production company to use Newpark's yards and agricultural buildings as the setting for 'Jimmy's Hall'. The production team and cast spent over 200 person days on site and set up green rooms, catering tents and temporary toilets. In addition, Newpark was also used for a music album photo shoot.

Local and Regional Sports Events

Newpark Demesne has hosted and continues to host a range of sporting events including Pheasant Release (2004 to date), fishing at the estate lake (2004 to date), the Irish Orienteering Association in 2014 and 2015, tennis events (local competitions since 2007 and a competition between Sligo and Monaghan teams in 2004), and hosted vintage car rallies in 2007 and 2011. The attendance at these events varies from 5 to 65 people.

Private Functions & Weddings

The house, gardens and barns have held various private and commercial functions and a number of weddings. The private parties (some on a paid basis) have typically been attended by c. 100 persons and have been either formal sit-down dinners in the house or more informal buffet dinners and dances in the barns. Other annual private parties at Newpark such as the local African community's BBQ attract a smaller attendance of 15 to 20 people or the wild game bird shooting event that includes morning coffee, lunch and afternoon tea served in the barns, attracts between 20 and 35 people each December and January.

A wedding was first recorded as being hosted at Newpark in 1937 with 200 attending (referenced in The Sligo Champion dated 7th August 1937). Another wedding was hosted at Newpark in 1967 and was attended by about 120 people. More recently in September 2018, our client's brother, Ben Kitchin, hosted his wedding ceremony and reception in the barns, associated yards and gardens at Newpark Demesne catering for over 160 people over a two day period.

Section 482 Heritage Property

In 2010, Newpark Demesne applied for section 482 tax status. Having regard to its Regional importance, the then Minister for the Environment, Heritage and Local Government, John Gormley, determined that Newpark House and Demesne are intrinsically of architectural interest and granted the section 482 application. As a result, Newpark Demesne is open to the public on a basis a minimum of 60 days per year and this is widely advertised including at the following media outlets:

- Advertisement in Sligo Champion
- Listed on Historic Houses of Ireland website
- Listed on Heritage Council Website
- Listed on Revenue website and Department of Heritage, Culture and Environment website
- Published in Heritage Week brochures and press releases

During these fee-paying open days, our clients serve tea, coffee and sandwiches in the barns. The open days have provided access to individuals, and small and large groups including large tour buses. Visitors have included groups from nearby Knockmina School, Westmeath Heritage Group, a Northern Ireland Tour Group, a Yorkshire Tour Group and Dublin Ladies Group.

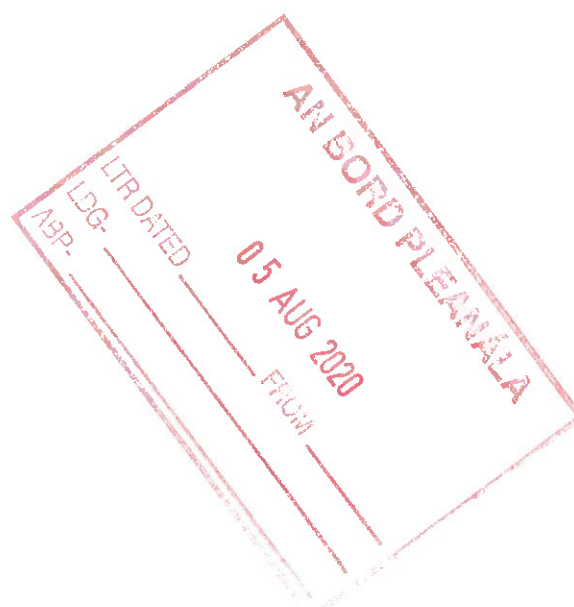
Newpark Gardens

Newpark Gardens, a founding member of Secret Gardens of Sligo, are open to the public and are widely advertised including at the following media outlets:

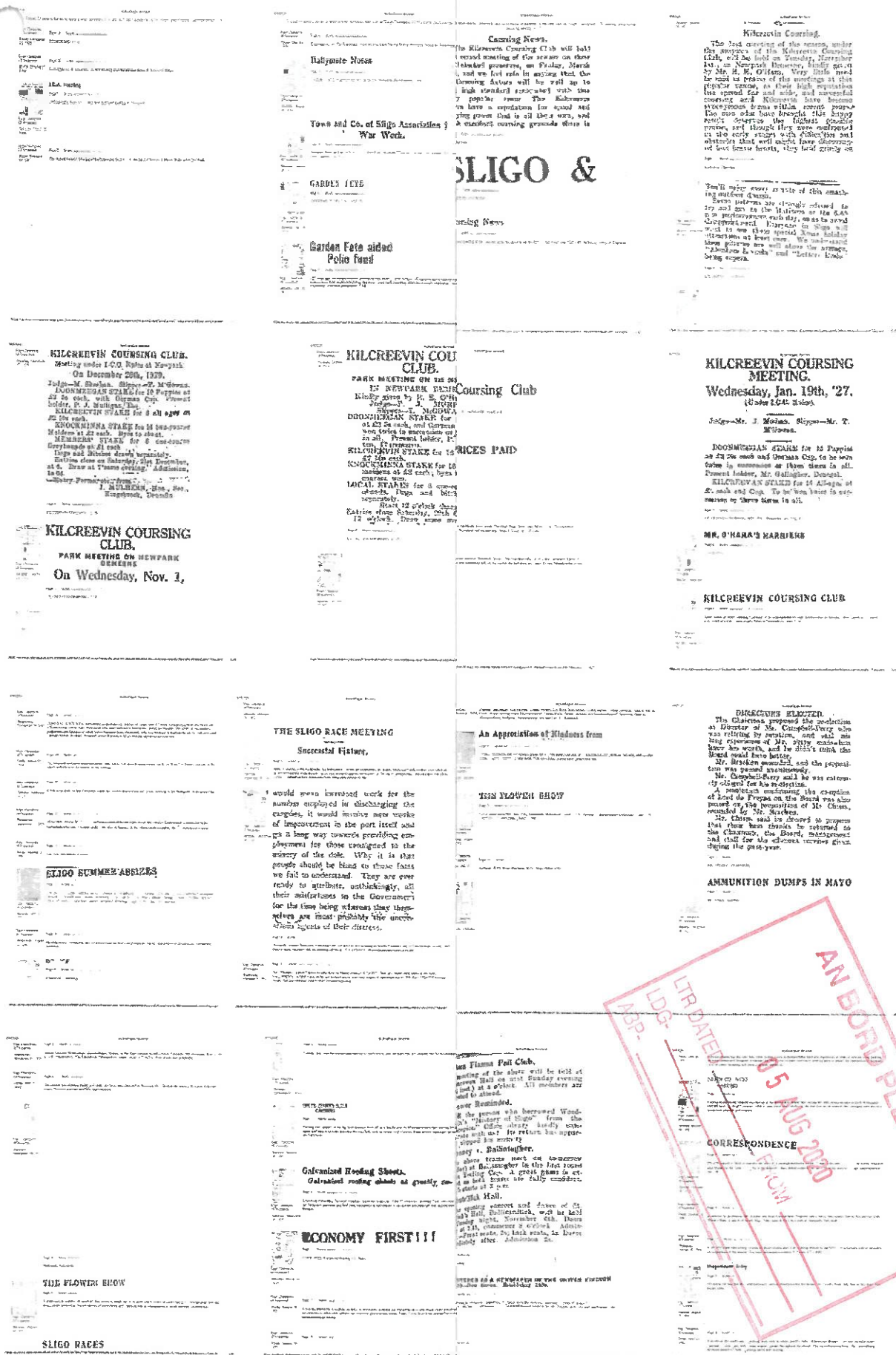
- Secret Gardens of Sligo Facebook Page
- Secret Gardens of Sligo website
- Secret Gardens of Sligo Leaflets in Tourism Offices and Accommodation Outlets

