



An
Bord
Pleanála

Inspector's Report

ABP-318747-23

Development

To amend condition no. 3(a) (ABP Ref. 312511-22) to allow for a year-round (12 month) use of the air dome for multi-use sports activities, primarily used for 2 no. indoor tennis courts, permitted under reg. ref. 21/294 (ABP Ref. 312511-22)

Location

Mortartstown Upper, Kilkenny Road, Carlow

Planning Authority

Carlow County Council

Planning Authority Reg. Ref.

2360234

Applicant(s)

Southeast Technological University, Carlow (SETU).

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Kieran & Rosario Morris & Others

Observer(s)

None.

Date of Site Inspection

2nd September 2024

Inspector

Jennifer McQuaid

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1.0 Site Location and Description

- 1.1. The proposed site (0.417ha), is located within the existing sport's campus for South East Technological University (SETU). The site is accessed off the R448 (Kilkenny Road) and in the townland of Mortartstown Upper. The site is approximately 2.5km southwest of the centre of Carlow Town.
- 1.2. Tyndall College Carlow and Carlow Institute are located to the north of the subject site. Maple Court housing estate is located directly south of the subject site. The sports campus includes a range of existing sports facilities such as playing pitches, pavilion building, athletics track and walking track, as well as ancillary infrastructure such as car parking (c.201 spaces), footpaths and maintenance building.
- 1.3. The subject site has a rough stone/gravel unfinished surface area to the northeast end of the campus which is accessed by the existing access road. The subject site adjoins the rear garden boundary wall of two house in Maple Court to the south. The site boundaries comprise a 2.4m high acoustic fencing to the south and east, with planting along the entrance to the west and

2.0 Proposed Development

- 2.1. The proposed development seeks to amend Condition 3(a) of ABP ref. 312511-22 to allow for a year-round (12-month) use of the air dome for multi-use sports activities, primarily used for 2 no. indoor tennis courts, permitted under ABP Ref. 312511-22, (Reg. ref 21/294)

3.0 Planning Authority Decision

3.1. Decision

Grant subject to 3 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planning report discusses the submission received, the request from the applicant for amending the condition and the reason for doing so and request 12 month use of the dome for playing facilities.

3.2.2. Other Technical Reports

- Municipal District Office – No roads related issues
- Environment – No objection subject to conditions relating to surface water.
- Water services – No objection

3.3. Prescribed Bodies

Uisce Eireann – no impact on UE assets therefore no objection.

HSE – no submissions to make.

3.4. Third Party Observations

A submission was received from Kieran and Rosaro Morris. The concerns raised were:

- Application is not valid as it is a repeat of reg. ref. 21/294.
- Development is visually obtrusive due to scale, form and materials.
- Tree planting measures will be insufficient to mitigate visual impact.
- Residential amenity will be impacted by noise, traffic and playing of tennis.
- Light spill – dome will create a “light bulb” effect.

4.0 Planning History

ABP 312511-22: Planning Ref: 21294. Permission granted for development at IT Carlow Sports Campus consisting of an air dome for multi-use sports activities.

20293: Permission granted for modification to development previously permitted planning reference 15324 & 18178.

19334: Permission granted for 2 no. signs at the entrance to the new sports campus previously permitted under planning reference 15324.

18178: Permission Granted for phase 2 of the New Sports Campus.

15324: Permission Granted for the development of a new sports campus.

Adjoining lands to the north:

14139: Permission granted for provision of a new campus consisting of; one 1000 pupil three storey, part single storey Post Primary School; one 1000 pupil three storey, part single storey Institute of Further Education; one two storey combined PE Hall and all associated works.

5.0 Policy Context

5.1. Development Plan

Carlow County Development Plan 2022-2028

Chapter 8 – Community Development

Objective EF03: Support the development of IT Carlow as part of a Multi Campus Technological University of the South East (TUSE), which will further enhance IT Carlow's standing as a 3rd level institution and will strengthen and reinforce Carlow's regional and inter-regional role in education, research, and innovation capacity.

Chapter 11 – Tourism and Recreation

Policy SL. P1: Facilitate a vibrant and active sports sector in the County with increased participation levels, good quality sustainable facilities, which are appropriate in scale and location, and which provide opportunities for people to have access to play an active role in sport and physical activities.

Chapter 16 – Development Management Standards.

Carlow – Graiguecullen Draft Joint Urban Local Area Plan 2024-2030

The subject site is within the Joint Urban Local Area Plan Boundary. The site is zoned as Community/Education. The objective is to protect and provide for community and educational facilities. The purpose of the zoning is to provide for and safeguard community, educational and civic facilities and uses which contribute to the creation of viable and sustainable communities, including health care, childcare, schools, places of worship, community facilities, recreational facilities, and ancillary

neighbourhood uses and services. Recreational facilities, community hall and sports hall are permitted in principle uses.

