



An
Bord
Pleanála

Inspector's Report PL91.248039.

Development	Installation of floodlighting to existing hurling wall and tennis courts, south of clubhouse.
Location	Monaleen GAA Club, Old School House Road, Monaleen, Co. Limerick.
Planning Authority	Limerick City and County Council.
Planning Authority Reg. Ref.	16/451.
Applicant(s)	Monaleen GAA Club.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	First Party appeal versus conditions, and Third Party appeal against decision.
Appellant(s)	<ol style="list-style-type: none">1. Monaleen GAA Club.2. Michael Reidy.3. Michael O'Hehir and Eileen O'Hehir.
Observer(s)	None.

Date of Site Inspection

24 and 25 May 2017.

Inspector

Stephen Rhys Thomas.

1.0 Site Location and Description

- 1.1. Monaleen GAA and Tennis Club is located at Monaleen, a suburb of Castletroy, east of Limerick City. The appeal site is situated within the central area of the sports grounds, to the rear of the clubhouse and accessed from School House Road.
- 1.2. The proposed floodlighting is to be located around the perimeter of two new tennis courts and at an adjacent hurling wall to the west. The site is flat and level with housing located to the east. Powerlines mounted on timber poles cross the overall site. The playing grounds slope away to the south west towards the M7 motorway.
- 1.3. Housing at Monaleen Park is located to the east and separated by a new boundary fence planted with hedging. Further to the south is the M7 motorway, which is below the level of the overall site and runs along a banked cutting. Housing at Milltown Manor and Kylemore is located to the west and older bungalows are located along School House Road to the north. The overall site is flat with large playing field areas, tennis courts, practice facilities and a single storey clubhouse. The main playing pitch is floodlit, so too are tennis courts located to the north of the site at the entrance and adjacent to housing.

2.0 Proposed Development

- 2.1. Permission is sought for the installation of floodlighting to an existing hurling wall and tennis courts, the floodlighting comprises:
 - Hurling wall – two lighting columns of 9.14 metres (3 LED luminaires) and 12.19 metres (5 LED luminaires),
 - Tennis courts – one 9.14 metre lighting column (3 LED luminaires) and five 12.19 metre lighting columns comprising arrays of 3, 5 and 6 LED luminaires.Total number of lighting columns will be 8, total number of luminaires is 32.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to 8 conditions, relevant conditions are summarised below:

- Condition 2. The permitted floodlights shall be turned off at 7pm.
- Condition 3. The hurling wall and 2 x tennis courts permitted under P14/241 shall cease to be used at 9pm every evening.
- Condition 4. Any generator associated with the floodlights shall be housed in an acoustically insulated cabinet. All floodlight shafts shall be painted dark green.
- Condition 5. Each light on the floodlight head shall be orientated to avoid glare to residential units.
- Condition 6. All parking associated with the sporting facility shall take place within its boundary, not on the public road.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's reports are summarised as follows:

- The initial report outlines the planning history of the site, the large number of submissions on file and requests further information to justify the reason for floodlighting. The report also notes that Appropriate Assessment is not necessary.
- The final report notes the information submitted by the applicant and regards the proposal as acceptable subject to conditions concerning the preservation of residential amenity.

3.2.2. Other Technical Reports

Roads Department. No issues with the proposed development.

Air, Noise, Water Pollution and Public Health. Standard technical conditions with regard to noise, water and light pollution were recommended.

3.3. **Prescribed Bodies**

Mid West Roads Design Office. No observations were made.

Transport Infrastructure Ireland. Insufficient information has been submitted to allow the assessment of how the development will impact upon the adjacent M7. The developer should demonstrate that all measures have been employed to allow no light spillage to the M7.

3.4. **Third Party Observations**

There were a number of submissions on the planning application, issues of concern included those contained in the appeal.

4.0 **Planning History**

Appeal site

Planning register reference 14/241. Permission for a hurling wall and two tennis courts to the rear of the existing club house. October 2014.

Condition 3 states that the tennis courts and hurling wall shall not be lit and shall cease to be used at 9pm every evening.

