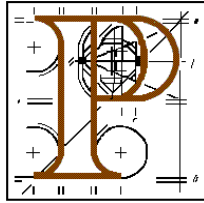


An Bord Pleanála



Inspector's Report

Development Description: Permission for all weather playing pitch, surrounding fence, six no 10m high floodlighting poles and associated site works including drainage and pathway.

Location Fethard GAA Park, Fethard, Co Tipperary.

Planning Application

Planning Authority: Tipperary County Council.
Planning Authority Reg. Ref.: 15/600756.
Applicant: Fethard GAA Club.
Type of Application: Permission.
Planning Authority Decision: Grant Permission subject to conditions

Planning Appeal

Appellants: Fethard GAA Club.
Type of Appeal: Third Party v Permission.
Observers: Triona Morrison, Principal, Holy Trinity N.S. Fethard.
Date of Site Inspection: 27th January 2016
Inspector: Bríd Maxwell.

1.0 SITE LOCATION AND DESCRIPTION

- 1.1 The appeal site, which has a stated area of .9186 hectares, is located to the north-west end of the town of Fethard, Co Tipperary. The appeal site is occupied by an existing GAA playing pitch, ball alley, store, changing rooms and tennis courts. The southern boundary of the site is defined by the Medieval Town Wall boundary (a National Monument and Protected Structure S645) which includes a corner tower adjacent to the south-eastern corner of the site. Access to the GAA pitch is from the south-eastern corner of the site adjacent to a small public car park and St Patrick's Place whilst there is also gated pedestrian access from the west on Rocklow Road adjacent to North Gate. Residential development predominates to the east and west.
- 1.2 The existing changing facilities for the club comprise a single storey lean to structure abutting the town and the round tower turret at the south-eastern part of the site adjacent to the entrance. An existing club house and ball alley / store also adjoins the town wall and the tennis court is to the west of this.
- 1.3 As noted within the Archaeological assessment submitted as part of the application Fethard is regarded as one of the best preserved medieval towns in Ireland and the circuit of town walls is virtually complete. The walls enclose an area of circa 5.5ha and the medieval layout is largely untouched. There are likely to have been five gates originally of which only three including the North Gate now survives. The wall was begun in the late 13th century and construction and repair continued until the late 15th century.
- 1.4 Photographs of the appeal site and vicinity taken on the date of my site visit are appended to this report.

2.0 PROPOSED DEVELOPMENT

2.1 The proposal as set out in public notices is:

Permission to construct a new all-weather playing pitch with surrounding fence and 6 no 10m high floodlighting poles together with all associated site development works including drainage and pathway. The proposed all weather pitch is proposed on a grassed area between the existing tennis court and the ball alley. The proposed pitch is proposed to be located a distance of over 10m from the town wall and circa 28m from the corner tower.

2.2 Application details indicate that the proposed development essentially involves modification of the existing surface and subsurface (drainage etc. and provision for surrounding fence. One tennis court will be removed to leave sufficient space at the eastern end of the proposed all weather pitch and the main gate to accommodate comfortable spectator access to and from the main GAA field. Lighting poles are proposed to light the all-weather pitch. Perimeter fence is 2.4m high of polyester powder coated weld mesh fencing. An existing low concrete block wall will be removed and a new concrete edging will be provided along the northern edge of the playing field to retain the level difference.

2.3 Unsolicited further information submitted during the course of this and concurrent appeal PL92.246587¹ indicated an agreement to an arrangement whereby the existing changing rooms and toilets would be deconstructed and removed from the Town Wall when the new development of the all-weather pitch and new changing rooms are constructed.

3.0 PLANNING AUTHORITY'S DECISION & DELIBERATIONS

3.1 Submissions

¹ PI92.246587 Concurrent third party appeal of Tipperary County Council's decision to grant permission for two storey clubhouse facility.

- Submission from a number of residents of St Patrick's Place, object to the application on grounds of impact on cultural heritage, traffic impact, disturbance and negative impact on residential amenity, potential for anti-social behaviour.
- Department of Arts Heritage and the Gaeltacht submission recommends that results of archaeological impact assessment including testing be submitted as further information.

3.2 Internal Reports.

- District Engineer's report makes no comment on the application.
- Planner's initial report expressed concerns regarding impact of the proposal on the setting of Fethard Town Wall and conflict with the objectives of the Public Realm Plan for the Historic Town Wall of Fethard 2008 and the Fethard Town Wall Conservation and Management Plan 2009 and Policy ENV 8 of the Fethard local Area Plan 2011 which seek to preserve, enhance and maintain the setting and character of the Fethard Town Wall. Further information was requested to address the issue and to include an archaeological impact assessment in accordance with the requirements of the Department of Arts Heritage and the Gaeltacht.
- Final Planner's report recommends permission subject to conditions.

