



An
Bord
Pleanála

Inspector's Report

ABP-317863-23

Development	Installation of floodlights at existing all weather hockey pitch
Location	Newbridge College, Newbridge, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	23624
Applicant(s)	Board of Management of Newbridge College
Type of Application	Permission
Planning Authority Decision	Grant subject to 7 no. conditions
Type of Appeal	Third Party
Appellant(s)	Jim Armstrong & Others
Observer(s)	None
Date of Site Inspection	13 th October 2003
Inspector	Bernard Dee

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1.0 Site Location and Description

- 1.1. The appeal site is located within the grounds of Newbridge College which is located in the northern sector of Newbridge town, Co. Kildare. The all-weather hockey pitch is located to the NW of the main buildings of the college campus and are two smaller pitches located to the north of the hockey pitch which is the subject of this appeal. The pitch is surrounded by security fencing 3m in height and with 6m high netting behind the goals at the east and west ends of the pitch.
- 1.2. Barretstown Road is located to the west of the appeal site and Mill Lane to the North. Both these streets are lined with houses. The River Liffey runs east of the college campus.
- 1.3. During the site visit on 13th October 2023 it was not possible to gain entry to the hockey pitch itself but only to the environs of the pitch.

2.0 Proposed Development

- 2.1. It is proposed to erect 6 no. floodlight support standards along the southern and northern boundaries of the pitch. Each standard would be 18.3m in height with the four corner standards having 3 no. luminaries and the two middle standards to north and south of the pitch carrying 4 no. luminaries.

3.0 Planning Authority Decision

- 3.1. Decision

Permission for the proposed development was granted on 31st July 2023 subject to 7 no. conditions.
- 3.2. Planning Authority Reports
 - 3.2.1. Planning Reports
 - The Planner's Report on file contains Further Information and Clarification of Further Information requests relating to parking and sightlines at the appeal site and a Road Safety Audit (Stages 1 and 2).

- The Planner's Report notes that the principle of floodlights for an all-weather pitch is acceptable.
- Submissions received relate to the obstruction of a right of way, use of the pitch by outside hockey clubs, noise and light pollution and the intensification and commercialisation of the pitch.
- The Heritage Officer has concluded that the proposed floodlighting will not impact adversely on bat species in the vicinity of the pitch.
- Neither EIA nor AA is required in relation to the proposed development.

3.2.2. Other Technical Reports

- Water Services - no objection.
- Area Engineer – no objections subject to conditions.
- Heritage – no objection.
- Roads Department – requested Further Information.

3.2.3. Prescribed Bodies

- No responses received from Irish Water or the Department of Arts, Heritage and the Gaeltacht.

3.2.4. Observations

- Submissions received from Dermot O'Hanlon, Barry O'Hanlon, Jim Armstrong and Kirsten Armstrong who are Third Party appellants in this case and the issues raised are covered in Section 6.0 of this report below.
- A submission was also received from Councillor Chris Pender in support of the proposed floodlighting.

4.0 Planning History

4.1. On the Appeal Site

- Ref.11/673 – permission granted to the Board of Governors of Newbridge College for the pitches (3 no.) on the appeal site. This was granted on 12th April 2012 by the Board on appeal Ref. PL 09.239583 subject to 11 no. conditions. Condition Nos. 2, 3 and 4 are relevant to this appeal:
- Condition No. 2 - This permission authorises the use of the development solely as a school facility for Newbridge College. It shall not generally be open for use by members of the public. Reason: In the interest of clarity.
- Condition No. 3 -The proposed new access gates shall be used for maintenance purposes only. Reason: In the interest of the amenities of the area.
- Condition No. 4 - No floodlighting shall be erected on the site without a prior grant of planning permission. Reason: In the interest of residential amenity.
- There is a long planning history attached to Newbridge College listed in the Planner's Report.
- Ref. UD7076 – a warning letter was issued in relation to the unauthorised obstruction of a right of way on the college grounds and non-compliance with Conditions 2 and 3 of Ref. PL09.239583 (Ref. 11/673).

4.2. In the Vicinity of the Site

- No planning history proximate to the appeal site and relevant to the issues raised in the appeal.

