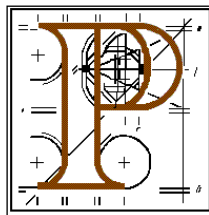


## An Bord Pleanála



### Inspector's Report

Development: Community sports facility comprising playing pitch, an all-weather floodlit playing pitch, two tennis courts, new access road, children's playground, 4 no. temporary portacabins and all associated works.

### Planning Application

Planning Authority: Meath County Council  
Planning Authority Reg. Ref.: AA/150591  
Applicant: Kentstown Village Park Committee  
Type of Application: Permission  
Planning Authority Decision: Grant Permission

### Planning Appeal

Appellant(s): Michael Cowan  
Type of Appeal: 3<sup>rd</sup> Party  
Observers: N. Mc Fadden  
Date of Site Inspection: 12<sup>th</sup> May 2016  
Inspector: Fiona Fair  
Appendices: Photographs, Site location Map  
Extracts from the MCDP 2013 – 2019 and  
the Kentstown LAP 2009

## **1.0 SITE DESCRIPTION (see photographs and location map)**

The appeal site, which has a stated area of 10.15 acres, is located in Kentstown Village in East Meath, approx. 11Km to the east of Navan and 22 Km southwest of Drogheda. It is approximate to the M1 Motorway, N2 and the N3 Kentstown has a population of approx. 1,000 people.

The appeal site is located to the north west of the intersection of the R153 and the R150 in the centre of the village. It is proposed to access the site via the R153 Kentstown Road, at a point where the 50Kph speed limit applies. With the exception of the approx. 20m road frontage with the R153 the site comprises backlands. It is bounded to the south by the R153 (Navan Road), Kentstown Close (a small housing estate of 5 dwellings), two detached dwellings and Kentstown Parochial House and cemetery lands. The Glasheen housing estate bounds the site to the east, the housing development of Slan Duff View is located adjoining the north western boundary and open agricultural lands are located to the north.

There are footpaths on both sides of the R153 in the village centre. There is a pedestrian crossing adjacent to the Church approx. 140m east of the entrance to the proposed Sports and Community facilities.

The site comprises of poorly maintained agricultural lands which are currently in use to graze horses, at the time of my site visit some dumping and littering was evident to the south east corner of the lands. Boundaries are heavily overgrown to the south and west. The ground level is somewhat undulating and rises gently from south west to north east.

## **2.0 PROPOSAL:**

The proposal comprises Permission for community sports facilities comprising:

- A full sized grass playing pitch (un-lit) 90m x 144m,

- An all weather floodlit playing pitch 65m x 100m,
- 2 Tennis Courts together with associated sports fences.
- A new access road from the R153 (Navan Road), circulation roads and footpaths
- 101 car parking spaces and 2 coach parking spaces,
- 36 bicycle spaces,
- A children's playground
- Associated lighting, landscaping, boundary fences & walls,
- 4 no. temporary portacabins consisting of 2 no. changing facilities, 1 no. male WC block and 1 no. female WC block
- All ancillary site works.

Significant further information/revised plans was submitted on this application

The application is accompanied with:

- A Traffic Impact Assessment
- Waste Management Plan

### **3.0 PLANNING AUTHORITY'S DECISION**

Subsequent to a request for Further Information with respect to: (i) intended usage of the facility, occupancy of the facility, hours of operation, security etc... (ii) Details of phasing, (iii) Proposals for future access to residentially zoned lands to the north in accordance with the Kentstown LAP (2009) (iv) comment on the content of the 3<sup>rd</sup> party submissions, Meath County Council Granted planning permission subject to 17 number conditions. Conditions of note are summarised as follows:

2. Requires a landscaping scheme to be agreed with the p.a.
7. Requires that a waste management plan be agreed with the p.a.
8. Requires that public lighting is in accordance with requirements of p.a.
13. Requires demarcation and specific dimensions of car parking spaces and requires within 3 months of the date of the final grant of planning permission that a traffic management plan is agreed in writing with the p.a.

14. Requires that pre-development testing be carried out by a qualified archaeologist.

15. Requires that the playing pitch floodlights shall not be used or otherwise left switched on between the hours of 9.00pm and sunrise daily.

16. Requires that all external floodlights shall be cowled to diver light away from the public road and from residential properties in the vicinity.

