



An
Bord
Pleanála

Inspector's Report

ABP-315249-22

Development	Construction of 2 football pitches, ball retention nets, fence, and all other related works.
Location	Éire Óg Hurling and Football Club, Knockanemore, Ovens, Co. Cork.
Planning Authority	Cork County Council.
Planning Authority Reg. Ref.	226061.
Applicant(s)	Éire Óg Hurling and Football Club.
Type of Application	Permission and Retention Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party.
Appellant(s)	Pat and Kathleen Buckley and Others.
Observer(s)	Donal Cronin.
Date of Site Inspection	21 February 2024.
Inspector	Stephen Rhys Thomas.

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1.0 Site Location and Description

- 1.1. The appeal site is located to the north western side of Ovens in Co. Cork, approximately 12km to the west of Cork City and to the south of the N22, approximately 2.5km from the Ballincollig interchange. The site comprises part of the landholding of Éire Óg GAA Club and lies between an existing full-sized pitch to the north and the rear of existing detached houses to the south. To the north of the existing pitch in this area of the village, there is a large quarry site.
- 1.2. Ovens, with Killumney, is identified as a key village in the development plan and the preferred route for the N22, which divides the two villages, lies to the south of Ovens. The site lies outside the village settlement boundary and within the Metropolitan Cork Strategic Planning Area and Metropolitan Greenbelt. Access to the proposed development site will be via the existing entrance. This area of the clubs' landholding is detached from the main Pavilion and clubhouse by a local road, Casey's Road, which provides access to the quarry site, a small number of houses and the N22. A pedestrian tunnel under the road connects the two plots. The overall club grounds include 2 full size pitches, one with floodlights, a clubhouse, parking and a floodlit all-weather pitch. On the lands to the north and north-west of the current proposed development site, there are two further full-sized pitches. The site the subject of the current application has a stated area of 1.89 ha, it includes the car parking area and the sloping ground to the south. There is an existing natural boundary between the houses and the site of varying heights and species.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of:
- Two natural grass Juvenile Gaelic playing pitches,
 - Installation of two high level ball retention nets,
 - Erection of a 1.6m high fence,
 - Relocation of existing scoreboard and all associated site works.

The development to be retained comprises:

- A car parking area and associated public lighting and vehicle access point

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority granted permission, subject to 15 conditions, all conditions are of a standard or technical nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The basis of the planning authority decision includes:

First Report

- Proposed use is consistent with policy objective RP 5-13.
- No issues with regard to the layout of car parking to be retained.
- Given the nature of the pitches proposed (juvenile), the availability of car parking elsewhere on club lands, the retention of car parking is acceptable.
- No pitch floodlights are proposed, the proposed use associated with juvenile pitches would not impact upon residential amenity.

Permission was granted in accordance with the Planner's Report.

3.2.2. Other Technical Reports

Archaeology – further information required.

Environment Department – no objections

Public lighting – no objections.

Area Engineer – no objections

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

Three submissions, planning issues include – parking on public road, residential amenity will be impacted upon, not enough car parking on site, TIA criticisms, public safety and flooding.

4.0 Planning History

4.1. The following is the relevant planning history pertaining to the subject site:

ABP-311801-21 (PA ref: 21/5673): Permission refused for the construction of 2 Gaelic playing grounds, installation of 2 no. high level ball retention nets. The reason for refusal is set out as follows:

1. On the basis of the submissions made in connection with the planning application and appeal, it appears to the Board that the proposed development is dependent upon part of the wider landholding, the use of which is unauthorised for the carrying on of car parking and that the proposed development would facilitate the consolidation and intensification of this use which is not unauthorised. Accordingly, it is considered that it would be inappropriate for the Board to consider the grant of a permission for the proposed development in such circumstances.

ABP ref: PL.04.102811 (PA ref: 97/557): Permission granted for the construction of 2 no. pitches, 2 no. field gates and connecting tunnel under public road to Éire Óg Hurling and Football Club.

