



An  
Bord  
Pleanála

## Inspector's Report ABP304438-19

### Development

Installation of floodlights around the perimeter of a sport pitch, comprising of six columns and 18 luminaires with grounds where two no. protected structures are located.

### Location

Sandford Park School, Sandford Road, Ranelagh, Dublin 6.

### Planning Authority

Dublin City Council.

### Planning Authority Reg. Ref.

2345/19.

### Applicant

Sandford Park School DAC.

### Type of Application

Permission.

### Planning Authority Decision

Grant.

### Type of Appeal

Third Party -v- Grant.

### Appellants

- (i) Aileen Cashman,
- (ii) Deirdre Herbert and Others,
- (iii) Kevin Byrne,
- (iv) Livia Hurley and Fernando Girbal.

**Observers**

None.

**Date of Site Inspection**

30<sup>th</sup> July, 2019.

**Inspector**

Paul Caprani.

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## 1.0 Introduction

ABP304438-19 relates to multiple third party appeals against Dublin City Council's notification to grant planning permission for the installation of floodlights around the perimeter of a sports pitch at Sandford Park School, Ranelagh, Dublin 6. The various appeals submitted argue that the proposed development will have an unacceptable impact on surrounding residential amenity through noise, light pollution and visual impact. Concerns are also expressed in relation to the lack of consultation undertaken by the applicant with surrounding residents.

## 2.0 Site Location and Description

- 2.1. Sandford Park School is located in the southern environs of Ranelagh Village c.3 kilometres south of Dublin City Centre. The school was founded in 1922 and has been extended significantly over the years, particularly recent years. Two of the structures on site, one of the main school buildings and a gate lodge near the entrance to the school are listed on the Record of Protected Structures. The school grounds are bounded by Sandford Road to the north where the main entrance to the school is located. A terrace of large dwellings fronts onto the Sandford Road and back onto the school grounds. Merton Drive runs along the eastern side of the school and the rear gardens of dwellings which front onto Cullenswood Gardens back on to the southern boundary of the school. A small residential enclave to the immediate north of Cullenswood Gardens, Mountain View Cottages are located adjacent to the south-western corner of the school. The rear gardens of dwellings fronting onto Anna Villa are located along the south-western boundary of the school. A small residential enclave known as Collier's Avenue which is a designated Architectural Conservation Area is located adjacent to the north-western boundary of the school in close proximity to the main school buildings.
- 2.2. The southern and eastern portion of the school accommodate the sports grounds associated with the school. The all-weather sports hockey pitch, which is the subject of the current application, is located in the south-eastern portion of the school grounds. The hockey pitch is located in close proximity to houses fronting onto

Cullenswood Gardens and Merton Drive. The existing hockey pitch is just less than 90 metres in length and 55 metres in width. It incorporates an all-weather artificial surface. At its closest point it is approximately 1.5 metres from the southern boundary of the site. The hockey pitch is laid out at an angle to the southern boundary. The south-western corner of the hockey pitch is approximately 21 metres from the southern boundary of the site.

### 3.0 **Proposed Development**

- 3.1. It is proposed to install new floodlights around the perimeter of the existing sports pitch comprising of six no. 15.24 m lighting columns comprising of galvanised steel columns which slightly taper in width with the increase in height. Each of the lighting columns will accommodate three cowled floodlights or luminaries providing a total of 18 lights on top of the six columns. The columns are located around the perimeter of the pitch.

### 4.0 **Planning Authority's Decision**

#### 4.1. **Decision**

- 4.1.1. Dublin City Council issued notification to grant planning permission on the 23<sup>rd</sup> April, 2019 subject to five conditions.

#### 4.2. **Documentation Submitted with the Planning Application**

- 4.2.1. The **planning report** was submitted on behalf of the applicants by Tom Phillips and Associates which sets out the rationale for the proposed development and a description of the subject site. The report also sets out details of the proposed development and the local planning context making references to relevant policies and provisions contained in the Dublin City Development Plan. The report notes that the lamps proposed are designed for an average spread at pitch level of 350 lux. The lighting has been designed to ensure that the potential for light spill and glare on neighbouring properties is negligible. The floodlights will also have a cut-off time at 10 p.m. The importance of recreational facilities within the community are outlined within the report.