In addition to being open to the general public, the gardens have also attracted a number of horticultural groups including Drumshanbo Horticultural Society, Howth Garden Group, Wexford Garden Group, the North Longford Garden Group, and UK garden tour groups





Note: There are 117 search results above which the search results are shown is that, in some cases, whilst the headline limit



Extracts from The Sligo Champion newspaper -- non-exhaustive as there are over
100 listings for Newpark Demesne

The Sligo Champion, September 8, 1917

A GARDEN FETE
WILL BE HELD AT
NEWPARK, BALLYMOTE,
(Mr. R. E. O'HARA'S),
On WEDNESDAY, SEPT. 12th,
From 2 p.m. to 7 p.m.

Admission 8d (including War Tax).
Tea, 9d.

There will be two Bands, all kinds
of Sports, including Donkey Race, a
Fortune Teller, 2 Concerts, a Play,
also Fancy, Produce and Jumble Stalls,
and an Auction.

The Sligo Champion, September 7, 1918

A GARDEN FETE AND DANCE
Will be held at Mr. O'HARA'S,
NEWPARK, BALLYMOTE,
On Wednesday, September 11th.

FETE from 2 to 8.
DANCE from 9 to 2.
(In aid of our Soldiers.)

TWO BANDS WILL ATTEND.

There will be Fancy, Produce and Refresh-
ment Stalls. All sorts of Amusements and
a varied list of Sports, including a Tug-of-
War between R.I.C. Team, a Tug of War
(open), Bicycle Races, and a great Boxing
Competition (open.)

Fete, 1s.; Tea, 1s.; Dance, 2s.;
Refreshments, 1s 6d.



The Sligo Champion, December 30, 1922

Mr. O'Hara's Harriers.

JANUARY, 1923.

| | |
|---------------|-----------------|
| Tuesday, 2nd | Newpark |
| Friday, 5th | Killoran |
| Tuesday, 9th | Drumfin |
| Friday, 12th | Carrowreilly |
| Tuesday, 16th | Carrigans |
| Friday, 19th | Kilvarnet |
| Tuesday, 23rd | Annaghmore Gate |
| Friday, 26th | Claragh |
| Tuesday, 30th | Sooley |

At 11.30 o'clock, weather permitting.

The Sligo Champion, October 12, 1929

Kilcreevin Coursing Club.

Trials in connection with above will be held on Sunday next in Newpark demesne, beginning at 2 o'clock. All dogs running must be registered and 5s per dog (prepaid) must be given for each trial. Admission to see trials is sixpence.—Secretary.

The Sligo Champion, October 18, 1930

Kilcreevin Coursing Club.

Trials by above will be given at Newpark on Sunday, 26th October. Same conditions as last year, 10s per hare and 6d admission to field. No dogs allowed run that owners cannot produce Registration Certificate on field. Nominators please note that Trial Stakes (Bitch) will be run on St. Stephen's Day. Membership fees for season 1930-31, is 10s, and is now due, members to get first preference, and are supplied by return post with official membership cards.—J. Mulhern, Hon. Sec.

The Sligo Champion, December 17, 1932

Kilcreevin Coursing Club

PARK MEETING

ON MONDAY, 26th DECEMBER, 1932,

AT **NEWPARK DEMESNE.**

Judge, Mr. KELLY. Slipper, T.
McGOWAN.

DOG TRIAL STAKE for 16 dog puppies at
£2 10s each. Usual conditions.

KILCREEVIN STAKE—16 all-ages at £2
10s each and Rank Cup. Present holder
—John Hannan, Ballymote—to be won
twice in succession or three times in all.

DOONMEEGAN STAKE for 16 two-course
maidens. Byes to count. At £2 each,
and Sligo Cup. Conditions as Rank
Cup. Present holder—M. Mulvanny,
Tubbercurry.

