



An
Bord
Pleanála

Inspector's Report ABP-307361-20

| | |
|-------------------------------------|--|
| Development | Development of a playing pitch, walking track, flood lighting, entrance, access road, car parking and all associated site works. |
| Location | Augha Road, Nurney, Co. Carlow |
| Planning Authority | Carlow County Council |
| Planning Authority Reg. Ref. | 19/274 |
| Applicant | Nurney Sporting Grounds Company Ltd. |
| Type of Application | Permission |
| Planning Authority Decision | Grant Permission |
| Type of Appeal | Third Party |
| Appellant(s) | Michael White |
| Observers | None |
| Date of Site Inspection | 26 th August 2020 |
| Inspector | Paul O'Brien |

1.0 Site Location and Description

- 1.1. The subject site contains a rectangular shaped field with a stated area of 1.21 hectares located to the east of a local road (L30474), named as the Augha Road, approximately 300 m to the south of Nurney, Co. Carlow. A laneway provides access to the site from the public road and there is a significant rise in levels along this laneway – approximately 13 m rise over circa 125 m. The site falls on a north east to south west axis. The site was under high grass on the day of the site visit. A timber post and barbed wire fence formed the northern boundary. The other boundaries consist of a mix of fencing and hedgerows.
- 1.2. The site does not adjoin the public road, a primary school is located in the area between the site and road. Surrounding lands are primarily in agricultural use, though there is a row of detached houses approximately 85 m to the north of the subject site. The appellants house/ lands are located to the south west of the site and the house is circa 16 m from the south west corner of the site.

2.0 Proposed Development

- 2.1. The proposed development consists of:
 - The layout out of a playing pitch for football/ soccer.
 - A footpath from the public road to the playing pitch.
 - Revised entrance and access road, and new car parking area allowing for up to 25 cars.
 - Floodlighting of the pitch; floodlights to be supported on six poles/ supports of 15 m in height. The lights to be of LED type.
 - All associated landscaping and site development works.

A letter of consent is included from an adjoining landowner, to enable the set back of hedges in order to achieve required sightlines. A letter of consent, has also been included from the Principal of Nurney National School, giving permission for the setting back of an existing boundary wall.

- 2.1.1. Following the receipt of further information, revised details were submitted that included a revised junction layout, revised pedestrian crossing, provision of a

landscaping plan, additional drainage details and further details on the nature/ extent of the development.

3.0 **Planning Authority Decision**

3.1. **Decision**

Following the receipt of significant further information, the Planning Authority decided to grant permission subject to 15 no. conditions, which were generally standard. Condition no. 3 limits the development to what was submitted, effectively removing the right to exempted development, Condition no. 4 details the permitted nature and use of the floodlighting, Condition no. 5 refers to car parking materials and landscaping and Condition no. 8 refers to the layout and use of the car park, suitable coach parking area and the provision of a pedestrian crossing.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The Planning report reflects the decision to grant permission subject to conditions. The Planning Authority Case Officer notes in conclusion that the 'development would enhance community/ recreational

3.2.2. **Other Technical Reports**

Transport Department: Further information requested in relation to sight lines and proposed pedestrian crossing. Car parking provision, surface water drainage and pitch lighting were considered to be acceptable. On receipt of the further information response, no objection reported.

Environment Section: Surface water drainage details requested by further information. On receipt of the further information response, no objection subject to conditions.

Muinebheag Municipal District – Area Engineer: Further information requested to indicate improved sightlines at the entrance and surface water details.

Carlow Fire Authority: No comment to make as no new building is proposed.

3.2.3. **Prescribed Bodies Reports**

Irish Water: No objection, the site is serviced by water and foul drainage.

3.3. **Objections/ Observations**

A total of three objections/ observations were received and the following issues are noted in summary:

- Concern that the development would negatively impact upon an established right of way to adjacent lands.
- The proposed development is encroaching onto third party lands.
- The site is in a rural location and is not suitable for this development, it should be located in Fenagh where the majority of the club members and players come from.
- Potential traffic hazard due to the nature of the local road. Also, a level of nuisance from cars turning outside existing houses.
- Insufficient car parking is proposed for the numbers that may use this facility.
- No facilities are proposed at this stage to serve players etc.
- The development will give rise to noise and nuisance.
- Light pollution will result from the proposed floodlights at 15 m in height.

