



An  
Bord  
Pleanála

## Inspector's Report

### ABP-304461-19

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<b>Development</b>	Erection of 3 lighting poles along the eastern boundary wall and 6 lighting poles on the roof of the main school building to achieve a height from pitch level of 13m.
<b>Location</b>	The High School, Zion Road, Rathgar, Dublin 6
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	2321/19
<b>Applicant(s)</b>	The Board of Governors
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Aine O'Loughlin Terence & Ann McCrann
<b>Observer(s)</b>	Rathgar Residents Association

**Date of Site Inspection**

16<sup>th</sup> August 2019

**Inspector**

Ronan O'Connor

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## 1.0 Site Location and Description

- 1.1. The appeal site forms part of the High School campus in Rathgar, located at the end of Zion Road. The site comprises school buildings surrounded by playing pitches. The application relates to LED lighting for the all-weather Rugby pitch located to the east of the main school building. The pitch is bounded by a car park to the north and established residential development on Rostrevor Road to the east. To the south is a pedestrian link to the Hockey Pitches, located to the south-east of the Rugby Pitch, and to the south of Rostrevor Road. Further south is the River Dodder which has relatively dense tree coverage on its northern bank at this location.

## 2.0 Proposed Development

- 2.1. Erection of 3 lighting poles along the eastern boundary wall and 6 lighting poles on the roof of the main school building to achieve a height from pitch level of 13m.

## 3.0 Planning Authority Decision

### 3.1. Decision

Grant permission. A condition of note is as follows:

Condition No. 2 – The floodlights shall not be in use between the hours of 2200hrs and 1000hrs Monday to Friday and 1900hrs to 1000hrs Saturday and Sunday.

Reason: To protect residential amenities in the area

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The report of the planning officer reflects the decision of the planning authority.

Points of note are as follows:

- Notes that the technical assessment states that the predominant impact would be within the school boundaries – would be a minor impact on rear gardens to the north east.

- Considered the proposal would not have a significant negative impact on the residential amenity of properties on Rostrevor Road.
- Having regard to the urban setting and predicted light spill it was considered that the proposed development would not have a significant negative impact on bats in the area.
- Recommendation was to grant permission.

#### 3.2.2. Other Technical Reports

None.

### 3.3. Prescribed Bodies

#### 3.3.1. None.

### 3.4. Third Party Observations

#### 3.4.1. 10 no. third party observations were received. The issues raised are covered within the Grounds of Appeal.

## 4.0 Planning History

2861/12 – Grant – 2 no. 15 m high lighting poles.

3773/08 – Grant – Upgrade of all-weather pitch

## 5.0 Policy Context

### 5.1. Development Plan

Dublin City Development Plan 2016-2022.

The site is zoned Z15 'To protect and provide for institutional and community uses'.

Lands are adjacent to the Conservation Area which encompasses the River Dodder and its banks.

## 5.2. Natural Heritage Designations

5.2.1. None.

## 5.3. EIA Screening

5.3.1. Having regard to the nature and scale of the proposed development, 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.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. Two No. Third Party Appeals have been received. The Grounds of Appeal are as follows:

1 – Terence & Ann McCrann, 10 Rostrevor Road, Dublin 6.

- Will have a very significant adverse impact on residential amenity including sky glow and the height of the columns.
- Impacts on bats.
- Will create light pollution with significant and constant visual glare.
- Screening provided is inconsistent/Proposed west elevation shows the exposed rear façade to the residential premises on Rostrevor Road.
- Light spillage will impact on property.
- Proposed 12 lamps will introduce almost 18kwatts of lit power.
- The 6 no. lamps on the school building will be perceived more brightly from the rear of the homes on Rostrevor Road.
- Not clear that the light installation will be in compliance with relevant ETCI regulations/Bat Conservation Ireland Guidelines and CIBSE Lighting Guide Part 4 Sports Lighting.
- Can result in loss of privacy as a result of illumination and CCTV cameras.

- All weather pitch has the benefit of a Section 5 declaration.
- Proposal would increase dramatically the opportunity for night-time play from autumn through spring/hours of operation are excessive.
- Increase in security risk.
- No screening proposed/design does not limit light pollution/no monitoring will be done/no limits on use or audience activity.
- There are alternative options.
- No consultation carried out.
- Without prejudice to the objections above, any use of the pitches and lights should be curtailed and limited to 8pm at the latest.
- Request that the Board refuses permission.

2. Aine O'Loughlin, 11 Rostrevor Road, Rathgar, Dublin 6.

- Primary concerns relate to the failure of the applicant and the planning authority to undertake AA and EIA screening/adequately assess local ecological impact in terms of operational light and noise pollution.
- Adequately assess impact on residential amenity of adjoining dwellings/failure to appropriately mitigate same.
- Failure to screen for EIA and AA provides grounds for Judicial Review of the decision.
- Not possible to rely in mitigation to circumvent AA requirements.
- Site abuts Dodder River Valley – is only c50m from the Dodder itself.
- Feeds the Liffey and Dublin Bay and in turn a number of Natura 2000 sites.
- Species that could be impacted include Atlantic Salmon, Brook Lamprey, Sea Trout and Brown Trout.
- Aquatic ecosystems are very sensitive to light/proposal will likely have a direct negative impact on the protected fish species.
- Other important species inhabiting the Dodder River Valley include otter, bat, heron, badger and other native species.