LOCAL STAKE for 16 one-course, and
McLigan Cup. Present holder, Dr.
O'Leary. Conditions as Rank Cup.
Start, 11 a.m.

Admission Reduced to 1s.; Cars, 2s 6d.
Trainer of Dogs only Free.

Dog Trial Stake open to outside of
Connaught.

Tents—Refreshment (Teas), 10s.;
Others, 5s.; Attendants Extra.

Entry Forms, etc. from Secretary.

Entries Close Thursday, 22nd December,
at 10 a.m. Draw at Knockminna School
same evening 7.30.

J. MULHERN,

4175.

Castlebaldwin, Boyle.

KILCREEVIN COURSING

Lovely Weather, Splendid Sport.

Most Successful Meeting.

It is an old saying that "nothing succeeds like success," and this could be well applied to the Kilcreevin coursing meeting for various reasons. During recent years this popular Western club has gone from one success to another, and they have been so favoured with lovely weather on all occasions, that one is forced to believe that even the Clerk of the Weather is, like every member of the energetic committee, inclined to do his best to make matters pleasant for all concerned. It is not so very many years ago since the meetings under the auspices of the club were very small affairs indeed, and the card was usually small and unimportant. The difficulties of that time would have discouraged less enthusiastic men than those forming the Kilcreevin Club, but instead of allowing matters to slide they held bravely on with the very happy result that to-day the meetings are the most popular in the Province of Connaught, and are run on most up-to-date and satisfactory lines, indeed it might be truly said that the manner in which fixtures are conducted here might be taken as a headline by more pretentious venues. The men responsible for placing Kilcreevin in such a prominent position on the "coursing map" are worthy of the highest praise, and owners as well as all followers of this sport have shown by their patronage that the credit due is given in generous measure.

Without wishing to be invidious we must say that no member of the energetic committee is more energetic than the patron Rev. A. Durcan, C.C., Ballymote, and he has done more than a man's part in making recent meetings the success they undoubtedly were.

The St. Stephen's Day fixture is the more popular one of the year, and on the present occasion it was well up to the high standard of previous years. The weather was all that could be desired, and a large crowd of holiday-makers, representative of all the surrounding towns and districts, assembled at Newpark Demesne on Monday afternoon where they thoroughly enjoyed the splendid sport provided under ideal climatic conditions.

The Kilcreevin hares sustained their reputation for speed and strength on this occasion, and the trials were of the most satisfactory description. Gruellers were the order of the day, and when it is stated that there were only eight "casualties" out of a card of "four sixteens," it goes to show how "puss" travelled over her native heath on the occasion. The arrangements were, as usual, perfect, and the trials were run off with such clockwork regularity and despatch that the meeting had concluded before three o'clock. Everything was as satisfactory as the promoters could desire, and St. Stephen's Day, 1932, will rank as one of the most successful of the Kilcreevin Coursing meetings.

The judging of Mr. E. Kelly gave entire satisfaction, as did the shipping of M'Gowan. Details:—

The Sligo Champion, January 7, 1933

MR. O'HARA'S HARRIERS.

JANUARY, 1933.

| | |
|---------------|--------------|
| Tuesday, 10th | Carrigans |
| Friday, 13th | Carrowreilly |
| Tuesday, 17th | Collooney |
| Friday, 20th | Templehouse |
| Tuesday, 24th | White Gate |
| Friday, 27th | Claragh |
| Tuesday, 31st | Newpark |

At 11.30 o'clock, weather permitting.

The Sligo Champion, October 28, 1933

KILCREEVIN COURSING.

The first meeting of the season under the auspices of the Kilcreevin Coursing Club will be brought off on Wednesday next, November 1st, at Newpark, and everything points to this popular fixture being well up to the high standard associated with it during recent years. There is a full card, and all the leading kennels of the West and Midlands are represented, so that the sport is certain to be of a high order. There is a large supply of splendid hares available, and they also will sustain the reputation for speed and strength that Kilcreevin "puss" has so firmly established. All the arrangements will be found perfect, as usual, and all that is necessary to make the afternoon an enjoyable one in Newpark Demesne is favourable weather.

The Sligo Champion, 9th May 1959

"In addition to a number of stalls, including tea stall, cake stall, white elephant stall, fancy goods stall and minerals and ices stall, there will be games to entertain young and old..... Admission to the garden fete is 6d. for adults, children being admitted free. There will be a special bus leaving Sligo at 2.15 p.m. calling at Ballisodare and Collooney and a special regular bus service will also operate from Ballymote and Riverstown"

The Sligo Champion, 30th May 1959

"Throughout the evening, excellent music was provided by the Marren Park Boys Band, Ballymote, and by Mr. Feeney's band, Collooney.....The staff of Newpark also deserved their gratitude for all they had done in the preparations for the fete. Thanks were also due to Mr. Feeney of Collooney and the Ballymote Marren Park Boys' Band for the music supplied by them. Superintendent Kelly and local Gardai, he said had given invaluable assistance in controlling the traffic and deserved a special word of praise.....and concluded by thanking the vast numbers who had come from near and far to patronise the function."

The Sligo Champion, 28 March 1964

I.C.A. Meeting
Kilmorgan Guild I.C.A. will hold their next meeting at "Newpark" on Tuesday, 31st March, at 8pm.



16 September 1966

KILMORGAN I.C.A.

Kilmorgan I.C.A. will hold their first meeting since the summer recess in Newport House on Sept. 27th at 8.30, when a talk will be given and important matters discussed. All members are requested to attend.

4 November 1966

KILMORGAN I.C.A. GUILD MEETING

Kilmorgan I.C.A. Guild held their monthly meeting in Newport House on Tuesday night last, the President, Mrs. S. Kitchin, presiding.

There was a good attendance of members and many matters were discussed including First Aid classes which will commence on (this) Thursday night at 8.30 p.m. It was decided to hold a Whist Drive at a later date.

