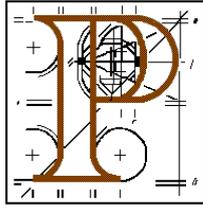


An Bord Pleanála



Inspector's Report

PL 02.245290

DEVELOPMENT: New sports facilities to include playing field, dressing rooms, walking track, lighting and access.

LOCATION: Monelty & Laragh, Stradone, Co. Cavan

PLANNING APPLICATION

Planning Authority: Cavan County Council.

Planning Authority Reg. No: 15/71

Applicant: Laragh Sports Partnership

Application Type: Permission

Planning Authority Decision: Grant

APPEAL

Appellant: Paul & Mairead Monaghan

Type of Appeal: Third Party

Observers: None

DATE OF SITE INSPECTION: 4 November 2015

INSPECTOR: Anne Marie O'Connor

1.0 SITE AND DEVELOPMENT DETAILS

Site Location and Description

- 1.1 The appeal site is located in the rural settlement of Laragh, Co. Cavan, some 10km east of Cavan town and 2km off the N3 at Stradone. The site is adjacent to the National School, and Laragh church and graveyard are located on the opposite side of the road. There is a small shop and public house (Laragh House) at a T-junction between the R165 and the local road leading to the school, church and site. The local road crosses over the River Laragh at an old stone bridge adjacent to the shop/pub and on route to the site.
- 1.2 The appeal site has a stated area of 3.26ha and is bounded by the River Laragh to the north west, an agricultural land drain to the north east, and is bisected by a stream flowing east-west through the site (the 'central stream'). A second stream flowing south-north is culverted under the grounds of the school but emerges again along the western site boundary before joining the central stream prior to the confluence with the River Laragh. A surface car park lies between the site and the public road. The site is low lying grassland, and ground conditions at the time of my site visit were wet underfoot with extensive rush growth.

Description of Proposed Development

- 1.3 Planning permission is sought for a new sports facility adjacent to the primary school to include a playing field (turf pitch), single storey dressing room building (65m² with toilets and showers), walking track around the perimeter of the site, and small fishing area adjacent to the river. The proposed flood lighting was omitted during the course of the planning application.
- 1.4 Works proposed to facilitate the development include the re-direction of the 'central' stream to the agricultural land drain.
- 1.5 The facility will be accessed through the existing car parking area adjacent to the school. The dressing rooms will connect to the existing waste water treatment system (and percolation area) for the school. Water supply is via the existing connection to the public mains. The site is in the ownership of the applicant, Laragh Sports Partnership.

2.0 PLANNING AUTHORITY DECISION

The planning authority issued a notification of decision to **grant** permission. The following conditions are of note:

- C.6 Construction management (including 5m buffer zone to drains and watercourses)
- C.9 Implementation of design considerations and mitigation measures recommended in Flood Risk Assessment.

- C.10 Implementation of Best practice measures in AA screening Statement.
- C.11 Design details of surface water attenuation to be submitted for approval.
- C.12 Consultation with IFI in relation to fishing stand.

3.0 PLANNING APPLICATION

3.1 The application was submitted to the planning authority on 11 March 2015. Significant further information, including a Flood Risk Assessment and details of wastewater treatment, was submitted on 17 June 2015 and was re-advertised. An Appropriate Assessment Screening report was submitted with the original application.

3.2 The report of the **area planner** can be summarised as follows:

- Development acceptable in principle.
- The response to the request for further information has been assessed and is considered acceptable.
- It is noted that this type of development is classified as water compatible development and is appropriate in all flood zones.
- Report and recommendation for approval from Environment Section noted.
- **Grant** recommended.

3.4 Technical Reports

Environment Section Approval subject to conditions.

3.5 Prescribed Bodies

Inland Fisheries Ireland (IFI)

IFI should be notified, and all watercourses on the site electrofished, prior to any works to watercourses. A method statement must be agreed for any works, their duration, timing mitigation measures etc. No net loss of habitat can occur. All watercourses should be protected in terms of water quality, topography and habitat. Measures recommend to protect watercourses during construction including 5m buffer zone.

3.6 Third Party Submissions

Paul & Mairead Monaghan – as per grounds of appeal.

