



An  
Bord  
Pleanála

## Inspector's Report ABP-302729-18

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<b>Development</b>	Permission for the erection of flood lighting to an existing playing pitch, at an alternative location to that granted under planning reference no. 20150056
<b>Location</b>	Ferns Upper & Newtown, Ferns, Enniscorthy, Co. Wexford.
<b>Planning Authority</b>	Wexford County Council
<b>Planning Authority Reg. Ref.</b>	20181029
<b>Applicant(s)</b>	Ferns St Aidans GAA Club
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to Conditions
<b>Type of Appeal</b>	First Party vs Condition No 2
<b>Appellant(s)</b>	Ferns St Aidans GAA Club
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	17 <sup>th</sup> December 2018
<b>Inspector</b>	Mary Crowley

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## 1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 1.498 ha is located within Ferns (St Aidans) GAA grounds. The grounds provide a Clubhouse, playing fields, tennis courts, car parking and associated works. A set of photographs of the site and its environs taken during the course of the site inspection is attached.

## 2.0 Proposed Development

- 2.1. Permission is sought for the erection of flood lighting to an existing playing pitch at an alternative location to that granted under Planning Reference No 20150056 where the floodlighting was located to the north of the subject pitch (all within the red line boundary of the site). The alternative location is along the southern boundary of the overall GAA grounds. There are four pitches in total.
- 2.2. The application was accompanied by a Cover Letter prepared by Ferns St Aidans GAA Club stating that the club is a voluntary sporting organisation founded in 1887, that the proposal involves the erection of 6 no floodlights to the main internal pitch, located to the north west of the existing clubhouse.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Wexford County Council issued a notification of decision to grant permission subject to 3 no conditions. Condition No 2, the subject of this appeal, set out the following:

*The proposed lighting design should avoid light spill onto public roads and neighbouring properties. The lighting scheme shall use led fittings and shall be installed so as to minimise any significant impact on the surrounding residential amenity and to prevent glare or dazzle on adjoining access road, public road or on adjoining properties.*

**Reason:** *In the interest of residential amenity and proper planning and development.*

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

- **Case Planners Report** (6th December 2018) – Considered that no dis-amenity will result from the proposed *floodlights which are designed to direct light down and not out*. The Planner recommended that permission be granted subject to conditions regarding hours of operation and specs of proposed lighting to ensure no light spill be attached. The notification of decision to grant permission issued by Wexford County Council reflects this recommendation.

### 3.2.2. Other Technical Reports

3.2.3. There are no technical reports recorded on the planning file.

## 3.3. Prescribed Bodies

3.3.1. There are no reports from any prescribed bodies recorded on the planning file

## 3.4. Third Party Observations

3.4.1. There are no observations recorded on the planning file

## 4.0 Planning History

4.1. There is no evidence of any previous appeal on this site. The permitted scheme referred to in the proposed development description may be summarised as follows:

- **Planning Reference No 20150056** – Wexford County Council granted permission in 2015 to erect floodlighting to an existing playing pitch to the north of the appeal pitch (all within the red line boundary of the site) subject to 3 conditions. **Condition No 2** required that the floodlighting be operated such that it does not give rise to significant dis-amenity to adjoining lands and that they shall be turned off when the pitches are not in use and shall not operate after 10pm. **Condition No 3** required that flood lights shall only be available for use between the hours of 9am and 10pm.

- **Planning Reference No 2006446** - Wexford County Council granted permission in 2007 to erect floodlighting to an existing playing pitch to the north of the appeal pitch subject to 4 conditions. **Condition No 2** required that flood lights shall only be available for use between the hours of 9am and 10pm. **Condition No 3** required that levels of illumination on the site and external light sources be designed so as to minimise overall light emission from the site and to prevent glare and dazzle on adjoining access road, public road or on adjoining properties.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The operative plan for the area is the **Wexford County Development Plan 2013 – 2019**. The appeal site is not on lands zoned in the Development Plan. Policies relevant to this appeal are as follows:

- **Section 18.9.7 Floodlighting of Sporting and Recreational Facilities** - *The provision of external floodlighting will be carefully considered by the Council in order to protect residential amenity, nature and traffic safety. Floodlights shall have fully shielded light fixtures with cowl accessories to ensure that upward light levels are low. Planning applications shall include:*
  - 1) *Details of horizontal and vertical luminance levels (lux levels) of the lights.*
  - 2) *Proposed hours of use.*

### 5.2. Natural Heritage Designations

- 5.2.1. The site is not located within a designated Natura 2000 site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The first party appeal has been prepared and submitted by Dunbar Lunn, Civil & Structural Consulting Engineers and may be summarised as follows:

- Requested that Condition No 2 (lighting desing) is removed.
- Due to the location of the existing playing pitch, the presence of mature and densely positioned mature trees on the southern boundary and six domestic dwellings within direct coverage of the proposed flood lighting it is submitted that no significant impact on the surrounding residential amenity or occurrence of glare or dazzle on the adjoining properties, access road and public road will occur. Aerial photos attached.
- The proposed floodlighting will be used during limited periods of the GAA club season, being in use during mid-February to mid-April to late October, a maximum of 15 no weeks annually.
- Quotations received for both led and metal halide fittings (supply and installation), from contractors Electric Skyline Limited and SBE Electrical Engineering Contractors attached. There is a large difference between the cost of led fittings and standard metal halide fittings, with a cost difference varying from €51,089.75 to €58,287.92. With this additional cost to provide for led fittings it is not feasible for a voluntary club with an annual funding cost of approximately €100,000 to provide the flood lighting required by Condition
- A precedence in relation to planning permission for flood lighting has been set by the Local Authority, that projects should not be subject to the use of led light fittings only (Reg Ref 20091727 & 20120628 refers).