5.0 Policy and Context

5.1. Development Plan

The Kildare County Development Plan 2023 - 2029 is the statutory plan for the area.

There are no specific policies or objectives for the type of development which is the subject of this appeal but Chapter 4 (Resilient Economy and Job Creation), Chapter 11 (Built and Cultural Heritage) and Chapter 15 (Development Management Standards) are of indirect relevance to this appeal.

5.2. Natural Heritage Designations

The following natural Heritage designations are located in the vicinity of the appeal site:

- Ballynafagh Bog SAC (000391) is located 4.2km to the NW of the appeal site.
- Grand Canal pNHA (002104) is located to the south and adjacent to the appeal site.

5.3. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any sensitive location, 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

The Third Party appeal in summary puts forward the following relevant planning grounds of appeal:

- There is a continuous breach of conditions attached to permission Ref. Ref. PL09.239583 (Ref. 11/673) in that the pitches were permitted subject to the condition (No. 2) that they be used by the school only and not by outside clubs.
- External parties use the pitch outside of school hours and at the weekends and such non-school activities should require a change of use permission in order to be compliant with planning law.
- Ref 23/624 in Condition No.3 requires that the pitch shall only be used by the school and not be used by members of the public as per Condition 2 of Ref. 11/673 but the Planning Authority have not enforced the original condition and are unlikely to enforce the current restatement of this condition.
- A local right of way from Mill Lane known as the 'Black Path' has been blocked since 2012.
- The proposed floodlighting of a pitch seven days a week until 10:00pm would have a negative impact on the residential amenity of surrounding houses on Barretstown Road (to west of pitch) and Mill Lane (to north of pitch).
- In addition to the light pollution, the noise pollution arising from shouting, clashes of hockey sticks, banging of balls and whistle blasts from the referee would have an adverse impact on the residential amenity of the area.
- The floodlighting would have a negative impact on the setting and character of Newbridge College which is a Protected Structure.
- There are bat colonies located in old mill buildings located 84m to the NE of the pitch which are not mentioned in the Bat Survey submitted with the application. The proposed floodlighting will have an adverse impact on the bat population in the area.
- There are several omissions and irregularities in the planning application documentation which should render the application invalid.

6.2. Planning Authority Response

- The Planning Authority has no further comments or observations to make in relation to this appeal.

6.3. Applicant Response

The First Party response in summary makes the following points:

- References to breach of conditions attached to Ref. 11/763 and enforcement regarding said breaches are not within the remit of the Board to adjudicate on.
- The enforcement file, Ref. UD7076 was closed by the Planning Authority by letter dated 24th April 2023 which is enclosed with the First Party response.
- The primary use of the pitches is by the school students so therefore the use of the pitches is in compliance with Condition No. 2 of Ref. PL09.239583 as this condition states that the pitches “shall not generally be open for use by members of the public” but does not exclude members of the public from using the pitches in absolute terms.
- No change of use permission is required for members of the public using the pitches as such use is compliant with Condition No. 2 of Ref. PL09.239583.
- Any alleged blocking of the ‘Black Path’ right of way is not the concern of the Board in this instance.
- The use of the pitches by Newbridge Hockey Club is occasional and no charge is levied for such use. There is no commercialisation of the use of the pitches.
- It is noted that Newbridge College is a Protected Structure and the proposed floodlighting will not interfere with any historic building nor have an impact on its setting other than to retain the open landscape setting that currently exists.
- Ref. 20/428 for floodlighting of similar design and specification at Naas CBS to that proposed at Newbridge College was granted permission by Kildare County Council notwithstanding its location in a residential area.
- Refs. 18/1250 and 23/661 for floodlighting at Kilcullen Tennis Club also have been granted permission for similar floodlighting adjacent to residential development.

- Regard must be had to Barretstown Road and the noise emissions from traffic using this road which raises the ambient noise levels and which will partially absorb the noise generated by the use of the pitch for hockey games.
- No adverse impact on nearby bat colonies is predicted and the report by Dr. Caroline Shiel, Ecologist submitted with this response confirms this viewpoint. The Planning Authority Heritage Officer concurs with the findings of this report.

6.4. Observations

- None received.

