



An
Bord
Pleanála

Inspector's Report PL10.247782

Development

The construction of new floodlights for the existing playing field adjacent to the N77 road and associated site works at the GAA Training Facility

Location

Dunmore, Co. Kilkenny.

Planning Authority

Kilkenny County Council

Planning Authority Reg. Ref.

16/555

Applicant(s)

Kilkenny GAA

Type of Application

Permission

Planning Authority Decision

Grant permission subject to conditions.

Type of Appeal

Third party vs. grant

Appellant(s)

Ms. Aine Russell

Observer(s)

None.

Date of Site Inspection

21st March 2017

Inspector

Ciara Kellett

1.0 Site Location and Description

- 1.1. The location of the proposed development is in the existing GAA grounds at Dunmore, Co. Kilkenny. The grounds are located approximately 2km north of the ring road around Kilkenny City. The grounds lie to the west of, and are accessed directly from, the N77 Road. The River Nore lies approximately 800m to the west of the site. The lands surrounding the grounds are mainly used for agricultural and quarrying activities. The Dunmore Recycling and Waste Disposal facility lies just to the north of the grounds.
- 1.2. The 4.79Ha site was recently leased from Kilkenny County Council for the development of the training pitches. The land was formerly in use as a landfill. There are two pitches, as well as changing rooms, a spectator stand and car and bus parking. The pitch to the south west (Playing Field no.1), and furthest from the road and the appellant's property, already has 6 no. floodlights which were installed as part of the original planning permission. The appellant's house lies to the south-east of the site.
- 1.3. Appendix A includes Maps and Photos.

2.0 Proposed Development

- 2.1. It is proposed to install 6 new floodlights on the pitch nearest the N77 road (Playing Field no.2). The floodlight poles are 21m in height and each pole contains 12 light fittings. Floodlight no.6 nearest the appellant's property, is 31.51m away and Floodlight no.5 is 69.57m away.
- 2.2. Following a request for Further Information, the design proposal was amended to use Musco LED lights rather than the Musco metal halide system.
- 2.3. It is proposed to use the floodlights between October and April and until 22.00hrs at night.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to 4 conditions, including condition 2 which states:

In the event of any unforeseen light pollution impacts with the potential to affect third parties (as determined by the Planning Authority), additional mitigation measures shall be submitted for the agreement of the Planning Authority. Any such additional measures shall be implemented by the developer, and the expense of these measures will be borne by the developer.

Reason: *To ensure that the development does not impact on existing amenities.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report is the basis for the Planning Authority decision. It includes:

- Planner had regard to the potential impact on the national road and the adjacent dwelling and sought Further Information in relation to both, as well as details of proposed hours of use.
- Following the Further Information response and having regard to the responses from other departments, the Planner considered that the information submitted was acceptable.
- It was accepted that the stated threshold for light intrusion into windows is not exceeded on the entire site to the south-east, and that values are proposed at zero. In addition, the levels along the centreline of the N77 are below the maximum permissible level.

3.2.2. Other Technical Reports

- **Environment Section:** No objections subject to conditions having reviewed the Further Information response.

- **Roads:** No objections subject to conditions having reviewed the Further Information response.

3.3. Prescribed Bodies

- **Transport Infrastructure Ireland** - file referred – no submission on file

3.4. Third Party Observations

A third party submission was made by the appellant expressing concerns about her residential amenities. This will be expanded upon in Section 6 below.

4.0 Planning History

Planning applications on the site:

- Reg. Ref. 11/561 – Permission was granted in March 2012 for the development of a GAA training facility comprising a building accommodating 4 no. dressing rooms and a referee dressing room, a machinery store, toilets and associated parking, a new site entrance, two GAA pitches, one with floodlighting and both with ball stops behind the goals and associated facilities.
- Reg. Ref. 13/340 – Permission was granted in September 2013 for the construction of a covered seated stand comprising 120 seats including an accessible area, two storage rooms for maintenance equipment and associated site works.

Planning applications in the vicinity (dwelling to the south-east):

- Reg. Ref. 16/444 – Permission refused in August 2016 for the demolition of the existing dwelling and the construction of a new three storey dwelling, alterations to the existing road setback at entrance to public road, new treatment plant and all associated site development works.

5.0 Policy Context

5.1. Development Plan

The site is subject to the policies and objectives of the Kilkenny County Development Plan 2014 – 2020. Chapter 7 refers to Recreation, Tourism and the Arts.

