



An
Bord
Pleanála

Inspector's Report

ABP-310209-21

Development	Construction of a 60m long covered spectator stand to existing synthetic pitch, construct a new 4.8m high x 20m long rugby ball wall, extend existing walking track and all ancillary site services.
Location	Cullion, Mullingar, Co. Westmeath.
Planning Authority	Westmeath County Council.
Planning Authority Reg. Ref.	2194.
Applicant	Mullingar Rugby Football Club
Type of Application	Planning Permission.
Planning Authority Decision	Grant with conditions.
Type of Appeal	Third Party
Appellants	1. Brian and Ann Gillen & Ors. Patrick & Mary Gaffney.
Observer(s)	2. None.
Date of Site Inspection	12 th day of August, 2021.
Inspector	Patricia-Marie Young

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1.0 Preliminary Comment

- 1.1. In relation to this appeal case, I note that a request was made for an Oral Hearing. In relation to this request on the 3rd day of June, 2021, the Board decided in accordance with Section 134(3) of the Planning and Development Act, 2000, as amended, that there was sufficient evidence on file to enable an assessment of the issues raised in this appeal case and the development sought. It was therefore decided by the Board to determine this appeal case without an Oral Hearing.

2.0 Site Location and Description

- 2.1. The appeal site, which has a stated area of 4.789ha, comprises of the grounds and associated buildings of Mullingar Rugby Club (Shay Murtagh Park), which is situated in the Townland of 'Cullion' with its eastern boundary aligning with the R394 which at its closest point is located c290m to the north of this regional roads intersection with the N4 and c3km (Note: Junction 17 – Mullingar West) to the north of the historic heart of Mullingar, in County Westmeath.
- 2.2. The site is comprised of a single storey club house which is located in the north eastern corner of the site to the south of which is a large hard surfaced car and coach parking area. This car park is accessed off an entrance onto the R394 at a point where this road has a posted speed limit of 60kmph, and the road has a curving alignment to the north. The remainder of the site is mainly comprised of grass, synthetic pitches, and pathways with these also benefitting from lighting, netting, and other associated additions.
- 2.3. Adjoining the site on its southern and south western corner are three detached dwellings. These dwellings are accessed from the L57041 which intersects with the R394 c44m from the southernmost end of the rugby club grounds. There are a number of other detached dwellings located in close proximity to all boundaries of the site with the majority of the neighbouring dwellings situated to the south and south west of the appeal site area.
- 2.4. Despite the strong proliferation of one-off dwellings and the sites proximity to Mullingar's settlement edge the surrounding area has a rural character.

3.0 Proposed Development

3.1. Planning permission is sought for a development consisting of:

- Construction of a new 60m long covered spectator stand to existing synthetic pitch.
- Construction of a new 4.8m high x 20m long rugby ball wall.
- Extension of an existing walking track.
- All ancillary site services and works.

4.0 Planning Authority Decision

4.1. Decision

4.1.1. Planning permission was **granted** subject to 5 no. mainly standard conditions. I note Condition No. 5 which clarifies that the grant of permission relates to the proposal contained within this application only and that any unauthorised structures and/or uses shall be subject to a further planning application.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The Planning Officer's report dated the 20th day of April, 2021, is the basis of the Planning Authority's decision, and it considered the proposed development to be acceptable subject to conditions.

4.3. Other Technical Reports

District Engineer: No objection.

Westmeath's National Roads Office: No objection.

Chief Fire Officer: No objection subject to conditions.

4.4. Prescribed Bodies

4.4.1. **Transport Infrastructure Ireland:** Their submission can be summarised as follows:

- This development is at variance with official policy in relation to controlling development on/affecting national roads, as outlined in the Department of Environment, Community and Local Government's 'Spatial Planning and National Roads Guidelines for Planning Authorities, 2012, as the proposed development by itself and the precedent it would set would adversely affect the operation and safety of the national road network.
- It is recommended that a Traffic and Transport Assessment be carried out.
- It is recommended that a Road Safety Audit be carried out.
- Any additional works arising from the TTA and/or RSA should be funded by the developer.

4.5. **Third Party Observations**

- 4.5.1. The Planning Authority received 6 no. 3rd Party submissions to the proposed development during its determination of this application. The substantive points raised in these submissions correlate with those set out by the two 3rd Party appellants in this appeal case. See Section 7 below.

5.0 **Planning History**

5.1. **Site**

P.A. Ref. No. 14/6017: Planning permission was **granted** subject to conditions for the provision of 1 no. synthetic playing pitch to include relocation of 6 No. existing floodlights with associated galvanised steel columns, 1 no. synthetic training area to include 1 no. new floodlight with associated galvanised steel column. Both synthetic pitches to have goal stop netting with associated galvanised steel columns and to be circumnavigated by a new fitness trail. All with new associated perimeter fencing, paths, and hard standing areas. In addition, extension to existing car park with associated paths, hard stand areas and relocation of existing percolation area and reserve together with all associated site works. I note the requirements of the following conditions:

Condition No. 2: Landscaping scheme including the perimeters.