Two of the observers/ objectors made additional submissions following the receipt of further information, no additional relevant planning matters were raised.

4.0 **Planning History**

None.

5.0 **Policy and Context**

5.1. **Development Plan**

5.1.1. Under the **Carlow County Development Plan 2015 - 2021**, the site is located on lands that are not zoned for any specific use. Nurney is classified as one of the Villages in Table 2.4 – County Settlement Hierarchy and in accordance with Section 2.5.4 Settlement Policy it 'will not be assigned a separate allocation of housing units'.

5.1.2. The following are considered to be relevant to this development:

- Chapter Seven - Social Inclusion and Community Facilities

‘S.I. – Policy 8

It is the policy of Carlow County Council to:

- Assist as far as possible in the provision of community facilities by reserving suitably located land, by assisting in the provision of finance for their development (where appropriate), and/or by the use of the development management process to ensure provision is made for such facilities as the Council considers appropriate
- Promote the development of sustainable communities on the basis of a high quality of life where people can live, work and enjoy access to a wide range of community, health and educational facilities suitable for all ages, needs and abilities
- Encourage high standards in the design and finishes of community facilities;
- Optimise existing and proposed physical resources / infrastructure by supporting multi-functional building use and provision
- Encourage the siting of community facilities in suitable locations, especially within residential / village centre areas, or close to existing facilities / services and public transport routes
- Recognise the importance of community participation in the improvement of existing community and recreational facilities, and encourage increased involvement of local groups, both independently and in association with the relevant statutory bodies, in the future provision of such facilities
- Adopt a flexible and supportive approach towards proposals for the provision of community facilities within a wide variety of land-use zoning categories, in particular lands zoned for community facilities, village-centre mixed-use zones, residential development and commercial/enterprise uses. Any such proposal should be suitably located within the development limits of the relevant settlement and should be easily accessible for all sections of the community. It is also acknowledge that some community facilities may be accommodated in rural areas, subject to site suitability

Consider the accommodation of small-scale community enterprise developments within existing and proposed community facilities areas, subject to appropriate design, layout and servicing'

- Chapter Eight - Tourism, Recreation and Amenity

'Rec. – Objective 1

Carlow County Council, with the assistance of the Local Community Development Committees (LCDCs), Local County Development Board and the Local Sports Partnership, will seek to:

Enhance planning of sport and recreation at local level through the Local Area Sports Partnership

Increase levels of local participation and promote the development of opportunities for all groups to become involved in sports and amenity. This is particularly relevant in the case of disadvantaged groups and specific target groups such as older people, girls and women, people with disabilities, unemployed people and those who live in disadvantaged communities or areas lacking amenity infrastructure

Promote Carlow as a healthy area

Improve access to all sectors of the population, especially the socially disadvantaged to a range of sport, recreation and leisure facilities

Encourage where appropriate better use of existing facilities and assist in the provision of new facilities

Encourage and provide facilities to enable progression through the sporting pathway of “foundation, participation, performance and excellence”

- Chapter Eleven - Design and Development Standards

5.2. Natural Heritage Designations

The subject site is not located within any Natural Heritage designated lands.

6.0 The Appeal

6.1. Grounds of Appeal

The appellant has engaged the services of Peter Thompson – Planning Solutions to prepare a third-party appeal against the decision of Carlow County Council to grant permission for the proposed development.

The following points are made:

- Nurney is a rural village and is not suitable for this development, it should be located in Fenagh/ hinterland where the majority of the club members and players come from.
- Insufficient consideration was given by the Planning Authority Case Officer to the issues raised in the letter of objection by the appellant.
- Potential traffic hazard due to the nature of the local road and sightlines are not adequate.
- Parking is not adequately provided for and the nearby school will cause traffic issues through on-street parking. The provision of a coach parking area will impact negatively on residential amenity.
- Boundary is not sufficient on the southern side of the site – adjacent to the appellant's property.
- The submitted landscape plan is not sufficient.
- Conflict in reports (Transportation Section and Area Engineer) in relation to surface water drainage. Surface water run-off may negatively impact on the area such as creating ice in winter.
- The proposed lighting design was not adequately assessed, and the lighting will impact negatively on residential amenity.
- Uncertainty as to why the development was deemed exempt from having to pay development contributions. A bond should also be levied on the development.
- No facilities are proposed at this stage to serve players etc and this may impact negatively on the residential amenity of adjoining properties.
- Insufficient management proposed of the facility outside of playing times.
- A boundary wall of at least 4 m would be required to ensure the privacy of the appellant – this is not feasible.
- Report that consultation with the applicant has raised the prospect of revisions to the layout and the need for a ball net to the southern end of the site.

