



An
Bord
Pleanála

Inspector's Report

ABP-312787-22

Development

(a) Permission for construction of a sensory/meditation garden, greenhouse, water feature, seating structure, playground, walking track, lighting, all weather pitch, tennis court, basketball court, village green, 59 vehicle parking spaces, site entrance, site access road and all associated site works. (b) Outline planning permission for the construction of a single storey community building, percolation area and associated site works.

Location

Gobbinstown, Ballyanne, Co. Wexford

Planning Authority

Wexford County Council

Planning Authority Reg. Ref.

20211241

Applicant(s)

Rathgarogue Community Co-operative Society Limited.

Type of Application

Permission and Outline Permission.

Planning Authority Decision

Grant

| | |
|--------------------------------|------------------------------|
| Type of Appeal | Third Party |
| Appellant(s) | Rita Somers and Others. |
| Observer(s) | Ballyanne ICA and others. |
| Date of Site Inspection | 14 th April 2022. |
| Inspector | Barry O'Donnell |

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 1.86ha and is located in the village of Rathgarogue, approximately 9km north-east of New Ross. Rathgarogue has developed around the junction of two county roads and it contains a church (St. Anne's) and graveyard, National School and some clustered housing. The subject site is centrally located within the village, on the opposite side of the road to St. Anne's Church, and it consists of two linked fields.
- 1.2. The site is adjoined by detached houses to the east and north/west. It is enclosed by a concrete post and rail fence along the west roadside boundary and by a mix of hedgerow and trees along the other field boundaries. The shared east boundary with the east-adjoining house comprises a timber post and rail fence.
- 1.3. The area immediately adjacent to the western boundary is used as a parking area, associated with St. Anne's Church, and there is also an enclosed area surrounding a religious statue in the area opposite the church.
- 1.4. St. Anne's Church is a protected structure (RPS Ref. No. WCC1197) and is also listed on the National Inventory of Architectural Heritage (Reg. No. 15703001) and is given a 'regional' rating.

2.0 Proposed Development

- 2.1. The proposed development entailed within the public notices comprises: -
 - (a) Construction of a sensory/meditation garden, greenhouse, water feature, shared seating structure, playground, walking track, site lighting, all-weather pitch, tennis court, basketball court, village green, 59 car parking spaces, site entrance, site access road and associated site works.
 - (b) Outline permission for the erection of a single storey community building, percolation area and associated site works.
- 2.2. The proposed community building is identified on drawing No. DW10139-07-02 as being a two-bay structure comprised of a 32.7m x 17.3m open hall area (indicated as containing a basketball court) and a 10.4m x 20.06m meeting room/kitchen/café/function room element, which are linked by an angular element

measuring 3.77m x 7.21m that contains changing rooms. The building is shown to incorporate a series of monopitch roofs, with a maximum height of 8m.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority granted permission on 21st January 2022, subject to 9 No. conditions. Of relevance to this appeal: -

- Condition No. 2 requires the submission of an application for permission consequent on the grant of outline permission for the community centre building within 3 years.
- Condition No. 6 requires that the water supply borehole should be located as identified on the submitted drawings, unless otherwise agreed, and the water supply should be adequate and suitable for human consumption.

3.2. Planning Authority Reports

3.2.1. Planning Reports dated 17th September 2021 and 13th January 2022 have been provided. The first report states that the site is centrally located within Rathgarogue and that the principle of development is acceptable, subject to consideration of other planning, design and engineering aspects. Regarding neighbouring residential properties, the report anticipates that no noise, overlooking, overshadowing, loss of privacy or light pollution issues arise. Car parking and site access proposals are stated to be acceptable and it is noted that parking on the site will also be for the use of churchgoers and will reduce parking issues/congestion in the area. Third party concerns regarding impact on water supplies are acknowledged but interference is not envisaged where water is to be provided to the community centre building only and there is no full-time use of that building proposed. Regarding drainage, the Report notes that the Environment section requested additional information regarding surface water drainage and foul drainage proposals. The report recommends the following additional information request: -

- Applicant to submit revised site layout plan identifying location of oil/petrol interceptor and silt trap for the surface water system, details of existing and

proposed surface water pipework and the location to the discharge point for surface water,

- Applicant to submit manufacturers specifications for the interceptor and silt trap,
- Applicant to submit indicative floor plans for the community centre, identifying an internal layout,
- Applicant to submit details of proposed surface materials for the all-weather pitch and courts.

3.2.2. The second report followed receipt of the further information request. It summarises and responds to the individual additional information response items and recommends that permission be granted subject to 9 No. conditions, which are consistent with the Planning Authority's decision.

3.2.3. Other Technical Reports

A **Water Services** report dated 30th August 2021 has been provided, advising that the department has no comments on the application.

Environment Department reports dated 9th September 2021 and 10th January 2022 have been provided. The first recommends additional information in relation to a number of aspects of the development. The second report recommends conditions as part of a grant of permission.

