



An
Bord
Pleanála

Inspector's Report

ABP-306578-20

Development	Construction of entrance gateway on north boundary fence, opposite Mill Tree Way.
Location	Ratoath Sport Campus, Jamestown, Ratoath, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	RA191104
Applicant(s)	Ratoath Sports Campus
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Siobhan O'Dea
Observer(s)	None
Date of Site Inspection	26 th of May 2020
Inspector	Angela Brereton

1.0 Site Location and Description

1.1. The subject site is located at Ratoath Sports Campus, in the townland of Jamestown 700m south-east of Ratoath Village. The Sports complex is accessed via the local roads network including Milltree Park and The Avenue. The proposed new entrance is to be located on the northern side of the sports campus on 'The Drive' opposite the residential development in the cul-de-sac 'The Way'. Ratoath Community Sports Campus is bounded by a green palisade fence and has road frontage to the north to The Drive and to the west to The Avenue. It adjoins the rear of the houses in Mill Tree Crescent to the east. Ratoath College and associated parking area are located to the south (rear) of the site.

2.0 Proposed Development

2.1. The Construction of New Entrance Gateway on Northern Boundary Fence opposite Mill Tree Way, and associated siteworks.

3.0 Planning Authority Decision

3.1. Decision

On the 17th of January 2020, Meath County Council granted permission for the proposed development subject to 4no. conditions. Condition no.3 is as follows:

The proposed new entrance shall only be used for emergency purposes and to facilitate intermittent access for maintenance vehicles only. The entrance shall not be used to facilitate access for members of the public, players, athletes or spectators.

3.2. Planning Authority Reports

3.2.1. Planner's Report

This had regard to the locational context of the site, planning history and policy and to the submissions made and the interdepartmental reports. Their Assessment included the following:

- They had regard to screening for AA and considered that a Stage 2 AA (NIS) is not required in this instance.
- They had regard to the location and usage of the proposed access and to the comments of the Transportation Section. They considered that further information should be requested.

Further Information request

This included the following:

- To clarify if the proposed new entrance is a public entrance or is to serve emergency service vehicles only. If the latter is the case, they were requested to re-advertise the proposed development indicating this.
- To submit a revised site layout and site location map that extends the red line boundary of the site to include the entirety of the proposed works including the entrance and footpath. If the proposed entrance crosses lands that are outside the ownership of the applicant a letter of consent should be submitted from the associated landowner.

Further Information response

Deaton Lysaght Architects response on behalf of the Applicants includes the following:

- The new entrance is to be used by emergency services and maintenance machinery only to gain access to the site.
- It is proposed for Health and Safety reasons relative to the operation of the Sports Campus.
- The entrance to The Avenue will be used for the Sports Campus purposes.

Planner's response

They had regard to the F.I submitted and recommended that permission be granted for the proposed development subject to conditions.

3.3. Other Technical Reports

Transportation Section

They have no objection subject to clarification as to why a new access point is required and to identify any vehicular pedestrian or cycle routes within the site that links with the new access. They also recommended that all works be completed in accordance with current standards.

3.4. Prescribed Bodies

The Planner's Report notes that this application was not referred to any prescribed bodies.

3.5. Third Party Observations

A Submission has been received from a local resident expressing concerns about the use and safety of the proposed access. These concerns have been noted in the Planner's Report and as they are the subsequent Third Party Appellant they are noted further in the context of the grounds of appeal below.

4.0 Planning History

As noted in the Planner's Report this included note of the following permissions granted subject to conditions by the Council:

- DA/120465 – Permission granted for construction of new car-park, re-location of Campus entrance, re-alignment of road, all-weather multi-sports playing area, and associated floodlighting and site works.
- DA/901071 – Permission granted for a change of design of clubhouse approved under Reg.Ref. DA/800334 and associated works.
- DA/800334 – Permission granted for the construction of clubhouse and 5 tennis courts, with associated floodlighting, boundary fencing, road entrance, car-parking and other associated works.

- DA/60471 – Permission granted for the erection of lights to the perimeter of a running track consisting of eight in number 10m high poles, to carry two in number 1kW lamps.

Copies of these permission are included in the History Appendix to this Report.

5.0 Policy Context

5.1. Meath County Development Plan

Section 2.3.3 includes that Local Area Plans remain in place for a number of areas including relative to the current application - Ratoath. Future reviews of these LAPS will be required to be compliant with the Development Plan as varied. It notes that these are to be read as part of the County Development Plan pursuant to Section 11(c) of the Planning and Development Act 2000 as varied. It also provides that these former town plans and the East Meath LAP will be the subject of a separate variation process to align their contents with the Economic Strategy.

