



An  
Bord  
Pleanála

## Inspector's Report ABP 302898-18.

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<b>Development</b>	Sport ground comprising the construction of a synthetic all-weather pitch on site of circa 1.7 hectares.
<b>Location</b>	Jesus and Mary College, Our Lady's Grove, Goatstown Road, Goatstown, Dublin 14.
<b>Planning Authority</b>	Dún Laoghaire-Rathdown Co. Council
<b>Planning Authority Reg. Ref.</b>	D18A/0387
<b>Applicant</b>	The Board of Management Jesus and Mary College
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Michael F. Redmond
<b>Observers</b>	(1) Professor Barak A. Pearlmutter (2) Roebuck Residents Association
<b>Date of Site Inspection</b>	3/1/19

**Inspector**

Siobhan Carroll

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## 1.0 Site Location and Description

- 1.1. The appeal site is situated in Goatstown in south Dublin. The site is occupied by a girl's secondary school Jesus and Mary College. Our Lady's Grove Primary School is located to the east. Residential development has been carried out and is on-going on the former institutional lands to the south of the schools. The schools and housing are served by a shared vehicular access onto Goatstown Road.
- 1.2. The stated site area is 1.7 hectares. It contains a three-storey secondary school building. The school grounds to north and west of the building contain the existing all-weather hockey pitch which has dimensions of 98m x 62m on a north-south axis. 3 no. artificially surfaced tennis courts are located to the north of the secondary school building. There is a historic wall which extends for circa 70m it separates the location of the tennis courts from the grassed area and hockey pitch.
- 1.3. The site is typified by trees dotted through the site of semi-mature status together with a treeline along its southern (side) boundary. The northern site boundary adjoins the rear gardens of semi-detached dwellings in Roebuck Downs. The western site boundary adjoins the rear gardens of bungalows within Friarsland Road.

## 2.0 Proposed Development

- 2.1. Permission is sought for the development of its sports grounds. The development will consist of the following;
  - construction of a synthetic all-weather hockey pitch which has dimensions of 55m x 91m on an east-west axis;
  - 3 metres high boundary fencings;
  - 58m access road (for maintenance/emergency);
  - changes to levels; hard and soft landscaping works; diversion of services; associated site excavation;
  - infrastructural and all other site development works above and below ground.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission was granted subject to 6 no. conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

Report dated 21/6/18 – Further Information sought in relation to the following;

1.
  - (a) Demonstrate how the proposed hockey pitch fits into the masterplan for these in institutional lands.
  - (b) Clarify why the hockey pitch is being relocated and why the school site is being reduced.
  - (c) Demonstrate how the reduction in the school site accords with the zoning objective.
  - (d) Demonstrate how the need for future expansion of the school has been taken into account.
2. Clarify the name of the local hockey club which currently uses the pitch. The applicant is requested to submit an undertaking that the proposed hockey pitch will be made available for the local community.
3.
  - (a) Submit plans and elevation showing the future provision of a pedestrian/cyclist connectivity facility to Roebuck Downs and Friarsland Road.
  - (b) Submit an undertaking that the existing car parking spaces associated with the school use will be available for car parking after hours and at weekends.

4. The applicant is requested to confirm that Tree Line 1 will survive given the required extent of the overhanging foliage to be trimmed back at the boundary wall.

Report dated 4/10/18 – Following the submission of a response to the further information the Planning Authority were satisfied with the details provided and permission was granted.

### 3.2.2. Other Technical Reports

Drainage Planning Section – No objections subject to conditions.

Transportation Planning Section – Report dated 25/9/18 – No objections subject to conditions.

### 3.3. Prescribed Bodies

Department of Education and Skills: No objections

### 3.4. Third Party Observations

The Planning Authority received three observations/submission in relation to the application. The main issues raised are similar to those detailed in the appeal and observations to the appeal.

### 4.0 Planning History

There is an extensive planning history pertaining to the overall landholding which is fully outlined in the Planning Officer's report.

