



An
Bord
Pleanála

Inspector's Report ABP-311202-21

Development	To redevelop the all-weather pitch including excavation, filling and regrading, fencing and lighting and new all-weather surface.
Location	Presentation Sisters Lands at Greenan, Dungarvan Road, Clonmel.
Planning Authority	Waterford City & County Council
Planning Authority Reg. Ref.	21/23
Applicant(s)	The Board of Management Presentation Secondary School
Type of Application	Permission
Planning Authority Decision	Grant, subject to 10 conditions
Type of Appeal	Third Party -v- Decision
Appellant(s)	Kathleen & Thomas Hallinan
Observer(s)	None
Date of Site Inspection	25 th May 2022
Inspector	Hugh D. Morrison

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	4
4.0 Planning History.....	4
5.0 Policy and Context.....	5
5.1. Development Plan.....	5
5.2. Natural Heritage Designations	5
5.3. EIA Screening	5
6.0 The Appeal	5
6.1. Grounds of Appeal	5
6.2. Applicant Response	5
6.3. Planning Authority Response	6
6.4. Observations	6
6.5. Further Responses.....	6
7.0 Assessment.....	7
8.0 Recommendation.....	10
9.0 Reasons and Considerations.....	10
10.0 Conditions	11

1.0 Site Location and Description

- 1.1. The site is located in the south-western outskirts of Clonmel. The site lies to the south of the River Suir on lands that are slightly elevated over adjoining lands nearer to this River. It lies to the west of the buildings comprised in the Presentation Primary and Secondary Schools and the adjacent Presentation Sisters Convent. The site is accessed off the western side of the R665 via a road, which serves a school car park and a property in which the appellants reside known as Greenan Cottage.
- 1.2. The site is of regular shape, and it extends over 1.52 hectares. The main body of the site accommodates an existing unlit all-weather playing pitch, and the remainder of the site accommodates the lane to this pitch from just beyond a gateway adjacent to the Convent. This gateway is situated at the top of a rising portion of the lane from the end of a road, off which Greenan Cottage is accessed.

2.0 Proposed Development

- 2.1. The proposal is for the redevelopment of the existing all-weather playing pitch. This redevelopment would entail the excavation, filling, and regrading of the main body of the site to form a new hocky pitch with an all-weather surface. It would also entail the removal of an existing timber post, rail, and wire fence from around the perimeter of the playing pitch and the erection of a 3m high, heavy duty, pvc coated, anti-climb, security fence in its place and on either side of the lane leading to the pitch. This fence would be 5m behind the goals at either end of the hocky pitch. Gates would be installed at either end of the lane and at the midway point on its southern side.
- 2.2. The proposal is also for the erection of 6 no. 15m high floodlighting columns, 3 no. on each of the two longer sides of the hocky pitch.

3.0 Planning Authority Decision

3.1. Decision

Following the receipt of further information, permission was granted, subject to 10 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The following further information was requested:

- Details of floodlighting,
- Detailed site plan to show siting of lighting columns and type and extent of perimeter fencing,
- Details of surface finishes,
- Height of floodlights to be justified and floodlights to be depicted from regional roads in the vicinity,
- Light spillage survey, along with mitigation measures, to be submitted. Impacts upon residential amenity and commuting bats to be considered,
- Confirm either the presence or absence of Japanese Knotweed on the site. If the former, then submit a Control Plan for the site works,
- Construction Management Plan to be submitted. This Plan shall address control of surface water run-off of sediment and suspended solids within the catchment drainage system of the River Suir.
- Operational hours to be stated, and
- Clarify the purpose of the shipping container on the site.

3.2.2. Other Technical Reports

Waterford City & County Council: Heritage Officer: Further information requested concerning mitigation of light spillage, the potential issue of Japanese Knotweed, and the control of surface water run-off.

4.0 Planning History

None

5.0 Policy and Context

5.1. Development Plan

Under the Waterford County Development Plan 2011 – 2017 (CDP), the site is the subject of the following zoning objective, “To provide for institutional, educational, social and community development uses.”

5.2. Natural Heritage Designations

Lower River Suir SAC (002137)

5.3. EIA Screening

The proposal is not for a class of development that is subject to EIA.

6.0 The Appeal

6.1. Grounds of Appeal

The appellants reside in Greenan Cottage adjacent to the existing laneway to the site. They raise the following issues:

- The appellants’ residential property, Greenan Cottage, lies off the laneway to the site. Concern is expressed that people and vehicles in attendance at this site may either enter their property or obstruct access to the same.
- The boundary between the appellants’ property and the laneway is denoted by means of a stud fence only. Consequently, traffic passing along this laneway would impact upon their privacy and security.
- Third party usage of the site has not been clarified. Concern is expressed that unmanaged attendees would create issues for the appellants.

