



An  
Bord  
Pleanála

## Inspector's Report ABP-305143-19

### Development

To erect a pedestrian and vehicular entrance at the end of Drumroe Estate,

To construct an internal access road to the existing car park and clubhouse, and

To close-up the existing access road and to incorporate this road into the car park.

### Location

St. Patrick's GAA Club, Rhebogoe, Limerick.

### Planning Authority

Limerick City & County Council

### Planning Authority Reg. Ref.

18/1064

### Applicant(s)

St. Patrick's GAA Club

### Type of Application

Permission

### Planning Authority Decision

Grant, subject to 10 conditions

### Type of Appeal

Third Party -v- Decision

### Appellant(s)

Kieran Doyle

### Observer(s)

None

**Date of Site Inspection**

24<sup>th</sup> October 2019

**Inspector**

Hugh D. Morrison

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## 2.0 Site Location and Description

- 2.1. The site is located 1.9 km to the east of the city centre in the suburb of Rhebogue. The River Shannon meanders to the north of this site and it is accessed off the roundabout between Dublin Road (R445) and Childers Road (R509) via the residential streets of Rhebogue Road and the Anglers Walk. Formerly, Anglers Walk was a through road past the site. However, in more recent times it has been blocked-off to form two cul-de-sacs: one to the south east, which passes a halting site, and the other from the Drumroe housing estate to the north west.
- 2.2. The site itself extends over the southern portion of the applicant's sports grounds and over that portion of the south eastern cul-de-sac that abuts these grounds. This site has an area of 0.963 hectares and it includes within its ambit, the existing site entrance off the said portion of cul-de-sac, the clubhouse (277 sqm) and other outbuildings, a car park, and a grassed area, which overlaps with the southern most corner of one of two playing pitches.

## 3.0 Proposed Development

- 3.1. The proposal would entail the following elements:
- The construction of a pedestrian and vehicular entrance at the end of a turning head to a spur on the Drumroe housing estate, which also affords access to the north western cul-de-sac cited above,
  - The construction of an internal access road between the said entrance and the existing car park and clubhouse, and
  - The closure of the existing site entrance and that portion of the south eastern cul-de-sac that abuts the sports grounds. The incorporation of this portion of cul-de-sac into the existing car park and the construction of a wall across the south eastern end of the closed-up road.

## 4.0 Planning Authority Decision

### 4.1. Decision

Following receipt of further information, permission granted subject to 10 conditions, of which the ones denoted as 4, 5, 6, and 7 require that within 1-month detailed plans of access, parking, surface water drainage, and public lighting be submitted to the Planning Authority.

### 4.2. Planning Authority Reports

#### 4.2.1. Planning Reports

The application was the subject of a request for the following further information:

- The submission of a traffic assessment upon the Dromroe housing estate and the following:
  - Road signage and markings,
  - Proposals for the existing access,
  - Details of the proposed on-site access road,
  - Demonstrate legal right of way over approach road to the site,
  - Details of the proposed car parking spaces, and
  - Details of public lighting.
- A commentary on the need for the proposed access, which was previously refused under 04/770581, and on how the amenities of residents would be affected/protected.
- Plan showing revised and improved car parking layout.
- Plan showing surface water drainage layout.
- Responses to third parties.

#### 4.2.2. Other Technical Reports

- Limerick City & County Council:

- Roads: Following receipt of further information, in effect, clarification of this information requested.
- Archaeology: No issues.
- At the appeal stage, the DoCHG commented on nature conservation to the effect that the proposal should not affect the water quality of the nearby River Shannon.

## 5.0 Planning History

Applications pertaining to access to the site are summarised below:

- 04/770581: Construction of a site entrance: Refused.
- 11/770046: Relocation of existing site entrance c. 65m to the SE and incorporation of roadway into club grounds: Withdrawn.
- 15/0260: Construction of single storey dressing room/gym structure and modifications to site entrance: Permitted.

## 6.0 Policy and Context

### 6.1. Development Plan

Under the Limerick City Development Plan 2010 – 2016 (CDP), the site is zoned for public open space.

