



An
Bord
Pleanála

Inspector's Report ABP-302305-18

Development	Provision of new sports grounds, including clubhouse, training facility, playing pitches with nets and floodlighting, car park, modified entrance, signage, conversion of agricultural building to storage and all ancillary works.
Location	Park South, Youghal Road, Midleton, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	17/7161
Applicant(s)	Midleton GAA
Type of Application	Permission
Planning Authority Decision	Grant, subject to 10 conditions
Type of Appeal	Third party -v- Decision
Appellant(s)	Brian O'Shea
Observer(s)	None

Date of Site Inspection

8th November 2018

Inspector

Hugh D. Morrison

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1.0 Site Location and Description

- 1.1. The site is located within Midleton in a townland known as Park South, which is to the south east of the town centre and to the south of the distillery and the Dungourney River. This site is accessed from Youghal Road (R907), which passes to the south of it.
- 1.2. The site itself comprises six low lying fields that extend over an area of 14.665 hectares. These fields are either in agricultural use or, when last used, they were in agricultural use. They adjoin one another, and their boundaries are denoted by means of hedgerows. A Dutch barn with lean-to elements on either side of it is sited adjacent to the gated access to the site.
- 1.3. The site boundary to the north is open, and it abuts the aforementioned River. Elsewhere, the majority of the boundaries are denoted by hedgerows or fences, and they abut either other fields or residential properties. Specifically, the central portion of the eastern boundary is denoted by fencing and rows of trees on either side of a former track, beyond which lies the grounds to the appellant's newly constructed dwelling house (this dwelling house is at the western end of a row of five dwelling houses in their own grounds), and the western boundary is denoted by hedgerows and walls to the rear gardens of dwelling houses on neighbouring residential streets. Additionally, two dwelling houses are under construction to the east of the centrally placed site entrance on the southern boundary.

2.0 Proposed Development

- 2.1. The proposal would entail the provision of new sports grounds for the applicant's use. As such it would entail the following elements:
 - The siting in a central position within the site of a club house, which would comprise two parallel buildings denoted as A (single storey) and B (two storey), which between them would have a total floorspace of 725 sqm. These buildings would provide accommodation for changing rooms, a referee room, plant and storage areas, toilets, indoor multi-use space and ancillary space.
 - Building A would be accompanied on its long eastern side by a "Ball wall" training facility. Beyond this facility to the south east a fully fenced, multi-use,

synthetic playing pitch (140m x 84m) with accompanying floodlighting would be laid out (denoted as Pitch A). To the north east and to the north of this pitch, floodlit grass pitches denoted as Pitches B and C would be laid out. Both of these pitches would be 145m x 90m. On the western side of the site two further pitches, denoted as Pitches D and E, would be laid out. Both of these pitches would be 140m x 84m. Each of the pitches would be accompanied by ball catching nets. A floodlighting generator would be sited between Pitches A and B and fencing would be erected around the same.

- To the south of the clubhouse, a 193-space car park would be laid out, along with a new on-site access road on a north/south axis, which would link the site entrance to this car park. The existing site entrance, which includes a generous set back area behind the R907, would be modified to facilitate the addition of a new access point off it.
- A walking trail would be constructed around the perimeter of the site.
- The developed site would be served by the public water mains and a waste water collection point and pumping unit, which would be connected to the public sewer in Youghal Road. A storm water drainage network would be laid throughout the site and it would discharge to the Dungourney River.
- Signage would be erected on the walls accompanying the site entrance and on the clubhouse.
- The existing Dutch barn would be partially demolished and altered to facilitate its conversion from agricultural use to storage use. Its existing floorspace of 414 sqm would contract by 135 sqm to 279 sqm.

3.0 Planning Authority Decision

3.1. Decision

Following receipt of further information, permission granted subject to 10 conditions, one of which requires that the proposed floodlights be switched off by 21.30.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further information was sought with respect to a site-specific flood risk assessment, taking into account potential flood risk defence works on the site, public road drainage provision, knock-on flood risks to adjacent properties to the east of the site, and a car parking provision assessment.