- 4.2.2. Section 6 of the report sets out an **appropriate assessment screening** and it is concluded that given the distance between the subject site and the nearest Natura 2000 site, together with the nature and scale of the development, that no Stage 2 Appropriate Assessment is required.
- 4.2.3. A separate **Floodlighting Impact Assessment** was submitted, prepared by Horgan Lynch Consultants. The report sets out general definitions of light pollution, light spill and glare. It goes on to set out details methods for general reduction of light pollution and details of proposed floodlighting installation to be incorporated at the hockey pitch. Calculation of impacts on surrounding properties are set out in Section 5.3 of the report. The proposed sports facility is considered to be located in a suburban area hence, in accordance with relevant guidelines, intrusive light to neighbouring properties shall be no more than a maximum of 10 lux. The impact of light spill on surrounding properties is minimal and well below the levels prescribed in the Guidance Notes for the Reduction of Obtrusive Light. A similar conclusion is reached with regard to projected light levels on roadways surrounding the site. The report concludes that the proposed lighting design is prepared in compliance with best guidance and represents best practice application of current technologies for obtrusive light control, optimum playability and spectator experience and energy efficiency.
- 4.2.4. Also submitted was a **Conservation Method Statement** prepared by Tom Phillips and Associates. It assesses the potential impact of the proposal on protected structures. It notes that the proposed floodlighting is located some distance from the two protected structures on site and do not fall within the illumination grid as demonstrated in the Floodlighting Impact Assessment Report. It is submitted therefore that the proposed development would not result in any negative or unacceptable conservation impact on the school house or the main house which are the only protected structures within the confines of the house.

#### 4.3. **Assessment by Planning Authority**

- 4.3.1. The Conservation Officer's report merely states that no conservation officer's review of the file was undertaken.

- 4.3.2. A report from the Engineering Department Drainage Division stated that there is no objection to the proposed development subject to developer complying with conditions relating to surface water management of the previous grant of planning permission under Reg. Ref. 3941/17 (see section on Planning History below).

## 5.0 Observations

- 5.1. A large number of letters of objection were submitted by residents living in the vicinity of the subject site. The contents of these letters have been read and noted.

### Planners Report

- 5.2. The planning report notes that the proposed floodlighting installation shall only be in operation during the evening playing hours and after dusk. During the summer months the operation will be minimal. It notes that a Floodlighting Impact Assessment has been submitted with the application and notes the conclusions contained therein. With regard to traffic generation, it is stated that the hockey/playing pitch has already been established on site and it is considered that the additional noise or traffic generated during periods when the floodlighting is in place will be minimal. In this regard it is considered that the proposed development will not result in undue noise disturbance at the site. It is unclear from the information submitted if the proposed development will result in additional training sessions or matches being playing on the site and whether the pitch will be leased or rented out to other organisations. There is no objection in principle to the intensification of use of the facility subject to hours of operation. It is noted that there appears to be significant level of existing off-street car parking within the school grounds to accommodate the additional parking. It is therefore recommended that planning permission be granted for the proposed development.
- 5.3. Condition No. 3 requires that the floodlight shall not be in use between the hours of 2200 and 1000 hours Monday to Friday and 1900 to 1000 hours Saturday and Sunday.

## 6.0 Planning History

- 6.1. No history files are attached. Details of relevant planning applications are contained in a pouch to the rear of the file and are contained in the planning report submitted

with the application and the planning officer's report. Of particular relevance are the following:

**Reg. Ref. 3941/17** permission granted for the construction of a two-storey classroom block comprising of 10 classrooms, 3 meeting rooms together with toilets and ancillary space. The development also consisted of the repositioning of existing sports pitches to facilitate the new classroom block and the permanent relocation of the existing Merton Drive site access gate by approximately 17 metres to the north together with hard and soft landscaping etc. Permission was granted on the 13<sup>th</sup> November, 2017.

Under **Reg. Ref. 2677/17** planning permission was granted for the construction of 4 prefabricated classrooms in the form of two single-storey blocks to provide temporary classroom accommodation. Permission was granted on 29<sup>th</sup> May, 2017.

Various other planning applications were made seeking extensions, internal alterations and maintenance works throughout the school from 1990 onwards. Full details of these applications are contained in Appendix A of the planning report submitted by Tom Phillips and Associates as part of the application to the Planning Authority.