6.5. Further Responses

- Not applicable.

7.0 **Assessment**

- 7.1.1. Having examined all the application and appeal documentation on file, and having regard to relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise.
- 7.1.2. The primary planning issue therefore is the issue of the potential impact of the floodlighting on the residential amenity of the area. Secondary issues would be the potential impact on the bat population in the area and potential impact on the setting of Newbridge College which is a Protected Structure. The issue of AA Screening is also addressed in this assessment.
- 7.1.3. Issues relating to the 'Black Path' right of way, enforcement issues and compliance with conditions attached to the parent permission for the pitches are not relevant to the current appeal and are not addressed in the assessment below.
- 7.1.4. The conditions attached to Ref. PL09.239583 still apply.

7.2. Residential Amenity

- 7.2.1. The Third Party appellants express concern regarding light and noise pollution associated with the pitch being floodlit seven days a week until 10:00pm and that the intensification of use of the pitch by outside parties will exacerbate any school only use impacts on surrounding residential areas.
- 7.2.2. I note that there are houses along the west side of Barretstown Road and the north side of Mill Lane that will be potentially affected by the proposed floodlighting development. I also note from Drawing No. PLN.002 submitted with the planning application that the nearest house façade on Barretstown Road to a lighting standard is just over 20m and the nearest façade to a lighting standard of a dwelling on Mill Lane is in excess of 54m.
- 7.2.3. With reference to the potential for noise pollution, I would be of the opinion that the distance of the houses on Barretstown Road in combination with the noise generated by traffic on this road would mean that in practice the impact of additional noise generated by the night-time use of the floodlit pitch would not be of a degree of intensity as to constitute a nuisance.
- 7.2.4. The distance from the floodlights to houses on Mill Lane should in my opinion mitigate any noise emissions associated with players using the floodlit pitch.
- 7.2.5. With respect to potential light pollution, I feel that this can be controlled by a condition restricting overspill of light beyond the boundary of the site and I have included a draft condition in relation to this issue below.
- 7.2.6. Regard must also be had to the unlikely scenario of the floodlit pitch being used seven days a week up to 10:00 each night.

7.3. Impact on Bats

- 7.3.1. The report by Dr. Caroline Shiel, Ecologist relating to the potential impact of the proposed floodlighting on the bat population in the locality is very definitive and is a competent and professional opinion. The Planning Authority Heritage Officer agrees with the findings of this report.

7.3.2. The Mill buildings referenced by the Third Party appellants as not having been monitored has been addressed in the report by Dr. Caroline Shiel who points out that the route of the bats to feeding grounds near the River Liffey to the east of the appeal site does not traverse the hockey pitches and that the mill buildings did not therefore need to be monitored.

7.3.3. Having regard to the bat report, I am of the opinion that the proposed floodlighting will not affect the local bat population in any significant way and that this issue does not constitute a reason for the refusal of the proposed floodlighting by the Board.

7.4. Protected Structure

7.4.1. It is noted that Newbridge College is a Protected Structure but the lighting standards do not impact on the setting of the Protected Structure in any meaningful way.

7.4.2. The proposed floodlighting also should not impact on the setting of the Protected Structure and I feel that this issue is not a reason to withhold permission for the proposed floodlighting.

7.5. AA Screening

7.5.1. Having regard to the relatively minor development proposed within an existing housing estate and the distance from the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

I recommend that retention permission be granted for the reasons and considerations set out below and subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the provisions of the Kildare Development Plan 2023-2029; it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, nor have an adverse impact on the bat population in the vicinity of the appeal site. 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 on the 9th June 2023, 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>The use of floodlights is to cease at 10:00pm each day.</p> <p>Reason: In the interests of protecting residential amenity.</p>
3.	<p>The floodlights shall be so designed and orientated that no overspill of light reaches beyond the boundary of the site so as to impact upon surrounding residential units.</p> <p>Reason: In the interests of protecting residential amenity.</p>
4.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p>

	Reason: In the interest of public health.
5.	<p>Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 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>
6.	<p>The developer shall pay to the planning authority a financial contribution of 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. The application of any indexation required by this condition 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.</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>

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.

Bernard Dee
Planning Inspector

18th October 2023