17. Permission for the temporary sanitary facilities shall be valid for a period of 5 years.

#### **4.0 TECHNICAL REPORTS**

**4.1 The Planners report** reflects the draft decision to grant planning permission. It is considered that the proposed development represents a substantial community gain, does not unduly impact upon residential amenity and further is acceptable from a traffic perspective.

**4.2 Road Design Report:** No objection.

**4.3 Irish Water:** No objection subject to condition.

**4.4 DoAHG:** No objection subject to condition.

**4.5 HSE:** Prior to further information being requested the HSE report recommended that FI be requested with respect to the following: water recycling, sub-surface water and other wastewater, re-fuelling and servicing of plant, concrete vehicle wash-out area, noise / vibration control, dust and air quality. Subsequent to FI being received by the p.a. the HSE report states '*no comment on the response to the further information request received by the p.a. ...refer to original assessment and recommendations for further information...*'

**4.6 Inspectors Note:** An Bord Pleanala referred the file to The Heritage Council and An Taisce, however no response was forthcoming.

#### **4.7 Objections/Submissions**

A number of objections were submitted to the proposal. The issues raised are similar to those raised in the Appeal and Observation, summarised in detail below. A number of Letters of support were also submitted and are contained on the file.

#### **4.8 Pre Planning**

The planners report notes that preplanning consultation took place in relation to the current proposal.

### **5.0 APPEAL GROUNDS**

**5.1 A third party appeal has been lodged by Michael Cowan, Navan Road Kentstown.** The grounds of appeal are summarised as follows:

- Owner of the property adjoining the east side of the proposed entrance on the Navan Road (R153)
- Lack of consultation
- Concern with respect to the future proposal for a community centre / sports hall
- Request the names of the people who represent the Kentstown Park Committee
- The planning authority draft decision does not adequately address the fears of the local residents who objected / made observations to the proposal.
- Appeal accompanied with:
  - Letter of objection dated July 2015 to the p.a.
    - Duplication of existing facilities
    - Unsustainable in the future, concern that uses such as disco's and public bar may be introduced
    - Anti-social behaviour
    - Security risk to adjoining residential property
    - Public lighting will give rise to light pollution and dis-amenity to neighbouring properties.

- Negative impact upon surface water drainage and flooding
- Sever traffic hazard at the entrance – no traffic calming in place, proximity to the junction of the R153 and the R150
- Public foul sewer will be over stretched
- Scale of the proposal inappropriate
- Letter of objection dated February 2016 to the p.a.
  - No need for the facility as the area is well served
  - Anti-social behaviour is a real concern
  - Request that the Board, should they grant planning permission, make a condition that the proposed future club house / community centre and or temporary cabins be located to the north / north west of the site
  - That a wall be constructed to the southern boundary of the appeal site where it abuts the appellants property in order to ameliorate from negative lighting impact.
- Photographs
  - Of various other clubs and facilities nearby and proposed access point off the R153
- Maps indicating location of appellants dwelling and appeal site proposed access, proposed car parking, local landmarks and development on the ground etc...
- Copy of further Information email sent to the p.a. dated January 2016
- Copy of Letter of objection to the p.a. dated June 2015
  - Issues raised are similar to those raised in the letter of objection dated July 2015

## **6.0 RESPONSES**

### **6.1 A response has been received from the planning authority. It is summarised as follows:**

- The development of community facilities and leisure / sports facilities as proposed is 'permitted' within lands zoned 'GI' and 'A2'

- Floodlighting is necessary and a condition has been attached to the notification of decision to grant permission limiting the hours of operation of the floodlighting to 9pm
- A variety of boundary treatments are proposed inclusive of 2.5m high boundary wall, 3 m high fencing backed by hedging.
- The TIA submitted is noted and considered acceptable
- The Road Design Section of MCC have no objection to the access arrangements.
- It is proposed to discharge effluent from the site to the existing 225mm diameter public foul sewer located along the R153 public road.
- Irish Water have no objection to the proposal.