## 7.0 Grounds of Appeal

7.1. The decision of Dublin City Council to issue notification to grant planning permission was the subject of four separate third party appeals. Two of the appeals were submitted on behalf of the appellants by Marsden Planning Consultancy. The appellants were as follows:

- Kevin Byrne, Maureen Farrell and Ellen McNally and Others.
- Deirdre Herbert.
- Livia Hurley and Fernando Girbal.
- Aileen Cashman.

All the appellants live in the vicinity of the proposed development. The issues raised in all four submissions are set out below.



- The proposal will result in an intensification of use and therefore a material change of use in the hockey pitch, as it will no longer be purely used for school based activities but will be leased out on a commercial basis during the evening time to the wider community.
- The light pollution impact will be unacceptable. It is stated that currently all dwellings which back onto the school premises experience no public/artificial light at night time as the institutional lands are not lit up. The area currently has little light pollution but this environment will profoundly change with the proposed installation of the floodlights.
- The installation of the floodlighting contravenes the zoning objective which seeks to provide institutional and “community” uses. The commercialisation of the proposed hockey pitch is contrary to this institutional and community zoning.
- The floodlights will result in significant additional CO<sub>2</sub> emissions which is contrary to national policy on climate change.
- Concerns are expressed regarding the visual impact arising from the proposed structures. At 15.24 metres high the visual impact is considered to be profound and excessive. The columns are significantly above the prevailing heights of structures in the vicinity. Furthermore, the applicant has failed to provide any contextual elevations in relation to the scale of the floodlights.
- One of the appeals argues that there will be no objection to the proposal if it were to facilitate school activities only and was not to be used on a commercial basis.
- In the case of a previous application for new classrooms and the repositioning of sports pitches which was granted under Reg. Ref. 3941/17, it is noted that there was no mention of floodlighting to be installed. The residents concluded that the works to be carried out under the previous application was to facilitate children at school and that the pitches would not be used as commercial ventures. Therefore, the floodlight should have been included in the original application in order for the residents to assess the total planning implications arising from the project.

- Public notices were located in obscure locations and there was no attempt to contact or consult property owners in the vicinity.
- The visual impact of the proposal will be exacerbated as a result of the removal of mature trees along the southern boundary of the site, which has already taken place under previous works undertaken on site.
- The size and scale of the floodlights will have an overbearing effect on adjoining properties.
- The floodlighting together with the fencing will provide the impression of an “industrial/security” type zone in the vicinity of a mature residential environment.
- Having regard to the conservation status of the surrounding area, consultation should have taken place with Dublin City Council’s Conservation Officer in adjudicating upon the application.
- The conclusion reached in the floodlighting impact assessment are generic and do not relate to the context of the application site. There is no reference as to how the light will be controlled to prevent overspill.
- The lighting scheme could also have a profound effect on bat migration in the area and no assessment on the potential impact on bats arising from the floodlight was undertaken as part of the planning application.
- No assessment was undertaken as to whether or not trees along the southern boundary of the site have been used as a migratory path for bats at night.
- Concerns are expressed that the use of the pitch till 10 p.m. at night will result in excessive noise which will significantly and adversely affect residential amenity.
- If the Board are minded to grant planning permission, it is submitted that the pitch should not be used after 7 p.m. It was noted that the Board in the case of ABP07.247021 restricted the use of the floodlights to no later than 7.30 p.m. One objection submitted argues that the floodlighting should not be in use after 6 p.m.

- It is also suggested that the temporary floodlighting which is currently installed at the school is deemed sufficient.
- One objection submitted argued that two luminaries (lamps) instead of three are considered to be sufficient on each of the poles in order to adequately illuminate the pitch in question.
- The commercial use of the pitch will materially increase traffic to and from the site and this may result in a traffic hazard.
- The extensive energy requirements resulting from the floodlight should have resulted in the project being the subject of an EIA.
- Finally, it is argued that the proposal will result in a reduction of property values.