Condition No. 3: Requires an alternative fence of 2.1m height in the south western corner of the site.

P.A. Ref. No. 07/5670: Permission was granted subject to conditions for the retention of 7 no. floodlights with associated galvanised steel columns and planning permission for 4 no. Floodlights with associated galvanised steel columns, new spectator stand with associated hard standing areas, pedestrian concrete pathways, pitch perimeter fencing, storage shed, alterations to existing club house to include a new main entrance to the south west, a new lean-to roof to the north west of existing club house and a new access to the changing rooms to the north west of existing building, alterations to the grounds include extension to the existing car parking hard stand area, a basketball court, bus corridor, patio areas, drop off areas, hard and soft landscaping, relocation of existing percolation area together with all associated site works. Of note are the requirements of the following conditions:

Condition No. 3: Required agreement of screen planting and details for landscaping hard surface areas.

6.0 Policy Context

6.1. Local

6.1.1. On the 3rd day of May, 2021, the Westmeath County Development Plan, 2021 to 2027, was formally adopted. This is the applicable Development Plan, under which the site is zoned as '*Sporting Recreation*' and surrounded by unzoned lands.

6.1.2. Section 4.12.5 of the Development Plan deals with the matter of recreation, amenity, and open space. It states that: "*the Council recognise the role recreation, amenity and open space facilities can play in creating healthy environments and facilitating more active lifestyles to ensure the well-being and improved quality of life for communities. In this regard, high quality open spaces, green linkages, such as walks, cycle ways, access to the lakes, sports and recreational facilities that are usable and accessible to all should be provided in tandem with development and changing community needs*".

6.1.3. The following policy objectives are relevant:

CPO 4.38: This seeks to increase the use and potential of existing public open space, parks, and recreational areas, both

passive and active, by integrating existing facilities with proposals for new development and by seeking to upgrade existing facilities where appropriate.

CPO 4.41: This seeks to promote the value of the County's recreational and amenity resources as a key asset to the local economy and to the health as well as wellbeing of the community and continue to support the expansion of existing amenities.

CPO 7.9: This seeks to support the planned provision of easily accessible social, community, cultural and recreational facilities and ensure that all communities have access to a range of facilities that meet the needs of the communities they serve.

CPO 15.10: This seeks to provide for, protect and improve the provision, attractiveness, accessibility, and amenity value of sporting and recreational facilities.

6.2. Regional

6.2.1. The Eastern and Midlands Regional Spatial and Economic Strategy (RSES) includes the following Regional Planning Objective's (RPO's) which are relevant:

RPO 9.14: This seeks to support the planned provision of easily accessible social, community, cultural and recreational facilities and ensure that all communities have access to a range of facilities that meet the needs of the communities they serve.

RPO 9.15: Advocates that Local Authorities shall support the vision and objectives of the National Sports Policy, including working with local sports partnerships, clubs, communities and beyond to increase sport and physical activity participation at levels locally.

RPO 9.16: This seeks that Local Authorities support the objectives of public health policy including Healthy Ireland and the

National Physical Activity Plan through integrating such policies where appropriate and at the applicable scale, with planning policies contained in Development Plans.

6.2.2. The site is located in the '*Central Hills and Lakes*' Landscape character Area (Note: Map – 68).

6.3. **National**

- Project Ireland 2040 – National Planning Framework, 2018.
- National Physical Activity Plan, 2019.
- National Sports Policy, 2018 to 2027.
- Healthy Ireland Framework, 2019 to 2025.

6.4. **Natural Heritage Designations**

6.4.1. The site does not form part of, nor is it located within the immediate vicinity of any European site. The nearest such sites are Lough Owell SPA (Site Code: 004047) and Lough Owell SAC (Site Code: 000688) which are located c2.14km to the west and north west of the site, respectively. In addition, Scragh Bog SAC (Site Code: 000692) is located c 2.64km to the north west.

