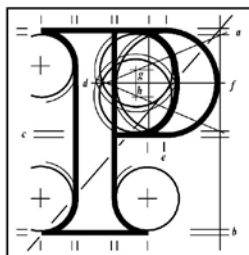


An Bord Pleanála



Inspector's Report

Development: Change of use of agricultural land to foot golf leisure activity, portacabin office and wc, ancillary car parking and associated site works at Clonmoney West, Hurler's Cross, Bunratty, Co. Clare.

Application

Planning authority: Clare County Council
Planning application reg. no. 15/609
Applicant: John Callinan
Type of application: Permission
Planning authority's decision: Grant, subject to 9 conditions

Appeal

Appellant: Henry Gerber & Others
Type of appeal: Third party -v- Decision
Observers: None
Date of site inspection: 3rd February 2016
Inspector: Hugh D. Morrison

Site

The site is located to the east of Shannon and to the south of Junction 8 on the N18 at Ballycasey. This site lies within a wider oval shaped area that is bound to the north and the east by the N18 and to the south and west by the R471. Within this area to the west lies an area of new housing grouped around Dun Aras Avenue, while to the east lies Hurler's Cross. The local road, the L3196, links this area and the Cross on an east/west axis. The site is accessed from this road to the south and along its northern side is a line of ribbon development.

The site itself is largely regular in shape and it extends over an area of 1.85 hectares. This site is of undulating form and it is presently in agricultural use as grazing land. Clusters of trees exist throughout the main body of the site. The northern road site boundary is denoted by a stone wall, a ditch, and hedgerow that includes trees within it. The eastern and south eastern boundaries are undefined. The south western boundary with the R471 is defined by an embankment, a hedgerow, and a timber post and railing fence. The western boundary with one of the new housing areas is denoted by means of a chain link fence, an embankment, and a stream accompanied by trees and bushes.

Proposal

The proposal would entail the change of use of the site from agricultural land to an 18-hole foot golf leisure facility. This facility would be accompanied by a single storey porta cabin (floorspace 17.94 sq m) that would accommodate an office, wc, and store and a car park with a limestone chip surface, which would have 72 car parking spaces (including 3 disabled ones). The existing agricultural gateway to the field off the L3196 would be used and the aforementioned porta cabin and car park would be variously sited and laid out close to this gateway.

Planning authority's decision

Permission was granted subject to 9 conditions, the sixth of which requires that the facility close by 22.00 hours and that, without prejudice to any future application, flood lighting be prohibited, and the ninth of which requires that a 1.8m wide footpath be constructed along the frontage of the site.

Technical reports

- DoAHG: Archaeological monitoring recommended.
- Road Design: Comments with respect to widening of the aisles in the proposed car park, safeguarding sightlines for existing vehicles, and the provision of a pedestrian link to the site.

Grounds of appeal

Hurler's Cross the village

- This village of c. 50 dwelling houses is a neighbourhood cell, which is encircled by the N18 and the R471. It is accessed via the L3198 from the N18 and the L3196 and the L3198 from the R471. Within this local road network there are two severe slow bends and two fast ones. It is anticipated that with the projected increase in traffic these bends would become safety hazards. Such increase would also have an adverse impact upon the L3196, which is a recreational route, and the L3198, which is a school route.

Location of proposed foot golf course as opposed to similar courses in Ireland

- The appeal site lies within the aforementioned neighbourhood cell, which is a residential area. Elsewhere, in the country, there are 15 operational foot golf courses, the majority of which are sited either on existing or disused golf courses, well away from residential areas. An exception to this pattern is the one in Galway. However, it, too, is sited well away from any residential area.
- Typically, foot golf courses have facilities that enable them to cater for children's parties and hen and stag nights. However, the current proposal would not have such facilities and, given, too, the safety hazards posed by the local road network, the appeal site would be inappropriate.