## 8.0 Appeal Responses

- 8.1. A response on behalf of the first party was received by Tom Phillips and Associates.. Section 1 of the response sets out the background to the proposed development while Section 2 provides a summary of the appeal issues.
- 8.2. Section 3 of the response specifically deals with the issues raised.
- With regard to non-compliance with development plan policy, the response states that the proposed development fully complies with local planning policy and makes reference to various policy statements contained in Chapters 9, 10 and 12 of the development plan which it is argued support the proposed development. It is noted in respect of the development plan that the plan acknowledges that there is potential for light spillage on surrounding areas and this should be avoided and minimised where feasible. The development plan also notes that in the case of school and college sporting facilities, these should be shared where possible with the local community particularly in residential areas. It is also argued that the proposed is fully in accordance with the zoning objective of the plan which is for “institutional and community uses”.
  - The response stresses that it is not the school’s intention to start up a commercial venture as some third-party appeals have inferred. It should be

accepted however that in order to cover the costs of additional wear and tear and maintenance and the cost of operating the floodlights themselves, that a nominal charge should apply to members of the public using the facility. The proposed floodlighting seeks to provide a high-quality sports and recreational facility in order to enhance the existing facilities at the school and to make it available to the local community outside of core school hours.

- With regard to light spill and glare, it is stated that the specification of light will minimise light spillage onto lands adjacent to the hockey pitch including lands associated with the school grounds. Figure 3.1 in the response to the grounds of appeal shows the illumination grid summary that would result from the proposed lighting. It clearly shows that the potential for light spill and glare on neighbouring properties is negligible and that even large sections of the school campus grounds will remain unaffected. Furthermore, if the lighting poles were reduced in height as suggested in some of the appeals, this would result in a longer beam being thrown out which could result in an exacerbation of light spill. Furthermore, the intensity of the light can be reduced from 350 lux to 175 lux when full power is not required for example during training sessions.
- Operating floodlights until 10 p.m. is standard practice for a sports club playing pitches in most urban areas and there are many examples of this throughout the Dublin area. The floodlighting design complies with the relevant recommendation limits and confirms that the optimum angle of each fitting ensures that lux levels have been reduced to the lowest possible level outside the site. It is concluded therefore that the proposal will not have any negative impacts on nearby residents.
- Should the Board feel that further restriction in operation hours would be required, the applicant would be willing to accept limiting the use of floodlights to 9 p.m. However, this would reduce opportunities for members of the public to use the facility during evening times.
- With regard to the visual impact arising from the proposed lighting fixtures it is stated with the exception of one pole at the south-eastern corner of the pitch, all other poles are located a significant distance away from adjoining sites and

are largely near the centre of school lands. The poles themselves are slim in appearance and will incorporate muted colours and will not be as visible as the photomontages depicted in some of the photomontages submitted with the grounds of appeal.

- Furthermore, it is stated that there is an abundance of vegetation surrounding the school grounds and this will help reduce the visual impact. While some trees have been removed from the site, the vast majority of trees and hedging remain in place.
- With regard to the issue of noise, it is noted that the playing pitch itself has the benefit of permission and therefore it would be possible for the playing surface to be used well into the evening time during the summer months without any need for lighting. Furthermore, it is noted that there is a large stone wall between the southern boundary of the site and the rear gardens of the houses at Cullenswood Gardens and this will help attenuate any noise levels arising from the playing pitch.
- In relation to car parking, it is stated that the Planning Authority did not have any concerns in relation to traffic and car parking and this issue was considered in its assessment of the application.
- In relation to the issue of bats, a bat assessment of the site was undertaken by Wildlife Surveys and is attached to the response. The survey concludes that the area has a low potential for bats without only five bat passes recorded on site. Furthermore, there are no roosts on the site and there is limited feeding potential. It is therefore concluded that the site is of limited value to bats.
- With regard to the ball stopping fence, it is stated that the new ball stopping fence erected along the site boundary was deemed to be exempted development and a copy of the Section 5 Exemption Certificate is attached as Appendix A of the applicant's response.
- There is no evidence that the proposed development will result in a reduction of property values and it is argued that this is not a material planning consideration and should not form the basis of a refusal.

- With regard to the visibility of site notices it is stated that the positioning and location of site notices fully accord with the requirements of the Planning and Development Regulation and were accepted the Planning Authority.
- With regard to the requirement for an environmental impact assessment it is stated that the development is clearly sub-threshold and there will be no such requirement for this level and form of assessment.
- With regard to conservation issues, it is stated that the proposed development will in no way impact upon the setting and integrity of the two protected structures located within the site.