6.5. **EIA Screening**

6.5.1. Having regard to the modest nature, scale and extent of the development sought which essentially consists of the construction of a covered spectator stand to an existing pitch, a rugby ball wall, extending the existing walking track together with all associated site development works, I note that these works do not come within the scope of projects outlined within either Annex I or Annex II to Directive 2011/92/EU as amended by 2014/52/EU nor are they a class as set out in either Part 1 or Part 2 of Schedule 5 Planning and Development Regulations 2001, as amended, and therefore a mandatory EIAR is not required. Based on these factors I consider that the need for environmental impact assessment can be excluded at preliminary examination stage and that a screening determination is not required in this case.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. The Board received 2 no. 3rd Party appeals. These can be summarised as follows:

1. A joint 3rd Party Appeal was made by Brian and Ann Gillen; Donal Lynch; Ray and Miriam Finn; Breege Donoghue; and Dolly Gillen, with all parties with given addresses for the Townland of 'Cullionbeg'. This 3rd Party Appeal was received by the Board on the 10th day of May, 2021.
2. A joint 3rd Party Appeal was made by Patrick and Mary Gaffney with a given address for the Townland of 'Cullionbeg'. This 3rd Party Appeal was received by the Board on the 10th day of May, 2021.

In relation to the two separate appeals received by the Board I have noted the comments contained therein and I consider that they generally overlap with one another in terms of the amenity concerns raised. Therefore, for clarity and to above repetition I propose to summaries both appeals collectively under a number of broad headings as follows:

Residential Amenity Impact

- Since the construction of the synthetic pitches the noise levels in all parties' properties has increased considerably, particularly at evenings and weekends due to their closer proximity. The proposed addition of a spectator stand would dramatically increase the crowds in attendance at matches which would in turn result in further increases to noise levels resulting in additional and significant adverse impacts on their residential amenities.
- The addition of a 'rugby ball' wall would further add to the levels of noise generated from activities at this site.
- There is limited separation distance between the pitches and their properties.
- The other activities held on site include firework displays, fun fares, hosting of parties and other events which result in noise through to loud music is very disruptive to the residential amenities of their properties.

- The Planning Authority's Planning Officers assessment indicates that there will be no detrimental impacts on the residential amenities and will not have any impact on the neighbouring properties. This is not accepted given the proximity of the development to established residential properties.
- The proposed development would further deteriorate residential amenities by increasing levels of overlooking arising from this site. The only provision made to protect privacy by the Planning Authority was to enclose the stand proposed. However, patrons can walk around the pitch and in so doing have direct vision into their property as well as leaving them more at risk from antisocial behaviour that arises during the applications operations of this club.
- This application does not include any robust measures to deal with screening and boundaries. Any grant of permission should include such measures.

Incompatibility with Rural Setting

- The proposed development is not in keeping with a quiet rural location.

Capacity & necessity of a Stand of this Scale.

- There is a lack of clarity in relation to the capacity of the stand and whether the applicants plan to use it for extending their capacity to hold other events.
- For a 60m stand to be viable it would either need to increase attendance at matches or host other events with increased capacity.
- The size of the stand proposed is of a scale that is not in keeping with its rural setting. A smaller stand located away from residential properties would be more suitable.

Car Parking

- There is insufficient parking available to meet the current needs. During matches car parking overflows onto the R394, on to the footpath extending from the club gate to the Cullionbeg Roundabout and onto the L57041 local road. With this car parking also in front of houses which in turn interferes with sight lines for occupants of these dwellings.

- The overspill of car parking creates danger for other road users by the haphazard car parking and by this car parking disturbing the roadside grounds with this being deposited onto the roads as well as walking surfaces.
- The lack of car parking is further exacerbated by other events held at the club.
- No consideration was given to the car parking generated by the existing and proposed activities on this site. Yet this application gives rise to more than 320m² of additional viewing area.
- Events are often held by the applicant where the car parking on site is not sufficient.

Other Matters Arising

- No consultation was had by the applicant with the residents of the area prior to the making of this application.
- The activities arising on this site result in a variety of anti-social behaviour. Ranging from trespass, vandalism, littering through to gatherings on the public road including drinking often requiring the attendance of members of An Garda Síochána. The proposed development would only add to these problems.
- No concern was raised in relation to the lack of toilet facilities in the proposed development with the stand being located 200m away from the clubhouse which contains the only such facilities on the grounds. There is a concern that the area to the back of the stand will end up being used which would give rise to malodours through to be prejudicial to public health due to the propensity of the area to flooding, the poor drainage characteristics of this area and the like.
- Monitoring of the facilities and events that occur at this site should be conducted prior to any approval.

7.2. Applicant Response

7.2.1. The First Party's response can be summarised as follows:

- In 1974 the club moved to its current location.

