



An  
Bord  
Pleanála

## Inspector's Report

**ABP-310337-21**

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<b>Development</b>	LED floodlighting system and all associated ducting, column foundations and bases and fixtures for a permitted sports pitch
<b>Location</b>	Ballycullen Green, Old Court Road, Dublin 24
<b>Planning Authority</b>	South Dublin County Council
<b>Planning Authority Reg. Ref.</b>	SD20A/0149
<b>Applicant(s)</b>	Capami Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party vs Grant
<b>Appellant(s)</b>	Ballycullen Green Residents Association
<b>Date of Site Inspection</b>	20 <sup>th</sup> July 2021
<b>Inspector</b>	Ian Boyle

## 1.0 Site Location and Description

- 1.1. The subject site is located at Ballycullen Green, Old Court Road, Dublin 24. It is approximately 0.9 ha (9,050 sq m). There are no physical features of significant interest and the land is generally flat. Access is provided to the site via Oldcourt Lane to the west, which leads north to Oldcourt Road (R113).
- 1.2. The site takes the form of green open space and is situated at the foothills of the Dublin Mountains (which are situated further south). The site is immediately adjoined to the north by a partially-built car park; and the east, south and west by further open, undeveloped lands.
- 1.3. Further to the north is Ballycullen Green (a residential housing estate consisting of three and four bedroom semi-detached and detached houses). The closest existing houses are situated approximately 30 to 35 metres from the site's northern boundary. The intervening land – which forms part of the Ballycullen Green development – accommodates an access road to the estate, a landscaped area, pedestrian footpath, playground and informal play space. The above-referenced car park is positioned between the subject site and housing estate.
- 1.4. A level change is apparent across the general vicinity. The land slopes gently upwards from north to south leading towards the Dublin Mountains. The residential area therefore lies below that of subject site and the area of land that accommodates the partially constructed car park.
- 1.5. Planning permission was granted for a sports pitch under Reg. Ref. SD16A/0059 (ABP Ref. PL06S.247693). The proposed development (new floodlights) would be used to accommodate the playing of sports during evening times and after dusk

## 2.0 Proposed Development

- 2.1. It is proposed to install new floodlights around the perimeter of the permitted sports pitch comprising a new LED floodlighting system of 6 no. columns at an overall height of 21.3 metres; including all associated ducting, column foundations, bases and lighting fixtures.
- 2.2. The original planning application was accompanied by a number of specialist reports, including a Floodlight Illumination Summary, Design and Access Statement, and a Proposed Sports Lighting Proposal Report (including a Lighting Design and

System Data Sheet as appendices). Further reports were submitted by the Applicant as part of a Response to Request for Further Information including photomontages, site plans detailing surveyed levels, and a bat survey and report.

### 3.0 Planning Authority Decision

#### 3.1. Decision

3.1.1. The Planning Authority issued a Notification to Grant Planning Permission on the 23<sup>rd</sup> April, 2019 subject to 7 no. conditions. Notable conditions relate to the preparation of a Bat Survey (No. 2), Landscape Masterplan (No. 3), and Mobility Management Plan (No. 4).

#### 3.2. Planning Authority Reports

##### 3.2.1 Planning Reports

- The proposal development comprises the installation of new floodlights around the perimeter of the permitted sports pitch (granted under Reg. Ref. SD16A/0059; ABP Ref. PL06S.247693), which has not yet been constructed.
- The proposal is in keeping with the land use zoning objective that applies to the site, which 'RU' - *'To protect and improve rural amenity and to provide for the development of agriculture'* under the *South Dublin County Development Plan 2016-2022*.
- The land situated to the east, south and west is also zoned 'RU', whilst the land directly to the north is zoned 'RES-N' – *'To provide for new residential communities in accordance with approved area plans'*
- The Planning Authority referenced a recently permitted sports pitch and associated floodlighting at The Victory Centre, Firhouse Road, Dublin 24, which is located in the Dodder Valley (Reg. Ref. SD17A/0290). This Decision was used to help inform their assessment of the subject application. The Planning Authority refused permission for that application on the basis it was considered that the proposal would materially contravene the applicable land use zoning objective for the area (*"to protect and enhance the outstanding natural character and amenity of the Dodder Valley"*.), and have a significant adverse impact on bats. An Bord Pleanála subsequently overturned the Refusal Decision (ABP. Ref. ABP-300150-17), and granted permission on the

basis it was considered that the proposed development would be acceptable in terms of protecting bats and their habitats, would not seriously injure the visual amenities of the area, or detract from the outstanding natural character of the area or amenity of the Dodder Valley.