4.0 PLANNING HISTORY

Ref. 13/114 - New sports facilities. Withdrawn.

Ref. 12/112 – New sports facilities. Withdrawn

5.0 PLANNING POLICY

National Guidelines

- 5.1 The Planning System and Flood Risk Management Guidelines for Planning Authorities (OPW 2009) provide guidance on the assessment of planning applications for development where flooding is an issue, including identifying flood zones and water compatible uses.
- 5.2 The EPA Wastewater Treatment Manuals, Treatment Systems for Small Communities, Business, Leisure Centres and Hotels (PE 10-500) applies.

Cavan County Development Plan

- 5.3 The current Development Plan is the *Cavan County Development Plan 2014-2020*. The site is located outside of the development boundary of any designated village/town.
- 5.4 The following policies and objectives support the provision of recreational facilities in the county:
- SCP14** - To meet the recreational needs of all communities and individuals in the county.
 - SCO30** - Seek to ensure the provision of recreation facilities to cater for different abilities, ages and interests within the County.
 - SCO31** - Support a partnership approach to increase the participation in sports and physical activity.
 - SCO29** – Support for angling facilities.

6.0 GROUNDS OF APPEAL

6.1 Third Party Appeal

The grounds of appeal submitted by **Paul & Mairead Monaghan** largely relate to the potential increase in risk of flooding to their property to the north. The issues raised can be summarised as follows:

- The accuracy of the ‘level-for level’ compensatory volume created by the proposal to lower ground levels on the site is questioned.
- No design details have been provided to show how attenuation for surface water runoff will be achieved. Mitigation measures must be

provided, particularly in relation to attenuation or flow control mechanisms of surface runoff to the adjoining watercourse. It is not sufficient to deal with this matter via condition as per the Cavan County Council decision.

- The water supply requirements submitted by the applicant do not include allowances for extra pupils / staff at the school. The calculations provide for 20 football players which is an underestimate. A football match would result in a requirement equivalent to 60 people (two teams plus supporters and officials).
- The proposed development will increase the risk of flooding to the appellants' property.
- Photos of flooding on the appeal site and view from appellants' window are submitted.

6.2 Applicant Response to Grounds of Appeal

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

- A specialist engineering firm, McCloy Consulting Water Engineering Solutions have designed the site so as not to raise the flooding level of the site. It is proposed to raise lands to the south to accommodate a playing field and dressing room so as to avoid flooding of these facilities. It is proposed to remove an 'island' and lands to the north as a compensatory flood 'basin'.
- The potential for attenuation of surface water within the pitch structure means that detailed consideration of drainage design and attenuation is unlikely to impact on the design of the layout. Drainage and attenuation design can, therefore, be deferred to post consent.
- It is proposed to connect the dressing room facilities into the wastewater treatment system for the school. This system was designed by Traynor Environmental Ltd who are satisfied that it can cope with the demand created by the proposed development (letter submitted). This is a playing field for the school and training area for the local football club. There will be no excess spectators or officials present on the site.
- Sufficient information in relation to flooding was submitted to Cavan County Council in relation to the proposed development. The attenuation calculations will be carried out and submitted to the planning authority should the proposed development proceed.

6.3 Planning Authority Response to Grounds of Appeal

No further comments to make.

6.4 Observers

None

6.5 Further Responses

The appellant has responded to the first party submission as follows:

- The removal of the 'island' as a solution to flooding is disputed.
- The main cause of flooding is not the bridge and landform as contended by the applicant, but a hard rock formation which significantly restricts the flow of water downstream. It is highly likely that this rock material also forms the 'island' of high ground. This material may not be removed completely and will restrict the compensatory flood required.
- Lack of confidence that flood measures will be carried out as per drawings.
- Continued concern about the accuracy of the figures in the flood risk assessment in respect of compensatory volume.
- Surface water run-off will affect the River Laragh. Insufficient details of attenuation are provided.
- Concern that flood risk assessment has not taken into consideration the re-directing of the river on site which has a significant flow rate. Works to facilitate re-direction have already commenced – map and photos submitted.