4.2. Wider Club landholding:

PA ref: 06/4089: Permission granted by Cork County Council for the construction of a floodlit all-weather pitch, extension to dressing rooms, construction of match officials building and provision of improved entrance to Eire Og Hurling and Football Club.

PA ref: 11/6335: Permission granted to extend the duration of permission 06/4089.

PA ref: 12/5082: Permission granted by Cork County Council for the construction of 8 no. floodlight masts and installation of floodlighting and associated site works to an existing GAA pitch.

PA ref: 15/4931: Permission granted by Cork County Council for the construction of a covered stand and associated site works.

5.0 Policy Context

5.1. Development Plan

5.1.1. Cork County Development Plan 2022

The site is located in the Metropolitan Greenbelt at the edge of the village and the overall objective for Greenbelt lands is to reserve them generally for use as agriculture, open space, and recreation (Objectives RP 5-12 and RP 5-13).

Chapter 5 Rural concerns matters to do with the rural areas of the county and section 5.5 specifically deals with the greenbelt and the following objectives are relevant:

RP 5-12: Purpose of Greenbelt

(a) Maintain a Green Belt for Metropolitan Cork with the purposes of retaining the open and rural character of lands between and adjacent to urban areas, maintaining the clear distinction between urban areas and the countryside, to prevent urban sprawl and the coalescence of built-up areas, to focus attention on lands within settlements which are zoned for development and provide for appropriate land uses that protect the physical and visual amenity of the area. (b) Recognise that in order to strengthen existing rural communities' provision can be made within the objectives of this Plan to meet exceptional individual housing needs within areas where controls on rural housing apply.

RP 5-13: Land Uses within the County Metropolitan Greenbelt

Preserve the character of the Metropolitan Greenbelt as established in this Plan and to reserve generally for use as agriculture, open space, recreation uses and protection / enhancement of biodiversity of those lands that lie within it.

RP 5-15: Active Uses of Greenbelt Lands

Facilitate active uses of the County Metropolitan and Town Greenbelts generally and to encourage proposals which would involve the development of parks, countryside walks or other recreational uses within the Greenbelt. Any built development

associated with such uses should not compromise the specific function and character of the greenbelt in the particular area.

RP 5-16: Long Established Uses Recognise the requirements of long established commercial or institutional uses located entirely within the Greenbelt which may make proposals for expansion / intensification of existing uses. Such expansion proposals of an appropriate scale will be considered on their merits having regard to the overall function and open character of the Greenbelt and where development would be in accordance with normal proper planning and sustainable development considerations.

There are 4 Key Villages in the Macroom Municipal District as follows; Béal Átha an Ghaorthaidh, Baile Mhic Íre /Baile Bhuirne, Coachford, and Killumney/ Ovens. The site is located adjacent to the development boundary of Killumney/ Ovens.

The vision for Killumney/Ovens development area is to encourage the consolidation of the village within its rural setting, to protect and enhance the range of community facilities and commercial facilities within the village and to promote an appropriate scale of development in tandem with the provision of services.

The objective for lands adjacent is objective KO-GA-01 Maintain existing playing pitches.

5.2. Natural Heritage Designations

- 5.2.1. The site is not located within any designated site. The closest Natura 2000 site is the Cork Harbour SPA (Site Code: 004030) which is located approximately 16.2km to the east of the subject site. The Gearagh SAC (Site Code: 000108) lies approximately 19.5km to the west.