- The Planning Authority identified the main planning considerations in relation to the subject development proposal as the principle of the proposed development, the applicable zoning and Council policy, potential for visual impact and residential amenity, light spillage, services and drainage, appropriate assessment and environmental impact assessment.

### **3.2.2 Other Technical Reports**

- Public Realm: No objection, subject to conditions.
- Heritage: No report received.
- Public Lighting: No report received.

### **3.3 Prescribed Bodies**

No reports or submissions were received from Prescribed Bodies.

### **3.4 Third Party Observations**

- A large number of objections were submitted by residents living in the vicinity of the subject site, including from Ballycullen Green and Ballycullen Residents Association. The contents of these letters have been read and noted.
- The issues cited by third parties can be summarised as follows:
  - Environmental Impact caused by the proposal would be detrimental.
  - The proposal would result in a negative visual Impact for nearby residential properties (including Ballycullen Green) and on the Dublin Mountains.
  - Noise pollution caused by facilitating late evening time sports training and matches would have a negative impact on nearby residential properties.
  - The permitted hours of operation should be curtailed.
  - Light pollution caused by the floodlights would be detrimental to the residential amenity currently enjoyed by residents in the surrounding area.

- The proposal would exacerbate car parking and traffic on the surrounding road network.
  - The use of the sports pitch should be made available to multiple users, including members of the public, and not just those affiliated with a specific sports club.
  - The frequency of the use of lights at full brightness was questioned and whether it is always necessary to use the floodlights at full power.
  - The proposed floodlights would impact negatively on bats.
- No third party appeal observations are on file.

## 4.0 Planning History

There is relevant planning history in relation to the proposed development. This is summarised as follows:

### Subject Site

**ABP Ref. PL06S.247693 (Reg. Ref. SD16A/0059):** The Planning Authority granted permission for a playing pitch located on Oldcourt Lane, south of Oldcourt Road, Oldcourt, Ballycullen, Dublin 24 on 9<sup>th</sup> November 2016. Access to the pitch is via an existing lane off Oldcourt Road. The Board chose not to accept the Inspector's Decision to refuse permission, and granted permission on 27<sup>th</sup> March 2017 subject to 11 no. conditions. This was on the basis it was considered the pitch would provide an important addition to local amenities, especially to adjoining permitted and planned residential developments and a proposed school, and that was in accordance with the provisions of the Ballycullen / Oldcourt LAP 2014.

### Surrounding Lands

**Reg. Ref. SD14A/0180:** The Planning Authority granted permission on 24<sup>th</sup> July 2015 for 138 dwellings on a site area of 5.06 hectares; access to the development will be via a proposed new vehicular entrance from Oldcourt Road. (An Extension of Duration of Permission was granted on 28<sup>th</sup> August 2020.)

**Reg. Ref. SD15A/0150:** The Planning Authority granted permission on 3<sup>rd</sup> December 2015 for 79 no. houses with a new vehicular access from Oldcourt Road and all ancillary site development works above and below ground.

**Reg. Ref. SD18A/0025:** The Planning Authority granted permission on 25<sup>th</sup> April 2018 for a change of house\_type and increase in number from 37 no. permitted houses to 41 no. proposed houses (previously permitted under Reg. Ref. SD15A/0150).

## 5.0 Policy Context

### 5.1. National Planning Framework (NPF)

Relevant National Policy Objectives (NPOs) to the proposed development are summarised below:

- Objective 2a: A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.
- Objective 3b: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.

### 5.2. Development Plan

#### 5.2.1. Zoning

The subject site is zoned 'RU' – *“To protect and improve rural amenity and to provide for the development of agriculture”* under the *South Dublin County Council Development Plan 2016-2022*. (The site is similar zoned under the *Draft South Dublin County Development Plan 2022-2028*: 'RU' – *‘To protect and improve rural amenity and to provide for the development of agriculture’*.) The lands directly to the north are zoned 'RES' – *“To protect and/or improve residential amenities”*. The proposal which comprises the installation of floodlights to be used in conjunction with a permitted sports pitch is 'open for consideration'.