### 6.2. Planning Authority Response

6.2.1. Wexford County Council in their response to the appeal (22<sup>nd</sup> October 2018) state that they have no further comments to make.

### 6.3. Observations

There are no observations recorded on the appeal file

### 6.4. Further Responses

There are no further responses recorded on the appeal file.

## 7.0 Assessment

7.1. Further to my examination of the planning file and the grounds of appeal that relate to one condition only i.e. Condition No. 2 of the notification of decision of the planning authority to grant permission, and having assessed the documentation and submissions on file, I consider it is appropriate that the appeal should be confined to this single condition. Accordingly I am satisfied that the determination by the Board of this application as if it had been made to it in the first instance would not be warranted and that it would be appropriate to use the provisions of Section 139 of the 2000 Act (as amended) in this case.

7.2. The application submitted to Wexford County Council on the 30<sup>th</sup> July 2018 sought permission for the erection of 6 no flood lighting to an existing playing pitch (main internal pitch) located along the southern boundary of the overall GAA pitch. This is described as an alternative location to that granted in 2015 under Planning Reference No 20150056 where the floodlighting was located to the north of the subject pitch. As stated by the Case Planner and observed on day of site inspection these proposed floodlights will essentially replace the existing older lights on the pitch. Wexford County Council in their notification of decision to grant permission attached Condition No 2 which set out the following:

*The proposed lighting design should avoid light spill onto public roads and neighbouring properties. The lighting scheme shall use led fittings and shall be installed so as to minimise any significant impact on the surrounding residential amenity and to prevent glare or dazzle on adjoining access road, public road or on adjoining properties.*

**Reason:** *In the interest of residential amenity and proper planning and development.*

- 7.3. The first party in their appeal sought the removal of Condition No 2 as the cost of providing led fittings instead of standard metal halide fittings is considered to be prohibitively expensive and that the necessity of same could not be justified given the location of the GAA complex and associated pitch relative to existing dwellings. Further submitted that no glare or dazzle on access road and public road will occur due to the presence of mature and densely positioned mature trees on the southern boundary of the pitch.
- 7.4. It is noted that there are no inter-departmental Wexford County Council roads or traffic reports recorded on the planning file. Further the Case Planner in their assessment of the scheme stated that *no dis-amenity will result from the proposed floodlights which are designed to direct light down and not out.*
- 7.5. The proposal is located within an established GAA complex with the light directed onto the pitch. The overall structures will have a minimal visual impact. With regard to glare or dazzle I would draw the Boards attention to the existing mature, tall trees present on the road side boundary that are situated on a raised bank, above the adjoining public road level. Overall I agree with the applicant that the presence of these large mature trees to the southern and eastern boundaries, provide adequate cover to the adjoining public road and domestic dwellings proximate to the site.
- 7.6. Overall I am satisfied that subject to a suitably worded condition requiring that the proposed lighting design should avoid light spill onto public roads and neighbouring properties and that it is installed so as to minimise any significant impact on the surrounding residential amenity that no significant impact to the adjoining public road or adjoining properties should occur. In this regard I agree with the general approach of the Planning Authority as set out in Condition No 2 in terms of light spill. However I do not see the planning merit of requiring led fittings for the reasons set out above in relation to the sites location and existing mature trees. Accordingly I recommend that Condition No 2 be amended to omit any reference to led fittings.
- 7.7. For completeness in relation to **Appropriate Assessment** I would set out the following. Having regard to the nature and scale of the proposed development, within an established urban area, and its distance to the nearest European site, 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.

- 7.8. For completeness in relation to **EIA Screening** I would set out the following. Having regard to the nature and scale of the proposed development comprising the erection of flood lighting within the overall GAA pitch complex there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 8.0 Conclusion & Recommendation

- 8.1. Having regard to the nature of Condition No 2 the subject of the appeal and based on the reasons and considerations set out below, I am satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and recommend that the said Council be directed under subsection (1) of section 139 of the Planning and Development Act, 2000 to **AMEND** Condition Number 2 for the reason and considerations set out:

## 9.0 Reason & Considerations

- 9.1. Having regard to the provisions of the Wexford County Development Plan 2013-2019, the established pattern of development in the area and the nature, scale and design of the proposed flood lighting it is considered that, subject to compliance with the condition set out below the proposed development would not seriously injure the amenities of the area or property in the vicinity, would be acceptable in terms of traffic safety and would therefore be generally in accordance with the proper planning and sustainable development of the area.

## 10.0 Condition No 2

*The proposed lighting design should avoid light spill onto public roads and neighbouring properties. The lighting scheme shall be installed so as to minimise any significant impact on the surrounding residential amenity and to*

*prevent glare or dazzle on adjoining access road, public road or on adjoining properties.*

**Reason:** *In the interest of residential amenity and proper planning and development.*

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**Mary Crowley**

**Senior Planning Inspector**

**22<sup>nd</sup> January 2019**