3.3 Decision

3.3.1 Tipperary County Council issued its notification to grant permission subject to 5 conditions which included the following of particular note.

- Condition 1 (b) The layout of the all-weather pitch and associated enclosure shall be re-orientated so that the northern boundary of same is parallel to the southern boundary line of the adjoining GAA pitch and separated from same by a maximum of 3.8m. A revised site layout plan showing compliance with this requirement to be submitted.
- Condition 2. Floodlights shall not exceed 10m in height. Floodlighting to be cowled. Mitigation in event of nuisance.

- Condition 4. Lighting shall not operate during hours of 9pm and 9am unless otherwise agreed with the Planning Authority.

4.0 PLANNING HISTORY

- **PL92.246587 (15/600755)** Concurrent third party appeal of decision of Tipperary County Council to grant permission for two storey clubhouse facility and associated site works.
- **PL23.2379595 10/197** The Board upheld a third party appeal and refused permission for extensions and alterations to the existing club house and all associated site works for the following reason:

“The existing GAA club changing rooms are located against the historic town wall, adjacent to a round turret feature. The recently completed ‘Public Realm Plan’ for the town sets out a plan to develop the heritage and tourism potential of Fethard, and encourages improved access around the town walls. This Plan includes specific enhancements in the vicinity of the mart and GAA grounds that would form part of a tourism gateway to the town. It is considered that the proposed extension to the existing changing rooms, by consolidating the existing development against the town wall, would be contrary to the planning policies for the area and would militate against the achievement of longer term improvements in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.”
- 13/355 Permission granted for 4 no lighting poles to pitch. January 2014
- P3419 Permission granted for 3 no dressing rooms
- P38543 Permission granted for erection of stand structure. October 1982.
- P39425 Permission to reconstruct store and roof open ball alley.
- 96211 Permission granted to erect a stand.

5.0 GROUNDS OF APPEAL

- 5.1 The appeal is submitted by a number of St Patrick’s Place Fethard. Grounds of appeal are summarised as follows:

- Negative impact on architectural heritage within a designated architectural conservation area,
- Light impact having regard to proximity to dwellinghouses.
- Potential for attracting anti-social behaviour.
- Traffic disturbance and other nuisance to residential amenity.

6.0 APPEAL RESPONSES

6.1 Planning Authority

6.1.1 The proposed development is for an improved club facility and will not generate additional car parking demands. The matter of car parking on match days is the responsibility of the GAA, the Gardaí and attendees. The development design does no impact on the Fethard Town Wall. The longer term proposal to demolish the existing changing rooms and toilets which will reveal a section of the town wall that is presently hidden from view. Light spill off site will be minimal.

6.2 First Party Response to appeal

The first party response is submitted by Peter Thomson Planning Solutions is summarised as follows:

- The proposed all weather pitch will not generate any additional traffic as it is designed to cater for existing club members.
- The existing car park at the entrance off St Patrick's Place largely caters for the parking needs of club members during training sessions.
- Big Match occasions rare and the club has agreement to use grounds of the nearby Patrician Presentation school off Rocklow road to the east of the site for parking on such days.
- Views from individual hoes of the town walls are not protected,
- Club has committed to removing the existing changing rooms when it has sufficient new facilities to meet all the club's needs.
- Fencing can be finished in 2.4m high powder coated weld mesh fencing can be finished in grey to blend in with the wall and will not obscure the protected structure. The proposed fence will be 8.5m from the wall

leaving a significant open space between the wall and the fence, At no location will the new fence restrict anyone from walking the full length of the wall within the grounds of the club.

- Full archaeological testing carried out under license in the location of the proposed all weather pitch found noting of note. The laying of the pitch and associated structures can therefore be carried out without any impact on archaeology or the town wall structure.
- Tennis court lights were adjusted to allow the existing green area to be lit. The offending columns will be removed to facilitate the proposed floodlighting. Floodlighting spill will be contained within the limits of the all-weather pitch and surrounding fencing and will not impact on surrounding housing. Training will not go on beyond 9pm and pitch will not be used on a commercial basis.
- Proposed all weather pitch will provide an important local amenity and is supported by local schools as demonstrated in correspondence.
- Increased activity at the club will ameliorate any existing issue with antisocial behaviour and increase security.
- The club is committed to remaining within the town where it is accessible to the community. The development plan policies support this and supports the protection and improvement of recreational facilities in the town.

6.3 OBSERVER

6.3.1 The submission of Triona Morrison, Principal, Holy Trinity NS is supportive of the application outlining that the facility will have tremendous benefit to the school children of Fethard.