The meeting concluded with a very enjoyable social half hour. Mrs. Kitchin showing some very interesting slides of a trip she made to Hong Kong. Afterwards tea was served by the hostesses.

The next meeting will be held on November 22 at 7.30 p.m. when a Color Gas Demonstration will be given.

15 September 1967

Kilmorgan Guild

The September meeting of the Kilmorgan Guild I.C.A. will be held in Newport House on Thursday, September 28th at 8.30 p.m. A good attendance of members is expected as a varied programme of lectures, demonstrations, etc. for the coming Winter and Spring will be discussed and planned. New members are welcome.

February 28th, 1969

Kilmorgan ICA held their Birthday Party in Newport House, at the kind invitation of Mrs. Kitchin. There was a big attendance of guests and members and all enjoyed the night immensely.

The guests included Rev. Mr. Kille, Rev. S. Tiernan, C.C., Rev. F. McGuinn, C.C., Mrs. O'Hara, Cooperhill, Mrs. M. Pilkington, E.O., Mrs. Burke and Mrs. Kennedy, Sigo T.A., Miss McIlverrey, Scandall, Mrs. Gallagher, Sigo, and members of Ballymore Guild.

Mr. McGowan and his troupe from Sigo were the life of the party with a sketch, singing and recitation; Chant's songs were also contributed by Rev. Mr. Kille, Mrs. Mullen and Miss Mrs. Anderson, Mrs. Wardo, Sean and Kathleen Anderson, John and Anne Quinn. The music was supplied by Mr. D. Lavin, Kierretvan, and Mr. McTieran, Sigo.

Mr. McGowan who acted as M.C. thanked Mrs. Kitchin and Mrs. Kitchin thanked all present for making the night such a success.

This classes so far have been well attended. Recently Mrs. Perical, of Templehouse. Very kindly gave a very interesting knitting demonstration.

Last week, Mrs. Molloy and Mrs. Roughan, of the Sigo Town Association, attended and gave a demonstration in hat making.

The Sligo Champion, July 6th, 1973

THANKS

The members of the DOO COMMUNITY CENTRE wish to thank very sincerely all who supported and helped to make the "Bring and Buy" Sale, held at Newark House last week, in aid of the Rehabilitation Institute, a great success.

The Sligo Champion, February 22nd, 1974

"The Annual General meeting of Doo Community Centre will be held in **Newpark** on Monday night next, 25th inst at 9 o'clock."



Appendix III – Letters of Personal Recollections of Events at Newpark Demesne

Cloonlurg
Drumfin
Co. Sligo
F52 X362
21st of May 2020

Dear Sir/Madam,

I worked as the cook in Newpark from 1948 until 1963. I remember the garden fetes that were held every year in the late fifties and early sixties. This was a source of great excitement in the locality.

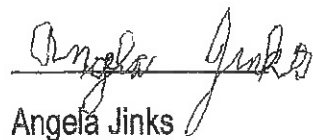
The events were typically held on Saturdays or Sundays with more than a hundred people attending.

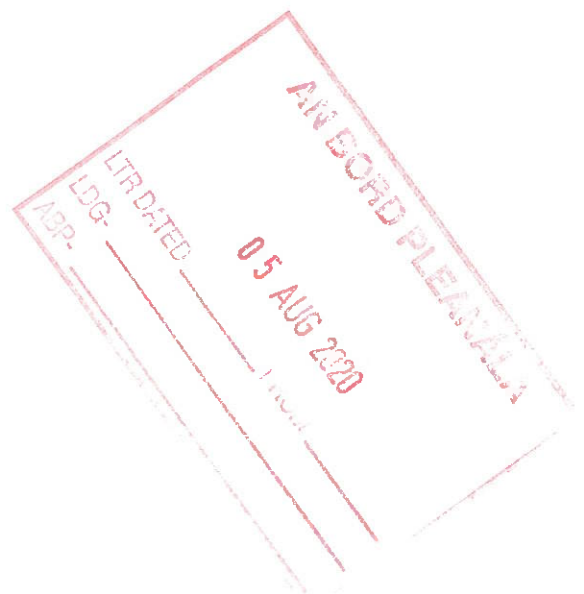
There was always lots of food on offer and I was kept busy preparing for these events.

I also remember the archaeology events and talks organised by Pat Kitchin. There was a good crowd of people at these events which were typically held at weekends. I remember that people travelled from all over Ireland to attend.

I also remember cooking for a range of other parties that were held at Newpark during my time there.

Your sincerely,


Angela Jinks



Castleore
Ballintogher
Co. Sligo
F91 HH75

Dear Sir/Madam,

I worked as a House Maid in Newpark from approximately 1949 until 1964. I typically worked during the day cleaning and making beds.

I remember some of the parties and gatherings held at Newpark in this period.

I also remember the Garden Fetes most years which were attended by lots of people from all over. From recollection there would have been between 100 and 150 adults and children in attendance.

A range of tents were set up by the farm workers and there were games and food served.

Your sincerely,

Angela Mulligan

Angela Mulligan

23rd of May 2020



Newpark Upper,
Ballymote,
Co Sligo,
F56 V650
IRELAND

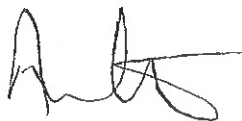
e mail anthonyrkitchin@gmail.com
Tel/fax +353(0)719183376
Mobile +353(0)868244013

TO WHOM IT MAY CONCERN

I was born in Newpark House in 1950 and have lived there throughout my life. My recollection of my childhood at Newpark was that there were many events held there with both locals and those from further afield made welcome. My memories of the many events that took place in Newpark include the following:-

- My mother established a branch of the Irish Countrywoman's Association in the late 1950's, with regular meetings, presentations and demonstrations held in Newpark House (in a room still known as the I.C.A. Room)
- Summer Garden Fetes, attended by many local people, were held regularly at Newpark. Hosted by my parents, these fetes were held in the late 1950's and early 1960's.
- In the 1950's and 1960's, in the summer months, families stayed in the grounds, in tents and caravans, for periods of a couple of weeks at a time. My mother would provide food for them as required.
- My father was an enthusiastic archaeologist and acted as host in Newpark to meetings and debates (usually weekend events), attended by a number of professional archaeologists. From memory, these meetings commenced in the late 1950's and continued until 1976.
- Meetings of the Sligo Pony Club ("rallies"), were held in the grounds of Newpark every year. Newpark was used as a venue for these rallies in the late 1950's and early 1960's.

