



An
Bord
Pleanála

Inspector's Report

ABP-306475-20

Development	Permission for an all weather surface to the existing training area, 67m long x 6m high ballwall, floodlighting installation to serve the new all weather training area all associated site works.
Location	Skerries Harps GAA and Camogie Club, Dublin Road, Skerries, Co Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F19A/0508
Applicants	David Watson on behalf of Skerries Harps GAA & Camogie Club
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellants	The Residents 12,13,14,15 The Park Balbriggan St and 4, 5, 6 8 and 10 Foxgrove, Skerries
Date of Site Inspection	5 th May 2020
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1.1. The site is located at Skerries Harps GAA and Camogie Club, Dublin Road, Skerries, Co Dublin. The location is on the western side of the Dublin Road where Skerries Community Centre is located on the opposite, eastern side. The site accommodates a playing pitch and flood lighting, a club house, surface car parking and separate pedestrian and vehicular entrances to Thomas Hand St/ Dublin Road, which were both securely closed due to the Covid 19 restrictions on the date of inspection. Adjoining and to the west is Skerries Community College. The site is bounded on the western and southern sides by existing embankments. To the north is Skerries Town Soccer Club and associated facilities. A residential area at The Park includes four terraced two storey houses which back to the grounds, to the north, at the western end of the grounds, where the subject development will be located. These houses have block wall boundaries along the club grounds, extending to more than 2m height; some of the walls have been raised (by 3 blocks height) higher than their original height. These houses are at about the level of the pitch. Also at the western end but to the south, another residential area of the two storey detached houses and one dormer house, is located at a higher level in line with the top of the embankment. A turning head for this estate abuts the club grounds being separated therefrom by a palisade fence. The road level is more than 6m above the pitch level. From the turning head a pedestrian pathway extends to Skerries Community College. Skerries Community College also has direct access to the club grounds via a steps, at the north western corner, adjoining no. 15 The Park. A timber fence has been erected above the boundary wall, to the west and south of this dwelling to provide further screening from the access route.
- 1.1.2. This site is given as 2.5 ha.

2.0 Proposed Development

- 2.1.1. The proposed development is (a) a 3.500 sqm all weather surface to an existing training area, (b) a 67m long x 6m high ballwall along the west side of the training area, (c) a new floodlighting installation to serve the new all-weather training area consisting of luminaries mounted on top of 4 no. 18m high lighting columns and (d) all associated site works; all located at the western end of existing club grounds.

- 2.1.2. Per the noise assessment the wall will be manufactured by Banagher Concrete and will be 58m in length and 5m high wings will be installed at each end to attenuate the sound levels.
- 2.1.3. The letter accompanying the application states that, as previously provided for, Skerries Community College will continue to have access via their existing gate /steps at NW corner of site and use of the Skerries Harps playing pitches including the new proposed all-weather facility.
- 2.1.4. The application is accompanied by a Noise Impact Assessment prepared by Environmental Efficiency, and a Lighting report prepared by Signify Ireland.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority decided to grant permission for the proposed development subject to 9 no. conditions, including:
 - 2) reduced length to 25m.
 - 3) no use between 2100 and 0800 Monday to Friday and 1300 and 0900 Saturday, Sunday and Bank Holidays.
 - 4) the 4 no. floodlights permitted shall be fitted with spill-lighting control louvres. The floodlights shall be directed onto the playing surface of the all-weather pitch and the ball-wall and away from adjacent housing and gardens. The floodlights shall be directed and cowled such as to reduce, as far as possible, the light scatter over adjacent lands, houses and gardens.
 - 5) The development hereby approved shall adhere to the specifications and limitations for the type of floodlights and the operation of the floodlights set out within the Lux report prepared by Signify and received by the planning authority on the 29th October 2019. The lamps to be used shall be maintained in good order to ensure compliance with the required Lux levels and to ensure the correct light angles are maintained on the pitch and do not create increased light spill to nearby properties.
 - 6) The floodlights shall not be in operation between the hours of 2200 and 1000 Monday to Sunday.