- The club has close to 1,000 playing members with over 650 from minis and youths and over 300 adults between players, coaches, and volunteers. The club also has a disability team that plays actively at this location.
- The current application seeks to create a 1km track with associated lighting around the rugby pitches; to install a wall ball to allow players to practice their passing and catching; and to construct a 60m stand with the capacity to seat 400 people providing cover from the weather normally associated with winter games in Ireland, i.e., 4 rows of 100.
- Due to Covid pandemic usual interactions did not occur with local neighbours but once restrictions allow it is planned to discuss in detail all their concerns and mitigate adverse impacts where possible.
- In relation to increased noise, training each week night finishes at 21:30 as it always has. Most games are held on Saturdays and sometimes Sundays are used.
- The proposed cladding will include insulated cladding which will have the effect of screening and reducing noise levels. Such cladding can reduce noise by 25dB.
- The development is on the edge of our site within 60m of the adjacent property and in an area that currently has a sloping grass bank which it is hoped by way of this application to replace with covered seating area.
- No views will be eliminated by the stand given that the stand is 5.6m above pitch level and 0.3m below the ridge of the adjacent neighbours shed and 4m above the centre line of the road where adjacent neighbours live.
- Ball walls are commonplace in sports clubs across the country. The precaution taken is to place it perpendicular to the nearest house so that any noise generated will not be reflected towards the nearby houses.
- The club is regularly used by the older generation for exercise and the proposed walking track would be free for older people to use.
- The site has 80 marked spaces and the capacity for another 80 in unmarked spaces. Further during there is a large grass area that can be used for a further 100 cars.

- At large events in future it is proposed to place signage on roads to not allow cars to park on the roadside.
- A firework display has been run for the last 4 years at Halloween and has been a not-for-profit event. A licence was granted each year by the local authority for it. There is no issue not continuing this going forward if it is causing an issue.
- 10 or less parties have been hosted in the last 4 years and these are generally small events with parking as well as noise not being an issue.
- A check with the Mullingar Garda Station indicates they have no recorded complaints in the last 10-years.
- The proposed stand would not have an area for refreshments as the area for refreshment is located at the clubhouse approx. 150m away.
- It is proposed to fund this development from the capital development budget.
- A bingo session is held on Wednesday and Sunday nights which generally have 100 guests with the age profile not being typical of those causing anti-social behaviour.
- The club has a defined walking track for the past five years and there has been no issue with anti-social behaviour.
- The stand will replace people viewing matches on the slope.
- There are toilet facilities at the club house.
- All rainwater would be piped to the existing drainage pipe which is situated close to the stand.
- There is no risk of flooding arising.
- The site for the stand was chosen as the noise would be deflected away from neighbour's houses in an area currently used for spectators to get a good view of the game. The stand at this location can view all weather pitches and putting the stand on the other side of the pitch would channel the sound towards the neighbours.

7.3. **Planning Authority Response**

7.3.1. None received.

8.0 **Assessment**

8.1. **Introduction**

8.1.1. I consider that the principal planning issues in relation to this 3rd Party Appeal case relates to the compatibility of the proposed development with the Development Plan provisions and the potential of the proposed development to give rise to diminishment of amenities of the more sensitive to change residential properties that bound and are in the immediate vicinity of the site. Alongside this I consider that there are a number of other issues that are raised by the appellants as concerns. In particular visual amenity impact, car parking, traffic impact, other activities operating at the site through to anti-social behaviour. I therefore propose to set out my assessment under the following broad headings:

- Principle of the Proposed Development
- Residential Amenity Impact
- Visual Amenity Impact
- Car Parking
- Traffic Impact
- Drainage

8.1.2. The matter of 'Appropriate Assessment' also requires examination.

8.2. **Principle of the Proposed Development**

8.2.1. The recently adopted Westmeath County Development Plan, 2021 to 2027, is the applicable local plan serving the site and its immediate setting. With the site itself situated outside of the development boundaries of the settlement of Mullingar. Whilst the surrounding land adjoining the site is unzoned and is of a predominant rural character the site itself is zoned '*Sporting Recreation*' under the said local plan. The stated land use policy objective for such land is to: "*provide for, protect and improve*

the provision, attractiveness, accessibility and amenity value of sporting and recreational facilities”.

- 8.2.2. In addition, Section 5.13 of the Development Plan sets out that this: “*zoning provides for development that is incidental to or contributes to the enjoyment of recreation or leisure in addition to development that enhances the amenity value of such areas*”.
- 8.2.3. It further indicates that this zoning also provides for the use of land as sports grounds, playing pitches, active outdoor and the like recreational facilities as well as their ancillary services that contribute to meeting the leisure, recreation and amenity needs of the immediate community and/or wider area.
- 8.2.4. With various policy objectives including CPO 4.38 seeking to increase the use and potential of existing recreational areas, both passive and active, by integrating existing facilities with proposals for new developments and by seeking to upgrade existing facilities where appropriate.
- 8.2.5. Based on the above I consider that the proposed development is consistent with local planning provisions.
- 8.2.6. Moreover, having examined relevant regional and national planning provisions I consider that the local planning provisions are also consistent with one another in terms of the principle of the proposed development. For example, RSES Regional Policy Objective RPO 9.15 advocates that Local Authorities shall work with local sports partnerships, clubs, and the like to increase sport and physical activity participation at levels locally. In addition, Project Ireland 2040 – National Planning Framework under Section 1.3 includes as one of the identified National Strategic Outcomes is to enhance recreational infrastructure as part of enhanced amenity provision. There are also a number of other national documents that seek to actively encourage sports, activity, health, and wellbeing amongst the entire population.
- 8.2.7. I also note that the applicant has a well-established use of the appeal site lands for sporting recreation use with this appearing to date back to the early 1970s and the use of these lands as intended under the Development Plan is to accommodate functional active recreational open space and its associated developments.
- 8.2.8. Therefore the use of the site for the development proposed under this application which consists of a covered spectator stand, rugby ball wall, extension of the existing