5.3. EIA Screening

- 5.3.1. The subject appeal does not relate to a class of development which requires mandatory EIA. Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) sets out the class of developments which provide that mandatory EIA is required. The proposed development is not of a scale or nature

which would trigger the need for a statutory EIAR. It is therefore considered that the development does not fall within any cited class of development in the P&D Regulations and does not require mandatory EIA. Refer to Appendix 1 for detail.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third party has appealed the notification to grant permission issued by Cork County Council and can be summarised as follows:

- The Board should have regard to a previous decision, ABP-311802-21 refers, and all other planning history.
- The current use is currently the subject of an Enforcement file, EF/21/164 refers.
- The planning documentation submitted is not sufficient to allow full assessment of the retention application. A previous submission on file, refers to a lack of pre-planning, ownership details, the planned development, reasons not given in full. It is noted that the current application details the gateway and entrance onto Casey's Road, this was omitted from the previous application. A margin of 3 metres from the boundary is not included in the current application. Based upon the previous appeal, the information contained therein, and the resultant intensification of use that would result, there is insufficient information to base a decision on.
- **Car Parking** – the proposed car park area has a width of 26.4 metres, when 26.9 metres would be required to meet car parking space widths set out in the development plan. There is no traffic management plan for internal circulation, and could lead to a traffic hazard.

There is no provision for pedestrians within the car park area, no segregation will result and this also represents a hazard. No defined pedestrian routes have been identified, either with the site or via the tunnel to neighbouring facilities.

The quantum of spaces (96 spaces) and breakdown of ev/disabled,/parent/motorcycles are all not shown, it is not clear if this meets development plan standards.

- **Traffic and Transport** – it is not clear if the threshold of 100 car spaces has been triggered in order to require the submission of a Traffic and Transport Assessment. Given the circumstances of the site, a TTA is required.
- **Sight Lines** – drawings fail to show adequate sight lines at the entrance, and this could result in collisions.
- **Drainage** – no flood risk assessment has taken place. The scale of the development to be retained requires an assessment of flood risk, on site and off. The site is not covered in a permeable surface, it is compacted stone and not comparable to a SuDS treatment. An infiltration test should have taken place and a surface water management scheme should have been submitted. A condition to prevent flooding of the public road is wholly inadequate.
- **Intensification of Use** – traffic will increase and any assessment of impact has not been assessed by the applicant. All previous concerns raised in the submission of 19.7.21 should be addressed. Future development of the overall campus must be addressed, as yet out in the Club Development Plan.
- **Access** – the long standing existence and nature of the entrance gate at the eastern side of the site has not been addressed. In the assessment of access generally, refer to submission of 25.11.21, issues of right of way have not been addressed. A 3 metre margin, to allow access for maintenance has not been shown on plans.
- **Residential Amenity** – the provision of a berm does not form part of this application and this would assist to preserve residential amenity. The use of the sports facility will increase, and this has already occurred. Further floodlighting of car parking and training areas and the consequences that would result are feared.
- **Property values** – as a result of the proposed development, property will be devalued, Maher v ABP is referenced.

- **PA considerations** – no reasonable assessment of the application has taken place and no reference to an enforcement case ongoing. Internal reports are not accurate or thorough enough to allow full assessment, conditions to be attached are not adequate to address site issues.
- **Contrary to planning** – the development will not contribute positively to the area.
- A lack of engagement with the applicant is disappointing.

The grounds of appeal are supported by a copy of the submission to Cork County Council dated 12.10.22, and other enclosures regarding submissions on the planning application, press cuttings, maps, Inspector's report and Board direction.

6.2. Applicant Response

6.2.1. The applicant reiterates the extent of the development proposed, notes the contents of the planning authority's deliberations and the notification to grant permission, the response to the grounds of appeal can be summarised as follows:

- The reason for the previous refusal of permission was due to the car parking area, which was not authorised at the time, an excerpt from the Inspectors report is referenced, ABP-311801-21.
- Car parking area is acceptable to the planning authority and will improve residential amenity.
- The site is not located in a flood zone.
- Future plans for the club will be subject the consent process.
- Boundaries will be maintained.
- All other aspects of the grounds of appeal should be dismissed.

6.2.2. The reposed is accompanied by an Engineering report that refers to drawing 4405-P3, and reference to standard technical requirements, and tables of car parking specifications are detailed. Drainage proposals are set out and are acceptable, gullies on site can cope with excessive rainfall and these are detailed on plan.

6.3. **Planning Authority Response**

None.