### 5.0 Policy Context

#### 5.1. Dun Laoghaire-Rathdown County Development Plan 2016-2022

##### **Zoning**

The site is zoned 'A' with the objective to protect and/or improve residential amenity.

There is an objective identified on Development Plan Map No. 1 to protect and preserve Trees and Woodland adjacent to the tennis courts on the subject site.

**Policy SIC8: Schools** - It is Council policy to ensure the reservation of primary and post-primary school sites in accordance with the requirements of the relevant education authorities and to support the provision of school facilities and the development / redevelopment of existing schools throughout the County.

#### **Section 8.2.12.4 – School Development**

The Planning Authority will consider school developments having regard to specific requirements of the Department of Education and Skills and guidance set out within 'The Provision of Schools and the Planning System, A Code of Practice for Planning Authorities, the Department of Education and Science, and the Department of the Environment, Heritage and Local Government, 2008'.

Dual function of sports facilities/halls etc outside of school hours will be encouraged where the use of such facilities will be of a benefit to the wider community, however any outside hours usage of the school should not be to the detriment of adjoining residential amenities. Full details of all anticipated uses outside of school hours should be provided with the planning application.

#### **Policy OSR10 Sports and Recreational Facilities**

It is Council policy to promote the provision and management of high quality sporting and recreational infrastructure throughout the County and to ensure that the particular needs of different groups are incorporated into the planning and design of new facilities.

#### **Section 8.2.3.4 (xi) refers to Institutional Lands**

In order to promote a high standard of development a comprehensive masterplan should accompany a planning application for institutional sites.

In addition to the provision of adequate open space, on Institutional Lands where existing school uses will be retained, any proposed residential development shall have regard to the future needs of the school and allow sufficient space to be retained adjacent to the school for possible future school expansion/ redevelopment.

## **5.2. National Policy**

### **5.2.1. The Provision of Schools & the Planning System – A code of Practice for Planning Authorities, the Department of Education & Science and the Department of the Environment, Heritage and Local Government, July 2008.**

5.2.2. The Code of Practice sets out best practice approaches that should be followed by planning authorities in ensuring that the planning system plays its full part in facilitating the timely and cost-effective roll-out of school facilities by the Department of Education and Science and in line with the principles of proper planning and sustainable development.

## **5.3. Natural Heritage Designations**

5.3.1. The nearest Natura 2000 sites are;

- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 2.7km east of the site.
- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approximately 2.8km east of the site.
- The Rockabill to Dalkey Island Special Area of Conservation (Site Code: 003000), approximately 9.8km east of the site.
- The Dalkey Islands Special Protection Area (Site Code: 004172), approximately 9.6km east of the site.
- Wicklow Mountains Special Area of Conservation (Site Code: 002122) is 7.7km south of the site.
- Wicklow Mountains Special Protection Area (Site Code: 004040) is 7.8km to south of the site.



## 6.0 The Appeal

### 6.1. Grounds of Appeal

A first party appeal was submitted by Michael F. Redmond. The main issues raised are as follows;

- The existing hockey pitch is located on a north-south axis. This north-south orientation of hockey pitches is recommended by the International Hockey Federation and Hockey Ireland. The north-south orientation of pitches eliminates the possibility of any glare from the sun to players. The proposed east-west orientation of the hockey pitch would make the pitch unplayable at low morning/afternoon and early evening periods.
- The east-west orientation would mean that the pitch could not be used for competitive matches or by a local hockey club. It was previously intended to upgrade the existing north-south axis pitch with an all-weather surface. It is considered that there is no valid planning reason for relocating the pitch to an east-west axis.
- The sale of the campus lands to the south-west are conditional on the purchaser providing an all-weather hockey pitch subject to planning permission within the school site. It is stated that no information was provided as to what should occur should planning permission be refused.
- A Master Plan was not submitted with the application. The further information requested the submission of a Master Plan for the entire 6.4 hectare site of Institutional lands.
- A Master Plan for the Secondary School site was submitted. It did not include the primary school lands, parking and facilities. The submitted Master Plan does not demonstrate in accordance with RES 5, which refers to Institutional lands how the need for the future expansion has been taken into consideration.
- The Minister for education on 13/4/18 announced a new 16 no classroom primary school and a secondary school to accommodate 800 pupils for

Goatstown/Stillorgan. It is clear that Our Lady's Grove will accommodate some of the expansion.