3.1.2. The decision is in accordance with the planning recommendation.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Two zonings 'TC' for clubhouse and surface parking to the north of the site, 'OS' for the remainder.
- Highly sensitive landscape designation.
- An indicative cycle/pedestrian route along the Dublin Rd to the east.
- Complies with zoning.
- Visual impact and impact on residential amenity – c209m from the public road. Noise assessment – 5 GAA players hitting a ball against a proxy wall for 4 minutes on a summer's evening. The results indicate the wall will have an insignificant impact on nearby residences. It is considered that the 67m length is excessive and 25m would be acceptable.
- The 4 x 18m high floodlights 2 to the north and 2 to the south of the all weather training pitch. Column C2 is located c7m from the site boundary and c12m south of the closest residential property, no 13 The Park. Columns C3 and C4 are located c12.5m and 12.1m from the southern site boundary which comprises a steep embankment, beyond which the Foxgrove housing estate is situated. Distances between C3 and C4 and adjoining dwellings are c22m and c14m. The proposed floodlights are of a reduced height in comparison with those existing. Considered acceptable.
- Lux report – a condition to incorporate louvres and/or cowls on the proposed lighting heads, to mitigate light spillage and issues of glare, should be attached. Re light spillage lux levels of 3.9 to 8.2 in proximity to rear garden boundaries reducing significantly beyond; lux in properties to the north range from 1 to 3, compared to the all weather pitch where levels are 513. No undue impacts on residential amenities are anticipated. An automatic cut off time of 2200 hours would be appropriate.

- Transportation – no objection from Transportation Planning Section, they recommend a condition re. glare, which the planning report does not support.
- Water and Drainage – prior to commencement, acceptable surface water drainage proposals.
- Observation re. condition 3 of F12A/0254 – any breach is an enforcement issue.
- No impact on Natura sites; no EIA required.

3.2.2. Other Technical Reports

3.2.3. Transportation Planning Section - condition.

3.2.4. Water Services Planning Section – conditions.

3.3. Prescribed Bodies

IW – conditions.

3.4. Third Party Observations

3.4.1. Third party observations on the file have been read and noted.

4.0 Planning History

F18A/0208 permission granted for a new 21m monopole with telecommunications equipment and floodlights.

F15A/0178 permission granted for a new 6m high 12m long hurling ball wall, with double sided access, new all weather sports surfaces on each side, associated fencing and floodlighting, west of recently constructed new clubhouse.

F13A/0030 permission granted for minor modifications to F10A/0493 to comply with building regulations.

F12A/0254 permission granted for new floodlighting: 6 freestanding c21m high poles with a group of 11/12 luminaries (complete with light spill and glare control visors) to be located to perimeter of existing main pitch and all associated siteworks.

F10A/0493 permission granted for new 2 storey clubhouse and all associated carparking, access and siteworks, including site clearance and demolition of existing structures and widening/improvement of the access from Dublin Road.

5.0 Policy Context

5.1. Development Plan

5.2. The Fingal Development Plan 2017 – 2023 is the operative plan.

Relevant provisions include:

The majority of the site is zoned OS.

Objective: Preserve and provide for open space and recreational amenities.

Vision: Provide recreational and amenity resources for urban and rural populations subject to strict development controls. Only community facilities and other recreational use will be considered and encouraged by the Planning Authority

A small portion clubhouse and surface parking to the north of the site is zoned TC Town and District Centre.

Objective: Protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities.

Objective Z04 Have regard to development in adjoining zones, in particular more environmentally sensitive zones, in assessing development proposals for lands in the vicinity of zoning boundaries.

11.4 Transitional Zonal Areas - The Development Plan maps show the boundaries between zones. While the zoning objectives and control standards indicate the different uses permitted in each zone, it is important to avoid abrupt transitions in scale and use in the boundary areas of adjoining land use zones. In dealing with development proposals in these contiguous transitional zonal areas, it is necessary to avoid developments that would be detrimental to the amenities of the more environmentally sensitive zone. For instance, in zones abutting residential areas or abutting residential development within predominantly mixed use zones, particular

attention must be paid to the use, scale and density of development proposals in order to protect the amenities of residential property.