6.4. **Observations**

6.4.1. A single observation was received, it reiterates the concerns raised in the grounds of appeal and raises issues that can be summarised as follows:

- The level of previous engagement with the club is outlined up to the point when it ceased.
- It is hoped that the Board will apply consistency and transparency of approach in the consideration of the appeal.

7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Planning History
- Car Parking
- Traffic
- Drainage
- Residential Amenity
- Other Matters
- Appropriate Assessment

7.2. **Principle of Development**

7.2.1. The appeal site is located on lands located within the Metropolitan Greenbelt at the edge of the village and the overall objective for Greenbelt lands is to reserve them generally for use as agriculture, open space, and recreation (Objectives RP 5-12 and RP 5-13). In this instance, the proposed use is for playing pitches, a recreational use, and the car parking area that it is proposed to retain will serve that use.

7.2.2. In terms of the provisions of the County Development Plan, I am satisfied that the principle of the proposed development of juvenile GAA pitches and to retain a car parking area within the Metropolitan Cork Greenbelt is acceptable and would not be contrary to the plan. The development will not give rise to structures which will significantly or adversely affect the visual amenities of the area. I am satisfied that the proposed development is acceptable in principle and adequately accords with the provisions of the County Development Plan.

7.3. **Planning History**

7.3.1. The appellant considers the planning history of the site to be important and that includes ongoing enforcement action, the appellant insists that all planning history

that refers to the site is taken into account. I note the concerns of the appellant with respect to alleged unauthorised development at the subject site and that this matter is primarily addressed by this planning application for retention now before the Board. In summary, planning permission was granted for the construction of the two existing pitches, located to the north of the current proposed development site, following a third-party appeal to the Board, ABP ref: PL.04.102811 (PA ref: 97/557) refers. Under this decision, permission was granted for the construction of two pitches, two field gates and connecting tunnel under public road to Éire Óg Hurling and Football Club. Condition 3 attached to the Board's order restricted the use of the new field entrance gates to provide access for agricultural machinery or maintenance machinery for the proposed playing pitches only, so as 'to prevent unauthorised development'.

- 7.3.2. The primary access to these permitted new pitches was to be via a pedestrian tunnel under the road from the main Éire Óg Club grounds, located to the east, with no apparent vehicular access or car parking proposed or permitted to the west, of Casey's Road. The main car parking area for the club, along with dressing rooms and other facilities, are located to the east of Casey's Road, with the main access and car parking located to the south of the main playing pitches and dressing rooms, to the eastern side of the clubs' landholding. The tunnel has been installed under Casey's Road to provide for safe pedestrian access between the two areas.
- 7.3.3. Under PA ref: 06/4089, permission was granted, for the installation of floodlights on the all-weather pitch and extensions to dressing rooms within the main site of the Éire Óg Club grounds – located to the east of Casey's Road – and the construction of a match officials building and the provision of improved entrance to the club grounds located to the west of Casey's Road, and within the current appeal site. This area was also to be serviced by a WWTP system. One field entrance has been constructed in accordance with the provisions of the Board's 1997 decision – to the southern end of the landholding, permission was granted under PA ref: 06/4089 for the improvements to the northern entrance. Therefore, I am satisfied that the improved access to the current proposed appeal site is permitted.
- 7.3.4. From a consideration of the planning history of the Éire Óg Clubs grounds, I note that the car parking area associated with the two permitted pitches located to the west of the main club facilities, and the lighting which has been installed in this area,

are not permitted. There is no noted grant of planning permission for the setting out of the area for car parking, and no permission for the installation of lighting at this area of the Éire Óg Club facilities.

- 7.3.5. The current proposed development comprises the construction of two natural grass Juvenile Gaelic playing grounds, two high level ball retention nets, a 1.6m high fence, scoreboard relocation and the retention of the car parking area, public lighting and vehicle access point. Thus, the current proposal before the Board attempts to address the matter of the car parking, lighting and vehicle access point, the main issue that was previously refused by the Board on appeal, ABP-311801-21 refers. I am satisfied that the applicant and the planning authority have had regard to the planning history of the site and that this appeal now seeks to regularise matters specifically with regard to car parking and lighting on site. All relevant information is before the Board with respect to the planning history of the site and I am satisfied that a suitably reasoned decision can be made.