A submission from the **Disability Access Officer** dated 23rd August 2021 has been provided, which advises of the requirement for a disability access certificate for the community building and that other aspects of the development should comply with universal/inclusive access requirements of the Wexford County Playground Strategy.

A report from the **Chief Fire Officer** dated 17th August 2021 has been provided, which advises of the requirement to obtain a fire safety certificate for the development and of firefighting access requirements.

A **Roads Department** report dated 7th September 2021 has been provided, which recommends conditions as part of a grant of permission.

3.3. Prescribed Bodies

3.3.1. The Planning Report indicates that the Health and Safety Authority and Department of Housing, Local Government and Heritage were consulted on the application but did not make a responding submission.

3.4. Third Party Observations

3.4.1. A number of third-party submissions were received, the issues raised within which can be summarised as follows: -

- Site location unsuited to proposed development,
- Surface water drainage and flood risk,
- Impact on adjacent farm animals and farmland,
- Light/noise spill and other impacts associated with multi-use of the site,
- Loss of privacy,
- Impact on private water supplies in the area,
- Traffic congestion and road safety,
- Anti-social behaviour,
- Development is contrary to efforts intended to address climate change,
- Overshadowing and impact on views

3.4.2. A number of third-party letters of support were received, highlighting benefits of the development.

4.0 Planning History

4.1.1. I did not encounter any previous planning records pertaining to the site.

5.0 Policy Context

5.1. Wexford County Development Plan 2013-2019

- 5.1.1. The County Development Plan 2013-2019 remains the operative development plan for the area.
- 5.1.2. The site is in an unzoned part of County Wexford. Section 3.4.10 contains the development strategy for the 'rural settlements' and it describes these areas as a collection of one-off rural dwellings and local community or social services, such as a church, school public house or a shop that are clustered around a focal point, such as a crossroads. Objective SS30 is an overarching objective for the rural settlements and it seeks '*To conserve, protect and enhance the character of rural settlements.*'
- 5.1.3. Sections 15.3 and 16.4 relate to 'Sport' and 'Community Facilities'. Together they acknowledge the importance of such facilities to the quality of life and sustainable development of an area and outline that the Council is committed to providing accessible facilities to serve the needs of the County. Relevant objectives include: -
- Objective RS06:** To promote and encourage a vibrant and active sports sector, with increased participation levels, good quality sustainable facilities and opportunities for people to play an active role in sport.
- Objective RS07:** To develop sport, recreation and amenity facilities consistent with proper planning and sustainable development in appropriate locations in the county, in partnership with local community and sports groups and/or private parties, subject to normal planning and environmental criteria and the development management standards contained in Chapter 18.
- Objective RS10:** To encourage the development of Multi-User Games Areas (MUGAS) at appropriate locations in the county and ensure that new community facilities and public open spaces are designed to allow flexibility in their use.
- Objective CF09:** To promote the development of sustainable communities on the basis of a high quality of life where people can live, work and enjoy access to a wide range of community, health and educational facilities suitable for all ages, needs and abilities.

Objective CF10: To maintain and, where possible, improve the provision of community facilities in the county, ensuring that these facilities are adequate to meet the needs of the communities they serve, are physically integrated with residential and employment areas and are provided concurrently with new residential development, subject to normal planning and development criteria and the development management standards contained in Chapter 18.

5.1.4. Chapter 18 contains Development Management Standards and of relevance to the appeal, Section 18.9.6 Other Community Facilities states: -

Planning applications for community facilities such as sports grounds, playing fields and community halls/centres will be considered based on:

- The need for the development and its role in the development of local facilities.
- The appropriateness of the site in terms of location, traffic, accessibility and the impact on amenities of properties in the vicinity.
- The potential for multi-use by other groups/members of the community.

5.2. Natural Heritage Designations

5.2.1. The subject site is not located within or adjacent to a designated European site. The closest such site is the River Barrow and River Nore SAC (Site Code 002162) which is approx 1.9km north.

5.2.2. The Barrow River Estuary is also a proposed Natural Heritage Area and the designated area lies within c.3.25km of the site.

5.3. EIA Screening

5.3.1. An Environmental Impact Assessment Screening report was not submitted with the application.

5.3.2. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

5.3.3. The subject development comprises a mix of proposed community facilities and a proposed community building, as follows:

(a) Sensory/meditation garden, greenhouse, water feature, shared seating structure, playground, walking track, site lighting, all-weather pitch, tennis court, basketball court, village green, 59 car parking spaces, site entrance, site access road and associated site works.

(b) Outline permission for the erection of a single storey community building, percolation area and associated site works.

5.3.4. The subject site has a stated area of 1.86ha. It falls well below both of the applicable thresholds for mandatory EIA, as set out above.

5.3.5. In respect of sub-threshold EIA, having regard to the limited nature and scale of the proposed development, it is considered that 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. Grounds of Appeal

6.1.1. A joint appeal has been submitted by Rita Somers, Martin and Esther Murphy, Niall Furlong, Sean and Mary Roberts and Emma Furlong, whereby each of the parties has resubmitted the letter of observation provided to the Planning Authority. The combined Grounds of Appeal can be summarised as follows: -

- Site suitability
 - The proposed development is more suited to an urban area, where it would be accessible on foot.
 - The development will defeat the purpose of Government actions aimed at addressing climate change.