SIGNED;



(ANTHONY KITCHIN)

27th May 2020

whom it may concern – archaeology events and discussions at Newpark Demesne, Co. Sligo

Finlay Tower Kitchin (FTK) and Sheela Kitchin moved to Sligo around 1950. Finlay traded with Blackwoods Corner Shop, O'Connell St., Sligo, quality and delicatessen foods, for almost a decade before Michael Cahalane, its manager, and he realized in 1958 that they had a common interest, antiquity. I estimate that he became an active member of The Sligo Field Club (SFC) in 1958 and the first written mention of FTK in SFC Minute Book seems to be for the 5th AGM on 15th April, 1959. He was proposed on that day as Vice-Chairman by Michael Cahalane and Seconded by John Troddyn and was not opposed. This began his twenty-four-year term on the SFC Committee.

Drawing on the SFC Minute Books, SFC tradition, personal memory and memories of attendees, I can confirm that, over the period from 1958 to 1974, the following groups were entertained by SFC, and some of these attended events at Newpark.

Groups

| | |
|---|--|
| <ul style="list-style-type: none"> • Old Athlone Society • Donegal Historical Society • Louth Archaeological and Historical Society • Mayo Historical and Archaeological Society • Offaly Historical and Archaeological Society • Fermanagh Field Club • Waterford – The Decies Society • Wexford Archaeological and Historical Society • Cork Archaeological and Historical Society | <ul style="list-style-type: none"> • Yeats International Summer School • Group for the Study of Irish Historical Settlement (National) • Federation of Local History Societies (National) • Royal Society of Antiquaries of Ireland (National) • English Archaeological and University Societies • The Prehistoric Society (England) • Welsh Archaeological and University Societies • Mainland Europe Archaeological and University Societies |
|---|--|

From SFC Minute Books, SFC tradition and personal memory, I can say that the following eminent archaeologists and historians were amongst those who attended SFC events in the period from 1958 to 1974. Furthermore, and as recalled by an attendee, these eminent archaeologists and historians all attended events, briefings and discussions at Newpark over this period. For many of the travelling delegates, this would have included being entertained, fed and accommodated at Newpark.

| |
|---|
| <p>Non-Sligo Field Club attendees</p> <ul style="list-style-type: none"> • Michael J. and Claire O'Kelly, University College Cork • Seán Ó Nualláin, Ordnance Survey of Ireland • Barry Raftery, University College Dublin • Joseph Raftery, National Museum of Ireland • Etienne Rynne, National Museum of Ireland and University College Galway • George Eogan, University College Dublin • Malcolm Billings, BBC World Service • Elizabeth Shee, University College Cork • John Jackson, National Museum of Ireland • Ruairí de Valera, University College Dublin • Brendan Ó Riordáin, National Museum of Ireland • Anthony T. Lucas, National Museum of Ireland • Maire de Paor, University College Dublin • Liam de Paor, University College Dublin • G. Frank Mitchell, Trinity College Dublin • Patrick Hartnett, Bord Fáilte • Emer Estyn Evans, Queens University Belfast • Kevin Danaher, Folklore Commission |
| <p>Sligo Field Club member attendees</p> <ul style="list-style-type: none"> • Col. Oliver Wagstaff • John Trotter • Frank Wynne • Sheila Kirby • Tom Kennedy |

Carrickbanagher
Drumfin
Co. Sligo
F52 R578
20th of May 2020

In my childhood, I remember attending garden parties at Newpark. From recollection this would have been from the mid-1950s to early 1960s. These events happened every year and were open to the public with people from near and far attending. They drew large crowds – with easily two hundred people attending in some years.

There were stalls and tents with tables laid out for people to eat and drink. I have fond memories of all the games, music and entertainment that were put on. It was a great social event.

The events would typically start in the afternoon and run on into the evening.

Kind regards,

Mary Nellany
Mary Nellany

Carrickbanagher
Drumfin
Co. Sligo
F52 YX85
20th of May 2020

To whom it may concern

I was the Secretary of the Irish Countrywomen's Association (ICA) guild at Newpark. I attended ICA events at Newpark in the period from 1960 to 1974. Sheela Kitchin was the President of the guild. These were typically held every Thursday evening of the year in The ICA Room, with short breaks over the Christmas period and sometimes during the summer.

The ICA events included guest speakers on a range of different topics including cookery, family health, rural life, home economics and needlework. There were sometimes visitors from different ICA guilds in the region. Each week two people were assigned to serve food and drinks for all participants.

For some special ICA events organised, attendees would be asked to pay a contribution.

In addition to the weekly events, there were two parties held every year. The annual summer party included musicians playing and guests dancing. The music was typically traditional including accordions, flutes and tin whistles. There was home baking and food served for all guests who would have numbered approximately forty. Guests were invited from different guilds across the region.

The annual Christmas party was similar but, because of the time of year, was held indoors in the outbuildings at Newpark.

In addition to the ICA events, I remember attending annual Garden Fetes at Newpark in the early 1960s. These were typically held on a Saturday or Sunday afternoon and evening. I particularly remember speeches made by visitors from Coopershill and Templehouse. This was in addition to the music and dancing, which was a great social occasion.