Facilities planned on site

- The proposal would entail the provision of 72 car parking spaces and, additionally, bus parking spaces. Considerable numbers of people are being anticipated and yet only one chemical toilet would be provided. Clearly this would be inadequate and a proper environmentally friendly waste water treatment system (WWTS) would be required.
- The scale of the said car park is such that the question arises as to whether it can be addressed under the heading of change of use or whether it should have led to the rezoning of the site.
- It is unclear how the existing site entrance would be enlarged without damaging fauna and the siting of the proposed porta cabin and signage would be out of keeping with the area.
- Users of the proposed facility would be likely to bring food and drink with them and yet no litter control arrangements have been proposed. An amusement park ambience is predicted.

Traffic through the village and adjoining housing estates

- As outlined under the first heading, the site is served by a local road network, which in places is inherently hazardous. Traffic generated by the proposal would be of such a scale as to justify the submission of a traffic management plan. This was not done.
- Concern is expressed over the limited commentary provided on the proposal from a roads perspective at the application stage.
- Clare County Council should erect signs that identify the numbers of each of the local roads.

Parking concerns and pedestrian safety

- If the proposed car parking spaces are the subject of a payment regime, then off-site random car parking on grass verges could be anticipated with adverse implications for services under the same and traffic management/road safety.
- The conditioned footpath would connect with one that serves the existing housing estate to the west. This footpath should also extend to the east, as pedestrians would approach from that direction, too.
- The feasibility of footpath construction is questioned on the basis that, to achieve a width of 1.8m, an inordinate reduction in the width of carriageway may be required.

Flooding issues

- The stream along the western boundary of the site has flooded onto the L3196 in the past. Larger pipes have been installed to convey this stream under the local road. Concern is expressed as to the weight bearing capacity of this road as it passes over these pipes. The alternative approach from the east would pose manoeuvrability issues for construction traffic and buses.
- The site itself is prone to flood over its lower western portion. The viability of soak pits and any future WWTS is thus questioned.

Service access

- Traffic and off-site parking generated by the proposal could impede delivery vehicles in servicing nearby dwelling houses. Likewise emergency vehicles could be impeded.

Potential effect on property values

- The impact of the proposal upon the environment of the neighbourhood cell and the amenities of dwelling houses, especially in the vicinity of the site, would be likely to lead to a reduction in property values.

Responses

The planning authority has not responded to the above cited grounds of appeal.

The applicant has responded. He begins by intimating that, when approached, the appellants, allegedly, expressed no interest in meeting with him to discuss their concerns.

Hurler's Cross and the village road network access

- The applicant explains that the proposed facility would operate on an appointment only basis, thereby facilitating control of numbers in attendance.
- Attention is drawn to the 2 km distance of the site from Shannon town centre, a distance that would facilitate pedestrian usage.
- Attention is also drawn to the predicted throughput of patrons on a daily basis, i.e., during the summer, 208 persons/52 cars, and, during the winter, 96 persons/24 cars.
- The public road that passes the site was formerly the Bunratty Road. This road has a 6m wide carriageway. The applicant proposes to route car borne patrons onto this road from the L3198 by means of signage, rather than the L3196, which although of adequate geometry, passes through nearby housing estates. He also undertakes to construct the conditioned footpath to promote/facilitate pedestrian access.
- The applicant is not in a position to comment on local water services or the condition of the public road. With respect to the former, the proposal would not call upon them, and, with respect to the latter, the road planning advice that informed the planning authority's decision raised no objection to the proposal.

Location of proposed foot golf course as opposed to similar courses in Ireland

- The applicant has submitted a letter from the president of the Irish Foot Golf Association (IFGA) in which he states that the siting criteria for facilities should not be limited to existing and disused golf courses. He also states that the sport does not attract spectators, it is very much a recreational activity, which can be equated with golf, and so it is not anti-social.

- The agricultural zoning of the site would permit the proposed sporting use.
- The proposed facility would be well-managed and so it would make a positive contribution to the area rather than being one that would threaten its amenity.