5.2. National/Regional Policy

- Project Ireland 2040 National Planning Framework (2018)
- Regional Spatial and Economic Strategy for the Southern Region (RSES) (Jan 2020)

5.3. Natural Heritage Designations

5.4. The proposed site is located c.330 metres from the River Barrow and River Nore SAC (Site code: 002162)

5.5. EIA Screening

The proposal relates to an amendment to a previous condition on a grant of permission, which relates to the months of operation for an air dome. The proposed development is not a class or project listed in Schedule 5 of the Planning and Development Regulations 2001, as amended.

The need for environmental impact assessment can, therefore, be excluded.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal have been received from the neighbouring property directly south of the proposed site. The grounds of appeal can be summarised as follows:

- A previous appeal was made under planning reference 312511-22 by the appellant and issues were raised in relation to visual amenity. The appellant has highlighted this issue in the current appeal.
- The proposal is contrary to previous An Bord Pleanála condition 3(a). “The inflatable dome shall be erected between the 1st day of September and the

30th day of May of the following year. Outside of these dates, the inflatable dome shall be deflated and removed from the courts.”

- An Bord Pleanála did not consider an inflatable dome shall be in place all year around and preference would be for a permanent structure.
- The applicant argues that the dome cannot be easily taken down and reconstructed during the summer months. They also note storage of the dome is an issue. The appellant outlines 3 other tennis clubs (Templeogue Tennis Club Dublin, Windsor Lawn Tennis Club Belfast, Naas Lawn Tennis Club) use a similar structure and deflate the dome during the summer or drier months of the year.
- A permanent building would be a better option and shall be designed similar to the adjoining Tyndall College and Adult Education Centre.
- The applicant states the tennis courts will see a 25% reduction in use over the summer month is unfounded. Tennis is regularly played outside during the summer months due to the warmer weather.

6.2. Applicant Response

The applicant’s response to the grounds of appeal can be summarised as follows:

- The deflating and reinstallation of the dome annually within a 3-month timeframe is not feasible due to logistical, economic, and engineering constraints. The process would require significant resources and expertise, making it impractical to implement. The lack of on-site storage necessitates transportation off-site, which would require a significant amount of time and resources.
- The air dome can be used by a wide range of sporting groups during the summer months. It will not be confined by SETU students.
- No material difference to the use of the dome in summer months than the other 9 months of the year, and therefore the dome would not have any detrimental effects.

- Removing the dome for 3 months would incur extra costs and result in a 25% reduction on the potential use of the facility.
- The dome will offer substantial contributions to the local and national recreational and amenity infrastructure and greatly benefit the community and have a broader impact on the overall recreational landscape. The proposal has potential to provide significant benefits to the tourism industry. By offering enhanced recreational facilities, the proposal can attract more tourists, boost visitor spending, and contribute to the overall growth and development of the tourism sector.

6.3. Planning Authority Response

The Planning Authority responded to the appeal and have outlined the following:

- Condition 3(a) did not take sufficient account of the more complex structural design of the inflatable air dome, the nature of which does not lend itself to simple and/or quick deflation/removal and reinstallation operations.
- No substantive planning basis to support the restriction on the use of the air dome for an additional 3-months during the summer period, as the use of the air dome during the summer months will not present any significant new or additional planning impacts in the area.
- From a visual perspective the planning condition 3(a) preventing the use of the air dome on the site over the three summer months is not deemed warranted or necessary.
- The air dome can make a significant contribution as a valuable sports facility for the wider community. Existing sports facilities at SETU, including those on the Sports Campus, are available for use by residents of the town, and by primary and secondary schools. A restriction on the availability of the air dome as per condition 3(a) would prevent its use during the summer months, a period when demand for same would be comparable to winter month usage.

6.4. Observations

- None

6.5. Further Responses

- None

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Condition No. 3(a).
- Visual Amenity
- Appropriate Assessment

7.2. Condition No. 3(a)

7.3. The proposed development entails permission for an air dome for multi-use sports activities, primarily used for 2 no. indoor tennis courts development (granted under ABP-312511-22) on the site located on zoned lands in the environs of Carlow town.

7.4. An Bord Pleanála permitted development under planning reference ABP-312511-22 for the air dome for multi-use sports activities, is the subject of this appeal. Condition 3(a) of previous granted (ABP-312511-22) states: *The inflatable dome shall be erected between the 1st day of September and the 30th day of May of the following year. Outside of these dates the Inflatable Dome shall be deflated and removed from the courts.*

7.5. The Planning Authority granted permission for the proposed development requesting the removal of the Condition 3(a) of ABP-312511-22, and to use the air dome for 12 months of the year instead of the 9 months permitted.

7.6. The grounds of appeal outline the proposal is contrary to previous An Bord Pleanála condition 3(a) and that the Board did not consider an inflatable dome shall be in place all year around and preference would be for a permanent structure. The appellant has provided information on 3 other tennis clubs (Templeogue Tennis Club Dublin, Windsor Lawn Tennis Club Belfast, Naas Lawn Tennis Club) which use a similar structure and deflate the dome during the summer or drier months of the

year. The appellant states a permanent building would be a better option and shall be designed similar to the adjoining Tyndall College and Adult Education Centre.