walking track together with associated development works and services is compatible with the proper planning and sustainable development as provided for under the relevant planning provisions. This however is subject to safeguards given the transitional character of the immediate and adjoining land containing a significant number of detached dwellings, a land use which I acknowledge is sensitive to change.

8.2.9. In conclusion, I consider that the principle of the proposed development is generally acceptable.

8.3. Residential Amenity Impact

8.3.1. As set out in the previous section of my assessment the proposed development relates to a site which has an established sporting recreational amenity, and the lands of the site are subject to a land use zoning that clearly set out that sporting recreation is the principal land use intent for such lands.

8.3.2. Since the establishment of this sporting recreation amenity at this location several applications have been made over the last number of decades seeking to improve and expand the indoor as well as outdoor sporting recreation facilities present at this location.

8.3.3. With the club located at this site since the 1970s and with the planning history records going back several decades with applications permitted for recreational as well as ancillary recreational developments permitted thereon. I note that the most recent planning application permitted was P.A. Reg. No. 14-6017 with this relating to 1 no. synthetic playing pitch together with the relocation of flood lighting and provision of additional floodlighting and 1 no. synthetic training area.

8.3.4. It would appear from inspection of the site and the developments that have been approved that there appears to be some mismatch between what is now present and what has been permitted over the years, this I consider is an enforcement matter for the Planning Authority to deal with as they see fit. Notwithstanding, this mismatch includes the absence of compliance with conditions placed upon the applicants as part of the Planning Authority seeking it would appear to balance the protection of the residential amenities of properties adjoining and within the immediate vicinity. But also, with facilitating the enhancement of both outdoor and indoor sporting recreational facilities as well as associated site development and services.

- 8.3.5. I also note that the Planning Authority as part of their notification to grant planning permission for the development sought under this application included Condition No. 5 which clearly sets out this permission does not refer to any other structure, installation or use within the site. This condition further indicates that any other structure in so far as its use maybe unauthorised shall be subject to a further planning application. The given reason is in the interests of clarity. Therefore, there is an implicit onus on the applicant to ensure that the structures and operational activities relating to their use of the site area are planning compliant.
- 8.3.6. Against this context I consider that there is likely to be merit in the appellants concerns raised in terms of the cumulative impacts that have arisen from the development carried out to date where conditions for example requiring simply improvements to the boundaries and the like as part of safeguarding the residential amenity of properties do not appear to be fully complied with this also having the potential to have diminished the rugby club and it's grounds as viewed in its rural landscape setting.
- 8.3.7. It would also appear the outdoor and indoor spaces are also used to facilitate secondary non-sporting recreation with this appearing to have added to the level of nuisance and diminishment of residential amenity arising from the subject site. This I consider to be a matter outside of the Boards remit to deal with in its *de novo* determination of the proposed development sought under this application and is a matter for the Planning Authority to deal with they see fit under their enforcement powers.
- 8.3.8. However, the applicant in their response to the grounds of appeal indicate that the other non-recreational uses are largely occasional in their nature and result in limited if any negligible adverse impact on their surrounding area.
- 8.3.9. In relation to the proposed development, I consider that there are a number of potential impacts that could arise from the proposed development, if permitted. Of particular concern are:
- 1) Noise Intrusion
 - 2) Visual Intrusion
 - 3) Perception of Increased and/or Actual Overlooking
 - 4) Overshadowing

5) Construction Nuisances

6) Operational Nuisances

8.3.10. On the matter of noise intrusion, I consider that both the construction and operational phases of the proposed development have the potential to give rise to additional noise nuisance and residential amenity for the properties adjoining the southern and south western boundaries of the site but also within the immediate vicinity of the site itself. With the site forming part of a landscape that includes a significant number of one-off detached dwellings.