Adjacent sites

Planning register reference 04/1949. Permission for 12 number 6.7 m lighting poles with 12 number luminaires on the tennis courts at the north of the site. September 2004.

Condition 2 states that lights are to be turned off at 10.30pm.

Planning register reference 15/251. Withdrawn - all weather pitch with fencing and flood lighting to the rear of the club house. March 2016.

5.0 Policy Context

5.1. Development Plan

Castletroy Local Area Plan 2009, extended to 2019.

The appeal site is located on lands zoned 'Neighbourhood Parkland Zoning/Open space Recreational. Existing and Proposed'.

Section 4 Core Strategy

Objective 4: A Vibrant Community with convenient Local Services and Amenities

To ensure that a high level of local services and amenities in terms of sports / recreational play facilities, educational, community, childcare and retail provision are provided in tandem with new housing development;

Core Policy 4: Land Use Zoning

It is the policy of the Council to determine applications for development in accordance with the Land Use Zoning Map and Zoning Matrix and other guidelines set out in the Plan in order to:

- a) Promote development and direct compatible land uses to the areas reserved for such purposes;
- b) Ensure that that the environmental quality of land use zones are protected from intrusion by competing or incompatible uses;

Parks, Leisure and Sport Areas

The appeal site is located within an area zoned as "Neighbourhood Parkland/Open Space/Recreation". These areas are dispersed throughout the area, and include playgrounds, parks, areas for outdoor activities, sports centres, sports pitches, and landscaped areas. It is the policy of the Council to:

- To protect, improve and provide for recreation, open space and amenity provision through the preservation of green space to be dedicated to active or passive recreation, i.e. sports fields, playgrounds, local areas of play (LAP)s and local equipped areas of play (LEAPs);
- To protect, improve and maintain public open space;

- To preserve private open space; and
- To provide recreational and community facilities.

Established Residential Zoning

Bounding the appeal site on three sides are residentially zoned land. The purpose of this zoning is to ensure that new development is compatible with adjoining uses and to protect the amenity of existing development areas. It is the policy of the Council to:

- Promote development that supports the predominant land use in the surrounding area;
- Accommodate a range of other uses that support the overall residential function of the area where an acceptable standard of amenity can be maintained and where the amenities of existing residents/occupiers are protected;
- Discourage the expansion or intensification of existing uses that are incompatible with residential amenity.

POLICY C2: Recreational Facilities and Amenity Areas

a) Ensure that existing and proposed public open spaces identified within the Urban Development Framework / Design Briefs and Land Use Zoning Map are protected and/or developed appropriately for recreational purposes to serve the needs of the local residents;

c) Continue to co-operate with sports clubs, schools and community organisations in the provision of adequate sports and recreational facilities to serve existing and future residents.

5.2. Natural Heritage Designations

The Lower River Shannon SAC (site code 002165), is located 1.9 kilometres to the east.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The First Party grounds of appeal against conditions 2 and 3 are made by HRA Chartered Town Planning Consultants on behalf of Monaleen GAA Club and can be summarised as follows:

- Conditions 2 and 3 are unreasonable, unnecessary, irrelevant, without foundation and contrary to the Development Management Guidelines for Local Authorities.
- The inclusion of condition 3 seeks to control an already permitted use, in terms of operational hours. The current proposal was not made to amend operating hours, so the planning authority are precluded from imposing conditions which relate to another planning permission. Condition 3 should be omitted.
- Condition 2 limits the use of floodlights to 7pm. There is no logical reason or basis to limit the use of floodlighting to 7pm as it relates to residential amenity. The applicant submitted further information to the planning authority, it set out an illumination assessment of lux levels as they relate to nearby residential units. The illumination assessment concluded that at no point would vertical lux levels exceed 10 at residential windows.
- The illumination assessment assumes a worst case scenario, that is the absence of boundaries, hedgerows and trees which would reduce light spill.
- The attachment of condition 2 does not take into account the anticipated maximum lux value of 0.11, significantly below the required 10 lux, and therefore residential amenity would not be impacted upon after 7pm. Condition 2 should be omitted.
- The applicant provides comparable appeals and planning applications, including; PL06F.235880, in which lux levels of 7 were considered acceptable in relation to residential properties, Limerick City and County Council PA ref 04/1949, and 10/772, where the use of floodlighting up to 10.30pm and 9pm was permitted.