7.0 POLICY CONTEXT

7.1 National Policy on Town Defences (Department of the Environment Heritage and Local Government November 2008)

Declaration and guidance document is for known and expected circuits of the defences (both upstanding and buried whether of stone embankment construction (and associated feature of all town defences to be considered a single national monument and treated as a unit for policy and management purposes and there is a presumption in favour of preservation in situ of archaeological remains and preservation of their character setting and amenity.

Within the Appendix the document sets out a requirement that Ministerial consent be sought for any proposed works that will impact on the fabric or city defence or ground disturbance in proximity to the defences in local authority or ministerial ownership or guardianship, or subject of a preservation order.

7.2 DEVELOPMENT PLAN PROVISIONS

7.2.1 The site is governed by the policies and provisions contained in the South Tipperary County Development Plan 2009-2015 as varied and the Fethard Local Area Plan 2011.

7.2.2 Fethard is designated as a service Centre within the Settlement Strategy within the County Development Plan. Service Centres are robust settlements that have a capacity to accommodate new residential growth, employment and enterprise and other appropriate uses. The service centres are being targeted for growth at an appropriate scale to service their local hinterlands and to consolidate housing, local employment, public transport and a range of services.

7.2.3 Within the Fethard Local Area Plan 2011 the site is zoned Amenity. The objective is "To protect improve and provide for amenity and open space including community and recreational uses that will contribute to the enjoyment of amenity areas open space."

7.2.4 Policy ENV 7: Archaeology. It is the policy of the Council to safeguard sites, features and objects of archaeological interest generally and the Council will protect (in-situ where practicable or as a minimum preservation by record) all monuments included in the Record of Monuments and Places and sites, features and objects of archaeological and historic interest generally, including hitherto unrecorded sites. Proposals for development that enhance the historic interest, setting and character of sites, features and objects of archaeological interest and monuments included in the Record of Monuments and Places will only be considered.”

7.2.5 Policy ENV 8: Fethard Town Wall. It is the policy of the Council to preserve, enhance and maintain the setting and character of the Fethard Town Wall and to continue to seek funding for its repair and maintenance.

7.2.6 Section 7.2.1 Fethard is part of the Irish Walled Towns Network (IWTN) It is the Council policy to have regard to the proposals contained in the Fethard Town Wall Conservation and Management Plan 2009 and the Public Realm Plan for the Historic Walled Town of Fethard 2008.

7.2.7 The site is within the designated Architectural Conservation Area and Zone of Archaeological Potential. Map 3A.

7.3 Fethard Historic Town Walls Conservation and Management Plan, June 2009.

7.3.1 Objective is to significantly improve the local understanding and awareness of the monument and its significance, promote the recognition and protection of the monument (at both a local and international level), put in place an effective conservation and management scheme for the monument, give guidance and prioritisation for repairs/works and conservation of the monument, inform any planning requirements and put

forward any relevant recommendations in relation to an improvement in the presentation of the monument in the short, medium and long term.

7.3.2 The document sets out policy for enhancement and improvement of the historic character and visual qualities of the walls where appropriate by restoration of eroded elements and removal of intrusive elements. Section 2.34 provides an objective for exploration over the long term of the potential for removal of buildings built against the wall.

7.4 Fethard Public Realm Plan June 2008

7.4.1 This Public Realm Plan for the Walled Town of Fethard seeks to provide a strategic framework by which the town can maximise the benefits of its assets, without losing those special qualities that give it character and charm. A key objective is the securing of a circular walking route around the town walls either on the outside, inside or where possible on the structures themselves. The plan contains a long term objective for relocation of GAA facilities and provision of a tourism gateway including a walkway along the wall from the Round Tower to North Gate.

8.0 PLANNING ASSESSMENT

8.1 Following my inspection of the site and consideration of the documentation on file, the prevailing local and national policies and plans, I propose to consider the appeal de novo under the following broad headings:

- Principle of development.
- Lighting, traffic and impact on established residential amenity.
- Archaeological and Architectural Heritage Impact
- Appropriate Assessment

8.2 Principle of development

8.2.1 As regards the principle of development, the site is zoned amenity the objective being to “To protect improve and provide for amenity and open space including community and recreational uses that will contribute to the enjoyment of amenity areas open spaces. The development plan also includes strategic objectives in relation to recreation and amenity which seek to promote the maintenance and development of opportunities for sport recreation and leisure in accessible locations. The proposed development involves the provision of modern necessary facilities required as part of the GAA club and the proposal demonstrates the club’s commitment to remaining at this central location within the town of Fethard. In response to the Council’s request for additional information it was noted that there are no alternative locations within the landholding for relocation of the all-weather pitch. The revised location of the changing rooms outlined in the concurrent application PL 92.246587 (from that previously proposed PL23.237959) demonstrates a response to the Board’s previous decision which found that the consolidation of development against the town wall would militate against the architectural heritage objectives and the development of the heritage and tourism potential of Fethard as set out within the Public Realm Plan for the Historic Walled Town of Fethard 2008. I note that the proposal represents a gain in terms of an indication of the longer term commitment to remove the existing lean to changing facilities adjoining the medieval wall following provision of upgraded facilities. I note that as set out within the development plan the historic town wall is subject to statutory protection under the National Monuments (Amendment) Act 1994 and any works to the wall or in proximity to the wall will require Ministerial Consent.