- Impact on adjacent residential occupiers
 - The proximity of the proposed community uses and building and car parking spaces to neighbouring residential properties will lead to loss of privacy and light/noise pollution.
 - Noise associated with the use of the site will be disruptive to the operation of adjacent farmland.
 - The proposed community building and proposed tree planting will block available views from adjacent housing.
 - The area is not served with a public mains supply and individual houses have their own well supply. The development may interrupt the supply of water in the area.
 - Loitering in the area at night may lead to anti-social behaviour.
- Traffic and road safety
 - Issues with traffic arise daily around school drop-off/collection times and the opening of the new by-pass has increased traffic volumes in the area. The proposed development will bring more traffic to the area, contributing to congestion.
 - The development will contribute to an existing parking shortage in the area.
- Drainage
 - There are drainage issues in the area, which are ongoing.
 - The application drawings indicate that levels within the site will be raised, which would be disruptive to the landscape and to existing surface water drainage patterns.
 - One of the submissions outlines that drainage from the site, which is shown to drain through adjacent property and flow down to a farmyard, will contribute to overflows where the network is at capacity in Winter. Overflow is likely to flow into a slatted and may lead to pollution of a nearby river.

6.2. Applicant Response

6.2.1. A first party response to the appeals was received on 15th March 2022, submitted on behalf of the applicant by Tubridy Engineering. Its contents can be summarised as follows: -

- The applicant represents a number of residents and community groups. Extensive community engagement, including a feasibility study and door-to-door survey, was undertaken to establish the need for the proposal and the support for it is evident from the letters of support provided.
- Floodlighting
 - The proposed lighting scheme has taken into account neighbouring residences and an assessment of the impact on adjacent housing is provided as part of the appeal submission. There will be minimal, if any, impact on nearby housing. The development complies with objectives L01 and L02 of the development plan.
- Privacy and loss of light
 - Reference is made to the Planning Authority's report, which considered overshadowing would not arise given the separation distance from neighbouring property.
- Water Supply
 - A site characterisation report was submitted with the application and a suitably designed wastewater treatment system and percolation area are proposed.
 - The surface water drainage system includes a silt, oil and petrol separator.
 - The site was divined by two independent experts, who found the same suitable water source.
 - The Environment section of the Planning Authority did not express any concerns regarding the development.
- Traffic Congestion

- No evidence has been provided by the appeals, in support of claims regarding traffic levels.
- The development provides a safe entry/exit to the site, with minimum sightlines of 65m, and parking will serve to alleviate congestion and dangerous parking in times of busy church services.
- Reference is made to the Planning Authority's report, which does not express any concerns regarding traffic.
- Climate
 - The development will reduce the need for people in the area to travel to urban centres for recreation, thereby reducing emissions
 - The community centre building will include environmentally friendly initiatives and will promote grow-it-yourself, promoting self-sufficiency.
- Views
 - The proposed glasshouse that is objected to will measure 3.55m to ridge level and it will have a minimal impact.
- Anti-social behaviour
 - The development will help reduce anti-social behaviour by providing activities to keep younger generations entertained.
- Site sections
 - Existing and proposed site levels are indicated on the drawings. There is no proposal to raise the level of the site.
- Surface water drainage / Farmland
 - Surface water is proposed to drain to a drain on neighbouring lands and written agreement has been provided by the landowner. The farmyard that is mentioned by appellants is 0.6km from the site. The Planning Authority did not consider the development would present an issue for this property.
 - Regarding farm animals, dairy livestock are accustomed to some noise. It is also noted that the Planning Authority did not express concerns regarding impacts on animals.

- The proposed playing pitch is not adjacent to the farmland that is identified as periodically containing bulls, it is 27m away from it. The tennis court is closer to this field but will be surrounded by netting, so stray balls entering the field can be considered unlikely. The applicant will also erect advisory signage.

6.3. Planning Authority Response

6.3.1. An emailed submission was received from the Planning Authority on 14th March 2022, the contents of which can be summarised as follows: -

- Issues raised in the appeal are similar to those raised in submissions made on the planning application and it is considered they were addressed in the planning reports on the application.
- The proposed development is welcomed as a positive community project that will enhance Rathgarogue and provide a base for a vibrant rural community.

6.3.2. A further submission was received from the Planning Authority on 25th April 2022, the contents of which can be summarised as follows: -

- The Board is referred to identified policies, objectives and provisions of the development plan that are supportive of the proposed development.
- The need for the development has been demonstrated and it would serve to enhance the settlement and provide a much-needed community facility at this location.
- The Board is requested to uphold the decision to grant permission.