- Waste material – fill has been deposited on site.
- Personal family reasons as to why the appellant built their house here and the peace of the rural area will be undermined by this development.
- Procedural comments raised in relation to public notices, decision determination date and public consultation.

6.2. **Planning Authority Response**

The Planning Authority have made the following comments in summary:

- The submitted site layout plans indicate the location of the appellant's property.
- The pitch is between 22 m and 28 m from the appellant's property and suitable screening/ buffer zone is indicated on the submitted landscaping plan.
- Condition 4 requires the regulation of the flood lighting and a record of use is to be maintained by the applicant.
- The pitch can be used by local groups and by the adjoining national school. It is considered that the development can integrate into the local area without impacting on the amenity/ environment of the area.

6.3. **Applicant's Response**

Peter Bolger Consulting Ltd, agent for the applicant, has made the following comments in response to the appeal:

- A topographical survey was undertaken, and which identifies all lands within the site boundary.
- The appellants house is clearly indicated on the submitted plans.
- Full details are provided in relation to the nature and history of Nurney Villa Football Club.
- Submitted details in relation to player/ spectator numbers are based on actual maximum usage and these are unlikely to deviate much due to population trends in the area.
- Sightlines are in accordance with National and County standards.
- The drawings as submitted are accurate and no further development is proposed.

- The development has been designed to have regard to the protection of existing properties in the area.
- Comprehensive landscaping details have been provided, though the applicant is willing to provide an alternative boundary adjacent to the appellants lands.

7.0 **Assessment**

7.1. The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Procedural Issues
- Nature of the Development
- Impact on Residential Amenity
- Impact on the Visual Amenity of the Area
- Roads and Parking
- Other Issues
- Appropriate Assessment Screening

7.2. **Procedural Issues**

7.2.1. The appellant raised a number of issues in relation to public consultation, public notices, and the assessment of the original application. Firstly, I note that three submission were received to the original application and two to the further information request, indicating that the development was sufficiently advertised in the area. Secondly, it is not a function of the Board to validate or assess the procedural processes of the Local Authority.

7.3. **Nature of the Development**

7.3.1. Nurney Sporting Grounds Company Limited are proposing to develop this field to the rear/ east of the national school on the Augha Road, for use by Nurney Villa Football Club. A fully lit soccer pitch with playing field dimensions of 100 X 55 m is the primary focus of the development with a car park, revised road access/ entrance and footpaths provided to support the use of this facility.

7.3.2. Nurney is listed as one of the villages of Carlow and I note that no local area plan is in place or is proposed for this settlement. The lands are not zoned, and any relevant policies/ objectives are set out in the Carlow County Development Plan 2015 – 2021. The centre of Nurney is focused around a crossroads with the majority of development to the south of the Tullow Road (east – west road). Whilst the site is approximately 300 m from the centre of the settlement, it is immediately adjacent to the local national school and there are houses to the north east and to the south, most importantly that of the appellant. In so much as there is urban development in Nurney, the site is within the area of urban influence, with a footpath including public lighting along the front of the public road and I would not define the site as strongly rural in character. Therefore, in the absence of specific zoning and having regard to the character of the area, I am satisfied that the site is appropriate for development of the nature proposed.

7.3.3. I note that the Principal of the national school is aware of the development and the football club appear to be willing to allow for the use of the lands by the school. This is desirable and will significantly improve the range of sporting facilities for Nurney and the surrounding area. This is in accordance with the Carlow County Development Plan which seeks to improve and provide for sporting facilities throughout the county – I refer to Rec. Objective 1 which includes the line ‘Encourage where appropriate better use of existing facilities and assist in the provision of new facilities’, the proposed development will achieve that. I have no objection to the development of such a facility in Nurney as it strengthens the village settlement. It cannot be the case that such facilities only be provided where the players/ members primarily come from.