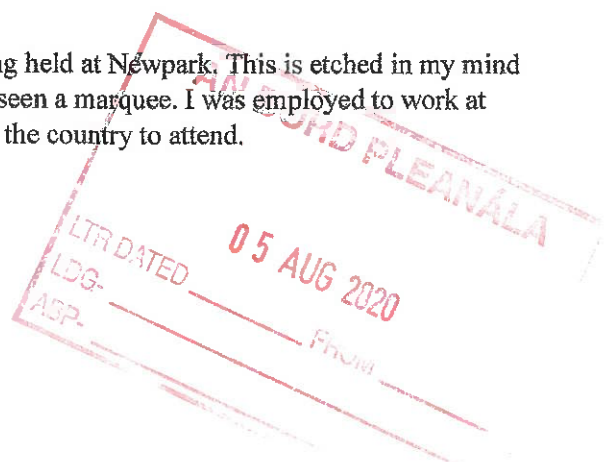
There was always lots of food and drinks served for all guests. My husband, Paddy Anderson, used to play the tin whistle and flute at these events. In latter years, my daughter, Kathleen, was one of the entertainers who used to perform Irish dancing for guests.

I also remember a large wedding for around 100 people being held at Newpark. This is etched in my mind as it was held in a marquee and was the first time that I had seen a marquee. I was employed to work at the wedding and met guests who had travelled from all over the country to attend.

Your sincerely,

Maureen Anderson

Maureen Anderson



Kilcreevin
Ballymote
Co. Sligo
F56 FT89
19th of May 2020

To whom it may concern

When I was a boy, I remember attending garden parties at Newpark. My earliest recollection of attending was when I was seven or eight years old which would have been in 1959 or 1960. The events went on for many years and I would have attended until I was probably in my early to mid-teens.

There was always a large crowd at these events made up of people from the locality but also with people travelling from as far away as Dublin. These were very popular social events and were probably attended by about 100 people, if not more.

I remember the music and entertainment provided, which went on throughout the day and into the late evening. We would have been fed at Newpark and could buy food and drinks that were for sale.

It was always a great social occasion about which I have fond memories.

I also remember a wedding held at Newpark at some point in the 1960s.

Your sincerely,

A handwritten signature in dark ink, appearing to read 'Paddy Quinn', written over a horizontal line.

Paddy Quinn

The Green Road,
Mullaghmore,
County Sligo.

15th May 2020

To Whom it may concern,

Mr. Christopher Kitchin of Newpark Ballymote Co. Sligo has asked me to confirm my memories of Newpark was used by various organisations at various times in the 1950's and 60's for events.

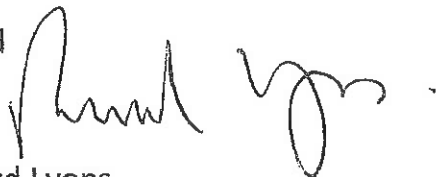
I was born in 1950 and remember as a boy going to many Pony Club events held at Newpark. The Sligo pony club use to come on a regular basis, up to thirty children would be taught to ride and improve all aspects of horsemanship.

My grand mother Anna Nesham was a member of Sligo Field club and she would attend events held at Newpark with Mr. Pat Kitchin (Christopher's grandfather).

I remember attending garden fetes with my mother and father in late 50's and early 60's.

Newpark was used as a venue for meetings and seminars by many voluntary organisations in the county including the country women's association.

Signed

A handwritten signature in black ink, appearing to read 'Richard Lyons', written over a horizontal line.

Richard Lyons.

*Kilcreevin
Ballymote
Co Sligo
F56 EA46*

29th May 2020

TO WHOM IT MAY CONCERN

My name is Debbie (Rosemary) Kitchin, I was born in 1944 and after coming home to Newpark for holidays in the interim years, we moved here for good in 1950. My parents were always finding ways to put the house and grounds to uses that would benefit people and to that end organised events and meeting whenever they could practically do so. These are the events that I remember either through being there or through the memories of the people who attended them.

1. I remember families coming regularly to camp at Newpark. They would bring caravans and tents and stay for a number of weeks at a time. The women and children came to the house almost daily and were fed by my mother from the kitchen. This happened over many years with frequently the same families returning year after year. From my memory this tradition happened regularly throughout the 1950s, became less common in the 60s and had died out by 1970.

2. The Sligo Hunt Pony Club was founded in 1955, and initially very few of us had horseboxes or trailers and we rode to the rallies. The majority of members lived around Collooney and Ballymote, so our rallies and competitions took place within hacking distance from the members' homes. Newpark was one of the venues for these events, being fairly central making it easy for members to attend.

3. I definitely remember the ICA meeting in the 'ICA' room at Newpark, this seemed to happen over a good few years. Initially, most of them were quite local, as few families had cars, later, when cars were more commonplace, the women would be brought by their menfolk as very few of the women could drive. Apart from being educational, with various demonstrations and lectures, it was also a great way for the local women to meet up and socialise.

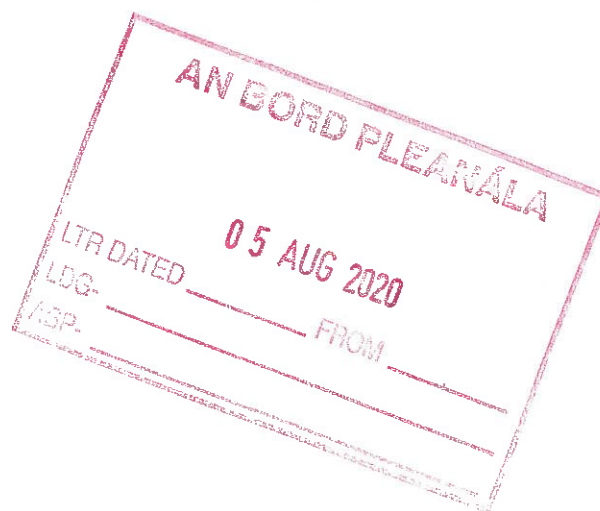
4. I remember there were archaeological events, at Newpark. My father became more and more involved in facilitating meetings of eminent archaeologists of the era, such as Professor Michael (Brian) O'Kelly and Etienne Rynne, starting in the early 1960s. I am not sure exactly when they were initiated, but remember being there for several of them, which

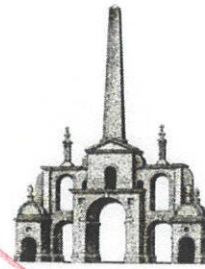
must have been before 1963 when I went to live in Dublin, . These conferences typically happened over multiple days with my mother helping with the logistics by arranging the accommodation and catering.

