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## Inspector's Report ABP – 302208 – 18.

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<b>Development</b>	Retention of all-weather pitch.
<b>Location</b>	Drogheda Institute of Further Education, The Twenties, Drogheda, Co. Louth.
<b>Planning Authority</b>	Louth County Council.
<b>Planning Authority Reg. Ref.</b>	18405.
<b>Applicant</b>	The Louth and Meath Education and Training Board.
<b>Type of Application</b>	Retention Permission.
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	Third Party.
<b>Appellant</b>	The Residents of The Twenties Lane.
<b>Observers</b>	None.
<b>Date of Site Inspection</b>	24th October, 2018.
<b>Inspector</b>	Patricia-Marie Young.

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## 1.0 Site Location and Description

- 1.1. The appeal site forms part of the Drogheda's Institute of Further Education campus and the 1.162ha site area lies on the northern portion of its grounds. The site contains an existing all-weather pitch, associated high galvanised metal fencing and six 15m in height floodlighting columns.
- 1.2. The site is setback at its nearest point 40m from 'The Twenties' lane, in the Townland of Moneymore, which is situated on the northern outskirts of Drogheda town in County Louth. An unkempt access path connects the site to a turning circle that separates the main campus ground from but also provides access to The Twenties Lane.
- 1.3. To the west of the site there is a recently constructed housing estate (Lis Corrie) that accesses onto the public road network via Belfry Lawn. An indigenous hedgerow, that contains several mature trees, separates the western boundary of the site from this housing estate. To the north of the campus there is agricultural land. To the east and north east of the campus grounds there are several well established detached dwellings that address The Twenties lane.

## 2.0 Proposed Development

### 2.1. Retention permission is sought for: -

- Change of use from previously permitted grass soccer pitch under P.A. Reg. Ref. No. 12/41 to an all-weather pitch.
- Replacement of the previously granted 1.2m high fence under P.A. Reg. Ref. No. 12/41 to a 3 to 5m in height porous powder coated galvanised fence.
- 2 no. 15m floodlighting columns.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. The Planning Authority **granted** retention permission subject to a single condition requiring the development to be carried out in accordance with the plans and specifications submitted.

### 3.2. Planning Authority Reports

- 3.2.1. The **Planners Report** forms the basis of the Planning Authority's decision.

#### 3.2.2. Other Technical Reports:

None.

### 3.3. Prescribed Bodies

- 3.3.1. None.

### 3.4. Third Party Observations

- 3.4.1. Several Third-Party submissions were received by the Planning Authority from property owners in the vicinity. The issues are the same raised in the grounds of appeal. See: Section 6 below).

## 4.0 Planning History

### 4.1. Relevant Planning History: -

- **P.A. Reg. Ref. No. 12/41:** Planning permission granted for a soccer pitch, floodlighting, changing facilities building along with car-parking and all associated site works.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The policies and provisions of the Drogheda Borough Development Plan, 2011-2017, are still applicable. The site lies within an area zoned '*Civic, Community and Institutional - CCI*' which has an aim to: "*to provide and protect necessary community, recreational and educational facilities*".
- 5.1.2. Policy HC 26 of the Development Plan seeks to: "*support the expansion and development of Drogheda Institute of Further Education*".
- 5.1.3. Table 5.1 of the Development Plan sets out the road traffic and management objectives within each character area and indicates under RT5 the completion of road improvement works on The Twenties Lane.
- 5.1.4. Section 6.8.8 of the Development Plan indicate that sports and recreational facilities play an important role in fostering a sense of community identity and wellbeing.
- 5.1.5. Policy HC 31 of the Development Plan seeks to ensure that an adequate provision is made for community facilities including playing fields and that the loss of existing community facilities including playing fields should be resisted.
- 5.1.6. Section 6.8.9 of the Development Plan indicates that often schools are seldom in use in the evening time, at weekends and/or during holiday periods. It indicates that there is an opportunity to utilise these facilities for community purposes when not in use. Policy HC 32 of the Development Plan seeks to encourage and facilitate this.

