



An
Bord
Pleanála

Inspector's Report

ABP-312495-22

Development	Retention playing pitch, free sports area and floodlighting; permission for a standalone single storey gym building and spectator stand
Location	Newtown, Enfield, Co. Kildare.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	21475
Applicant(s)	Cappagh GAA Club.
Type of Application	Retention and Permission.
Planning Authority Decision	Grant
Type of Appeal	First Party V Grant Third Party v Conditions
Appellant(s)	Cappagh GAA Club (1 st Party) Imelda Dillon and Others (3 rd Party) Vincent Hayes (3 rd Party)
Observer(s)	None.

Date of Site Inspection

7th July 2022.

Inspector

Lucy Roche

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1.0 Site Location and Description

- 1.1. The proposed development site is located in the rural area, c200m to the northeast of the settlement (rural node) of Newtown, c5km southwest of Enfield and c1.5m south of the M4 Motorway.
- 1.2. The site has a stated site area of 5.33ha and comprises the grounds of Cappagh GAA Club. The GAA grounds currently contain a club house, two playing pitches, a free sports area, hurling wall and safety nets. A walking track has been constructed around the perimeter of the site with lighting installed to serve the playing pitches, free sports area and walking track. Hard surfacing to the front, southwest, of the club house and to the west of Pitch No.1 facilitates on-site parking. The site is served by an on-site wastewater treatment and disposal system.
- 1.3. The site is bounded to the northwest by the public road and associated hedgerow and ditch and to the southeast by a small watercourse. Lands adjoining the GAA grounds are primarily agricultural in nature. There are a number of one-off rural houses to the north and northeast of the GAA grounds, proximate to the free sports area. Third-party appellants own / occupy the dwellings to the northeast.

2.0 Proposed Development

- 2.1. The applicants, Cappagh GAA Club, are seeking retention permission for the construction of:
 - A juvenile playing pitch (Pitch No. 2)
 - A free sports area to the northeast of playing pitch No.2
 - Floodlights around playing pitches No.'s 1, 2 and free sports area.
 - A hurling wall (with a stated area of 517.50sqm)
 - The pedestrian walkway and associated lighting.
 - And all associated site works as constructed from that granted under PI. Ref. No.'s 11/629, 16/339 and 19/529 and
- 2.2. Planning permission is also being sought for the construction of a standalone single storey gym building, a spectator stand, and all associated site works.

2.3. The proposed gym has a gross floor area of 167.85sqm and a height of 4.62m. It is located to the west of the existing club house and to the northeast of the existing entrance. The proposed spectator stand has a floor area of 113.22sqm and is located on the western side of playing pitch 1. It has a height of 4.5m.

3.0 Planning Authority Decision

3.1. Decision

Kildare County Council did, by order dated 20th December 2021, decide to grant permission for the proposed development subject to 16no. Conditions. The following conditions are of note:

Condition 2: Prior to the commencement of any further development on site, the 2m footpath and public lighting from the subject site to Newtown village (as conditioned under 11/629) shall be fully constructed in compliance with the technical requirements and completed to the written satisfaction of the Planning Authority. In this regard, the developer shall liaise with the Maynooth Municipal District regarding design and construction of same.

Reason: In the interest of public safety and the proper planning and sustainable development of the area

Condition 3 (a) Cowls shall be fitted on all lights to direct all lighting to the ground level

(b) The lighting shall not spill on to the stream. Opaque membrane shall be used on the fence where the stream is exposed, or willow shall be planted along the river edge

(c) All lighting must be switched off at 9:30pm and not switched on before dawn

Reason: In the interests of proper planning and sustainable development, visual and residential amenity, and the protection of biodiversity

Condition 4 (b) All safety netting shall be fitted with an opaque fabric or mesh, the opaque fabric or mesh shall extend to the top of the safety netting as a screening measure

Reason: In the interests of proper planning and sustainable development, visual amenity and the protection of biodiversity.

Condition 10 The following Noise limits shall apply to construction activities:

70dB(A) (LAeq 1 hour) between 0800 hours and 1800 hours Monday to Friday inclusive (excluding bank holidays) and between 0800 hours and 1300 hours on Saturdays when measured at any noise sensitive location in the vicinity of the site. sound levels shall not exceed 45dB(A) (LAeq 1 hour) at any other time

Operation Phase

(a) Noise from the development shall not give rise to sound pressure levels (Leq 15 minutes) measured at "noise sensitive locations which exceed the following limits: 55dB(A) between the hours of 0800 and 1800 Monday to Friday inclusive (excluding bank holidays) 45dB(A) at any other time

(b) There shall be no clearly audible tonal component or impulsive component in the noise emission from the development at any noise sensitive location

Note: Noise sensitive location: any dwelling house, hotel or hostel, health building, educational established, place of worship r entertainment, or any other facility or area of high amenity which for its proper enjoyment requires the absence of noise at nuisance levels