7.0 ASSESSMENT

- 7.1 I have examined the file, considered the prevailing local and national policies, inspected the site 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.
- 7.2 The site is located outside of any designated settlement boundary, but adjacent to the Laragh National School and church, and close to the local shop and pub (Laragh House). The County Development Plan characterises these areas as smaller community areas which provide valued local services to the surrounding agricultural community. Policy SCP14 of the CDP seeks to meet the recreational needs of all communities and individuals, and objective SCO31 supports a partnership approach to increase participation in sports and physical activity. Although the application provides no direct details of who will use the proposed facility, the application is made by Laragh Sports Partnership and the markings on the submitted plans indicate that the facility could be used for a range of field sports. The site is also adjacent to the school which has no playing field of its own and I concur with the planning authority that this type of community development in proximity to the school and church is acceptable in principle.
- 7.3 I note that there is an existing surface car park (through which the facility will be accessed) and this will provide adequate car parking to serve the proposed

development. The impact of the proposal on visual and residential amenity will be slight, particularly given the omission of the flood lighting from the proposal at FI stage and the absence of residential properties immediately adjacent to the proposed playing field. The key issues in this case, therefore, relate to **flooding, drainage, and the redirection of the stream on site.**

Flooding

- 7.4 A detailed site specific flood risk assessment (FRA) was submitted by the applicant. I note that the OPW did not make a submission in relation to the application. The grounds of appeal question the accuracy of the assessment but no alternative evidence is presented in this respect. I am, however, satisfied that the methodology used in the flood risk assessment and hydraulic modelling is set out in detail, and is an acceptable basis for the flood risk assessment.
- 7.5 The assessment states that the capacity of the River Laragh is restricted by the topography (a valley landform) and the bridge c.115m downstream of the site, which result in a blocking back of the river onto the subject lands. As such the site and adjoining lands are part of the floodplain and perform an important storage function in flood events. Evidence of out-of-bank flooding from the river, the central stream which flows east-west across the site, and the land drain along the north eastern boundary was observed in the survey carried out as part of the FRA. No risk of pluvial (surface water) or groundwater flooding is identified.
- 7.6 The key flooding issues relate to:
1. The impact of flooding on the proposed development (flood resilience)
 2. The impact of the proposed development on flooding elsewhere as a consequence of the loss of flood storage on the site (flood storage)
 3. The impact on flooding as a consequence of surface water run-off from the site (surface water flooding)

Flood resilience

- 7.7 The vast majority of the site is located in Flood Zone A (i.e. 1% probability of flooding) as defined in the Flood Risk Management Guidelines (OPW 2009). Outdoor sports and recreation and essential facilities such as changing rooms are identified as 'water compatible development' in the Guidelines and are considered appropriate in this zone. The current application proposes to protect the playing field and changing room building from flooding by raising the ground level by c.1.75m (ranging from 83.5 to 83.78m OD) to prevent flooding of these areas, as shown in Section B-B. This more than provides for the predicted flood level for 1% AEP (82.45m OD) plus the OPW recommended a 500mm freeboard for climate change. The 2m wide gravelled walking track, fishing stand and pathway to fishing stand may flood in winter months, but again these are water compatible uses. Having regard to the water compatible nature of these uses, I have no objection to the proposed development in this respect.

Flood Storage

- 7.8 The proposal to raise the ground level of the playing field will result in a reduction in the flood storage capacity within Flood Zone A of 0.4ha, and a further 0.3ha of land in flood zone B (0.1% AEP). It is proposed to compensate for this loss by lowering the ground level within the northern part of the site between the river and the playfield. This involves the creation of a drainage basin by re-profiling the floodplain to provide a slightly more efficient hydraulic shape and removing an 'island' of higher ground which currently restricts overland flooding. The 'island' can be clearly seen in the photos submitted with the grounds of appeal which show the site in flood. Attention is drawn to Section A-A which shows the proposed change in ground levels at this location. The applicant states that the compensation works will provide a surplus of 431m³ effective flood storage compared to the existing situation, decreasing the flood level at the upstream extent of the site by c.40mm.
- 7.9 The appellants have asserted that the main cause of flooding is not the bridge and landform as contended by the applicant, but a hard rock formation which significantly restricts the flow of water downstream. It is considered likely that this rock material also forms the 'island' of high ground and may not be removed completely. I note that no information on the characteristics of the 'island' have been submitted. It may possibly comprise a rocky outcrop, or it may be a till deposit. I am satisfied, however, that a condition can be attached requiring the submission of a method statement (including ground investigations) for the implementation of the flood compensatory measures to be submitted prior to commencement of development. Provided the measures proposed are implemented, I am of the view the proposed development would not result in flooding elsewhere in the area.