5.2. Ratoath Local Area Plan 2009-2015

This incorporates Amendment Number 1 – Made on 2nd of March 2015, which as per Section 1.1 seeks to apply the land use zoning objectives and ensure consistency with the zoning objectives and Order of Priority for the release of lands and the Core Strategy of the Meath CDP 2013-2019.

As shown on the Land Use Zoning Map the site is zoned F1 Open Space and has an objective: *To provide for and improve open spaces for active and passive recreational activities.*

It is adjacent to the residential area to the north which is zoned A1: *To protect and enhance the amenity of development residential communities.*

To the south the area is zoned G1: *To provide for necessary community, social and educational facilities.*

Policy SOC POL 10 seeks: *To support and encourage local sports and community groups in the provision, expansion and development of outdoor and indoor community facilities and where appropriate encourage the input of a third party.*

Objective SOC OBJ 8 seeks: *To promote the use of existing recreational facilities in Ratoath.*

5.3. **Natural Heritage Designations**

The site is located c.14km from the Rye Water/Carton SAC (site code:001398).

5.4. **EIA Screening**

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, 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**

Siobhan O'Dea has submitted a Third Party Appeal that includes signatures from several local residents in the area. She is concerned that the proposed development will compromise their community in many ways and this includes the following:

- The safety of local residents including children will be severely compromised by providing this new access.
- Increased traffic of this nature will degrade the quality of life in the estate, bring noise pollution and disturbing the peace and quiet of local residents.
- The traffic generated will impact adversely on privacy and security of local residents.
- Higher insurance premiums may result from additional vehicular and pedestrian traffic. Costs that will be borne by residents not the Sports Campus.

- The grass verge that borders the path over which the access would have to take place is the property of and maintained by Mill Tree Management Company on behalf of the residents.
- They are concerned about the implications of longterm use of this entrance that it will be changed from that now proposed to become the default entrance to the campus.
- There is a double service gate on the west side of Ratoath Sports Campus away from the residence area.
- The whole area is now overdeveloped and now proposing to add playground, hub building with café boxing club and gym which brings more numbers and traffic to this area.
- It leads to additional traffic in the area and parking on Milltree Park Way.
- The pedestrian gate accessing the tennis club was put in place without planning permission by Ratoath Sports Campus on the north boundary fence.
- The local residents in Mill Tree Park do not wish to endure the multiple intrusions that the construction and use of this new entrance to the Sports Campus will inevitably bring. They ask the Board to reject the proposal.

6.2. Applicant Response

Deaton Lysaght Architects have submitted a response on behalf of the Applicants which includes the following:

- They provide a history of Ratoath Sports Campus and note it has grown in popularity and an extended car-park was developed at The Avenue in recent years to provide the increased numbers of car-spaces required for bigger sports events. Also, that Ratoath College has agreed to make additional parking spaces available for larger events should the need arise.
- They have had detailed discussions with the PA about their future application for the central Hub Building which will provide indoor sports and changing facilities and will complete their development of the Campus.

- The PA have made it clear to them that the only public entrance for the Campus should be opposite the car park on The Avenue, and that all traffic associated with the Campus should be directed to that point.
- The Sports Campus is a community facility and they have worked to minimise any disturbance to local residents and are at all times available to address any concerns that may arise.
- Due to the level - difference of approx. 1.2m between the entrance at The Avenue and the running track/rugby pitch, they discussed with the PA the provision of an access for emergency vehicles at another point. They provide that the location of the emergency entrance the subject of the current application was determined.
- Works on site are now almost completed and occasional access for grass cutting and similar light maintenance is all that is required.
- They cannot and would not propose the entrance if they considered it a danger to public safety.
- The traffic generated by the Campus will be largely restricted to The Avenue and will not affect the majority of the houses in Mill Tree Estate.
- While some activities are conducted at night under floodlights, the major events are carried out at weekends in the daytime and have a negligible volume of noise.
- It is not anticipated that any large vehicles capable of intruding into the privacy of the rear gardens in The Way will be generated by this proposed development. They will work to minimise any disturbance or inconvenience to the immediate neighbours.
- The proposal will not impact on the security of the Campus and they note that the facilities are used predominantly by members of sports clubs and the community generally. The activities and numbers attending will be unaffected by the current planning application.
- The provision of excellent sports facilities adjacent to Mill Tree Park can only add to the value and amenity of the houses in the estate. It is speculative that

insurance premiums will be affected by the presence of the Sports Campus on the adjoining site.

- The Sports Campus will undertake to comply with the letter and spirit of the undertakings of Condition no. 3 and use the entrance for emergency purposes and intermittent maintenance vehicles. This condition can be enforced by the PA in the normal manner.
- They acknowledge the Tennis Club installed a pedestrian access opposite Mill Tree Way without the agreement of the Campus management. This entrance gate has now been removed and it has been agreed with all of the clubs and Campus users that the only available access gate will be at The Avenue.
- They urge the Board to grant permission for the proposed emergency entrance, as an important part of the provision of safe sporting facilities for their community.

