



An  
Bord  
Pleanála

## Inspector's Report

**ABP-303719-19**

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<b>Development</b>	Karting Track Development and associated works
<b>Location</b>	Cahir Abbey Industrial Estate, Cahir Abbey, Cahir County Tipperary.
<b>Planning Authority</b>	Tipperary County Council
<b>Planning Authority Reg. Ref.</b>	18600140
<b>Applicant</b>	Buttimer Engineering
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party v Grant
<b>Appellants</b>	Tom and Brenda Hackett
<b>Date of Site Inspection</b>	5 <sup>th</sup> , June 2019
<b>Inspector</b>	Paddy Keogh

## 1.0 Site Location and Description

- 1.1. The site of the proposed development which has a stated area of 1.12 hectares is located within the Cahir Abbey Industrial Estate. This Industrial Estate is located on the western side of the town of Cahir.
- 1.2. The site is located c. 300m back from the public road and is accessed via the internal road network serving the industrial estate. The site is located to the rear (south-east) of Buttimer Engineering. To the east of the site there is a (currently inactive) Roadstone quarry. To the north of the site there is a warehouse/industrial unit operated by Buttimer Engineering beyond which lie other industrial units contained within the industrial estate.
- 1.3. The rear of the Appellant's property is located to the south of the site. The main entrance to the Appellant's dwelling (Cahir Abbey House) is located on the main public road leading to Cahir Abbey Industrial Estate.
- 1.4. The site is accessed via the entrance to Buttimer Engineering. There is an adjacent entrance opening onto to a private laneway over which 3 parties have rights of way, namely Buttimer Engineering, Roadstone Quarries/Tarrant Blocks and the Appellant (access to rear of Appellant's property - Cahir Abbey House).
- 1.5. The Buttimer Engineering site (within which the appeal site is located) is enclosed by a c. 2.4m high palisade fence. The southern and eastern Boundaries of the appeal site are defined by this fence.

## 2.0 Proposed Development

- 2.1. The proposed development involves the provision of a Karting Track to include the following:
  - Building comprising changing rooms and a WC
  - Building for the storage and general maintenance of karts
  - The installation of an overground gas storage tank for the refuelling of karts
  - Perimeter fencing
  - General signage on the changing rooms building
  - General signage on the perimeter fencing
  - Change of use of land from industrial to karting track

- Hardstanding of the proposed areas for karting track
- General lighting
- All other site development works.

### 3.0 Planning Authority Decision

#### 3.1. Decision

Notification of a decision to grant planning permission for the proposed development, subject to 12 conditions, was issued by the planning authority per Order dated 28<sup>TH</sup>, February 2019.

Condition No. 2 states:

- (a) The track shall be restricted to karting activities entailing use of four stroke gas powered Karts only.
- (b) No more than 10 Karts shall be used on the track simultaneously.
- (c) A public address system of external bell system shall not be operated at the facility.

**Reason:** In the interest of clarity and residential amenity.

Condition No. 5 limits noise levels attributable to the activity (when measured at noise sensitive locations) to 45 dBL ArT daytime (07.00 to 19.00 hrs), 50 dBL ArT evening-time (19.00 to 23.00 hrs) and 45 dBL ArT at night-time (23.00 to 07.00 hrs).

#### 3.2. Planning Authority Reports

##### 3.2.1. Planning Report

A report from the planning authority Senior Executive Planner dated 25<sup>th</sup>, January 2019, following receipt of a number of items of additional information previously requested by the planning authority, includes:

- An Environmental Impact Assessment Report is required as per Class 11(a) Part 2 of Schedule 5 of the *Planning and Development Regulations, 2001* in respect of :

*All permanent racing and test tracks for motorised vehicles*

The proposed development is not for racing or testing of vehicles. The facility is for leisure use and will not be registered with Motorsport Ireland who govern

racing. The Karts do not have a manual gear box, are low powered and unsuitable for racing.

The Planning and Development Act, 2000 defines motor vehicles as ‘a *mechanically propelled vehicle for the purpose of the Road Traffic Act, 1961*. The Road Traffic Act regulates vehicles suitable for use on the public road.

The Karts to be used in the proposed development would not be legally entitled to be used on the public road and do not come under this definition of a motor vehicle.