Surface Water Flooding/ Drainage

- 7.10 The proposed playing pitch will comprise a sand based turf (grassed) pitch, with a perimeter drain proposed to collect surface water runoff from the pitch. The runoff will then be discharge to the existing land drain to the east. It is worth noting that no additional car parking is proposed, which is a main contributor to surface water runoff resulting from developments of this nature.
- 7.11 The grounds of appeal express concern that the proposed development will result in increased surface water runoff from the site, thus exacerbating flooding in the River Lough and impacting on their property. The Flood Risk Assessment calculates that, in the absence of mitigation measures, the proposed development would result in an increased rate and volume of runoff equating to a 1.4% increase in the Q100 + climate change flow in the River Lough in the vicinity of the site. It is proposed to limit surface water runoff to existing greenfield rates (15l/sec) with excess runoff attenuated on site. I note that Condition 11 of the planning authority decision requires the submission of the design and details of the surface water attenuation for written approval prior to the commencement of development.
- 7.12 The grounds of appeal, however, argue that design details should be available prior to the decision to show how attenuation for surface water runoff

will be achieved. The applicant is of the view that the nature of the site layout and the potential for attenuation of surface water within the pitch structure means that detailed consideration of the design of surface water drainage is unlikely to materially affect or constrain the design of the layout and, as such, drainage and attenuation design can be satisfactorily deferred until post-consent.

- 7.13 Having regard to the nature of the proposal, and to the capacity of the site to provide suitable attenuation measures, I am in agreement with the planning authority that this issue can be dealt with by a suitable condition.

Waste Water Drainage

- 7.14 The proposed changing room building provides w/c facilities and showers for the players. It is proposed to connect the building to the existing wwtp and percolation area which serve the adjacent primary school. The system was designed to serve 150 pupils and teachers but currently serves only 130. It has a capacity of 50 PE. It is stated that the addition of 20 footballers to the 130 existing staff and students would equate to 49.5PE.
- 7.15 The grounds of appeal express concern that the existing system cannot cater for players, spectators and associate persons. The applicant states, however, that the playing field is intended for training purposes only and will not attract spectators. I note that no public toilets are provided. The proposed development will, however, essentially remove the capacity of the waste water treatment system to cater for additional students or teachers in the school. I am cognisant, however, that a use of this nature will be intermittent and would be expected to have a low biological loading. Furthermore, a discharge licence is required from the local authority under the Local Government (Water Pollution) Act, and emissions can be controlled through that mechanism.

Re-direction of the Stream

- 7.16 The central stream flows across the location of the proposed playing field and it will be necessary to divert or culvert the stream to facilitate the development. A stream running through the site of the national school has already been culverted and joins the central stream just before it enters the River Lough. The application states that the stream will be backfilled from the point where the culverted watercourse beneath the school emerges to the land drain. The stream itself will be re-directed to the land drain which enters the river upstream of the existing confluence. The drain will be substantially re-profiled (dredged and graded) to facilitate the additional volume of water. The Board's attention is drawn to Dwg_SK07 in the Flood Risk Assessment. Some confusion appears to have arisen as a result of an incorrect statement in the AA screening report submitted by the applicant to the effect that the stream had already infilled, which is not the case. The IFI submission notes that the stream is a fish bearing stream and is likely to contain significant numbers of juvenile trout, together with crayfish and brook lamprey (both

Annex II species), and possibly eel. The applicant states that a meeting was held on site with the IFI (at FI stage) and that no issues were raised with the proposed re-direction of the stream once correct procedures are carried out. I note that a very small part of the re-profiling works (the western slope to the bank) will occur just outside of the site boundary, however it would be possible to slightly alter the re-profiling within the site boundary if necessary. I am satisfied that this issue can be satisfactorily dealt with by a suitable condition.