8.3.11. In relation to the location of the proposed 60m long by 5.8m high spectator stand which the applicant indicates in their response to the grounds of appeal would accommodate a total of 400 spectators in four rows of 100, they have chosen to locate it in a location that is not particularly distant or remote from adjoining and nearby residential properties. Instead, they have chosen to locate this structure in close proximity to an adjoining property on its southern boundary whose rear elevation is a modest 20m from the rear of the proposed stand. It is also c31m to the east of the rear garden space of another detached dormer dwelling that is located on the southern boundary of the site where the site's alignment changes in a northerly direction for c18m. I also observed that there are also residential properties located to the south on the opposite side of the L57041 which also have modest lateral separation distances and there are further residential properties to the west accessed also from the L57041 that are located with a more increased lateral separation distance.

8.3.12. The applicant puts forward the merit in their decision to place the stand at this location given firstly, the stand is faced away from the neighbour's property, which would limit potential for overlooking to arise. Secondly, at this location and with the stand facing northwards away from the nearest properties together with the incorporation in the build of noise insulation materials which the applicant contends has the capacity of reducing noise levels emanating from the stand by 25dB, it would result in minimal adverse noise nuisance to these properties. Thirdly, the applicant contends that the spectator stand would replace the use of the rise of ground between the southernmost synthetic pitch and the southern boundary of the site which has a rise in ground levels as well as is covered in grass and has been historically used as a view point to watch matches and training.

- 8.3.13. In terms of placing a stand facing northwards at this location the design itself as put forward in this application has two open sides which arguably has the potential when considered alongside the tiered height of the rows of seats it would accommodate to result in increased overlooking over and above the existing situation. Moreover, a 400-person spectator stand greatly increases the number of spectators at one point within the facility at a location where there is currently minimal separation distance between the existing pitches and the boundaries of adjacent residential properties. In the absence of any side elevations with noise abating materials included the level of noise that potentially could arise would be arguably over and above the existing situation. Furthermore, there is also potential for additional noise nuisance to arise from the 20m in length by 4.8m high rugby ball wall which is located between c43m to c54m from the rear elevation of three residential dwellings that adjoin the south westernmost corner of the site. With the space in between in the case of these three dwelling being mostly comprised of their rear private space amenity.
- 8.3.14. In relation to the rugby ball wall the applicant contends that this type of structure is not uncommon at this type of facility and the location chosen is perpendicular to the nearest neighbouring dwellings where the noise would be deflected away from these properties. There is no indication given if any other locations were considered prior to deciding upon its location towards the southern end of the western boundary of the site.
- 8.3.15. Of concern in relation to the spectator stand and the rugby ball wall these two additions are not accompanied by any visual or noise buffering improvements to the existing boundaries. Moreover, there are no proposals to block access to the modest in width linear stretch of land to the immediate rear of the proposed spectator stand and the southern boundary to safeguard from anti-social behaviour, trespass or other potential nuisance that could arise.
- 8.3.16. In relation to the extension of the existing walking track this improvement to the recreational amenities at this facility is unlikely in my view to give rise to any significant material adverse impact on the established residential amenities of properties in its vicinity or otherwise. I also observed its use during my time inspecting the site by members of the club and smaller groups with no obvious nuisances arising to the amenities of properties in the vicinity.

- 8.3.17. While I consider that the applicant's development at this location appears to have been developed in an *ad hoc* manner over the decades since its relocation to this site this lack of masterplan and to mitigate impact on sensitive to change adjoining properties has potentially given rise to a layout of recreational spaces that have the potential to create additional nuisance more than is necessary.
- 8.3.18. In addition, the lack of compliance with required boundary improvements attached as requirements to previous conditions have further left adjoining and neighbouring properties more vulnerable to further expansion of recreational amenities and its associated infrastructure at this location.
- 8.3.19. Whilst I concur with the Planning Authority that it would be appropriate that the spectator stand be enclosed on either side as part of the measures to protect residential amenity and to ensure the effective assimilation of this development with its surroundings, I consider that there is a need for the southern and south western boundaries of the site to be improved in terms of noise and visual buffering as well as that access to the rear of the spectator stand be limited to maintenance purposes.
- 8.3.20. This I consider should be required as part of any grant of permission for the development sought under this application. With such conditions important in terms of the interests of safeguarding sensitive to change adjoining and neighbouring properties from undue overlooking, providing appropriate levels of privacy, providing a noise buffer, providing a boundary that is suitably robust to ensure that adjoining properties are not subject to trespass and the like.
- 8.3.21. I also consider that standard conditions to control nuisances that could potentially arise from construction phase of the development would also be appropriate in the interests of protecting residential amenities through to in terms of phasing the Board could consider requiring that prior to the construction of the stand and the ball wall that improved boundary treatments that deal with the concerns raised by the appellant, in particular noise, overlooking and visual diminishment are carried out prior to any other works associated with this application.
- 8.3.22. Further to the above, I consider a management plan should be put in place to manage this facility and that such a plan, to be agreed with the planning authority and the relevant stakeholders. Such a management plan would in my view be important to address many of the concerns of the neighbouring residents, including traffic, hours of

operation, making the facility secure when not in use. It would also be a tool to address impact on the local road network, including having regard to its location where access is dependent onto a Regional Road. Potentially such a plan could look at the potential in future to provide toilet facilities at the location of the spectator stand given the c150m distance between this stand and the toilet facilities within the club house.

