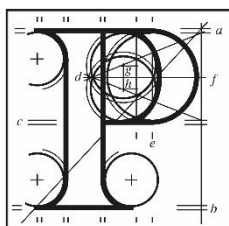


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An
Bord
Pleanála

Inspector's Report ABP-304408-19

Development	(a) Astroturf area, associated lighting and fencing (b) lighting for main pitch 4 No. lighting on both sides, the removal of the Portacabin, construct a small shed and all associated site works
Location	Russ Avenue, Mountrath County Laois
Planning Authority	Laois County Council
Planning Authority Reg. Ref.	18460
Applicant	Mountrath GAA
Type of Application	Permission
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party – v – Grant
Appellants	Mary O'Rourke, (Kevin & Marie Hogan) and others.
Date of Site Inspection	14 th , August 2019 & 25 th , September 2019.
Inspector	Paddy Keogh

1.0 Site Location and Description

- 1.1. The site of the proposed development is located within the existing GAA grounds located on the north-western fringe of Mountrath town centre. The site incorporates the GAA complex which includes a pitch, changing rooms and ancillary structures and a hard-standing parking area.
- 1.2. Access to the site is via a gated entrance near the bottom of Russ Avenue / Stillbrook, a cul-de-sac which also serves a number of dwellings which back onto the southern boundary to the appeal site. The Mountrath River (also known as the Whitehorse River) which forms part of the River Barrow and River Nore Special Area of Conservation (SAC) flows along the eastern boundary of the GAA site and the Coles River runs along the northern boundary. A drain runs along the southern site boundary at the interface with the rear gardens of the row of dwellings to the south of the site. These dwellings are occupied by the appellants. This drain discharges to the Mountrath River. Lands to the west of the site are in agricultural use.
- 1.3. The site of the proposed astroturf area is located at the southern end of the site abutting the southern side of an existing training wall.

2.0 Proposed Development

- 2.1.1. The proposed development involves:
 - The construction of an astroturf area/pitch (30 m. x 60 m.) and 2 no. associated floodlights.
 - Erection of 6 no. floodlights (3 on each side) to the main GAA pitch.
 - Removal of existing portacabin and erection of a small garden shed.
 - All associated site works.
- 2.1.2. The applicant clarified details of the proposed floodlighting in a submission received by the planning authority on 26th, March 2019 (in response to a request for clarification of further information). The applicant confirmed that it is proposed to:
 - Erect 6 no. floodlights around the main GAA pitch (3 floodlights on each side) and NOT 8 floodlights as stated in the public notices originally submitted by the applicant. The proposed floodlights will scale to a tip height of 21.34 m.

- Erect 2 no. floodlights along the southern edge of the proposed astroturf pitch. These floodlights will scale to a maximum tip height of 12.1 m. and NOT 5.3m as indicated in the documentation originally lodged with the planning authority.

2.1.3. The applicant submitted revised public notices in relation to clarification of the above matters.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Notification of a decision to grant planning permission for the proposed development subject to 12 conditions issued by the Board per Order dated 16th, April 2019.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning authority in their assessment of the proposed development requested that the applicant submit further information relating to the following matters (1) Flood Risk Assessment, (2) Impact on Bats, (3) Natura Impact Statement (NIS), (4) Lighting Report, (5) drainage works, (6) details of intended purpose of astroturf pitch and (7) details in relation to the impact of the proposed astroturf on the permitted use of the existing ball wall. The planning authority subsequently requested the submission of clarification of further information in relation to the impact of proposed lighting on residential property in the vicinity of the site.

3.2.2. Reports from the planning authority Senior Executive Planner dated 11th, March 2019 (following the receipt of further information) and 11th, April 2019 (following receipt of clarification of further information) include the following:

- A site specific flood risk assessment submitted by the applicant concludes that the proposed development is not expected to result in adverse impact on the hydrological regime of the area or increase flood risk elsewhere. These conclusions are accepted by the planning authority.
- A Bat Report submitted by the applicant concludes, following a survey of the site in the vicinity of the proposed astroturf area and the existing portacabin

structure thereon, that there was no evidence of bats at this location and no bat activity was recorded in the vicinity of the portacabin (proposed for removal). Bats were recorded elsewhere on the site. The proposed development will have a short-term moderate effect on bats. Light spillage onto the Mountrath River will be kept below 3 lux in order to prevent disturbance of bats.