8.0 Appropriate Assessment – Screening

- 8.1 The site is located 10km south east of Lough Oughter SAC (site code 0007), and 12km east of the Lough Oughter Complex SPA (site code 4049). A source-pathway-receptor between the site and the designated SAC is provided by the fact that the Laragh River is a tributary of the Annalee River, the lower stretches of which are with the aforementioned SAC. The downstream distance from the proposed site to the designated area is 25km. The qualifying interests for the SAC are eutrophic lakes; bog woodland; and the otter. Qualifying interests for the SPA include great crested grebe, whooper swan, wigeon, and wetlands and waterbirds. The relevant conservation objectives for both sites are to maintain the favourable conservation status for the Qualifying Interests.
- 8.2 A screening report is submitted with the application which concludes that a stage 2 AA is not required. A schedule of best practice measures are submitted as part of the report/ application. The screening report states that there are no individual elements of the proposed development that are likely to give rise to negative impacts on the aforementioned sites and, having regard to the qualifying interests (and the consequent conservation objectives) I am in agreement with this assessment. I also note that the Annex II species identified by the IFI as likely to be present in the stream and river are not qualifying interests for the SAC. Provided best practice measures are followed to protect water quality in the River Laragh I am satisfied that the 25km downstream separation distance provides adequate distance to ensure that the proposed development would not be likely to have a significant effect on the SAC. Similarly, given the nature of the proposed development and the separation distance between the appeal site and the SPA, I am of the view that the proposed development would also not be likely to have a significant effect on the SPA in view of the site's Conservation Objectives.
- 8.3 It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Lough Oughter SAC (site code 0007) or Lough Oughter Complex SPA (site code 4049) or any other European site, in view of the sites' Conservation Objectives. A Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

9.0 REASONS AND CONSIDERATIONS

Having regard to the location of the site adjacent to the national school, the pattern of development in the area, and the proposed compensatory flood mitigation measures, it is considered that, subject to compliance with the conditions set out below, the proposed development would not increase flood risk in the area, would be capable of being adequately drained, would be acceptable in terms of traffic safety and convenience, and would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 17th day of June 2015, 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. Details of the materials, colours and textures of all the external finishes to the proposed changing room building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Prior to the commencement of development, full design details and a method statement for the proposed works to the existing land drain to facilitate the re-direction of the central stream on site as per Dwg_SK07 in the Flood Risk Assessment shall be submitted to, and agreed in writing with, the planning authority. This shall include the timing and duration of the works. The works shall be carried out in accordance with the agreed plans.

Reason: In the interest of clarity.

4. Prior to the commencement of development, full design details for the proposed flood compensatory measures set out in the Flood Risk Assessment submitted 17th day June 2015 shall be submitted to, and agreed in writing with, the planning authority including:
 - (a) Details of a suitably-qualified person who shall monitor all works in relation to flood mitigation measures,
 - (b) Details of ground conditions at the location of the proposed flood compensatory area,
 - (c) A method statement for the implementation of the mitigation measures.

Reason: To maintain the flood storage regime in the area and prevent flooding elsewhere in the vicinity.

5. (a) A scheme indicating landscaping and boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The scheme shall include the following:-
- (i) retention of existing native tree and hedgerow vegetation where possible
 - (ii) hard landscaping works, including the fishing stand, specifying surfacing materials, furniture and finished levels
 - (iii) the planting shall use only indigenous deciduous trees and hedging species and shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the substantial completion of external construction works.

(b) 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 amenity and the natural environment.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- (a) Location of the site and materials compound(s) including area(s) identified for the storage of excavated soil;
 - (b) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (c) Measures to protect the River Laragh and the land drain along the north eastern boundary in terms of water quality and habitat and to prevent silt or other pollutants from entering the watercourses;
 - (d) Provision of a 5m buffer zone from all drains and watercourses adjacent to the site;
 - (e) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
 - (f) Measures to prevent the introduction of alien invasive species;
 - (g) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.

All construction works shall comply with the Inland Fisheries Ireland guidelines 'Requirements for the Protection of Fisheries Habitat during Construction and Development Works at River Sites'. A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety and the protection of fisheries.

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

Reason: In the interest of public health.

8. 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.

Anne Marie O'Connor
Inspectorate

02/12/2015