Facilities planned on-site

- In the absence of spectators the anticipated call upon the chemical toilet would be limited to the site manager and the occasional member of the public.
- The porta cabin would also contain first aid equipment, including a defibrillator, which could be made more widely available to the local community.
- The aforementioned appointment only basis to the facility would ensure that the proposed car park could be properly managed.
- The proposed car park would not be the subject of charging and it would function on an ancillary basis to that of the proposed facility.
- The application was advertised in accordance with statutory requirements.
- Letters of support from local schools and sports groups are appended to the applicant's response. These letters draw attention to the recreational, health, and employment benefits that would accrue from the proposed facility.

Flooding

- The proposal would not lead to any alteration in the levels of the site and the surface of the proposed car park would be porous. Thus, it would not heighten the risk of flooding.

Devaluation of property

- Elsewhere, there is no evidence that property values have been affected by foot golf courses.
- The siting of the proposed portacabin is clearly presented in the submitted plans and the proposed treatment to the front roadside boundary to the site would be handled sensitively.

Response to response

The appellants have responded. They begin by explaining why (i) they turned down the applicant's approach for a meeting. They then proceed to respond to the applicant's response as follows:

- (ii) They question the applicant's estimate that patrons would typically travel 4 to a car: 2 is regarded as being more realistic. They also anticipate that intervals between groups of players teeing-off would be likely to be 10 minutes rather than 15. Thus, numbers of cars in attendance per day would be 156 in the summer and 72 in the winter. Some allowance should be made for casual spectators, too. Thus, the proposed 72 car parking spaces is considered to be too few.

The applicant intends to promote the use of the L3198, which includes a one-way slip road from the N18. However, as this slip road is available to north bound vehicles only, patrons travelling from the north would still use Junction 18 and the L3196 through neighbouring housing estates. Furthermore, exiting south bound patrons would also use this local road.

The absence of proper toilets continues to be of concern. Elsewhere in the country where foot golf facilities exist, they are accompanied by such toilets.

The proposed car park would be sited in a location that is prone to flooding. Its proposed porous surface may well be inadequate to prevent this car park from flooding onto the L3196.

- (iii) Attention is drawn to the IFGA's website and to the Association's goal "to have over 30 official foot golf courses (on both existing and disused golf courses) by the end of 2016". Attention is also drawn to the President's letter which states that the sport is "best suited to golf courses but can be played on a number of terrains". The phrase a number of terrains should be seen in the light of the fact that to date 11 of the 12 affiliated foot golf courses are attached to golf courses where toilets and car parks are already insitu and the amenities of local residents are not directly impinged upon.

The appellants insist that foot golf is a family sport and so it would attract spectators from amongst family members. They also predict that the facility would, unlike a golf course that closes periodically for maintenance, be in continuous use.

Support from within the local community appears to be limited to a 13 year old and a resident whose letter has not been attached to the applicant's response.

- (iv) The applicant refers to research that indicates that properties in the vicinity of foot golf courses have not been devalued as a result and yet these courses are typically sited on existing and former golf courses.

The appellants reiterate their view that the proposal would lead to congestion and it would not be capable of being adequately serviced.

- (v) Attention is drawn to the 15 letters of support received from bodies not resident in the area of the appeal site. These letters are critiqued: some are unsigned, some are undated, and one bears a date before the applicant's pre-consultation. Attention is also drawn to the risk of bus based tourism.

Planning history

Pre-planning consultation PPI15/155

Development Plan

Under the Shannon Town and Environs Local Area Plan 2012 – 2018 (LAP), the site is shown as lying inside the settlement boundary within an area zoned agricultural. Within this zone, playing pitches are permissible in principle and golf courses/pitch n' putt courses are "open for consideration".

