



An
Bord
Pleanála

Inspector's Report
PL ABP-317865-23

Development	A 6no.Bay Covered Practice Area With All Ancillary Site Works
Location	Graigue, Nenagh, Co. Tipperary
Planning Authority	Tipperary County Council
Planning Authority Reg. Ref.	2360334
Applicant(s)	Nenagh Golf Club
Type of Application	Planning Permission.
Planning Authority Decision	Grant with Conditions
Type of Appeal	3 rd Party vs. Grant
Appellant(s)	David Reddan
Observer(s)	None
Date of Site Inspection	28 / 03 / 2024
Inspector	L. W. Howard

1.0 Site Location and Description

The c.1.087ha application site comprises part of the existing established 'Nenagh Golf Club' Complex, located in the Townland of Graigue, approximately 4.2km south-east of Ardcroney and 5km north-east of Nenagh Town, County Tipperary (see attached copies of relevant 'Location Maps', 'Satellite Imagery' and photographs taken at the time of physical inspection).

- 1.1. The application site, located to the west side of what I understand is the 1st Tee-Box and Fairway within the 'Nenagh Golf Club' Complex, forms part of the existing 'Practice Tee / Driving Range'. The 'Driving Range' is set up along a east (row of 6no. tee-boxes) to west axis .
- 1.2. Vehicular access is from the local road L1032
- 1.3. At present an exposed row of 6no. tee-boxes exists (understood a level concrete base, with 6no. artificial turf tee-boxes, orientated 'north to south'). Adjacent, further to the south from the 6no. 'tee-boxes', is the 'Covered Teaching Studio' for which planning permission was granted under **Reg.Ref.No.21203**
- 1.4. Having regard to the Drawings included within the current application documentation, I understand that the existing exposed row of 6no. tee-boxes, is the proximate location of the proposed 6no. bay Covered Practice Area', for which planning permission is currently being sought by the applicants ('Nenagh Golf Club').
- 1.5. Having regard to the information available, I understand that Mr. David Reddan (3rd Party Objector / current 3rd Party Appellant), is the owner of the property to the north of the 'Driving Range', sharing northern boundary to the 'Driving Range'.

2.0 Proposed Development

2.1. The proposed development comprises the following elements –

- a 6no. Bay Covered Practice Area, with
 - all Ancillary Site Works,
- all at Nenagh Golf Club, Graigue, Nenagh, Co.Tipperary.

2.2. Detailed clarification regarding the substance, composition and spatial arrangement of the proposed development on the application site, is provided by –

- the applicant initially as part of the planning application documentation and mapping / drawings (received by the Planning Authority dated – 20/08/2021), and then subsequently in the ‘Further Information (F.I.) Response Submission’ (received by the Planning Authority dated – 29/10/2021), and
- the Planning Authority in the Planning Officers ‘planning reports’ dated 29/06/2023, 12/07/2023 & 28/07/2023 respectively.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Planning permission granted, subject to 04no. Conditions.

3.1.2. Having regard to the issues raised in the 3rd Party Appeal, the following Conditions are considered as noteworthy :

C2. The proposed practice area opening hours will be the same as the Golf Club opening hours. i.e. summertime hours will be 07.00-21.30 and 09.00-16.30 in wintertime.

Reason: To clarify the terms of the permission and in the interest of proper planning and sustainable development.

C3. Surface water runoff shall not be allowed to discharge onto the public road or onto adjoining properties.

Reason: To avoid interference with other properties and to prevent damage to the public road with consequent traffic hazard.

3.2. Planning Authority Reports

3.2.1. In the reports of the Planning Officer (see dated 29/06/2023, 12/07/2023 & 28/07/2023 respectively), the key planning issues are assessed as follows:

3.2.2. The ‘Principle’ of Development –

- Site located within an existing ‘Golf’ facility – “Nenagh Golf Club”.
- PA satisfied proposed development as outlined “is acceptable in principle”.

3.2.3. Proposed ‘Design and Layout’ –

- Having regard to –
 - proposed 6-bay covered practice area (99m², 4.1m high), located adjacent to the covered teaching studio,
 - the practice area facing westward to the nearest boundary at a distance of c.260m
 - the practice area to be accessed via the existing pathway,the proposed design and layout of new 6-bay covered practice area considered as acceptable.
- Note that ‘boundary issues’ submitted as a concern by the 3rd Party Observer. Consider this as a ‘civil matter’ between the relevant parties, and is not a planning consideration.
- Note the concerns raised by the 3rd Party Observer with regard to golf-balls entering adjacent properties. Emphasise the ‘Golf Club’ is a long standing permitted use at this location. Accordingly, consider that a ‘Safety Statement’ is not necessary with respect to this case.
- Specify the applicant to be requested “to clarify opening hours and any lighting of the proposed practice area”. To be addressed by way of ‘Further Information’ (F.I.).