(c) A detailed Noise Study, with recommendations, shall be carried out by a competent noise / environmental consultant within three months of the development being in full operation and at any other time as may be specified by Kildare County Council. The Noise Study shall be submitted for the consent of the Planning Authority

Reason: In the interest of public health, to avoid pollution, and to ensure proper development

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The initial report of the case planner (May 2021) has regard to the locational context and planning history of the site, the third-party submissions and interdepartmental reports received.
- In their assessment the case planner considers the flooding lighting for retention and its potential impacts on the residential amenities of nearby dwellings, the natural heritage of the area and local biodiversity.
- They request further information, including:
 - An assessment of the impact of the flood lighting on the biodiversity of the surrounding landscape, including a bat survey
 - A lighting report.
 - Site suitability assessment on the wastewater treatment system
 - The location and level of car parking.
 - Item 4 of the further information request also refers to the pedestrian facilities (public footpath and lighting) which were required under planning ref:11/629 and which have not yet been installed.
- The second report of the case planner (Dec 2021) considers the further information received on the 30th of November 2021 and has regard to the interdepartmental reports received.
- In relation to the impact of the flood lighting on biodiversity etc they consider that concerns can be adequately addressed by way of condition which includes the need for compensatory planting.
- They consider the recommendation of the Heritage Officer to switch off lights at 9:30pm to be acceptable and reasonable. They note that this would amend the condition attached to planning ref: 11/629 which required lighting to be switched off at 10pm.
- No further issues were raised in relation to proposals for wastewater treatment or car parking.

- The failure of the applicants to provide the pedestrian facilities required under planning ref:11/629 (2.0m wide footpath and public lighting to was identified as a serious concern however it was considered that this issue could be addressed by way of condition.
- A grant of permission was recommended subject to 16no conditions.

3.2.2. Other Technical Reports

Roads and Transportation (20/5/21)	Requests further information on the location and level of car parking. The applicant is required to provide a 2.0m footpath and public lighting from the development to Newtown Village as per 11/629.
Roads and Transportation (15/12/21)	Recommends refusal. The increased VRU traffic generated by the development would endanger public safety by reason of hazard
Water Services (28/04/21):	No objection subject to condition
Environment Department (03/12/21)	No objection subject to conditions
Heritage Officer (19/05/21)	Requests an assessment (including bat survey and mitigation) of the impact of the flood lighting on the biodiversity of the surrounding landscape. all lighting to be cowled and directed downwards to the pitch.
Heritage Officer (09/12/21)	No objection subject to condition.
Chief Fire Officer (21/05/21)	No objection

3.3. Prescribed Bodies

Department of Defence (05/05/21):	Observation on floodlights and design recommendation
Irish Water (30/04/2021)	No objection subject to condition

3.4. Third Party Observations

Kildare County Council received six third party submissions during the course of their determination of the application. The content of these submissions has been noted. The main issues raised in the submission are similar to those covered in the third-party grounds of appeal which are set out in section 6.1 of this report.

4.0 Planning History

KCC11/629 Permission granted (2012) for a single storey clubhouse, 2no. playing pitches, spectator railings, floodlighting, ball stop nets, maintenance equipment store incorporating 2no. handball courts and a hurling wall on either side of the building, car parking, entrance, proprietary wastewater and effluent treatment system, percolation area, connection to water mains and all associated site works

Condition 10 – flooding lighting shall not be used after 10.00pm on any night except with the express prior written permission of the planning authority. Reason: In the interests of residential amenity

condition 18 – The applicant shall construct a 2-metre-wide footpath and public lighting linking from the entrance to the proposed development to the existing pedestrian facilities at Newtown Village...

Reason: In the interests of traffic and pedestrian safety

KCC16/339 Permission granted (2016) for modifications to KCC11/629

KCC17/374 Permission granted (2017) for Extension of duration on KCC11/629 up to and including 08/06/2019

KCC19/529 Permission granted for a pedestrian walkway and associated lighting around the periphery of Cappagh GAA Club lands at Newtown, Enfield

Condition 2 The height of the lamp posts shall be a maximum of 6 meters. The lights shall be directed to shine on the pedestrian walkway only

Reason: In the interest of orderly development and protection of the residential amenities of the area

Condition 3 The pedestrian walkway shall be used after 10pm on any day except with the express prior written permission of the Planning Authority

Reason: In the interests of the amenity of the area and in the interest of the proper planning and sustainable development of the area

5.0 Policy Context

5.1. Kildare County Development Plan 2017-2023

5.1.1. Landscape Character: Northern Hills – Class 4 “Special” – Areas with low capacity to accommodate uses without significant adverse effects on the appearance of the landscape.

5.1.2. Noted Policy:

It is the policy of the Council to:

RA 7 Consider the future needs of sporting facilities i.e. capacity, access and community facilities, in the provision of new or in the expansion of existing sporting facilities.