National planning guidelines

- The Planning System and Flood Risk Management

Assessment

I have reviewed the proposal in the light of LAP and the submissions of the parties. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use, amenity, and property values
- (ii) Traffic, access, and parking
- (iii) Flooding and drainage
- (iv) AA

(i) Land use, amenity, and property values

1.1 Under the LAP, the site is shown as lying inside the settlement boundary around Shannon and in an area zoned agricultural. Within this zone, playing pitches are permissible in principle and golf courses/pitch n' putt courses are "open for consideration". Appendix 2 of the LAP states that:

The proposed use may be permitted where the local authority is satisfied that it is in compliance with the zoning objectives, standards and requirements as set out in the CDP and by other government bodies/sections, and will not conflict with the permitted existing or adjoining land uses, in accordance with the proper planning and sustainable development of the area.

The CDP simply states that lands zoned agricultural are in use for agricultural purposes. I am not aware of any other government bodies/sections with

objectives, standards and requirements that are specific to the appeal site. Thus, the acceptability or otherwise of the proposed foot golf course turns on whether or not it would be in conflict with adjoining land uses, i.e. residential to the north and west and agriculture to the south.

- 1.2 The appellants contend that the proposed foot golf course would be inappropriate as of the 15 operational ones elsewhere in the countryside, 14 are sited on existing or disused golf courses that are well away from residential areas and the remaining one is likewise sited well away from any residential area. Thus, the vast majority of these courses are able to avail of existing facilities such as car parks, clubhouses, and toilets, facilities that would be lacking under the current proposal. By contrast, the proposal would entail the provision of a 72 space car park and so they question whether the site should have been rezoned before being granted permission for such a large development.
- 1.3 The appellants envisage that, as foot golf is a family sport, patrons would be accompanied by spectators, and that there would be a tendency for food and drink to be brought onto the site. They express concern that no litter receptacles are proposed and, more generally, they express concern that an amusement park ambience would ensue. I understand this to be a reference to the risk of noise and general disturbance.
- 1.4 The applicant has responded to the appellants. He has submitted a letter of support from the President of the Irish Foot Golf Association (IFGA) in which he states that the siting of foot golf facilities can occur on lands that are not or have not been golf courses and that, as a recreational activity, it does not attract spectators. He also likens it to golf and so it is not anti-social.
- 1.5 The applicant explains that the proposed foot golf course would operate on an appointment only basis, thereby facilitating control of numbers in attendance. More generally, this course would be well-managed and so he considers that it would make a positive contribution to the area.
- 1.6 I note that the site extends over an area of 1.85 hectares and so its size would be less akin to that of a typical golf course and more akin to the size of a pitch n' putt course. The recreational nature of foot golf would also bear comparison with this leisure pursuit. I note, too, the applicant's insistence that the car park would be used on an ancillary basis to that of the use as a whole. Accordingly, the need to rezone the site to allow for a car park *per se* does not arise.
- 1.7 The submitted plans show that the proposed car park would be at least 56m away from dwelling houses in the nearest housing estate to the west and 42m away from the nearest one-off dwelling house to the north. (The site entrance would be 37m away from the nearest such dwelling house). Screening would be

afforded by existing vegetation along the western and northern boundaries to the site. Such screening should be augmented by tree planting within and around the car park.