The applicant requests the Board to consider the appeal under Section 139 of the Planning and Development Act 2000 (as amended) and confine its considerations to the conditions alone.

6.1.2. The two Third Party grounds of appeal can be summarised as follows:

Michael O’Hehir and Eileen O’Hehir

- The permitted courts were never supposed to be lit.
- No wall or fence was included in the permission to reduce the impact of light from the courts.
- The lights will be positioned higher than any house, because the houses are set a lower level than the courts.
- Strong light will enter the first floor front windows, creating a nuisance to us with medical conditions.
- Privacy will be further eroded because of the removal of a ditch and a shelter belt between the property and the GAA.
- Property values will be devalued as a result of the flood lighting.

Michael Reidy

- This permission contravenes condition 3 of permission 14/241, which prohibited any lighting of courts.
- The location of the lighting columns will cause light intrusion and pollution. The impact of the lighting columns will affect visual amenity and there will be noise from the light heads in high winds. The appellant disputes the findings of the lighting assessment.
- The decision contravenes provisions within the County Development Plan which are to protect the residential amenities of properties. Though it is noted that there are no specific light pollution policies in the CDP. The wording of condition 2 could mean that lights could remain on from 12pm to 7pm.
- The description of development proposed in the application is incorrect, it should have included the overturning of a previous permission and operating times.

- The combined nature of the tennis courts is different to the co-joined but separate courts, this impacts upon the lighting regime. The layout of the tennis courts is unauthorised.
- The condition that relates to sound/noise is more appropriate to EPA scheduled activities. Generators did not form part of the proposed development. The condition that relates to car parking cannot be enforced as it lies outside the boundary of the planning application.
- It was the erection of lighting columns that was applied for not the lighting of tennis courts and hurling wall. The appellant provides an exhaustive examination of the form and types of light pollution and requires the complete omission of lighting.
- The decision was made on the wrong set of lighting proposals, a difference in lighting column height. The lighting columns are excessively high, anything between 6.5 and 7.5 metres would have been sufficient. The type of lighting proposed is excessive, the tennis courts are not international standard, so lighting should not be. The example used by the applicant of Sutton Lawn Tennis Club is not comparable.
- The proposed floodlighting will devalue property.
- The offset from the ESB powerlines was not considered.

The appeal is supported by photographs and diagrams.

6.2. Applicant's Response to the Third Party Appeals

6.2.1. The applicant's response to the third party ground of appeal, can be summarised as follows:

- The 2014 permission for tennis courts and hurling wall did not include lighting proposals for reasons outlined by way of further information submitted to the planning authority. The tennis courts are laid out as permitted, so there is no reason for a retention permission. The current application will be judged on its own merits and there is no contravention of a condition of a previous permission.

- The applicant is willing to accept that the permitted heights of the lighting columns is 9 metres and 12 metres, not 9.14 and 12.19 metres as shown in the lighting impact study. The Musco lighting assessment included 50 and 81 Monaleen Park, maps indicate the survey extent. The applicant sets out the parameters used in the lighting assessment and notes that impacts such as minimising obtrusive light; spill, sky glow and glare were included. The study was carried out in accordance with the relevant technical standards for lighting impact.
- The development proposal accords with section 4.5 of the Castletroy LAP and is one of the few locations in the LAP zoned for sports use.
- The removal of the ditch and hedge and replacement boundary treatment were part of a condition in relation to the 2014 permission, residents were consulted.

6.3. **Third Party Appellant's Response to the Applicant's Appeal**

- 6.3.1. **Michael O'Hehir and Eileen O'Hehir** object to any extension of the time limits imposed upon the use of floodlighting, which should not be permitted in any case. The existing tennis court lights already cause problems for local residents. A canvas screen has been erected at one property to counteract the impact of lighting.
- 6.3.2. **Michael Reidy**, the example of Sutton Lawn Tennis Club, shows what the impact of lighting on properties is like. The example of Aisling Annacotty also shows what the impact from lighting to residents results in. The existing lights at tennis courts at Monaleen cause problems and have very bright light. The lux10 level required by the planner would become a target to reach and is much brighter than proposed. There is uncertainty as to how the overall site will develop and there are concerns regarding piecemeal development. The GAA/Tennis club is becoming a commercial entity close to people's homes.