- It is proposed to remove trees and planting from outside the site boundary. A total of 17 no. trees out of a total of 31 no. trees would be removed including those along the northern boundary with Roebuck Downs. They are trees no's 27-34 as detailed in Arborists report.
- It is indicated that trees no's 37-43 which act as a screen to the Secondary School are proposed to be retained. It is noted that many of the trees proposed to be retained are in a similar condition to those proposed to be removed.
- It is proposed to retain the fencing and surface of the section of the hockey pitch which has been sold.
- Policy RES 5 of the Development Plan refers to open space provision. It states, *"This provision must be sufficient to maintain the open character of the site with development proposals structured around existing features and layout, particularly by reference to retention of trees, boundary walls and other features as considered necessary by the Council."*
- The proposed hockey pitch on an east-west axis would require the removal of a major specimen tree, tree no. 26 the Beech tree. The removal of the tree would not be in accordance with the objective to protect and preserve trees and woodland on site.
- It is stated that there is non-compliance with planning permission Reg. Ref. D07A/1504 for the construction of a two-storey primary school in relation to the provision of bicycle stands and CCTV/luminaire.
- The current proposal seeks to use the area provided under Reg. Ref. D07A/1504 for bicycle parking, CCTV and lighting to provide access to the proposed hockey pitch, including access for emergency services.
- Previously the secondary school was served by an outdoor basketball court. Since the redevelopment of the school under Reg. Ref. D07A/1504 no outdoor basketball court has been provided. The relocation of the hockey

pitch would mean the area to the west of the school could not accommodate a basketball court.

- Concern is expressed that fire and emergency vehicle access to the secondary school and primary school would be affected by the proposal.
- It is considered that a new public notice should have been required with the request for further information.
- The Master Plan submitted without prejudice by the applicant in response to the further information indicates that the area of Our Lady's Grove Campus has been reduced by 0.94 hectares.
- The report of the Planning Authority states that the Department of Education has raised no objection to the reduction in the school campus. It is noted in the appeal that Department identified the need for a secondary school in the area.
- Minimum open space of 25% of the site area has not been provided in accordance with Section 8.2.3.4(xi) and Section 2.1.3.5 and Policy RES 5 of the Development Plan which refers to Institutional land.
- Concern is expressed at the height of the proposed fence around the hockey pitch at 3m. The proposed separation distance of 300mm to the boundary with Friarsland Road is considered inadequate to provide access to maintain the boundary and existing trees and planting.
- It is proposed in the application that a gate would be provided at the northern boundary to provide for maintenance purposes. However, there is no proposal for access from the Friarsland Road boundary.
- The setback of the existing hockey pitch is 2m from the boundary wall on Friarsland Road.
- The area of land to the rear of Roebuck Downs is lower than the hockey pitch level. Drawing 1612-OMP-HP-00-DR-A-xx-31005 indicates that the garden of no. 32 Roebuck Downs is significantly lower than the level of the proposed hockey pitch. If there were significant run-off from hockey pitch it could result in flooding of the rear gardens in Roebuck Downs from no's 24-38.

- It is submitted that there is no reason to site the proposed hockey pitch away from its current location. It is requested that permission be refused for the reasons set out in the appeal.