- The Applicant has submitted a Site Specific Flood Risk Assessment (SSFRA) which demonstrates that flooding to the 1 to 1000 year return will not impact on the proposed site.
- Surface waters from the hardstanding track are to be collected into an Aco Drain that will run alongside the track and drain to a surface water sewer. The drain will in turn drain to a Class 1 and 2 Bypass Separator. The water then drains to a Wavin Aquacell Core attenuation system which allows water to infiltrate to ground and does not allow silt/grit to get through.
- A Revised Noise Impact Assessment prepared by Damian Brosnan Acoustics has been submitted by the Applicant. The assessment sets out details of baseline noise monitoring at three separate locations (one being Cahir Abbey House) to capture the existing noise environment and models the predicted noise arising from the proposed development. The model demonstrates that predicted noise levels will generally be less than existing residual noise levels.
- The Applicant has submitted a technical assessment report prepared by Carrabridge Lighting and Controls that illustrates the light output of the development on site and light spill on lands adjoining the site.
- The Applicant has submitted details of an Acoustic Screen that it is proposed to install along the south-west and north-east end of the site to mitigate against potential negative impacts on the adjoining Tourism zoned lands.
- The Planning Authority Senior Executive Planner states that he shares the Applicant’s conclusion that karts are not mechanically propelled vehicles for the purposes of the Road Traffic Act, 1961 and do not come within the scope of Class 11(a), Part 2, Schedule 5 of the Regulations and, therefore, does not come within a ‘class’ requiring the preparation of an EIAR.

- It is accepted that the site is within a Flood Zone C (for the purposes of the Flood Risk Assessment Guidelines) and is not at risk of flooding.
- The proposals in relation to surface water drainage illustrated in the further information submitted on behalf of the Applicant adequately address the matter of surface water drainage.
- The Environment Section of the planning authority has indicated no objection to the proposed development in respect of noise impact, subject to conditions to be attached to any grant of planning permission that may issue in respect of the proposed development.
- Having examined the further information received from the Applicant against the Guidance Note for the Reduction of Light Pollution produced by the Institution of Light Engineers UK in relation to standards for exterior lighting, concludes that the area can be categorised as a 'Low District Brightness Area' (the edge of a rural town) and concludes that the lighting arising from the proposed development would not give rise to residential dis-amenity or nuisance.
- The Senior Executive Engineer considers that the details of the Acoustic Screen to be provided by the Applicant are acceptable.
- An earlier report from the planning authority Senior Executive Planner dated 28<sup>th</sup>, March 2018 (prior to the request for further information) noted that the site is located within an area zoned '*To provide for Light Industrial and Employment related uses*' in the Cahir Local Area Plan 2011 and that the land use of Sport/Leisure facilities (Commercial) is permitted in principle under this zoning.
- The proposed building and track location is deemed to be visually acceptable.

### 3.2.2. Other Technical Reports

- **District Engineer** – Report dated 27<sup>th</sup>, March 2018 indicates no objection to the proposed development in relation to traffic safety or storm water drainage issues.
- **Environment Engineer** – Report dated 28<sup>th</sup>, March 2018 states that an EIAR is required in respect of the proposed development (Class 11(a), Part 2, Schedule 5 of the *Planning and Development Regulations, 2001*. The report

indicates a number of matters that should be addressed in the EIAR – including floodlighting, hydrology, surface water drainage, environmental management, flooding etc.

- **Executive Scientist, Environment Section** – A report dated 23<sup>rd</sup>, January 2019 in respect of the Noise Impact Assessment prepared by Damian Brosnan Acoustics (submitted to the planning authority as further information) expresses the opinion that the further information submission is very comprehensive and includes detailed modelling regarding likely noise generated by the proposed facility. The report indicates no objection to the proposed development subject to conditions.

### 3.3. Third Party Observations

A third-party observation objecting to the proposed development was received on behalf of Tom and Brenda Hackett, Cahir Abbey House (the current Appellants). The grounds of objection are reflected the submitted grounds of appeal.

## 4.0 Planning History

### ***Subject Site:***

**Reg. Ref. 17/600012** - Planning permission for the demolition of a link building between two warehouse buildings and reconfiguration of the site so that one building remains within the site, change of use of the building from commercial to industrial, raising of the height of a portion of the building, extension of building, demolition of existing site store and all ancillary works etc. was granted by the planning authority per Order dated 6<sup>th</sup>, March 2017.