### 5.2. Natural Heritage Designations

- 5.2.1. None relevant.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. The grounds of appeal can be summarised as follows: -

- This development results in significant adverse impact on the residents of The Twenties lane because of the extended hours of use, noise and light pollution which are all considered to be excessive.
- It is requested that measures are imposed on this development including a reduction in the days and hours of use, construction of a wall of sufficient height to minimise noise levels and lowering the lux levels of the floodlights.
- Previously permission was granted at this location for a football pitch. This pitch was a natural grass surface and was used by the college football team during college hours until approximately 4.30pm Monday to Friday. Therefore, the noise and lights were not a cause of concern.
- The lighting height indicated in the previous granted development at this location was not to be any higher than the existing hedge line (circa 4 to 5m). The 15m high masts with floodlights at their top are significantly more than this.
- The astro-turf surface was laid out on a hard-core foundation to FAI standards and this results in more noise than that of a conventional grass pitch when in use.
- Concerns are raised that the existing hedgerow at The Twenties Lane will be removed and this would result in a loss of some low-level screening.
- The lux levels used are stronger than that recommended by the IRFU in their document providing guidance on floodlighting.
- This development depreciates the value of properties in its vicinity.

## 6.2. **Planning Authority Response**

- 6.2.1. The Planning Authority indicate that they decided not to restrict the development having regard to the details submitted with this application and having regards to the previous grant of permission P.A. Reg. Ref. No. 12/41.

## 7.0 **Assessment**

### 7.1. **Introduction**

- 7.1.1. The main issues in this appeal are those raised in the grounds of appeal and I consider that they can be dealt with under the following headings: -

- Principle of Development
- Planning History
- Amenity Considerations
- Other Matters Arising

## 7.2. Principle of Development and Planning History

- 7.2.1. The appeal site is located on land zoned 'CCI' where the objective is to: "*provide and protect necessary community, recreational and educational facilities*" under the current Drogheda Borough Development Plan.
- 7.2.2. A significant factor in assessing the principle of the development proposed is that the location of the appeal site is within the grounds of an established and rapidly expanding tertiary educational institution, i.e. Drogheda Institute of Further Education. In this regard, I consider that the proposed use is both ancillary and complimentary to the said use. I also consider that it has the potential to contribute positively to the wider community in a manner that is consistent with Policy HC31 and Policy HC32 of the Development Plan. These policies seek to ensure the adequate provision of community facilities including playing fields. They also seek to discourage the loss of playing pitches through to utilising community facilities such as those within educational facilities outside of their operational hours.
- 7.2.3. I am therefore satisfied that the general principle is acceptable subject to safeguards.
- 7.2.4. The appellants raise a concern that the development sought under this application has fundamentally changed the design, nature and scale of the development permitted under P.A. Reg. Ref. No. 12/41. With these changes allowing for a more intensive use of the pitch all year round and in most weathers. In addition, the floodlighting allows the pitch to be used in low light levels and into the night-time hours. The appellants contend that the intensification of use, the changes to the design of the pitch and its associated structures has adversely impacted upon their residential amenities over and above that of the development originally permitted under P.A. Reg. Ref. No. 12/41. I note that P.A. Reg. Ref. No. 12/41 permitted a grass soccer pitch, changing facilities, car parking, a lower in height fencing and a quantum of lower in height floodlighting around the perimeters of the playing pitch.

- 7.2.5. In addition, retention permission is also sought for changes to the permitted fencing and for 2 no. additional 15m floodlighting columns round the perimeters of the all-weather pitch. The documentation submitted indicate that the fencing now in place ranges in height from 3m to 5m and that there are in total six 15m in height floodlighting columns containing 24 individual floodlights between them.
- 7.2.6. The application documentation provides no clarity on the hours in which the all-weather pitch is in use by the applicant and/or the availability of it for use commercially beyond the use of this tertiary educational facility.
- 7.2.7. Whilst I consider that utilising this pitch as part of the recreational amenities available within Drogheda town and its environs is consistent with Policies HC31, HC32 and Section 6.8.9 of the Development Plan I concur with the appellants that the development now sought has a greater potential to result in a number of different adverse impacts on the residential amenity of properties neighbouring it unless suitable measures are incorporated into its design.