6.4. **Planning Authority Response**

None.

6.5. **Observations**

None.

7.0 **Assessment**

7.1. The first and third party appeals refer to different sides of similar issues, for clarity I will address each party separately.

7.2. **Third Party**

7.2.1. The main issues in the third party appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Height of Columns
- Intensity of Light
- Operational Hours
- Planning Conditions
- Planning History
- Procedural Issues

7.3. **Principle of Development**

7.3.1. Appellants state that the decision to grant the permission contravenes provisions of the County Development Plan with respect to the protection of residential amenities.

7.3.2. The appeal site is located with an area zoned for recreational open space in the Castletroy LAP. It is the objective of the Council to improve and provide for recreational facilities such as sports fields. Either side of the recreational zoning are areas zoned for existing residential. In these areas, it is the policy of the Council to accommodate a range of uses where an acceptable standard of amenity can be maintained and protected. In addition, discourage the expansion or intensification of existing uses that are incompatible with residential amenity.

7.3.3. The location of the appeal site and the positioning of lighting columns at existing tennis courts is at the interface between zoning boundaries. The appeal site is entirely located within an appropriately zoned area for development that is supported by Council policies. However, given the nature of the development it has the potential to impact upon the amenities of residential properties. The Council granted permission for a development that is generally permitted on lands that it is zoned for and attached conditions to ensure that residential amenities are not eroded. I consider that there has been no contravention of any policies contained within the LAP or Development Plan with respect to the preservation and protection of residential amenity. The proposed floodlighting is development that would be in accordance with the zoning objective for the site.

7.4. Height of Columns

- 7.4.1. The appellants are concerned at the height of the proposed lighting columns. Appellants highlight the change in ground levels and that the proposed columns will be much higher than houses. The columns will emit noise when in use and during windy conditions. The columns are unsightly and will impact upon visual amenity. There is concern that the planning assessment was made on the incorrect height of poles, a much lower pole height would be preferable. There has been no assessment of the location of the high voltage powerline which crosses the site.
- 7.4.2. Whilst on site I noted that the existing and older tennis courts to the north of the site are lit by 12 lighting columns. In addition, the main playing pitch which takes up the northern portion of the overall site is floodlit by 9 columns. The fenced perimeter of the new tennis courts has been planted with evergreen hedging. The new tennis court ground level is slightly above the level of the back garden of 50 Monaleen Park. However, a shed with a gable pitch roof profile has been constructed along the boundary between the garden and the sports grounds. The remaining boundary between the sports grounds and Monaleen Park has been banked up and planted with a hedge.
- 7.4.3. I examined the report prepared by Musco Lighting and note its findings in relation to the impact of lighting on neighbouring properties. The report was based upon lighting columns of 9.14 metres and 12.19 metres and luminaire arrays positioned below the highest point of the column. The results of illumination modelling were based upon

these specific heights. On a point of detail, I note that the drawings used by Musco lighting to illustrate the lighting columns are not to scale. In the interests of clarity, I would recommend that the applicant be required to submit appropriately scaled and dimensioned drawings indicating the height of lighting columns.

- 7.4.4. The lighting columns will be a new feature to the views westwards from dwellings at Monaleen Park. However, given the prevailing use of the overall space for sports activities and that new tennis courts and a hurling wall have already been constructed. I consider that the addition of lighting columns, some just over 12 metres in height, would not be too different to the prevailing character of the area so as to injure visual amenities. The Musco lighting assessment is a technical document and relates to the particular specifications of the lighting column height and luminaire array positioning. Altering the height of the columns may impact upon the lighting of courts and create light spill. In any case, I do not consider that the addition of 8 columns would be visually intrusive. I have not seen any material that references the potential for noise emanating from lighting columns. I do not therefore, anticipate that noise, if any, resulting from windy conditions is an issue which requires assessment.
- 7.4.5. With reference to the electricity powerline that traverses the site. The erection of structures in the vicinity of powerlines is a matter for the applicant and the clearance distances set by the electricity grid operator. There were no submissions from the grid operator and so this is not a matter for consideration in the context of this appeal.