#### 5.2.2. Development in Transitional Areas

Section 11.1.1 (iv) of the Development Plan requires that *“abrupt transitions in scale and use should be avoided adjacent to the boundary of land use zones...”*. For example, regard should be had to the use, scale and density of development proposals in zones abutting residential or rural areas in order to protect residential or rural amenity, as appropriate.

### 5.2.3. Other Relevant Policy

Section 11.6.3 'Environmental Hazard Management' includes a sub-section entitled '(iii) Lighting', which is considered relevant in assessing this Appeal Case: :

*“(iii) Lighting Development proposals that include external lighting should include details of the external lighting scheme. Lighting should be designed so as to avoid light spillage, the creation of glare or the emission of light above a horizontal plane. External lighting schemes and illuminated signage on commercial and industrial premises, sports grounds, and other community facilities, should be designed, installed and operated so as to prevent nuisance to adjoining occupiers and road users, in the interests of amenity and public safety. A Lighting Plan will be required for developments in sensitive locations.”*

Other relevant planning policies include the following:

- *Section 3.13.0 Open Space Management & Use: Outdoor sports facilities, including playing pitches, children’s play facilities, allotments and community gardens provide important opportunities for outdoor activity and recreation.*
- *C1 Objective 3: To support the clustering of community facilities such as community centres, sports and leisure facilities and open spaces to create multi-purpose community hubs.*
- *C7 Objective 1: To support the provision of new or improved sports and leisure facilities in the County.*
- *COMMUNITY INFRASTRUCTURE (C) Policy 7 – Sports Facilities & Centres. It is the policy of the Council to ensure that all communities are supported by a range of sporting facilities that are fit for purpose, accessible and adaptable.*
- *INFRASTRUCTURE & ENVIRONMENTAL QUALITY (IE) Policy 7 – Environmental Quality. It is the policy of the Council to have regard to European Union, National and Regional policy relating to air quality, light pollution and noise pollution and to seek to take appropriate steps to reduce the effects of air, noise and light pollution on environmental quality and residential amenity.*

### 5.3. **Ballycullen / Oldcourt Local Area Plan 2014 (extended to 2024)**

- *4.6.3 Upper Slope Lands: These lands comprise the most elevated and visually prominent areas of the Plan Lands, which rise towards and beyond the 120 metre contour. The Upper Slope Lands run closely along the entire southern fringe of the Plan Lands with the Dublin Mountains and is considered to be an area that is highly sensitive to development in terms of visual impact and impact on natural drainage. Development within this area will primarily comprise very low density residential development.*
- *Oldcourt School Site & Replacement Playing Pitches – Gunny Hill. No residential development shall commence on the lands that accommodate the GAA playing pitches off the Oldcourt Road, until such time as a site for replacement playing pitches have been provided on the Plan Lands. The ‘Objective B’ zoned lands to the south-east (between Gunny Hill and Oldcourt Lane) are designated under this LAP for such a facility, which should be shared with the adjacent designated school site. **Floodlighting may be permissible** subject to submission of Bat Surveys, retention and augmentation of hedgerows and provision of specialist lighting limits any impacts on bat species. Mitigating measures shall be sufficiently demonstrated and detailed at planning application stage. (Objective SSP14) [Emphasis added.]*

### 5.4. **Natural Heritage Designations**

- 5.4.1. There are no designated European sites within the vicinity of the site. The Dodder Valley proposed Natural Heritage Area pNHA (Site Code 000991) is located approximately 1.6km to the northwest and 2.3km southwest of the appeal site.

### 5.5. **EIA Screening**

- 5.5.1. Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity 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.



5.5.2. The site's proximity to the Dublin Mountains to the south have been duly considered. However, it is noted that the provision of floodlighting is not a class of development for which EIA is required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

A single Third Party Appeal was received from the Ballycullen Green Residents' Association. The grounds of appeal can be summarised as follows:

- The proposal would result in a negative visual Impact for nearby residential properties (including Ballycullen Green) and against the backdrop of the Dublin Mountains, which is considered a sensitive landscape.
- The proposed development conflicts with the Development Plan Zoning, which is 'RU – To protect and improve rural amenity and to provide for the development of agriculture'.
- The proposed floodlights would result in light pollution / light spill on nearby residential dwellings.
- The noise caused during night-time hours when the proposed floodlights would be in operation would seriously injure the residential amenity of residents.
- The rationale for sports facilities in this location is no longer present because of a lack of adjoining community facilities.
- The proposed development would have a detrimental impact on bats in the area.