LA 1 Ensure that consideration of landscape sensitivity is an important factor in determining development uses. In areas of high landscape sensitivity, the design, type and the choice of location of proposed development in the landscape will also be critical considerations.

LA 2 Protect and enhance the county’s landscape, by ensuring that development retains, protects and, where necessary, enhances the appearance and character of the existing local landscape.

LA 3 Require a Landscape/Visual Impact Assessment to accompany significant proposals that are likely to significantly affect:

– Landscape Sensitivity Factors.

– A Class 4 or 5 Sensitivity Landscape (i.e., within 500m of the boundary);

– A route or view identified in maps 14.2 and 14.3 (i.e., within 500m of the boundary).

LA 7 Be informed by consideration of the County Landscape Character Appraisal

5.2. Natural Heritage Designations

The proposed development site is not located on or adjacent to any designated European site. The follow designated sites are located within the wider geographical area:

- The Ballynafagh Lake SAC is located 10.2km south of the subject site.
- The Rye Water Valley/Carton SAC is located c12km to the east.
- The River Boyne and River Blackwater SAC is located c15km to the northwest.
- The River Boyne and River Blackwater SAC (002299) is located c13km from the site
- The River Boyne and River Blackwater SPA (004232) is located c15km from the site.

5.3. EIA Screening

Having regard to the established use of the site as a sports and recreational facility, the nature and scale of the proposed development and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Third Party– Grounds of Appeal

6.1.1. Vincent Haynes

This appeal relates to the erection of 4no floodlights along the northern boundary of the GAA grounds (more specifically the northeast boundary of the free sports area).

The grounds of appeal are:

- The location of the floodlights and their proximity to the appellants dwelling
- The impact of the flooding lighting on the residential amenities of the appellants dwelling by way of light and noise pollution (as a result of the increased use of the pitch outside of normal daylight hours)
- The positioning of the floodlights, without prior assessment or the benefit of planning permission is contrary to the Landscape Character Area - Northern Hills as designated in the Kildare County development Plan 2017-2023 and is contrary to County Development Plan Policies: LA1, LA2, LA3 and LA7

6.1.2. Imelda Dillon and Others:

- The type and number of lights erected on playing pitches 1 and 2 do not accord with the previous grant of planning permission (KCC Ref:11/629).
- Flood lights were erected after the expiration of the appropriate period of planning ref:11/629 (as extended under planning ref:17/374)
- The lights erected do not have cowls on them to limit spillage and the light is not directed onto the pitch
- The applicants have failed to provide evidence that the lighting system that currently exists is not a source of light pollution, light spillage or sky glow.
- Lack of detail on the design and specification of the flooding lighting installed.
- Concerns raised regarding the accuracy of the Biodiversity Impact Assessment due to the lack of detail available on lighting design etc
- The free-sports area (Playing Pitch No.3) due to its location has the potential to impact on the amenities of adjoining properties by of light and noise pollution.

- The appellants are considered that the applicants will fail to comply with conditions attached to a grant of permission – having regard to the applicants past failure to comply with planning conditions
- Concerns raised regarding the impact of the proposed development (floodlighting and hurling wall) on the adjoining watercourse which is a tributary of the River Boyne and River Blackwater SAC.
- As the work carried out on site differs greatly from that for which permission was granted, they consider the findings of the NIS, submitted under planning ref:11/629 i.e., that the development will not significantly affect the conservation objectives of the Natura 2000 site, to be invalid.
- The proposed spectator stand will bring increased traffic to an area that cannot accommodate it. The road serving the site is narrow and the pedestrian facilities required under planning ref:11/629 have not been provided.
- No distinct car parking currently exists on site. Cars are regularly parked at the entrance to the grounds due to haphazard parking of those using the grounds.
- The proposed gym and spectator stand are an overdevelopment of the rural club and will result in an increase in noise and traffic which will have a negative impact on residents and wildlife.
- Concerns that facilities will be hired out to other clubs etc resulting in increased usage.
- A dugout and scoreboard have been erected without planning permission.
- No timeline has been set for which the applicant must comply with the conditions attached to the grant of permission which is a concern given the history of non-compliance.

6.2. First Party - Grounds of Appeal

6.2.1. Condition 2.

- Cappagh GAA have received a 90% sports capital grant towards the building of the gym building. This money cannot be diverted to build the footbath.