7.4. Impact on Residential Amenity

7.4.1. From the site visit and submitted documentation, it is evident that there is only one house within close proximity of the site and that is the appellants to the south/ south west of the site. The public footpath, I have referred to in Section 7.3.2 of this report, does not extend to the appellants house, however they are within the 50 km speed limit with the speed sign located to the south of their house. Traditionally a speed limit sign of 30 mph/ 50 kmh defines an urban area/ an area where a school is located. I am satisfied that the appellant lives within the urban area of Nurney and

cannot claim that they live in a rural area with the benefits of such a location. I would suggest that living adjacent to the play area of a national school would not be conducive to tranquil rural living as outlined in the appeal.

- 7.4.2. Between the school building and the appellants house is a play area associated with the school. I note the comments raised in the appeal regarding traffic, parking on road and nuisance. These are issues that I assume occur at present and I do not foresee that they will be significantly greater with this development. The western most corner of the pitch will be over 35 m from the boundary with the appellants house and the house will be 53 m away. This is a significant set-back. Spectators if any, will not be located adjacent to this boundary and a proposed mesh fence will keep players/ officials etc. away from the southern side of the site.
- 7.4.3. I do not foresee that levels of noise will be significant from a relatively modest football ground such as this as the number of spectators is likely to be minimal and generally, only the players will be in attendance. The setback from the boundaries, proposed landscaping and topography will all reduce the potential impact.
- 7.4.4. A significant aspect of this development is the use of floodlighting to illuminate the pitch at time of poor light/ evening. I note that LED type lighting is proposed and supporting assessments/ technical documentation have been provided. I would consider the 'Light Spill' plan – Drawing No. 19-11-38-02A1, prepared by VeeLite to be the most important piece of supporting documentation. This indicates the light spill outside of the pitch area and this falls very rapidly to a measurement of 1 to 4 on the appellants boundary to 0 in the vicinity of the house; light adjacent to the source is expected to be in the range of 160 to 180s. Light spill onto the appellants lands are therefore marginal to none. This is to be expected as the function of the lights is to light the pitch in an efficient manner and significant light spill indicates a failure to properly illuminate the pitch.

7.5. Impact on the Visual Amenity of the Area

- 7.5.1. I do not foresee any significant impact on the visual amenity of the area. The revised entrance treatment onto the public road is acceptable and I would suggest that it will result in a visual improvement in this location.
- 7.5.2. The area around the pitch is proposed for significant landscape treatment in the form of hedgerows supported by banking in appropriate locations. I would assume that at

construction/ early post construction stages, that the site will appear somewhat bare when viewed from the public road, however early growth of the hedgerows will ensure that it blends into the landscape of the area. The proposed landscaping is extensive and will screen the site from the appellants house/ property.

- 7.5.3. The proposed floodlights will have a visual impact, though this is reduced by the setback of circa 53 m from the edge of the public road. Existing trees, buildings within the school grounds and utility poles on the public road will reduce any perceived visual impact.

7.6. Roads and Parking

- 7.6.1. I note the comments and report of the Carlow County Council Transportation Department and there is no objection to the revised junction layout, access road and car parking. The provision of a roadway of 5.5 m in width will adequately serve this site. Car parking for 25 cars is provided, I note the condition that coach parking be provided on revised plans. I agree with the appellant that the coach parking will reduce the number of car parking spaces but a coach will be able to accommodate a far greater number of people than four or five cars, I do not foresee this as an issue of concern.
- 7.6.2. The proposed development includes a footpath to the existing public footpath; this is desirable and will encourage, where possible, walking as a means of accessing the development. As noted already, this section of the public road has the benefit of street lighting. I note that the reports from the Carlow Transportation Department and Municipal District Office contradict each other in relation to the provision of a pedestrian crossing. The Planning Authority Case Officer agrees with the Transportation Department report and I consider this to be appropriate. The proposed crossing will have a wider benefit than just for the use of the football pitch, and I foresee no issues of concern with this element of the development.

