



An Bord Pleanála

Development: Football pitch, clubhouse, car parking at Drumineny, Raphoe, Lifford PO, Co. Donegal.

Planning Authority: Donegal County Council

Planning Authority Reg. Ref: 12/60122

Applicant: Ciaran Neary

Type of Application: Permission

Planning Authority Decision: Grant

Planning Appeal

Appellant(s): Raphoe Town Football Club

Type of Appeal: 3rd-v-Grant

Site Inspection: 08th March 2013

Inspector: Colin McBride

1. SITE DESCRIPTION

- 1.1 The site, which has a stated area of 0.303h, is located 1.6 miles to the south of Raphoe. The site is located on the eastern side of county road with a carriageway width of between 5-6m. The site currently in agricultural use and is defined by boundary hedgerow. There is an existing agricultural entrance to the site from the public road. The adjoining lands are similar in nature. There are a number of adjoining dwellings including existing dwellings adjacent the northern and southern boundaries and a single-storey dwelling immediately opposite the existing entrance to the site. The levels on site are relatively flat with the level of the site slightly higher than that of the public road.

2. PROPOSED DEVELOPMENT

- 2.1 Permission is sought for a football pitch, clubhouse with septic tank and percolation area and car parking. The proposal entails provision of a single soccer pitch and a clubhouse with a floor area of 167.3sqm and a ridge height of 4.2m. A hard standing area is provided adjoining the clubhouse with 1 no. bus parking space and 12 car parking spaces. The existing agricultural entrance is to be upgraded to provide access to the site. The clubhouse is to be connected to a septic tank and percolation area and water supply is to be from the public mains.

3. LOCAL AUTHORITY AND EXTERNAL REPORTS

3.1

- a) Executive Engineer Road (11/06/12): No objection subject to conditions.
- b) EHO (14/06/12): Applicant to demonstrate that sanitary arrangements are in compliance with EPA Wastewater Treatment Manual.
- c) Heritage Officer (14/06/12): Application to be referred to Department of Arts, Heritage and the Gaeltacht and Office of Public Works due to proximity to a National Monument.
- d) Development Applications Unit (27/06/12): Archaeological assessment required as further information.
- e) Planning Report (04/07/12): Further information required including the requirements of the Development Applications Unit and EHO. In addition the applicant was requested to give details of the days/hours of operation, the intensity of use of the facility including traffic projections and revised proposals for piping surface water at site frontage.
- f) EHO (13/11/12): Conditions to be attached to any grant of permission.

- g) Heritage Officer (21/11/12): Advice of Department of Arts, Heritage and the Gaeltacht and Office of Public Works crucial before decision is made. Clarification required regarding further mitigation measures as suggested by the Archeological Assessment.
- h) Development Applications Unit (21/11/12): A condition requiring archaeological monitoring is recommended to be attached to any grant of permission.
- i) Planning Report (11/12/12): Response to further information was noted. The PA was satisfied with the Archeological Assessment submitted and the sanitary proposals were considered satisfactory. The PA was satisfied with the intensity of use and proposals to deal with surface water. A grant of permission was recommended subject to the conditions outlined below.

4. DECISION OF THE PLANNING AUTHORITY

- 4.1 Permission granted subject to 9 conditions. Of note are the following conditions...

Condition no. 2: Archaeological monitoring.

5. DEVELOPMENT PLAN POLICY

- 5.1 The relevant plan is the Donegal County development Plan 2012-2018. The site is located within a rural area outside of any of the designated settlements.

6. PLANNING HISTORY

- 6.1 09/40094: Permission refused for construction of changing rooms, meeting room, kitchen, storage room, septic tank and percolation area, the laying out of a standard size football pitch and all associated site works. There were two reasons for refusal which are...

1. *The proposed development is located within a rural area outside towns and villages as designated in the County Development Plan, 2006-2012 (as varied) and is located within an area of high archaeological potential, which includes a number of National Monuments. It is a Policy of the Council 'to protect & enhance the integrity of Archaeological Monuments & their settings & all subsequent monuments / sites identified within the Plan period and also to secure the preservation (in-situ or, as a minimum, by record) of all archaeological monuments included in the Record of Monuments & Places, and of sites, features and objects or archaeological interest generally' (Policy BNH16, Section 8.5, Donegal County Development Plan, 2006-2012 (as varied) refers).
Having regard to (i) the close proximity of the site of the proposed development with the said recorded monuments, (ii) the findings of the submitted archaeological assessment, in particular the geophysical survey whereby it is noted that the site is*

located within an area of high archaeological potential and a number of anomalies have been highlighted, (iii) to the scale, mass and area of the development proposed and (iv) to possible future intentions to level the pitch, the implications of which has not been considered in the submitted archaeological assessment, it is considered that to permit the development as proposed would be seriously injurious to the integrity of the natural landscape and rural setting of the said site and may otherwise result in the serious disruption to objects of archaeological interest which presently defines and forms the historical integrity and landscape setting of this site. Accordingly, to permit the proposed development would, by itself, and by the precedent it would set, materially contravene the aforementioned policy of the County Development Plan, 2006-2012 (as varied), which seeks to secure the preservation (in-situ or, as a minimum, by record) of all archaeological monuments and of sites, features and objects of archaeological interest generally and would thereby be contrary to the proper planning and sustainable development of the area.