**6.2 A response has been received from Henry J. Lyons Architects on behalf of the applicants Kentstown Village Park Committee.** It is summarised as follows:

- The committee held a public information night for the community and parish at large rather than going from door to door for the reason of transparency and openness.
- The meeting was advertised on local radio.
- The information night proved successful
- The names and addresses of the executive committee members has been submitted.
- Acknowledge the existing clubs and community facilities however this proposal for additional community facilities is not to duplicate or replace any of the clubs or their facilities.
- The green area is dual purpose, predominantly for the recreational use of the Kentstown Community and would never be part of a club or organisation.
- Seneschalstown GAA Club (as shown in the photographs as the parish club) is over 7 Km from Kentstown.
- Currently there is no all-weather pitch to serve the community
- There is a need for a green area, a playground and a car park

- The facility is required to provide for teenagers and to prevent congregation of teenagers with no facilities.
- Acknowledge the appellants is a long standing member of the community and would welcome Mr. Cowan as a member of the committee to allay any concerns he may have and to ensure the project is completed to the satisfaction of all concerned.
- Response accompanied with
  - ILTP Consulting Traffic and Transportation Consultants
    - Sets out the background and to date processes of the proposal.
    - If any traffic calming measures were to be considered these would have to be designed in full cognisance of all existing and permitted development in the area.
    - Any traffic calming measures would normally be undertaken by the Roads Authority.
    - The proposed access layout is appropriately sized and located to meet the needs of the development.
    - No roads, traffic or transportation reason to refuse this development.

## **7.0 OBSERVATIONS**

**7.1 An Observation was received from Noreen McFadden.** It is summarised as follows:

- Concern of noise generation from both the proposed use and construction traffic
- Floodlights will have negative impact upon residential amenity and enjoyment of rear gardens backing onto the site
- Hours of operation of floodlights
- Concerns with respect to security and anti – social behaviour
- The number of car parking spaces is queried and considered excessive



- Negative impact upon residential amenity of existing residences in the area.

## **8.0 PLANNING HISTORY**

No planning history of note on the appeal lands.

## **9.0 DEVELOPMENT PLAN**

The pertinent statutory Development Plans for the area is the Meath County Development Plan 2013 - 2019.

The following sections of the CDP are of relevance:

Section 5.10 regarding sporting and leisure facilities/recreation/open space.

SOC POL 32: To promote the development of high quality open space areas, for active and passive use and formal and informal activities in accordance with the Core Strategy and Settlement Strategy

SOC POL 33: To encourage and support local sports, community groups and other groups in the provision and development of outdoor and indoor sporting and community facilities.

SS OBJ 16 To ensure that Villages grow in a manner that is balanced, self-sustaining and supports a compact urban form and the integration of land use and transport.

The site is partially zoned 'G1' *'to provide for necessary community, social and educational facilities'* and partially 'A2' *'to provide for new residential communities with ancillary community facilities, neighbourhood facilities and employment uses as considered appropriate for the status of the centre in the settlement hierarchy'* in the Kentstown Local Area Plan (LAP) 2009.

Kentstown Local Area Plan (LAP) 2009 (as amended by variation 2 of the CDP 2013) details a specific objective in relation to access to the subject site and to residentially zoned lands to the immediate north.

The LAP for Kentstown is currently in the process of being revoked and the MCDP 2013 – 2019 is considered to be the relevant statutory Plan. Variation No. 2 of the MCDP 2013 – 2019 integrates written statements including detailed objectives and land use zoning objectives for 29 development centres that no longer require individual local area plans as the population or target population is less than 5000. Included in these is Kentstown.

## **10.0 ASSESSMENT**

I have read through the file documentation, the relevant provisions of the County Development Plan and have carried out a site inspection. In my judgement the principle factors for consideration in this appeal relate to:

### **10.1 Principle of the Proposed Development**

### **10.2 Impact Upon Residential Amenity**

- **Boundary treatment, Anti-social behaviour & Loss of privacy**
- **Noise**
- **Lighting**
- **Anti – social behaviour**

### **10.3 Access, Traffic and Car Parking**

### **10.4 Other issues**

- **Foul sewer**
- **Flooding**
- **Public consultation**
- **Transparency with respect to names of committee members**

### **10.5 Appropriate Assessment (AA)**

### **10.1 Principle of the Proposed Development**

The appeal site is located within the boundary of Kentstown Village and is subject to two zoning objectives, the southern portion of the site being zoned 'G1' – Community Infrastructure - *'to provide for necessary community, social*

*and educational facilities'* and the northern portion zoned 'A2' – New Residential - *'to provide for new residential communities with ancillary community facilities, neighbourhood facilities and employment uses as considered appropriate for the status of the centre in the settlement hierarchy'*. The development of community facilities and leisure sports facilities are 'permitted uses' within both G1 and A2 zones, as per the MCDP 2013 – 2019.