### **6.2. Applicant Response**

- There is no Appeal Response from the Applicant on file.

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

- The Planning Authority confirms its decision. The issues raised in the appeal have been covered in the Planner's Report.

### **6.4. Observations**

- None

## 6.5. Further Responses

- None

## 7.0 Assessment

The contents of the appeal file have been reviewed, having had particular regard to the First Party Appeal and Planning Authority's Decision and related Planner's Report. A site inspection has been undertaken and the surrounding receiving environment has been taken into account as part of this assessment.

The following issues are considered to be the main planning considerations relevant to this appeal case:

- Principle of Development (Zoning)
- Visual Impact
- Light Spill
- Noise
- Traffic and Transport
- Potential Impact on bats
- Shared use of the Sports Pitch
- Screening for Appropriate Assessment

### 7.1 Principle of Development (Zoning)

7.1.1 In general, maximising the use of sports and recreational lands for recreational activity within established urban areas where land for such uses is at a premium should be supported. The National Planning Framework (Objective 3b) seeks to deliver at least half of all new homes that are targeted in the five cities and suburbs of Dublin, Cork, Limerick and Galway and Waterford within their existing built-up footprints. The focus on encouraging more compact development at higher densities within existing urban areas will result in an increased demand for outdoor sports and recreational activities. Therefore, it is appropriate to promote and encourage healthy and active lifestyles through maximising the use of sport and recreational facilities, particularly where they are easily accessible by existing, built-up urban / suburban areas.

- 7.1.2 The *South Dublin County Development Plan 2016-2022* seeks to ensure that communities are supported by a range of sporting facilities that are fit for purpose, accessible and adaptable (see Community Infrastructure (C) Policy 7 of the Development Plan). Furthermore, it is an objective of the Plan to support the provision of new or improved sports and leisure facilities in the County (emphasis added) (C7 Objective 1). The Development Plan therefore acknowledges the valuable contribution that new or improved sports clubs can have in providing important social and recreational opportunities for communities.
- 7.1.3 It is acknowledged that the subject site is zoned *RU' (To protect and improve rural amenity and to provide for the development of agriculture')*. However, it is located directly on the edge of an existing built-up, suburban area. It is also noted that permission has recently been granted for a sports pitch on the site (Reg. Ref. SD16A/0059; ABP Ref. PL06S.247693).
- 7.1.4 The land uses 'Sports Club / Facility' and 'Recreational Facility' are 'open for consideration'. The Appellant submits that the proposed floodlighting should be refused permission citing the previous Board's Decision to grant permission was predicated on the delivery of a school and playing pitch in the area. The Applicant states that *"the situation has fundamentally changed as to date no proposal has been made for the school on the site adjoining the playing pitch, while the playing pitch itself has not yet been commenced"*.
- 7.1.5 Whilst no planning application has been submitted for the new school, the Development Plan includes an objective ('PS') for a new 'Proposed Primary School'. The current version of the Draft Development Plan (2022 – 2028) retains this objective and thereby shows intent to deliver the school. It is not unusual for the physical delivery of a school to materialise many years after such an objective has been applied to a site. Therefore, it is still realistic to expect that a school may be built on the lands next to the site and that the prolonged delivery of the school is not sufficient grounds to refuse permission for floodlights. The absence of the aforementioned sports pitch is also not considered to be adequate grounds to refuse permission as it is possible the applicant's intention to construct the sports pitch together with the floodlights for convenience and cost effect reasons.

- 7.1.6 As noted previously, the illumination of sports and recreational facilities will typically increase their usage and provide additional opportunities for different sports and forms of recreation to take place. Therefore, considering the context of the proposed floodlighting, which will facilitate an appropriately more intensive use of the permitted pitch, it considered the proposal is acceptable in principle.
- 7.1.7 The proposal would not result in an inappropriate or abrupt transition in scale or use, subject to protecting the residential amenity of adjoining lands (see Section 7.2 below which addresses visual impact).