7.4. Car Parking

- 7.4.1. The principal issue at the centre of this appeal is the car parking area that it is proposed to retain. The appellant is concerned that the car parking area is not of sufficient size and dimension to accommodate 96 car parking spaces in accordance with development plan standards. In addition, the car parking area is not well detailed and not enough information is on file to show circulation routes, pedestrian routes and the breakdown of car parking spaces. Finally, the provision of car parking will facilitate an intensification of use and lead to traffic safety and residential amenity issues in general. The planning authority granted permission subject to conditions, none of which specifically refer to the layout of the car parking area. In their response to the appeal, the applicant refers to drawing 4405-P3, and references standard technical requirements, and tables of car parking specifications as set out in the development plan.
- 7.4.2. Layout - From my observations of the site, I observed that the car parking area comprises a level area of ground under a hardcore/gravelled surface. There are no car parking spaces set out, but stakes and a rope divide up the entire space, it is an informal affair at present. The applicant prepared a drawing (drawing number 4405-P3) that shows the existing layout and how 96 car parking spaces can be

accommodated and drawing 4405-P4 shows an indicative layout. The applicant points out that the dimensions and circulation areas are set out in accordance with relevant standards. The planning authority had no difficulty in accepting the proposal and permission was granted. The appellant is concerned that the parking area proposal is notional at best and does not accord with the requirements of the development plan. I note that, chapter 12 of the development plan deals with transport and mobility and section 12.12 refers to parking, table 12.6 sets out car parking standards and it states that for recreational uses the requirement for car parking is dependent on nature and location of use. In addition, table 12.7 sets out Dimensions of Parking Bays and table 12.9 sets out Cycle Parking for Non-Residential Development. These are all helpful items of guidance to assist development proposals. However, the appeal on hand refers to a permission to retain an existing car parking area and whilst it might be appropriate to apply the standards of the development plan to the full, in this instance the objective of the applicant is to set out the existing scenario. Which in reality is a large, level area of hard surfaced ground used for car parking, specifically associated with the existing pitches and the proposed juvenile pitches.

7.4.3. I anticipate that it would be technically difficult to mark out and delineate the current hard surfaced area for car parking, like any other tarmacked surface, which this is not, and therefore I am satisfied that a drawing of the type proposed by the applicant is sufficient. However, I agree with the appellant that certain areas of the overall car parking area are sensitive to the potential for pedestrian conflicts, such as at the entrance to the existing tunnel. In addition, no provision has been given to the possibility of cycle parking spaces, however informal, such spaces should be provided in order to promote more sustainable forms of transport. In this regard, I recommend that a condition be attached that requires the submission of a revised car parking layout that takes account of table 12.7 and 12.9 of the development plan with respect to car parking space dimensions and provision of a cycle parking area. Finally, an area clear from car parking at the entrance to the pedestrian tunnel area shall be shown together with a logical pedestrian route to the playing pitches, existing and proposed.

7.4.4. Lighting – the appellant has referred to the provision of floodlighting on site and has concluded that more floodlighting will be pursued by the applicant. In the first

instance, I note that three floodlighting poles are presently on site and provide light to the car parking area. It is these three floodlights that are proposed to be retained, drawing 4405-P6 refers and a report prepared by DIALux shows the luminaire layout and potential for light spill. The planning authority raised no particular issue with these three floodlights and condition 10 with reference to glare and light spillage refers. I am satisfied that the matter of the floodlighting to be retained has been adequately dealt with by the planning authority and subject to future clarification on periods of use, should be acceptable. With reference to future floodlighting demands, any such proposal would be the subject of a planning application and the mere provision of new pitches does not automatically mean that lights would be required. In any case that would be a matter for a future consent should it arise.

