



Planning and Development Acts 2000 to 2020

Planning Authority: Tipperary County Council

Planning Register Reference Number: 18/600140

Appeal by Tom and Brenda Hackett care of Sean R. McCarthy of The Orchard, Cork Road, Fermoy, County Cork against the decision made on the 28th day of January, 2019 by Tipperary County Council to grant subject to conditions a permission to Buttimer Engineering care of Howick O'Brien and Company Limited of 14 College Court, Cashel Road, Cahir, County Tipperary in accordance with plans and particulars lodged with the said Council:

Proposed Development: Karting track development comprising the following: (i) a building comprising changing rooms and a W.C., (ii) a building for the storing of and general maintenance of the karts, (iii) the installation of an over ground gas storage tank for the refuelling of the karts, (iv) perimeter fencing, (v) general signage on the building described in item (i) above, (vi) general signage on the perimeter fencing, (vii) the change of use of the land from industrial to a karting track, (viii) hardstanding of the proposed areas for karting track, (ix) general lighting, (x) and all other site development works at Cahier Abbey Industrial Estate, Cahier Abbey Lower and Cahier Abbey Upper, Cahir, County Tipperary. Further public notices were received by the planning authority on the 3rd day of January, 2019, and the further public notices

including Environmental Impact Assessment Report (EIAR) were received by An Bord Pleanála on the 27th day of February, 2020.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars 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

Having regard to the nature and scale of the proposed development, the zoning of the site for light industrial and employment related uses in the Cahir Local Area Plan 2011, within which zoning commercial 'Sports/Leisure Facilities' are permitted in principle, and to the established character and pattern of development in the vicinity of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of residential or other property in the vicinity of the site and would be in accordance with the proper planning and sustainable development of the area.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale and extent of the proposed development;
- (b) the environmental impact assessment report and associated documentation submitted in support of the application and the appeal;
- (c) the submissions from the planning authority and the appellant in the course of the application and the appeal, and
- (d) the Inspector's Report and the Addendum Inspector's Report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination set out in the Addendum Inspector's Report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the application.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- (i) Potential positive effect on population in terms of increased employment and tourism revenue,

- (ii) Potential effects arising from noise which will be mitigated by a two metres high Acoustic Barrier along the southern section of the track; running a maximum of 10 Karts on the track at any given time; no public address system or external telephone bells, the immediate removal and repair of any Karts with worn silencers, and an acoustic barrier along the north-eastern and eastern boundary of the development site.

- (iii) The proposed development is not likely to have significant adverse effects on water, land and soils, air quality and climate, population and human health, biodiversity, landscape and visual, archaeological and cultural heritage, and traffic.

The likely significant environmental effects arising as a consequence of the proposed development have therefore been satisfactorily identified, described and assessed. The Board completed an environmental impact assessment in relation to the proposed development and concluded that subject to the implementation of the mitigation measures proposed as set out in the environmental impact assessment report and subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and in combination with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

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 submitted on the 3rd day of January, 2019, and the Environment Impact Assessment Report (EIAR) received by An Bord Pleanála on the 27th day of February, 2020, 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 mitigation and monitoring measures set out in the Environmental Impact Assessment Report (EIAR) received by An Bord Pleanála shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: To protect the environment.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development and to prevent pollution.

4. The proposed karting track shall not operate outside the hours of 12.00 noon and 22.00 hours daily.

Reason: In the interest of residential amenity.

5. The karting track shall not commence operation prior to the installation of the proposed Acoustic perimeter fencing in accordance with the specifications and particulars received by the planning authority on the 3rd day of January, 2019.

Reason: In the interest of residential amenity.

6. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed: -
 - (i) An Leq,1h value of 55 dB(A) during the period 0800 to 1900 hours from Monday to Saturday inclusive.
 - (ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.
- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

If the noise contains a discrete, continuous note (whine, hiss, screech or hum), or if there are distinct impulses in the noise (bangs, clicks, clatters or thumps), or if the noise is irregular enough in character to attract attention, a penalty of 5dB(A) shall be applied to the measured noise level and this increased level shall be used in assessing compliance with the specified levels.

- (c) In the event of noise complaints, noise levels from the activity shall be monitored and the significance of noise levels relative to the limits above shall be determined. A record of any noise complaints shall be maintained on site. In the event of noise levels exceeding permitted limits, measures to reduce noise levels from the development shall be prepared and implemented to the satisfaction of the planning authority.

Reason: To protect the amenities of houses and other property in the vicinity of the site.

- 7. (a) The karting track shall be restricted to use by four stroke gas powered karts only.
- (b) No more than 10 karts shall occupy the track at any time.
- (c) A public address system or external bell system shall not be operated at the facility.

Reason: In the interest of clarity and residential amenity.

- 8. (a) The proposed lighting shall be installed by a suitably qualified lighting specialist and the lighting shall be cowled and directed to reduce light scatter outside the boundaries of the site. Full details of the measures to reduce light scatter outside the boundaries of the site shall be submitted for the written agreement of the planning authority prior to the commencement of development. In the event that the planning authority receives complaints from neighbouring properties about light spillage the planning authority may request the carrying out of a survey (by a

suitably qualified and competent person) at the expense of the owner/operator of the facility in respect of light overspill from the facility. In the event that it is found that light overspill from the facility is resulting in nuisance, the operator of the facility shall take adequate steps to address the matter.

- (b) External lighting (other than security lighting) shall be switched off when the facility is not in operation.

Reason: In the interest of residential amenity and road and traffic safety.

- 9. The site shall be landscaped in accordance with the scheme of landscaping and boundary treatment indicated on the 'Proposed Site Layout Plan' Drawing Number B07-03 submitted with the further information received by the planning authority on the 3rd day of January, 2019. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual and residential amenity.

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Dated this day of 2020