Objective Skerries 12: Continue to support the delivery of enhanced recreational, community, social, youth and educational facilities in the area.

5.3. Natural Heritage Designations

- 5.3.1. The nearest Natura site is Skerries Islands SPA (site code 004122) located c 1.2km offshore to the east.

5.4. EIA Screening

- 5.4.1. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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

O'Neill Town Planning have submitted the third party appeal against the decision to grant permission, on behalf of the Residents of numbers 12, 13, 14 & 15 The Park, Balbriggan St. and numbers 4, 5, 6, 8 and 10 Foxgrove, Skerries. The grounds includes:

- Contravention of zoning.
- Dis-amenity due to proximity to wall and its design, lighting poles and lighting.
- Light spillage is in excess of the 2007 guidelines.
- 67m long x 6m high wall and 18 m high floodlighting poles represent incongruous visual form in amenity lands close to residential properties.
- 67m long x 6m high wall with side walls would introduce a significant and uncontrolled noise nuisance close to residential properties.

- Daily night time use of the artificial pitch, wall and floodlighting so close to residential properties will create significant residential disamenity.
- The location of the site notice, not easy to see.
- Applicant is not the owner of the land as stated, but leaseholder, the consent of the owner, per article 22 (2) (g) of the regulations, has not been attached.
- Contiguous elevations, per article 23 of the regulations, have not been attached.
- While they are grateful for the reduction in extent, condition no. 2, they remain concerned.
- The floodlighting erected on foot of F12A/0254 is in breach of condition no. 3 and is left on before and after training. This gives them concern regarding how the proposed floodlighting will be managed.
- They do not see why the wall permitted in 2015 should not be utilised, and the subject wall refused.
- The impact on amenity is listed:
 - Noise of ball hitting wall.
 - Difficulty in controlling the use of the wall.
 - Creation of an alleyway, allowing anti-social behaviour.
 - Industrial type structure, potential for graffiti, negative visual impact.
 - They are not satisfied with the noise survey.
 - It did not measure noise levels at sensitive receptors outside training hours.
 - Shadow impact.
- As there is no netting, balls will going elsewhere.
- The ISO contour shows light spillage max 5-10 lux on residential properties and over 25 lux on school buildings. None properly depict the impact on the appellant's properties.

- The wall location is illogical due to cost. There are over 12 approved, all except for one are smaller and further removed from residential areas and schools. The majority have safety netting and low level lights.
- Hours granted are longer than requested. Noise would be more invasive and use less controlled.
- Use of dummy wall for noise survey was unsuitable, an actual wall could have been used, at a local hurling club.
- Safety is of concern. The immediate area in front of the wall would need to be kept clear for some distance to minimise non-users being hit by stray balls. The ground is fully used during training.
- The all weather nature will lead to increased duration of use/noise.
- Zoned OS – RS adjoining, confers protection against incompatible use. objective DMS44, objective DMS39. S. 11.4, objective Z04.
- Attached to the ground is a copy of a submission to Fingal Co Co regarding the application.

6.2. Applicant Response

Corr & Associates Spatial Planning have responded to the grounds of appeal, on behalf of the applicant, which includes:

- Uses are permitted in principle in OS zoning, and is supported by PM72, DMS68, PM66.
- The proposal will not impact on residential amenity. They commit to complying with condition no. 2 notwithstanding that by complying with the requirement of reducing the length of the ball-wall, as contained in condition no. 2, it will significantly curtail its usage by junior and senior members of the club.
- Light spillage – the Signify report has demonstrated that the proposed floodlights will not have a negative impact on neighbouring residential amenities. The height of the proposed floodlights is lower when compared to the current luminaire on the site.