## 9.0 Further Submissions by Third Party Objectors

- On 24<sup>th</sup> June, 2019 the Board in accordance with the provisions of Section 131 of the Planning Act circulate the applicant's response to the grounds of appeal for further submissions.
- Four submissions were received and are summarised below:
- The submissions reiterate concerns with regard to the visual and lighting impact and it is stated that the first party's response has not allayed concerns in respect of the visual impact. It is not accepted that the existing planting and vegetation will negate the visual presence of the lighting poles along Merton Drive. Supplementary planting should be undertaken.
- It is reiterated that the proposed development results in an intensification that amounts to a material change of use for a school use to a commercial use for the public.
- The proposal does nothing to improve the amenity of residential conservation areas.
- Concerns are reiterated in relation to light spillage onto third party lands and will result in an unacceptable level of noise disturbance. It is reiterated that the Floodlight Impact Assessment is generic in nature.
- It is not accepted that there is a large stone wall between the pitch and the dwellings on Cullenswood Gardens.

- A new traffic and parking study should be required in light of the new classrooms being built on site
- The development has morphed into a completely different development than that envisaged under 3941/17.
- There is no evidence for demand for such facilities. There is no policy in the development plan which permits charging for such facilities
- One of the submissions criticises Dublin City Council for not initiating a bat survey in the first instance and it is was left to third parties by way of an appeal to highlight the concerns in relation to bats.
- It is also argued that many of the policies contained in the development plan specifically Policy SN11 and SN12 does not wholly facilitate the commercial leasing of sports pitches. It is suggested that there is no specific policy in the development plan to facilitate the commercial use of school sports grounds to the detriment of the local population and their amenity.

## 10.0 Development Plan Provision

10.1. The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 to 2022. The subject site is governed by the zoning objective Z15 which seeks to “protect and provide for institutional community uses”. The vision under this land use zoning objective states the following:

*“These generally large blocks of land consisting of buildings and associated open spaces are located mainly in the suburbs. The present uses on the lands generally include community related development including schools, colleges, residential institutions and healthcare institutions such as hospitals. Institutional and community land display a variety of characteristics ranging from institutions in open grounds to long established complexes of buildings. They often provide ancillary and incidental activities for the local communities such as use of part of the site for recreational purposes or the use of rooms for local meetings. The development plan notes that development on the perimeter of the site adjacent to existing residential development shall have regard to the prevailing height of existing residential development and*

*standards set out in Section 16.10 of the development plan. Permissible uses on site including community facilities and open space.”*

- 10.2. Chapter 9 of the Dublin City Development Plan relates to sustainable environmental infrastructure. Section 9.5.9 relates to light pollution. Policy SI26 seeks to ensure that the design of external lighting proposal minimises light spillage or pollution in the surrounding environment and has due regard to residential amenity of the surrounding area. Lighting fixtures should provide only the amount of light necessary and should shield the light given out so as to avoid creating glare or emitting light above the horizontal plane.
- 10.3. Chapter 12 of the development plan relates to sustainable communities and neighbourhoods.
- 10.4. Policy SN12 seeks to facilitate the provision of educational facilities in accordance with the requirement of the relevant educational authorities and to encourage the shared use of school or college grounds and facilities with the local community, outside core hours, anchoring such uses within the wider community.
- 10.5. SN11 seeks to reserve lands for educational purposes in locations close to areas of greatest residential expansion or greatest amount of unmet demand for school places and adjacent to community facilities so that the possibility of sharing facilities can be maximised in accordance with the Department of Education and Skills Joint Code of Practice (2008).
- 10.6. Chapter 10 of the development plan relates to green infrastructure, open space and recreation.
- 10.7. GI31 seeks to improve on existing sports/recreational facilities in the city through the implementation of the Dublin City Sport and Active Recreation Strategy 2009-2016 and ensure the availability of a range of recreational facilities to the general population of all ages and groups and locations throughout the city, including ice skating. In areas where deficiency exists Dublin City Council will work with the providers of such facilities including schools, institutions and private operators to ensure access to the local population.
- 10.8. GI32 seeks to support the development of private recreational lands for recreational purposes.



## 11.0 Planning Assessment

I have read the entire contents of the file, have had particular regard to the issues raised in the various appeals submitted and the applicant's response to same. I have also visited the subject site and its surroundings. I consider the following issues to be pertinent in determining the current application and appeal before the Board.