3.2.2. Other Technical Reports:

- IFI: Conditions requested.
- Environment: No objection, subject to conditions.
- HSA: Does not advise against a grant of permission.
- Irish Water: No objection, standard comments.
- Area Engineer: Following receipt of further information, no objection, subject to conditions requiring the omission of proposed Pitch C and the payment of a special development contribution to fund a connecting public footpath to the site along the R907.

4.0 Planning History

Recent applications pertaining to lands within the vicinity of the site:

- 16/6709: Construction of dwelling house (for appellant): Permitted.
- 17/5936: Demolition of agricultural buildings and construction of dwelling house: Permitted.
- 17/6155: Demolition of agricultural buildings and construction of dwelling house: Permitted.
- 17/6158: Demolition of agricultural buildings and construction of dwelling house: Permitted.
- 17/6295: Demolition of agricultural buildings and construction of dwelling house: Permitted.
- 17/6298: Construction of dwelling house: Permitted.

5.0 Policy Context

5.1. Development Plan

Under Policy Objectives SC 5-3 & SC 5-5, the Cork County Development Plan 2014 – 2020 (CDP) addresses the provision of new recreation and amenity facilities. The latter Policy Objective refers to Policy Objective HE 2-3, which refers to biodiversity outside protected areas and which seeks its retention and protection from inappropriate development. Policy Objective HE 2-5 also undertakes to “Where appropriate, to protect mature trees/groups of mature trees and mature hedgerows that are not formally protected under TPOs.”

Under the East Cork Municipal District Local Area Plan 2017 (LAP), the site is shown as lying inside the development boundary around Midleton and within an area that is zoned for open space. Roughly the western half and the northern portion of the site are also shown as lying within Flood Zones A and B.

The site is identified under Specific Objective No. MD-0-05 for “Active open space, this facility would include new and improved facilities for the GAA, tennis court, gym and swimming pool facilities or other sports complex uses. A direct pedestrian access to the town centre shall also be provided.”

Objective No. IN-01 addresses flood risk assessment and management and it states that all proposals for development within the areas identified as being at risk of flooding will need to be the subject of a site-specific flood risk assessment.

5.2. Natural Heritage Designations

Cork Harbour SPA (site code 004030)

Great Island Channel SAC (site code 001058)

6.0 The Appeal

6.1. Grounds of Appeal

Brian O'Shea of "Oaklands", Park South, Midleton

The appellant does not object in principle to the proposal. However, he does have concerns with respect to how it would relate to his recently completed residential property, which adjoins the subject site.

- Attention is drawn to the omission of the appellant's dwelling house from the originally submitted plans and its finished floor levels. (Likewise, the 5 dwelling houses recently permitted for house plots within the vicinity of the site are also omitted, notwithstanding the fact that two of these have begun to be built). Attention is also drawn to the proximity of proposed Pitch A to the shared boundary and this dwelling house. Consequently, light and noise would be of concern.
- While the draft permission conditions the omission of proposed Pitch C, it does not require that the remaining pitches be rearranged, e.g. to increase the separation distance between proposed all-weather Pitch A and the appellant's dwelling house.

The change in levels across the shared boundary between the appellant's residential property and proposed Pitch A has not been sufficiently depicted/elucidated.

- The 2 pitches proposed for floodlighting are the two which lie to the north and west of the appellant's residential property. The light spillage and glare from the all-weather pitch is of particular concern. The proposal should have been accompanied by light impact assessment of the proposed floodlights.

Concern is expressed that draft lighting condition 2 would, in practise, be too vague. Instead specific standards should be set.

- Noise from the 2 floodlit pitches would occur at anti-social times. No measures have been taken to mitigate the same.
- Existing boundary treatments are of an agricultural type and they would be insufficient to secure the subject site and adjoining residential properties. No details of the same have been given. Palisade security fencing is suggested by the appellant.

- Attention is drawn to the siting of “high bound stop nets” behind goals. No protection of the appellant’s residential property is proposed in this respect.
- Given the proximity of the subject site to the Irish Distillers campus, the applicant should report on the risk that would be attendant upon the subject site.
- Essentially, the proposal as submitted would amount to over-development, which would have a series of harmful impacts upon the amenities of the appellant’s residential property.