**Reg. Ref. 14/6000588** – Planning permission for the construction of a single storey storage building and all associated site works together with retention of a storage hut was granted by the planning authority per Order dated 3<sup>rd</sup>, November 2015.

### ***Adjoining Site:***

**Reg. Ref. 09/513** – Planning permission for a waste transfer facility on a site to the east of the appeal site was refused by the planning authority per Order dated 6<sup>th</sup>, April 2010.

### ***Elsewhere within Industrial Estate:***

Recent planning history of the Cahir Abbey Industrial Estate includes grants of planning permission for alterations and extensions to industrial units located elsewhere within the industrial estate.

## **5.0 Policy Context**

### **5.1. Local Area Plan**

The site of the proposed development is located within an area zoned 'Light Industry and Employment' in the Cahir Local Area Plan 2011 (LAP). The stated objective of this zoning is '*To provide for light industrial and employment related uses*'.

Table 5 of the LAP which sets out a 'Key to the LAP Zoning Objectives' provides that 'Sports/Leisure Facilities (Commercial)' are permitted in principle on lands zoned for 'Light Industry and Employment'.

Lands a short distance to the north-east of the site are zoned for 'Integrated Tourism & Recreation'. The development of these lands based on major high-quality facilities such as the lake, water based recreational activities etc. forms a key element of the LAP.

[The six year lifetime of the LAP made on the 10<sup>th</sup>, December 2011 was subsequently extended in accordance with Section 19(1)(f) of the *Planning and Development Act, 2000*, as amended) It remains the current operative plan for the area].

### **5.2. Natural Heritage Designations**

- 5.2.1. The appeal site is located c. 0.2km from the Lower River Suir Special Area of Conservation (SAC) (Site Code 002137).
- 5.2.2. The site is located c. 15 km from the Nire Valley Woodlands Special Area of Conservation (SAC) (Site Code 000668).

### **5.3. EIA Screening**

- 5.3.1. Pursuant to Class 11(a), Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, as amended, the preparation and submission of an Environmental Impact Assessment Report is a mandatory requirement in respect of proposed development consisting of:

*All permanent racing and test tracks for motorised vehicles*

- 5.3.2. The planning authority in their assessment of the proposed development sought further information from the Applicant on the question of whether or not the proposed development fell within Class 11(a), Part 2, Schedule 5.
- 5.3.3. It was submitted, on behalf of the Applicant, that the 'Go-Karts' to be used in the proposed facility do not come within the scope of the definition of 'motorised vehicles' as provided under planning legislation.
- 5.3.4. In this regard, Art. 3 ('Interpretation') of the *Planning and Development Regulations, 2001* stipulates that:
- "Motor Vehicle" means a mechanically propelled vehicle for the purposes of the Road Traffic Act, 1961 (No. 24 of 1961).*
- 5.3.5. The submission, on behalf of the Applicant, points out that the Road Traffic Act, 1961 regulates vehicles suitable for use on the public road only. 'Go-Karts' are not legally permitted to be used on public roads. Therefore, they do not come within the definition of Motor Vehicles for the purposes of planning legislation.
- 5.3.6. Furthermore, it has been submitted that the proposed development is not for racing. The 'Go-Karts' do not have a manual gear box, are low powered and are not suitable for racing. The proposed development is a leisure facility which will not be registered with Motorsport Ireland, the official body governing racing in Ireland.
- 5.3.7. The interpretation provided on behalf of the Applicant has been accepted by the planning authority.
- 5.3.8. I consider that the interpretation provide on behalf of the Applicant is reasonable and, on balance, I would share the conclusion of the planning authority in this matter.
- 5.3.9. Having regard to the foregoing, I conclude that the proposed development is of a type that does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001 (as amended). The need for screening for environmental impact assessment is therefore not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The submitted grounds of appeal include:



- The appeal has been submitted on behalf of M/s Tom & Brenda Hackett of Cahir Abbey House.
- Cahir Abbey House (a Protected Structure) and its attendant grounds adjoin the appeal site to the south.
- The proposed development will adversely affect the use and enjoyment of Cahir Abbey House by reason of noise pollution and the introduction of large volumes of traffic to the area. The negative impact on the use and enjoyment of the property will ultimately have negative implications for the upkeep and maintenance of the Protected Structure.
- An Architectural Impact Assessment of the impacts of the proposed development on Cahir Abbey House should have been carried out.
- The site is located within Cahir Abbey Industrial Estate. Hours of operation in the Industrial Estate are generally confined to within 8.00 am and 6.00pm. The operation of the proposed Karting Track will continue well outside these hours including on Saturdays and Sundays.
- The proposed development will give rise to serious noise nuisance for residential properties in the vicinity of the site especially in the evenings and at weekends.
- Condition No. 2 attached to the planning authority notification of decision to grant planning permission makes no reference to control of the number of Karts being used outside the track (noise nuisance from Karts being fine tuned and warmed up). The condition does not provide for adequate control of the number of Karts being used and provides no mechanism for the control (and recording) of the number of Karts being used at any given time.
- Condition No. 5 attached to the planning authority notification of decision to grant planning permission does not refer to gardens and open spaces attached to dwellings within the definition of Noise Sensitive Locations provided.
- The requirements in respect of noise monitoring stipulated under Condition No. 5 are inadequate. There should be a requirement to have noise monitoring equipment installed at predetermined locations and noise level data submitted to the planning authority for monitoring on a monthly basis.
- The proposed development will result in adverse impact on the amenities of adjacent property by reason of light overspill.

## 6.2. Planning Authority Response

6.2.1. A submission from the planning authority dated 28<sup>th</sup>, February 2019, commenting on the submitted grounds of appeal, includes:

- The planning authority fully considered potential for negative impacts of the proposed development in terms of noise and light overspill in their consideration of the proposed development.
- Condition No. 2 attached to the planning authority notification of decision to grant planning permission sets limits for the use of the track and the numbers of Karts. The planning authority do not consider that use of other areas of the site for tuning or warming-up of the Karts would give rise to noise levels over that generated by the operation of the track itself.
- The definition of Noise Sensitive Locations set out under Condition No. 5 is in accordance with the definition provided in the Environmental Protection Agency (EPA) publication – Guidance Note for Noise (2016).
- Condition No. 5 (a) specifies maximum noise levels for the proposed development and Condition No. 5 (b) contains a provision for the monitoring of noise levels. Monthly monitoring is not considered reasonable in circumstances where predicted noise levels from the development are deemed to be within acceptable noise levels.
- The planning authority is satisfied that lighting from the proposed development would not give rise to residential dis-amenity or nuisance.

## 6.3. Further Responses

6.3.1. A submission dated 8<sup>th</sup>, March 2019, on behalf of the Appellant, in response to the comments of the planning authority in relation to the submitted grounds of appeal includes:

- Condition No. 2 attached to the planning authority notification of decision to grant planning permission is deficient as it does not take into account servicing and fine tuning of Karts prior to races.
- Condition No. 5 cannot be enforced in circumstances where the planning authority has absolutely no authority to enter private property to comply with the EPA guidelines in terms of noise.

## 7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- (1) Noise
- (2) Lighting
- (3) Protected Structure
- (4) Appropriate Assessment

### 7.1. Noise

- 7.1.1. Potential noise nuisance from the Karts using the proposed track and Karts being prepared to enter the track have been highlighted in the grounds of appeal. The grounds of appeal also assert that the requirements of Condition No. 5 attached to the planning authority notification of decision to grant planning permission is deficient in that it refers to maximum permitted decibel levels when measured from noise sensitive location to include nearby houses but does not refer to maximum permitted levels when measured from gardens. Furthermore, it is submitted that the operator should be required to monitor noise levels and report the results to the planning authority on a monthly basis.
- 7.1.2. Based on the findings and conclusions of two Noise Impact Assessments (prepared by Damian Brosnan Acoustics – dated 5<sup>th</sup>, September 2017 and 19<sup>th</sup>, December 2018) the planning authority accepted that the proposed development would not give rise to noise nuisance. The Noise Impact Assessment report found that predicted noise levels will generally be less than residual noise levels in the area.
- 7.1.3. In circumstances where predicted noise levels are within acceptable limits, the planning authority considers that noise monitoring and reporting to the planning authority on a monthly basis (as suggested by the Appellant) would be unwarranted. The planning authority consider that Condition No. 5 attached to their notification of decision to grant planning permission provides adequate scope to address any problems relating to breaches in the event of any complaint being received.
- 7.1.4. The submitted Noise Impact Assessments indicate state that, in the absence of standards or guidance documents specifically applicable to Karting, noise levels of