6.2. Applicant Response

- Attention is drawn to the means of access to the site from the R665, via double gates. This means of access is controlled by the applicant and it

serves the primary school yard and staff car park, a burial ground, and a playing field and the site.

The appellants have a right of way to their residential property along the means of access. The applicant sold this property to them in 1999. The conditions of sale included requirements that they fence the boundaries and gate the access to it.

- Tree planting on the outside of the northern boundary to the appellants' property has occurred. Screening is afforded thereby. The applicant would be willing to supplement this planting.
- The school principal confirms that the existing all-weather pitch on the site has been used since 1994 by other schools and local sports clubs. Confirmation of the same has been received from Old Bridge Football Club, Clonmel Commercials, Clonmel Hockey Club, and St. Mary's Hurling & Camogie Club. The applicant controls the access to the site enjoyed by these sports clubs.

6.3. Planning Authority Response

- The proposal would fulfil the zoning objective for the site.
- The site is served by an existing laneway and car park that are under the applicant's control.
- Residential amenity would be safeguarded, i.e., floodlighting would be restricted to 16.00 – 21.00 hours on school days only, and the proposal would be used primarily by the applicant.
- The passageway to the pitch would be upgraded. Existing fencing to the same is considered to be adequate.

6.4. Observations

None

6.5. Further Responses

None

7.0 Assessment

7.1. I have reviewed the proposal in the light of the Waterford County Development Plan 2011 – 2017 (CDP), the submissions of the parties, and my own site visit.

Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use and zoning,
- (ii) Access and amenity,
- (iii) Lighting and amenity,
- (iv) Japanese Knotweed,
- (v) Water, and
- (vi) Appropriate Assessment.

(i) Land use and zoning

7.2. The main body of the site accommodates an existing unlit all-weather playing pitch, which is sited within a wider area of playing fields. Under the proposal, this site would be redeveloped to provide a lit all-weather hockey pitch and so there would be continuity in its use. Under the CDP, the site and wider area are subject to a zoning objective “To provide for institutional, educational, social and community development uses.” This proposal would fulfil this objective.

7.3. I conclude that, under the proposal, the established use of the site would continue, and this use would fulfil the zoning objective for this site.

(ii) Access and amenity

7.4. Under the proposal, the existing access to the site would be maintained, and the western portion of it, which runs through the playing fields, would be enclosed by means of security gates and fences. This access takes the form of a lane, which connects further to the east with a road that serves a school car park and the appellants residential property known as Greenan Cottage. In turn, this road is accessed off the western side of the R665.

7.5. The appellants express concern that, under the proposal, the use of the lane, which passes their property, by those in attendance at the all-weather hockey pitch would

impact upon their privacy and security. They express particular concern that access to their property may be obstructed and that trespass may occur, especially from unmanaged attendees.

- 7.6. The applicant responds by stating that it controls access to the road/lane from the R665 via gates at the access point from the regional road and that, under the proposal, its schools, other schools, and local sports clubs would continue to use the redeveloped all-weather hockey pitch just as they use the existing pitch.
- 7.7. The applicant further responds by stating that the under the conditions of sale of Greenan Cottage to the appellants, they were to gate its access and fence its boundaries. It has undertaken planting on its side of the boundary between Greenan Cottage and the rising lane from the road to the existing gateway adjacent to the Convent. It undertakes to supplement this planting if deemed necessary.
- 7.8. I note that, under the proposal, the existing pattern of usage of the site would continue, along with the attendant management of access from the R665. I note, too, that insofar as the western portion of the lane to the redeveloped playing pitch would be gated and fenced in, along with the redeveloped pitch itself, enhanced security would arise.
- 7.9. During my site visit, I observed the common boundary in question, which comprises a timber post and rail fence with a hedgerow on the inside of it and a grass verge on the outside. I also observed that tree planting has occurred along the southern side of the lane as it passes through the playing fields. The existing hedgerow within the curtilage of Greenan Cottage is virtually continuous and so it screens this Cottage. Insofar as there are gaps in this hedgerow, then these could be filled by additional planting. The applicant has offered to add to its existing tree planting, which at present is further to the west. I consider that if this planting were to be extended to the east and if it were to occur with an eye to plugging the aforementioned gaps, then a more complete screen would, in time, be achieved.
- 7.10. I conclude that, under the proposal, the existing means of access to the site would continue to be used and that this would be controlled by the applicant. I conclude, too, that supplementary planting would enhance the screening properties afforded by the existing hedgerow along the northern boundary of the appellants residential property, which abuts the rising lane to the site.