6.2. Applicant Response

- The site is zoned for open space and so the proposed active recreational use of it would be appropriate

Existing vegetation along site boundaries would be retained and allowed to flourish.

The proposal has been informed by a site-specific flood risk assessment and some elements have been omitted, accordingly.

- The footprint of the appellant’s dwelling house was depicted on plans submitted under further information.
- A light impact analysis has now been submitted. It shows that a 0 Lux impact would occur on the appellant’s dwelling house at 1m above grade (measured on a horizontal plane) and a 0.44 Lux impact would occur at 3m above grade (measured on a vertical plane). These findings do not take into account the mitigation that ditches and trees would afford.
- Local wells were not identified as no on-site waste water treatment is proposed.
- Existing planting along boundaries would be augmented in accordance with the CDP’s Policy Objective HE 4-6(d).
- The omission of proposed Pitch C was not prompted by over-development concerns but by prematurity with respect to proposed flood relief works.

References to over-development are misplaced as only a small proportion of the site would be developed to provide the clubhouse and a car park.

- Draft condition 2 would ensure that any impact from floodlighting would be limited in its duration.
- The applicant is committed to noise mitigation measures, e.g. physical ones would entail boundary treatments and level changes.
- The suggested palisade fencing would be an unnecessary and unsightly additional boundary treatment.
- The pitches closest to the appellant's residential property would be orientated so that goal posts do not correspond with the boundaries to these properties. Nets are sited to the rear of these posts, as the majority of stray balls arise here.
- The chronology of the rezoning of the site and the appellant's application and subsequent implementation of a permission for his own dwelling house is referred to and inferences drawn from the same.

6.3. **Planning Authority Response**

None

6.4. **Observations**

None

6.5. **Further Responses**

The appellant has responded to the applicant's response.

- The need to secure the shared boundaries is reiterated.
- The option of floodlighting pitches further away from the appellant's dwelling house has not been taken up.
- The applicant has not stated what their non-physical noise mitigation measures would be.

The sheer proximity of pitches to the appellant's dwelling house would mean that, in practise, noise nuisance would not be capable of being curbed.

- The appellant himself has responded to the applicant's chronology and inferences drawn from the same. He concludes with the saying "good fences make good neighbours".

7.0 **Assessment**

7.1. I have reviewed the proposal in the light of the CDP and the LAP, relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use, flooding and biodiversity,
- (ii) Amenity,
- (iii) Traffic, access, and parking,
- (iv) Services, and
- (v) Screening.

(i) Land use, flooding and biodiversity

7.2. Under the LAP, the site is shown as lying inside the development boundary around Midleton and within an area that is zoned for open space. This site is identified under Specific Development Objective No. MD-0-05 for "Active open space, this facility would include new and improved facilities for the GAA, tennis court, gym and swimming pool facilities or other sports complex uses. A direct pedestrian access to the town centre shall also be provided." It would, under the current proposal, be developed to provide new sports grounds for the GAA, including a footpath link to the town centre through the adjoining townlands public park. Thus, the zoning of the site would be upheld and the Specific Development Objection for the site would be fulfilled.

7.3. Under the LAP, roughly the western half and the northern portion of the site are shown as lying within Flood Zones A and B. This site is, thus, at risk of either a 1 in 100 year river flooding event or between a 1 in 100 and 1 in 1000 year river flooding event.

7.4. Under further information, the applicant addressed the aforementioned identified fluvial flood risk by means of a Flood Risk Assessment (FRA). This FRA followed the methodologies set out in the Planning System and Flood Risk Management Guidelines (PSFRM). Thus, within Flood Zones A and B water-compatible development is deemed to be appropriate. Such development includes “Amenity open space, outdoor sports and recreation and essential facilities such as changing rooms” and so the proposal would be appropriate.

7.5. The applicant further interrogated the proposal under the Justification Test for Development Management set under Box 5.1 of the PSFRM Guidelines. Criterion 1 of this Test refers to the site’s zoning/designation. As discussed above, the proposal is acceptable in principle from a land use perspective under the LAP, which was adopted in 2017 and thus after the said Guidelines which were published in 2009. Criterion 2 comprises four parts each of which are considered in turn below.