7.5. Intensity of Light

- 7.5.1. Appellants are concerned that light will enter through windows and make living conditions uncomfortable. There is dispute over the findings of the applicant's lighting assessment and examples of other pitch locations and their problems is referenced. There is criticism that the lighting assessment utilises championship tennis standard lighting and this is inappropriate.
- 7.5.2. The applicant was required to clarify aspects of the lighting proposals to enable the planning authority to fully assess the application. In this regard Musco Lighting submitted an illumination assessment for floodlighting prepared by Neil McSherry BEng MIET. The planning authority set a requirement not to exceed 10 lux at sensitive locations. I am satisfied that that the issue of the impact of proposed

floodlighting has been adequately addressed by both the applicant and the planning authority.

- 7.5.3. The Musco lighting assessment states that it was conducted in accordance with the relevant guidelines with respect to sports lighting and the reduction of obtrusive light. The assessment uses the illuminance levels for top level competition and omits existing barriers in order to illustrate a worst case scenario. The report outlines that the quality of light is influenced by column height and this also has an impact upon light spill to other properties. The technology used in terms of lighting systems is outlined and LEDs will be used as they minimise light spill. Illustrative diagrams show what level of illumination will occur at different points on the tennis courts and hurling wall. These diagrams show that illumination levels of over 500 are achieved on and around the playing surfaces.
- 7.5.4. Of relevance to the grounds of appeal are the diagrams which indicate the level of light spill from the proposed luminaires at a height of 12.19 metres and 9.14 metres. These values are presented as horizontal and vertical lux maxima and minima, taken at 1 metre and 1.5 metre above grade. Light spill at various locations further away from the light source return a figure of 0, with predictably higher values in the immediate vicinity of the playing surfaces. Specifically, the light spill from luminaires associated with the tennis courts results in slightly higher lux values of 0.04 and 0.11 at number 50 Monaleen Park. All other residential property in Monaleen Park records a lux value of 0, at the building face and garden.
- 7.5.5. The Musco Lighting Assessment shows that the worst effects of light spill from the proposed floodlighting will result on site, particularly to the north of the hurling wall. This would seem to result from the orientation of the luminaires, the type of LED lighting proposed and the height of the columns. The relevant conclusion I draw from the lighting assessment is that there will be no or very little impact to residential properties as a result of light spill. In addition, where there are occurrences of light spill, they are few and the impact is minor.
- 7.5.6. I note that the planning authority sought a limit of 10 lux, at adjacent residential property. The lighting assessment surpasses the target with lux values at residential properties not exceeding 0.11 lux. Therefore, if the installation of the luminaires is as specified by the applicant, light spill should not unduly impact residential properties. I

consider that the lighting specifications as proposed would not impact upon existing residential amenity. However, the applicant should be required to ensure lighting levels do not exceed lux levels anticipated and specified in the Musco lighting assessment report.

7.6. Operational Hours

- 7.6.1. Appellants are concerned that the meaning of condition 2 could be misinterpreted and lights could remain on from 12pm to 9pm.
- 7.6.2. Though the level of light spill from the proposed floodlighting is well within the criteria required by the planning authority, the provision of lighting has the potential to accommodate extended playing hours. The planning authority sought to control the use of the tennis courts and hurling wall to 9pm each evening and that the lighting should be switched off at 7pm. The condition was attached in order to protect residential amenity.
- 7.6.3. The existing hurling wall and tennis courts can be used until 9pm each evening. In reality their use is limited by available natural light, so autumn, winter and spring seasons curtail use. The applicant has stated that the player interest in the tennis courts and hurling wall has increased and this is one of the reasons to provide lighting and meet demand. I have examined lighting in section 7.6 of my report and concluded that the impact to residential properties is tolerable. However, aside from the addition of floodlit courts to the rear of properties, there is the potential of noise from the extended hours that can be played. Specifically, at the tennis courts as they are positioned close to the boundaries of residential properties. Though, the potential for noise resulting from ball strike at the hurling wall registering at houses may also be a factor.
- 7.6.4. At present, the use of the tennis courts and hurling wall are curtailed to 9pm each evening. I consider this to be reasonable time to conclude activities and ensure that a noise nuisance to neighbouring properties is avoided. The introduction of lights will make this a year round activity and I think it appropriate to restrict the use of the courts as before to 9pm. In addition, I consider that it is appropriate to clarify exactly the operating hours of the tennis courts and hurling wall.

