



An  
Bord  
Pleanála

## Inspector's Report

### ABP-305855-19

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<b>Development</b>	Retention of ball nets to the all-weather pitch as constructed resulting in modification of condition no. 11 of An Bord Pleanala case reference PL 28.243384
<b>Location</b>	Pairc Ui Chaoimh, Monahan Road, Ballintemple
<b>Planning Authority</b>	Cork City Council
<b>Planning Authority Reg. Ref.</b>	19/38642
<b>Applicant(s)</b>	County Cork GAA Board
<b>Type of Application</b>	Retention Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	First Party V. Grant
<b>Appellant(s)</b>	Des O'Donoghue
<b>Observer(s)</b>	None

**Date of Site Inspection**

7<sup>th</sup> February 2020

**Inspector**

Elaine Power

## 1.0 Site Location and Description

- 1.1. The appeal site is located within Ballintemple, approx. 5km east of Cork City centre. The site accommodates an existing all-weather training pitch and forms part of the recently redeveloped Pairc Ui Chaoimh Stadium complex. It is bound to the north by the south stand of the stadium, to the south by a drainage channel and Monaghan Road and to the east and west by pedestrian routes to the stadium.
- 1.2. The site has a stated area of 1.55ha and is bound by a black metal fence.

## 2.0 Proposed Development

- 2.1. The works comprise the retention of net balls to the all-weather pitch as constructed. Permission was granted for ball stop netting, approx. 75m in length to the rear of both goals at the western and eastern sides of the pitch. It comprised 5 no. bays, each bay was approx. 15m in width by 15m in height. The netting was supported by 6 no. posts. The netting to be retained is located to the rear of both goals It comprises 3 no. bays, each bay is approx. 25m in width by 15.29m in height. The netting is supported by 4 no. posts. It is also proposed to amend condition no. 11 of PL 28.243384 to allow for non-retractable ball netting.
- 2.2. A Planning Statement and Appropriate Assessment Screening report were submitted with the application.

## 3.0 Planning Authority Decision

### 3.1. Decision

Grant retention permission subject to 1 no. standard condition.

### 3.2. Planning Authority Reports

#### 3.2.1. *Planning Reports*

The area planners report raised no concerns regarding the proposed development and recommended that permission be granted.

### 3.2.2. **Other Technical Reports**

Environment (Parks) report: No objection

Roads Design (Planning) report: No objection

### 3.3. **Prescribed Bodies**

None

### 3.4. **Third Party Observations**

2 no. third-party submissions were received from Des O'Donoghue and Denis O'Regan. The concerns raised are similar to those of the third-party appeal.

## 4.0 **Planning History**

**PL. 28.243384, Reg. Ref. 13/35808:** A 10-year permission was granted in 2014 for the refurbishment and expansion of Pairc Uí Chaoimh and for provision of new all-weather pitch and ancillary works as part of the creation of a Centre of Excellence. This application included an EIA and an NIS. Condition no 11 states: -

*The mesh perimeter fencing to the second, all-weather pitch shall be powder-coated and black in colour. The ball netting behind the goals of the all-weather pitch shall be retractable and shall be retracted when not in use.*

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

## 5.0 **Policy Context**

### 5.1. **City Council Development Plan, 2015 2021**

The appeal site is zoned ZO 13 – Sports Ground with the associated land use objective ‘to protect, retain and enhance the range and quality of sports facilities and grounds’. Paragraph 15.20 relates to this zoning objective and states that *only development that is ancillary to the principle use of the site for sports and which will only affect lands incapable of forming part of the playing pitches, will be considered in these areas.* Paragraphs 11.27 to 11.30 refer to the general planning

considerations to be adopted relating to existing and proposed sports grounds and facilities. The following policies are considered relevant.

**Objective 11.1:** Recreational Infrastructural Strategic Objectives

**Objective 11.9:** Protection of Sports Grounds and Facilities

**Objective 11.10:** Sports Facilities and Grounds

**Objective 13.27(c):** South Docks

## 5.2. Natural Heritage Designations

The appeal site is located approx. 2.6km west of Cork Harbour SPA (004030) and approx. 7.6km west of Great Island Channel SAC (001058).

## 5.3. EIA Screening

Having regard to the nature and small scale of the proposed development and the location of the site, it is concluded that 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

A third-party appeal was received from Des O'Donoghue. The concerns raised are summarised below: -

- The proposed development to be retained is an unauthorised development that is currently under review by the enforcement section of Cork City Council. The retention of the nets contravenes a condition attached by a previous permission. There are other conditions attached to the previous permission that the applicants have not complied with. Correspondence between the appellant and Cork City Council regarding non-compliance with conditions attached to PL. 28.243384 are included with the appeal.

- There is no justification for the retention of the nets. If the nets are required for safety reasons, then they should be provided on all sites of the pitch and not just at the ends.
- The height of the nets would have a negative impact on birds and bats.
- The nets are visually obtrusive.