- Part (i) refers to the need to avoid increased flood risk elsewhere. The applicant draws attention to the cut and fill techniques that would be integral to the layout of the development. These would result in a net increase in storage capacity within the flood plain of 1669 cubic metres. The applicant also draws attention to the fact that 3 of the 4 pitches would be grass and so no loss in the permeability of these surfaces would result. The remaining all weather pitch and the hard-surfaces constituted by the roofscape to the clubhouse, the car park, and the access road would be the subject of SuDS, which would discharge from the site at the greenfield rate.
- Part (ii) refers to the need to minimise the flood risk to people. In this respect the finished floor level of the clubhouse at 5.15m and 5.65m would be above the critical level of 5m OD and the access road would be a minimum of 5m. The car park would be 4.5m (cf. drawing no. 16102 revision L001).
- Part (iii) refers to the mitigation of residual risks. The applicant identifies, in this respect, the northern boundary of the site, which forms a bank to the River Dungourney. This riverbank would be fenced.
- Part (iv) refers to wider planning objectives. The applicant again draws attention to the proposal’s acceptability from a land use perspective under the LAP.

In the light of the foregoing commentary, the applicant concludes that the proposal would pass the relevant Justification Test. I concur with this conclusion.

- 7.6. Under further information, the applicant omitted from the current proposal Pitch C “pending the Midelton Flood Relief Scheme.” No details of how this Flood Relief Scheme would affect the site of this Pitch are indicated. However, the accompanying site layout plan (drawing no. 16102 L003 revision A) does show the line of what would presumably be a physical barrier adjacent to the western boundary of the site and an area of housing beyond.
- 7.7. The site is composed of essentially six fields, i.e. five in their entirety and the majority of the remaining one. The external boundaries of this site are denoted largely by means of hedgerows and trees. The internal boundaries between the said fields are denoted solely by means of hedgerows and trees. Under the proposal, the applicant intends to retain the former hedgerows and trees and remove the latter ones. The length of hedgerows that would thereby be removed would aggregate to c. 780m. Additionally, along the central portion of the eastern boundary a treelined former laneway exists. On the eastern side of this laneway, the trees would lie on the site boundary, on the western side they would be internal to the site. The proposed all-weather pitch denoted as Pitch A would be laid out in a position adjacent to this laneway. The levelling that would be integral to the layout of this Pitch and the associated formation of an embankment towards the northern end of the laneway would thus entail further tree removal.
- 7.8. Under the CDP, Policy Objectives SC 5-3 & SC 5-5 address the provision of new recreation and amenity facilities. The latter Policy Objective refers to Policy Objective HE 2-3, which refers to biodiversity outside protected areas and which seeks its retention and protection from inappropriate development. Policy Objective HE 2-5 also undertakes to “Where appropriate, to protect mature trees/groups of mature trees and mature hedgerows that are not formally protected under TPOs.” In the light of these Policy Objectives, I am concerned that neither the biodiversity value nor the condition of the trees and hedgerows on the site has been ascertained. While I welcome the applicant’s undertakings with respect to the retention of hedgerows and trees along the site’s external boundaries, the wholesale removal of hedgerows and trees from within the site is of concern, especially as at least some of the fields are of

a shape and size whereby playing pitches could *prima facie* be laid out within them without necessitating such removal.

7.9. I conclude that the proposal would be acceptable in principle from a land use perspective and that, given the site's identified fluvial flood risk, it would represent appropriate development that would pass the relevant Justification Test set out in the PSFRM Guidelines. I conclude, too, that, in the absence of a tree and hedgerow survey and an assessment of their biodiversity value, the wholesale loss of trees and hedgerows from within the site, would *prime facie* contravene CDP Policy Objectives HE 2-3 and HE 2-5, which seek to ensure that the presence of trees and hedgerows and their biodiversity value are factored into the design approach adopted to the layout of development sites. The proposed layout would be decidedly sub-optimal in these respects.