5. I do not remember actually being at home for any of these fetes/garden parties, as they normally took place in June or July when I was away at school. But they were legendary in the surrounding parishes, and up until very recently I would be approached by people when shopping in Ballymote who wanted to reminisce about the wonderful days out that they used to have, when my parents provided the venue for these events which at the time were the annual highlight for many of the families of the locality.

Signed


Debbie Kitchin





Irish
Georgian
Society

Christopher Kitchen
Newpark
Drumfin
Ballymote
Co. Sligo

Re. Historic houses

Dear Mr Kitchen,

The following observations on the role of historic houses as places of social, cultural and economic activity may prove of assistance to you in planning for the future of Newpark demesne.

In considering the role of the historic house in his 2001 monograph *The decline of the big house in Ireland* (p.11) Dr Terence Dooley notes:

... all big houses could claim to have a variety of functions. Simultaneously, it could be a home, the economic nerve-centre of a large estate, a political gathering place, and a social arena capable of facilitating dinner parties, concerts, and balls... Its demesne and parkland provided the facilities for shooting and other outdoor pursuits popular in the late-nineteenth century such as cricket, tennis, croquet, or ice skating on ponds and lakes during the winter.

The continued significant role played today by historic houses as venues for public gatherings and events was more recently considered in *An Action Plan for the Sustainable Future of the Irish Historic House in Private Ownership* (Department of Arts, Heritage and the Gaeltacht in collaboration with Irish Historic Houses Association, 2015, p. 2). This observed that historic houses are...

...an essential component of our tourist industry and are increasingly seen as stimulating and exciting places of learning for everyone. They can provide attractive and exciting venues for a wide range of events and activities such as musical concerts, historical re-enactments and festivals making them an essential ingredient in Ireland's annual events calendar.

In the foreword to this publication, Heather Humphreys TD, Minister for Arts, Heritage and the Gaeltacht noted that historic houses "are an essential thread of our national story and a great source of local community pride" (p. 1).

City Assembly House, 58 South William Street Dublin 2 Ireland [Tel:+353 \(0\) 1 679 8675](tel:+35316798675) Email: info@igs.ie www.igs.ie
The Irish Georgian Foundation, operating as the Irish Georgian Society, is a charitable organisation which encourages the appreciation and conservation of Ireland's architecture and decorative arts

Irish Georgian Foundation Committee of Management: Mary Apied, John Barber (UK), Amy Hastings, Elizabeth Dater Jennings (USA), Dr Conor Lucey, Camilla McAleese, Dr Tom McCarthy, Sara Moorhead SC, Peter Murray, Dr Finola O'Kane Crimmins, Dermot Scott, Charlie Sweeney, Michael Wall (Chair). IGS President: Sir David Davies
Charity Reference No. CHY 6372 CRA: 20011505 Company Registration No: 32176

In analysing the domestic tourism market, Fáilte Ireland has continuously highlighted the importance of historic houses to holidaymakers with its most recent survey (*Key Tourism Facts (2018)*) finding that 21% of domestic holidaymakers visited houses and castles while 17% visited gardens.

In considering the economic benefit of heritage sites for a 2011 report for The Heritage Council (*Economic Value of Ireland's Historic Environment*), Ecorys and Fitzpatrick Associates noted:

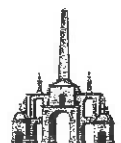
where an historic site draws large numbers of visitors..., then local retailers, restaurants/ hotels etc. may also be expected to benefit to a considerable degree from the additional expenditure associated with these visitors.

Historic Houses have a long-standing role in acting as a centre for social, cultural and economic activity and frequently continue to do so today. Such activities generate income for the maintenance and care of buildings and gardens and thereby ensure the protection of our built heritage. With minimal grant aid available to support conservation works and a requirement to comply with conservation legislation, low-level events that do not impact on the heritage interest of historic houses and their settings can only be welcomed and should be encouraged as a sustainable means of managing and supporting these sites.

Yours sincerely,



Donough Cahill
Executive Director IGS





HISTORIC HOUSES *of* IRELAND

27th of July 2020

An Bord Pleanála
64 Marlborough St
Rotunda
Dublin 1
D01 V902

With regard to determination of Sligo County Council regarding the application for exemption in accordance with Section 5 of the Planning and Development Act 2000 (as amended) in respect of permission for the continued hosting of occasional events at Newpark Demesne, Newpark, Ballymote, Co. Sligo (ED396/KK/NF)

Dear Sir/Madam,

On behalf of our members, we wish to make some observations on the above matter, and as outlined below.

Historic Houses of Ireland

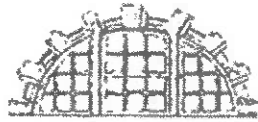
Historic Houses of Ireland is an NGO and a representative body for many of Ireland's privately owned historic houses and castles. Our current membership extends to 134 historic houses. The primary objective of the HHI is the promotion and fostering of the immediate and long-term future of Irish privately owned historic properties, together with their associated parks, gardens, estates, contents and archives, and other privately owned places of historic interest and heritage value in Ireland, in the general interests of Irish and European culture, for the benefit of the Irish nation and the public at large.

In one of our roles, the HHI assists in promoting, with due regard for best conservation practice, additions or alterations to facilities at heritage properties in order to enable the public to enjoy and appreciate their attractions and for other purposes that may foster future sustainability. It is essential that best use is made of this valuable resource in education, the arts, tourism and recreation while at the same time respecting the architectural integrity and heritage value of heritage properties.