55dB (daytime) and 45 dB (night-time) and 45 dB (evening and night-time) be applied. In line with given in the Environmental Protection Agency document *NG 4 Guidance Note for Noise : Licence Applications, Surveys and Assessments in relation to Scheduled Activities* (2016) evening is taken as commencing at 19.00 hours.

- 7.1.5. Sources of noise generated by the Karting facility have been identified in the Noise Impact Assessment as including (i) the Karts (ii) maintenance activities and (iii) vehicles utilising the existing car park which will serve the facility. Maintenance activities will be conducted internally within the Kart storage/maintenance building and will not generate significant noise emissions. Noise generated by cars using the existing car park are deemed to be insignificant in the context of the overall operation of the existing industrial estate. This leaves noise from the running of the Karts themselves as the main source of potential nuisance.
- 7.1.6. Modelling of noise pressure levels generated by the running of the Karts on nearest Noise Sensitive Locations presented in the Noise Impact Assessment indicate a pre-mitigation maximum of 46 dB at house along the R640. Levels at Cahir Abbey House are 42-43 dB. However, subject to proposed mitigation measures (a 2m 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 and the immediate removal and repair of any Karts with worn silencers) maximum predicted levels will be reduced to 44 dB. (within the levels recommended/agreed with the planning authority). Accordingly, the assessment indicates that noise emissions from Karts using the proposed track will give rise to noise levels which do not exceed the daytime or evening and night-time criteria.
- 7.1.7. The planning authority have attached a condition to their notification of decision to grant planning permission restricting the hours of operation of the proposed facility to between midday and 22.00 hours daily. These restrictions have not been appealed by the Applicant (despite a suggestion elsewhere in the documentation on file that the facility will operate between 09.00 hours and 22.00 hours). Accordingly, any daytime noise level restriction will apply between the hours of midday and 19.00 hours and evening/night-time restrictions will apply between the hours of 19.00 hours and 22.00 hours.
- 7.1.8. Based on the above and on the contents and conclusions of the Noise Impact Assessment, I consider that (subject to compliance with the limits specified) the proposed development will not seriously injure the amenities of residential or other property in the vicinity of the site as a consequence of noise nuisance.

- 7.1.9. As has been pointed out by the planning authority the definition of Noise Sensitive Locations set out under Condition No. 5 is in accordance with the interpretation provided in the Environmental Protection Agency (EPA) publication – Guidance Note for Noise (2016). I consider that the application of this definition is reasonable and appropriate for the purposes of the interpretation of any definition concerning noise attaching to any grant of planning permission that may issue from the Board.
- 7.1.10. Finally, I note that the planning authority requested further information from the Applicant relating to the impact of the proposed development in terms of noise on lands to the north-east of the site zoned for Integrated Tourism and Recreation use. The updated Noise Impact Assessment (dated 19<sup>th</sup>, December 2018), prepared by Damian Brosnan Acoustics, indicated that noise level maxima of 55dB (daytime) and 45 dB (evening-time) agreed with the planning authority will only be marginally exceeded along the western and south-western fringes of the zoned (but as yet undeveloped) area for a short period as 22.00 hrs approaches. In order to meet the agreed evening time noise level limit agreed with the planning authority the Applicant proposes to install an acoustic barrier along the north-eastern and eastern boundary of the development site as a mitigation measure.

## **7.2. Lighting**

- 7.2.1. The proposed Karting track will be illuminated by means of 6 no. 62W lanterns attached to 6 m. high columns. Other buildings (changing room, Kart storage, maintenance room etc.) will be internally illuminated.
- 7.2.2. The submitted grounds of appeal argue that the proposed development will result in injury to the amenities of surrounding residential property by reason of light overspill from the proposed lighting of the Karting track.
- 7.2.3. The Applicant submits that lighting will be properly managed in a manner that will prevent undue light overspill onto adjoining property and to avoid injury to the amenities of the surrounding area including adjacent residential property. Furthermore, it is submitted that light overspill will not negatively impact on road users in the area or give rise to the creation of a traffic hazard.
- 7.2.4. The Applicant states that lighting will be designed, installed and controlled in accordance with the lighting design report prepared by 'Carrabridge Lighting & Controls' Lighting Engineers.