(ii) Amenity

- 7.10. Of the remaining four proposed pitches, two would be floodlit, i.e. the Pitches denoted as A and B, and they would be laid out in the south eastern and north eastern portions of the site, respectively. Pitch A would be the all-weather one and so it is reasonable to anticipate that it would be the pitch that is used most intensively.
- 7.11. The appellant draws attention to the proposed position of Pitch A immediately to the west of his residential property and to the proposed position of Pitch B to the north of this property and three of the four accompanying ones to the east of it. I further note that Pitch A would lie to the north of two dwelling houses that are presently under construction. He expresses concern that light spillage and noise associated with the use of these pitches would adversely affect the residential amenities of the said properties. He is especially concerned that the envisaged proximity of Pitch A to his residential property would militate against the introduction of satisfactory mitigation measures.
- 7.12. The applicant has responded to the appellant's concerns. At the appeal stage, a lighting study has been submitted which predicts that, even in advance of mitigation measures, light spillage from the floodlights proposed for Pitches A and B would be minimal. Furthermore, condition 2 attached to the draft permission requires that the floodlights be switched off after 21.30. Noise would be addressed by a combination

of measures, i.e. level changes and boundary treatments, including the retention and augmentation of existing vegetation. In this respect, condition 3 attached to the draft permission, requires the submission of a comprehensive hard and soft landscaping scheme.

- 7.13. The appellant has responded to the applicant's response by stating that the sheer proximity of Pitch A would militate against the effectiveness of mitigation measures.
- 7.14. During my site visit I observed that the western boundary of the appellant's residential property forms the eastern side to the former laneway within the site. This boundary is denoted by means of a post and rail fence, behind which lies a line of trees. The western side of this former laneway is likewise denoted by a post and rail fence behind which is another line of trees. Clearly the former line of trees is under the appellant's control and the latter is under the applicant's control.
- 7.15. The laying out of Pitch A would entail the levelling of the south eastern portion of the site. Thus, in the south western corner of this Pitch the level of the site would be raised, whereas elsewhere it would be lowered, increasingly in a north easterly direction. The margin of land between the eastern side of the Pitch and the adjacent common boundary with the appellant's residential property would vary in width between 12.285m and c. 15m and the corresponding levels across this margin would vary from being on a par to being 3.3m lower on the Pitch side. Within this margin would lie a 5m strip that would accommodate the siting of one of the floodlights and part of the perimeter footpath to the overall site.
- 7.16. The submitted plans do not make explicit what the implications of Pitch A would be for the said margin, However, if it is assumed that the accompanying strip would be level with the Pitch, then the increasing change in levels across the margin would necessitate the introduction of an embankment and/or retaining measures. The loss of the western line of trees thus appears to be inevitable and hence the screening that they would afford. The appellant suggested that a palisade fence be erected along the common boundary. While such a fence would secure this boundary more adequately than the existing post and rail one, I agree with the applicant's aesthetic critique of it. Instead an acoustic barrier could be erected. However, I am mindful that Pitch A would be likely to be the pitch that is most intensively used. In the absence of any assessment of likely noise levels and the mitigation that an acoustic barrier

could, in practise, be expected to achieve, I am concerned that, given the proximity of this Pitch to the appellant's residential property, the applicant has not demonstrated the efficacy of such mitigation and so to make this matter the subject of a condition would be premature.

- 7.17. During my site visit I observed that the northern boundaries of the appellant's residential property and that of the other residential properties to the east of it is 55m away from the corresponding site boundary. The former boundaries are denoted by trees and fledgling hedgerows and the latter boundary is denoted by trees and a hedgerow. The land rises gently across the intervening space before falling away gently on the far side of the site boundary. These factors in conjunction with proposals to augment existing vegetation and the 21.30 curfew cited above would ensure that residential amenity is safeguarded with respect to the use of Pitch B.
- 7.18. Pitches D and E would be laid out in the north western portion of the site. They would be sited adjacent to the rear gardens of dwelling houses further to the west. These pitches would be unlit and so I do not anticipate that they would be used as much as Pitches A and B. As cited above under my discussion of flooding, there is a proposal to introduce a physical barrier along the western boundary and I anticipate that this barrier would have noise attenuation properties. Existing trees and hedgerows along this boundary afford a measure of screening and the pitches themselves would be levelled by means of relatively minor cut and fill works.
- 7.19. Pitches D and E would be used as overflow car parks. I anticipate that in the normal course of events, the eastern halves of these pitches would be availed of first and that the western halves would only be used when the site is at its busiest. The numbers of car parking spaces run to 486 and 481, respectively, in addition to 193 spaces in the permanent car park. Thus, the applicant envisages that appreciable numbers of people could be in attendance at matches played on either Pitch A or B. Such scenarios underscore the aforementioned noise concerns pertaining to Pitch A.
- 7.20. I conclude that, in the absence of any noise assessment and mitigation measures arising from the same, it would be premature to permit proposed Pitch A, which may, in any event, be too close to the appellant's residential property to ensure that the use of this Pitch, especially for more major events, would be capable of being reconciled with the amenities of this property.