- 1.8 The submitted plans also show that the active playing area for the proposed leisure pursuit would typically be in excess of 70m away from dwelling houses in the nearest housing estate to the west and in excess of 50m away from the nearest one-off dwelling houses to the north. Again, existing boundary treatments would contribute to the mitigation of the use. In the case of the first hole, this would parallel the frontages to three one-off dwelling houses to the north at the aforementioned distance. Given this correspondence, additional planting along the intervening boundary would be in order and, as there would appear to be scope to set this hole back further into the site in a manner that may only have implications for the layout of the second hole, this, too, should be done.
- 1.9 Additionally, two overhead electricity lines cross the northern portion of the site on east/west axis. These lines are not shown on the submitted plans and so their relationship with the layout of the foot golf course across this portion of the site cannot be easily assessed. It is possible that this layout may be in conflict with these lines and so the need may arise for it to be adjusted more widely to take account of the same. This matter could be conditioned.
- 1.10 Condition 6 of the planning authority's draft permission seeks to protect residential amenity by requiring that the proposed foot golf course close no later than 22.00 hours and that no flood lighting be installed, unless a separate permission is obtained for the same. I consider that this condition is reasonable insofar as, in the absence of floodlighting, the course would only be capable of operating as late as 22.00 hours during the height of the summer. At other times more limited lighting in the evenings would ensure effectively earlier closing times. This could be formalised by distinguishing between summer and winter months under any revised condition with the latter entailing a closing time of 18.00 hours.
- 1.11 The eastern and south eastern boundary of the site with the residual field, which would remain in agricultural use, would be fenced by means of a 2m high concrete post and chain link fence. This boundary would thus be secured and, provided the proposed use is managed well, the proposal would be compatible with the continuation of this residual field remaining in agricultural use.
- 1.12 In the light of the aforementioned considerations with respect to the management of the proposed use and the layout of the proposed site, I conclude that the proposal would be compatible with the amenities of the area

and so it would thus be consistent with the relevant land use zoning. Given this conclusion, I do not anticipate that property values would be adversely affected.

(ii) Traffic, access, and parking

2.1 The applicant has undertaken a traffic assessment of the proposed foot golf course. He estimates that maximum numbers of patrons in attendance on a daily basis would range between 96 in the winter and 208 in the summer. Under a worst case scenario, this could translate into the same numbers of cars being in attendance. However, the applicant assumes that patrons would be likely to travel together and so he assumes that 4 patrons per car would occur and so between 24 and 52 cars would be in attendance. The appellants have critiqued this assumption as being unrealistically high. I concur with this critique. An average of 2 patrons per car would appear to be more realistic and so between 48 and 104 cars would be in attendance. The applicant anticipates that the daily opening hours would range between 6 to 13 hours seasonally. Thus, depending on the normal length of a round of 18 holes, at any one time far fewer cars would be in attendance than the figures cited above.

2.2 The appellants refer to the possibility of buses being in attendance. The applicant does not refer to this and the proposal does not make provision for bus parking. The parties have debated the possibility of spectators being in attendance. Given the recreational nature of the proposed use, I consider that the applicant's contention that there would be few if any spectators is plausible. While it is possible that foot golf could develop into a recognised sport with a spectator following in the future, at present this is not the case and so it would be premature, and thus unreasonable, to address such an eventuality now.

2.3 The appellants draw attention to the local road network which serves the site. They state that this network is inherently hazardous and so unsuited to accommodating the traffic that would be generated by the proposed use.

2.4 During my site visit I travelled along the said network. The local road that bounds the site to the north was historically the Bunratty Road. This road runs on an east/west axis: to the east it forms an exit only slip road from the N18 (north bound) and to the west it terminates in a short residential cul-de-sac.

2.5 The R471 passes to the south of the site. The L3196 forms a junction with this regional road to the west. This local road acts as a distributor road to the two housing estates to the west of the site before connecting with the aforementioned local road. The L3198 forms a junction with the regional road to the south east of the site. This road connects with a further local road that represents a continuation today of the aforementioned historic Bunratty Road, which passes through Hurler's Cross to the east of the site.