The Role of Historic Houses

Ireland's remaining historic houses are a highly important and valuable cultural resource. These houses and their contents are part of the physical evidence that helps to define the cultural and historical relationship between Ireland and the rest of Europe. Historic houses and their estates, gardens, demesnes and parks have long had (and continue to occupy) a central position in the economic and social life of the communities in which they were built.

The preservation of this part of Ireland's cultural heritage is of national importance. This has been recognised by successive governments, who have enacted legislation intended to safeguard historic houses, their parks and contents, for current and future generations and in the public interest.



HISTORIC HOUSES *of* IRELAND

In addition, the financial challenges faced by historic houses and the need to develop additional sources of revenue was more recently considered in An Action Plan for the Sustainable Future of the Irish Historic House in Private Ownership (Department of Arts, Heritage and the Gaeltacht in collaboration with Irish Historic Houses Association, 2015, p. 2). This observed that...

"...owners, both old and new, private and public, have consistently struggled throughout the last century to find sustainable alternative means of meeting the considerable costs of their maintenance."

It continues that...

"....some are among the most visited sites in the country and have the potential to play a significant role in stimulating economic growth, particularly in rural areas, by providing employment and making a contribution towards sustainable rural development."

Events in Historic Houses

Each year our members arrange special events in their houses including guided tours, seminars and lectures, chamber music, plays and literary occasions, art classes, food fairs, cookery demonstrations, family celebrations, corporate events, to name but a few. The full list is extensive and expanding continuously.

These events are divided into four main categories - culture, education, sporting and other, each of these groupings offers great variety. Many activities are relatively hands-on and intensive, and have been specially developed to provide a small number of participants with a really rewarding experience. Others focus on multiple visitors in a single day, over a weekend or even for a longer period. Some events offered are open to the public while others are private or ticketed events.

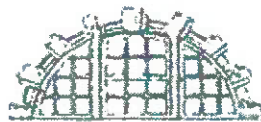
The continued significant role played today by historic houses as venues for events was more recently considered in An Action Plan for the Sustainable Future of the Irish Historic House in Private Ownership (Department of Arts, Heritage and the Gaeltacht in collaboration with Irish Historic Houses Association, 2015, p. 2). This observed that historic houses...

".....are an essential component of our tourist industry and are increasingly seen as stimulating and exciting places of learning for everyone. They can provide attractive and exciting venues for a wide range of events and activities such as musical concerts, historical re-enactment and festivals making them an essential ingredient in Irelands annual events calendar."

Both small and larger events held by our members frequently appeal to regional, national and international clients and visitors. These events bring important economic benefits to typically rural areas. Our experience is that, while some events have a local focus, events with a geographically broader or more commercial appeal (such as corporate events and weddings) can sometimes have a more positive economic impact on the locality.

In the hosting of events, our members frequently receive support and encouragement from Local Authorities, Fáilte Ireland and statutory bodies in their respective regions. There are many examples of regional or national events hosted in historical in collaboration with Local Authorities and other statutory bodies.

It should also be noted that events provide a much-needed source of income to assist in the conservation of these historical buildings and demesnes.



HISTORIC HOUSES *of* IRELAND

Some recent and planned events by our members include:

- Equestrian and agricultural/forestry events
- Musical recitals
- Art exhibitions
- Corporate AGMs
- Private dinners
- Historical re-enactments
- Lectures
- Weddings
- Local Authority events
- Biodiversity days
- Science fairs
- Book launches
- Sporting events
- Scouting/outdoor youth events
- Vintage rallies
- Forest walks



The Sligo County Council Determination

Whilst not wishing to address the specifics of the Newpark Demesne case, there are significant areas of concern arising from the determination issued by Sligo County Council for the HHI, our members and the public interest. If unchallenged, this determination could have potentially wide-ranging implications on historic houses and demesnes across the country. This determination is at odds with the engagement that many of our members have had with Local Authorities across the country. The two primary areas of concern are:

- That the hosting of a modest number of small events represents a material change of use
- That the interpretation of 'local event' under Class 37 is excessively narrow and geographically restricted

Legislative Considerations

Historical Houses and Demesnes do not fit squarely within the categories of 'Residential' or 'Agricultural' - nor are they typically buildings in public ownership or commercial premises.

It is the position of the HHI that using historical houses, castles, gardens, stables and demesnes as a public amenity and as the venue for events is part of their character and function in society.

Requiring Historic Houses to apply for planning permission to host a modest number of appropriately scaled events would place an unreasonable and unwarranted financial and administrative burden on historic houses. To warrant this effort, the intensity of use of historic estates would have to increase to such an extent as to materially affect the character of the historic estate. The alternative would be that historic houses would cease to hold events. Neither of which would have a positive impact on Ireland's cultural, historical or tourism offering.

From an initial review of our member houses and their currently listed event activities (albeit listings are somewhat diminished due to Covid-19), we would estimate that in excess of 35 of our



HISTORIC HOUSES *of* IRELAND

member houses may need to seek planning permission if the position of Sligo County Council is upheld.

Whilst acknowledging that there may sometimes be case-specific considerations, it is our considered view that the hosting of a modest number of appropriately sized, occasional events is part of the normal use of historic houses and demesnes. Furthermore, it is our considered view that the hosting of such events (including those of a commercial nature) does not represent a material change of use. These views have been informed through on-going collaboration and engagement with Local Authorities and other statutory bodies across the country over many decades by HHI and our members.

If you would like any further information or seek clarification on any of the matters outlined above, please don't hesitate to contact the undersigned.

Yours sincerely,

Thomas Cosby Esq.

Chairman, Historic Houses of Ireland

E-mail: chairman@ihh.ie

Website: www.ihh.ie

Phone: 086 851 9272