- The content of the submitted NIS is deemed to be satisfactory.
- There is no objection to the proposed surface water drainage of the astroturf pitch to an existing soakaway.
- It is considered that concerns of neighbouring residents in relation to adverse impact on residential amenity arising from the use of the proposed astroturf pitch can be adequately addressed by means of the attachment of appropriately worded conditions to a grant of planning permission.
- The provision of the proposed astroturf pitch is intended to encourage use of the ball wall from the southern side only in keeping with the requirement of Condition No. 3(a) on the planning permission granted by the Board under Appeal No. PL11.249359.

3.2.3. Other Technical Reports

3.2.4. **Area Engineer (Western Area)** – Report (by email) dated 23rd, August 2018 indicates no objection to the proposed development subject to conditions.

3.3. Third Party Observations

3.3.1. One observation (signed by 5 parties) objecting to the proposed development was received by the planning authority. The grounds of objection are reflected in the submitted grounds of appeal.

4.0 Planning History

4.1.1. Appeal No. PL11.249259 (Reg. Ref. 17/178). Planning permission for a development consisting of retention of (a) 2m high wall between car park and pitch, (b) storage shed, (c) scoreboard, (d) 1m high fence surrounding pitch, (e) dugouts on either side of the pitch, (f) flagpoles, (g) ball wall and (h) drainage works on left hand side of

pitch for development of second pitch as training / underage pitch was granted by the Board, subject to 7 conditions per Order dated 9th, March 2018.

Condition No. 2 stated:

The hours of operation of the ball wall shall be confined to the hours of 9.00 am and 10.00 pm daily.

Reason: To protect the residential amenities of property in the vicinity.

Condition No. 3 stated:

(a) Measures, including the provision of seating on the pitch-facing side of the ball wall, to prevent the use of the ball wall from the north, shall be agreed in writing with the planning authority within 3 months of the date of this order, and shall be implemented in accordance with a timescale that shall be determined by the planning authority as part of such agreement.

(b) Tree shelter belts of at least two rows shall be planted along the southern boundary of the site in the first planting season following the date of this order. The trees shall consist solely of native or naturalised species and varieties. Any trees which die, are removed or become seriously damaged, within a period of five years from the date of planting, shall be replaced within the next planting season with other similar species, unless otherwise agreed with the planning authority.

Reason: In order to screen the development in the interest of visual amenity.

Condition No. 7 stated:

No floodlighting shall be erected without a separate planning permission.

Reason: In the interest of protecting the residential amenity of adjoining properties and to allow the planning authority to assess the suitability or acceptability of any such development through the statutory planning process.

- 4.1.2. Reg. Ref. 13/31 – Planning permission was granted by the planning authority to Mountrath GAA Club to construct an extension to the existing dressing rooms and to retain a prefabricated building on site.
- 4.1.3. Reg. Ref. 97/111 – Planning permission was granted by the planning authority for the creation of an enlarged entrance and the erection of a storage shed.

5.0 Policy Context

5.1. Laois County Development Plan 2017-2023

- 5.1.1. The site is zoned for Community, Educational and Institutional use.
- 5.1.2. The site is located within Flood Zone A – 1% (1 in 100) chance of flooding each year.

5.2. Natural Heritage Designations

- 5.2.1. The River Barrow and River Nore Special Area of Conservation (SAC) (Site Code 002162) is located in close proximity to the eastern boundary of the site.
- 5.2.2. The River Nore Special PROTECTION AREA (SPA) (Site Code 004233) is located c. 2.3 km to the south-west of the site.
- 5.2.3. The Slieve Bloom Mountains SAC (Site Code 000412) is located c. 5 km to the north of the site.
- 5.2.4. The Slieve Bloom Mountains SPA (Site Code 004160) is located c. 3.5 km to the north of the site.
- 5.2.5. The Knockacoller Bog SAC (Site Code 002333) is located c. 4.6 km to the south-west of the site.
- 5.2.6. The Coolrain Bog SAC (Site Code 002332) is located c. 7.8 km south-west of the site.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development involving the creation of a small scale astroturf pitch together with floodlighting within the confines of an established GAA facility and to the nature of the receiving environment 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.