- 2.6 While the above local road network includes several bends and junctions, in my view the main hazard posed by this network relates to the potential confusion arising from the exit only status of the slip road from the N18. There is a risk of drivers using that portion of the local road to the east of Hurler's Cross as a means of seeking entry onto this national primary road. While there are warning signs insitu to alert drivers to the situation, these signs would not necessarily avert the need for mistaken drivers to undertake "U" turns on a narrow local road that receives traffic exiting from the N18. In these circumstances, I do not consider that the promotion of the use of this route for use by car borne patrons travelling from the south east is advisable. Instead, the use of Junctions 7 or 8 should be encouraged. Access and egress to the site via either the L3198 or the L3196 would be in order.
- 2.7 The appellants express a specific concern over the load bearing capacity of the L3196, where it crosses the stream by the north western corner of the site. The applicant has responded to this concern by pointing out that Clare County Council, as the roads authority, has expressed no objection to the proposal in this respect.
- 2.8 The appellants draw attention to the amenity value of the local road network and, in particular, the local road that passes the northern boundary of the site. They express concern that the traffic generated by the proposal would jeopardise this value and hence the use of this road by walkers, cyclists, and horse riders. However, as outlined above, the traffic that would be added to the local road network would not be excessive and so I do not consider that its amenity value would be jeopardised.
- 2.9 The applicant has expressed his willingness to promote walking and cycling as modes of transport for patrons. The site lies on the eastern outskirts of Shannon and so such options would be tenable for patrons arising from within the town. To encourage the same, he has accepted a condition that would require the construction of a footpath along the nearside of the local road that bounds the site. This footpath would connect the site entrance in the northern boundary to an existing footpath, which presently terminates beside the north western corner of the site. Additionally, I consider that the proposed car park should include cycle stands.
- 2.10 The appellants have critiqued the proposed footpath on the grounds that it would entail an unacceptable encroachment into the carriageway of the local road, i.e. if a 1.8m wide footpath is assumed, then the carriageway would contract from 6m to 4.8m.
- 2.11 During my site visit, I observed that the nearside boundary of the local road is formed by an intermittent verge, a stone wall, a ditch, and a tree lined

hedgerow. The breadth of the boundary is thus appreciable and so the opportunity would arise, based on a detailed site survey, to design a footpath that would encroach to a lesser extent than anticipated upon the existing carriageway.

- 2.12 The said footpath link would intercept the vast majority of patrons that could be anticipated as attending on foot from Shannon. Likewise, if the promoted vehicular route to and from the site was to be via the junction between the R471 and the L3196, then any diminution in the amenity value of the local road network to the east of the site entrance would be minimised. A traffic management plan should be prepared to ensure that that this outcome is promoted.
- 2.13 Tuning to the site entrance, at present this entrance is used for agricultural purposes only. Under the proposal, its usage would intensify. That portion of the local road which serves the entrance is of relatively straight alignment and so forward visibility is good. Its speed limit is 50 kmph. Likewise, the available sightlines from the entrance would, subject to the removal of vegetation, be good, too, i.e. 2.4m x 70m. Proposed signage should be sited in a position consistent with these sightlines and the site entrance should continue to be gated.
- 2.14 The proposed car park would have 72 spaces. This figure is derived from the CDP's car parking standard of 4 spaces per hole for pitch n' putt and golf courses, i.e. 18 x 4. In the light of the applicant's traffic assessment, it may prove, in practise, to be excessive. The DoAHG advises that, as the site lies within an area of high archaeological potential, archaeological monitoring of the site works for the car park should be undertaken.
- 2.15 The submitted car park layout does not consistently reflect the CDP's standards, i.e. conventional spaces should be 4.88m x 2.5m, disabled spaces 4.88m x 3m, and 6.1m wide aisles. This layout should be revised accordingly. Likewise, 20 bicycle stands should be provided and, as previously discussed, trees should be planted in and around the car park to soften its presence within the landscape.
- 2.16 I conclude that traffic generated by the proposal would be capable of being satisfactorily accommodated on the local road network, provided a traffic management plan is prepared to promote access/egress via the junction between the R471 and the L3196. Walking and cycling would be promoted, too, by means of a proposed footpath link and the provision of cycle stands. Existing sightlines at the site entrance would be capable of being improved to a satisfactory standard and, subject to the fine tuning of the layout, the proposed car park would be acceptable.