2. *The Planning Authority are not satisfied on the basis of the information submitted in response to the request for further information, that the submitted site assessment and sanitary proposals have (i) considered and (ii) been designed in accordance with Table 3 of the EPA Wastewater Treatment Manual entitled "Treatment Systems for Small Communities, Business, Leisure Centres & Hotels-Football Club." Accordingly in the absence of such certification, the proposed development would be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.*

7. GROUNDS OF APPEAL

- 7.1 A third party appeal has been lodged by Francis Harvey & Associates on behalf of Ciaran Neary, Yew Tree Lodge, Druminney, Raphoe, Co. Donegal. The grounds of appeal are as follows...

- The appeal is on behalf of Ciaran Neary and 12 of his neighbours (listed) with it noted that there are 13 households in the vicinity against the proposal.
- The public road serving the site is narrow and unsuitable for the additional traffic likely to be generated.
- The existing road is unsuitable for pedestrian traffic with no footpaths and lights and the unsuitable for youths to walk along (facility to be used extensively by such).
- The number of parking spaces provided is inadequate leading to concerns regarding parking on the side of the public road.
- Elevated ground levels relative to public road pose difficulties in widening the road and providing for roadside drainage.
- The appellant notes that the site is beside Beltany Stone Circle with such not identified on the application from under Section 17. The same is noted in relation

- to Section 18 regarding flooding with it noted that there is constant runoff onto the public road at this location.
- It is noted that the capacity of the wastewater treatment system (36 persons) is inadequate.
 - The appellant notes that the intensity of use of matches and training appears to be underestimated.
 - The appellant questions the applicant's claims that no excavation will be required for the pitch noting the change of levels across the site.
 - A development like this requires floodlighting with, the elevated site and such would be injurious to residential amenity and impact upon the Beltany Stone Circle.
 - The proposed development would result in noise pollution and impact upon the amenities of adjoining properties.

8. RESPONSES

8.1 Response by Donegal County Council.

- The proposal is of limited scale and subject to intermittent use and therefore considered not to have an adverse impact upon the amenities of properties in the vicinity.
- The Council's Roads section is satisfied with the proposal and adequate provision has been made for surface water.
- It is also considered that the capacity of the proposed wastewater treatment system is sufficient.
- It is considered that the decision to grant permission should be upheld.

8.2 Response by MN Associates on behalf of the applicants Raphoe Town Football Club.

- It is noted that a number of the named households in the appeal submission are not associated with this appeal despite being listed in the appeal submission (letters included from those individuals).
- The road network is sufficient to cater for the proposed development with traffic generation estimated to be minimal at 15 cars at training and match time. It is noted that few players would arrive on foot and such is unlikely to be the case due to the increased distance from the town.
- Car parking requirement is small with it considered that sufficient no. of spaces are provided on site. In the unlikely event that it is inadequate in number there is space on site to accommodate more.
- The levels on site have no impact on whether roadside drainage can be provided.
- The application form is accurate in noting that the site is 600m from the Stone Circle.
- There is no history of flooding on the site. Adequate drainage will deal with any issues of surface water runoff.
- The wastewater treatment system is adequate in size to cater for the needs of two football teams and officials with the clubhouse to be used only 2-3 times a week.

- Economic viability of the clubhouse is not an issue.
- The gradient of existing ground is sufficient to cater for a football pitch without the need for leveling.
- No floodlighting is proposed and such would require a further planning application.
- Noise level from the development will be minimal with the pitch 100m from the nearest dwelling.

9. ASSESSMENT

9.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Principle of the proposed development/nature of use

Traffic

Wastewater treatment/surface water

Residential amenity

Miscellaneous

9.2 **Principle of the proposed development/nature of use:**

9.2.1 The proposal is for a new football pitch and clubhouse. The appeal site is located in a rural area. There is no clear policy regarding land use within rural areas apart from rural housing. I consider that principle of the proposed use in a rural area is acceptable. The nature of the use is not of high intensity and does not entail the construction of significant level of buildings on site. The nature of the use is open and does not entail a significant change in the character of the area due to nature of use which is playing pitch and a modest scale of construction associated with the proposed use.

9.3 **Traffic:**

9.3.1 The appeal site is located on the eastern side of a county road and 1.6 miles south of Raphoe. The county road is approximately 5m wide and is between 5-6m wide where it runs along the road frontage of the site. Based on the estimated level of usage and traffic proposed, I am satisfied that the existing road network is sufficient in standard to cater for the level of traffic likely to be generated. The proposal is located within a rural area and I would consider the provision of footpaths are not feasible and in keeping with character of the area. I do not consider the lack of footpaths is an issue at this location or should preclude a grant of permission. The proposal entails upgrading of the existing vehicular entrance which is located at a point on the public road where visibility and road alignment is of a sufficient standard to cater for the proposed development.