- 7.4.5. Drainage – the appellant has raised specific concerns about how the site is to be drained and is critical of the assumptions made by the applicant. The appellant considered that given the scale of the development proposed a flood risk assessment should have been prepared. Photographs of the public road adjacent to the site show surface water. The planning authority considered that surface water management proposals were adequate for the site and the Area Engineer’s report concludes no risk of flooding.
- 7.4.6. Firstly, I note that the site is not located in either flood zone A or B, however, flood zone C covers all other areas that are not in zones A or B. The current development plan objective WM 11-15: Flood Risk Assessments calls for an examination of all potential sources of flooding, and consideration of climate change (flood risk screening assessment), in flood zone C. In limited circumstances where the ‘Flood Risk Screening assessment’ identifies potential sources of flood risk, a site specific flood risk assessment may also be required. In addition, WM 11-15 states that all proposed development must consider the impact of surface water flood risks on drainage design through a Drainage Impact Assessment. The drainage design should ensure no increase in flood risk to the site, or the downstream catchment. The planning authority concluded their assessment of the proposed development in November 2022 and the current development plan came into effect on Monday 6th June 2022. Hence, the planning authority could have sought a ‘Flood Risk Screening assessment’ or a Drainage Impact Assessment, they did not. The Area Engineer’s

report did not consider flooding to be an issue other than ensuring that surface water be managed on site, condition 6 refers.

7.4.7. I can see no 'Flood Risk Screening assessment' or Drainage Impact Assessment on the file. The applicant dismisses the need for any such assessment, though I see that the current development plan insists on some kind of assessment for any such development objective WM 11-15 refers. It would have been better if the applicant had prepared some kind of assessment to do with flood risk and/or drainage impact, given the scale of work proposed and to be retained. I did not observe any obvious drainage channels or drainage system on site, but I do note the permeable nature of the existing car park area and this is identified on the drawings submitted with the application. The site is large and in all probability surface water can be managed on site, in this instance and despite objective WM 11-15, it would be acceptable for the applicant to prepare suitable drawings setting out all on site drainage and soakpits constructed in accordance with appropriate calculations for the site. All of this information should be prepared and submitted to the planning authority for their approval and the works implemented for the car parking portion of the development within six months of any order. However, if the Board consider that this is a matter of significance that needs to be addressed within the appeal, permission should be refused on that basis or the information sought from the applicant and circulated as appropriate.

7.5. **Traffic**

7.5.1. Traffic safety is a significant concern for the appellant and they cannot understand why a Traffic and Transport Assessment (TTA) was not prepared when 96 car parking spaces are proposed and threshold for a TTA is 100 car spaces. In addition, the appellant is concerned about the lack of sufficient sight lines at the entrance to the site and this could result in collisions. Finally, the appellant is not satisfied that the issue of an intensification of use and resultant increase in traffic has been adequately addressed and that the plans for the wider growth of the club have not been taken into account. The applicant points out that the planning authority have raised no similar concerns with regard to the car park area and intensification of use.

7.5.2. Chapter 12 of the development plan deals with transport and mobility, a Traffic Impact Assessment (TIA) is usually required in relation to employment and retail

proposals. Section 12.11 of the development plan highlights that where traffic movements associated with a development proposal have the potential to have a material impact on the safety and free flow of traffic on a National or Regional Route, a TIA is required, objective TM 12-8: Traffic/Mobility Management and Road Safety refers. The only elements of objective TM 12-8 directly relevant to the current proposal are as follows:

- b) Support demand management measures to reduce car travel and promote best practice mobility management and travel planning via sustainable transport modes.
- d) Ensure that all new vehicular accesses are designed to appropriate standards of visibility to ensure the safety of other road users.
- e) Improve the standards and safety of public roads and to protect the investment of public resources in the provision, improvement and maintenance of the public road network.
- f) Promote road safety measures throughout the County, including traffic calming, road signage and parking.