The proposed development, as set out in detail in section 2.0 of this report above, seeks to provide community facilities adjacent to the existing residential developments to cater for needs of the local resident population of Kentstown Village and to serve the wider needs of the Kentstown Community.

As noted in Section 3.3, of the Kentstown LAP 2009, Kentstown has a limited level of community facilities and amenities in relation to the population that resides there. While I note the concern raised by neighbouring properties with respect to the future proposal for a community centre / sports hall and its location on the site, it is my opinion that the subject development, represents acceptable and appropriate development at this location. I note the community centre will be subject to a separate future planning application, however, I have no issue with respect to the overall layout as proposed. Cognisance is had to the site size, proposed boundary treatment, security measures and off-set to boundaries with neighbouring properties. The appeal proposal seeks to provide a community facility within the village core, adjacent to the existing residential developments, on suitably zoned lands, to cater for the needs of the local resident population. As such it fully accords with policy for development of Kentstown Village as set out in the MCDP 2013 – 2019 and the Kentstown LAP 2009.

Paragraph 3.4.2 of The Kentstown LAP states: *'A key issue that came through via the public consultation exercise is the lack of community facilities currently available in the village to serve the growing population. A community hall with meeting rooms where various events, functions, entertainment etc. can be hosted and a place where community groups can meet, is seen as necessary*

*by many members of the local community. A local community group in Kentstown is keen to source adequate funding and appropriate lands within the village on which to locate a new community facility’.*

*It goes on to state: ‘The primary role of the Planning Authority in relation to the provision of community facilities is to reserve sufficient lands within the settlement centres to meet likely future demands for community infrastructure. A recurring problem with respect to the provision of this infrastructure is its timely provision in conjunction with new housing. The Local Area Plans will seek to resolve this current problem by linking the provision of community facilities to the wider development taking place in the village, particularly residential development’.*

It is envisaged that the site would be developed in two Phases as illustrated in Drg. P-0004 – Site Phasing Plan submitted with the planning application. Phase 1 comprises the following: Large playing pitch, community all weather pitch, walking track, boundary fencing, playground, 4 temporary portacabins consisting of changing and WC facilities, 51 car parking spaces and 2 coach spaces with associated site works.

Phase 2, comprises the following: 2 no. Tennis courts floodlighting (12m high) and the overflow car park (50 cars) with associated site works.

Note: The ‘Future Community Centre’, which is indicated on the site layout plan and the Phasing Site Layout Plan would be subject to a separate future planning application.

It is intended that phase 1 would proceed immediately with an estimated project duration of 24 months to completion. No timeframe is indicated for Phase 2. I note and somewhat agree with condition 17 of the notification of decision to grant planning permission, in the subject case, (Reg. Ref AA150591) which restricts the temporary sanitary facilities (4 porta cabins) for a period of 5 years, only. While the p.a. has recommended a time frame of 5 years following the date of grant of permission. I am of the opinion this should

be amended to state 5 years from the opening of the Community Facility, should the Board be inclined to grant planning permission for the subject proposal.

In conclusion, I am of the opinion that the proposed development is acceptable in principle on lands so zoned, having regard to the nature of the proposal, the connectivity of the site within the centre of the village and Meath County Development plan policies and standards. The proposed development will enhance the community and recreational facilities for Kentstown and the wider area.

Issues in relation to residential amenity, access and traffic, flooding and capacity of service infrastructure are considered, in turn, in the succeeding section of this report.

## **10.2 Impact Upon Residential Amenity**

Concern is expressed by the appellant that the proposed development would have a negative effect on neighbouring properties by reason of loss of privacy, potential disturbance from noise, negative impact from lighting and contribute to anti-social behaviour.

### **Boundary treatment, Anti-social behaviour & Loss of privacy**

The first party submit that maintaining privacy of residents in the area is of paramount importance. I note and consider acceptable the proposed site layout plan Drg. No. P0002 submitted with the planning application. It sets out the proposed boundary treatment incl. for 2.5m high boundary walls and 3m high fencing, backed by hedging. The park will be closed behind a combination of walls and fences with one vehicular and pedestrian entrance. It is stated in the F.I. response to the p.a. that it is the intention of the committee to have a broadband security camera system in operation when the park is closed. I note it is submitted that a company called Digiwatch is being considered to monitor this system. It is submitted that they would be

able to talk directly to intruders via loudspeakers and or contact key holders and the Gardai. During opening hours volunteers would be relied upon to run and maintain the park, however, if further funds or grants become available a part time caretaker would be considered.