### 7.3. **Amenity Considerations**

- 7.3.1. I consider that the most relevant issues when considering the impact of the development sought on residential properties within its vicinity would be floodlighting, visual and noise impacts.

#### 7.3.2. ***Floodlighting:***

By way of this application retention permission is sought for 2 no. 15m in height floodlighting columns yet there is a total of 6 on the appeal site with the other four appearing to be significantly higher than that previously permitted under P.A. Reg. Ref. No. 12/41. While I consider that this is an enforcement matter for the Planning Authority to deal with as they see fit, notwithstanding, I question the appropriateness of considering the 2 no. 15m floodlighting columns in isolation from the other four.

The applicant has submitted a report prepared by Philips Lighting with this report. This describes the floodlighting on site as consisting of 2KW 400V OPtiVision Floodlights with 24 no. floodlights used in total and with these floodlights attached at the top of columns that are 15m in height. An average 300LUX for the floodlights is indicated. It is unclear whether both of the luminaires detailed in Section 4.1 of the report are used independently throughout the lighting scheme or in a mixture. No



additional hooding to achieve additional directional light output is indicated in the submitted documentation.

This report provides 3-D projections of the floodlighting relative to the all-weather pitch. It does not provide any clarity on the level of light over spill beyond the boundaries of the pitch itself. This is a concern when the nearest residential properties to one of the floodlighting columns is c8.7m from the shared western boundary and with the nearest dwelling houses located c12m of this column. I therefore consider there is a potential for significant effect to occur from overspill of light to residential estate located to the west of the pitch.

The appellants contend that it is common practice for pitch to be used late into the night and what is clear from the planning history of the previously permitted pitch that its hours of use are uncontrolled. In the absence of any restrictions to its hours of use there is potential that its use would result in a diminishment of residential amenity.

Should the Board be minded to grant retention permission I consider it appropriate that a condition restricting the floodlighting be imposed in terms of protecting evening and night time residential amenity. I also consider that the floodlighting at this location could be improved by way of more appropriate specification and design for the lighting system relative to its context which includes residential properties in its vicinity. Ideally this could include limiting the LUX of the floodlights used. Such conditions would be appropriate to safeguard residential amenities having regard to the fact that an all-weather pitch can be more intensively used than a grass pitch throughout the year.

I also recommend that the Board include a condition which restricts the hours of use of the pitch. This I also consider reasonable and appropriate having regard to the close proximity of the pitch to residential properties and it would be in the interest of protecting their residential amenity.

### 7.3.3. **Visual:**

I consider that the all-weather pitch is not out of character with its attendant grounds which consist of buildings, structures and spaces associated with a tertiary educational institution.

It also occupies the location of a previously permitted soccer pitch and whilst I acknowledge that there is an abrupt land-use transition between it and the residential development particularly to the west of it I do not consider an educational facility and its associated facilities to be out of character within what is otherwise an area that has a suburban/edge of town character.

Notwithstanding, I concur with the appellants in this case that the visual impact of the development sought could be improved by more robust and site appropriate screening.

Such screening would diminish the visual legibility of the facility from the surrounding public and private domain, particularly, the adjoining housing estate to the west and as viewed from neighbouring properties on The Twenties Lane.

If carefully designed it could also mitigate some of the visual impact of the floodlighting columns at night when they would be at their most legible from the public and private domain.

Should the Board be minded to grant retention permission I consider that the floodlighting columns be omitted from the development sought in the interests of residential and visual amenity. I also consider that an appropriately worded condition requiring more robust screening along the eastern, northern and southern perimeter boundaries in the interests of visual amenity be imposed.