8.3.23. I accept that it is to be expected that the applicant would wish to utilise and develop the site to meet its recreational potential for its expanding members alongside its contribution to the local community's recreational needs. Notwithstanding a balance needs to be reached given the intensity of the different recreational and other types of amenities that are on-going at this location with established residential properties in its vicinity. Subject to appropriate conditions I consider that a reasonable balance can be achieved and as such I do not recommend a refusal of permission on residential amenity impact grounds given that the proposed development is a permissible development at this location, it is a long-established use at this location and that its facilities provide an important resource to the immediate and wider locality.

8.4. Visual Amenity Impact

8.4.1. The proposed development which includes a spectator stand, a ball wall and extension to an existing walking track having regard to its site context within the grounds of a long-established what I observed to be a well-maintained rugby club grounds is a development that I would not consider to be out of character with its site. Despite the rural location and the proliferation of on-off dwellings many appearing to post-date the establishment of this rugby facility at this location, this development builds on the recreational use and amenity potential of this land as an active recreational amenity resource for the local and wider community in a manner that is consistent with local through to regional and national planning provision.

8.4.2. I also consider that it is not uncommon for such land uses to be sited at peripheral locations to larger settlements in order for them to have appropriate space to accommodate their functional and operational needs. Further, the proposed development appears to be one that is commensurate with the size of this rugby club and its activities throughout the calendar year.

8.4.3. Notwithstanding, visual improvements could be achieved along the boundaries of the site to lessen the abrupt transition particular between adjoining residential properties

together with an appropriate palette of materials for the external finishes of the spectator stand by way of condition. Including conditions restricting the placement of advertisements thereon.

- 8.4.4. Based on the above considerations, subject to appropriate conditions, I consider that the proposed development sought under this application would not give rise to any adverse visual amenity impact on its setting.

8.5. **Traffic Impact**

- 8.5.1. The Planning Authority received a submission from Transport Infrastructure Ireland (TII) which raises concern that the proposed development is at variance with official policy in relation to controlling development on and affecting national roads, as outlined in the Department of Environment, Community and Local Government's 'Spatial Planning and National Roads Guidelines for Planning Authorities', 2012, as the proposed development by itself and the precedent it would set would adversely affect the operation and safety of the national road network. It also seeks that a Traffic and Transport Assessment (TTA) and a Road Safety Audit (RSA) be carried out. Alongside that any additional works arising from the TTA and/or RSA should be funded by the developer.
- 8.5.2. While I note the concerns raised the proposed development relates to an existing and long-established recreational amenity that accesses onto a regional road (R394) where the posted speed limit is 60kmph. The proposed development, in my view, whilst would provide a significant covered capacity viewing stand for 400 spectators seeks to enhance and improve the facility for its existing and growing members through to the comfort of the grounds use, particularly during the winter months. Based on the information provided I do not consider that it would necessarily significantly increase this club's rugby membership or significantly change the manner in which the grounds are used by the rugby club. It could arguably reduce the movement of vehicles during training sessions, matches and the like as there would be a covered area suitable to use during inclement weather where views are possible over the main rugby grounds.
- 8.5.3. Saying this however as previously noted in my report above there is a real need for a management plan to be in place for the overall day to day operations of this club with this including measures that ensure that parking or any other adverse impacts arising

from the operations of this recreational facility does not affect the carrying capacity of the adjoining public road network to limit the potential for undue road safety hazard arising for all types of road users. It would also be appropriate that this is a consideration given to local roads in the immediate area also including the nearby L57041 which appellants contend when the use of the ground spills over can result in sightlines onto the R394 being significantly diminished as a result of on-road car parking. In such circumstances the otherwise good sightlines serving this facility would also be compromised. I also observed that the average journeying speed of vehicles along the adjoining stretch of the R394 appeared to be in excess of the posted 60kmph. As such this adds to the imperative that the sightlines serving this facility are not impeded by cars parked on the edges of this regional road.

8.5.4. It would be appropriate in my view that the TII be one of the stakeholders in the preparation of the aforementioned management plan in the interests that this recreational facility is operated in a manner that does not give rise to any road safety or traffic hazard issue.

8.5.5. In addition, it would be appropriate that such a management plan clarify the car parking management through to security of the site when the club is not operational.

8.5.6. In conclusion, I do not consider that there are grounds to refuse the proposed development on road safety and traffic hazard concerns.