- Cappagh GAA are actively engaging with Kildare County Council regarding the design, tendering and construction of the footpath but due to the complexity and number of parties involved the footpath will not be constructed prior to the sports capital grant for the gym expiring.
- They request that the wording of condition 2 be modified to state that the footpath be completed within the next 12 months and before the development of the spectator stand which would allow for the gym building to progress within the timelines of the sports capital grant

6.2.2. Condition 3

- Condition 8 of the parent permission KCC Ref:11/629 stated “The flood lighting shall not be used after 10:00pm on any night except with the express prior written permission of the Planning Authority”. Cappagh GAA have operated their grounds and sports facility in accordance with this condition since the facility opened.
- Condition 3 of KCC Ref: 19/529 stated that “The pedestrian walkway shall not be used after 10:00pm on any day except with the express prior written permission of the Planning Authority”. Cappagh GAA have operated, and the Newtown Community have availed of the walkway facility in accordance with this condition since its opening.
- Cappagh GAA acknowledge and accept the findings of the Bat Assessment Report and want to implement the recommendations however they contend that the existing low lux level lighting around the walkway is no different to the street lighting that the Cappagh GAA will install along the new footpath linking the club to Newtown Village centre
- They request that the wording of condition 3 be altered to only refer to the high lux level floodlighting around all playing pitches and that the low lux level lighting around the walkway and car parking areas are either omitted for health and safety and operational reasons or the operational hours for same are extended to 07:00am to 10:00pm

6.2.3. Condition 4

- Cappagh GAA acknowledge and accept the findings of the Bat Assessment Report and want to implement all recommendations where practically possible
- Having sought expert advice, they consider the provision of an opaque fabric or mesh onto the existing safety netting would likely be risky to install on such a tall structure in an open and windy environment that was not designed to support such a loading arrangement.
- They recommend, as an alternative, the planting of tall evergreen trees such as Leyland Cypress
- They request that the wording of condition 4 be revised and the option of “installing a row of tall evergreen trees such a Leyland Cypress or similar behind the safety netting to act as a screening measure

6.2.4. Condition 10

- Cappagh GAA acknowledge and accepts the noise level restrictions around the construction activities but feel that it is not plausible or practical to implement the operational phase noise level restrictions when operating a full functional GAA club and sports facility
- Such restrictions would mean that general activities such as children playing, referee whistle blowing, players / crowds calling etc would exceed the criteria set resulting in the club not being able to operate in a normal capacity.
- Cappagh GAA voluntarily gave up some of their own land on the north-eastern boundary to create a voluntary buffer zone with associated 8ft high timber fence and hedge row along same to create a natural separating distance between the sports facility and their nearest neighbour that would help dampen noise generated
- They request that the restrictive operational noise level restrictions proposed are omitted or at the very least raised to a level that would allow the existing GAA club and sports facility operate in a normal capacity like all other GAA clubs around the country

6.2.5. To further support their grounds of appeal the applicants have submitted correspondence between Cappagh GAA and Kildare County Council and from the adjoining landowner in relation to the installation of pedestrian facilities, and from Newtown Community Group in relation to the use of the pedestrian walkway

6.3. **Planning Authority Response**

- The delivery of the footpath has been identified by the Transportation, Roads and Public Safety Department as critical for the protection of VRU's (vulnerable road users) accessing the site, and a key rationale for the decision to grant permission. Kildare County Council are not in favour of any alteration to a condition that would jeopardise the timely delivery of this part of the project.
- All alternative bat protection measures must be clearly specified and identified by a suitably qualified ecologist. The planning authority are not satisfied on the basis of the information provided that the alternative proposals are acceptable.
- They consider that the mitigation measures within the conditions of the grant of permission, including but not limited to the restriction of hours of operation and construction adequately and reasonably safeguard the amenities of nearby residents.

6.4. **Observations**

- None

7.0 **Assessment**

7.1. **Third Party**

7.1.1. Having inspected the site and considered the contents of the appeal in detail, the main planning issues in the assessment of the third-party appeal are as follows:

- Principle of Development
- Ecology

- Amenity Considerations
- Other

7.2. Principle of Development

- 7.2.1. Cappagh GAA Club was first granted planning permission in 2012 under KCC Ref: 11/629. The development as permitted under KCC Ref: 11/629 and the subsequent amendment application granted under KCC Ref: 16/339, allowed for the construction of a clubhouse, 2no playing pitches, hurling wall, floodlighting and ball stop nets etc (refer to Section 4.0 for further detail). A further grant of permission under KCC Ref: 19/529 allowed for the construction of a pedestrian walkway and associated lighting around the perimeter of the club.
- 7.2.2. The development carried out on site deviates from the previous grants of planning permission and includes the addition of a free sports area and associated floodlighting to the northeast of the site. This application seeks to regularise various aspects of the development as constructed on site while also seeking permission for a standalone gym and spectator stand.
- 7.2.3. I am satisfied that the principle of a sports and recreational facility use has been established on site and that the development proposed under this application, including the gym and spectator stand, is consistent with the established use of the site and is thus acceptable, subject to consideration of other issues as set out below.

