

Planning and Development Acts 2000 to 2022

Planning Authority: Tipperary County Council

Planning Register Reference Number: 22/456

Appeal by Mattie and Bernie O'Grady care of Joe O'Connor Design of Unit 1, Shanagolden Industrial Estate, Shanagolden, County Limerick against the decision made on the 19th day of August, 2022 by Tipperary County Council to grant subject to conditions a permission to Tipperary Race Company PLC care of MKO of Tuam Road, Galway in accordance with plans and particulars lodged with the said Council:

Proposed Development: An all-weather horse race track integrated around the existing turf track to include new 2.2 kilometres long all-weather sand based track ranging in width from 14 to 18 metres including three furlong sprint chute extension, 3.2 metres wide gallop incorporating all associated site infrastructure such as railings, start locations and other ancillary infrastructure, new underpass to all-weather and turf track, surface water drainage system to new track including one number storm water attenuation pond and one number storm water retention pond located inside the existing turf track, one number attenuation pond to the northwest of the new all-weather track, localised modifications to existing turf track to facilitate new all-weather track, dedicated three to 3.5 metres wide circulation track to perimeter of new track

to facilitate movement of ambulance, emergency and service vehicles, construction of new underpass to facilitate movement of vehicles from outer to inner track areas, treatment and upgrade to existing site boundaries, demolition of existing stable block (60 stables) and erection of new stable blocks comprising of 82 number stables and associated works, demolition of ancillary building of 18 square metres, removal of existing parade ring (1,265 square metres) and construction of new parade ring (1,565 square metres) and associated works, demolition of maintenance shed of 180 square metres and construction of new maintenance shed of 360 square metres, provision of one number permanent fixed steel tower of 10 metres in height together with seven number vehicle hardstands to facilitate televisions and communications requirements, new LED floodlighting ranging in height from 12 to 34 metres to full perimeter of new track and associated cabling/ducting, new LED lighting to proposed stable block and adjacent areas, new ESB infrastructure including MV/LV substation, MV switch room, transformer room and LV switch room, consolidation of existing four number vehicular access points from the N24 into three number access points and internal modifications to carpark and internal circulation routes, all proposed surface water drainage to new all-weather track including culverting and/or diverting of existing watercourses, new water ring main and associated hydrants to facilitate watering of the existing turf track served by proposed new well including submersible pump chamber and above ground control kiosk, new landscaping including hedgerow and tree removal, decommissioning of existing foul treatment system and new connection to Irish Water infrastructure, new signage at site boundary along the N24 and all associated site works including security offices, fencing, embankments, ducting and site services, all at Tipperary Racecourse, Limerick Junction, approximately 4.5 kilometres northwest of Tipperary Town, spanning the townlands of Ballykisteen, Gotinstown, Acraboy and Knockaneduff, Tipperary, County Tipperary.

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.

Reasons and Considerations

Having regard to -

- (a) the policies and objectives set out in the Tipperary County Development Plan 2022-2028.
- (b) the established uses and planning history of the site, and the pattern of existing and permitted development in the area, and
- (c) the submissions received in relation to the application and appeal,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development 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 submitted on the 28th day of July 2022, 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. Prior to commencement of development, the developer shall undertake a pre-construction invasive species survey and following same shall update the Invasive Species Management Plan for the development site. The updated plan shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of protecting the environment and in the interest of public health.

3. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This plan shall provide inter alia: details and location of proposed construction compounds, details of intended construction practice for the development, including hours of working, noise management measures, details of arrangements for routes for

construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste and/or by-products.

Reason: In the interests of public safety and residential amenity.

4. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

5. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and

- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

6. The floodlights shall be directed onto the surface of the all-weather track and away from adjacent housing and public road. The floodlights shall be directed and cowled such as to reduce, as far as possible, the light scatter over adjacent houses and public road. The floodlighting shall not operate between the hours of 2200 and 0700.

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

7. The existing entrance (labelled no.4 on the site plan drawing 11318-2035 -P02) shall be closed off by the erection of a fixed railing to height, profile and finish that matches the existing railing in place of the existing gate.

Reason: In the interest of traffic safety.

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

Reason: In the interest of public health and to ensure a satisfactory standard of development.



9. The landscaping scheme as submitted to the planning authority on the 5th day of June 2022, shall be carried out within the first planting season following substantial completion of external construction works.

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 residential and visual amenity.

10. Bat roosts shall be incorporated into the site, and the recommendation of the Ecological Impact Assessment report shall be carried out on the site to the written satisfaction of the planning authority and in accordance with the details submitted to the planning authority on the 5th day of June, 2022.

Reason: To ensure the protection of the natural heritage on the site.

11. The recommendations contained in the Road Safety Audit report submitted with the planning application shall be implemented as part of the development. All costs arising from implementation of the recommendations that require works to the public road shall be undertaken at the developers' expense.


A schedule of works to be undertaken arising from the Road Safety Audit and a timescale for implementation shall be submitted for the written agreement of the Planning Authority and Roads Authority prior to commencement of development.

A Stage 3 Road Safety Audit shall be carried out on completion of works and a copy of the same shall be forwarded to the planning authority on completion.

Reason: In the interest of traffic safety.

12. 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.

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.



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

Dated this *23rd* day of *January*, 2024.