## 6.2. Applicant Response

A detailed response to the appeal was submitted by Coakley O'Neill on behalf of the applicant and is summarised below: -

- The proposed development is compliant with the sites zoning objective and with development plan policies. Details of similar developments which were appealed and subsequently granted permission have been included with the submission.
- There is a minimal difference between the height of the nets granted permission under PI 28.243384 (15m) and those to be retained (15.29m). The increased height is acknowledged. However, it is considered that it does not result in a material impact on the visual amenity of the area.
- The netting should also be considered in the context of the stadium, which is approx. 38m in height. It is, therefore, considered that the proposed netting does not cause a significant or detrimental impact on the existing amenities of the area.
- Permission was previously been granted for netting on the site, the appeal relates to minor amendments.
- Photos of the netting have been included. It is considered that the netting is almost imperceptible in longer distance view. Photomontages have also been submitted indicating the existing netting to be retained and re-tractable netting. It is noted that the retractable netting would amplify the supporting posts. The number of support posts have also been reduced in the development to be retained. It is, therefore, argued that the netting to be retained has less of a visual impact than that previously approved. A

photomontage submitted indicates that the development to be retained would not have any impact on views and prospects outline in the development plan.

- The proposed netting would not have a negative impact on birds and bats. An EIS was submitted with the parent permission which confirmed that the diversity of bird species within the site is very low. There are no important migratory flight paths within the site. It is therefore extremely unlikely that the development would have a negative impact on important migrating species.
- The retractable nature of the netting originally proposed was a mitigation measure included in the EIA. The netting to be retained has been in place for over 2 years and there has been no incident of birds or bats colliding with the netting.
- An Appropriate Assessment Screening was carried out as part of the application which concluded that the development would not have the potential to undermine the population status or distribution of wetland bird species with the SPA. It is also noted that several specialist environmental and ecological reports have been provided over the course of the redevelopment of the stadium and there is no evidence that the netting represents a danger to birds or bats.

### **6.3. Planning Authority Response**

No further comments.

## **7.0 Assessment**

7.1. The main grounds of this appeal relate to visual amenity and ecological impacts. Appropriate Assessment requirements are also considered. It is noted that the appellant raised concerns regarding non-compliance with conditions attached to the previous permission (PL 28.243384) on site. However, as these items do not form part of this current appeal, I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Visual Amenity
- Ecological Impacts

- Appropriate Assessment

## 7.2. **Visual Amenity**

- 7.2.1. Permission was granted for ball stop netting, approx. 75m in length to the rear of both goals at the western and eastern sides of the pitch. It comprised 5 no. bays, each bay was approx. 15m in width by 15m in height. The netting was supported by 6 no. posts. The netting to be retained is located to the rear of both goals. It comprises 3 no. bays, each bay is approx. 25m in width by 15.29m in height. The netting is supported by 4 no. posts. It is also proposed to amend condition no. 11 of PL 28.243384 to allow for non-retractable ball netting. I visited the site on the 7<sup>th</sup> February 2020 and the netting was in place.
- 7.2.2. Concerns have been raised in the appeal that the works to be retained have a negative impact on the visual amenities of the area. Photomontages submitted with the application indicate a bulkier appearance when the netting is retracted. It is also noted that the development to be retained results in the removal of 4 no. support poles on the site, in this regard 2 no. poles on the eastern end and 2 no. poles on the western end.
- 7.2.3. The additional height of the netting, approx. 290mm, is noted, however, having regard to the location of the development site, adjacent to an existing stadium and to the planning history of the site, it is my view that the development to be retained does not have a significant negative impact on the visual amenities of the area.

## 7.3. **Ecological Impacts**

- 7.3.1. Concerns have been raised that the development creates a hazard for birds and bats. In response to the appeal the applicant stated that during the previous permission (PL 28.243384) for the refurbishment and expansion of Pairc Uí Chaoimh, an EIA and NIS were submitted, and further ecological issues were addressed during the oral hearing, which concluded that the development would not have significant adverse effect on birds or bats. It is also stated that the netting has been in place for over 2 years and no incidents of birds or bats colliding with the netting have occurred.



7.3.2. It is noted that there are no important migratory flight paths associated with the site. The site is a playing pitch and not an established feeding ground for important bird species and there are no significant trees within or adjoining the site. Having regard to the low ecological value of the site, it is my opinion that the development is unlikely to have a negative impact on birds or bats.

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

7.4.1. It is noted that an NIS was submitted with the previous application on site for the refurbishment and expansion of Pairc Uí Chaoimh granted permission under PL 28.243384.

7.4.2. An AA Screening report was submitted with the current application which concluded that the ball nets would not pose a significant risk of collision and / or entanglement to wetland bird species, which are a qualifying interest of the Cork Harbour SPA. Cork City Council carried out a screening assessment and concluded that the development would be unlikely to have a significant effect on a designated site.

7.4.3. In my view, having regard to the nature and scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

### 8.0 **Recommendation**

It is recommended that permission be granted subject to conditions.

### 9.0 **Reasons and Considerations**

9.1. Having regard to the 'Sports Ground' zoning objective for the site, the provisions of the Cork City Development Plan, 2015-2021, the nature and small scale of the development and to the nature, location and context of the site and surrounding area, it is considered that, subject to compliance with the conditions set out below, the proposal would not seriously injure the amenities of the area or of property in the

vicinity of the site. The proposed development would, therefore be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be retained 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.

**Reason:** In the interest of clarity

2. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on 27<sup>th</sup> November 2014 under appeal reference number PL 28.243384, planning register reference number 13/35808, and any agreements entered into thereunder.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permissions.

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Elaine Power  
Planning Inspector

24<sup>th</sup> February 2020