### 6.2. Natural Heritage Designations

Lower River Shannon SAC (site code 002165)

### 6.3. EIA Screening

The proposal is not a type of development that would potentially be the subject of EIA, as it would not come within the ambit of any of the types of development set out under Part 1 and 2 of Schedule 5 to Article 93 of the Planning and Development Regulations 2001 – 2018. Accordingly, the possibility of it being sub-threshold for the purposes of EIA does not arise.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

Kieran Doyle of St. Anthony's, Dromoe, Rhebogue

- Attention is drawn to the second item of the Planning Authority's further information request. While the applicant indicated that anti-social behaviour in the vicinity of the existing site entrance provided the sole reason for the current proposal, it did not interact with the previous refusal (04/770581) of a site entrance in the same position as that now sought.
- The number of dwelling houses that would be affected by the proposal would be c. 140 compared to the existing 36.
- Attention is drawn to the first item of the Planning Authority's further information request. By way of response, the applicant simply said that it believed that the cul-de-sac in question was taken in charge.

The appellant has submitted extracts from Land Registry Folio LK 47423F, which indicates that the cul-de-sac in question is in private ownership and so there is no public road abutting the proposed site entrance.

The appellant's brother has a right of way over the cul-de-sac in question to his property, which is comprised in Land Registry Folio LK 8335F.

- The appellant also refers to a letter of objection that he signed, along with several others. He stands by this letter, which emphasised that traffic congestion would arise as a result of the proposal in the Dromroe housing estate, e.g. through the volume of traffic that would be generated and the likelihood of haphazard and indiscriminate parking, which would have implications, too, for the accessibility of the estate to emergency vehicles. It also emphasised that retention of the existing means of access would be preferable, in terms of travel times and congestion, and that the problems attendant upon it should be addressed rather than resorting to an alternative site entrance.

**7.2. Applicant Response**

None

**7.3. Planning Authority Response**

None

**7.4. Observations**

None

**7.5. Further Responses**

None

**8.0 Assessment**

8.1. I have reviewed the proposal in the light of the CDP, relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that the current application/appeal should be assessed under the following headings:

- (i) Legalities,
- (ii) The need for the proposal,
- (iii) Traffic, access, parking, and residential amenity,
- (iv) Water, and
- (v) Stage 1 Screening for AA.

**(i) Legalities**

8.2. The existing site entrance is off a cul-de-sac on Angler's Walk, which, insofar as it abuts the applicant's sports grounds, is included within the application site. This cul-de-sac is continuous with the public road network and, during my site visit, I observed nothing that would suggest that it is other than a public road.

8.3. The completed application forms state that the applicant owns the application site, which includes the above cited portion of cul-de-sac. LCCC's roads advice does not



comment on the status of this cul-de-sac or, if it is indeed “taken-in-charge”, what its view would be towards the stopping-up of the same.

- 8.4. Older maps of the area show the above cited cul-de-sac as a through road with what is now another cul-de-sac to the north west, off the Dromroe housing estate. This latter cul-de-sac is gated at its entrance off a turning head and so, “on the ground”, it “reads” as being a private road.
- 8.5. During my site visit, I also observed that the portion of cul-de-sac in question contains services and is the subject of public lighting. Given that a wall has been built across this cul-de-sac beyond the site entrance, it only affords access to the subject site. I am concerned that, while the applicant claims to be the owner of the land over which the cul-de-sac runs, LCCC appears to be the owner of the cul-de-sac itself. In these circumstances, I would have expected to see on the file a letter of consent from LCCC to the making of the current application and hence a willingness, in principle, to consider the stopping up of the cul-de-sac that this application is predicated upon.
- 8.6. The appellant draws attention to the above cited turning head and the attached portion of road from the Dromroe housing estate, which would be used as a means of access to the proposed site entrance. He states that this turning head and portion of road are in private ownership and so there is no public right of way over them to the proposed site entrance.
- 8.7. The above cited contention was raised with the applicant under further information. It responded by expressing the view that the tuning head and portion of road have been “taken-in-charge”. LCCC’s roads advice does not comment on this matter.
- 8.8. During my site visit, I observed that the portion of road in question is enclosed by walls to rear gardens on the Dromroe housing estate and to a business premises at the start of the gated north western cul-de-sac cited above. This road and its turning head are publicly accessible.
- 8.9. The parties have submitted Land Registry extracts in support of the views that they express. A comparison of these extracts indicates that the turning head and the accompanying portion of road are in private ownership (Folio 47423F) and that a right of wayleave has been granted to “Limerick City Council, its heirs and assigns and others”.