3.2.4. Services to the proposed development –

- Roads : Existing entrance. No proposed changes to existing.
- Water Supply : Existing private well.

- Wastewater Treatment : Note existing treatment system on site. PA satisfied the proposed development will not increase loading of the System. Therefore consider that the existing system is adequate to cater for the proposed development.
- Surface Water : Soakpit

3.2.5. Part V –

Considered not applicable to this application.

3.2.6. Environmental Impact Assessment (EIA) –

Clarify the proposed development is for a modest ‘covered practice area’.

Assert that this is not a ‘Type of Development’ included for under Schedule 5 of the Planning & Development Regulations 2001, as amended.

3.2.7. Appropriate Assessment –

- Note the proposed development has been screened, as to the requirement for Appropriate Assessment (A.A.)
- Reference determination that Appropriate Assessment (A.A.) is not required.
- Relevant ‘Screening Report’ included in application documentation.

3.2.8. Flood Risk –

None identified on the site.

3.2.9. Unauthorised Development –

- Noted that a portion of the site had been “hardsurfaced” to facilitate a car parking area. Further Information (F.I.) to be requested with regard to this “unauthorised development”.

3.2.10. Development Contributions –

- Clarify that ‘Development Contributions’ to be levied in accordance with Class 4 of the Tipperary County Council Development Contribution Scheme 2020, should planning permission be granted.

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3.2.11. Request for Further Information (F.I.) –

Further Information and details to be requested from the Applicant with respect to clarification of the following :

- Having regard to the planning history available on the ‘Nenagh Golf Course’ lands, note that the construction of hardstanding area for purposes of car park, does not benefit from any grant of planning permission, nor does it benefit from the ‘exemptions’ available under the ‘Planning & Development Regulations’. The need for regularisation of the unauthorised development on site, emphasised to the applicant (‘Nenagh Golf Club’).
- the proposed ‘opening hours’ of the proposed ‘practice area’, and
- the proposed lighting of the proposed ‘practice area’.

Further, notice given to the applicant that should any portion of, or all of the ‘Further Information’ be deemed as “significant”, it will be required that the applicant give necessary further public notice in accordance with statutory requirements.

3.2.12. Applicants Further Information (F.I.) response submission –

- Applicants F.I. response received by the Planning Authority date stamped 10th July 2023.
- Confirm revised public notices submitted on 13th July 2023. These were compliant with statutory requirements.
- Retention permission for surface car park area –
 - Applicant has sought retention permission for the unauthorised carpark, as constructed.
 - A site layout plan has been submitted together with an amended site boundary.
 - Proposed ‘retention’ of the carpark deemed as acceptable. Consider this carpark will accommodate additional car parking spaces on site.
- Intended ‘Opening Hours’ for the proposed ‘Practice Area’ –

- Applicant confirms “the proposed hours of operation of the proposed practice area are to mirror that of the Golf Club”.
- At peak summertime this would be 07h00 – 21h30, and then taper back to 09h00 – 16h30 in wintertime”.
- Intended ‘Lighting’ of the proposed ‘Practice Area’ –
 - Applicant confirms “there are no current plans to light the practice area”.
 - In this regard reiterate that “the proposed hours of operation are to tie in with the hours of daylight”.
- Planning Assessment –
 - Planning Authority satisfied as to the completeness of the applicants F.I. Response submission.
 - Further consider the concerns raised by the Planning Authority in the F.I. request have been satisfactorily addressed.
 - Environmental Impact Assessment Screening and Appropriate Assessment Screening
 - Confirm EIA and AA Screening were carried out on 27/06/2023.
 - Confirm further, that the ‘Further Information (F.I.)’ submitted by the applicant has no material bearing on each of these screening activities.
- Confirmation that the applicants F.I. Submission was not referred to any of the “Internal or Prescribed Bodies”, for further assessment and comment.

3.2.13. Planning Assessment –

- Confirm the applicant has addressed the issue of the car-park, the opening / operating hours, and ‘lighting’ at the request for ‘Further Information (F.I.)’ Stage. Note the applicant has amended the application to include for details in relation to these items.
- “Land registry details and rights of ownership are not within the remit of the Planning Authority. While the Planning Authority cannot validate such information, it is noted that Section33(13) of the Planning & Development Act,

2000, as amended, states that “33(13) – A person shall not be entitled solely by reason of a permission under this section to carry out any development”.