5.4. Appropriate Assessment Screening

- 5.4.1. Following screening the planning authority requested that the applicant submit a Natura Impact Statement (NIS) (Stage 2 Appropriate Assessment) as further information.
- 5.4.2. The submitted NIS identifies six European Sites, as identified at Section 5.2 above, within 15 km. of the appeal site.
- 5.4.3. Four of these six sites (Knockacoller Bog SAC (Site Code 002333), the Slieve Bloom Mountains SAC (Site Code 000412), the Coolrain Bog SAC (Site Code 002332) and the Slieve Bloom Mountains SPA (Site Code 004162) have been screened out for the purposes of Appropriate Assessment for reasons including the fact that the European Site is upgradient of the proposed works and in a separate hydrological sub-catchment; no pathway or effect was identified and the site is not within the likely zone of impact etc. In relation to these four sites, I consider that having regard to the nature of the receiving environment together with the separation distance from these designated sites and the fact that they are upgradient of the appeal site, the conclusions of the NIS are reasonable and no appropriate assessment issues arise in relation to these designated sites. Accordingly, they can be 'screened out' from the need for Stage 2 Appropriate Assessment).
- 5.4.4. In relation to the remaining two European Sites (the River Barrow and River Nore SAC (Site Code 002162) and the River Nore SPA (Site Code 004233) Table 3 of the NIS identifies that these sites are both within the 'Likely Zone of Impact' of the proposed development. The proposed works are located directly adjacent to the SAC boundary in the case of the River Barrow and River Nore SAC and there is a hydrological connection between the European Site and the Appeal site in the case of the River Nore SPA. Thus, both of these sites have been 'screened in' for Stage 2 Appropriate Assessment.
- 5.4.5. Table 4,1 of the NIS assesses the direct and indirect effects of the proposed development in relation to the two sites within the 'Likely Zone of Impact'.

- 5.4.6. There is no potential for direct effects on the River Barrow SPA (the appeal site is located entirely outside the boundary of the SPA) and indirect effects are limited to potential pollution as a consequence of water pollution. Proposed mitigation measures include the placing of a silt fence between the proposed development and the Mountrath River along the eastern boundary of the site prior to the commencement of any works.
- 5.4.7. A small area of the River Barrow and River Nore SAC (confined to a narrow strip along the boundary of the Mountrath River) is contained within the proposed development site. The NIS states that regard to the nature and small scale of the proposed works there will be no significant direct effects on the designated site in light of its conservation objectives/qualifying interest. The potential for indirect effects on this designated site again arises as a consequence of water pollution. The NIS concludes that the potential run-off due to heavy rainfall would be subject to significant dilution within the surface water catchment and would be limited to a short duration effect. With proposed mitigation in place (the placing of a silt trap between the site and the Mountrath River along its eastern boundary) it is considered that the proposed development will not adversely effect the River Barrow and River Nore SAC (c. 4,2 km hydrological distance from the site at the point where it lies adjacent to the Mountrath/Whitehorse River).
- 5.4.8. Having considered the potential for cumulative impact with other plans and projects permitted within the vicinity of the site the NIS concludes that the proposed development (either individually or in combination with other plans and projects) will not adversely affect the integrity of any European Site.
- 5.4.9. Having regard to the nature and limited scale of the proposed development and to the nature and characteristics of the receiving environment, I consider that the conclusions of the NIS are reasonable.
- 5.4.10. Accordingly, I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the River Barrow and River Nore Special Area of Conservation (Site Code No. 002162), the River Nore Special

Protection Area (Site Code No. 004233) or any other European site, in view of the site's Conservation Objectives.

