
An Bord Pleanála



Inspector's Report

Development: Lighting to perimeter of running track, Cloonbeg (Dan Spring Road), Tralee, Co. Kerry

Planning Application

Planning Authority : Kerry County Council

Planning Authority Register Reference : 15/281

Type of Planning Application : Permission

Applicant : Tralee Harriers Athletic Club Limited

Planning Authority Decision : Grant subject to conditions

Planning Appeal

Appellant : Lakes & River of Kerry, Salmon & Trout Conservation and Protection Assoc.

Type of Appeal : 3rd Party v. Grant

Observers : None

Inspector : Pauline Fitzpatrick

Date of Site Inspection : 17/02/16

Appendix - Photographs

1. SITE LOCATION AND DESCRIPTION

The Tralee Harriers Athletic Club site, which has a stated area of 2.17 hectares, is accessed from the Dan Spring Road which forms part of the N86 to the south of Tralee town centre. The road was noted to be well trafficked on day of inspection. 3 storey office blocks and a 3 /4 storey hotel are to the south of the road opposite the site.

The site itself is roughly rectangular in shape with no running track markings noted on day of inspection although markers were evident for other field disciplines. The site is level with a container providing changing facilities noted along the western boundary. The western part of the site was noted to be waterlogged. The perimeter is delineated by a mesh fence. The boundary to the Dan Spring Road is backed by a line of trees.

The traffic light controlled access from the Dan Spring Road is shared with the Christian Brothers Secondary School which bounds the site to the west with parking available. Pedestrian access is also available to the town park which bounds the site to the north-west. The Presentation school and play courts bounds the site to the north along which there is a further pedestrian access to the park. The lands to the east of the path along the eastern boundary were noted to be low lying and waterlogged on day of inspection with houses fronting onto Ballymullen Road to the east of same again.

2. PROPOSED DEVELOPMENT

The application was lodged with the planning authority (PA) on the **10/04/15** with further plans and details lodged **09/07/15** and **13/10/15** following a request for further information (FI) dated 03/06/15 and clarification of FI dated 31/07/15.

Revised public notices were submitted 28/10/15.

As amended the proposal is for the erection of 21 no. 6 metre high lighting columns using LED technology around the perimeter of the running track. A design document was submitted by way of FI.

Note: An objection to the proposal received by the PA has been forwarded to the Board and is on file for its information. The issues raised relate to size of site, purpose of proposed development, detraction of motorists and impact on birds.

3. TECHNICAL REPORTS AND PRESCRIBED BODIES

A memo from **A/ Senior Executive Officer Corporate Support** dated **22/04/15** confirms that Tralee Harriers has a lease from the County Council for the use of the property.

The **County Archaeologist** and **Fire Authority** have no objections.

The **Executive Planner** in a report dated **30/04/15** notes that the site has been identified as being at risk of flooding. In terms of the development as proposed to an existing running track a site specific flood risk assessment is not warranted although the applicant should be made aware of the risks and the design of the proposed floodlighting and/or electrics.

The **NRA (now TII)** in a letter dated **05/05/15** recommends that the PA has regard to the provisions of Chapter 3 of the Guidelines for Spatial Planning and National Roads. All high level lighting should be cowled in order to eliminate light overspill onto the N86 which could cause a hazard to motorists. A **2nd letter** dated **11//11/15** states that its position remains the same.

The **1st Planner's** report dated **03/06/15** recommends a request for FI requiring an illumination survey and advised of the need to cowl lighting. The **2nd report** dated **30/07/15** notes a discrepancy between the number of lights proposed between the original application and the details provided by way FI on which clarification is required. The **3rd report** dated **18/11/15** (countersigned) following the clarification of FI considers the proposal to be acceptable in the context of existing permitted development and a grant of permission subject to 3 conditions is recommended.

4. PLANNING AUTHORITY'S DECISION

The PA decided to grant permission for the above described development subject to three conditions. Of note condition 3 precludes the use of the floodlights after 20.00 on any night.

5. GROUNDS OF APPEAL

The **3rd Party** appeal by Lakes and Rivers of Kerry, Salmon & Trout Conservation and Protection Association can be summarised as follows:

- The need for and purpose of the lighting is queried.