## 6.2. Applicant Response

A response to the third party appeal has been submitted by Tom Phillips and Associates on behalf of the applicant the Board of Management Jesus and Mary College. The main issues raised concern the following;

- It is set out that the sale of the lands adjoining the site is not a planning matter but rather a legal issue. The sale of the lands is unrelated to the planning assessment of the proposals.
- In relation to the governance and management of the subject school and Our Lady's Grove Primary School it is highlighted that the primary school and the secondary school are separate entities which are governed by separate Boards of Management.
- There are 14 no. applications which refer to the overall lands at Our Lady's Grove. They concern the development of both schools and the residential development to the south-east. It is noted that none of the planning history directly relates to the subject hockey pitch.
- The proposed development is fully in compliance with the zoning of the site. It is zoned objective 'A' "To protect and/or improve residential amenity".
- Development Plan policy supports the development of school facilities. Policy SIC8 refers to the provision of school facilities. Policy OSR10 refers to the provision of sports and recreational infrastructure. Section 7.13.3 of the Plan refers to development and/or redevelopment of schools including the provision of sports facilities. Section 8.2.12.4 refers to the dual usage of sports facilities/halls to benefit the wider community.
- In response to the matter of the proposed east-west orientation of the hockey pitch, it is noted that the International Hockey Federation last year issued guidance documents in relation to hockey turfs, hockey fields and five a-side courts. The documents highlighted the optimum orientation is on a north-

south axis. However, this is a recommendation only. It is submitted that the proposed east-west axis will not render the pitch unusable. Reference is made to five other hockey pitches in the wider area which are orientated on an east-west axis.

- The pitch will be available for use by a local hockey club outside school hours. However, its main use will be for pupils attending the secondary school. It is noted that no floodlighting or seating are proposed and it is not envisaged that the pitch will be used for large sporting events.
- The rationale behind the decision to re-orientate the hockey pitch is consequent of the sale of the lands by the Order of Religious of Jesus and Mary. Approximately 2,279sq m of the existing hockey pitch forms part of the lands which have been sold. This area is no longer under the control of the Order or the secondary school. Therefore, the school does not have any rights to develop the area.
- The proposed development comprises the replacement of an underutilised school pitch which is in poor condition with a state of the art all weather pitch. The appellants reference to Section 8.2.3.9 (xi) of the Development Plan which refers to Institutional lands does not apply to the proposal.
- In relation to the issue of the masterplan, one was not submitted with the application as it was not deemed to be required. The Planning Authority sought a masterplan under the request for further information. The applicant was advised by Eamonn Galligan S.C. that the requirement to submit a masterplan for the original Our Lady's Grove landholding was ultra vires.
- A masterplan for the original Our Lady's grove landholding was submitted as part of the further information response. It was submitted without prejudice.
- Section 8.2.3.4(xi) of the Development Plan is intended to address proposals for the redevelopment of Institutional lands for purposes other than the original use. The proposal is not for residential development and the requirement for a masterplan arises only in circumstances where the continuation of institutional uses is likely to be detrimentally affected by the application.

- The applicant does not own or control the balance of Our Lady's Grove lands and therefore they cannot compel third parties to provide detailed development proposals for their lands.
- The masterplan submitted with the further information illustrates the proposed hockey pitch and a future expansion zone of circa 2,040sq m for the secondary school which would be subject to funding and planning permission. There are no current expansion proposal.
- The masterplan also identifies other landholdings within the 6.4 hectares which are developed and/or will be subject to future development.
- It is noted that the Department of Education and Skills has no objection to the proposed development. It is stated in the appeal that the Department announced in April 2018 that a new 16 no. classroom primary school and an 800 pupil secondary school will be provided in the Goatstown/Stillorgan Area. The appellant states that Our Lady's Grove lands will accommodate some of this extension. However, neither the Department nor the Local Authority has indicated that the school lands will be used for the development of a new school.
- The appellant outlined that the proposed development would entail the removal of a number of trees. An Arboricultural Report prepared by the Tree File Limited was submitted with the application. It includes a survey of trees on site. It is highlighted in the report that it would be necessary to remove 17 no. trees within the site. The trees proposed to be removed are classified either U - dead, C – poor quality and B – moderate quality. It is considered that the removal of these trees and shrubs would improve the site and its safety.
- The crowns of trees identified in Tree Line 1 in contact with the top of the fence of the existing hockey pitch will be removed. It is noted that these trees are rooted outside the site area.
- In relation to the additional trees surveyed outside the redline boundary it is stated that no proposed works or removal are intended for those trees.