(iii) Traffic, access, and parking,

- 7.21. Under further information, the applicant submitted a Traffic Assessment of the proposal. This Assessment sets out estimates of traffic volumes. Peak volumes would occur during the summer months when, between the hours of 17.00 and 21.00 on Saturdays, 60 – 180 cars would be in attendance for hurling/football matches and 100 – 500 cars would be in attendance for training/adult matches. It goes on to draw attention not only to the proposed permanent 193-space car park but also to the availability of Pitches D and E as temporary surface car parks with a total of 974 spaces. (The submitted light study includes plans that show further spaces in an additional car park to the south of Pitch A). Thus, the Assessment concludes that the provision of off-street car parking spaces would be ample to meet likely need in this respect. A management plan addresses how, in practise, the temporary car parks would be used.
- 7.22. I note that traffic generation would potentially be appreciable on Saturdays. I note, too, that as a non-working day existing traffic on Youghal Road (R907) would not experience an evening weekday peak. I thus anticipate that this Road would have the capacity to accommodate envisaged traffic generation.
- 7.23. The existing access to the site from Youghal Road (60 kmph zone) is accompanied by a generous vehicle refuge area. Forward visibility along this Road is good and existing sightlines available to exiting drivers are, likewise, good. Under the proposal, a new access off the said vehicle refuge area would be formed to the rear of this area. This access would be gated and it would connect to the proposed on-site access road, the southern extremity of which would rise to meet the same. A footpath would accompany the western side of this road and, under condition 5 attached to the draft permission, a special development contribution would be raised to fund construction of an-onward footpath along the northern side of Youghal Road in a westerly townward direction. On-site a footpath would run around the perimeter of the site and a link from the same would connect with the town centre via the townlands public park, which adjoins the north western corner of the site.
- 7.24. The CDP is not prescriptive with respect to car and cycle parking spaces for recreational uses. I concur with the applicant's assessment that ample provision would be made for cars. In this respect and for the avoidance of any confusion the

additional car park referred to above in the lighting study should be specifically omitted by condition, should the Board be minded to grant permission. Likewise, the absence of any cycle parking spaces should be addressed by condition. A minimum of say 30 cycle parking spaces would be appropriate.

7.25. I conclude that traffic generated by the proposal would be capable of being accommodated on Youghal Road and that the proposed access arrangements from this Road would be satisfactory. Ample car parking provision would be provided, and this should be augmented by cycle parking provision.

(iv) Services

7.26. The proposal would be served by the public water mains in Youghal Road and, via a waste water collection point and pumping unit, the public sewer in this Road. Irish Water has not indicated that there are any capacity issues in these respects.

7.27. At the appeal stage, the applicant set out details of surface water drainage system for the site, which would incorporate a reception point in the south western corner of the site for surface water run-off from Youghal Road. An oil interceptor with silt trap would accompany this reception point. This drainage system would discharge to the Dungourney River, which runs along the northern boundary of the site.

7.28. I conclude that water supply and drainage arrangements for the site would be satisfactory.

(v) Screening

7.29. The proposal is for new sports grounds only. Under Item 12, entitled tourism and leisure, of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2018, this proposal is not a potential candidate for either EIA or sub-threshold EIA.

7.30. The site is not in a Natura 2000 site. The Dungourney River passes to the north of the site and it flows into the Owennacurra River some 0.85 km to the west of the site. The Owennacurra River lies within the Great Island Channel SAC (site code 001058) and the Cork Harbour SPA (site code 004030). There is thus a source/pathway/receptor route between this site and these Natura 2000 sites.