- Confirm the site layout plan presents the site, and the distances of the proposed development are presented from the site boundary as required under Article 23(1)(f) of the Planning & Development Regulations, 2001, as amended.
- Management of the proposed development on how the Club and its Facilities, including wastewater treatment system, operates and runs is the responsibility of Nenagh Golf Club.
- Acknowledge that there is no ‘public water main’ in the local area. ‘Uisce Eireann’ (previously ‘Irish Water’) are the responsible body for public water supplies.
- Emphasise that the Planning Authority cannot comment on correspondence between Mr. Reddan and his Solicitors, and Nenagh Golf Club and its Captain.
- Note Mr. Reddans emphasis that his primary concern is errant golf balls landing on his property (approx. 50-100 per week). In this regard the PA note the location of the proposed ‘covered practice area’ in excess of 50m south of the boundary, and oriented to face in a westerly direction.
- Planning Authority satisfied, having regard to the design and layout of the proposed covered practice area, and in particular the distance between it and the common boundary shared with the 3rd Party Appellant, that the proposed development will not result in additional impact on the 3rd Party Appellants adjacent property.
- The operation and management of other elements of the Nenagh Golf Club and associated facilities “is a matter for the Club and does not form part of this application”.
- Confirmation that All Observations / Submissions received have been considered in the assessment of this planning application.

3.2.14. Representations –

Confirm none received by the Planning Authority

3.2.15. Appropriate Assessment –

- Confirmation that the 'Further Information (F.I.)' Response submission received from the applicant, has been screened as to the requirement for 'Appropriate Assessment'.
- Planning Authority determination that 'Appropriate Assessment' is not required
- Screening Report included with planning report.

3.2.16. Development Contributions –

Development Contribution calculated as “€2178.00”

3.2.17. Conclusions / Recommendation –

Having regard to all of the information available, recommend that –

“‘Permission’ and permission for ‘retention’ be granted subject to the (4no.) Conditions set out below”

3.3. **Prescribed Bodies**

None Apparent.

3.4. **Third Party Observations**

- 3.4.1. A single 3rd party observation received by the Planning Authority (date stamped received – 16/06/2023), from Mr. David Reddan (M) ('Beechwood', Nenagh), summarised as follows –

- site location map and site layout plan, are not accurate,
- site boundaries do not match Folio Details,
- unauthorised car park constructed
- no site safety assessment submitted, balls entering adjoining property,
- opening hours,
- capacity of wastewater treatment system,


- health & safety issues.

3.4.2. The applicants F.I. Response submission was referred to the single 3rd Party Observer Mr. David Reddan (F) ('Beechwood', Nenagh), whose detailed response (date stamped received – 26/07/2023) may be summarised as follows –

- Mr. Reddan cannot see how any of the issues previously raised by him, have been addressed (date stamped received – 16/06/2023).
- Assert the site layout plan includes land not owned by the applicant, and which shouldn't be included in the application.
- "Why are there still no measurements from the boundary ditch with ty35110, from the proposed new covered area shown on the site layout plan ?
- Repeat concern that the queries previously raised by him have not been addressed in the 'Further Information (F.I.)' submissions ?
- The site layout plan still does not include the landing area for the golf balls. Question how an application for "a covered driving range" be made without including the landing area for the golf balls?
- Point out "the proportions and detail of the intersection with ty35110 on the site layout plan still haven't been corrected".
- The letter from 'Nenagh Golf Club' Captain "is factually incorrect". Concern as to why this matter has not been addressed by the 'Nenagh Golf Club'
- Concern regarding the threat of extra footfall consequent of the proposed development, who would avail of All the facilities in the Club.
- Concern regarding whether any of his concerns relating to Wastewater Treatment, and Capacity, have been addressed
- Concern that the subsoil composition in this area is conducive to the high groundwater vulnerability. Consequent concern regarding environmental impacts of any development undertaken by the applicant.
- Point out that residents in the area, and the Golf Club itself, do not have the benefit of mains water supply. Rather water supply is via 'deep bored wells'. Emphasise commitment to water quality locally.
- Emphasise the biggest issue is threat "of errant golf balls entering ty35110 (50 – 100 golf balls per week). All relevant parties within the Golf Club are aware of this problem. Comment that "save for the 1st Tee being brought forward, no action was taken to at least try and prevent errant golf balls entering ty35110

- Note no comment in reply from the Nenagh Golf Club, as to how this threat could be addressed and alleviated.
- “I would be most grateful if your office could have some of the above issues addressed prior to granting permission for the proposed development”.

3.4.3. Confirmation that all issues raised were considered in deriving the Planning Officers recommendation.

 Current 3rd Party Appellant

4.0 Planning History

4.1. The following Planning History apparent with respect to the application site.

Reg.Ref.No.21203 Planning permission GRANTED to Nenagh Golf Club (the current applicants), subject to 2no. Conditions (Grant Date – 18/05/2021), for proposed development comprising –

- ‘retention permission’ for concrete floor slab as constructed,
 - ‘full planning permission’ to construct a covered teaching studio, hardstanding access path,
 - along with all ancillary site works,
- all at Nenagh Golf Club, Graigue, Nenagh, Co.Tipperary.