- The reference in the appeal to Section 8.2.3.4 (xi) of the Development Plan in relation to open space, this is understood to relate to residential developments only and not a school development.
- It is submitted that the removal of trees within the school site will not adversely impact the surrounding area.
- It is noted that there is a significant change in level between the existing hockey pitch and the rear gardens of dwellings in Roebuck Downs. The proposed fence surrounding the pitch and site boundary abutting the residential properties on Roebuck Downs is setback. Access to the area will be provided for maintenance purposes.
- Accordingly, the proposed development would not negatively impact on the residential amenity on properties.
- It is noted in the appeal that it is proposed to remove tree no. 26 which is described as a 'major specimen'. As set out in the Arborist's Report this tree has been identified as suffering from fungal infection and therefore requires removal.
- The appeal raises issues regarding compliance with a previous planning permission. It is stated that matters of non-compliance are not a consideration for the Board.
- Reference is made to a previous application made by the primary school under Reg. Ref. D07A/1504 and the potential to provide a replacement basketball court for the secondary school. In response to this issue it is stated that permission for a basketball court was not sought under that application.
- The secondary school has a multi-purpose games area enclosed by a fence. The area is lined so it can be used for both tennis and basketball.
- The appeal refers to access for fire and emergency vehicles to the secondary school and primary school. The proposed development does not impact upon accessibility to either school by the emergency services. Access to the hockey pitch is facilitated under the subject application.

- It is the applicant's opinion that the response to further information submitted to the Planning Authority on the 13<sup>th</sup> of September 2018 did not contain significant information.
- The proposed development would not result in the reduction of the school site. The proposed pitch would enhance the educational facilities.
- In relation to the suggestion that the public uses a route access the existing hockey pitch as a shortcut to Goatstown Road by climbing the existing 3m high boundary fence is considered unreasonable.
- Having regard to the width of the space between the fence and the boundary wall, it is not considered necessary to provide an access point on this boundary fence.
- Regarding the issue of flooding risk to the rear gardens of no's 24-35 Roebuck Downs, it is noted that the existing hockey pitch is free draining and discharges to ground. The proposed hockey pitch will mimic the current conditions on site. The design of the hockey pitch will incorporate a stone bed to provide for the storm water to infiltrate through the stone into the subsoil.
- The report of DBFL on "Infrastructure Design Report" states that for a 1:100 year event that a maximum volume of 478.2sq m and a total of 534sq m of storage provided.
- Therefore, it is submitted that the proposed development would have no impact on the potential risk of flooding to the adjoining houses.
- The first party requests that the Board uphold the decision to grant permission. The proposed pitch will significantly enhance the schools facilities and is consistent with the proper planning and sustainable development of the area.

### 6.3. Planning Authority Response

- The Planning Authority refer the Board to the Planner's Report and state that they consider that the grounds of appeal do not raise any new matters which would justify a change of attitude to the proposed development.



## 6.4. Observations

### **(1) An observation to the appeal was submitted by Roebuck Residents Association. The main issues raised are as follows;**

- The observers state that they have no objection to the refurbishment of the existing hockey pitch which is in bad condition.
- The size of the educational campus has been reduced for sporting and recreational purposes since institutional zoned lands were sold in 2009.
- The Planning Authority requested the submission of a site wide Masterplan as part of the further information sought on the 21/6/18. A Masterplan was submitted as part of clarification of further information. However, it does not indicate the proposed final development of the campus site.
- The developer who purchased the remaining sites on the campus is contracted to refurbish the hockey pitch as part of the condition of sale of the lands.
- Roebuck Residents Association requested in their submission to the Planning Authority that the new pitch be made available for use by the local community. In particular, it was requested that the pitch be available for free to be used by the Goatstown Community Games group.
- The Planning Authority attached condition no. 2 which states,
  2. *The reasonable use of the hockey pitch outside of school hours shall be made available where feasible and appropriate and where it will be of a benefit to the wider community. The existing car parking shall be made available to facilitate this.*

*Reason: To comply with the requirements of Section 8.2.12.4 (School Development) of the County Development Plan 2016-2022 and in the interest of the proper planning and sustainable development of the area.*
- This condition is welcomed however it is suggested that the new pitch could be built as a multi-sports facility to serve the whole community and the school.