8.2.2 I conclude that the principle of development as proposed is welcome and in accordance with the relevant policies and objectives as set out within the South Tipperary County Development Plan 2009 as varied and Fethard Local Area Plan 2011.

8.3 Lighting Traffic and Impact on established residential amenity.

8.3.1 Given the distance to dwellings on St Patrick's Place, light impact is not a significant issue and any impact can be appropriately mitigated. In my view the proposed floodlighting will not give rise to any undue loss of amenity. As regards traffic, I consider that the proposal will not give rise to significant additional traffic and issues of parking and traffic circulation are matters which are more appropriately addressed as part of the local traffic and transport management for the town and detailed event traffic management plan in conjunction with the local Gardaí.

8.3.2 As regards the concerns raised that the proposal will have significant impact on established residential amenity in terms of noise, disturbance and anti-social behaviour, I consider that the provision of improved facilities on the site will enhance the vitality of the area and I find no basis for arguments of negative impact on the residential amenity of the adjacent dwellings.

8.4 Archaeological and Architectural Heritage Impact

8.4.1 The town of Fethard is of notable archaeological, architectural and historical significance. The application was accompanied by an archaeological Impact Assessment completed by Dr Maurice F Hurley, MA FSA MIAI dated July 2015 which concluded that there will be no physical or visual impact on the standing remains of the town wall as the area is currently a flat grassed surface and hard surfaced tennis courts and there will be no significant changes to the surface expression as a result of the proposal. As regards likely impact on potential buried archaeological remains it is asserted that extramural settlement in the area is not likely and there is no specific reason to regard the site as of significant archaeological potential. Trenches excavated on the site of the proposed all weather pitch in response to the Council's request for additional information identified no features likely to represent archaeological features. I note that the submission from the Department

of Arts Heritage and the Gaeltacht agreed that no further archaeological requirements applied with respect to the application.

8.4.2 As regards visual impact I consider that the arguments of the first party that the visual impact of the proposal on the Town wall is minimal are well founded. It is outlined that as the proposal largely consisting of a flat playing surface presenting no visual obstruction together with a fence that creates minimal impact. Lighting poles are a standard component of any sports facility and are already present on site at the tennis courts and the playing field, therefore considered to be of minimal impact. Furthermore the fence, light pole and playing surface are all of a nature that they can be considered temporary in that their provision is entirely reversible at any stage with no physical intervention or adjustment to the Town Wall. I consider that these arguments are well made and consider that the proposed development is therefore acceptable from an architectural heritage perspective. As regards condition 1(b) imposed by the Council requiring re-orientation of the all-weather playing pitch to run parallel to the existing playing pitch, I do not consider that this to be necessary.

8.4.3 I have noted above the longer term benefit that will arise from the removal of the existing lean to changing facilities adjoining the medieval wall following provision of upgraded facilities and in this regard I consider that the proposed development is in accordance with the archaeological and architectural heritage protection objectives for the site.

8.5 Appropriate Assessment

8.5.1 As regards Appropriate Assessment I note that the site is circa 1km from and within the drainage catchment of the Lower River Suir SAC (Site Code SAC 002137) however having regard to the nature and scale of the proposed development and fully serviced nature of the site and the nature of the receiving environment 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.

9.0 RECOMMENDATION

- 9.1 I have read the submissions on the file, visited the site, had due regard to the development plan and all other matters arising. I recommend that the decision of the Council be upheld and planning permission be granted for the reasons set out below.

REASONS AND CONSIDERATIONS

Having regard to the location and zoning objectives pertaining to the site of the proposed development, and the pattern of development in the area, the design and layout of the proposed development, 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 would be acceptable in terms of impact on archaeological heritage and building conservation. The proposed development 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 30th day of March 2016 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 particular

Reason: In the interest of clarity.

2. The operational hours of the floodlighting shall not extend beyond 22:00 hours with automatic cut-off of floodlighting at that time.

Reason: To protect the residential amenity of properties in the vicinity,

3. Floodlighting 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 adjacent houses in the vicinity of the development.

Reason: In the interest of residential amenity.

4. Precise details of the design and colour of perimeter fencing shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. 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.

6. All Service cable associated with the development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interest of visual amenity.

Bríd Maxwell,
Planning Inspector.
18th August 2016