- Visual impact – the long-standing use of site as an outdoor sports club and the proposed location below a steep embankment along the southern and western boundaries, it is unlikely that it will detract from the visual amenities of the area.
- Re. leaseholder status – letter of consent attached.
- Re. contiguous drawings – refer to Dgw no. 101 and no. 100.
- Re. breach of conditions of earlier permission. The subject application is a stand alone application and potential non-compliance with conditions of earlier permission does not fall within the field of assessment of this application/appeal.
- Re. noise report, the survey was carried out in accordance with industry standards.
- The response defends the use of a training session as the background noise level since the use for training is the established use.
- Regarding the location selected for the wall, the location has been carefully selected having due regard to distance from the public road and existing residential property. Skerries Community College is located to the rear and there are no residential properties to the rear.
- Objectives DMS44, DMS39 and Section 12.1 are design criteria for residential development and relate to residential zoning and do not pertain to the proposal.
- Re transitional zones – the proposed development would contribute to the improvement of the Skerries Harps GAA & Camogie Club sports facilities whilst resulting in more rational and efficient use of space within the existing club's grounds. The proposed development is consistent with the long-standing use of the lands as an outdoor sports club and thereby in line with the vision and objective of lands zoned Open Space. The location, adjacent to Skerries Community College and distanced from the nearest residences, seeks to protect the amenities of nearby properties.

- Lighting criteria for a residential area – the zoning is OS and they refer to the lighting report and conditions 4 and 5.

6.2.1. Attached to the response is a letter (12/2/2020) from Br Kellegher, De La Salle Provincialate, on behalf of the Trustees, which states that, as in relation to previous planning applications and as confirmation of his previous verbal approval, they consent to the making of this planning application.

6.3. Planning Authority Response

6.3.1. The Planning Authority have responded to the grounds of appeal, which includes:

- The application complied with Articles 17-20 of the Planning and Development Regulations.
- The planning officer visited the site on 29th November and was satisfied with the location and positioning of both notices, which accorded with those shown on the site location map.
- Re ownership – a note was attached to the permission advising that a person shall not be entitled solely by reason of a permission to carry out any development.
- Ref. to condition 3 of F12A/0254 is an enforcement matter.
- A number of conditions were attached to protect the amenities of the area: conditions 2, 3, 4 and 6.
- Having regard to the OS zoning, nature and scale of the proposed development and the long-established use of the site as a GAA club, it is considered that the proposal, subject to compliance with appropriate conditions, would be acceptable in terms of visual impact and would not seriously injure the residential amenities of the area.

6.4. Further Responses

6.4.1. Planning Authority have responded to the applicant's response to the grounds of appeal, stating that they have no further comments to make.

6.4.2. O'Neill Town Planning have submitted a response on behalf of the appellant to the applicant's response to their appeal, which includes:

- The zoning comes with riders. The development plan objective Z04 requires regard to be had to development in adjoining zones, in particular more environmentally sensitive zones, in assessing development proposals for lands in the vicinity of zoning boundaries.
- The rebuttal refers to acceptance of condition no. 2 but also that this will significantly curtail its usage by junior and senior members. The appellants are concerned that they would be excluded from the process of determining the location of the reduced wall and are disappointed that the applicant did not see fit to show where it would be located. They submit that since the condition was not appealed the applicants are not entitled to recover the full wall.
- Regarding condition no. 3 they state that the intention was that the ball-wall should not be in use between the hours of 2100 and 1800 Monday to Friday and 1300 and 0900 Saturday, Sunday and Bank Holidays and appellants wish to see this corrected in the event of a favourable decision.
- Regarding the response to light spillage – they submit that the drawings submitted are inaccurate as they show no spillage outside the playing area. This is contradicted by the spillage light ISO Contour on page 13 and 25 of the lighting report which shows spillage of over the maximum 5-10 lux on residential properties to the north, and over 25 lux on the school buildings.
- Regarding their response to noise nuisance – by not measuring the noise environment when there was no training on the pitch the noise survey ignored objective analysis, making it impossible to establish background levels versus the difference with twenty persons hitting a hurling ball against a concrete wall. A continuous and monotonous cadence will be of considerable disturbance and irritation to residents. Also of concern is that it will be impossible to control the use, such as outside training times, particularly at school holiday times.
- Regarding the letter of consent from the owner – failure to include this information at planning stage, which is mandatory, should result in the application being declared invalid, per article 22 (2), which sets out what a planning application should be

accompanied by at item: (g) *where the applicant is not the legal owner of the land or structure concerned, the written consent of the owner to make the application.*

- The proposed development is an intensive use of a recreational area and as such is a nonconforming use within an amenity area contiguous to a residential area; and is in contravention of the development plan. It will be a nuisance to residents by noise and light spillage. The design of the floodlighting poles, hurling wall and side walls and their proximity to neighbouring residential properties maximises the negative impact on residential amenities and value of properties. It would dominate views from properties.

