

An
Bord
Pleanála

Board Order
ABP-312495-22

Planning and Development Acts 2000 to 2021

Planning Authority: Kildare County Council

Planning Register Reference Number: 21/475

Appeal by Vincent Hayes of Grange, Newtown, Enfield, County Kildare and by Imelda Dillon and others care of Grange, Enfield, County Meath, and by Cappagh GAA Club care of DCM Developments of Unit 1, Ardnehue Farm, Bennekerry, County Carlow against the decision made on the 20th day of December, 2021 by Kildare County Council to grant subject to conditions a permission to the said Cappagh GAA Club in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of juvenile playing pitch number 2 and free sports area; floodlights around playing pitches numbers 1, 2 and free sports area; hurling wall; pedestrian walkway and associated lighting; and all associated site works as constructed from that granted under planning register reference numbers 11/629, 16/339 and 19/529 and for permission for the construction of a standalone single storey gym building, a spectator stand and all associated site works, all at Cappagh GAA Club, Newtown, Enfield, County Kildare.

Decision

GRANT permission for the above development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the location and planning history of the site, to the established use of the site for sport and recreational purposes, and to the nature, extent and design of the development proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area, would not have unacceptable impacts on ecology, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 30th day of November, 2021, 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 proposed development shall be retained, carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of any further development on site, the two-metre footpath and public lighting from the subject site to Newtown village (as conditioned under planning register reference number 11/629) shall be fully constructed in compliance with the technical requirements and completed to the written satisfaction of the planning authority. In this regard, the developer shall liaise with the Maynooth Municipal District regarding design and construction.

Reason: In the interests of public safety and the proper planning and sustainable development of the area.

3. (a) Within six months of the date of this grant of permission, all lighting shall be fitted with cowls and directed to the ground and away from adjacent housing, roads, and water courses.
- (b) All lighting shall be switched off at 2200 hours and shall not be switched on again before dawn.
- (c) Flood lighting shall only be in operation during periods when the pitches are in use.

Reason: In the interests of proper planning and sustainable development, visual and residential amenity, traffic, and the protection of biodiversity.

4. Details of the materials, colours and textures of all the external finishes to the proposed gym and spectators stand shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. Within six months of the date of this grant of permission, the following mitigation measures shall be carried out in accordance with the recommendations of the Bat Assessment received by the planning authority on the 30th day of November, 2021,
 - (a) Compensatory hedging consisting of native hedging and native trees shall be planted along the entire length of the western and southern site boundaries.
 - (b) Additional planting of native trees and hedgerow species shall be planted along the north-eastern boundary of the site.
 - (c) All safety netting shall be fitted with an opaque fabric or mesh, unless, a suitable alternative bat protection measure, clearly specified and identified by a suitably qualified ecologist, is agreed in writing with the planning authority.
 - (d) A screen, which can either include an eight-foot timber fence or a mix of trees to include coniferous trees shall be planted along the pathways at least 15 metres each side of the main floodlights and five metres each side of the smaller floodlights at the northern pitch.

- (e) Screening in the form of an opaque membrane or willow planting shall be installed in areas where the water course that extends along the south-east boundary of the site is exposed.

Reason: To ensure the protection of the natural heritage on the site.

6. 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.

7. The construction of the proposed 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 proposed development, including hours of working, noise management measures, measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network and the off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

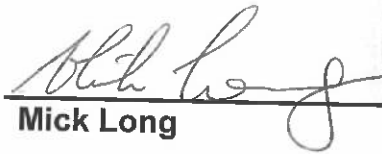
8. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority a Construction Phase Surface Water Management Plan in accordance with the IFI Publication 2016 'Guidelines on Protection of Fisheries During Construction Works in and adjacent to Waters'. This plan shall address the management of any surface water run-off from the site, to prevent any polluting matter, suspended solids and silt being discharged to any receiving water. The plan shall include, inter alia:

- (a) A site layout plan identifying any potential surface water and/or ground water receptors.
- (b) The location and design of any proposed mitigation measures.
- (c) Proposals for a surface water and/or ground water monitoring programme, as appropriate.

Reason: In the interest of public health and to avoid pollution.

9. 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.



Mick Long

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**



Dated this *21* day of *June* 2023.