No.1 required the proposed development be retained, carried out and completed in accordance with the documentation and drawings submitted.

Reason : To clarify the terms of the permission, and in the interest of proper planning and sustainable development.

No.2 required “all surface water runoff from roofs, driveways and paved areas shall be collected and disposed of within the curtilage of the site by means of Soak Pits. Surface water

runoff shall not be allowed to discharge onto the public road or adjoining properties”.

Reason : To avoid interference with other properties, and to prevent damage to the public road with consequent traffic hazard.

(see copies of relevant case history documentation, included with the Inspectors report).

5.0 Policy Context

5.1. Tipperary County Development Plan 2022-2028

Volume 1 Written Statement

Ch.6 Supporting Sustainable Communities

6.4 Community Amenity and Sports

6.4.2 Delivery of Community Facilities

“Community amenity is important to us all, and is supported by national programmes such as the Government Sports Capital Programme, and the ‘Men’s Shed’ movement. The Sustainable Residential Development Guidelines in Urban Areas, (DEHLG, 2008) highlight the need to phase development in line with the availability of social and community infrastructure such as schools, amenities and other facilities”.

“The Council will seek to ensure that adequate and safe amenity, sports and recreational open space and facilities, including community facilities, sports fields, playgrounds and centres are available for all groups of the population at a convenient distance from their homes and places of work in line with the provisions of the Guidelines. In this respect, the Council has designated land for ‘Social and Public’ uses, including for sports fields and walking and cycling amenities etc”.

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. 3rd Party Grounds of Appeal – Mr. David Reddan (Beechwood, Nenagh, Co.Tipperary) :

The 3rd party grounds of appeal are set out fully in the documentation dated 23rd August 2023, and received by the Board date stamped – 23rd August 2023. These may be summarised as follows :

- 6.1.1. Question how planning application for a ‘driving range’ can be submitted, without the landing area for the golf balls being included in the site layout map of the application?.
- 6.1.2. Point out site layout map inaccurate, as did not include a newly built surface car park, completed without planning permission. Acknowledge this as being “rectified inn the F.I. request”. Comment this as being “unusual that this be left out in the first instance following a site survey”.
- 6.1.3. “Part ty4689f neighbouring folio included in this planning application which is not the property of Nenagh Golf Club”.
- 6.1.4. Assert no ‘safety assessment’ has been provided. Note Planning Authority comment that “they don't feel the need for One as the Golf Club is a long-standing permitted user at this location”.
- 6.1.5. “Where and When have Nenagh Golf Club received planning permission for a commercially run Driving Range in the first place ?”
- 6.1.6. Emphasise current “huge problem” of golf balls entering ty35110 adjoining property (approx.. 100 golf balls per week from the ‘driving range). A problem everyone is aware of. Assert right of enjoyment of use of property without constant threat to safety, and commercial use, consequent of stray golf balls.

- 6.1.7. If all golfers could hit the ball straight, or with control, there would not be need for a 'Driving Range', or practice facilities in the first place.
- 6.1.8. Everyone locally to do with Golf, and the Nenagh Golf Club particularly, "are all fully aware of the magnitude of the problem. Notwithstanding approaches to the Golf Club, the Captain and Trustees, and all for remedy of the problem, prior to the lodging of the current application for planning permission, "they have refused to do so".
- 6.1.9. Multiple approaches in writing have been made to the Nenagh Golf Club, in relation to this matter. To date no correspondence in reply, has been forthcoming from the Golf Club.
- 6.1.10. Reference the 'Further Information (F.I.)' phase as an opportunity, not taken by Nenagh Golf Club, for this problem to have been addressed.
- 6.1.11. Challenge how the Planning Authority concluded in the 'planning reports', that "they are satisfied that the development will not result in additional impact on ty35110" ? In this regard note the substantive references made by the 3rd Party Appellant, illustrating localities where such threat of argued negative impact exists, and the responding actions taken in mitigation, or remedy of such threat from errant golf balls landing on adjoining properties.
- 6.1.12. Emphasise that what is being argued for, "is that some measures are put in place to try and alleviate the problem".
- 6.1.13. Note that the Council have acknowledged that the letter from the Captain of Nenagh Golf Club was factually incorrect and have levied a fee of €2178 accordingly on 99m² development area.
- 6.1.14. 3rd Party Appellant references own question regarding "increased footfall affecting the current wastewater treatment capacity currently in use at Nenagh Golf Club.
"If there was no expectation of increased capacity, then why was €20,000 spent on a new car park without any planning permission ? Why would one build a new car park

for some 40 to 50 cars if they didn't need it ? What exactly is the car park for if its not for extra patrons".