7.7. Planning Conditions

- 7.7.1. Appellants state that conditions attached relate to issues outside of planning and cannot be enforced. The proposed development did not include generators and they should not be included in any conditions. The car parking condition cannot be enforced as the areas for car parking are outside the control of the applicant.
- 7.7.2. The planning authority sought to alleviate anticipated car parking on the public road by requiring the applicant to ensure all related car parking takes place on the site. The appellants fear that such a condition is unenforceable, because the red line boundary of the planning application cannot provide any car parking. Firstly, I note that the applicant has included details of the lands in their ownership and the lands outlined encompass the entire site zoned for neighbourhood parkland/open space recreational zoning. The overall site has a large informal car parking area. It is not marked out with individual spaces, however, parking capacity could be up to 75 spaces. Secondly, the public roads in the vicinity are suburban roads with capacity to accommodate on street parking as the need arises. I do not anticipate that the proposed development will result in car parking issues.
- 7.7.3. In relation to condition 4 which seeks to control any noise nuisance which may emanate from the proposed floodlights, this is a reasonable precaution. I note that generators did not form part of the project description. However, drawings prepared by Musco Lighting illustrate luminaires and electrical driver component enclosures. In my mind it is these elements of the proposal that condition 4 attempts to control. I do not see any reference to generators either in the project description or on drawings. Given that an electric generator would be a significant element of this type of development, I too think any reference to generators should be clarified and omitted.

7.8. Planning History

- 7.8.1. Appellants are concerned that privacy has been eroded by the removal of a boundary hedge between properties. It is believed that Condition 3 of a permission (PA ref: 14/214) is contravened by the current proposal. The tennis courts are not positioned correctly, they should be co-joined but separate courts, this impacts upon the proposed lighting regime.
- 7.8.2. The applicant has applied for a permission to install floodlighting associated with tennis courts and a hurling wall. The planning authority made its decision in the

context of the current proposal and presumably the planning history of the site. The matter of whether or not the current use of tennis courts and hurling wall are in compliance with relevant conditions is a matter for the planning authority to enforce.

- 7.8.3. In relation to the previous planning permission PA ref: 14/214, I note that drawing TC/3889-02/14-01 (revision B), further information received by the planning authority on the 22 August 2014, amends the layout of the tennis courts as they appear on the ground. The tennis courts, enclosed by a fence and other site boundary treatments were agreed by compliance condition and have been installed as agreed with the planning authority. I note that fencing and hedging have been placed along the boundary between the overall site and the public open space to the east at Monaleen Park. In addition, the perimeter of the new tennis courts has been planted with an evergreen hedge. Again, conditions associated with previous permissions are for the planning authority to monitor as appropriate.

7.9. **Procedural Issues**

- 7.9.1. The appellant disputes the validity of the planning application. Issue is raised with the description of development which should have included the intention to overturn the previous decision. The application was for lighting columns alone, not the floodlighting of courts.
- 7.9.2. I consider that the description of the development provided by the applicant is sufficiently clear and precise to allow interested parties to understand what is proposed. In this respect a public notice is not required to include details that can reasonably be assumed to be part of a normal part of development. In this particular instance, it can be assumed that floodlighting will be used to light the tennis courts and hurling wall. In addition, the current proposal does not seek to amend a previous permission and is therefore assessed on its own merits.