6.4. Observations

6.4.1. Letters of observation have been received from Ballyanne ICA, Tina Lanigan, Angela and John Murphy, Patty Casas de Murphy and Barry Murphy, Andrea Hodgson and Garrett Hussey, Parents Association of Scoil Naomh Aine, Declan Brennan and others, Neil and Fiona Sutton, Alison Kehoe, Tomas Murphy and others, Cora Phelan and others and Joseph Furlong. The contents of each observation is summarised separately as follows: -

6.4.2. Submission by Ballyanne ICA: -

- The development is in keeping with the provisions of the Wexford County Development Plan 2013-2019, particularly in encouraging the provision of social and community facilities and in relation to enhancing biodiversity.
- Elements of the development will have health and well-being benefits and will provide a focal point for the community.
- Existing facilities in the area are inadequate and in disrepair.
- Proposed parking will help to alleviate traffic problems during times of use of the adjacent church.
- The Board is requested to grant permission for the development.

6.4.3. Submission by Tina Lanigan: -

- A community centre is an important hub for the community, providing an opportunity to socialise, use key services and build safe and inclusive communities. There is no such hub in the community currently.
- The proposed development is the product of engagement with the community, where a vision was identified for the site and the services to be provided. The community needs accessible indoor and outdoor spaces to exercise, socialise and access services.
- A community centre would develop a culture of wellbeing, improving the overall health of the community and taking pressure off social services and other facilities. Reference is made to supports within *Our Rural Future Rural Development Policy 2021-2025*.
- Issues such as density, traffic and parking, impacts on residential amenity and environmental concerns have been considered in the preparation stages and through the process of application to the Planning Authority, which granted permission.

6.4.4. Submission by Angela and John Murphy: -

- A facility such as this is needed by the community, where there is nothing similar currently.
- A community centre would be an asset to the local church, providing a location for formal and informal gatherings and providing additional parking.

- The development will be an asset to the well-being of the community.
- Environmental concerns are catered for by the use of native plants, shrubs and hedges, use of a pollinator and a Grow It Yourself area for people to cultivate.

6.4.5. Submission by Patty Casas de Murphy and Barry Murphy: -

- The benefits of the development outweigh any disbenefits, if there are any. The development provides for all ages and for a variety of interests.
- The community revolves around the church and school, which are not physically linked to a community space for congregation by design. The old hall is dilapidated.
- The proposed development offers the best chance for a community facility, at the heart of the village, for activities that people would otherwise have to travel to access

6.4.6. Submission by Andrea Hodgson and Garrett Hussey: -

- The proposed development is supported. The local community hall was demolished a number of years ago and there is no facility for groups to gather.
- A community hall/facility is important for community members of all ages and the development will provide for a variety of uses.
- Providing overflow parking for the adjacent church will help alleviate dangerous parking patterns in the area.
- Conditions attached to the Planning Authority's decision address the concerns raised by objectors and it is noted that playing fields are located at the furthest point from neighbouring houses, to minimise noise and light spill.

6.4.7. Submission by Parents Association of Scoil Naomh Aine: -

- The proposed development is supported.
- There are approx. 200 children at Scoil Naomh Aine and there is no facility for extracurricular activities in the area. Parents transport children to a variety of locations for activities, including to access a playground.

- The provision of this multi-use facility will benefit all age ranges and needs ranges in the community and will reduce the community's carbon footprint, with reference to the removal of a need to travel to other locations.

6.4.8. Submission by Declan Brennan and others: -

- The community currently has a small, dilapidated old school building as its community centre and this will not be available for use in the coming years.
- Benefits of the proposed facility include sports, safety, culture and social and will provide a multi-use facility that is currently absent in the area.

6.4.9. Submission by Neil and Fiona Sutton: -

- The proposed development will reinvigorate the area and is ideally located to enhance the village.
- Existing traffic problems in the area may be alleviated by the development, which will allow parents to entertain children between school pick-ups.
- Proposed playing facilities are a welcome addition to the community and will replace those that are currently accessed at least 10km away, in New Ross.
- Parking on the site will allow for safe parking at times of church services. Current parking practices lead to congestion on the road.
- Concerns regarding potential impacts on water supplies and drainage in the area have been addressed by the Planning Authority.
- Privacy concerns will be addressed by the provision of mature hedgerows and other planting.

6.4.10. Submission by Alison Kehoe: -

- The proposed development will be a positive addition to the community.
- Fundraising efforts and public consultation events are referenced and indicate the community is generally in favour of the development.
- The Board is urged to grant permission for the development.

6.4.11. Submission by Tomas Murphy and others: -

- The proposed development is supported as it will provide facilities for current and future generations. It is supported by section 14.1.1 of the draft development plan.
- There are no facilities in the area for children and young adults. The sensory garden will also be beneficial for people with additional needs.
- The development will reduce the need for people to travel and includes biodiversity benefits.
- The development will provide a meeting point for the community and will also provide additional parking

6.4.12. Submission by Cora Phelan and others: -

- The community used to be vibrant and inclusive but this has dwindled over the years and there are currently no fit for purpose facilities and few activities for people.
- The proposal will revitalise the area and will improve peoples' social, physical and mental wellbeing, providing a range of activities for people of all ages.
- The development is supported by *Get Ireland Active – National Physical Activity Plan for Ireland* and the county development plan.
- The site's proximity to the school means that it can be utilised as part of school activities.
- The development will provide a meeting point for the community and will also provide additional parking

6.4.13. Submission by Joseph Furlong: -

- The proposed development is supported.
- The parish does not have a proper community centre and functions currently take place in an old school that is unsuitable for further development.
- The site is centrally located in the village and minimises the need for travel to other such facilities in the County.
- The development is consistent with the county development plan and the design is in-keeping with the site and surrounding area.