The 3<sup>rd</sup> party appellant requests that in the event that planning permission is forthcoming from the Board that a condition be attached that the proposed future club house / community centre and or temporary cabins be located to the north / North West of the site. Also that a wall be constructed to the southern boundary of the appeal site where it abuts the appellants property in order to ameliorate from negative lighting impact.

It is my opinion that the layout as proposed is acceptable in principle, cognisance being had that planning permission is required for the future community centre. The appropriateness of any future uses and their location within the site will be assessed on a case by case basis. However regard being had to 'Site Layout Plan' Drg. P 0002 on file I consider that in the interests of security concerns that a boundary wall 2.5m in height be constructed along the southern boundary of the appeal site where it abuts the appellant's property. Such boundary treatment would be consistent with the boundary treatment proposed to other boundaries of the appeal site.

The boundary treatment and security proposals are desirable and will alleviate concerns of anti-social behaviour. I note a submission on the file that the committee are *'reluctant in light of the cost of the wall to make a direct commitment on phases of construction until planning is in place'*. Seeing as the boundary treatment is part of the subject planning permission, it is the obligation of the developer to put in place the boundary treatment in tandem with phases 1 and 2, within 5 year from the date of the grant of planning permission.

Overall given the set back from boundaries, existing and proposed boundary treatment, natural screening and the nature of the proposed use, I do not envisage that the proposed development would give rise to a material loss of

privacy to any adjoining residents. I am cognisant that the appeal site is located within the centre of Kentstown Village and has been zoned for Community Infrastructure and new residential use for some time.

## **Noise**

It is the intention of the committee that the grounds would be opened at 6 am every morning and close nightly at 10 pm. The committee do acknowledge that the level of noise in the area will increase, but, it is submitted 'only slightly'. The noise will be from children at play and sporting activities. The volume will be limited to one or two football matches at evening time and weekend mornings. In addition it is submitted there will be playground noise and conversation of parents, and those using the walking track.

Cognisance being had to the GI and A2 zoning of the appeal site, in particular, the GI zone which reserves the subject lands for community facilities and amenities. To the appeal sites central location and pedestrian connectivity within the village, the set back of playing pitches from residential boundaries, screening and boundary treatment in place and proposed, I am of the opinion that the proposal is acceptable on the site and will not materially impact upon adjoining residential amenity to any undue extent.

I note no night time operation is proposed. The p.a while not having, by way of condition, imposed a restriction on closing hours, they have imposed a cut off for playing pitch floodlights of 9.00pm. I recommend that a condition be attached which restricts opening hours of the Community Sports Facility from 6.00 am to 9:30 pm daily and that the operational hours of the floodlighting shall mirror such opening hours, in the interest of fairness and clarity.

## **Lighting**

I note, it is submitted, that floodlights proposed are specifically designed to achieve the necessary light levels on the site without permitting intrusive light spill or glare onto adjoining properties. The proposed lighting layout submitted

is accompanied with details of all proposed light fittings and detailed lighting calculations showing the design Lux levels along the entire boundary of the site. The lighting design demonstrates that the spill level at the boundary adjoining properties is 0 Lux in most locations and much less than the requirements of all relevant lighting standards in all other areas. It is proposed that all lights will be switched off at 10 pm at the latest each evening.

Given the level of concern raised with respect to light impact from neighbouring properties I recommend that should the Board agree that permission be forthcoming, in the subject case, that Conditions re: direction and glare of lighting and restriction of operational hours of the floodlighting to 9.30 pm should be attached by way of condition in any grant of planning permission.

I am of the opinion such conditions would be wholly reasonable and enforceable and would aid amelioration of light impact from the community sports facility.

### **10.3 Access, Traffic and Car Parking**

The appellant to the appeal has raised concern in relation to the proposed access, increase in traffic and the level of car parking proposed to serve the appeal site.

Access to the development is proposed via a new priority junction off the R153 within the 50 Kph speed limit. There are footpaths on both sides of the R153 in the village centre and these footpaths link with the pedestrian network throughout the village. There is a pedestrian crossing on the R153 adjacent to the church approx. 140 m east of the proposed entrance to the Community Sports Grounds.