6.0 The Appeal

6.1. Grounds of Appeal

The submitted grounds of appeal include:

- The appellants have no objection in principle to the reasonable development of the GAA club grounds,
- The proposed development, by reason of its proximity to the appellants houses, will inevitably give rise to noise nuisance (shouting, cheering, whistles blowing etc.).
- Light nuisance from the proposed floodlighting of the astroturf pitch (with light directed onto and reflected from the ball wall) is a source of significant concern for the appellants.
- Details of the height of proposed lights are unclear.
- Condition No.6 (b) attached to the Board decision on Appeal No. PL11.249359 has been loosely interpreted by the GAA club.
- The hours of use of the proposed astroturf pitch between the hours of 10.00 am and 10.00pm Monday to Friday and 9.00 am and 9.00pm. on Saturdays, Sundays and Public Holidays on a year round basis permitted by the planning authority is considered to be excessive.
- Clarity is required in relation to future users of the astroturf pitch and ball wall. The applicant has not specified where the facility will be available for club users only or for use by other GAA clubs as well.
- Bats are a protected species under the Wildlife Act 1976 and under the EU Habitats Directive (92/43/EEC). The Bat survey referred to in the Bat Survey Assessment prepared by Ms. Donna Mullen was carried out on 28th, September 2018. This is not an optimum time for the carrying out of a bat survey. The astroturf area is adjacent to a stream which flows in an easterly direction into

the Mountrath River. This stream has not been mentioned in the Bat Assessment. The residents are aware that that bats use this stream as a corridor and feeding area.

- The NIS submitted by the applicant is flawed insofar as it makes no reference to bats.
- The residents believe that any landscaping schedule to be agreed with the planning authority should be agreed by a suitably qualified body for the protection of wildlife in general and bats in particular.
- Condition No. 3 (a) of the Board's decision in relation to Appeal No. PL11.249359 has been agreed with the planning authority. Nonetheless, the northern side of the ball wall continues to be used in contravention of the requirement of this condition. Hurling balls continue to be driven into the appellant's gardens. Unsupervised children regularly climb over resident's garden walls to retrieve hurling balls.
- Car parking provision to serve the development is inadequate particularly on match days when cars driven by players and a large number of spectators descend upon the area and park cars along the narrow cul-de-sac road serving the GAA facility.
- Condition No. 6 of Appeal No. PL11.249359 has not been complied with by the applicant. Advertising boards are regularly erected around the main pitch without the benefit of planning permission.
- Article 8 of the European Convention on Human Rights in relation to the right to privacy cited.

6.2. Applicant Response

None.

6.3. Planning Authority Response

None

7.0 Assessment

7.1.1. I consider that the key issues arising out of the current application and appeal relate to:

- (1) Residential Amenity
- (2) Hours of Operation
- (3) Protection of Bats and Bat Habitat
- (4) Car Parking
- (5) Non-compliance with Conditions attached to Appeal No. PL11.249359

(1) Residential Amenity

7.1.2. The submitted grounds of appeal argue that the proposed development will result in injury to the residential amenities of appellants dwelling which border the GAA club grounds and site of the proposed astroturf pitch along its southern boundary. Concerns are expressed in relation to injury to residential amenity arising from noise (shouting, blowing of whistles etc.) and light overspill etc.

7.1.3. I note that the proposed development relates to an existing club facility and GAA pitch that is well established at this location. The facility also has the benefit of planning permission, recently granted by the Board for a ball wall etc. immediately adjacent to the proposed astroturf pitch. Having regard to the established use of the site and to the limited size of the proposed pitch (30 sq.m. X 60 sq. m.) I consider that the impact of the proposed development in terms of noise nuisance will be marginal in nature and will not be significantly different to the use of the remainder of the club facility or to the use (or the potential use of the section of club grounds earmarked for use as an astrourf pitch) for sporting purposes in the absence of the construction of the astroturf pitch.

7.1.4. I note the concerns of the appellants in relation to the alleged unauthorised use of the northern side of the ball wall in contravention of Condition No. 3(a) attached to Appeal No. PL11.249359. This matter has been addressed at Section (5) below.

7.1.5. The applicant has confirmed (by way of further information) that the proposed development involves the erection of 6 no. floodlights to a tip height of 21.34m

surrounding the main GAA pitch and 2 no. floodlights scaling to a tip height of 12.1m to illuminate the proposed astroturf pitch (the later lights will be erected at each corner of the southern boundary of the pitch).