- Principle of Development
- Light Pollution and Light Spill
- Noise Impact
- Visual Impact
- Traffic and Transport Considerations
- Other Issues

### 11.1. Principle of Development

11.1.1. On a strategic level maximum usage of institutional type lands for recreational activity within urban areas where land for such use is at a premium should be encouraged. The National Planning Framework under National Policy Objective 3(b) seeks to deliver at least half of all new homes that are targeted in the five cities and suburbs of Dublin, Cork, Limerick and Galway and Waterford within their existing built-up footprints. The emphasis on providing more compact development at higher densities within existing urban footprints will result in a higher demand for outdoor recreational uses within urban areas including sports facilities and pitches located within institutional lands. In order to cater for the needs of increased population within urban areas, it is entirely appropriate in aiming to promote and achieve a more healthy and active society that existing recreational facilities would be utilised to a greater extent. With the need to build within the footprint of existing settlements it is important that existing green areas/open space and facilities for outdoor recreational pursuits are both protected and utilised to the greatest possible extent in order to cater for the active recreational demands of the urban population.

11.1.2. The Dublin City Development Plan acknowledges the very important role that sporting and social clubs play in enhancing the social and recreational opportunities for the city's communities (see Section 10.5.8 of the development plan).

- 11.1.3. Furthermore, Policy SN12 seeks to encourage the shared use of school or college grounds and facilities with the local community outside core hours, anchoring such uses within the wider community.
- 11.1.4. Policy GI31 seeks to improve existing sports and recreational facilities in the city. It notes that in areas where a deficiency exists, Dublin City Council will work with the providers of such facilities including school institutions and private operators to ensure access to the local population.
- 11.1.5. Community facilities, open space and cultural recreational use are all permissible uses under the zoning objective Z15.
- 11.1.6. It is clear therefore that in terms of national and local policy the proposed intensification and increased utilisation of such facilities is fully in accordance with national and local policy and in accordance with the land-use zoning objective for the site. It is my considered opinion therefore, that subject to qualitative safeguards, the principle of development is acceptable in this instance. These qualitative safeguards particularly relate to potential adverse impact on residential amenity and these are evaluated in more detail under separate headings below.

## **11.2. Light Pollution and Light Spill**

- 11.2.1. The proposed floodlighting will illuminate a full-size hockey pitch approximately half a hectare in size. There is potential for increased light pollution arising from the proposed development particularly at the south-eastern corner of the hockey pitch where the proposed lighting column is located in close proximity (c.1.5 metres) from the south-western boundary of the site. This lighting column would be located adjacent to the rear garden of No. 96 Merton Drive, 13-14 metres from the rear of the dwellinghouse at No. 96.
- 11.2.2. An important consideration in determining the application and appeal is the fact that the subject site is located within an urban area c.3 kilometres from Dublin City Centre where there is a high prevalence of artificial lighting attributed to public street lighting and also artificial lighting associated with the houses in the surrounding area. There is therefore already a residual level of artificial lighting associated with this urban/suburban area. I do acknowledge however the arguments set out in the grounds of appeal that the houses in question currently back onto institutional land and an area of open space where artificial lighting would be less than that associated

with an urban street. Notwithstanding this argument it is also clear that the temporary floodlighting arrangements which currently occupy the site would raise the level of artificial light and the potential level of light pollution associated with the institutional lands in question. Thus, the environmental zone in which the subject site is located as per the Guidance Notes for the Reduction of Obtrusive Light (GNO1:2011) is zoned E3 “suburban”. In such areas the vertical illuminance in lux which is deemed to be permissible pre-curfew is 10 lux.

- 11.2.3. The proposed lamp standards in this instance all face in the opposite direction to the dwellings and rear gardens of those appellants which are potentially affected by the proposal. The lights in question are cowled to ensure that the task area, (i.e. the hockey pitch) is illuminated. The light spill and light glare calculation have been modelled in the Floodlight Impact Assessment and details are contained in Appendix A of the report.
- 11.2.4. In relation to the level of light intrusion that can be expected for the dwellings and rear gardens of the dwellings along the south and south-eastern boundary of the subject site, I would refer the Board to the detailed illumination summary for the southern boundary of the site contained in the report. It indicates that in all instances the level of light intrusion at the rear elevation of the buildings in question is forecast to be negligible with the highest level anticipated to be at the rear of No. 1 Cullenswood Gardens where a light intrusion (lux level) of 3.17 is anticipated less than a third of the standards set out in the guidance notes referred to above.
- 11.2.5. Furthermore, it should be noted that the light in question will only occur when the pitch is in operation and will only be required to be illuminated outside the summer months. Furthermore, as per the Planning Authority’s condition the artificial lighting will be curtailed beyond 10 p.m. on any given night and the applicant in his response to the grounds of appeal has stated that, should the Board deem it appropriate, it could condition that use of the lights could cease at 9 p.m. instead of 10 p.m. It might be appropriate that the Board would consider reducing the operating time to 9pm rather than 10pm in order to allay the concerns of the appellants.
- 11.2.6. The grounds of appeal make reference to a decision by the Board under ABP07.247021 where it restricted the use of floodlights to no later than 7.30 p.m. In relation to this decision, which related to a school in a rural village in East Galway, I