- 7.2.5. This report and covering letter submitted to the planning authority as further information indicates that the proposed lighting scheme has been designed in accordance with the DIBE Lighting Guide : Sports Lighting: BS 1293:2007 Light and Lighting : Sports Lighting. The Report (page 12) illustrates the impact of the proposed lighting on the Appellant's property at Cahir Abbey House. This indicates a minor and marginal impact only in terms of light overspill onto the laneway to the south of the Appellant's property only (over which both the Applicant and the Appellant enjoy the benefit of a right of way). The proposed lighting will not be in use for the majority of the time that the proposed facility is in operation. The lighting system will be properly managed and monitored. Any adjustments necessary in order to ensure optimum efficiency and minimum impact on third parties will be undertaken by the operator. Energy efficient LED lighting only will be used.
- 7.2.6. The planning authority attached a condition to their notification of decision to grant planning permission stipulating that lighting from the proposed facility shall be monitored during the operation phase and that any adjustments to the lighting scheme shall be implemented at the request of the planning authority.
- 7.2.7. On balance, I consider that the Applicant has satisfactorily demonstrated that a suitable lighting scheme can be designed for the illumination of the proposed Karting track and for the illumination of associated buildings, structures and car parking area which will avoid injury to the amenities of the area as a consequence of the operation of the facility. I agree with the planning authority that the satisfactory operation of the proposed facility will require satisfactory monitoring and management in order to ensure that it is operated in accordance with the submitted lighting design scheme and to allow the planning authority (as planning enforcement authority) to be alerted to any breaches in permitted lighting levels. In this regard, I would recommend the attachment of a condition (in respect of the control of lighting) similar to that attached by the planning authority in the event that the Board decide to grant planning permission in the current instance.

### 7.3. **Protected Structure**

- 7.3.1. The submitted grounds of appeal argue that the proposed development will have implications in terms of the future maintenance of a Protected Structure (i.e Cahir Abbey House). The Appellant's submit that the current application should have been

accompanied by an Architectural Impact Assessment (to provide for an assessment of the impact of the proposed development on Cahir Abbey House).

- 7.3.2. Neither the planning authority nor the Applicant have responded to the Appellant's concerns in this regard.
- 7.3.3. It appears that the key potential adverse impacts of the proposed development on the Appellant's property arise from potential noise nuisance and potential light overspill. As set out at Section 7.1 and 7.2 above, I consider that the proposed development will not result in serious injury to the residential amenities of the property. Accordingly, I see no threat to the future viability of the Protected Structure in terms of its use for residential purposes. In these circumstances, I conclude that a requirement for the submission of an Architectural Impact Assessment would be unwarranted.

#### **7.4. Appropriate Assessment**

- 7.4.1. Documentation on file indicates details of the proposed surface water disposal system with infiltration system to an on-site soakaway and designed in accordance with SuDS principles. A Site Specific Flood Risk Assessment concludes that there will be no flood risk to the proposed development. No storage of petrol or other contaminants is proposed on site.
- 7.4.2. There is no connection/pathway between the site and the nearby Lower River Suir SAC (Site Code 002137). The next nearest Natura 2000 site (the Nire Valley Woodlands SAC (Site Code 000668)) is located almost 15km from the applications site.
- 7.4.3. Having regard to the nature and scale of development proposed and to the nature of the receiving environment, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on any European site.

#### **8.0 Recommendation**

- 8.1. I recommend that planning permission for the proposed development be granted for the reasons and considerations and subject to the conditions as set out below.

## 9.0 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.

## 10.0 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 3<sup>rd</sup>, January 2019, 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 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. and sustainable development of the area.

- (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 interests 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 3<sup>rd</sup>, 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 ten 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 Drg. No. B07-03 submitted with the further information received by the planning authority on 3<sup>rd</sup>, 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.

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Paddy Keogh  
Planning Inspector

19<sup>th</sup>, June 2019