7.0 Assessment

7.1.1. The issues which arise in relation to this appeal are: appropriate assessment, the principle of the development, visual amenity, noise, light, condition no 2, condition no 3, and validity and the following assessment is dealt with under these headings.

7.2. Appropriate Assessment

7.2.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment 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.

7.3. The Principle of the Development

7.3.1. The subject area of the site and the majority of the site is zoned OS with the objective: preserve and provide for open space and recreational amenities; and with the vision: provide recreational and amenity resources for urban and rural populations subject to strict development controls. Only community facilities and other recreational use will be considered and encouraged by the Planning Authority.

7.3.2. The Skerries Harps GAA and Camogie Club has been operating at this location for a considerable period of time and prior to the use by the club the lands appear to have been associated with a school, which appears on the historic Cassini map of the area.

7.3.3. The appellants argue that this is an intensive use of a recreational area and as such is a nonconforming use within an amenity area contiguous to a residential area. I cannot agree with that assessment. I consider the use to be a suitable recreational use of appropriately zoned land and acceptable in principle.

7.4. Visual Amenity

- 7.4.1. Impact on visual amenity is identified as a concern by appellants. It is described as an industrial type structure with potential for graffiti and having a negative visual impact. The visual impact of the 18m high lamp standards is also of concern. The siting of the wall is well back from Thomas Hand St / Dublin Rd, which is the main location from which it will be visible. The backdrop of the embankment to the west and south will reduce the visual impact. The impact from Foxgrove is greatly reduced by the fact that the ground level of the existing pitch is about 6m below the prevailing level in the residential area. From The Park the visual impact will be more pronounced, but from the rear gardens of the adjoining houses the visual impact will be moderated by the very high walls which bound these properties. There are several other higher lamp standards around the grounds and the visual impact of the 18m high lamp standards is not significant by comparison.
- 7.4.2. In my opinion visual impact should not be a reason to refuse or modify the proposed development.

7.5. Noise

- 7.5.1. The impact from noise is of considerable concern to the appellants. The appellants are not satisfied with the noise survey. They are concerned that it did not measure noise levels at sensitive receptors outside training hours; and the use of a dummy wall for the noise survey was unsuitable, an actual wall could have been used, at a local hurling club.
- 7.5.2. A Noise Impact Assessment was submitted with the application. It shows background noise levels measured on a weekday evening and Saturday morning. It also predicts the impact of the proposed ball wall in use, based on measurements taken while hurlers used a wall set up for the purpose of the noise measurement.

The impact of the proposed use, shown in Tables 4-6 and 4-7, indicates that the increase in noise will be imperceptible.

- 7.5.3. In my opinion the existing use of the facilities is part of the background against which the proposed development is to be assessed, therefore it was appropriate to measure noise with the training facilities in use. As indicated in the survey results the proposed development will not have a significant noise impact and noise impact should not be a reason to refuse or modify the proposed development.

7.6. Light

- 7.6.1. The impact from light spillage is of concern to the appellants. They state that the applicant has not complied with previous permissions in relation to flood lighting. They state that the drawings submitted are inaccurate as they show no spillage outside the playing area. This they state is contradicted by the spillage light ISO Contour on page 13 and 25 of the lighting report which shows spillage of over the maximum 5-10 lux on residential properties to the north, and over 25 lux on the school buildings.
- 7.6.2. It is not entirely clear which drawings showing no spillage outside the playing area are referred to; except that some drawings in the Signify report show light on the playing surface alone. These appear to be intended to indicate the adequacy of the proposed lighting system for users of the training facility.
- 7.6.3. In relation to the matter of light spillage, drawings 3.4 Spill Light: Graphical Table, 3.5 Spill Light: Iso Contour and 3.6 Spill Light: Iso Filled Contour (page 13/25) appear to be based on the spread of light from the two types of light fitting proposed, and the intensity and extent of its spread over the ground surface. As depicted in these drawings the surface illuminance (lux) falls off immediately to the north and south and extends farther to the east, into the club's own grounds and the west, into the school grounds, where an intensity of 25 lux is shown. To the north and south the intensity contours are 10, 5, 2 and 1, rapidly diminishing from the light source, up to 5 lux reaching the back walls of the houses at The Park, and up to 10 lux at the rear garden of the houses, No 8 Foxgrove is shown as impacted by surface illuminance of 2 lux on the back of the house. The drawings appear to indicate the surface illuminance (lux) of the ground. There is no indication of the intensity above ground