Objective 7A states that *'The Council shall seek the preservation and improvement of amenities and recreational amenity facilities, and shall facilitate and provide for the extension of recreational amenities in the county where appropriate, subject to environmental and heritage considerations'*.

Section 7.7.3 refers to Floodlighting of Recreational Facilities. It states *'The Council will normally only permit proposals for the floodlighting of recreational facilities where the amenities of adjacent residents will not be significantly impaired and the visual amenity and character of the locality will not be adversely affected'*.

5.2. Natural Heritage Designations

The River Barrow and River Nore SAC (Site Code 002162) is located approximately 800m to the west of the site.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal has been submitted. In summary, it states:

- The 21m high floodlighting masts are excessive and will significantly detract from the residential amenities of the appellant's dwelling.
- The original planning permission (Reg. Ref. 11/561) limited the floodlighting to the rear of the site.
- The lights will be a potential traffic hazard on the adjoining N77 road.
- The level of scrutiny of this application is below expectations – concerns in previous application relating to light spillage were set aside in the current application.

- Condition no. 2 of the permission is weak and unsuited for purpose – suggest specific maximum light spillage levels should be applied. Appellant will be expected to police the activity of her neighbour. Appellant is aware that automatic monitoring can be installed as part of the lighting installation to omit any unforeseen light pollution.
- Notes that in Reg. Ref. 11/561 application, concerns were raised about the height of the floodlighting poles and applicant was requested to reduce them from 24m. They were reduced to 21m on the basis that they would not work at a lower level. Lighting at the car park was reduced to 5m – due to proximity to public road.
- Facility is principally a training facility – a low impact design is feasible at much lower heights than 21m – this is evident in the numerous similar installations throughout Ireland. Query why a low impact scheme was not considered by the applicant or Planning Authority.
- In Reg. Ref. 11/561, detailed planting proposals were incorporated which included planting of a significant shelter belt to the boundary of the appellant's property to minimise the impact. A security fence was erected but the planting was not installed as conditioned. Minimal hedge planting was installed, none of which after 5 years has been maintained, with the vast majority missing completely or dead.

6.2. Applicant Response

The applicant responded to the appeal. In summary, it states:

- The rationale for installing floodlighting on one pitch previously was because the GAA only had a budget for 1 set of floodlights.
- The revised design of lighting, following the request for Further Information, now consists of LED luminaires which offer more control over light spill, reduced sky glow and provides a more even distribution of light resulting in the ability to achieve an average of 500 lux.

- Each Musco Lighting LED Luminaire Array is factory aimed for its specific location around the playing field. Light meters are used to confirm the design calculations on site.
- The guidance that Musco Lighting designed the lighting system to comply with is 'ILP Guidance Notes for the Reduction of Obtrusive Light GN01:2011'.
- The requirements and proposed design of sky glow, Light Intrusion at Windows, Threshold Increment on adjacent roadways are identified.
- The training facility is the centre of excellence for Kilkenny hurling and camogie teams. It is used for intense training matches and luminaires lower than 21m would be of little or no use. Floodlights at 15m are not adequate for hurling.
- A hurling ball is harder and denser and consistently travels faster than a Gaelic football etc. Once lost in the dark above the lights it is difficult to see again on landing – this would make hurling both difficult and dangerous. Sports England recommend lux levels for various sports. The England and Wales Cricket Board will not accept lower than 500lux.
- The higher the luminaires are, the easier it is to reduce light spillage. The light is directed at an acute angle from the luminaire over a small horizontal surface. 15m high luminaires would be pointed at a shallower angle resulting in light spillage over a large area.
- With respect to the planting, beech bushes were agreed with the previous owner of the dwelling. Kilkenny GAA have had no complaints until now.
- Work on the existing pitches commenced in March 2013. Due to bad weather the work was delayed and the planting was not done until November 2014. It was planted thickly as it was assumed that some of the plants would die. Some of the beech has not taken on exposed parts of the bank in front of the railing. Kilkenny GAA will replant this area. Gorse has established itself on the bank and should provide shelter for new planting (photo included).

6.3. **Planning Authority Response**

The Planning Authority responded stating that as per the redesign of the lighting submitted as further information, the applicant has demonstrated to the Council's satisfaction that there will be no adverse light spill impacts to the public road or to the neighbouring dwelling. The Road and Environment departments indicate that the proposals submitted as further information are considered satisfactory.