(iii) Flooding and drainage

- 3.1 The appellants state that the site is prone to flooding over its lower western portion.
- 3.2 The draft CFRAMs for the Shannon identifies the stream that runs along the western boundary of the site as the Ballycasey Tributary and it shows this stream and low lying land immediately adjoining it as being at risk of fluvial flooding on either a 1 in 100 year chance or, where the stream passes under the L3196 and on an adjoining strip of land immediately adjacent to the R471, a 1 in 1000 year chance. The most southerly portion of this stream is also shown as being at risk of coastal flooding on a 1 in 100 year chance. All of the areas thus shown as being affected by flood risk lie either in the western or the south western fringes of the site and away from the proposed active playing areas.
- 3.3 Given the aforementioned chances of flooding, the said fringes of the site lie within either Zone A or B for the purposes of the Planning System and Flood Risk Management Guidelines. Under Table 3.1 of these Guidelines, outdoor sports and recreation are identified as water-compatible development, and so, as the proposed foot golf use would be an example of such development, it would be appropriate.
- 3.4 The applicant has addressed the physical works that would be comprised in his proposal. Thus, he emphasises that it would not entail any alteration of the levels to the site and that the specification of a gravel surface to the proposed car park would ensure that the area thus developed continues to be naturally drained. Thus, existing surface water patterns of drainage would largely persist.
- 3.5 The appellants express concern over the proposed provision of a chemical toilet only. They anticipate that this provision would be inadequate for the likely numbers of patrons in attendance at the site. Instead, they insist that a toilet block served by an on-site waste water treatment system should be provided from the outset.
- 3.6 The applicant has responded to this concern by stating that the proposed chemical toilet would typically be used by the site manager and the occasional member of the public.
- 3.7 Clearly there is a disparity between the parties in the predicted need for toilet facilities and the appropriate level of provision. I recognise that chemical toilets are typically provided in situations wherein the use being served is only temporary or the call upon the same is limited. The proposed use is not intended to be temporary and so the level of usage is the critical factor in assessing the appropriateness or otherwise of the proposed chemical toilet. Given the aforementioned disparity, I consider that this matter should be reassessed in the

light of emerging experience within 5 years of the opening of the foot golf course.

3.8 (The porta cabin, within which the chemical toilet would be accommodated, would be composed of short-lived materials and so it would be an inherently temporary structure itself. Accordingly, it should be reassessed as to its on-going suitability, aesthetically, to serve the use. I, therefore, consider that this porta cabin should be limited by condition to a 5 year period).

3.9 I conclude that, whereas the site would be at risk of flooding alongside its western boundary, as the proposed recreational use is deemed to be a water compatible one, it would be appropriate to this site. The physical works to the site would be limited and so existing surface water drainage patterns would largely persist. Foul water drainage requirements would not arise insofar as the use would be served by a chemical toilet. The adequacy or otherwise of this type of provision would be capable of being reviewed in the future.

(iv) AA

4.1 The site is not located in or beside a Natura 2000 site. However, the Shannon Estuary lies 1.5 km to the south of the site and it is subject to two Natura 2000 site designations, i.e. the Lower River Shannon SAC and the River Shannon and River Fergus SPA. The stream that flows along the western boundary to the site flows via other water courses into the Shannon Estuary and so there is a source/pathway/receptor route between the site and these Natura 2000 sites.

4.2 The applicant has outlined that the physical works entailed in developing the site would be limited to the provision of a car park, the siting of a porta cabin, and the erection of a fence along the eastern/south eastern boundary of the site. The proposed foot golf course would be a recreational use only.

4.3 Accordingly, notwithstanding the identified source/pathway/receptor route, provided site development works are undertaken in accordance with good construction practice and the subsequent golf course is well-managed, I do not consider that the proposal would have any significant effects, either individually or in combination with other projects, upon the Conservation Objectives of the aforementioned Natura 2000 sites.

4.4 Having regard to the nature and scale of the proposed development, 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.

Recommendation

In the light of my assessment, I recommend that the change of use of agricultural land to foot golf leisure activity, portacabin office and wc, ancillary car parking and associated site works at Clonmoney West, Hurler's Cross, Bunratty, Co. Clare, be permitted.