7.5.3. In this regard, there is no statutory requirement to carry out a TIA or TTA, and the applicant has simply prepared drawings that show sight lines, drawing number 4405-P8 refers, and explained the pattern and demand of use of the facility. This drawing was assessed by the planning authority and accepted for a local road where the posted speed limit is 80kph. From my observations of the site, the available sight lines to the north and south and the drawings provided I am satisfied that this entrance provides a safe access and egress from the site. I am satisfied that a TTA is not required for the development as proposed given the intensity of use envisaged for the car park and pitches. In addition, I note the existing car parking facilities already in operation and easily accessible safely by tunnel to the east. Taken together with the improvements to the car parking layout with respect cycle parking that I have already outlined, I am satisfied that objective TM 12-8 has been met.

7.5.4. The appellant references the future growth of the club and its own development plan. I note the material submitted as an observation to the planning application and the grounds of appeal. However, though the club may wish to grow and expand its

offering to the community, if such growth requires planning consent then that is a matter for the planning authority should it arise.

7.6. Residential Amenity

- 7.6.1. The appellant is concerned that the provision of two more pitches and the addition of other activities on the car park area would impact upon residential amenity. The appellant would prefer the provision of a berm to assist with the preservation of residential amenity. The appellant also points to additional lighting of the car park area and pitch areas and that this would damage residential amenity. The applicant disagrees and notes that the planning authority raised no concerns about residential amenity and attached conditions to protect visual and residential amenity.
- 7.6.2. I note that two playing pitches are already in operation on site and that the floodlit car parking though unauthorised is already in use, hence the current application. In addition, the proposed development will provide two new pitches of a smaller scale and for use by underage teams. The finished levels of the pitches will be below that of neighbouring gardens to the south, drawing numbers 4405-P15 and 4405-P16 refer. Existing boundaries will be preserved and a margin of three metres will run parallel to the rear gardens of properties except where a dog run exists. The new and existing pitches are not proposed to be floodlit and therefore the assumption is that play will be restricted to daylight hours. I note that two full size grass pitches are permitted, already exist and are playable. I do not anticipate that the use of the proposed pitches will diminish residential amenity in any perceptible way and their use will be restricted by the availability of light and hence will be restricted from evening and night time use. As for ancillary use of the car park for alternative activities, then that is a matter for either planning consent or a section 5 declaration if considered to be exempted development. Irrespective, additional uses of the car parking area is a matter for the planning authority if any alleged unauthorised use transpires in the future.
- 7.6.3. Given that the pitches are to be used for juvenile training purposes, I am satisfied that the principle of the development is acceptable and the use of the pitches as proposed, is unlikely to give rise to any significant impacts on the existing residential amenities of the existing properties.

7.7. Other Matters

- 7.7.1. Engagement – the appellant is disappointed that there has been a lack of engagement between third parties and the applicant. I am satisfied that the planning application was prepared and lodged in accordance with the relevant sections of the Planning and Development Act 2000 as amended. The proper public notices were deployed and the appellant has been engaged with the process since the outset, hence this current appeal. I note that public consultation is not a feature of planning applications, and the only obligation on the applicant is notification by way of public notice, this has been complied with. Though it is desirable to have more or less complete support from adjacent property owners for a development, it is not a requirement of planning. I am satisfied that the statutory requirements to notify the public have been met in full by the applicant. I note that some engagement between parties did take place but not, apparently, to the complete satisfaction of the appellant in this instance, no further action is required on behalf of the Board.
- 7.7.2. Property Values – The appellant is concerned that if the development is permitted it will decrease the value of their property and others in the area. The appellant references a legal case *Maher v ABP*, but has not submitted either the judgement or relevant extract that links property value and planning permission. No documentary evidence has been submitted to demonstrate that the development will adversely affect property values in the area, and it is likely that the provision of additional and enhanced recreational facilities will improve desirability for the area as a whole. It may be the perception of appellants that their residential amenities will be affected and hence the value of their property will decrease. I have already explained that residential amenities will not be impacted upon to any great degree. I am not satisfied that a demonstrable case has been advanced to be certain that property values will be adversely affected by the development as proposed and controlled by condition.
- 7.7.3. PA considerations – the appellant is concerned that the planning authority have not given proper account of the application process and internal reports are inaccurate or wrong. Given the information available to me on file and in particular the internal reports prepared and assessed by the planning authority I am satisfied that the proper processes have been followed. Whilst the appellant may disagree with the outcome I am satisfied that the planning authority assessed the planning application within the confines of the PDA 2000 and applied relevant conditions to their