6.5. Further Responses

- 6.5.1. Further submissions were received from Rita Somers and others, Angela and John Murphy, Cora Phelan, Ballyanne ICA, Alison Kehoe, Tomas Murphy and Scoil Naomh Aine Parents Association. The contents of which can be summarised as follows: -

Submission by Rita Somers and others

- The level of information provided regarding the community centre building is questioned.
- It is questioned whether childcare will take place within the community centre.
- The fact that an identified surface water pinch point is 0.6km from the site will not take away from the fact that surface water flows will increase due to the provision of hard surfaced areas on the site.
- Water supplies could be disrupted by demand from the community centre building.
- The dwelling at Eircode Y34 Y563 is occupied and is not vacant, as is claimed.

Submission by Angela and John Murphy

- Support for the development is reiterated.
- Concerns raised by the appellants have been addressed by the project engineer.

Submission by Cora Phelan

- The applicant has adequately responded to issues raised by the appeal.
- Support for the development is reiterated.

Submission by Ballyanne ICA

- The applicant has adequately responded to issues raised by the appeal.

Submission by Alison Kehoe

- Support for the development is reiterated.

Submission by Tomas Murphy

- The applicant has adequately responded to issues raised by the appeal.

Submission by Scoil Naomh Parents Association

- Support for the development is reiterated.

7.0 Assessment

7.1. Having inspected the site and considered the contents of the appeal in detail, I consider the main planning issues to be considered are:

- Principle of development
- Impact on adjacent property
- Road safety and parking
- Drainage,
- Other issues,
- Appropriate assessment.

7.2. Principle of Development

7.2.1. The subject site is in an unzoned part of County Wexford, in the village of Rathgarogue, approximately 9km north-east of New Ross. Rathgarogue has developed around the junction of two county roads and it contains a church and graveyard, National School and some clustered housing. The village falls within the category of a 'rural settlement' under the development plan settlement hierarchy and I note that Objective SS30 seeks to conserve, protect and enhance the character of the settlement.

7.2.2. The site is centrally located within Rathgarogue, adjacent to the church and comprises of two separate fields between houses.

7.2.3. Objective RS07 of the development plan promotes the development of sport, recreation and amenity facilities in appropriate locations, in partnership with local community and sports groups and/or private parties, subject to normal planning and environmental criteria. In this context, I note from the applicant's submission on the appeals that there has been extensive consultation in the locality regarding the make-up of the proposed facility and I also note letters of support provided by local residents.

7.2.4. The proposed development comprises a multi-use community facility that would provide active recreational and sporting uses, to meet the needs of all members of the community, and a community building for which outline permission is sought. I am satisfied that it is in accordance with the development plan's strategy for the development of Rathgarogue and is in particular in accordance with Objective RS07 and is thus acceptable in principle.

7.3. Impact on Adjacent Property

7.3.1. The proposed layout comprises a number of distinct areas, with a garden maze, greenhouse, playground, village green and parking area in the western-most part of the site, the proposed community building and parking in the centre of the site and the proposed playing pitch and basketball courts in the north-east.

7.3.2. The site is adjoined by detached residential properties to the north/west and east. Appellants have raised a number of concerns regarding potential impacts on residential amenity including loss of privacy, impact on views, overshadowing, light and noise spill and anti-social behaviour.

7.3.3. Regarding overshadowing concerns, I am satisfied that the built elements within the site will not give rise to overshadowing of neighbouring properties, in view of the level of separation from adjacent housing. The community building for which outline permission is sought is the only building on the site and it is located in the centre of the site and is shown to have a maximum height of 8m. Other structures or development within the site are not, in my view, likely to have any overshadowing effect on neighbouring property. Landscaping may give rise to some very limited dappled shadow at adjacent properties but this would not have any negative impact, in my opinion.

7.3.4. No loss of privacy will arise for the adjoining property to the north/west, in view of the extent of landscaping proposed and the retention of the existing trees and vegetation along the shared boundary. However, I noted on my visit to the site that the property to the east is enclosed by post and rail fencing, which provides no privacy screening. In view of this, I consider it appropriate that privacy screening should be incorporated along the shared boundary with this property. Should the Board decide to grant permission, I recommend a condition be attached requiring landscaping and boundary treatment proposals to be agreed with the Planning Authority.