The applicant has submitted a TIA, which details that 2 no. 3.5m lanes, 1.8m wide footpaths on either side, 3 m wide bus parking spaces and 2.4m wide car-parking spaces (parallel) are proposed along the access road. Pedestrians are provided for throughout the site and persons can alight



directly from vehicles onto the footpath. It is submitted that the proposed access road has been located to accord with the Kentstown Land Use Zoning Objectives Map, which includes for access off the R153.

The TIA concludes that, given the traffic counts (a maximum of 35 no. additional trips during the peak PM hour), the additional traffic impact on the adjacent road network is likely to be minimal. It is anticipated that the majority of trips to and from the proposed development would occur outside of peak hours. Therefore the overall traffic impact upon the surrounding road network due to the proposed development would be minimal.

On foot of Phase 1, 51 car parking spaces, 2 no. bus parking spaces and 36 bicycle parking spaces are proposed located, along the access road and within the site, to the south of the playing pitches, easily accessible from the access.

Phase 2 proposes a further 50 space overflow car park to the western boundary of the site. It is submitted that this car park would be infrequently used and therefore noise impact would be minimal.

I note, it is proposed that provision be made for future access to be provided to residentially zoned lands to the north of the subject site, in accordance with the Kentstown Land Use Zoning Objectives Map, from the east through the existing Glasheen residential estate and by agreement with the landowner to the north.

The Road Design Section of the Council have raised no objection to the proposal. The regional road is straight at this location with a wide carriageway and footpaths on both sides. The sight distances at the access are considered to comply with required standards given the 50 Kph speed limit at this location. It is my opinion that this proposal is not likely to give rise to hazard for existing road users and or other road / safety issues subject to appropriate safeguards in the event of a grant of planning permission. Any additional intensification of the appeal site, by way of subsequent Phases of

development, will be assessed on its merits under a future planning application.

Cognisance is had that the proposed Community Sports Facility is located within the village centre, close to schools and residential areas, on zoned lands directly connected to the existing footpath network and is in keeping with the Meath CDP policies and standards. I am satisfied that issues raised can be adequately dealt with by way of condition and compliance stage. I recommend that a condition be attached to any decision to grant planning permission requiring that a traffic management plan be carried out which includes proposals for appropriate directional signage and simulated on site traffic movements.

#### **10.4 Other issues**

##### **Foul Sewer**

A report on 'site services design' for the project, dated May 2015, by Joseph O'Reilly Consulting Civil & Structural Engineers was submitted with the planning application. In conjunction with a report on soakway design by Traynor Environmental Ltd. Dated April 2015.

The Councils Water Services Department and Irish Water have no objection to the proposal from a foul sewer and water supply point of view.

From information contained within the report and on the file, it is my opinion that foul sewer can be adequately dealt with by way of condition

##### **Flooding**

The issue of flooding was raised by the appellants. However no evidence has been submitted to support the claim that surface water / storm water is or may become an issue on the appeal site. I did not witness any evidence of flooding

at the time of my site visit. I note that Irish Water and Water Services Department of the Council have been consulted on the proposal and have raised no objections, subject to conditions. The first party submit that the proposal will not give rise to flooding. The appeal site is not included as a site identified in the OPW Flood Map.

Based on the foregoing I do not recommend a refusal of planning permission based on inadequate surface water disposal or flooding related reasons and considerations.

### **Public Consultation**

Third party concern has been expressed with regard to lack of consultation.

I note in the first instance that statutory public notices have been complied with, this is not disputed. In addition the first party submit that a public meeting was held in the local national school to discuss the project. The meeting was advertised by way of flyers placed in shops, schools, churches and businesses in the parish, the meeting was advertised in the parish bulletin for 3 weeks prior to the meeting, advertised on local radio, an email and text message was sent to all voluntary organisations (some 34) of the community and a 4ft x 4ft sign was placed at the centre of the village for 2 weeks prior to the meeting. This is not disputed by the appellant.

I accept and agree with the submission by the first party that a public information night for the community and parish at large was appropriate, rather than going from door to door, in the interests of transparency and openness.

It is the role of the planning authority and the Board to act as mediator in planning matters.

## **Transparency with respect to names of committee members**

I note the letter of consent on file, from Paschal Marry, Director of Kentstown Village Park Co. Limited (Company who owns the lands) to Kentstown Village Park Committee, to make the planning application.

The first party have submitted the names and addresses of the people who represent the Kentstown Park Committee.

I see no impediment to a grant of planning permission in this regard. Cognisance is had that planning permission is consigned solely to the site within the red line of the planning application and not to the person / persons in whose name the application is made.