- 7.1.6. I consider that there will be sufficient separation distance between the proposed floodlighting for the main pitch and the appellants houses to ensure that (subject to satisfactory cowling etc. and in accordance with the technical details provided in the Floodlighting Report compiled by Neil McSherry BEng.) these lights will not interfere with the amenities of the appellants properties by reason of light overspill when the floodlights are in use.
- 7.1.7. The proposed 2 no. floodlights serving the proposed astroturf pitch are located in much closer proximity to the appellant's dwellings than the floodlights for the main pitch. However, these floodlights are significantly lower (at 12.1m) than those proposed for the main pitch. These lights will be only c. 1.5 times as high as a standard street light. I consider that subject to satisfactory cowling of these lights in order to direct light onto the pitch and away from the appellant's dwellings and to limitation of maximum lux levels the proposed lighting will not interfere unduly with the amenities of the appellant's dwellings. As set out at paragraph 7.1.14 below it is recommended that lux levels from the proposed floodlights should not exceed 3.

(2) Hours of Operation

- 7.1.8. The submitted grounds of appeal argue that the hours of operation of the proposed floodlights permitted by the planning authority in their notification of decision to grant planning permission are excessive (09.00am to 10.00 pm daily Monday to Friday incl. and 09.00am to 09.00 pm Saturday and Sunday) and should be restricted further in order to protect the residential amenities of the appellant's houses.
- 7.1.9. I note that the hours of operation of the ball wall permitted by the Board in March 2018 (Appeal No. PL11.249359) are between 09.00 am and 10.00 pm daily.
- 7.1.10. On balance, having regard to my conclusions above in relation to the fact that, subject to satisfactory cowling of the direction of the proposed floodlights and limitations on lux levels of the proposed floodlights immediately adjacent to the appellants houses, I do not consider that the hours of floodlight use permitted by the planning authority (which are slightly more restrictive than the overall hours of use permitted for the ball wall) are excessive.

(3) Protection of Bats and Bat Habitat

- 7.1.11. The submitted grounds of appeal argue that the impact of the proposed development on the river corridor adjacent to the proposed astro turf has not been addressed in the Bat Survey submitted on behalf of the applicant. Furthermore, it is submitted that the Bat Survey was carried out on 28th, September 2018 which is not an optimal time for the conducting of a Bat Survey.
- 7.1.12. A report from the planning authority Senior Executive Planner dated 11th, April 2019 indicates that the (amended) Bat Survey Report submitted in response to the planning authority request for clarification of further information is deemed to be acceptable and that the conclusions and recommendations of the report are accepted.
- 7.1.13. The Bat Survey records that Common Pipistrelle, Soprano Pipistrelle and Daubenton Bats were found on site. No evidence of bats was recorded in the building scheduled for demolition on the site and no bats were recorded entering or leaving the building.
- 7.1.14. Bat Conservation Ireland recommend that bat surveys should be carried out in summertime when bats are most active unless a site is significant for hibernating bats when surveys should ideally be carried out in wintertime. It appears that the conduct of a bat survey in September (late summer early autumn) is acceptable and indeed there is no serious impediment to conducting a survey at an even later stage in the year. It is unclear from the submitted documentation when the bat survey was conducted – the completed report is dated 28th, September 2018. However, it is not stated when. In fact, the survey was conducted. It is likely that the survey was conducted prior to this date (i.e. at an earlier date during the summer). In these circumstances, I consider that the basis and methodology of the survey are acceptable. In any event, I note that no evidence of bats was recorded in the building on site scheduled for demolition.

I note that the Bat Report identifies that light overspill from the proposed floodlighting as the principle source of interference with the corridor used by bats along the adjoining river. The Bat Report records a short to medium term negative impact of the proposed development on bats and bat habitat. However, I consider that the recommendations set out in the Bat Report in relation to the protection of the river corridor (boundary tree planting and maximum lighting levels of floodlights (3 lux)) will

adequately protect against and long-term negative impact on bats and bat habitats along the river corridor.