8.6. **Other Matters Arising**

8.6.1. **Drainage:** On the matter of drainage, I concur with the Planning Authority that subject to appropriate condition that the proposed development would not give rise to any adverse surface water drainage and/or waste water impacts. The club building contains toilets and there is proprietary waste water treatment system on site. Should the Board be minded to grant permission for the proposed development I recommend that it include the requirements set out in Condition No. 3 of the Planning Authority's notification to grant permission.

8.6.2. **Anti-social Behaviour:** There are a number of anti-social behaviour issues raised in relation to the on-going variety of activities at this established Rugby Club grounds which are outside of the Boards remit. It would appear that these issues extend beyond the appellants in this appeal case as similar concerns are raised by other 3rd parties who submitted observations to the Planning Authority during the course of its

determination of this application. The preparation of a management plan could in some way be a vehicle to deal with some aspects of anti-social behaviour that could potentially arise in future. However, the concerns raised in terms of the breadth and quantum of uses on-going at this appeal site may be a matter that should be directed to the Planning Authority as an enforcement to deal with as they see fit.

8.7. **Appropriate Assessment**

- 8.7.1. Having regard to the nature and scale of the proposed development, I am satisfied that 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.

9.0 **Recommendation**

- 9.1. I recommend that permission be **granted**.

10.0 **Reasons and Considerations**

Having regard to the provisions of the Westmeath County Development Plan, 2021 to 2027, and the '*Sporting Recreation*' land use zoning objective for the site which is to "*provide for, protect and improve the provision, attractiveness, accessibility and amenity value of sporting and recreational facilities*", it is considered that, subject to compliance with the conditions set out below, that the proposed development would be in accordance with local planning policy, would not have an unacceptable impact on the residential amenities of the area, would be acceptable in terms of traffic safety, would be acceptable in terms of visual and biodiversity impacts. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 **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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Unless otherwise agreed in writing with the Planning Authority, prior to the commencement of development, revised plans and particulars shall be submitted for the written approval of the planning authority for:
 - (a) Revised design of the spectator stand showing both side elevations in their entirety enclosed with suitable noise insulative and screening materials.
 - (b) Full details of all external materials, finishes and colours for the spectator stand.
 - (c) Full details of all design measures proposed to attenuate noise for the spectator stand, including its side elevations.
 - (d) Full details of all lighting proposed for the spectator stand.
 - (e) Full details of waste management for the spectator stand.
 - (f) Full details of measures to prevent access to the area behind the spectator stand. Access to the rear of the spectator stand shall be restricted to maintenance purposes only.

Reason: In order to protect residential amenity and to ensure the effective assimilation of this development into its surroundings.

3. All uncontaminated surface water, including roof water, shall be separately collected, and discharged to drain or to on-site soakaway, and shall not in any circumstances be allowed to discharge to the septic tank or proprietary foul sewage treatment system
 - Where the development land is higher than the public road a linear drainage channel or gully be placed at the entrance to the development, connected back to an additional dedicated soakaway.

- No construction to take place over the existing drainage pipe which traverses the site. A 10m way leave is to be left around this existing pipe.

Reason: In the interests of public health and orderly development.

4. Prior to commencement of development, a landscaping and boundary scheme shall be submitted to the planning authority for agreement. This scheme shall include details of all existing trees and hedgerows on the site as well as measures to attenuate noise at the southern and south western boundaries of the site, together with measures for their protection during the period in which the development is carried out. The scheme shall include screen planting of the southern and south western corner of the rugby grounds with this including semi-mature tree species.

Reason: In the interest of visual amenity.

5. Any further external signage proposed shall be the subject of a separate planning application.

Reason: In the interests of clarity.

6. All public service cables associated with the proposed development (such as electrical and telecommunications) shall be located underground.

Reason: In the interest of orderly development and the visual amenities of the area.

7. Prior to the commencement of development, a comprehensive management plan for the operation of the facility shall be submitted to and agreed in writing with the planning authority, which shall include provisions for visual and noise buffers at boundaries, traffic management, maintenance, hours of operation, management of waste within the development, lighting, and facility security.

Reason: In the interest of orderly development and to protect residential amenity.

8. Prior to the commencement of development, the developer shall prepare a Construction and Environmental Management Plan (CEMP), to include demonstration of proposals to adhere to construction best practice and protocols and noise and dust management provisions, which shall be submitted to and agreed in writing with the planning authority. The CEMP shall include specific proposals as to how the CEMP will be measured and monitored for effectiveness.
Reason: In the interest of protecting the environment, protection of European sites and in the interest of public health.

9. This permission refers exclusively to the proposed development contained within this application and does not refer to any other structure, installation or use within the site. Any other structures in so far as its use maybe unauthorised shall be subject to a further planning application.

Reason: In the interests of clarity and the proper planning and sustainable development of the area.

Patricia-Marie Young
Planning Inspector

25th day of August, 2021.