- The observers note the matters raised in the appeal concerning fire brigade and emergency access to the schools. The emergency access route and fire engine turning area for the primary school is located to the north-east of the secondary school. This area of land has been sold off which is very concerning.
- The distance between the proposed 3m high fence to the new hockey pitch and the boundary wall of the properties at Friarsland Road is indicated as 300m. The current separation distance is 2.5m which provides space for access to maintain the trees and planting. The proposed setback is not considered adequate to access the trees and planting.

**(2) An observation to the appeal was submitted by Professor Barak A. Pearlmutter. The main issues raised are as follows;**

- It is acknowledged that the school has a need for a new hockey pitch. It is stated that the existing hockey pitch could be refurbished in its current location and orientation.
- The relocation and reorientation of the hockey pitch constitutes a safety hazard in relation to emergency access and does not provide appropriate distance from the boundary wall and this would result in the proposed pitch being unsuitable.
- The observer supports the matters raised in the appeal submitted by Michael Redmond.
- The observer notes the location and layout of the schools former sports field which comprises the entire south-west quadrant of the OLG site. The proposed relocation and reorientation of the hockey pitch to the north-west corner of the site would appear to be proposed to provide for residential development on the former sports field.
- It is noted that the field in the south-west quadrant of the campus which was used as a sports field was fenced off while it was still in the ownership of the Religious order. It is requested that the Board consider the proposal as if the former sports field had not been fenced off.

- It is noted that large trees located within the fenced off sports field have not been maintained.
- It is requested that the Board refuse permission on the basis that adequate institutional lands do not remain to serve the school including the former sports field and the proposed relocation and reorientation of the hockey pitch would further compound the reduction in the schools lands.

## 7.0 Assessment

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Principle of development
- Design and impact upon amenity
- Drainage issues
- Appropriate Assessment
- Environmental Impact Assessment

### 7.1. Principle of development

- 7.1.1. The appeal site is zoned objective 'A' – where the objective is to 'protect and-or improve residential amenity'. Although housing is the primary use in this zone it is noted that education and sports facilities (among other uses) are open for consideration in accordance with Table 8.3.2 which refers to Zoning Objective 'A' in the Dún Laoghaire-Rathdown County Development Plan, 2016-2022.
- 7.1.2. The appeal site is within the grounds of an established Educational Institution, i.e., Jesus and Mary College and the proposed use is an ancillary use to the existing secondary school. Furthermore, the proposal would replace the existing hockey pitch. Therefore, I would consider that the proposed development represents a replacement of an existing use and having regard to the zoning objective of the area I would consider that the proposed development would be acceptable in principle.

- 7.1.3. The grounds of appeal and the observations refer to the requirement for a master plan to be submitted with the application. The Planning Authority as part of their further information requested the submission of a Master Plan for the entire 6.4 hectare site of Institutional lands at Our Lady's Grove, Goatstown. In response the applicant submitted a Masterplan which referred only to the site of Jesus and Mary College as the other lands are outside their ownership.
- 7.1.4. The appellant has raised concern that the area of the overall secondary school site has been reduced due to the sale of lands and that proposed to relocation the new hockey pitch is sought due to those changes. The appellant also noted in the appeal that the Department of Education and Skills has plans to develop a new 16 no. classroom primary school and a secondary school to accommodate 800 pupils for Goatstown/Stillorgan. It was put forward in the appeal that the lands at Our Lady's Grove, Goatstown could be the future location of the new schools. In response to this issue the first party stated that neither the Department of Education and Skills nor Dún Laoghaire-Rathdown Co. Council has indicated that the school lands at Our Lady's Grove will be used for the development of a new school. Furthermore, I note that the Department of Education and Skills has no objection to the proposed development.
- 7.1.5. The first party in response to the matter of the sale of former school lands stated that sale of the lands adjoining the site is not a planning matter but rather a legal issue. Section 8.2.3.4 (xi) of the Development Plan refers to Institutional Lands, it states that in addition to the provision of adequate open space, on Institutional Lands where existing school uses will be retained, any proposed residential development shall have regard to the future needs of the school and allow sufficient space to be retained adjacent to the school for possible future school expansion/redevelopment.
- 7.1.6. In relation to the submitted masterplan, the applicant has provided details of the existing, proposed and potential future expansion of lands within their ownership i.e. within the ownership of Jesus and Mary College. Drawing No: 1612-OMP-HP-DR-A-XX-11007 indicates the location of the proposed hockey pitch and a future expansion zone of circa 2,040sq m for the secondary school. As indicated on the Masterplan all other lands are outside of the school's ownership including the southern section of the existing hockey pitch. I consider the information provided in respect of the submitted Masterplan and details provided by the applicant are sufficient to assess