level, such as at 1.5m or at 4.5m, the heights at which light might be experienced. There is no indication of the impact of the high walls to the rear of the properties to the north and how these barriers would impact on the spread. Neither is there any indication of what the perception of the lighting impact would be.

- 7.6.4. I am not aware of any standard or guidance on this matter in Ireland. I note that Sport England Design Guidance Note¹, as well as considering the needs of various sports users, considers the issue of light spillage, and recommends a limit to such spillage of 10 Ev (lux) (vertical Illuminance in Lux - measured flat on the glazing at the centre of the window) pre curfew, and 2 Ev (lux) post curfew. Australian/ New Zealand Standard AS/NZS 4282 on Control of Obtrusive Effects of Outdoor Lighting also distinguishes between pre and post curfew (likely to be 2200 or 2300 hours), limiting light to 25 lux pre curfew and 4 lux post curfew at the boundary of commercial and residential and to 4 lux pre curfew / 2 lux post curfew at residential with light surrounds.
- 7.6.5. It is noted that condition no 4 of the decision requires the 4 no. floodlights to be fitted with spill-lighting control louvres. The floodlights shall be directed onto the playing surface of the all-weather pitch and the ball-wall and away from adjacent housing and gardens. The floodlights shall be directed and cowled such as to reduce, as far as possible, the light scatter over adjacent lands, houses and gardens. Condition no 5 of the decision requires that the development adhere to the specifications and limitations for the type of floodlights and the operation of the floodlights set out within the Lux report prepared by Signify and that the lamps to be used shall be maintained in good order to ensure compliance with the required Lux levels and to ensure the correct light angles are maintained on the pitch and do not create increased light spill to nearby properties. Condition no 6 of the decision requires that use of the floodlights should cease between the hours of 2200 and 1000 Monday to Sunday.
- 7.6.6. It could be considered that the application submission on lighting does not give sufficient explanation of the likely impact of unwanted light on nearby properties. The Board may consider that the draft conditions are not sufficiently specific as regards the control of light spillage. The Board could decide not to permit the floodlighting in the absence of more detailed information on the impact of light spillage, or could

¹ Sport England Design Guidance Note, on Artificial Sports Lighting updated 2012

decide that the establishment of a cutoff time of 2200 for use of the floodlighting would be sufficient to control impact and in the latter case may consider it necessary to establish light limits. In my opinion the pre curfew standards set out in either the Sport England Design Guidance Note, on Artificial Sports Lighting or the Australian/ New Zealand Standard AS/NZS 4282, would be appropriate.

- 7.6.7. The grounds of appeal refers to existing floodlighting, questioning the planning status of such lighting. The response to the grounds states that non-compliance with conditions attached to previous planning permission does not fall within the field of the assessment of this application/appeal.
- 7.6.8. In my opinion the subject application can be assessed without reference to the existing floodlighting and any issues regarding the existing floodlighting are matters for the planning authority.