7.3. Ecology

- 7.3.1. The third-party appellants have raised concerns regarding the impact of the as constructed flooding lighting scheme and hurling wall, on biodiversity, particularly in relation to the watercourse which runs along the southeast boundary of the site, and which is said to be a tributary of the River Boyne and River Blackwater SAC. The likelihood of potential impacts arising on the SAC and other designated sites is considered in Section 8.0 of this report.

7.3.2. Having regard to the established use of the site as a sports and recreational facility which includes the ongoing maintenance of the playing pitches etc, I consider the site (the grounds of Cappagh GAA Club) to be of relatively low ecological potential. However, I note the presence of the watercourse on the south-eastern boundary of the site and the issues raised in the third -party appeal and therefore I consider it reasonable to consider to the potential impact of the development on the biodiversity of the watercourse. The impact of the proposed development on local bat population is also a relevant consideration.

Floodlighting

7.3.3. In relation to floodlighting, the third-party appellants have expressed concerns in relation to the number and type floodlights erected on site, which vary from that permitted under planning ref: 11/629 and which they consider form a source of light pollution which is injurious to local biodiversity.

7.3.4. The original lighting scheme for Cappagh GAA Club, permitted under planning ref:11/629, was (as detailed on Drawing No.P-08), based on a layout from MUSCO lighting and comprised, for Pitch No.1, 6no x c25m high galvanised steel poles with 44x 1500w Metal Halide Luminaires providing an average horizontal Lux Level of 350lux and, for Pitch No.2, 6no x c18m high galvanised steel poles with 28 x 1500w Luminaires providing an average horizontal Lux Level of 263lux.

7.3.5. The number, type and height of lighting installed on site does however vary from that permitted under planning ref: 11/629.

7.3.6. As per the details submitted by the applicants with the application, the lighting installed on Pitch No.1 is based on a layout from J.M.C and Associates Lighting Design and comprises 6no x 18m high galvanised steel poles with 40x 128w Luminaires providing an average horizontal Lux Level of 350lux. The lighting scheme installed on the juvenile playing Pitch No.2 is based on a lighting design by Robus LED Floodlights and comprises 8 x 10m high galvanised steel poles with 18x 128w Luminaires providing an average horizontal Lux Level of 8.5lux. A further 4no floodlights, as per the lighting design by Robus LED Floodlights (detailed on Drawing

No: Cappagh -E101, submitted to the planning authority on the 30th November 2021) have been installed along the north-eastern boundary of the free sports area (Pitch No.3).

7.3.7. The principle of floodlighting within the grounds of Cappagh GAA has been established, by virtue of permission under planning ref: 11/629. Therefore, while there are variances in the number, height and design of the floodlighting installed on site from that previously permitted, I consider the key issue is whether the lighting scheme as installed, has or is likely to have a greater undue impact on biodiversity than that previously permitted.

7.3.8. With regard to the above, I note that while the Lux rating for the flood lighting installed on Pitch 1 accords with that permitted under KCC Ref:11/629, the Lux rating for the flood lighting installed on Pitch 2 is less, providing an average horizontal Lux Level of 8.5lux as opposed to the permitted 263Lux. This would suggest that the overall level of illumination from the grounds is significantly less than that permitted under KCC Ref:11/629.

7.3.9. The utilisation of a lower mount height on Pitch No.1 (18m as opposed to the permitted 25m mount height) does I consider have the potential to result in a greater level of spill light and glare. However, I am satisfied that any undue impact on the biodiversity of the watercourse, resulting from the reduced mount height, can be substantially mitigated by ensuring that lighting is directed towards the pitch and away from the stream. I recommend that this be included as a condition should the Board decide to grant permission.

7.3.10. A Bat Survey was requested by the planning authority to aid in their assessment of the floodlighting for retention and its impact on biodiversity. The survey was undertaken the 22nd of June 2021. Two species of bat were found on site, the common Pipistrelle and Leisler's bat. The survey reported good bat activity though the night with most activity occurring along the stream and hedgerow to the east and the hedgerow at the road. No roosts were found on site. The survey recommends mitigation measures to support the presence of bats on site. Conditions 3 and 4 of the planning authority's decision to grant permission requires compliance with the

mitigation measures outlined in the survey. While further consideration is required in relation to two of the recommended mitigation measures (in light of the concerns raised by the applicants in their first party appeal) I would support, in principle, the implementation of the measures outlined in the Bat Survey (or suitable alternatives) as I consider that that such measures would support not only the local bat population but the overall biodiversity of the area.