### **10.5 Appropriate Assessment (AA)**

The appeal site is located approx. 4.3 Km south east of the river Boyne and River Blackwater SAC. As per the NPWS site synopsis the qualifying features of the River Boyne and River Blackwater SAC is alkaline fen and alluvial woodlands and the following species: Atlantic Salmon, Otter and River Lamprey.

Having regard to the nature, extent and scale of the proposed development, absence of a direct pathway and distance of the site from a Natura 2000 site no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have any significant effect either individually or in combination with other plans or projects on a European site.

## **11.0 CONCLUSION / RECOMMENDATION**

I have read the submissions on file, visited the site, and had due regard to the provisions of the Development Plan and all other matters arising. In light of this and the assessment above, I recommend that planning permission be Granted subject to the conditions set out below.

## **12.0 REASONS AND CONSIDERATIONS**

Having regard to the zoning of the site, its central location within the village of Kentstown and established 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 property in the vicinity, would not give rise to a traffic or flooding hazard and would not, therefore, be contrary to the proper planning and sustainable development of the area.

## **13.0 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 4<sup>th</sup> of December 2015, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail 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 Community Sports Facility shall not operate outside the period of 0600 to 2130 hours Monday to Sunday.

**Reason:** In the interest of residential amenity.

3. The operational hours of the floodlighting shall only operate between 08.00 hrs and 21.30 hrs Mondays – Sundays, with automatic cut-off of floodlighting at that time. Any extension to these operating hours shall be the subject of a new planning application.

**Reason:** To protect the residential amenity of properties in the vicinity.

4. Flood lights shall not be lit in such a manner so as to cause excessive glare or distraction to road users or adjoining property owners. The floodlights shall be mounted in horizontal orientation. The developer shall comply, at their own expense, with any future requirement of the Council in relation to adjusting the floodlighting, aiming or fitting appropriate additional louvres to deal with remaining glare issues that may arise for road users / residents but may only become apparent when the installation is commissioned.

**Reason:** In the interest of the amenities of the area.

5. Proposals for public lighting installation shall be submitted to and agreed in writing with the planning authority prior to commencement of the Community Sports Facility development.

**Reason:** In the interest of the traffic and public safety.

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

**Reason:** To ensure adequate servicing of the development and to prevent pollution.

7. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

(a) Details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;

(b) Proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;

(c) Details of proposed street furniture, including bollards, lighting fixtures and seating;

(d) Details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

**Reason:** In the interest of visual amenity.

8. A solid block wall, 2.5m in height, suitably capped and dashed, shall be constructed along the southern boundary of the site for its full extent with Phase 1 proposed car and coach park area.

**Reason:** In the interest of residential amenity.

9. All footpaths shall be concrete bayed, slabbed or tiled. They shall be dished at all road junctions and at all entrances and shall be level with the carriageway at such points.

**Reason:** To facilitate pedestrian access.

10. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

**Reason:** In the interest of residential amenity.

11. Construction waste shall be managed in accordance with a construction waste management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interests of sustainable waste management.

12. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

13. The Community Sports Facility shall be used solely in connection with recreational and sports as detailed in the public notices. The site shall not be used in connection with concerts or other similar events, except with a prior grant of planning permission.

**Reason:** To protect residential amenity



14. Advertising structures/devices erected within the site shall not be visible when viewed from outside the curtilage of the site.

**Reason:** In the interest of visual amenity.

15. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and
- (b) Employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) The nature and location of archaeological material on the site, and
- (ii) The impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements including, if necessary, archaeological excavation prior to commencement of construction works.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site

16. Permission for the temporary portacabin sanitary facilities shall be valid for a period of five (5) years, only, following the date of opening of the Community Sports Facility. The structures and all hard standings shall be removed off site and the site returned to its natural state, within this time period, unless a subsequent planning application for the future retention of the sanitary facilities has been granted permission by the planning authority or An Bord Pleanala.

**Reason:** In the interest of proper planning and development.

17. (a) All car parking spaces shall have a minimum dimensions of 2.5m x 5 m and shall be clearly demarcated on site.

(b) Within 3 months of the date of the final grant of planning permission the applicant shall submit a traffic management plan for the written agreement of the planning authority which shall include appropriate directional signage and simulated on site traffic movements.

**Reason:** In the interest of traffic safety.

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Fiona Fair  
Planning Inspector  
24.05.2016