- 7.7. The applicant has responded to the ground of the appeal and has detailed the reasons for retaining the dome all year round. The applicant states that Condition 3(a) does not take sufficient account of the more complex structural design of the inflatable air dome, and as such the nature of which does not lend itself to simple and/or quick deflation/removal and reinstallation operations. This process can take up to 3 weeks.
- 7.8. The applicant also states there is no substantive planning basis to support the restriction on the use of the air dome for an additional 3-months during the summer period, as the use of the air dome during the summer months will not present any significant new or additional planning impacts or visual impact in the area. And the dome can provide a significant contribution as a valuable sports facility for the wider community. Existing sports facilities at SETU, including those on the Sports Campus, are available for use by residents of the town, and by primary and secondary school.
- 7.9. Inspector report ABP-312511-22 stated there was no valid reason for retaining the inflatable structure all year round and if the applicant wishes to use the structure all year round then a permanent building would be more appropriate from a sustainability perspective as well as a visual perspective at this location. The Board agreed with this opinion and so Condition 3(a) was applied.
- 7.10. The proposed air dome is located in an existing sports campus facility associated with SouthEast Technology University Carlow. I note the applicant's argument that the dome can be used all year round by various bodies, however, the applicant has failed to address the reasons for the condition being imposed by the Board. The Board previously stated a more permanent sustainable and visually acceptable building would be more appropriate. If the applicant intends to use the building on a more permanent basis a permanent structure would be more suitable. As stated below, visual amenity will not be impacted by the proposed dome, however, a more suitably designed & efficient building would be more acceptable at this location particularly given the location of residential dwellings, albeit at 30metres separation and no negative impacts were concluded. I do not consider the proposal before the Board is substantially different to the previous grant of permission ABP-312511-22.

7.11. Therefore, having regard to the information submitted by the applicant, the nature of the temporary structure and the location adjacent to residential dwellings albeit, over 30 metres from the nearest residential dwelling, it is my opinion that Condition 3(a) shall remain in place.

7.12. **Visual Amenity**

7.13. The proposed dome structure is a curved/dome shape with an overall height of 11.05m in the centre point. The dome will be located approximately 30.4 metres from the rear of the appellants dwelling and located 6.5m-7.4m from the shared southern boundary. The applicant has proposed an extensive landscaping plan with screening along the southern boundary. At present, there is natural screening along this boundary and the rear of the appellants dwelling is not visible from the proposed site.

7.14. The appellants raised concerns in relation to the visual impact from their rear garden and state the proposed structure will represent an obstructive and overbearing feature. The appellants have attached photomontages to highlight the proposed visual impact.

7.15. The proposed dome is over 30 metres from the rear of the appellant's dwelling and an existing hedgerow exists between both. The proposed dome will have a lower finished floor level of 51.45m compared to the appellant dwelling at 54.6m, (a difference of 3.15m). I note the overall height of the dome is at 11.05m and this is slightly higher than an average two storey dwelling. Having regard, to the separation distance and the existing and proposed vegetation, I do not consider the proposal will have a visual impact on the appellants property.

7.16. I note the previous inspectors report (ref: 312511) referred to the visual impact on the appellants property and on the adjacent property and concluded the following "As the structure has a dome shape, its height increases in a sloped manner away from the site boundary to the south. Having regard to the sloped nature of the dome, the lowered finished ground level of the dome, the overall distance between the neighbouring dwellings and the angle of those dwellings relative to the site, as well as the level of existing and proposed planting, I consider the overall visual impact would not be so significant as to have a serious negative impact on the visual amenity of the neighbouring properties".

7.17. Therefore, having regard to the through assessment previously carried out and to the nature of this appeal, I do not consider that the proposed development will have a negative visual impact on the appellants dwelling or on the surrounding area.

8.0 AA Screening

8.1. Having regard to the amendment of a previous condition, the limited nature and scale of the development and the lack of a hydrological or other pathway between the site and European site, it is considered that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant impact individually or in combination with other plans or projects on a European site.

9.0 Recommendation

I recommend that planning permission to remove Condition 3(a) is refused for the reason and considerations as set out below.

10.0 Reasons and Considerations

1. Having regard to the temporary nature of the proposed development, the previous decision by the Board, the location of the site, it is considered that the proposed amendment to condition 3(a) shall not be removed from the previous grant of permission. The proposed amendment would, therefore, be contrary to proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Jennifer McQuaid
Planning Inspector
13th September 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	318747-23		
Proposed Development Summary	Amendment to previous Condition 3(a) for an air dome.		
Development Address	Mortartstown Upper, Kilkenny Road, Carlow		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	
		No	X
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
			Conclusion
No	X	N/A	No EIAR or Preliminary Examination required
Yes			Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ Date: _____