- 7.3.5. Some noise is inevitable, given the primarily outdoor nature of the proposed development and the presence of a playground and a playing pitch/courts in particular. The playing pitch/courts are set away from sensitive receptors and are thus unlikely to have a material impact on these receptors and whilst the playground is in proximity to the east-adjointing property, any limited noise from this element of the development will be intermittent and confined to daytime hours. In my view a balance needs to be struck between the limited noise that would arise and the community benefits accruing from the development and, in this instance, I do not consider likely noise levels would be of an order that would justify a refusal of permission.
- 7.3.6. Regarding lightspill, whilst exact locations for proposed lighting are not identified on the site layout drawing, I note, as the applicant states, that a lighting report was submitted with the application, which models predicted light levels on the basis of the provision of lights around the site perimeter and also in central areas. The assessment indicates that a lighting layout can be provided, which does not lead to lightspill nuisance for neighbouring occupiers. I also noted that the north/west adjoining property, which is the closest adjacent property to the proposed playing pitch/courts, is screened by tall leylandii trees, which provide a year-round visual barrier to any lighting in this part of the site.
- 7.3.7. The inclusion of external lighting is commonplace and is, in my opinion, a necessary aspect of a community facility such as this, from a safety point of view. From the information available to me, I do not consider the inclusion of external lighting would give rise to significant or unacceptable impacts for neighbouring occupiers. Should the Board decide to grant permission, I recommend a condition be attached requiring the external lighting layout for the site be agreed with the Planning Authority and that an updated assessment of potential lightspill impacts be provided, as demonstration that light will be adequately contained within the site.
- 7.3.8. Concerns have also been expressed regarding the potential for anti-social behaviour. In general I am inclined to agree with the applicant, that the range of active uses provided as part of the development will be of greater benefit, providing activities to keep young people active and engaged, but the remote nature of the playing pitch and courts, away from passive surveillance, may present opportunities for anti-social behaviour and in this context I consider it appropriate that should the

Board decide to grant permission, a condition should be attached requiring the applicant to submit and agree proposals to address the potential for anti-social behaviour on the site.

7.4. Road Safety and Parking

- 7.4.1. Access to the site is proposed from the county road that runs adjacent to the west site boundary. Within the site, the access primarily runs parallel to the northern boundary, leading up to the parking area that is adjacent to the community centre building. An additional, small parking area is provided at the north-west corner, adjacent to the site access.
- 7.4.2. The appellants express concern regarding congestion in the village and are of the view that the development will compound traffic congestion. In contrast, the observers submit that the parking provided as part of the development will help to alleviate congestion at times when the church is in use, where existing parking is inadequate.
- 7.4.3. Regarding the access layout, the site layout drawing indicates that visibility of 134m northward and 70.5m southward can be provided, but this achievable visibility is from intersection of the public road (i.e., 0m X distance).
- 7.4.4. The site is located within the 50km/h speed zone, where visibility splays of 2.4m x 45m are required. Achieving the required visibility in both directions will likely require amendments to be made to the informal parking area, in the form of a build-out that extends out to the driving lane in order to maintain a clear lane of vision, but I consider such additional amendments are acceptable and will not impact on parking availability within the village, given the quantum of spaces provided as part of the development. I note that the Planning Authority's Roads Department expressed a similar view regarding the need to retain a vision lane along the road. Should the Board decide to grant permission, I recommend a condition be attached requiring the layout of the site access to be agreed with the Planning Authority.
- 7.4.5. Regarding traffic levels more generally, I am satisfied that the development will not cause or contribute to any congestion in the area. A community use such as this is unlikely to generate significant traffic levels during peak periods and I note that the development includes 59 No. parking spaces, in accordance with Table 39 of the development plan. This is, in my view, adequate to serve a development of this scale

and is also likely to benefit the adjacent church, by providing additional off-road parking spaces. I note in this respect that observers submit that it is parking at mass times that can lead to congestion in the area and that the development will help to alleviate this by making more off-road spaces available for use.

7.5. Drainage

Surface Water Drainage

- 7.5.1. Concerns have been expressed by appellants regarding the impact of surface water drainage proposals on downstream property, in particular a farm that is stated to be at risk of surface water flooding via overtopping, arising from the development.
- 7.5.2. Appellants have also questioned whether land raising is proposed within the site but I note, as the applicant states, that site levels are indicated on the site layout drawing and they do not indicate that land raising will take place. I therefore see no basis for these concerns.
- 7.5.3. No attenuation within the site is proposed and the greenfield run-off rate for the site and maintenance of same post-development have not been demonstrated, so the increased rate of run-off from the site is unclear. Notwithstanding this, I am cognisant that the proposed development consists of external community facilities and there are extensive grassed areas retained and permeable surfaces proposed, which will have the effect of allowing existing drainage patterns on the site to continue. I also note that the Environment section of the Planning Authority did not object to surface water drainage proposals.
- 7.5.4. The proposed community building is proposed in outline form only at this stage and I am satisfied that surface water drainage requirements for this aspect of the development can be considered as part of a subsequent application that will address the detailed design of the building.
- 7.5.5. Regarding the appellant concerns that a farmyard is at risk of surface water flooding, I note from the applicant's submission on the appeals that the farmyard in question is 0.6km from the site. In my view, given the distance to the farmyard and the fact that existing drainage patterns on the site will largely be maintained, I consider it is unlikely that the development would have any downstream effect on this property.