- No assessment on bats including cumulative impact of the existing floodlighting on the school.
- Residential Amenity
- No mitigation or design information such as cowling is provided by the applicant.
- Not clear if lighting report takes account of existing flood lighting on the school.
- Existing security flood lighting shines directly dwellings on Rostrevor Road.
- Planning Authority should have sought Further Information on the detailed design, mitigation and monitoring proposed.
- Planning Authority has not imposed conditions relating to design or monitoring.
- Was not referred to the Lighting Section for consideration.
- Any grant of permission should include at a minimum conditions which require details of the proposed lighting/report which includes monitoring/reduced hours of operations.
- No assessment of noise impacts.
- Planning Authority has failed to enquire why the pitches will be needed until 22:00 Mon to Fri and to 19:00 at weekends.
- Associated Impacts including traffic and noise have not been considered
- Will the pitches be used for commercial uses?

## 6.2. Applicant Response

6.2.1. None.

## 6.3. Planning Authority Response

6.3.1. None.

## 6.4. Observations

6.4.1. 1 no. observation was received from Rathgar Residents Association. The issues raised are as follows:



- Would impact on the rear aspects of 8-17 Rostrevor Road
- Will be visually intrusive
- Pitch has been upgraded to an all-weather pitch – will mean constant use during school terms.
- Light pollution.
- Will light up first floor bedrooms/loss of privacy.
- Lights from Hockey Pitches already cause light pollution.
- No assessment in relation to bats.

## 6.5. Further Responses

6.5.1. None.

## 7.0 Assessment

7.1. The following assessment covers the points made in the appeal submissions, and also encapsulates my *de novo* consideration of the application. The main planning issues in the assessment of the proposed development are as follows:

- Impact on Residential Amenity
- Ecology
- Appropriate Assessment

### 7.2. Impact on Residential Amenity

7.2.1. The potential impacts on residential amenity include light pollution, noise from more intensive use of the pitches and loss of privacy, all of which have been raised within the Grounds of Appeal, and have also been raised in the observation on the appeal.

#### Light Pollution

7.2.2. The appellants have raised the issue of light pollution and state that light spill and glare will impact on the amenity of their dwellings.

7.2.3. The application is accompanied by an untitled document, produced by Signify and dated 31/01/2019 which considers light impacts. Page 11 of the report indicates that

there will be some light spill beyond the boundaries of the playing pitch. However there is no related assessment of any potential impacts, and the significance of same, on any identified neighbouring residential properties. The drawings do not indicate any mitigation measures that would serve to reduce light pollution impacts on neighbouring dwellings, namely those properties located to the east of the site along Rostrevor Road. In my view, there is significant potential for light pollution, resulting from both the roof mounted lights which face towards these properties and from the pole mounted lights which are located at a closer proximity to these residential properties, although with the flood lighting facing away from these properties. There is no consideration of any cumulative impacts of any existing floodlighting and security lighting that may be present (for example from the hockey pitches to the south of Rostrevor Road or from security lighting on the school itself).

#### Noise

- 7.2.4. The floodlighting has the potential to allow more intensive use of the pitch, which is limited currently by the availability of sufficient daylighting. The applicants state that the floodlighting will be utilised up to 22:00 hours on Mondays to Fridays and up to 19:00 hours Saturdays and Sundays. Notwithstanding the lack of assessment of light impacts, to my mind the operating hours to 22:00 hours Monday to Friday appear somewhat excessive, having regard to the additional noise impacts a more intensive use of the pitch that the floodlighting may facilitate. There is no commentary or justification for such extensive hours of operation within the application documents.

#### Loss of Privacy

- 7.2.5. The appellants have cited privacy concerns, namely as a resulting of floodlighting and the existing CCTV system at the school. I do not consider that loss of privacy is likely however.

### **7.3. Ecology**

- 7.3.1. The appellants have raised concerns in relation to the impacts on ecology, namely the potential impacts on bats and other species.
- 7.3.2. I note the site's proximity to the River Dodder, which has relatively extensive tree cover along its northern bank in particular, adjacent to the existing playing pitch. There is, therefore, potential for bats to be present in this location. There is no

information within the application documents in relation to impacts on bats. While the planning authority did not consider that the proposal would impact on bats, or other species, it is my view that there is insufficient information on file in order to determine if bats would, in fact, be impacted upon as a result of this proposal. I consider that a bat survey is required, along with a consideration of the impacts of the proposals on any bat colonies that may exist.

- 7.3.3. While impacts on other species, such as badgers, otter and fish species, are cited by the appellants, I do not consider that the nature of the proposed development, and its proximity to the River Dodder, would result in likely significant impacts on these species.

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

- 7.4.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and the proximity to the nearest European Sites and the lack of an apparent pathway to same, it is reasonable to conclude on the basis of the information available on the file, which I consider adequate in order to issue a screening determination, that the development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above listed European sites, or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

### **8.0 Recommendation**

- 8.1. Refuse Permission.

### **9.0 Reasons and Considerations**

1. Having regard to the nature of the development, proposed LED floodlighting adjacent to an established residential area, and the lack of a lighting impact assessment, or any mitigation measures designed to ensure that any impact is minimised, and having regard to the excessive operating hours proposed, it is considered that the proposal has the potential to seriously injure the residential amenities of the property in the vicinity, by virtue of light pollution

and noise disturbance. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the nature of the development, in close proximity to the tree cover on the northern banks of the River Dodder, and having regard to the lack of bat survey and an assessment of the potential impact on same, it is considered that the proposal has the potential to adversely impact on bats, a protected species. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Rónán O'Connor  
Planning Inspector

20<sup>th</sup> August 2019