Hurling Wall

- 7.3.11. The hurling wall for retention is located to the east of the site, c7m from the watercourse that runs along the southeast boundary. Third-party appellants have expressed concerns in relation to the location of the hurling wall as they consider that the artificial light emanating from the structure, together with the vibrations of the balls being hit off the wall and directed towards the watercourse, have the potential to be injurious to wildlife in the vicinity of the watercourse.
- 7.3.12. While I note the concerns raised by third parties, I consider, having regard to the established use of the site as a sports and recreational facility and the nature and extent of the ongoing activity on site and in the vicinity of the watercourse, that any undue impacts arising from the location and use of hurling wall would be minor and localised. Therefore, I have no objection to the retention of this structure. I do however consider it reasonable that lighting associated with the hurling wall, be cowed and directed away from the stream.
- 7.3.13. In conclusion, I am satisfied that the floodlighting and hurling wall as constructed on site, would not, subject to compliance with conditions, have a significant negative impact on the biodiversity of the area. Additional concerns raised in relation to the impact of floodlighting on the amenities of the area and adjoining properties are considered later in this report.

7.4. Amenity Considerations:

- 7.4.1. The free sports area (Pitch No.3), for which retention permission has been sought, is located at the north-eastern end of the GAA grounds, adjacent to the public road and

within proximity to a number of residential properties. The closest residential property, located c15m to the northeast of Pitch No.3, is owned / occupied by the third-party appellant, Mr. Vincent Hayes.

- 7.4.2. Four floodlights have been erected along the northeast side of the pitch, close to the boundary with the appellants property. The floodlights, as detailed on Drawing No: Cappagh -E101, measure 10m in height and are each fitted with 2x 128w Luminaires. They are non-hooded.
- 7.4.3. Third party appellants have expressed concerns regarding the impact of the free sports area and its associated lighting on the residential amenities of neighbouring properties by way of noise and light pollution.
- 7.4.4. In response, the applicants note that they have provided a buffer zone with associated 8ft high timber fence and hedgerow along the northeast boundary to create a natural separation between the sports facility and the adjoining residential property to help dampen the noise generated.
- 7.4.5. I accept that the construction of the free sports area and its associated lighting has likely increased the level of activity in this section of the GAA grounds particularly, in the evening time and during the winter months. I also accept that this increase in activity has likely resulted in an increase in the level of noise generated from this section of the GAA grounds. However, having regard to the established use of the site as a sports and recreational facility and the ongoing nature and level of activity on the site, I do not consider that the type and source of noise generated (cheering, shouting, clapping etc) would constitute a 'nuisance' or that it would be of a scale that could be deemed to have a significant undue impact on the amenities of the area or properties in the vicinity. I do however consider that it would be appropriate to restrict the operational hours of the floodlighting. In this regard I refer the Board to condition 3(c) of the planning authority's decision which requires that all lighting be switched off at 9:30pm and not switched on before dawn. This Condition forms part of the applicants, first party appeal and is considered in section 7.8 of this report.

- 7.4.6. In relation to the potential impacts arising from the floodlighting, I refer the Board to Drawing No: Cappagh -E101, submitted to the planning authority on the 30th day of November 2021. This drawing details the Isolux lines of the floodlighting as installed, thereby illustrating the Lux level, beam pattern and distance illuminated. As per this drawing, two of the four floodlights installed result in spill light on the adjoining residential property to the northeast. However, the level of spill light indicated is, I consider, relatively minor and should not have a significant negative impact on the amenities of the adjoining property. I do however consider that floodlighting should be cowled and directed towards the pitch and away from adjoining properties to ensure any potential impact is minimised.
- 7.4.7. Based on the above considerations I am satisfied that the retention of the free sports area and its associated floodlighting would not have a significant negative impact on the amenities of the adjoining property or properties within the wider area.
- 7.4.8. In terms of visual impact, I note that floodlights are now commonplace at sporting facilities in both urban and rural areas. I consider that if cowled and directed to the ground, the lighting as installed, would be appropriate for this rural setting and would not seriously detract from the character or appearance of the local landscape.
- 7.4.9. I note that concerns have also been raised regarding the increase in noise levels from the proposed spectator stand to the west of Pitch No.1, c200m from the closest dwelling. I consider the proposed spectator to be ancillary to the established use of the site as a sports facility. I also consider that it is unlikely to generate a significant increase in visitors to the grounds. Therefore, while it may result in a greater concentration of spectators in one area of the pitch, I consider that it is unlikely to have a significant impact on the overall noise levels. I am satisfied that this structure would have no material impact on the amenities of the area or adjoining properties.

7.5. Other

- 7.5.1. In relation to the issues raised by the third-party appellants regarding the applicant's past failure to comply with planning conditions and the concerns raised regarding possible future non-compliance with conditions should the Board decide to grant

permission for this development, I note that non-compliance with conditions attached to a grant of permission is a matter of planning enforcement which falls under the jurisdiction of the planning authority. Therefore, I do not consider that this issue is relevant to the Board in their determination of the application. However, I do consider, having regard to the nature of the development proposed, which includes several elements for retention, that it would be reasonable to include (where relevant), a timeframe for the carrying out of works required by condition. In this regard I recommend a period of six months.