the current proposal. The masterplan clearly indicates the existing, proposed and potential future expansion on the lands within the school's ownership which provides for the existing school building, existing and proposed recreational areas i.e. the existing tennis courts and proposed hockey pitch and an area for potential future expansion. Accordingly, I would conclude that the school site has an adequate area available to accommodate the uses and specific requirements of Jesus and Mary College including the proposed hockey pitch.

## **7.2. Design and impact upon amenity**

- 7.2.1. The appellant has expressed concern at the proposed re-orientation of the hockey pitch, the proximity of the pitch to the site boundaries and the loss of trees.
- 7.2.2. The subject proposal involves the hockey pitch being constructed on an east-west axis. It is argued in the appeal that a north-south orientation of hockey pitches is recommended by the International Hockey Federation and Hockey Ireland. The appellants states that a north-south orientation of hockey pitches would eliminate potential glare from the sun to players and that the proposed east-west orientation of pitch would result in pitch being unplayable at low morning/afternoon and early evening periods. While, I would note that the International Hockey Federation recommends that pitches be orientated as close as possible to north-south it is the case that at latitudes further from the equator, the orientation can swing to up to 15° east or west of north-south. In response to this issue, the first party noted that the guidance issued by the International Hockey Federation in relation to hockey turfs, hockey fields and five a-side courts highlighted that the optimum orientation is on a north-south axis. However, it is submitted that is a recommendation only and it is further reiterated that the proposed east-west axis would not render the proposed pitch unusable. The first party response refers five other hockey pitches in the wider area which are orientated also on an east-west axis. Accordingly, I do not consider that the proposed orientation of the hockey pitch would render it unplayable.
- 7.2.3. The grounds of appeal refer to the proposed proximity of the fenced boundary of the hockey pitch to the northern and western site boundaries. The appellant has expressed concern that a separation distance of 300mm between the proposed fence of the hockey pitch to the boundary with Friarsland Road is adequate to ensure access is available to maintain the trees and planting. Reference is made to

a new gate from the pitch at the northern boundary to provide for maintenance purposes, but it is noted that there are no proposals for access from the Friarsland Road boundary.

- 7.2.4. The proposed design of the hockey pitch including the access to the space between the fence and the northern boundary which will facilitate access for maintenance purposes only. In relation to the space between the proposed fence and the boundary wall along the western boundary with Friarsland Road the applicant stated that given the limited width of the space it was not considered necessary to provide an access point on this boundary fence. Accordingly, I consider that the scheme has been designed to provide for maintenance access to the boundary while not providing further access which could impact upon the residential amenities of the adjacent properties.
- 7.2.5. The issue of tree removal was raised by the appellant and the proximity of a number of trees to be retained to the proposed hockey pitch. Specific reference is made to necessity to remove tree no. 26 the Beech tree and the proximity of existing trees to the proposed pitch. An Arboricultural Report prepared by the Tree File Limited was submitted with the application. The proposed development requires the removal of a total of 17 no trees. As set out in the Arboricultural Report the trees proposed to be removed are classified either U - dead, C – poor quality and B – moderate quality. It is stated in the appeal response that the removal of the trees is necessary and that it would improve the safety of the site.
- 7.2.6. In relation to tree no. 26 a Beech tree, it is confirmed that this tree has fungal infection and therefore it is necessary that it be removed. Regarding the proximity of a number of trees within tree line 1 to the proposed fence it is proposed that the crowns of trees identified in Tree Line 1 in contact with the top of the fence of the existing hockey pitch will be removed. Having regard to the details provided including the Arboricultural Report, I am satisfied with the proposals concerning tree removal and trimming.