Foul Drainage

- 7.5.6. The development includes the provision on an on-site wastewater treatment plant (WWTP) and percolation area, as part of the proposed community building. The site layout drawing identifies that the WWTP and percolation area would be installed to the east of the community building, in the area between it and the playing fields.
- 7.5.7. A site characterisation form was submitted with the application and it identifies the category of aquifer as 'poor', with a vulnerability classification of 'high'. Table E1 (Response Matrix for DWWTSs) of the EPA Code of Practice Domestic Wastewater Treatment Systems identifies an 'R1' response category i.e., acceptable subject to normal good practice.
- 7.5.8. The form indicates that a trial hole with a depth of 2.1m recorded 500mm of silt topsoil and a remaining depth of sand subsoil. The form does not state whether the water table was encountered. In relation to the percolation characteristics of the soil, a T-test value of 12.61 min/25mm was returned and a P-test value of 8.47 min/25mm was returned. The Report concludes that the site is suitable for the installation of a septic tank/secondary treatment system/tertiary treatment system and proposes that a Tricel Fortis 5750 septic tank be installed. Having regard to the site percolation test results, I consider it has been demonstrated that the site can accommodate a wastewater treatment system.
- 7.5.9. Appellants have expressed concerns regarding potential impacts on water supplies in the area, where residential properties in the area are indicated as being served by private wells. The location of domestic wells in the area of the site are not identified by the appeals but I note that the accompanying maps provided as part of the site characterisation form indicate that the well for the north-west adjacent property lies to its west (within the front garden) and the well for the south-east adjacent property lies to its north (within the rear garden).
- 7.5.10. Existing levels identified on the site layout drawing indicate that both the north-west and south-east adjacent properties are downgradient of the site and a separation distance of more than 45m from both indicated well locations is maintained, in accordance with the requirements of Table 6.2 of the EPA Code of Practice.
- 7.5.11. From the information available to me I consider it would be unjustified to refuse permission on the grounds of potential impacts on domestic water supplies in the

area. The Board may however wish to give further consideration to this issue, to confirm the location of adjacent private wells.

7.6. Other Issues

- 7.6.1. Concerns are expressed that the development will undermine Government actions aimed at addressing climate change but I am inclined to agree with observer submissions that the development will have a beneficial impact, in providing community facilities that reduce the need to travel by car to other locations in order to access this type of facility.
- 7.6.2. Concerns have been expressed by the appellants that water demands from the development may impact on water supplies in the area, where housing in the areas takes its supply from private wells. Whilst I note the concern, the community centre element of the development does not involve any full time use and is not likely to result in an intensive demand for water. I am thus satisfied that it is not likely to impact other private water supplies in the area.
- 7.6.3. The appellants have questioned whether childcare will take place within the community centre building and reference parts of the applicant's appeal submission in support of their case. I have reviewed the application documents and appeal submission and it is clear that only a community centre use is proposed. References to childcare within the appeal submissions are quotations from other sources, either the development plan or the Planning Authority's report, and in this context, I consider the concerns to be baseless.

7.7. Appropriate Assessment

Appropriate Assessment Screening

Compliance with Article 6(3) of the Habitats Directive

- 7.8. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Background on the Application

- 7.8.1. A screening report for Appropriate Assessment was not submitted with this appeal case. Therefore, this screening assessment has been carried de-novo.

Screening for Appropriate Assessment- Test of likely significant effects

- 7.8.2. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).
- 7.8.3. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

Brief description of the development

The development is described at Section 2 of this Report. In summary, permission is sought for the construction of community facility that includes a sensory/meditation garden, greenhouse, water feature, shared seating structure, playground, walking track, site lighting, all-weather pitch, tennis court, basketball court, village green, 59 car parking spaces, site entrance, site access road and associated site works.

Outline permission is also sought for the erection of a single storey community building, septic tank and percolation area and associated site works.

- 7.8.4. Taking account of the characteristics of the proposed development, in terms of its location and the scale of works, I consider the following aspects of the development require examination:
- Impact on water quality within a European site arising from surface water discharges from the site containing suspended solids and/or pollutants.

Submissions and Observations

- 7.8.5. The submissions from the appellants, observers, applicant and Planning Authority are summarised as Section 6 of my Report.

European Sites

- 7.8.6. The subject site is not located within or adjacent to a designated European site. The closest such site is the River Barrow and River Nore SAC (Site Code 002162) which is approx 1.9km north.
- 7.8.7. Other European sites within a 15km search zone include: -
- Blackstairs Mountains SAC (Site Code 000770), c.6.5km north

- Slaney River Valley SAC (Site Code 000781), c.12.3km east

7.8.8. There are no open watercourses or drains within the site. Surface water is proposed to discharge to an open drain to the north-east of the main part of the site, via piped connection.

7.8.9. In view of the separation distance between the site and Blackstairs Mountain SAC and Slaney River Valley SAC, together with the absence of a direct source-pathway-receptor connection between the sites, I am satisfied that there is no real likelihood significant effects on qualifying interests within these sites and they can therefore be excluded at this stage.