7.5.2. The proposed gym and spectators stand are I consider ancillary to the established use of the site as a sports facility and as such should not in my opinion result in a significant increase in the volume of traffic generated on site. While I note the concerns raised by KCC's Roads and Transportation Department in relation to vulnerable road users (VRU's), I am satisfied that this matter is adequately addressed by Condition 2 of the planning authority's decision which requires the installation of pedestrian facilities between the site and the nearby settlement of Newtown.

7.5.3. While I note that the concerns raised by third parties in relation to the lack of detail in the plans and particulars submitted with the application, particularly in relation to the floodlighting, I am satisfied that the information on file is adequate for assessment purposes.

7.6. First Party Appeal against conditions

The applicant's grounds of appeal can be dealt with under the headings of Condition 2, Condition 3(c), Condition 4(b) and Condition 10, as follows:

7.7. Condition 2

7.7.1. The appeal site is located in the rural area c200m northeast of the settlement of Newtown. The public road serving the site is narrow and is lacking in pedestrian facilities (footpath and lighting). It was a condition of the previous grant of planning permission, KCC Ref:11/659, that pedestrian facilities, in the form of a 2m wide footpath and public lighting, be provided from the entrance to the GAA club to link

with existing pedestrian facilities at Newtown Village. These works have not been carried out to date.

- 7.7.2. Having regard to the nature of the development as a sports / recreational facility and its location in the rural area outside of the settlement boundary of Newtown, I consider that that inclusion of a condition requiring the provision of adequate pedestrian facilities is appropriate in this instance as it would help to ensure that the development of Cappagh GAA Club occurs in a sustainable manner. I therefore agree in principle with the inclusion of condition 2.
- 7.7.3. Condition 2 requires that the 2m footpath and public lighting be fully constructed prior to the commencement of any further development on site. The applicants are however concerned that this may jeopardise the delivery of the proposed gym facility which is reliant upon a sports capital grant.
- 7.7.4. In light of the concerns raised and in order to ensure the timely delivery of pedestrian facilities I recommend that Condition 2 be amended so that it requires the works to be completed within a specified timeframe. I consider a period of six months to be sufficient.

7.8. Condition 3(c)

- 7.8.1. Condition 3(c) requires all lighting to be switched off at 9:30pm and not switched on before dawn. The operational hours specified in condition accord with the recommendations outlined in the Bat Survey submitted with the application but represent a departure from the previous grant of planning permission, KCC Ref:11/629, which requires that flood lighting not be used after 10:00pm on any night except with the express prior written permission of the Planning Authority. This operational restriction also applies to the use of the pedestrian walkway as granted under KCC Ref: 19/529. The applicants, Cappagh GAA, contend that have operated their grounds and sports facility in accordance with the permitted operational hours since the facility opened.

7.8.2. Having regard to the established and permitted use of the site as a sports and recreational facility and the nature and scale of the development proposed, I am not satisfied that a reduction in the operation hours of the facility, as stipulated by the planning authority, has been adequately justified.

7.8.3. I consider 10:00pm to be a reasonable time to conclude activities and ensure that a noise nuisance to neighbouring properties is avoided. In relation to the impact on bats, I note that the level of illumination for the lighting scheme installed is less than that permitted under KCC Ref:11/629 and therefore retaining the as permitted shut-off time of 10:00pm should not, I consider, result in any new or significant increased impact on bats.

7.9. Condition 4(b)

7.9.1. Condition 4(b) requires all safety netting to be fitted with an opaque fabric or mesh as recommended in the Bat Survey. The applicants raise safety concerns, citing the risk of installing fabric / mesh on such tall structures, in an open windy environment, that have not been designed to support such a loading. As an alternative measure, the applicants proposed to install a row of tall evergreen trees such as Leyland Cypress to the rear of the netting. While I acknowledge the safety concerns raised by the applicants, I agree with the opinion expressed by the planning authority, that any alternative bat protection measures must be clearly specified and identified by a suitably qualified ecologist. This is not the case in this instance.

7.9.2. Therefore, while I would, in general, support compliance with the recommended mitigation measures outlined in the report I consider that it would be reasonable to allow the applicant scope to agree suitable alternative bat protection measures, once such alternatives have been clearly specified and identified by a suitably qualified ecologist.

7.10. Condition 10

- 7.10.1. Condition 10 imposes noise level restrictions on both the construction and operational phases of the development. While the first party appellants accept the noise level restrictions around the construction activities, they feel that it is not plausible or practical to implement the operational phase noise level restrictions when operating a full functional GAA club and sports facility.
- 7.10.2. The principle of a sports facility use has been established on the site, by virtue of permission 11/629. I note that no noise restrictions on the operation of the facility were attached to the grant of permission or any subsequent grants of permission on site.
- 7.10.3. While the development proposed under this application would allow for additional facilities, including the free sports area, gym, and spectator stand, I do not consider that such facilities would, due to their nature and scale, alter the type of noise generated or increase, to any significant degree, the level of noise generated on site. I therefore recommend that operational noise restrictions imposed by condition 10 be omitted.