would refer the Board to paragraph 6.4.4 of the inspector's report. The decision to curtail the use of the pitch and floodlighting to 17.30 p.m. was predicated on the basis "*that the facility is proposed to serve the school and not be used by third parties*". It is clear from the applicant's response to the grounds of appeal that while "it is not the school's intention to start up a commercial venture".... "that a nominal charge should apply to members of the public using the facility". It is therefore apparent that the pitch in question will serve a wider public use and will not be purely confined to school patrons.

### 11.3. **Noise Impact**

11.3.1. Concerns are expressed that the incorporation of the proposed floodlighting will allow the pitch to be used later into the evening times and this will give rise to excessive noise pollution. Again, I would refer the Board to the fact that the subject site is located within an urban area where ambient noise levels can be expected to be higher than that associated with an peri-urban or rural area. Furthermore, the applicant points out the playing pitch is already permitted and can be used late into the evening times particularly during the summer months. The incorporation of floodlights will enable the pitch to be used later in the evening times during the winter months. However, all activity will be curtailed at 10 p.m. or should the Board deem it appropriate 9 p.m. Having regard to the urban/inner suburban location of the subject site together with the ambient noise levels associated with such areas, I do not consider that the additional noise which may arise during usage of the pitch up to a time of 9/10 p.m. can be considered excessive or material in terms of effecting surrounding residential amenity. I would agree with the conclusions in the local authority planner's report that the proposed development will not give rise to any excessive or undue noise disturbance at the site particularly have regard to the site's inner suburban location. The provision of facilities for active recreation for the local community in urban areas should be regarded in a positive light and should be balanced against any increase in potential noise levels.

### 11.4. **Visual Impact**

11.4.1. I readily acknowledge that the poles at 15 metres in height are relatively high structures and higher than the prevailing ridge height of houses in the vicinity.

11.4.2. However, the structures are slim and will not have any significant impact in terms of being overbearing. The slender stainless-steel poles will not have any significant or undue impact on the visual amenities of residents in the vicinity. The provision of a 15-metre-high pole will have no adverse impact in terms of overshadowing and will have no overbearing impact such as that which could be expected from a 4-5 storey building.

11.4.3. Furthermore, the various literature in relation to floodlight pollution indicates that there is a correlation between the height of the columns to support the floodlights and the amount of glare/light spill that can arise from the installation. Where lights are mounted at a higher level it enables more effective cowling of the lights and enables the lights to be focussed downward on the task area. The downward focussing of the lights prohibits upward light spread to and beyond the horizontal plane. The Guidance Notes with a Reduction of Obtrusive Light states that “*in most cases it would be beneficial to use as high a mounting height as possible, giving due regard to the daytime appearance of the installation*”. It is clear therefore that there is a trade-off between the height of the mounting and the amount of light spill which can occur. Thus, while it is acknowledged that the support columns are high at 15 metres, the height of the columns proposed ensure that the vertical cut-off of light spill is maximised.

#### **11.5. Traffic and Transport Considerations**

11.5.1. Having inspected the site I note that there is a significant amount of off-street car parking available within the premises of Sandford School (see photo attached). This parking will be available outside core school hours for patrons to use the hockey pitch. The proposal therefore will not exacerbate or accentuate parking demand within the school given the fact that public demand for the facility will be outside school hours. Also, the facility is most likely to generate trip generation outside core business hours and therefore is highly unlikely to exacerbate to any material extent traffic congestion along the Sandford Road. The proposal in itself will not generate significant volumes of traffic to and from the facility.