7.31. During the construction phase of the proposal, earthworks would occur to form the proposed pitches and other construction works would occur to provide the proposed

clubhouse, car park, and on-site access road. Provided these works are undertaken in accordance with good construction practices, the risk of pollution to the Dungourney River would be minimised and so any significant effect upon the Conservation Objectives of the SAC would be unlikely. The Qualifying Features of the SPA would comprise seabirds and wetland birds. The site would not constitute a suitable habitat for the former birds and, while it lies partially within the said River's flood plain, its wetland status would be too fleeting to provide a habitat for the latter birds.

- 7.32. During the operational phase of the proposal, surface water from the site would discharge to the Dungourney River. Insofar as this water would originate from Youghal Road it would pass through an oil interceptor and a silt trap. Provided a similar oil interceptor and silt trap was installed within the drainage network that would serve the proposed on-site access road and permanent car park, the risk of pollution to the Dungourney River would be minimised and so any significant effect upon the Conservation Objectives of the SAC would be unlikely. The Qualifying Features of the SPA would comprise seabirds and wetland birds. The site would not constitute a suitable habitat for the former birds and, while it lies partially within the said River's flood plain, its wetland status would be too fleeting to provide an a habitat for the latter birds.
- 7.33. I conclude that, notwithstanding the proximity of the proposal to the Great Island Channel SAC (site code 001058) and the Cork Harbour SPA (site code 004030), the nature and scale of this proposal would not result in a real likelihood of significant effects on the environment. The need for EIA can, therefore, be excluded at preliminary examination and a screening determination is not required.
- 7.34. I also conclude that, having regard to the nature and scale of the proposal, no Appropriate Assessment issues arise and it is not considered that the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Conclusion

8.1. In the light of my assessment, I conclude that whereas there is no in principle land use objection to the proposal, the layout of the site and in particular the siting of proposed Pitch A would be problematic for a number of reasons.

- Firstly, in the absence of a tree and hedgerow survey and a biodiversity assessment of the same, to accede to the wholesale loss of trees and hedgerows from within the site to facilitate the provision of 4 and potentially 5 pitches would be premature and contrary to CDP Policy Objectives HE 2-3 and 2-5. *Prima facie* the shape and size of the fields comprised in the site would facilitate the siting of four pitches with little if any removal of trees and hedgerows.
- Secondly, the quest for a fifth pitch, i.e. Pitch C, has, in any event, been put on hold until clarification has been received as to the impact of a flood relief scheme. The proposed layout continues to be driven by this quest, one which may not ultimately be capable of being realised.
- Thirdly, in the absence of a noise assessment and related mitigation measures, the applicant has not demonstrated that it would be possible to reconcile the proposed proximity of Pitch A to the appellant's residential property with the need to respect the amenities of this property. As this Pitch would be likely to be the one most heavily used, it may not ultimately be possible to achieve such reconciliation.

8.2. In the light of the foregoing reasons, I am not in a position to recommend that permission be granted to the proposal as submitted. The Board may wish to afford the applicant the opportunity, under further information, to amend the layout of its proposal in the light of the said reasons.

9.0 Recommendation

9.1. That permission be refused.

10.0 Reasons and Considerations

1. The proposed layout of the new sports grounds would entail the removal of existing trees and hedgerows from within the site. No tree and hedgerow survey has been submitted and no assessment of the biodiversity of the said trees and hedgerows has been submitted. To accede to the loss of these trees and hedgerows, in these circumstances and in circumstances wherein a less extensive loss could be achieved by a revised site layout, would contravene Policy Objectives HE 2-3 and 2-5 of the Cork County Development Plan 2014 – 2020 and, as such, it would be contrary to the proper planning and sustainable development of the area.
2. The proposed siting of Pitch A would be immediately adjacent to a residential property. As this Pitch would be an all-weather one, it is likely that it would be heavily used. No noise assessment of such usage has been submitted and no site-specific mitigation measures arising from the same have been identified. To accede to the siting of this Pitch, in these circumstances, would risk a scenario wherein the amenities of this property would be seriously injured on an on-going basis. Such an outcome would be contrary to the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

4th January 2019