Reasons and considerations

Having regard to the Shannon Town and Environs Local Area Plan 2012 – 2018 and the existing local topography and landscaping of the site, the proposed foot golf facility would, as an “open for consideration” use under the agricultural zoning objective, be, subject to conditions, compatible with the amenities of nearby residential properties, and so it would be an appropriate use of the site. While the westernmost portion of the site is at risk of flooding, the proposed facility, as an outdoor sports and recreational one, would be a water compatible development, which would be an appropriate use of the site under the Planning System and Flood Management Guidelines. Existing surface water drainage arrangements would largely persist and the proposed use of a chemical toilet would be the subject of a temporary condition, thereby enabling this type of facility to be reviewed in the future. No Appropriate Assessment issues would arise. Traffic generated by the proposal would, subject to a traffic management plan, be capable of being accommodated satisfactorily on the local road network. Provision would be made to promote walking and cycling. Existing sightlines at the site entrance would be capable of being improved to a satisfactory standard and, subject to revisions to the layout, the proposed car park would be acceptable. The proposal would thus accord with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. The proposed development shall be amended as follows:
 - (a) The proposed layout of the foot golf course shall be revised to ensure that hole no. 1 is re-sited 20m further south, along with

any consequential changes to other holes. This layout shall also be revised, as appropriate, to ensure that it is not in conflict with the two overhead electricity lines in the northern portion of the site. The species and positioning of all existing trees on the site shall be identified and shown on the layout plan thus revised.

- (b) The proposed car park shall be revised to ensure that spaces and aisles consistently meet the standards set out in Appendix A1.7.3 of the Clare County Development Plan 2011 – 2017 and that a minimum of 20 cycle stands are provided. This car park shall be revised to show the planting of substantial numbers of native trees within and around it. The site entrance shall continue to be gated and any works needed to achieve sightlines of 2.4m x 70 m shall be shown, along with the siting of the proposed sign.
- (c) A detailed site survey shall be undertaken of the northern boundary of the site and, based on this survey, plans shall be prepared to provide a footpath along the nearside of the local road between the site entrance and its north western corner. Additional native tree planting along the entirety of this boundary shall also be shown.

Revised drawings showing compliance with these requirements and a tree planting schedule and timetable shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Any planted trees which die, are removed or become seriously damaged or diseased, within a period of 5 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 interests of visual and residential amenity, in order to promote sustainable modes of transport, and in the interests of good traffic management and road safety.

3. Prior to the commencement of development, the developer shall prepare a traffic management plan which shall outline the preferred routes for vehicles travelling to and from the site. This plan shall be submitted to, and agreed in writing with, the planning

authority and, thereafter, the said routes shall be promoted for use by patrons of the foot golf facility.

Reason: In the interest of good traffic management and road safety.

4. 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) Notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

- (b) Employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

- (c) Provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

5. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

6. The proposed foot golf facility shall not be open to patrons outside the following hours:

- (i) 09.00 – 22.00 during the months of April to September (inclusive), and

- (ii) 09.00 – 18.00 during the months of October to March (inclusive).

Reason: In the interests of the residential amenities of the area.

7. The proposed foot golf facility shall not be floodlit, unless a separate planning permission is obtained for the same.

Reason: In the interests of the residential amenities of the area.

8. The porta cabin shall be removed and the land restored to its former condition on or before 5 years from the date upon which it is sited, unless planning permission is obtained for its continued siting on the land.

Reason: To afford the planning authority the opportunity to reassess the appropriateness or otherwise of the chemical toilet facility within the porta cabin and, in view of the porta cabin's short-lived materials, in the interest of visual amenity.

9. The developer shall pay to the planning authority a financial contribution of €965 (nine hundred and sixty-five euro) 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 – 2015. The contribution shall be paid prior to the 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. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

Reason: It is a requirement of the Planning and Development Act 2000 – 2015 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.

Hugh D. Morrison

Inspector

4th March 2016