9.3.2 In regards to off-street car parking the level of car parking provided on site would appear to be sufficient based on the estimates of intensity provided by the applicants. Notwithstanding such, I would consider that in the event of the need for more parking, there is ample space on site to provide for off-street car parking should it be necessary. In

this regard I would have no concern about the possibility of parking occurring along the public road.

9.4 Wastewater treatment/surface water drainage:

9.4.1 The proposal entails the provision of a septic tank and percolation area. The proposal entails provision of a wastewater treatment system to cater for a population equivalent of 36 persons. Based on the information submitted regarding the nature of use and intensity, such would appear to be of an acceptable standard. Site suitability tests have been carried out and submitted. The results of the trial hole test and percolation tests (T test) indicate that soil conditions on site are suitable for the satisfactory operation of a wastewater treatment system. At the times of the site visit there were no visual indicators that would lead me to conclude otherwise. The proposal would appear to have been designed in accordance with the EPA Wastewater Treatment Manual, 'Treatment Systems for Small Communities, Business, Leisure Centres & Hotels'. I am satisfied that subject to a condition requiring operation and maintenance in accordance with the aforementioned manual, that the proposed development would be satisfactory in regards to wastewater treatment and public health.

9.4.2 In regards to surface water drainage it will be incumbent on the applicant to ensure that there is no surface water runoff from the site onto the public road or adjoining lands. I can see no reason why this cannot be complied with and would note that such should be a condition of any grant of permission. In regards to the issue of flooding I do not consider that this is an issue at this location and would note that subject to adequate measures to prevent surface water runoff, there are no flood risk issues in relation to the site or the proposed development.

9.5 Residential Amenity:

9.5.1 Although there are a number of dwellings in the vicinity of the site, the nature and intensity of use is such that I do not envisage any adverse impact on residential amenity. The actual level of construction of structures on site is extremely modest in scale. The appellant does mention floodlights in regards to potential adverse impacts. In this regard the proposal does include the provision of floodlights which if sought later would be subject to permission. As they are not part of the proposal they are not part of the assessment of impact on adjoining properties.

9.6 Archaeology:

9.6.1 In regards to the site itself, there was a further information request for the carrying out of an archaeological assessment. This assessment included test trenching on site which failed to yield any archaeological features or artifacts on site. The proposal also has been examined by the Development Applications Unit of the Department of the Arts, Heritage and the Gaeltacht who have expressed no objection to the proposal subject to a condition requiring archaeological monitoring. It is clear that there are no recorded monuments within the confines of the appeal site.

9.6.2 The appeal site is in the vicinity of an existing National Monument in the form of the Beltany Stone Circle, which is located just over 600m to the east of the site. The appeal site is of sufficient distance to have no direct physical impact on the National Monument as well as being sufficient distance and modest in scale of development, to have no adverse impact upon the setting of the existing National Monument.

RECOMMENDATION

I recommend a grant of permission subject to the following conditions...

Having regard to the nature of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of 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 would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by further plans and particulars received by the planning authority on the 26th October 2012 , except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority, details of the materials, colours and textures of all the external finishes to the proposed clubhouse.

Reason: In the interest of visual amenity.

3. Save for modifications to facilitate vehicular access, the existing boundary hedgerows shall be retained. Prior to the commencement of development the developer shall submit details of the new boundary treatment to be provided along the eastern boundary.

Reason: In the interest of visual amenity.

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

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

5.

(a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

- (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety and to prevent pollution.

6.

- (a) The proposed septic tank drainage system shall be in accordance with the standards set out in the document entitled “Wastewater Treatment Manual – Treatment Systems for Small Communities, Business, Leisure Centres & Hotels” – Environmental Protection Agency (current edition).
- (b) Treated effluent from the septic tank system shall be discharged to a raised percolation area which shall be provided in accordance with the standards set out in “Wastewater Treatment Manual – Treatment Systems for Small Communities, Business, Leisure Centres & Hotels” – Environmental Protection Agency (current edition).
- (c) Within three months of the use of the clubhouse, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the raised percolation area is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

7. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

- (a) The applicant is required to employ a suitably-qualified archaeologist to monitor all ground works associated with the development.
- (b) Should archeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with archaeology. The developer shall be prepared to be advised by the Department of Arts, Heritage and the Gaeltacht with regard to any necessary mitigating action (e.g. preservation in situ, or excavation) and should facilitate the archaeologist in recording any materials found.
- (c) The Planning Authority and the Department of Arts, Heritage and the Gaeltacht shall be furnished with a report describing the results of monitoring.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

Colin McBride
26th April 2013