(iii) Lighting and amenity

- 7.11. Under the proposal, the key innovation would be the erection of 6 no. floodlighting columns, which would be sited in rows of three on the long northern and southern sides to the hockey pitch. Under further information, the applicant submitted more details of the envisaged lighting. Thus, a total of 22 no. floodlights would be installed, with the four corner columns supporting 4 no. floodlights each and the two central ones supporting 3 no. floodlights each. Plans depict the luminosity of these floodlights, and they illustrate how these floodlights would be designed to illumine the hockey pitch only. Under further information, the floodlighting columns were reduced in height by 3m, from 18m to 15m, and the floodlights themselves would be no higher than 15.5m above ground level.
- 7.12. The applicant advises that the proposed hockey pitch would be used throughout the school day and then “after hours” between 16.00 and 21.00. The playing fields within which this pitch would be sited are bound by mature hedgerows and several dwelling houses in the surrounding area lie beyond these hedgerows. The appellants’ dwelling house is the nearest example at a distance of 120m.
- 7.13. I conclude that the proposed floodlights would be capable of being operated in manner compatible with the amenities of residential properties in the surrounding area.

(iv) Japanese Knotweed

- 7.14. Under further information, the applicant addressed the possibility that Japanese Knotweed may be present in the vicinity of the site. The isolated presence of this Knotweed was detected and a management plan for its eradication has been prepared in accordance with current advice on the same.
- 7.15. I conclude that the issue of Japanese Knotweed would be capable of being satisfactorily resolved under the applicant’s management plan.

(v) Water

- 7.16. Under the OPW’s flood maps, lands surrounding the site are shown as lying within the flood plain of the River Suir, but not the site itself and the means of access from the east to it.

- 7.17. Under further information, the applicant submitted a construction management plan, which sets out a methodology for the laying of land drains. It also submitted a site (drawing no. 4), which bears a note that states “existing underground surface water drainage not to be disturbed or altered”. Clarification of how these two sets of undertakings would relate to one another should be provided by means of a comprehensive drainage plan. This should be conditioned.
- 7.18. I conclude that, subject to a comprehensive drainage plan for the site, no water issues would arise.

(vi) Appropriate Assessment

- 7.19. The site is not in a European site, although the Lower River Suir SAC (002137) lies to the north of it. The proposal would entail the redevelopment of an existing all-weather playing pitch with a new one to a higher specification. This proposal would entail the provision of land drains, which would not entail the disturbance or alteration of existing land drains. It would also be at some remove from existing watercourses that flow into the Lower River Suir. Accordingly, I am not aware of any source/pathway/receptor route between the site and this or any other European site and so no Appropriate Assessment issues would arise.
- 7.20. Having regard to the nature, scale, and location of the proposal, the nature of the receiving environment, and the proximity of the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposal would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

That permission be granted.

9.0 Reasons and Considerations

Having regard to the Waterford County Development Plan 2011 – 2017, it is considered that the proposal would fulfil the institutional, educational, social and community development zoning objective for the site. This proposal would, subject to conditions, be compatible with the residential amenities of the area and it would be

capable of being satisfactorily accessed and drained. No Appropriate Assessment issues would arise. The proposal would, therefore, accord 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, as amended by the further plans and particulars submitted on the 1st day of July 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>Reason: In the interest of clarity.</p>
2.	<p>Prior to the commencement of development, a comprehensive plan showing existing and proposed land drains for the site shall be submitted to and agreed in writing with the Planning Authority.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>Prior to the commencement of development, a landscaping plan for the southern verge of the rising lane adjacent to Greenan Cottage shall be submitted to and agreed in writing with the Planning Authority. This plan shall show native tree and shrub planting.</p> <p>All planting shall be adequately protected from damage until established. Any trees and shrubs 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>

4.	<p>Prior to the commencement of development, a timetable for the implementation of the applicant's "Invasive Alien Plant Species: Site Assessment Report & Management Plan" dated 30th March 2021 shall be submitted to and agreed in writing with the Planning Authority.</p> <p>Reason: In the interest of the environment.</p>
5.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
6.	<p>The hockey pitch shall not be used between the hours of 21.00 and 09.00 on any weekday during the school year. Its use at any other time shall be subject to the written permission of the Planning Authority.</p> <p>Reason: In the interest of residential amenities of property in the vicinity.</p>
7.	<p>The operational hours of the floodlighting shall not extend beyond 21.00 hours with automatic cut-off of floodlighting at that time.</p> <p>Reason: To protect the residential amenity of properties in the vicinity.</p>

Hugh D. Morrison
 Planning Inspector

17th June 2022