#### **11.6. Other Issues**

11.6.1. Some appellants argue that the proposed development constitutes an intensification of use which amounts to a material change of use in this instance. I would not accept

such an argument on the basis that planning permission has been granted for the recreational pitch in question under the previous application (Reg. Ref. 3941/17). No conditions or limitations were placed on this grant of planning permission in relation to the regularity or frequency of use of the pitch in question. To suggest that the use of the pitch during the evening times constitutes an intensification of use which is materially in planning terms is not accepted.

- 11.6.2. With regard to the issue of bats and the removal of trees along the southern boundary, the removal of these do not form part of the current application and therefore cannot be adjudicated upon by the Board for the purposes of this application and appeal. In response to the bat issues raised in the grounds of appeal, the applicant engaged the services of an ecologist to complete a bat assessment on the subject site. It found that the site is in fact of limited value to bats and therefore the installation of the floodlights is unlikely to adversely impact on the habitats of bats or unlikely to affect commuting and foraging routes associated with bats in the area.
- 11.6.3. With regard to the public notices, one of the grounds of appeal suggest that the public notices were located in obscure locations thereby depriving the general public from details in respect of the information associated with the application. It appears from the site location map that two site notices were erected on the site one at the entrance to the school on Sandford and one at an ancillary entrance on Merton Drive. Both locations in my view are prominent and clearly discernible by members of the public. Both locations face onto a public thoroughfare and are located in prominent and conspicuous locations along the thoroughfare. The public notices fully comply with the requirements set out under Article 19 of the Regulations.
- 11.6.4. With regard to lack of consultation the applicant has complied with the requirements set out in the Planning Act with regard to the publishing of notices in respect of the application. Furthermore, the appellants in this instance submitted observations to the Planning Authority in accordance with their statutory rights and a number of third parties appealed the decision of the Planning Authority to An Bord Pleanála in accordance with the statutory rights also. The appellants therefore availed of their statutory rights under the Planning and Development Act.

- 11.6.5. One of the appellants suggested that because of the energy use associated with the floodlighting the application should have been subject to an EIAR. The provision of floodlighting is not a class of development for which EIA is required.
- 11.6.6. Finally I would agree with the applicant in his response to the grounds of appeal that the floodlighting infrastructure proposed is located a sufficient distance from the two protected structures on site at 50 metres and 130 metres respectively so as to ensure that the setting and integrity of these structures are in no way affected by the proposed floodlights. Equally, I consider that the proposed floodlights will not have any adverse or detrimental impact on the residential conservation areas in the vicinity of the site.

## **12.0 Conclusions and Recommendation**

Arising from my assessment above, I consider the proposed development to be acceptable and in accordance with national and local policy. I further consider that the proposed floodlighting would not, to any material extent, impact on the residential amenities of surrounding areas and I therefore recommend that the Board uphold the decision of Dublin City Council and grant planning permission for the proposed development.

## **13.0 Appropriate Assessment**

I note the conclusions contained in the Stage 1 Appropriate Assessment Screening Report submitted with the application. I also note that no issues were raised by any of the observers specifically in relation to appropriate assessment under the Habitats Directive.

The nature and scale of the development which involves the construction of six lighting columns together with the nearest Natura 2000 site in Dublin Bay which is located c.3 kilometres away leads me to conclude that no appropriate assessment issues arise. Therefore, having regard to the nature and scale of the proposed development and the nature of the receiving environment together with the proximity 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 and projects on a European site.

## 14.0 Decision

Grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

## 15.0 Reasons and Considerations

Having regard to the nature of the proposed development and the various policy statements contained in the Dublin City Development Plan 2016-2022 which seek to encourage the shared use of school or college grounds and facilities with the local community outside core hours, it is considered that subject to conditions set out below the proposed development will not seriously injure the amenities of the area or of property in the vicinity and would generally be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 16.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 floodlights shall not operate between the hours of 2100 hours and 1000 hours Monday to Friday and 1900 hours to 1000 hours Saturday and Sunday.

**Reason:** To protect the residential amenities of the area.



3. 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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

4. Details of the proposed mounting of the luminaries on each of the lighting columns shall be agreed in writing with the planning authority prior to the commencement of development. The luminaries shall be mounted so as to minimise the potential of obtrusive light, glare and light pollution into neighbouring lands.

**Reason:** In the interest of residential amenity.

5. Site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public road the said cleaning works shall be carried out at the developer's expense.

**Reason:** In the interest of visual amenity and orderly development.

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Paul Caprani,  
Senior Planning Inspector.

30th July, 2019.