#### **7.3.4. Noise:**

The appellants raise concerns in relation to the noise arising from the all-weather pitch and its extended hours of use. They contend that since its completion and subsequent use it has resulted in their residential amenities being adversely compromised. The significant number of named third party objectors with stated residences in the vicinity of the appeal site alongside the several named third parties that have come together to lodge a joint appeal submission to the Board appears to suggest that the development for which retention is now being sought does not co-exist in a harmonious and complimentary manner with its more site sensitive to change residential neighbours. While they do not object to the provision of a such a recreational facility at this location they raise concerns that the change of surface and the intensification in the hours in which it is in use has resulted in a significant disturbance to them by way of noise.

I acknowledge that outdoor sports such as soccer on an astro-turf pitch with little in the way of acoustic screening to attenuate noise is not fully compatible with the protection of residential amenities properties in the vicinity.

Should the Board be minded to grant retention permission for the development sought I consider conditions restricting the hours of use together with the provision of more robust screening that has the potential to attenuate noise be imposed in the interests of residential amenities.

#### 7.4. **Other Matters Arising**

- 7.4.1. **Property Depreciation:** The appellants raise a concern that the development sought has resulted in a depreciation in the value of their properties. No expert evidence has been submitted by the appellant to substantiate that this is the case and in the absence of this it would be difficult for me to conclude whether or not a depreciation of property values has occurred.

I am satisfied that the amenities of property in the vicinity can be protected by suitable conditions and that there would be no significant deterioration so as to warrant a depreciation in property values in the area.

- 7.5. **Appropriate Assessment:** Having regard to the nature and scale of the proposed development and to the nature of the receiving environment, namely an urban and fully serviced location, 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.

- 7.6. **Environmental Impact Assessment:** Having regard to the modest nature the proposed development the capacity of the soils on site to accommodate surface water runoff and wastewater and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 8.0 **Recommendation**

- 8.1. I recommend that permission be **granted**.

## 9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Drogheda Borough Development Plan, 2011-2017, which is the applicable plan at the time this report has been prepared and to the nature, scale, extent of the development for which retention is sought, I consider that subject to compliance with the conditions set out below, that it would not seriously injure the visual or residential amenities 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 on the 28th day of May 2018, 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. The following requirements of the Planning Authority shall be complied with.
  - (a) The floodlights shall be omitted. The remaining floodlighting scheme serving the all-weather pitch shall be so designed and orientated so that no over-spill of light reaches beyond the boundaries of Drogheda Institute of Further Education campus grounds, that no lighting is emitted above the horizontal plane and that the flood lighting shall not be lit at any time in such a manner so as to cause excessive glare or distraction to residential properties or to road users within its vicinity.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with the Planning Authority within 2-months of the final grant of retention permission.

**Reason:** In order to minimise the impact of the proposed pitch, including its boundaries, on the visual and residential amenities of the surrounding environment.

3. The all-weather pitch shall only be used between 09.00 hours and 22.00 hours on Monday to Friday inclusive (excluding public holidays) and only between 10.00 hours and 20.00 hours Saturday and Sundays. An automatic cut-off mechanism which shall not allow for a manual over-ride of the floodlighting shall be provided to ensure this.

**Reason:** In the interests of residential amenities.

4. The all-weather pitch shall be used solely as detailed in the public notices and 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.

5. All service cables associated with the proposed development shall be run in underground ducts, to the written satisfaction of the planning authority.

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

6. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs, advertisement structures, banners, canopies, flags, or other projecting elements, shall be displayed or erected on the proposed fencing or within the curtilage of the site, unless authorised by a separate grant of planning permission.

**Reason:** To protect the visual amenities of the area, and to allow the planning authority to assess any such signage or structures through the statutory planning process.

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Patricia-Marie Young  
Planning Inspector

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20<sup>th</sup> December 2018.