- 6.1.15. Emphasise the relevance for any planning application "that the wastewater treatment plant is of sufficient capacity to deal with the volume created by the patrons, or any extra patrons attending any such facilities, and its taken into account prior to making a decision ?"
- 6.1.16. In this regard note that the planner in a previous application had reference to the subsoil composition and the high groundwater vulnerability in the area. 3rd Party Appellant comments "I would have thought at least some sort of reply clarifying the situation would have been expected ?".
- 6.1.17. Concern regarding the applicant's apparent absence of attention to Environmental Guidelines and Regulations, or the Health and Safety of neighbours. This made worse by reference to alleged incidence of acute illness amongst neighbours to the Golf Club.
- 6.1.18. Reference that by way of public notice in regional newspaper, the Nenagh Golf Club gave notice to its Members of "a serious issue with the deep bored water supply". Further, reference the Clubs e-mail notice to Members advising "the irrigation system needed attending and it was of the utmost urgency".
- 6.1.19. In response raise question as whether Nenagh Golf Club has advised its neighbours and the users of all the deep bored wells of all these serious and utmost urgent issues with the water and irrigation systems?? Furthermore, query whether the Golf Club has notified relevant groups as to "the reasons for its concerns all of a sudden ?".
- 6.1.20. Notwithstanding the exhaustive attempts by the 3rd Party Appellant with Club Officials to get some progress in alleviation of this issue, "it has come to this point". Furthermore, reference initiation of efforts with Authorities to ensure compliance with the Wildlife Act and the Environmental Protection Act.
- 6.1.21. Conclude hope that "some bit of an effort be made and that we could traverse ty35110 safely".

Had any effort been made, the 3rd Party Appellant would not have been resigned to the current scenario.

6.2. Planning Authority Response

Stated “no further comments” (23/10/2023).

6.3. Applicant’s Response – Nenagh Golf Club (Beechwood, Nenagh, Co.Tipperary):

6.3.1. The applicant’s response to the 3rd party grounds of appeal is set out fully in the documentation dated 08th September 2023 (received by the Board date stamped 11th September 2023). These may be summarised as follows :

6.3.2. Background to Nenagh Golf Club :

- Established at Graigue in 1929.
- A members Club – approx. 1100 members.
- Proposed development to facilitate golf practice by Club Members. Also to permit recreational activity for members when time for a full round of golf not available.
- The land accommodating the practice bays was acquired by the Club in the early 1990’s. Registered in July 1993 folio 15438F. The area has been used by Club Members as an uncovered practice area since that time.
- Current application to provide 6no. covered driving bays, in an area already used by Members as an uncovered practice ground. Emphasise “the covered driving bays will provide some protection in adverse weather conditions for users”.

6.3.3. Mr. David Reddan – 3rd Party Observer / Appellant :

- Mr. Reddan acquired “a small agricultural landholding”, adjoining the Clubs Practice ground and the 1st Hole, in approx. 2019.
- Mr. Reddans property located immediately north of the Clubs Practice Ground, and immediately east of the 1st Hole (**Note:** Having regard to drawings and mapping included with the application, and to my observations at the time of physical inspection, I query the orientation referenced by the Nenagh Golf Club.

I suggest the orientation of the Mr. Reddan (3rd Party Appellant) property, to the Clubs 1st Hole tee-box should be adjacent to the west and not east as stated).

- Reference complaints made by Mr. Reddan to the Club that golf balls are entering his adjoining property from the Clubs practice ground and from the 1st tee-box.
- Comment that “the Club was previously unaware of any nuisance issues concerning golf balls entering the adjoining lands from its property but accepts that an occasional stray ball may enter the property”.

6.3.4. Nenagh Golf Club – Mitigation of negative impacts from ‘flying golf balls’, on adjoining / neighbouring properties :

- Confirmation that consequent of the Mr. Reddan complaints, the Club “has taken steps, and will take further steps to reduce the possibility of balls going out of bounds, and into our neighbours property from the practice ground and first tee”.
- The Practice Ground
 - The proposed practice bays to be located approx. 50m from the shared boundary of the Mr. Reddan lands. The expected trajectory of golf-ball flight will be ‘south-westerly’ away from the Reddan shared boundary line.
 - State commitment by the Nenagh Golf Club that the area between the most northerly practice bay, and Mr. Reddan’s property will be allowed to become “a ‘protected area’ where biodiversity can be restored and enhanced, which will further reduce possibility of golf balls entering the adjoining property”.
- The 1st Hole ‘Tee-Box’
 - Confirm men’s tee-box on 1st Hole has been brought forward by 25m “to a less challenging hitting area, where the potential for drives to be sliced from the tee would be much reduced”. This would limit potential impact on the adjoining property.