7.1.15. The submitted grounds of appeal state that the submitted NIS is flawed insofar as it makes no references to Bats. However, Bats and Bat Habitat are not listed as the Conservation interest in respect of any of the designated Natura 2000 sites in the vicinity of the appeal site. Accordingly, it is not mandatory that they feature in the NIS.

(4) Car Parking

7.1.16. The submitted grounds of appeal state that use of the GAA club results in occasional car parking problems as a consequence of overflow spectator car parking onto the road in the vicinity of the GAA club and in the vicinity of the appellants houses. It would appear that the problem is confined to event/match days. It is argued that the proposed development would exacerbate this problem.

7.1.17. Table 18 of the Development Plan indicates car parking requirements for a range of sport and leisure uses (including golf and pitch & putt courses, golf clubs, stadia etc.). Car parking requirements are expressed in numbers of spaces per seat, per golf green etc. No standard is stated in relation to GAA clubs or pitches. Car parking standards states in respect of these activities are not readily applicable in the case of GAA clubs or pitches.

7.1.18. The planning authority Area Engineer has indicated no objection to the proposed development on grounds of lack of car parking or otherwise.

7.1.19. I note that the proposed astroturf pitch is relatively small scale (30m X 60m) and would be unsuitable for the playing of senior matches. It is likely to be used primarily as a training pitch. On balance, I consider that it is highly unlikely that the astroturf pitch will be in use at the same time as matches and events are scheduled for the main pitch. Accordingly, I consider that the impact of the proposed development, if any, on car parking problems associated with the use of the GAA club as identified by the appellants (on event/match days) would be marginal only. In these circumstances, I consider that it would be unreasonable to refuse planning permission for the proposed development on the grounds of an occasional problem in relation to car parking that has been identified by the appellants in relation to the existing and permitted use of the GAA club.

(5) Non-compliance with conditions attached to Appeal No. PL11.249359

7.1.20. The submitted grounds of appeal object to the proposed development on grounds of non-compliance with conditions attached to the recent planning permission granted by the Board (Appeal No. PL11.249359) for the retention of a wall between a car park and GAA pitch, storage shed, scoreboard, fence, dugout, 3 flagpoles, ball wall and drainage works to facilitate the development of a second pitch.

7.1.21. The grounds of appeal refer to non-compliance with Conditions No. 3(a), Condition No. 5(a) and (b) Condition No. 6 attached to the previous Board decision.

Condition No. 5(a) and (b) relate to car parking and have already been addressed at Paras. 7.1.16 to 7.1.21 above.

Condition No. 3(a) states:

Measures, including the provision of seating on the pitch-facing side of the ball wall, to prevent to use of the ball wall from the north, shall be agreed in writing with the planning authority within three months of the date of this order, and shall be implemented in accordance with a timescale that shall be determined by the planning authority as part of such agreement.

Reason: In order to screen the development in the interest of visual amenity.

Condition No. 6 states:

No advertisements, signs advertising apparatuses or mobile telephony antennae including that which may otherwise be considered to be exempted development under the provisions of the Planning and Development Regulations, 2001, as amended, shall be erected on the site or the adjoining public thoroughfare unless prior planning permission has been obtained for such development.

Reason: In the interests of visual and residential amenity and in the interest of traffic safety.

7.1.22. A photograph accompanying the submitted grounds of appeal shows the ball wall form the northern side with seating erected, as agreed with the planning authority, in compliance with Condition No. 3(a). It is submitted that the seating that has been

erected does not comply with the intended outcome to be achieved by this condition insofar as play on the north side of the ball wall continues to take place.