- 8.10. I am satisfied that the turning head and accompanying portion of road could physically afford access to the proposed site entrance. Whether the applicant is legally in a position to use this means of access is essentially something that it would need to satisfy itself of and, if contested, then it would become a matter of civil dispute that lies beyond the planning process.
- 8.11. I conclude that, insofar as the proposal would appear to require the stopping-up and closure of a public road, the absence of any indication of LCCC's willingness or otherwise to consider this proposition means that there is insufficient information available to proceed with confidence to a determination of the current proposal.

**(ii) The need for the proposal**

- 8.12. Under the planning system, applicants are not normally required to demonstrate the need for what it is that they propose. That said, in cases, such as the present one, which would entail the closure of the only existing site entrance and the stopping up and closure of a portion of public road to this entrance and the re-routing of traffic generated by the sports grounds through a housing estate, which has not hitherto been affected by such traffic, in conjunction with the opening of a new site entrance, I do not consider that it is unreasonable for the applicant to explain the impetus behind its proposal and the logic for its selection.
- 8.13. Under further information, the applicant was asked to explain the need for the proposed new site entrance in the light of the refusal of a previous similar proposal (application 04/770581). It responded by stating that the impetus for the proposal arose from incidences of anti-social behaviour within the vicinity of the existing site entrance, the resulting reluctance of some users of the sports grounds to use the route to the existing site entrance, and the consequent decline in the membership of St. Patrick's GAA Club.
- 8.14. During my site visit, I observed the wall across the end of the cul-de-sac beyond the existing site entrance and the presence of pole-mounted security cameras on the portion of public road leading to this entrance. Thus, evidence exists "on the ground" of measures that have been taken to address the above cited anti-social behaviour.
- 8.15. The applicant did not interact with the reasons for the refusal of the previous similar proposal and it did not set out any alternative approaches to that which is comprised in the current proposal. I consider that such a setting out of alternatives would be of

importance to see, as it would assist the Board in understanding the rationale for this proposal.

8.16. I conclude that, while there is *prima facie* need to address anti-social behaviour, the applicant has not set out any alternative approaches to that which is comprised in the current proposal and so the case for selecting this approach has not been made.

**(iii) Traffic, access, parking, and residential amenity**

8.17. As indicated under the discussion of the second heading of my assessment, traffic generated by the sports ground would be re-routed to the site as a consequence of the proposal. Thus, instead of approaching these grounds from Rhebogue Road via Angler's Walk, it would approach them via the Dromroe housing estate.

8.18. Under further information, the applicant was asked to address traffic flows through the above cited housing estate. It stated that users of the sports grounds tended to be local young people and their parents, and that, insofar as motorised transport is used, a maximum of 40 cars could be expected on match days. No reference was made to buses.

8.19. Under further information, too, the applicant submitted a revised site plan (drawing no. 100619 sheet no. 3), which shows 126 car parking spaces, including 8 mobility impaired spaces, and 4 coach bays. (No bicycle stands are shown). There is thus a difference between the stated maximum and the level of provision envisaged by this plan. Under condition 5 of the draft permission, revisions to the car parking layout would be required to be made. Likewise, further revisions may be necessary to ensure access is available to the existing clubhouse and the new dressing rooms that are presently under construction. Even so, I do not anticipate that the number of spaces would contract that radically and so something approaching the aforementioned difference would persist.

8.20. That said, traffic generation in the future may be similar to that which pertains at present or, if membership numbers recover and increase, slightly greater. It should thus be capable of being quantified and the level of proposed car and bus parking spaces should, subject to CDP car parking standards, correspond accordingly.

8.21. The appellant estimates that the re-routing of traffic would affect c. 140 dwelling houses in the Dromroe housing estate compared to the 36 dwelling houses on Angler's Walk. He questions whether the said estate spine road could manage the

likely influx of traffic, especially if overspill car parking occurs, without the creation of congestion and hazard.

