



Board Direction

Ref: PL92.245587

The submissions on this file and the Inspector's report were considered at a further Board meeting held on 27th October 2016.

The Board decided by a majority of 2:1 to grant permission in accordance with the draft reasons, considerations and conditions set out below.

REASONS AND CONSIDERATIONS

Appropriate Assessment Screening

The Board considered the nature, scale and location of the proposed development, the Appropriate Assessment screening documentation and associated documents submitted in support of the application, the submissions on file, including that made to An Bord Pleanála by the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs on 28th September 2016, and the report of the Inspector. The Board undertook an Appropriate Assessment screening exercise in relation to the potential direct and indirect effects of the proposed development on European Sites. In completing the screening exercise, the Board accepted the analysis and conclusions of the Inspector, with the exception of the queries raised by the Inspector in relation to a risk of pollution. Having regard in particular to the limited scale of the operations involved and the consequent highly localised nature of potential effects, the absence of refuelling, and the substantial distance to the Lower River Shannon Special Area of Conservation (Site Code 002165), the Board was satisfied that any potential for risk arising would not be material in nature or scale. The Board, therefore, concluded that the proposed development, by itself or in combination with other development in the vicinity, would not be likely to have significant effects on any European sites, including the Lough Derg (Shannon) Special Protection Area (Site Code 004058), the Slievefelim to Silvermines Mountains Special Protection Area (Site Code 004165), and the Lower River Shannon Special Area of Conservation, in view of the conservation objectives for those Sites. The Board also formed the same conclusion in relation to the Silvermines Mountains West Special Area of Conservation (Site Code 002258), having regard to the nature of its conservation objective and to the absence of a potential for connectivity.

Environmental Impact Statement Screening

The Board is satisfied that the proposed development constitutes sub-threshold development within the scope of Schedule 5 of the Planning and Development Regulations, 2001. Having regard to the nature, characteristics, scale and location of the proposed development, and to the characteristics of its potential impacts, the Board is satisfied that the proposed development would not be likely to have significant effects on the environment. In forming this conclusion, the Board concurred with the analysis of the Inspector in relation to the effects of the proposed development generally, as set out in his overall report, with the exception of his assessment in relation to risk of pollution (addressed above), residential amenity, and access (addressed below).

In deciding not to accept the recommendation of the Inspector to refuse permission, the Board was satisfied that the distance to nearby houses was sufficient to protect the amenity of residential property in light of the detailed noise modelling undertaken and, in particular, of the proposed scale of operation. The Board shared the Inspector's concerns in relation to access from the south, but was satisfied that the southern access is not now proposed to be used. The Board also shared the Inspector's concerns, as set out in his report, that the northern access would be unsuitable for a commercial scale of use. However, it is considered that the proposed development would be acceptable in light of the limited scale of operation proposed, whereby access to the site would be restricted to that associated with a maximum of four light aircraft. The Board was also satisfied that the frequency of access necessitated by emergency vehicles would be very low, and would not merit a refusal of permission. It was considered reasonable that both of these issues could be reinforced by means of condition in relation to the scale of development. The Board was satisfied that the proposed development would not result in significant effects on the environment in relation to these two matters.

The Board, therefore, shared the conclusion of the Inspector that an environmental impact statement would not be required.

Proper Planning and Sustainable Development of the Area

Having regard to the nature, modest scale and location of the proposed development, the planning history of the site, and the pattern of development in the area including the distances to dwellings, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience, would not result in a material risk of pollution, would not have a detrimental effect on agriculture in the area, would not exacerbate flooding, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. PlansPartic incl. appeal & 14/01/16
2. The development hereby permitted is strictly limited to the development as set out in the public notices.

Reason: In the interest of clarity.

3. (1) A maximum of four light single-engine aircraft shall be kept on this site, of the type set out in the documentation on file. The use of the shed as a hangar shall be limited to serving these aircraft. No other aircraft shall be kept on site.
- (2) The use of this site shall be strictly limited to use by private non-commercial single-engine light aircraft, which shall be confined to the type set out in the application and appeal documents.
- (3) The maximum aircraft movements (arrivals or departures) permitted at this site is 385 movements per year. A log of aircraft movements shall be maintained, and shall be submitted to the planning authority in accordance with arrangements that shall be agreed in writing with the planning authority prior to the commencement of development, and at least at six-monthly intervals.
- (4) No aviation fuel shall be kept on site, and no refuelling or access by aviation fuel bowsers shall take place.

Reason: In the interest of clarity, and to limit the use of this site in the interest of neighbouring residential amenity and in light of the restricted access route.

4. The agricultural use of the shed shall be strictly limited to the development permitted under planning authority register reference number 09/510476.

Reason: In the interest of clarity.

5. Road access associated with the proposed aircraft use of this site shall be solely from the northern access. The southern access shall not be used.

Reason: The southern access via the rail crossing is suitable for agricultural use only.

6. Noise arising from the proposed development shall be monitored in accordance with arrangements, which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The noise levels shall be measured by a suitably qualified and experienced professional at the nearest noise sensitive locations in accordance with ISO 1996 "Acoustics - Description, measurement and assessment of environmental noise". Reports shall be submitted to and agreed in writing with the planning authority on at least an annual basis.

Reason: To protect the amenities of residential property in the vicinity of the site.

Note:

The Board noted that the planning authority had decided to refuse permission on the grounds that the proposed development would materially contravene Policy ENV36 of the North Tipperary Development Plan 2010, as it then stood. The Board accepts that the Development Plan has changed and that this specific policy has been removed. Policy TI13 has been inserted, which has somewhat different requirements. The Inspector's view on this matter is noted. The Board is also satisfied, in light of the Board's conclusion that the limited scale of operations will not result in significant noise disturbance, that the proposed development would not result in a material contravention of the Development Plan. As the Board is, therefore, not granting permission under Section 37(2)(a) of the Planning and Development Act, 2000, the provisions of Section 37(2)(b) do not arise for consideration.

Board Member: _____ Date: 24th November 2016
Fionna O' Regan