8.0 **Appropriate Assessment**

- 8.1. The appeal site is not located on or adjacent to any designated European site. The watercourse which extends along the southeast boundary is said to be a tributary of the River Boyne, part of the River Boyne and River Blackwater SAC, which is located c15km from the site
- 8.2. As noted by third- party appellants, a Natura Impact Statement was submitted with planning ref 11/629. The appellants consider that the works carried out on site differ greatly from that for which permission was granted and that as such the conclusion of the NIS, that the development will not significantly affect the conservation objectives of the Natura 2000 as described in the statement is no longer valid.
- 8.3. Notwithstanding the submission of a Natura Impact Assessment in support of the development permitted under KCC Reg Ref11/629, I am satisfied, having regard to

the established use of the site as a sports facility, the nature and scale of the proposed development, the nature of the receiving environment and the distance from the nearest European site, that no Appropriate Assessment issues arise, and that the proposed development would be unlikely to have a significant effect, individually, or in combination with other plans or projects, on any European site.

9.0 Recommendation

9.1. I recommend that planning permission should be granted, subject to conditions, for the reasons and considerations as set out below.

10.0 Reasons and Considerations

Having regard to the location and planning history of the site, the established use of the site for sport and recreational purposes and the nature, extent and design of the development proposed, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area and would not have unacceptable impacts on ecology. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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 30th day of November 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>
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2.	<p>Details of the materials, colours and textures of all the external finishes to the proposed gym and spectators stand shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>Within 6 months of the date of this grant of permission, unless an alternative timeframe is agreed in writing with the Planning Authority, the 2m footpath and public lighting from the subject site to Newtown village (as conditioned under 11/629) shall be fully constructed in compliance with the technical requirements and completed to the written satisfaction of the Planning Authority. In this regard, the developer shall liaise with the Maynooth Municipal District regarding design and construction of same.</p> <p>Reason: In the interest of public safety and the proper planning and sustainable development of the area</p>
4.	<p>Within six months of the date of this grant of permission, all lighting shall be fitted with cowls and directed to the ground and away from adjacent housing, roads, and water courses.</p> <p>Reason: In the interests of proper planning and sustainable development, visual and residential amenity, traffic and the protection of biodiversity</p>
5.	<p>(a) All lighting shall be switched off at 10:00pm and not switch on before dawn.</p> <p>(b) Flood lighting shall only be in operation during periods when the pitches are in use.</p> <p>Reason: In the interests of proper planning and sustainable development, residential amenity and the protection of biodiversity</p>
6.	<p>Within six months of the date of this permission grant of permission, the following mitigation measures shall be carried out in accordance with the</p>

	<p>recommendations of the Bat Assessment submitted to the planning authority on the 30th day of November 2021,</p> <ul style="list-style-type: none"> (a) Compensatory hedging consisting of native hedging and native trees shall be planted along the entire length of the western and southern site boundaries. (b) Additional planting of native trees and hedgerow species shall be planting along the north-eastern boundary of the site (c) All safety netting shall be fitted with an opaque fabric or mesh, unless, a suitable alternative bat protection measure, clearly specified and identified by a suitably qualified ecologist, is agreed in writing with the planning authority (d) A screen, which can either include an 8ft timber fence or a mix of trees to include coniferous trees shall be planted along the pathways at least 15 meters each side of the main floodlights and 5 meters each side of the smaller floodlights at the northern pitch (e) Screening in the form of an opaque membrane or willow planting shall be installed in areas where the water course that extends along the southeast boundary of the site is exposed <p>Reason: To ensure the protection of the natural heritage on the site</p>
7.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
8.	<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, measures to prevent the spillage or deposit of</p>

	<p>clay, rubble or other debris on the public road network and the off-site disposal of construction/demolition waste</p> <p>Reason: In the interests of public safety and residential amenity</p>
9.	<p>Prior to commencement Notice Stage, the developer shall submit to and for the written agreement of the planning authority, a Construction Phase Surface Water Management Plan in accordance with IFI Publication 2016 'Guidelines on Protection of Fisheries During Construction Works in and adjacent to Waters'.</p> <p>This plan shall address the management of any surface water run-off from the site, to prevent any polluting matter, suspended solids and silt, being discharged to any receiving water. The plan shall include, inter alia,</p> <ul style="list-style-type: none"> (a) Site layout plan identifying any potential surface water and / or ground water receptors (b) The location and design of any proposed mitigation measures (c) Proposals for a surface water and / or ground water monitoring programme, as appropriate <p>Reason: In the interest of public health and to avoid pollution.</p>
10.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the</p>

	<p>matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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Lucy Roche
Planning Inspector

26th October 2022