- 8.22. I recognise that a comparison of the existing and proposed routes to the sports grounds indicates that there would be considerably more dwelling houses along the latter than exist along the former. I recognise, too, that given the proposed level of car parking provision the likelihood of overspill parking can be set aside. In traffic management terms, the need to quantify traffic numbers and the adequacy of the proposed route, in terms of the physical format of the spine road through Dromroe housing estate, to accommodate these numbers, needs to be undertaken and, from a road safety perspective, a Road Safety Audit should be undertaken to advise on any alterations that may be necessary to this format. Directional signage should also be made explicit so that it, too, can be considered under such an Audit.
- 8.23. The submitted plans of the proposed new site entrance and on-site road have been shown in outline form only on the aforementioned revised site plan. The lack of detail has been addressed by the Planning Authority by means of a series of conditions precedent attached to the draft permission, i.e. 3 and 4. Likewise, surface water drainage and lighting are addressed by conditions 6 and 7.
- 8.24. I note that the originally submitted site layout map (drawing no. 20-11-17 sheet no. 2) indicates that the proposed site access road would clip the southernmost corner of the nearest pitch. Nevertheless, the applicant has not shown the knock-on effect of this encroachment for the layout of this pitch and the other one which lies close by to the north east. This information should be made explicit to demonstrate that the on-site road would be compatible with the maintenance of two pitches at the sports grounds.
- 8.25. I note, too, the aforementioned dearth of detail and the Planning Authority's willingness to make good on the same by means of conditions precedent. A further dearth pertains to the absence of any information on how the portion of cul-de-sac that abuts the site within the vicinity of the existing site entrance would be incorporated, physically, into the car park, which is the subject of a hardcore finish at present. (This finish has implications for the formal laying out of the same and hence the prospects for its efficient use). I consider that, as the current application is for full,

as distinct from outline planning permission, it is reasonable and indeed important that the said information be submitted as part of this application.

- 8.26. I, therefore, conclude that under the proposal a slight increase in traffic generated by the sports ground could reasonably be anticipated. The applicant's estimate of traffic does not correspond with the level of parking provision proposed for the site, and it has failed to undertake any assessment of the adequacy of the proposed new route to this site. Likewise, the proposed site entrance and on-site road and its knock-on effect upon playing pitches have not been adequately presented and the amalgamation of existing road and car park has not been addressed.

**(iv) Water**

- 8.27. The revised site layout plan shows a surface water drainage system accompanying the proposed on-site road and discharging into what is presumably the public sewer in the turning head that would abut the proposed site entrance. (No information has been submitted on any existing/proposed surface water drainage system for the car park). The applicant has not submitted any calculations to demonstrate that the public sewer would be capable of accommodating the envisaged level of discharge.
- 8.28. The OPW's flood maps shows the site as distinct from the remainder of the sports grounds as not being the subject of any identified flood risk.
- 8.29. I conclude that the applicant has submitted insufficient information with respect to surface water drainage provision.

**(v) Stage 1 Screening for AA**

- 8.30. The site does not lie in a Natura 2000 site. The nearest such site is the Lower River Shannon SAC, which abuts the northern boundary of the applicant's sports grounds. The proposal would be sited within the southern portion of these grounds, which lie out with the area of flood risk identified by the OPW. I am, therefore, not aware of any source/pathway/receptor route between the application site and this SAC or any other Natura 2000 sites in the wider area. I, thus, consider that this proposal would be unlikely to have any significant effect upon its Conservation Objectives.
- 8.31. Having regard to the nature and scale of the proposal and the nature of the receiving environment, no Appropriate Assessment issues arise, and it is not considered that

the proposal would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 9.0 **Recommendation**

9.1. That permission be refused.

## 10.0 Reasons and Considerations

Having regard to the application as submitted and subsequently augmented and revised under further information, it is considered that the applicant has failed to submit sufficient information to enable the Board to fully assess and determine the proposal. Specifically, the following gaps in the application have been identified:

- The willingness of the Roads Authority to consider the stopping-up and closure of the public road beside the existing site has not been established or confirmed,
- The rationale for selecting the approach to addressing local anti-social behaviour embodied in the proposal, as distinct from other approaches that maybe available, has not been elucidated,
- A consistent presentation of likely traffic levels and hence parking provision has not been submitted,
- No assessment of the adequacy or otherwise of the new proposed route to the site has been undertaken from either a traffic management or a road safety perspective,
- The compatibility of the proposed on-site road with the retention of the two playing pitches has not been shown,
- Inadequate details of the proposed site entrance, on-site road, revised car parking layout, including the incorporation within it of the stopped up and closed portion of road, and surface water drainage arrangements have been submitted, and
- The ability of the public sewer to adequately cope with the envisaged surface water discharge from the on-site road has not been demonstrated.

In these circumstances, it would be premature to grant permission and thus contrary to the proper planning and sustainable development of the area.

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Hugh D. Morrison  
Planning Inspector

19<sup>th</sup> November 2019