## 7.2 Visual Impact

- 7.2.1 The floodlights could potentially impact the surrounding area in two ways: i) visual impact caused by the physical presence of the proposed structures (mainly during daytime) and i) light spill (during mainly evenings and at dusk). [Visual Impact is assessed below in this section, whilst light spill is examined under Section 7.3.]
- 7.2.2 The Applicant submitted a set of photomontages as part of their *Response to Request for Further Information*. These have been reviewed in conjunction with a site visit to determine the potential for visual impact.
- 7.2.3 The proposed floodlights have an overall height of approximately 21 metres each. They would be located roughly 30 metres to the south from the houses at Ballycullen Green and visible against the backdrop of the Dublin Mountains. (The *South Dublin County Council Landscape Character Assessment (2015)* identifies views of the Dublin Mountains as being key to the preservation of the landscape character of South Dublin and is therefore an important consideration.)
- 7.2.4 It is readily acknowledged that the poles are relatively high structures and taller than the prevailing ridge height of dwellings and other buildings in the vicinity. However, the structures are slender in appearance and will not have any significant overbearing impact, particularly at a remove of 30 metres from the nearest dwelling. The slim stainless-steel poles will therefore not have any significant or undue visual impact on the residential amenity of the area or on the surrounding landscape (the photomontages on file have been consulted in this regard). Neither will they have any adverse impact in terms of overshadowing.

7.2.5 The Appellant raises a specific concern with the overall height of the proposed floodlights (21 m approx.) and that they are taller than other similar types of floodlight fixtures. Where lights are mounted at taller heights, it enables the angle of the lights to be focussed downwards on the area of activity. The downward facing of the lights prevents upward light spreading to and beyond the horizontal plane. The *‘Guidance Notes for the Reduction of Obtrusive Light’* states that *“in most cases it would be beneficial to use as high a mounting height as possible, giving due regard to the daytime appearance of the installation”* (emphasis added.). Therefore, there is a balance required between the height of the light poles and the amount of light spill that can spread outwards to the receiving environment. Whilst it is acknowledged that the support columns are comparatively tall at 21 metres, their height ensures that the extent of light spill that can spill outwards and affect nearby areas, such as residential housing estates, is minimised. Bearing this in mind, it is reiterated that the overall height of the proposed floodlighting poles is not deemed to be excessive and generally in keeping with other comparable forms of lighting fixtures used for a similar purpose.

7.2.6 The Council’s Public Realm Department has recommended that mitigation planting be used along the northern boundary of the site and that a Landscape Plan be required under condition. This is considered appropriate and the Applicant should be required to prepare and submit a Landscape Plan to alleviate and reduce the visual impact of the development, particularly along the northern boundary where the subject site meets Ballycullen Green. This will assist in reducing the potential for visual impact and help create a more sensitive and attractive interface between the proposed development and abutting residential estate(s).

### 7.3 Light Pollution / Light Spill

7.3.1 The ‘Sports Lighting Proposal’ report prepared by Musco Lighting has been reviewed as part of this assessment.

7.3.2 The Appellant states that the report has applied the incorrect category to the local area / receiving environment, which is ‘Environmental Zone E3 (Medium District Brightness Area)’. The E3 Zone typically includes suburban locations defined for lighting purposes as ‘Medium District Brightness Areas’.

- 7.3.3 The Appellant submits that having regard to the Development Plan zoning for the site ('RU – Rural and Agriculture') the designation that should apply for lighting purposes is the Rural Environment Zone, which is for sparsely inhabited rural areas, village or relatively dark outer suburban locations.
- 7.3.4 Having visited the site, it is noted that the area is located approximately 30 metres of Ballycullen Green (a residential housing estate). The R113 (Regional Road) is located approximately 100 metres to the north of the site and moving traffic is clearly apparent. A Lidl supermarket is located a short distance to the north directly across the R113 and is situated amongst established housing estates. Taking this into account, it could not reasonably be said that the site is in a 'rural area' with characteristics typically associated with the rural countryside. The site is next to an existing built-up suburban district, on the fringe of the Greater Dublin Area, which is continually expanding and accommodating new forms of development, particularly housing. There is therefore already a residual level of artificial lighting associated with this suburban area that is apparent.
- 7.3.5 The argument that the houses in Ballycullen Green currently face onto open, largely undeveloped lands, which is subject of a rural zoning where artificial lighting would be less than that associated with an urban street, is noted. The potential resulting impact against the backdrop of the Dublin Mountains has also been considered.
- 7.3.6 However, when considering the surrounding receiving environment, and physical characteristics referenced above, it is clear the area is not a remote rural location. It is more urban in nature than that. Therefore, it is concluded that given the suburban nature of the site, the applicable Environmental Zone is 'E3 (Medium District Brightness Area)'. This is the same zone referred to in the Sports Lighting Proposal report.
- 7.3.7 In relation to the level of light intrusion that can be expected for the houses and gardens of the dwellings at Ballycullen Green, the Board is referred to the detailed illumination grid summary provided in the Lighting Report. The report indicates that in all instances the level of light intrusion for these properties is forecast to be negligible. It is therefore considered that the impact of light spill on surrounding properties is minimal and well below the levels prescribed in the *Guidance Notes for the Reduction of Obtrusive Light*.

