



An
Bord
Pleanála

Board Direction
ABP-303550-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 4/09/2019.

The Board decided, as set out in the following Order, that

WHEREAS the following questions have arisen:

Whether the laying out and use of the land for car drifting events is or is not development or is or is not exempted development?

Whether the use of the existing structure for offices/toilets related to car drifting events is or is not development or is or is not exempted development?

Whether the use of a hut in the "pit area" as a tyre business related to car drifting events is or is not development or is or is not exempted development?

AND WHEREAS Cork County Council requested a declaration on these questions from An Bord Pleanála 23rd January, 2019.

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

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000, as amended,

- (c) Section 4(4) of the Planning and Development Act, 2000, as amended,
- (d) Article 6(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Parts 1 and 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and
- (f) The planning and enforcement history of the site.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The established use of these lands is for agricultural purposes
- (b) The laying out and use of these lands for car drifting is a change of use and this change of use raises planning issues that are materially different from its established use and is therefore development
- (c) The works entailed in the laying out of the land for the purpose of car drifting events constitutes development as defined.
- (d) The car drifting use is dependent upon the layout of the land, which comprises permanent structures, that are unauthorised. Accordingly, the use is not within the scope of Class 37 of Part 1 of Schedule 2 to Article 6 of the Planning and Development Regulations, 2001, as amended and would not comply with the second limitations/conditions to which this Class is subject. Accordingly, it is not exempted development.
- (e) The car drifting use is dependent upon the layout of the land as a motor park and so it requires to be the subject of an Environmental Impact Assessment Report. Under Section 4(4) of the Planning and Development Act, 2000, as amended, it is thereby not exempted development.
- (f) The car drifting use is dependent upon the layout of the land as a motor park, which lies beside the Natura 2000 sites Great Island

Channel SAC and Cork Harbour SPA. The impacts of the said use are such that it requires to be the subject of an Appropriate Assessment. Under Section 4(4) of the Planning and Development Act, 2000, as amended, it is thereby not exempted development.

(g) The use of the existing structure for office/toilets relating to car drifting events is an ancillary use to the main use of the land for car drifting events. As the main use is development that is not exempted development, so this ancillary use is development that is not exempted development.

(h) The use of a hut in the “pit area” as tyre business relating to car drifting events is an ancillary use to the main use of the land for car drifting events. As the main use is development that is not exempted development, so this ancillary use is development that is not exempted development.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, as amended, hereby decides the following:

That the laying out and use of the land for car drifting events is development and is not exempted development.

That the use of the existing structure for offices/toilets related to car drifting events is development and is not exempted development.

That the use of a hut in the “pit area” as a tyre business related to car drifting events is development and is not exempted development.

Board Member:

Date: 04/09/2019

Terry Ó Niadh