- The Club has committed in the coming planting season to relocate some mature trees (from the Clubs tree nursery areas), to the boundary between the Club and Mr. Reddans lands. This “should further reduce any problem with errant balls entering the adjoining property”.

6.3.5. Nenagh Golf Club – The Future :

- Since its foundation, the Club has enjoyed good relationships with adjoining neighbours. The Club commits to ensuring these ‘good relations’ are sustained into the future.
- Emphasise Nenagh Golf Club –
 - is a well run Club,
 - with a progressive Committee, and
 - “a much respected golf course designed by the late Patrick Merrigan”.
- Emphasise “the provision of a weather protected covered in Driving Range, will be an important addition to the Club Facilities”.

6.3.6. The Club Committee “urge An Bord Pleanala to give favourable consideration to the project”.

6.3.7. Request that ‘retention’ permission be granted.

6.4. **Observations**

None.

6.5. **Further Responses**

None.

7.0 **Planning Assessment**

7.1. I have examined the file and available planning history, considered the prevailing local and national policies, inspected the site within its local context, and assessed the proposal and all of the submissions. The following assessment covers the points

made in the appeal submissions, and also encapsulates my de novo consideration of the application. The relevant planning issues relate to :

- Principle and Location of the proposed development, for ‘planning permission’ and for ‘retention’
- Existing Unauthorised Surface Car Park – For ‘Retention’
- ‘Health and Safety’ Considerations
- Site Boundary : Encroachment / Land – Legal Issues
- Appropriate Assessment.

7.2. Principle and Location of the proposed development, for ‘planning permission’ and for ‘retention’ :

- 7.2.1. Having regard to the information available, and to my observations made at the time of physical inspection (see photograph series attached), the application site for the proposed “6no. bay covered practice area” comprises an element of the existing, long established Nenagh Golf Club Complex.
- 7.2.2. Noteworthy in this regard is the clarification made by the applicant (Nenagh Golf Club) in their response submission to the 3rd Party Appeal, that the Nenagh Golf Club was established at Graigue in 1929 and comprises a membership of approximately 1100 members. Further, the land comprising the application site (ie. the 6no. practice bays) was acquired by the Club in the early 1990’s (Note: Registered in July 1993 folio 15438F). Since the Clubs acquisition, these lands have been used by the Club Members as an uncovered, exposed practice area. The existing 6no. uncovered bays are clearly shown in the attached photographs taken at the time of physical inspection.
- 7.2.3. The current application is to provide 6no. covered driving bays, in an area already used by Club Members as an exposed, uncovered practice ground / driving range. Accordingly therefore I Understand the applicants (Nenagh Golf Clubs) motivation to enable its Members with a modest, covered, all-weather practice area / driving range. This as opposed to the current exposed set of 6no. Bays, whose resource value and benefit to Club Members is diminished by being largely weather dependent, and a potential health and safety threat, if used in times of inclement weather.

7.2.4. I also believe it relevant to distinguish between the use of the Bays as a driving range / practice area, and the proposed modest structure proposed to cover what are 6no. existing driving bays (ie. tee-boxes). Noting the Applicants clarification of acquisition of the lands within which the application site is located (ie. early 1990's), I understand the Clubs use of this area as a driving range / practice area for conservatively 25years.

Accordingly, I believe it relevant to distinguish the proposed modest structure to cover the existing 6no. bays, not as a new use, but rather as an enhanced benefit to the Club Members for improved and safe use of the existing, long-established facility, in all weather conditions throughout the year.

7.2.5. The proposed improved covered 6no. bay practice area / driving range would also be in accordance with the relevant provisions of the Tipperary County Development Plan 2022-2028, which at Section 6.4.2 seeks the enhanced "Delivery of Community Facilities". Not only is the proposed development consistent with and complementary to the established primary use of the Nenagh Golf Club Complex, but that the consequent improvements reasonably expected would be of direct real benefit to its Members in progressing golfing activity.

7.2.6. Having regard to the information available, and to my observations made at the time of physical inspection, I am satisfied that the principle of the proposed development has been reasonably established at this location. Accordingly, I believe the proposed development (6no. bay covered practice area), and the proposed 'retention' of the existing unauthorised surface car parking area, would be in accordance with the proper planning and sustainable development of the area.

7.3. Existing Unauthorised Surface Car Park – For 'Retention' :

7.3.1. Having regard to the information available, I understand the existing unauthorised surface car park was brought to Attention as part of the 3rd Party Observer (Mr. David Reddan) submission during the planning permission application process.

