

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

## Tipperary County

**Planning Register Reference Number: 15/600595**

An Bord Pleanála Reference Number: PL 92.245587

**APPEAL** by Tim and Padraig Hanly care of O'Dwyer and Jones Design Partnership of 28 Leeson Park, Dublin against the decision made on the 8<sup>th</sup> day of September, 2015 by Tipperary County Council to refuse permission for the proposed development.

**PROPOSED DEVELOPMENT:** Use of existing field for agriculture and private grass runway 670 metres long and provision of windsock, expanded use of existing agricultural building granted under planning register reference number 09/510476 for both agricultural and private light aircraft hanger usage and construction of gravel roadway from L90704, Dromin to existing agricultural building, all at Erinagh, Capparoo and Dromin, County Tipperary.

## DECISION

**GRANT permission for the above proposed development in accordance with the plans and particulars lodged with the said council, based on the reasons and considerations under and subject to the conditions set out below.**

## MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## 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 the 28<sup>th</sup> day of 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 plans or projects, 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 these 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, as amended. 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. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received with the appeal on the 5<sup>th</sup> day of October 2015 and as amended by the further particulars received by An Bord Pleanála on the 14<sup>th</sup> day of January, 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

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.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this                      day of                      2016.**