### 7.3. **Drainage issues**

- 7.3.1. The grounds of appeal raised the matter of surface water drainage. Concern is expressed that the development of the proposed hockey pitch could result in a risk of flooding to the rear gardens of properties to the north at no's 24-38 Roebuck Downs.

It is stated in the appeal that ground level of those properties at Roebuck Downs is significantly lower than the level of the proposed hockey pitch level. Drawing 1612-OMP-HP-00-DR-A-xx-31005 indicates site sections. As indicated on Section 1-1 that ground level of rear garden of no. 32 Roebuck Downs is circa 1.8m below the level of the proposed pitch.

- 7.3.2. In response to the matter of potential flooding of adjacent properties the applicant set out details of the proposed hockey pitch the design and drainage. An Infrastructure Design report was prepared by DBFL Consulting Engineers. It is set out in the report that the area of the hockey pitch is approximately the same as the surface area of the existing pitch at 6,565sq m. The proposed hockey pitch has been designed to act as a soakaway providing appropriate capacity and discharge to ground. The hockey pitch design comprises a synthetic playing surface with the level below built up with 150mm of 40-20mm angular stone and then a bed of 200mm deep of 75-40mm angular stone. This will provide for storm water infiltration to mimic current site conditions. An earthen weir is also proposed to ensure that the full attenuation capacity of the stone layers is used. The drainage system has been designed for a 1:100 year event to provide a maximum volume of 478.2m<sup>3</sup>. A total of 534m<sup>3</sup> of storage is provided in the proposed design.
- 7.3.3. The site layout is indicated on Drawing No. 132086-3500. As detailed on the layout surface water from the pitch is proposed to drain north to a surface water drain which runs along the extent of the northern side of the pitch. This new drainage system is proposed to connect to the existing surface water system within the site.
- 7.3.4. It is confirmed in the report of DBFL Consulting Engineers that the surface water management for the proposed hockey pitch is in accordance with the Greater Dublin Strategic Drainage Study.
- 7.3.5. Accordingly, I am satisfied with the drainage details submitted, subject to them being constructed and operated in accordance with the requirements of the planning authority for such works and services. Furthermore, I note that in relation to surface drainage the Drainage Planning Section of the Council have no objections to the proposed scheme.

#### **7.4. Appropriate Assessment**

- 7.4.1. Having regard to the nature and scale of the proposed development, and the location of the site 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.

#### **7.5. Environmental Impact Assessment**

- 7.5.1. Having regard to the nature and scale of the development which consists of a new hockey pitch, 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 a grant of permission subject to the following conditions.

### **9.0 Reasons and Considerations**

Having regard to the pattern of development in the vicinity, the established use of the site for sports and recreation, and the zoning provisions for the subject lands as set out in the current Development Plan for the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, the proposed development would not constitute a risk of flooding or be prejudicial to public health. 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 the 13th day of September, 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 reasonable use of the hockey pitch outside of school hours shall be made available where feasible and appropriate and where it will be of a benefit to the wider community. The existing car parking shall be made available to facilitate this.

**Reason:** To comply with the requirements of Section 8.2.12.4 (School Development) of the County Development Plan 2016-2022 and in the interest of the proper planning and sustainable development of the area.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

4. The proposed fencing around the hockey pitch shall be finished in a dark green colour or as otherwise agreed in writing with the Planning Authority prior to commencement of development on site.

**Reason:** In the interest of visual amenity and the proper planning and sustainable development of the area.

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Siobhan Carroll  
Planning Inspector

1<sup>st</sup> of February 2019