7.3.2. By way of 'Further Information' consultation with the applicant, the current application was amended to include for the regularisation of the existing surface car park by way

of 'Retention permission'. I have no objection to the pragmatic approach taken by the Planning Authority. I note the revised public notices submitted on 13th July 2023, and which were deemed compliant with statutory requirements by the Planning Authority.

- 7.3.3. At the time of inspection, I noted the modest surface car park as satisfactory from both a vehicular user and traffic safety perspective.
- 7.3.4. I note that no objections were made by either of the Planning Authority or the relevant Departments within the Council. I share these opinions.
- 7.3.5. Accordingly, I believe 'retention' of the existing surface car park would be in accordance with the proper planning and sustainable development of the area.

7.4. Health and Safety Consideration ::

- 7.4.1. The argued threat to personal safety, consequent of golf balls from the existing driving range entering his adjacent property (to the north), is a primary concern argued by the 3rd Party Appellant (Mr. David Reddan) against the proposed development. I note the emphasis made that this is a "huge problem" with approximately 100 golf balls per week entering his property.
- 7.4.2. In this regard I repeat the Nenagh Golf Club being established at this location since 1929. Further, the existing 6no. bay practice area / driving range has been operational since the mid-1990s. I further note the clarification submitted by the applicant (Nenagh Golf Club) that the 3rd Party Appellant (Mr. David Reddan) acquired "a small agricultural landholding", adjoining the Clubs Practice ground and the 1st Hole, in approx. 2019. It is this portion of land, I understand, over which the 3rd party appellant expresses such concern.
- 7.4.3. In the first instance I note that whereas the Nenagh Golf Club has been established and operational for over 90-years, and the existing 6no. bay practice area / driving range for nearly 30-years, the 3rd Party Appellant (Mr. David Reddan) acquired the

adjoining property in approx. 2019 (5-years ago). Clearly the varied golf activities of the Nenagh Golf Club had been established and operational for a considerable period of time, prior to the 3rd party appellant acquiring his property.

- 7.4.4. Having regard to the information available, I am inclined to the understanding that the applicant (Nenagh Golf Club) has never disputed that occasional poorly hit golf balls may enter adjoining properties. Further, I believe this incidence is not unique to the Nenagh Golf Course, but must reasonably be anticipated at all 'Golf Courses' and particularly where adjacent, neighbouring land use is 'residential'.

However, it would also appear to be the case that the applicant in this instance, has made reasonable efforts in attempts to mitigate negative impacts on all its neighbours, and on the information available particularly with respect to the 3rd Party Appellants (Mr. David Reddan) property, located adjacent to the north of the existing golf driving range / practice area.

- 7.4.5. In this regard I note the location of the proposed 'covered practice area' in excess of 50m south of the shared boundary, and that it is oriented to face in a westerly direction. Specifically, having regard to the layout and orientation of elements on the site, the Applicant (Nenagh Golf Club) assert that the expected trajectory of golf ball flight away from the practice tees will be 'south-westerly' away from the 3rd party appellants shared boundary line. In as much as influence by the applicant is at all possible, I believe these attempts towards mitigation of threat of impact to be reasonable.

- 7.4.6. I note further in this regard the commitment stated by the applicant (Nenagh Golf Club) in their response to the 3rd Party Appeal, that the area between the most northerly practice bay of the proposed 'covered practice area', and the 3rd Party Appellants (Mr. David Reddan) adjoining property to the north, will be allowed to become "a 'Protected Area' where Biodiversity can be restored and enhanced, which will further reduce possibility of golf balls entering the adjoining property". Potential threat of negative visual amenity impact would also be addressed by way of such proposed restoration and enhancement of local 'biodiversity'.

- 7.4.7. Further confirmation of the applicants commitment to avoiding at best, and mitigating at worst threat of negative impact to the safety particularly of the 3rd Party Appellant consequent of 'mis-hit' golf balls flying onto his adjoining property are noted by the fact that the men's 'tee-box' on the 1st Hole has been brought forward by 25m "to a less challenging hitting area, where the potential for drives to be sliced from the 'Tee' would be much reduced", and thereby minimising potential impact on the adjoining property. In addition, I note the applicants statement of further commitment in the coming planting season to relocate some mature trees (from the Clubs tree nursery areas), to the shared boundary between the Golf Club and the 3rd Party Appellants adjacent lands.
- 7.4.8. On the information available, I deem as reasonable the statements of existing and intended actions by the applicant, being indicative of the expressed conviction that since its foundation (ie. 1929), the Nenagh Golf Club has enjoyed good relationships with adjoining neighbours. The Club emphasises its commitment to ensuring these 'good relations' are sustained into the future.