7.3.8 Furthermore, the floodlights will only be switched on when the pitch is in operation and will mainly only be required to be illuminated outside the summer months. It is not considered necessary to restrict the use of the floodlights during the summertime however when it is still possible for dimly lit and overcast conditions to prevail.

#### **7.4 Noise**

7.4.1 The Third Party Appellant raises a concern that the introduction of the proposed floodlighting will mean the permitted sports pitch will be used later into the evening and that this will give rise to excessive noise pollution.

7.4.2 The site's receiving environment is largely suburban in nature, where ambient noise levels can be expected to be higher than that associated with a remote rural location. The sports pitch is already permitted however and can be used late into the evening times – particularly during the summer months – as there is no condition on the relevant permission that limits the hours of operation. The installation of floodlights would enable the pitch to be used later in the evening times. However, all floodlight activity will cease at 9pm, which are the hours of operation sought by the Applicant. Alternatively, and if the Board deem it appropriate, it is considered that permitting the hours of operation to run up until 10pm would also be acceptable and not unusual for such a facility. The floodlights should be permitted to operate at the weekends as well as during weekdays.

7.4.3 In summary, it is not considered that the proposed development would not give rise to any excessive noise disturbance in the context of the subject site and its receiving environment.

7.4.4 The applicant has proposed that the facility be fitted with an automatic timer to ensure lights are not operating after the permitted hours. This should be the subject of a condition.

#### **7.5 Traffic and Transport**

7.5.1 The Appellant raises the issue of traffic generation and parking in relation to the use of the pitch during evening times.

7.5.2 The proposal in itself – which is solely for floodlights and its ancillary works – will not significantly exacerbate parking demand within the surrounding vicinity. It is most likely to generate trip generation outside core business hours, and therefore is

unlikely to worsen any existing traffic congestion on the surrounding road network to any material extent.

7.5.3 It is considered that the inclusion of a condition that requires the Applicant to prepare a Mobility Management Plan, including in respect of evening games, is reasonable and should be agreed in writing with the Planning Authority. This would encourage more sustainable travel patterns and behaviour and promote alternative forms of transport to and from the facility, such as cycling.

## 7.6 Potential Impact on Bats

7.6.1 The provision of floodlighting requires the assessment and protection of sensitive species such as bats (LAP Objective SSP14). The Applicant has provided a Bat Survey, which was undertaken on 10<sup>th</sup> November 2020. The report notes that this is not ideal due to winter hibernating. Bat surveys should ideally be carried out during summer when bats are most active, as the Appellant correctly states.

7.6.2 The Report confirms however that the proposed development will have a limited impact on bats, subject to appropriate mitigation measures being employed (see Section 5 of the Bat Survey Report, prepared by Faith Wilson (Ecological Consultant), dated 15<sup>th</sup> March 2021). It is also noted that no bat roosts were identified on the site, and that lighting impacts had been reviewed and modified during the RFI Stage in order to reduce lux levels. The latter was to address the presence of foraging and commuting bats along the southern boundary of the site.

7.6.3 The Applicant has offered to undertake another bat survey during the active period of 2021. A full bat survey during the months of April to August should therefore be a requirement by condition. [The Planning Authority notes that this had begun at time of writing their Planner's Report.]

7.6.4 Having regard to the above, and information on file, it is concluded that the site is of relatively limited value to bats and that the installation of the floodlights is unlikely to adversely impact on the habitats of bats.