7.7. Condition no 2

- 7.7.1. The import of condition no 2, as drafted, would be to reduce the length to of the wall from 67m long to 25m long. The reason given for the condition is to protect the amenities of the area.
- 7.7.2. The applicant, in response to the grounds of appeal states that they are willing to accept the condition but states that the condition will significantly curtail its usage by junior and senior members of the club.
- 7.7.3. Responding to this the appellants state their disappointment that the applicant did not see fit to show where the reduced wall would be located, and they submit that since the condition was not appealed the applicants are not entitled to recover the full wall.
- 7.7.4. The Board is considering this appeal de nova.
- 7.7.5. As previously stated these lands are zoned for open space and it is intended that this zoning will preserve and provide for open space and recreational amenities. It is intended that community facilities and other recreational use will be considered and encouraged by the Planning Authority. In my opinion the proposed ball wall is a development which is to be encouraged on the subject site.

7.7.6. I do not consider condition 2 to be necessary to protect the amenities of the area. It will reduce the amount of wall available for practice and reduce the potential capacity of these facilities. The condition does not encourage community facilities and other recreational use as required by the development plan. I consider that such a condition should not be attached to any grant of permission.

7.8. **Condition no 3**

7.8.1. Condition no 3 states that the ball wall shall not be in use between 2100 and 0800 Monday to Friday and 1300 and 0900 Saturday, Sunday and Bank Holidays.

7.8.2. The appellants state that the intention was that the ball-wall should not be in use between the hours of 2100 and 1800 Monday to Friday and 1300 and 0900 Saturday, Sunday and Bank Holidays and they wish to see this corrected in the event of a favourable decision.

7.8.3. As stated the condition requires Monday to Friday use of the ball wall to be suspended at 9 o'clock at night and that its use may recommence at 8 o'clock in the morning. The appellants request that use be suspended at 9 o'clock at night and that use may not recommence until 6 o'clock the following evening. This would preclude use throughout the day.

7.8.4. It seems appropriate to restrict night time use, although training facilities are frequently used until later than 9 o'clock at night, and the floodlighting is restricted to 10 o'clock.

7.8.5. I can however see no reason to restrict weekend use to the hours specified as recreational facilities should be available outside of work hours when users have free time. The condition as drafted would preclude use during afternoons evenings of Saturdays, Sundays and Bank Holidays. In my opinion reasonable restriction on night time use should continue through weekends and bank holidays and no additional restrictions should apply.

7.9. **Validity**

7.9.1. The appellants identified correctly that the application was not made by the owner of the site and was not accompanied by a letter from the owner. This has been

corrected in the response to the grounds of appeal, which is accompanied by a letter from the owner. In a further response the appellants state that the application when made to the planning authority should have included the letter and that the application should be declared invalid.

7.9.2. I am not aware of anything which precludes the correction of the omission at this stage in the process. It is worth noting that the owner was aware of the application and that the omission of the letter has not prejudiced the appellants. I do not consider the application to be invalid.

8.0 Recommendation

8.1.1. In accordance with the foregoing I recommend that planning permission should be granted for the following reasons and considerations and in accordance with the following conditions.

9.0 Reasons and Considerations

9.1.1. Subject to the following conditions, the proposed development of a ball wall and all weather training facilities at these existing club grounds would accord with the open space zoning objective to encourage community facilities and other recreational and amenity resources, would provide valuable sports facilities for the community including the youth of the area, would not unduly impact on the residential amenities of adjoining residents, and would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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
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	<p>development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to the commencement of development, the applicant shall submit for the written agreement of the planning authority, details of the proposed lighting intensity, directional control and cowling of the floodlighting which shows that the proposed development will adhere to the limits set out in ¹ Sport England Design Guidance Note, on Artificial Sports Lighting updated 2012, for pre curfew conditions.</p> <p>Following installation of the floodlighting, a report from a qualified lighting consultant shall be submitted to the planning authority, demonstrating adherence to these standards.</p> <p>Reason: To protect the amenities of the area.</p>
3.	<p>The floodlights shall not be in operation between the hours of 2200 and 0900 Monday to Sunday.</p> <p>Reason: To protect the amenities of the area.</p>
4.	<p>The ball wall shall not be used between the hours of 2200 and 0900 Monday to Sunday.</p> <p>Reason: To protect the amenities of the area.</p>
5.	<p>Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public</p>

	<p>holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
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Planning Inspector

13th May 2020

Appendix 1 Photographs

Appendix 2 Fingal Development Plan 2017-2023.