7.8.10. A summary of the River Barrow and River Nore SAC is presented in the table below:

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| European Site (code) | List of Qualifying interest /Special conservation Interest | Distance from proposed development (Km) |
|--|--|--|
| River Barrow and River Nore SAC (Site Code 002162) | <ul style="list-style-type: none"> • Desmoulin's whorl snail, • Freshwater pearl mussel, • White-clawed crayfish, • Sea lamprey, • Brook lamprey, • River lamprey, • Twait shad, • Atlantic salmon, • Estuaries, • Mudflats and sandflats not covered by seawater at low tide, • Salicornia and other annuals colonizing mud and sand, • Atlantic salt meadows, • Otter, • Mediterranean salt meadows, | c.1.9km north |

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|--|---|--|
| | <ul style="list-style-type: none"> • Killarney fern, • Nore freshwater pearl mussel, • Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation, • European dry heaths, • Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels, • Petrifying springs with tufa formation, • Old sessile oak woods with Ilex and Blechnum in the British Isles, • Alluvial forests with Alnus glutinosa and Fraxinus excelsior. | |
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Impact on water quality within a European site arising from surface water discharges from the site containing suspended solids and/or pollutants.

7.8.11. As I have stated, there are no open watercourses or drains within or adjacent to the site. There is therefore no source-pathway-receptor connectivity to the SAC and, in view of this, I am satisfied there is no potential for significant effects during the construction phase.

7.8.12. For the operational phase, surface water is proposed to be discharged to an open drain to the north-east of the main part of the site, via piped connection. The site is c. 2.9km from the SAC, measured following the route of the drainage channel. The risk of pollutants being transferred to the watercourse is low and even in the event that a discharge from the site entered the watercourse, it would still be a considerable distance from the European site and it is very unlikely that any pollutants would be

transferred to the European sites. I am therefore satisfied that there is no potential for likely significant effects on European sites.

Screening Determination

7.8.13. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Site No. 002162, or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

7.8.14. This determination is based on the following:

- The absence of any watercourse/drain within or adjacent to the subject site, which would provide source-pathway-receptor connectivity between sites and the separation distance between sites.

8.0 Recommendation

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

9.0 Reasons and Considerations

The proposed development is consistent with the provisions of Objective RS07 of the Wexford County Development Plan 2013-2019, which promotes the development of sport, recreation and amenity facilities in appropriate locations, in partnership with local community groups and, subject to compliance with conditions below, the proposed development would represent an appropriate form of development, which would not seriously injure the visual amenities of the area or the amenities of property in the vicinity, would not give rise to a risk of flooding in the area and would not result in the creation of a road safety or traffic hazard. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

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| 1. | <p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by additional information submitted on 20th December 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>This outline permission for the community centre building relates solely to the principle of the development and shall not be construed as giving consent to its form and layout.</p> <p>Details of the design, form and layout of the proposed community centre building shall be submitted by way of a separate application for permission consequent and shall incorporate the following requirements:</p> <ul style="list-style-type: none"> • The building shall have a maximum height of 8m measured from ground level • Surface water drainage proposals, which shall ensure there is no increase in the rate of run-off from the site <p>Reason: In the interest of clarity.</p> |
| 3. | <p>Prior to the commencement of development the applicant shall submit and agree with the Planning Authority, proposals to address the potential for anti-social behaviour on the site.</p> <p>Reason: In the interests of public safety and residential amenity.</p> |
| 4. | <p>The site access and car parking arrangements shall comply with the Planning Authority's requirements for same and shall incorporate <i>Design Manual for Urban Roads and Streets</i> (2019) place-making principles.</p> <p>Reason: In the interest of road and pedestrian safety.</p> |

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| 5. | <p>A hard and soft landscaping strategy and boundary treatment plan shall be submitted to and agreed in writing with the planning authority, prior to commencement of the development. The development shall thereafter be carried out in accordance with the agreed scheme.</p> <p>Reason: In the interests of visual amenity.</p> |
| 6. | <p>The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of this development.</p> <p>Reason: In the interest of public health and orderly development.</p> |
| 7. | <p>Water supply and drainage arrangements shall comply with the requirements of the planning authority for such works and services, details of which shall be agreed in writing prior to the commencement of development.</p> <p>Reason: In the interest of proper site drainage.</p> |
| 8. | <p>Prior to the commencement of development the applicant shall submit for the agreement of the planning authority details regarding proposed floodlighting, which shall be hooded and aligned so as to prevent direct spillage of light onto the public road and adjoining third party property.</p> <p>Reason: In the interest of road safety and to ensure the protection of residential amenities</p> |
| 9. | <p>Proposed floodlighting shall not operate on the site after 10pm nightly.</p> <p>Reason: In the interest of residential amenity.</p> |
| 10. | <p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p> |
| 11. | <p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the</p> |

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| <p>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 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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Barry O'Donnell
Planning Inspector

18th May 2022.