7.7. Other Issues

- 7.7.1. I am satisfied that the site can provide for suitable surface water drainage. The Municipal District Office and Environment Reports appear to contradict and again the Planning Authority Case Officer goes with the Environment report.

I note 'Section 30. Exemptions of the Development Contribution Scheme 2017 - 2021' for Carlow County Council and which includes:

d) Developments by voluntary not for profit clubs, non-statutory groups/organisations for non-commercial community related developments.

I would include the football club within this section and therefore the reason as to why they are liable for development contributions.

7.7.2. The issue of right of way was raised in two of the letters of objection. I agree with the Planning Authority Case Officer that this is a legal matter and Section 34(13) of the Planning and Development Act 2000 as amended, makes clear that 'A person shall not be entitled solely by reason of a Permission or Approval under this Section to carry out any development'.

7.8. Appropriate Assessment Screening

7.8.1. Having regard to the nature and scale of the proposed development and the location of the site 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 an European site.

8.0 Recommendation

8.1. I recommend that permission be granted subject to the following conditions and reasons.

9.0 Reasons and Considerations

Having regard to the provisions of the Carlow County Development Plan 2015 – 2021, to the location of the site and to the nature, scale and layout 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 and would provide for additional recreational/ community based facilities for Nurney, Co. Carlow. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

| | |
|----|---|
| 1. | <p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 12th of July 2019 and Significant Further Information lodged on the 6th 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.</p> <p>Reason: In the interest of clarity.</p> |
| 2. | <p>The operational hours of the floodlighting shall not extend beyond 21.30 hours (9.30 pm) with automatic cut-off of floodlighting at that time.</p> <p>Reason: To protect the residential amenity of properties in the vicinity.</p> |
| 3. | <p>The floodlights or any equivalent replacement floodlights, shall consist of those as specified in the application. The floodlights shall be directed onto the playing surface of the pitch and away from adjacent housing and their associated lands. The floodlights shall be directed and cowled such as to reduce, as far as possible, the light scatter over adjacent houses and their adjacent lands.</p> <p>Reason: In the interest of residential amenity and traffic safety.</p> |
| 4. | <p>Advertising structures/ devices erected within the site shall not be visible when viewed from outside the curtilage of the site.</p> <p>Reason: In the interest of visual amenity.</p> |
| 5. | <p>The landscaping scheme, including all planting and boundary treatment, shown on Drawing No. 0120NS-CarCoCoPP-01 prepared by Mahon Landscape Designs, as submitted to the Planning Authority on the 6th of</p> |

| | |
|----|---|
| | <p>March 2020 shall be carried out within the first planting season following substantial completion of the laying out of the football pitch.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p> |
| 6. | <p>(a) 25 no. car parking spaces shall be provided within the site; parking for one coach shall also be provided and which may be in the area of the car parking. This coach parking space may be outlined in a different colour to those of the car parking spaces. The location(s) and layout of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>(b) All car parking to be accommodated on site, with no parking on the public road to be permitted unless the written consent of the Roads Authority is received in advance and all subsequent requirements to be met by the developer/ applicant.</p> <p>Reason: To ensure adequate off-street parking provision is available to serve the proposed development.</p> |
| 7. | <p>The internal road network serving the proposed development, including turning bays, junction with the public road, parking areas, footpaths and kerbs, shall be in accordance with the detailed standards of the planning authority for such works.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p> |
| 8. | <p>Vegetation clearance and tree removal shall take place outside the bird breeding season (March 1st – August 31st).</p> |

| | |
|-----|---|
| | <p>Reason: To protect birds and bird breeding habitats during the nesting season.</p> |
| 9. | <p>a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.</p> <p>b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.</p> <p>Reason: To protect trees and planting during the construction period in the interest of visual amenity.</p> |
| 10. | <p>Water supply and drainage arrangements, including the 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> |
| 11. | <p>The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p> |
| 12. | <p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> |

| | |
|-----|---|
| | <p>Reason: In the interest of visual amenity.</p> |
| 13. | <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 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> |
| 14. | <p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p> |

Paul O'Brien
 Planning Inspector

30th September 2020