6.3. Planning Authority Response

Their response to the appeal submission includes the following:

- They are satisfied that most of the matters outlined in the submission were considered in the course of its assessment of the planning application as detailed in the Planning Officers Report.
- The proposed development is considered to be consistent with the policies and objectives as outlined within the Meath CDP 2013-2019 as varied.
- They consider that the wording of Condition no. 3 controls the nature of the access and clearly stipulates the permitted nature and use of the proposed access. Also, that it will not result in any additional parking within the estate or give rise to any prolonged negative noise impact or loss of privacy within the estate.
- They consider that the anticipated traffic volumes and frequency of traffic movements proposed under that application will be such so that it will not give rise to any discernible negative traffic impact. They note that the Transportation Department Report raises no objection to the proposed development. They refer to Condition no.4 in this respect.

- They have regard to Condition no. 2 and consider that this controls the issue of sufficient legal interest to carry out the proposed development.
- They note that the alleged unauthorised construction of a pedestrian entrance does not pertain to the subject application and has been subject to Planning Enforcement (ref. no. UD19206 refers). The said pedestrian gate has now been removed and the access closed-up with the installation of permanent palisade fencing.
- It is not considered that the proposed development by reason of its anticipated intermittent use, as stipulated under Condition no. 3 will give rise to increased security risk at Mill tree Estate. They request that the Board only have regard to the relevant planning considerations in the assessment of this appeal.
- The issue of future insurance is considered to be a matter for the relevant landowners and is not considered to be a valid planning consideration.
- They refer the Board to the permitted use of the entrance, as per condition no. 3 of the notification of decision to grant permission.
- They request the Board to grant permission for the proposed development.

7.0 Assessment

7.1. Background and Rationale for Proposed Development

- 7.1.1. Details submitted note that the Sports Campus was established in 2004 when Ratoath community received the lands as part of the planning conditions under which the Mill Tree Park Housing Development was constructed. Ratoath Sports Campus is a subsidiary of St. Oliver's Community Centre Ltd. and was formed to act as a voluntary body to administer the sports area at Jamestown, Ratoath. The Campus is currently primarily used by Ratoath Athletics Club, Ratoath Tennis Club, Ratoath Rugby Club and each of these clubs have floodlight facilities and they note that planning permissions have been obtained. It is also noted that an extended car park has been provided on The Avenue for use by the Sports Campus to provide an increased number of spaces for bigger sports events.

- 7.1.2. Following initial establishment of the Sports Campus, and in consultation with the various Clubs, the applicants considered necessary to provide an access for emergency services onto the main area, which includes the 400m running track and the central rugby pitch. They provide that this is necessary as the previous access has been blocked by the recent development of a raised sprint track for the Athletes Club. The current proposed emergency entrance would have a reduced difference in levels from that on The Avenue and the running track/rugby pitch which is preferable for use by emergency vehicles, and this is of critical importance to the Club and its duty of care for its players.
- 7.1.3. They provide that the general entrance to the Sports Campus which is from The Avenue will continue to be used for all sporting purposes, and the proposed new entrance will be reserved for emergency use only, as required under the Safety Plan for the Campus. They submit that the proposed development will enable the Sports Campus to continue to fulfil its potential as a high-quality Community Sports facility. Also, that it is important in the interests of health and safety that this new emergency entrance be granted.

7.2. Proposed Development and Impact on the Character and Amenities of the area

- 7.2.1. Currently there is a gated vehicular entrance to the Sports Campus from The Avenue and a new pedestrian path is being constructed to the tennis courts from the north western corner of the site. This is also accessed via The Avenue. There is a large surface car parking area on the opposite side of The Avenue, adjacent to the Scouts Club building. There are footpaths and cycle ways along The Avenue and The Drive frontages. The junction with the cul-de-sac to The Way in Mill Tree estate, is opposite the location for the proposed gateway.
- 7.2.2. It is noted that the Third Party are concerned that some of the pedestrian entrances including the one to the tennis club (now closed off) opposite The Way are unauthorised. If there are any issues including relative to unauthorised entrances, this is not within the remit of the Board, rather enforcement is a matter for the Planning Authority.
- 7.2.3. As shown on the Site Layout Plan this proposal is for the construction of a new vehicular entrance, 4.5m wide, with ramp down to the running track and a dished

footpath. Currently there is a palisade fence around the northern boundary of the site and it is visually important that the external finishes match this. The proposed entrance is to 'The Drive' and is opposite the residential cul-de-sac 'Mill Tree Way.' It will be the only vehicular entrance to the Sports Campus in this area.