notification to grant permission. No further action is required of the Board in respect of the validity of the planning application process that was adequately carried out by the planning authority.

- 7.7.4. Rights of Way – the appellant makes the points out that the issue of rights of way and a 3 metre margin, to allow access for maintenance has not been shown on plans. I note that drawing number 4406-P4 details a dashed line to the rear of properties and annotated with the description – ‘proposed cut line at least 3 metres from boundary’. I am satisfied that a margin for maintenance has been provided by the applicant. I have not seen any folio maps that show an accepted right of way across the applicant’s land to the north of residential property.
- 7.7.5. The matter of rights of way / land ownership disputes, cannot be addressed by the planning system. Section 5.13 of the 2007 Development Management Guidelines states that ‘The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land, these are ultimately matters for resolution in the Courts. In this regard, it should be noted that, as section 34(13) of the Planning Act states, ‘a person is not entitled solely by reason of a permission to carry out any development.’ Having regard to the information submitted with the application, I am satisfied that the applicant has sufficient legal interest in the land, to make the planning application. The provisions of Section 34(13) of the Planning and Development Act should be advised to the applicant in the event of a grant of planning permission.

7.8. **Appropriate Assessment**

- 7.8.1. The site is not located within any designated site. The closest Natura 2000 site is the Cork Harbour SPA (Site Code: 004030) which is located approximately 16.2km to the east of the subject site. The Gearagh SAC (Site Code: 000108) lies approximately 19.5km to the west. The appeal site is not located on or adjacent to any designated European site. 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.

8.0 Recommendation

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

9.0 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.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions.</p> <p>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>The proposed development shall be amended as follows:</p> <p>(a) The car parking layout shall show a suitably dimensioned area at the entrance to the pedestrian tunnel free from car parking and a pedestrian route through and from the car park to playing pitches.</p> <p>(b) A suitable quantum of cycle parking should be detailed and located at a convenient and safe place within the car parking area.</p> <p>Revised drawings showing compliance with these requirements shall be</p>

	<p>submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of sustainable transport and pedestrian safety.</p>
3.	<p>Within six months of the date of this grant of permission measures to ensure:</p> <p>(a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.</p> <p>(b) The access road to the car parking area shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.</p> <p>Reason: In the interest of traffic safety and to prevent pollution.</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 car park is in use.</p> <p>Reason: In the interests of proper planning and sustainable development, residential amenity and the protection of biodiversity.</p>
6.	<p>The pitches and car parking facility shall be used solely in connection with the sports club. The site shall not be used in connection with concerts or other similar events, except with a prior grant of planning permission.</p> <p>Reason: To protect residential amenity</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 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 facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p>

	<p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and</p> <p>(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.</p> <p>The assessment shall address the following issues:</p> <p>(i) the nature and location of archaeological material on the site, and</p> <p>(ii) the impact of the proposed development on such archaeological material.</p> <p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</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 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>

	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.
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Stephen Rhys Thomas
Senior Planning Inspector

27 February 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-315249-22		
Proposed Development Summary	Construction of 2 football pitches, ball retention nets, fence, and all other related works.		
Development Address	Éire Óg Hurling and Football Club, Knockanemore, Ovens, Co. Cork		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>	Yes	X	
	No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
			Conclusion
No	X	N/A	No EIAR or Preliminary Examination required
Yes			

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____