7.5. Site Boundary : Encroachment / Land – Legal Issues :

- 7.5.1. I have taken careful note of the arguments made by the 3rd Party Appellant (Mr. David Reddan), in respect of possible land / legal matters relating to "Part ty4689f neighbouring folio included in this planning application which is not the property of Nenagh Golf Club".
- 7.5.2. However, notwithstanding these arguments made against the proposed development by the 3rd party appellant, I have had regard to the application for 'planning permission', and for 'retention permission' on the planning merits alone, as set out in the above discussions. I am inclined to the view that any decision on the planning application does not purport to determine the legal interests held by the applicant, or any other interested party in relation to the impact of development on shared boundary demarcation in this instance.
- 7.5.3. I would also draw attention to Section 34(13) of the Planning and Development Act, 2000 as amended, which relates as follows: "A person shall not be entitled solely by

reason of a permission or approval under this section to carry out a development". In this regard, I reference the explanatory notes which read as follows – "This subsection ... makes it clear that the grant of permission does not relieve the grantee of the necessity of obtaining any other permits or licences which statutes or regulations or common law may necessitate". Consequently, I understand that any legal obligations on the applicants (Nenagh Golf Club), to ensure that the legality of landownership and user privileges enjoyed by the 3rd Party Appellant (Mr. David Reddan) in particular are not compromised, are covered.

7.5.4. Consistent with the pragmatic approach evident by the Planning Authority in its decision to grant 'planning permission', and 'retention permission' subject to Conditions, I believe that satisfactory compliance by the applicant in this regard can be achieved by way of further supplementary Condition, should the Board be so minded as to a grant of permission.

7.5.5. Accordingly, I do not believe these arguments by the 3rd Party Appellant (Mr. David Reddan) against the proposed '6no. bay covered practice area' development particularly, to be reasonable and substantive grounds for refusal.

7.6. Appropriate Assessment :

7.6.1. Having regard to the nature and modest scale of the proposed development, located within the established Nenagh Golf Club Complex, and to the separation distance and absence of a clear direct pathway to any European site, 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 a European site.

8.0 Recommendation :

8.1. Having regard to all of the above, I recommend that 'planning permission' and 'retention planning permission' be GRANTED in accordance with the following Schedules.

9.0 Reasons and Considerations :

Having regard to the existing pattern of mixed land use in the area, it is considered that, subject to compliance with Conditions set out in the Second Schedule, the development proposed for 'permission' and the development proposed for 'retention permission' would be in accordance with the relevant provisions of the 'Tipperary County Development Plan 2022-2028; would not seriously injure the amenities of the local neighbourhood, or of the property in the vicinity; would not be prejudicial to public health; and would be acceptable in terms of traffic safety and convenience. The proposed development for 'permission', and that proposed for 'retention permission' would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions :

- 01.** The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 19th day of May 2023, as amended by the further plans and particulars submitted on the 11th day of July 2023 and the 14th day of July 2023, 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, and the orderly development of the area.

- 02.** The opening operational hours of the proposed "6no. bay covered practice area", will be the same as the Nenagh Golf Club opening hours, as follows –

Summertime hours **07h00 – 21h30**

Wintertime hours **09h00 – 16h30**

Reason : To clarify the terms of the permission, and in the interest of the general amenity of the area, and of proper planning and sustainable development.

- 03.** All drainage arrangements, including the attenuation and disposal of surface water runoff from roofs, access pathways, and paved areas, shall comply with the requirements of the Planning Authority for such works and services.

Reason : In the interest of public health, and to avoid interference with adjoining properties.

- 04.** The external materials, colouring and finishes of the proposed “6no. Bay Covered Practice Area”, including roofing, shall be consistent with, and complementary to those of the existing adjacent “Teaching Studio”, for which planning permission granted under **Reg.Ref.No.21203**, as well as that prevailing within the Nenagh Golf Course Complex generally. Any changes or revisions in this regard, shall be submitted to, and agreed in writing with the Planning Authority, prior to the commencement of such works.

Reason : In the interest of visual amenity.

- 05.** The surface car parking space for which ‘retention’ permission is sought, shall be provided in accordance with a detailed car parking layout which shall be submitted to, and agreed in writing with the Planning Authority prior to commencement of development.

The detailed car parking layout shall be prepared in accordance with Section 6.5 – “Car & Cycle Parking Provision & Electric Vehicle Charging Standards”, and Table 6.4 – “Minimum Car Parking Standards”, and Table 6.6 – “EV Charging Point Standards”, all of the Tipperary County Development Plan 2022-2028, Volume 3, Appendix 6 – “Development Management Standards”.

Reason : To ensure a satisfactory surface parking layout in the interests of pedestrian and vehicular traffic safety, and of visual amenity in the vicinity.

- 06.** The applicant shall pay to the Planning Authority a financial contribution in respect of all 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 Applicant 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

L.W. Howard
Planning Inspector
05th April 2024