- 7.1.23. Condition No. 3(a) refers to measures (including the provision of seating) to prevent the use of the ball wall from the north side to be agreed in writing with the planning authority. The Board has no role in relation to enforcement matters. In this regard, the concerns of the residents in relation to any unauthorised use of the northern side of the ball wall is a matter for investigation and action by the planning authority. Nonetheless, I note from an inspection of the site (and from the photograph submitted by the appellants) that only limited low level seating has been installed along the northern boundary of the ball wall. This is not sufficient to prevent the use of the ball wall from the northern side. In this regard, I consider that further measures are required in order to achieve the objective envisaged in Condition No. 3(a) attached to the previous Board decision. The hanging of netting on the northern side of the wall, or the attachment of sections of lattice fence or the growing of suitable climbing vegetation etc. would prevent the use of this side of the wall. In this regard, I consider that it would not be unreasonable for the Board to attach a suitably worded condition (reinforcing the requirement of Condition No. 3(a) of the Boards previous decision) to any grant of planning permission that may issue from the Board.
- 7.1.24. The submitted grounds of appeal argue that Condition No. 6 attached to the previous Board decision has not been complied with insofar as advertising boards are erected around the main pitch without the benefit of planning permission.
- 7.1.25. During the course of my recent site inspections no advertisements were erected around the main pitch. It may be the case that signs are erected on a short term basis during matches. Such adverting would normally constitute exempted development pursuant to provision under the *Planning and Regulations 2001*, as amended. On a strict reading of the wording of Condition No. 6 of the previous Board Order such advertising might not be permitted without the benefit of planning permission. However, the erection of any unauthorised signs (in breach of Condition No. 6) is ultimately and enforcement matter to be pursued with the planning authority and not a matter for the Board. [I consider that any technical breach of Condition No. 6 in this regard is essentially de minimus in its nature and would not constitute a reason for a refusal of planning permission for the development currently being proposed].

8.0 Recommendation

- 8.1. I recommend that planning permission for the proposed development be granted for the reasons and considerations and subject to the conditions as set out below.

9.0 Reasons and Considerations

Having regard to the zoning of the site for Community, Educational and Community use in the Laois County Development Plan 2017 – 2023, to the established and existing use of the site as a GAA club and to the nature and scale of the proposed development it is considered that, subject to compliance with the conditions as set out below, the proposed development would not seriously injure the amenities of residential or other property in the vicinity of the site, would be acceptable in terms of traffic safety and convenience of other road users, and would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

- (1) The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 5th, December 2018, 17th, December 2018, 31st, January 2019 and 22nd, March 22nd, March 2019, 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) Water supply and drainage arrangements including the 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.

- (3) (a) The floodlights shall be directed onto the playing surface of the pitches and away from adjacent housing. The floodlights shall be directed and cowled such as to reduce, as far as possible, the light scatter over adjacent houses and gardens. The two floodlights serving the proposed astroturf pitch shall be fitted to ensure that light levels from these floodlights do not exceed a maximum of 3 lux.
- (b) Details of a scheme for the monitoring of lighting levels from all of the proposed floodlights shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The developer shall arrange for the modification of lighting levels and beam direction in accordance with any requirement of the planning authority.
- (c) The colour of the floodlighting poles shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of residential amenity and to avoid disturbance to bats and bat habitats.

- (4) Details of a scheme of supplementary landscaping and boundary planting for the site shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. Any plants which die, are removed or become seriously damaged or diseased, within a period of 12 months from the date of completion of the proposed development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development in the interest of visual amenity.

- (5) Details of an acceptable location for the provision of bicycle parking within the site in accordance with site development standards as set out in the Laois County Development Plan 2017-2023 together with a timeframe for the provision of such facility shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In order to provide for a satisfactory standard of development and in the interest of traffic safety.

(6) The operation of the floodlighting shall be restricted to within the hours of 09.00 hours and 22.00 hours only Monday to Friday inclusive and 09.00 hours and 21.00 hours only on Saturdays, Sundays and public holidays. The operational hours of the floodlighting not extend beyond these hours with automatic cut-off of floodlighting outside these hours. The operational hours of the astroturf pitch shall be confined to within the hours of 09.00 hours and 22.00 hours only daily.

Reason: In the interest of residential amenity.

(7) Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006

Reason: In the interest of sustainable waste management.

(8) Details of measure (to include the growing of a suitable climber or other vegetation or the provision of netting, if necessary) to prevent the use of the ball wall from the north, together with a timeframe for the implementation of agreed measures, shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest or residential and visual amenity.

Paddy Keogh
Planning Inspector

18th, November 2019