## 7.7 Shared Use of the Sports Pitch

7.7.1 The Appellant raises a concern in relation to the possibility of the permitted sports pitch being exclusively used by a single sports club.



7.7.2 The Applicant has confirmed that St. Anne's School will have access to the sports pitch and floodlights each weekday (until 6pm), and that St. Anne's GAA Club will use the facility on evenings and weekends thereby confirming that multiple users / sports will be accommodated at various times.

7.7.3 This issue was dealt with under the previous Decision for the sports pitch where the Board's Direction stated that the pitch would provide an important addition to the local amenities, especially to the proposed adjoining permitted and planned residential developments and the proposed school (ABP Ref. PL06S.247693). The following condition (No. 6) was included in the Decision to address this particular concern: *"the playing pitch shall be made available for the use of all field sports and shall not be used exclusively for one particular sport"*. It is considered appropriate to include this condition on any grant of permission to help ensure general members of the public have access to the facility.

## 7.8 Screening for Appropriate Assessment

7.1.1. The Glenasmole Valley Special Area of Conservation (SAC) (Site Code 001209) is approximately 2.3km to the southwest. The Wicklow Mountains SAC (Site Code 002122) and SPA (Site Code 004040) are located roughly 3.5km to the south.

7.8.1 The Applicant has not provided any material to assist in screening the potential need for an Appropriate Assessment. However, given the nature and scale of the development proposed (which is for floodlighting) the distance from the nearest Natura 2000 site, the nature of the receiving environment, and absence of any hydrological connection between the site and a European site, it is considered that no appropriate assessment issues arise.

7.8.2 It is therefore not considered that the proposal would be likely to have a significant effect individually or in combination with other plans and projects on a European site and there is no requirement.

## 8 Recommendation

It is recommended to grant planning permission for the proposed development based on the reasons and considerations set out below.

## 9 Reasons and Considerations

Having regard to the nature of the proposed development and the various policy statements contained in the *South Dublin County Council Development Plan 2016-2022* and *Ballycullen /Oldcourt Local Area Plan 2014*, which seeks to support the provision of new or improved sports and leisure facilities in the County, and given the proposal is considered to be in accordance with Objective SSP14, it is considered that subject to the conditions set out below that the proposed development would not seriously injure the amenities of the area, and would generally be acceptable in terms of visual impact, traffic safety, protecting bats and their habitats, and in the interests of public convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and as amended by Further Information received on 7th April 2021, 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><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. These measures shall be implemented as part of the development.</p> <p><b>Reason:</b> To monitor bat species in the area during times of activity and in the interest of wildlife protection.</p>
3.	<p>The operational hours of the floodlighting shall be restricted to between 3.00pm and 9.00pm (Monday to Sunday) with an automatic cut-off timer installed to cease all floodlighting at 9.00pm.</p> <p><b>Reason:</b> To protect the residential amenity of properties in the vicinity.</p>
4.	<p>The floodlights shall be directed onto the playing surface of the pitch and away from adjacent housing and gardens. The floodlights shall be directed and cowed such as to reduce, as far as possible, the light scatter over any adjacent houses and gardens.</p> <p><b>Reason:</b> In the interest of residential amenity and traffic safety.</p>

5	<p>The playing pitch shall be made available for the use of all field sports and shall not be used exclusively for one particular sport.</p> <p><b>Reason:</b> In the interests of inclusivity and the proper planning and sustainable development of the area.</p>
6	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <p>(a) A plan to scale of not less than 1:500 showing –</p> <ul style="list-style-type: none"> <li>(i) Existing trees, hedgerows specifying which are proposed for retention as features of the site landscaping.</li> <li>(ii) The measures to be put in place for the protection of these landscape features during the construction period.</li> <li>(iii) The species, variety, number, size and locations of all proposed trees and shrubs.</li> <li>(iv) Details of screen planting, including along the northern boundary of the site.</li> </ul> <p>(b) A timescale for implementation.</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><b>Reason:</b> In the interest of residential and visual amenity.</p>
7	<p>Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car pooling to reduce and regulate the extent of parking required.</p> <p><b>Reason:</b> In the interest of encouraging the use of sustainable modes of transport.</p>

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Ian Boyle  
 Planning Inspector  
 29<sup>th</sup> July 2021