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- The site and other lands along the Dan Spring Road formed part of a flood plain and were filled in. This has resulted in flooding of adjoining lands.
 - The suitability of the changing room facility is queried.
 - The lights will distract motorists.

6. APPLICANT'S RESPONSE TO GROUNDS OF APPEAL

The applicant's response can be summarised as follows:

- The applicant has a lease on the grounds until 2038.
- The club continues to improve the facility however its use is restricted after dark due to lack of lighting.
- Training sessions are held bi-weekly during the evening times.
- There is a safety issue of running in the dark.
- The club has entered agreements with neighbouring schools allowing the site to be used during school hours.
- There are plans to develop the club further.

7. PLANNING AUTHORITY'S RESPONSE TO GROUNDS OF APPEAL

No response received

8. OBSERVATIONS

None

9. RELEVANT PLANNING HISTORY

PL81.207215 (6665/217/03) permission granted on appeal for raising of the grounds to a uniform level finished with a sand based grass surface, the provision of a new entrance and car parking at the western end of the grounds and the provision of a secure fence along the perimeter.

The appropriate period of the said permission was extended to 18/12/10.

10. DEVELOPMENT PLAN PROVISIONS

The *Tralee Town Development Plan, 2009-2015* refers to date.

The site is zoned for Parks/Recreation the purpose for same being to protect open space and to provide for recreational and amenity purposes and any ancillary structures.

RAOSP01 – it is an objective to manage and improve public recreational open spaces and to meet the social, recreational and environmental needs of the town.

11. ISSUES AND ASSESSMENT

Whilst I note the appellant's conjecture as to the purpose and need of the proposed development the nature of the application before the Board is quite clear in that it is for the erection of 21 no. 6 metre high lighting columns around the running track within the athletics field. The applicant in its appeal response states that the lights will facilitate the improvement of facilities at the grounds allowing for night time use and will also provide for a level of safety. Taking into consideration the parks/recreational zoning objective as set out in the current Town Development and the purpose of the lighting to assist in improving facilities on the site, the principle of the development is acceptable.

I note the appellant's reference to other facilities within the site including the container providing for changing facilities and contention that the raising of the lands has resulted in flooding of adjoining lands however these are not subject of the application and thus outside the remit of the appeal. I do not propose to comment further on same.

I consider that the substantive issue arising in the case is the impact the floodlighting could have on motorists on the adjoining Dan Spring Road (N86) to the south. Consequent to a further information request a design document was prepared with due regard had to the potential for light overspill onto the road. To counter same factory fitted back light controls on the lanterns adjacent to the N86 (lanterns 1B to 6B) are proposed. All lanterns are to use LED technology. Taking into consideration the fact that the level of the athletics field is lower than the road, that the lighting columns are not excessive in terms of height, and the line of mature trees along part of the roadside boundary would provide for a certain level of screening, I consider that the proposal would not cause a distraction to motorists along the road as to give rise to a traffic hazard.

In terms of the amenities of adjoining property the lands to the west and north are in recreational and institutional use and the proposed lighting would have no impact on same. The nearest residential properties are those that front onto Ballymullen Road to the east. Taking into consideration the separation of over 100 metres between the site and the rear walls of these nearest dwellings and the proposed height of the lighting columns no adverse impact on same is envisaged.

AA –Screening

Having regard to the nature and scale of the development proposed within the town of Tralee 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.

1. RECOMMENDATION

Having regard to the contents of the file, the grounds of appeal, the responses thereto, a site inspection and the assessment above I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

REASONS AND CONSIDERATIONS

Having regard to the established use of the site as a athletics grounds, its parks and recreational zoning in the current Tralee Town Development Plan and to the existing pattern of development in the area, 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 be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance 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 as amended by the further plans and particulars submitted on the 9th day of July, 2015 and 9th day of October 2015, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

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2. The operational hours of the floodlighting shall not extend beyond 2200 hours with automatic cut-off of floodlighting at that time.

Reason: In the interests of amenities of property in the vicinity and traffic safety.

3. The floodlights shall be angled and constructed so that no light is emitted above a horizontal plane through the fitting. Positioning and design shall also ensure that no glare is caused to users of the public roads in the vicinity of the development.

Reason: In the interest of traffic safety.

Pauline Fitzpatrick
Inspectorate

February, 2016