7.10. **First Party Appeal against conditions.**

The applicant requests the Board to consider the appeal under Section 139 of the Planning and Development Act 2000 (as amended) and confine its considerations to the conditions alone. Given that the appeal is also subject to third parties, I recommend that the Board do not concede to the applicant's request. The Board should proceed to consider the appeal in the context of all grounds of appeal. The

applicant's grounds of appeal can be dealt with under the headings of Condition 2 and Condition 3, as follows:

7.11. Condition 2

- 7.11.1. The applicant contends that there is no logical reason to limit the use of floodlighting to 7pm to residential amenity. This is because the lighting assessment submitted to the planning authority concludes that light levels will be no greater than 0.11 lux and therefore not impact upon residential amenity. This is far below the acceptable level of 10 lux. In addition, the lighting assessment included a worst case scenario in relation to the absence of obstacles to deflect light and the use of top grade lighting levels. The applicant cites other planning applications in Limerick, where lighting restrictions allow use up to 9pm and 10.30pm.
- 7.11.2. As discussed in section 7.6 above in relation to the impact upon lighting to neighbouring properties, I consider that there is no adverse impact on residents and residential amenity. With this in mind, I am satisfied that the existing time of 9pm each evening for the cessation of the use of the tennis courts and hurling wall is acceptable. Therefore, the applicant should be required to extinguish lights at 9pm too. In this regard the lighting control system shall be fitted with an automatic cut-off switch set to 9pm each evening.

7.12. Condition 3

- 7.12.1. The applicant states that the inclusion of condition 3 seeks to control an already permitted use, in terms of operational hours. The current proposal simply includes the addition of lighting columns, not the amendment of operating hours. Condition 3 should be therefore be omitted.
- 7.12.2. The applicant mentions a previous permission, 14/241 refers, in which condition 3 restricted use of tennis courts and hurling wall to 9pm. The current permission also restricts the use of these facilities to 9pm each evening. I see no contradiction in the attachment of such a condition. The planning authority are entitled to constrain the operating hours of an activity which they consider may impact on the residential amenities of an area. In this regard given the sensitivity of the site and the potential for an erosion of residential amenity, restrictive operating hours are necessary. I too consider that it is essential to restrict the operational hours of the tennis courts and hurling wall, especially in the context of more regular use facilitated by floodlighting.

Despite the acceptable impact of lighting to neighbouring properties, I consider that regular use and the potential for noise nuisance is a reality and should be controlled. In this respect I consider it necessary to restrict the operating hours to 9pm each evening.

- 7.12.3. In relation to the applicant's grounds of appeal concerning conditions 2 and 3, I consider that it is necessary to uphold the content of both conditions and amend as required for the purpose of clarity.

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 planning history of the site, to the zoning of the site as neighbourhood parkland and recreational open space in the Castletroy Local Area Plan 2009-2019, the location and use of the site for sport and recreational purposes, the nature, extent and design of the development proposed, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of traffic safety and convenience and would be in keeping with the established character of the area. 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 21st day of December 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. (a) The lighting fixtures shall be designed, orientated, maintained and of a lighting level such that light spillage outside the site boundaries shall not exceed a maximum of 10 Lux, as measured at the boundary of the dwelling houses to the immediate east of the tennis courts, in accordance with the Lighting Assessment and Report, submitted to the planning authority on the 21st day of December 2016.

(b) The use of mobile electric generators on the site for the purpose of powering floodlights is not permitted, unless authorised by a further grant of planning permission.

Reason: In the interest of protecting the residential amenities of the area.

3. The operational hours of the floodlighting shall not extend outside the period of 0900 to 2100 hours with automatic cut-off of mechanisms for floodlighting at 2100 hours.

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

4. The floodlights or any equivalent replacement floodlights shall consist as specified in the application. The floodlights shall be directed onto the playing surface of the tennis courts and hurling wall and away from adjacent housing and gardens. The floodlights shall be directed and cowled such as to reduce, as far as possible, the light scatter over adjacent houses and gardens.

Reason: In the interest of residential amenity.

5. Prior to commencement of development on site, the applicant shall submit for the written approval of the Planning Authority, accurately scaled elevation drawings of the proposed floodlighting poles and luminaires, including a layout drawing to show locations.

Reason: In the interest of clarity.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Stephen Rhys Thomas
Planning Inspector

30 May 2017