- 7.2.4. Details submitted in response to the Council's further information request clarified that the new entrance is not designated as a public entrance to the Campus. It is to be used by emergency services and maintenance machinery to gain access via an internal ramp to the running track and rugby pitch. They confirm that the entrance for all members of the public, players, athletes and spectators, will be at the original entrance position between the all-weather pitches and the tennis courts on Milltree Avenue. This entrance is adjacent to the carpark and all users of the Campus should be using the entrance to The Avenue. The proposed entrance is an emergency entrance – Condition no. 3 of the Council's permission refers.
- 7.2.5. The Third Party is concerned that the construction of the proposed gateway and its usage would unnecessarily add to the pressure on residents who already must deal with parking and traffic generated by primary and secondary school parents, members of the tennis club, rugby club, Ireland's largest athletics club and the Scouts. This is over and above the considerable delivery, service and construction traffic of all the aforementioned. The appellants are concerned with the overall long term use of the Sports Campus and the cumulative impacts of the overall development including the current proposal and consider it will have a detrimental impact on their residential area.
- 7.2.6. Having viewed the site I noted that all the entrances to the site including the vehicular entrance are currently from The Avenue which is the main road serving the Sports Campus and associated parking area. This proposal will serve to introduce a new vehicular entrance into the northern part of the site, proximate to residential development. However, it is noted that it is not intended that this be an alternative entrance into the site, rather that it be restricted to an emergency entrance. The First Party response provides that the management of the Sports Campus endorses, Condition no. 3 of the Council's permission relative to restriction of use to emergency vehicles and to facilitate intermittent access for maintenance vehicles only. They consider that this Condition addresses fully and

comprehensively the concerns expressed by the appellants. The Council does not dispute this.

- 7.2.7. I would consider that clarification of the limited nature of the usage and the need for the proposed entrance has been provided. Also, it has been noted that it is not intended that this entrance be used as an alternative entrance for users of the Sports Campus and the issues raised by the Council's Transportation Section have been, taken into account. In view of its location and the limited nature of the use I would not consider that it would be detrimental to the residential amenities of the area. If the Board decides to permit, the inclusion of Condition no. 3 of the Council's permission is recommended to restrict the usage.

7.3. Access/Legal issues

- 7.3.1. The Third Party are concerned that the grass verge that borders the path over which the access would have to take place is the property of and is maintained by Mill Tree Park Management Company, on behalf of residents. They are concerned that this would be damaged by vehicles accessing the Sports Campus and would degrade the physical environment of their estate.
- 7.3.2. The First Party response provides that the Sports Campus will undertake to provide a properly formed dished entrance onto the public road, which will be maintenance free and will not require any expenditure by the Mill Tree Park Management Company. The terms of any access agreement are to be provided by the PA under Condition no. 2 of the Planning Decision.
- 7.3.3. The Council have included this condition to demonstrate that the applicants have sufficient legal interest to access the site. However, I am not convinced that such a condition is appropriate for inclusion in a planning decision. It is of note that the issue of ownership is a civil matter and I do not propose to adjudicate on this issue. I note here the provisions of s.34(13) of the Planning and Development Act: "*A person shall not be entitled solely by reason of a permission under this section to carry out any development*". Under Chapter 5.13 'Issues relating to title of land' of the 'Development Management - Guidelines for Planning Authorities' (DoECLG June 2007) it states, inter alia, the following: "*The planning system is not designed as a*

mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts...”

7.4. Screening for Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that permission be granted subject to the conditions below.

9.0 Reasons and Considerations

Having regard to the provisions of the Meath County Development Plan 2013-2019 (as varied) and the Ratoath Local Area Plan 2009-2015 (as extended) and the land use zoning objective for open space purposes, to the history of the site as part of Ratoath Sports Campus and to the nature, and the details of the usage of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area, or impact adversely on public safety. 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 carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 16th day of December 2019 and by the further plans and particulars received by An Bord Pleanála on the 6th day of March, 2020, 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. Prior to the commencement of development, the applicant shall submit written confirmation to the planning authority that the proposed new entrance shall be used only for emergency purposes and to facilitate intermittent access for maintenance vehicles. Also, that the entrance shall not be used to facilitate access for members of the public, players, athletes or spectators.

Reason: In the interest of amenity and of traffic and pedestrian safety.

3. The construction of, the proposed emergency vehicular access, shall comply with the requirements of the planning authority for such works. This shall include that the works to the footpath, cycleway and grass verge complies with the National Cycle Manual.

Reason: In the interests of amenity and of traffic and pedestrian safety.

4. The external finish, height and colour of the proposed gateway shall match that of the existing palisade fence.

Reason: In the interests of visual amenity.

Angela Brereton
Planning Inspector

3rd of June 2020