7.0 **Assessment**

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Residential Amenities
- Traffic Safety
- Appropriate Assessment

7.1. **Residential Amenities**

The nearest neighbour (the appellant) is located to the south-east of the existing pitch, Playing Field no.2. The appellant states that the new floodlights will cause light spillage into her dwelling which will impact upon her residential amenities. The nearest floodlight (no.6) will be 31.5m to the west of the dwelling.

Following the request for Further Information the applicant amended the type of light fitting to be used. The applicant states that the revised design complies with the UK Guidance Notes '*ILP¹ Guidance Notes for the Reduction of Obtrusive Light GN01:2011*'.

The Guidance Note states that Obtrusive Light is a form of pollution. Light Intrusion is defined as the spilling of light beyond the boundary of the property or area being lit. In rural areas, classed as Environmental Zone E2, sky glow should be a maximum of 5%, Light Intrusion into Windows should be a maximum of 5 lux pre-curfew and 1 lux post-curfew (assumed to be 23.00hrs unless stated otherwise).

¹ Institute of Lighting Professionals

The applicants state that the design proposed will result in 0 lux into the windows of the appellant's dwelling and sky glow is 0 lux at 5m above column height.

The appellant states that the facility is designed as a training facility and as such, a low impact lighting design is feasible i.e. more poles at lower intensity and height. I note the applicant states that there is better control of light spillage at a height of 21m rather than 15m. The light is directed at an acute angle from the luminaire over a small horizontal surface – 15m high luminaires would be pointed at a shallower angle resulting in light spillage over a large area.

I accept that the types of games being played here (hurling and camogie) require that the ball is visible at significant heights. Based on the information supplied by the applicant that there will be 0 lux at the appellant's dwelling, I am satisfied that 21m high poles are acceptable in this instance.

I note that the nearest pole is 31.5m away and is designed to light the pitch in the opposite direction to the appellant's dwelling (notwithstanding the potential for light spillage). The nearest floodlight which could potentially direct light towards the appellant's dwelling on the far side of the pitch is approximately 130m away. I am satisfied that the proposal will not result in light spillage into the appellant's dwelling due to the proposed design of the luminaire array and the distance from the dwelling. The applicant states that each luminaire array is factory aimed for its specific location around the playing field and light meters are used to confirm the design calculations on site. The accuracy of the design can therefore be confirmed on site and this information can be provided to the Planning Authority as a condition of permission.

During my site visit, I observed a large bank and fence between the appellant's dwelling and the playing field. The appellant states that the planting which was a condition of the 2011 permission has not been successful. I consider that with improved planting in accordance with the earlier planning permission the potential for impact on residential amenities will be reduced further.

In summary, I am satisfied that, subject to conditions, the proposal will not have a serious negative impact on the residential amenities of the dwelling in the vicinity.

7.2. **Traffic Hazard**

The appellant states that the lights will distract drivers on the N77 road and cause a potential traffic hazard. I note that low level lights exist in the car park already.

The applicant states that in accordance with the ILP Guidance Note, Threshold Increment (TI) of 15% based on adaptation luminance of 0.1cd/m² is acceptable for an unlit road. Threshold Increment is a measure of the loss of visibility caused by the disability glare from the obtrusive light installation.

According to the applicant the proposed design is 8.84% which is below the threshold index along the centreline of the N77 and is deemed acceptable.

In conclusion, I am satisfied that, subject to conditions, the proposal is below the maximum permissible level appropriate for this location.

7.3. **Appropriate Assessment**

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

8.0 **Recommendation**

- 8.1. I recommend that planning permission should be granted subject to conditions for the reasons and considerations as set out below.

9.0 **Reasons and Considerations**

Having regard to the location of the proposed development on lands already developed and in use for sports purposes and to the acceptable design of the floodlighting, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity or cause a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 22nd November 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 particulars.

Reason: In the interest of clarity.

2. Within six months of the completion of the development, the developer shall submit results of the light meter surveys demonstrating no light spill at the windows of the neighbouring property to the south-east of the site for the written agreement of the planning authority. In the event of further mitigation measures being required by the planning authority these shall be implemented at the expense of the developer.

Reason: In the interest of residential amenity.

3. The floodlighting shall not be used after 22.00hrs at night time. The lighting shall only be used to facilitate training on site in line with existing permitted use.

Reason: In the interests of clarity and proper planning and sustainable development.

Ciara Kellett
Senior Planning Inspector

22nd March 2017