



An  
Bord  
Pleanála

## Inspector's Report

### ABP-317908-23

<b>Development</b>	Construction of synthetic grass pitch and flood lighting. Retention for pitch with associated works.
<b>Location</b>	Clashganny West, Newcastle, Clonmel, Co. Tipperary
<b>Planning Authority</b>	Tipperary County Council
<b>Planning Authority Reg. Ref.</b>	2360087
<b>Applicant(s)</b>	Newcastle GAA Club
<b>Type of Application</b>	Retention and Permission
<b>Planning Authority Decision</b>	Grant with conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Michael & Martina Coleman
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	8 <sup>th</sup> August 2024
<b>Inspector</b>	Catherine Dillon

## **1.0 Site Location and Description**

- 1.1. The site lies within the village of Newcastle in Co.Tipperary, and is located to the rear of Newcastle National School (Scoil Mhuire) and within an established housing development known as Liam Lynch Terrace. Newcastle GAA grounds is to the east of the site separated by a high boundary wall.
- 1.2. The subject site comprises an all-weather basketball/playing pitch enclosed by a high green mesh fence with a single storey stand-alone building to the south of the pitch. There is a footpath to the south of this building that links the site to the GAA grounds via a doorway in the boundary wall.
- 1.3. No. 32 Liam Lynch Terrace immediately to the north of the site is separated from the site via a narrow vehicular accessway that serves the rear of a number of houses to the east of the estate. There are 2 existing flood lights on the perimeter of the fencing to the north of the subject site along this accessway. To the west of the site is a hardstanding area used for vehicle parking.
- 1.4. The site has a stated area of 0.09 hectares, that includes an area along its eastern boundary which extends beyond the existing GAA grounds boundary wall.

## **2.0 Proposed Development**

- 2.1. Permission is sought for the following works:
  - Retention of existing synthetic grass training pitch with flood lighting, fencing and dressing room building.
  - Demolition of (i) boundary walls (ii) existing dressing room building, fencing, lighting and pitch surface.
  - Construction of a synthetic grass training pitch with flood lighting, concrete walls and perimeter fencing on top, gates, footpath, access ramp with steps and all associated ancillary works. A total of four 10m high floodlights are proposed.
  - Landscaping is proposed to the north and west boundaries of the pitch beyond the proposed fencing and walls.

- A new gate is proposed directly connecting the pitch to the school grounds and a new entrance from the existing GAA grounds onto the pitch is proposed in the north eastern corner.
- A seating area is proposed in the south eastern corner of the site.

2.2. The applicant submitted further information to the planning authority on 6/7/2023, which reduced the height of the boundary walls from 2.7m to between 1.21m and 1.84m with mesh fencing on top of the walls. The overall height of the perimeter fencing remains the same as existing at 4.8m in height.

2.3. An addendum to a light lux report was submitted indicating the adjoining properties.

2.4. The information received by way of a further information was deemed significant and the application was readvertised on 13<sup>th</sup> July 2023.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

3.1.1. A notification to Grant was issued on 9<sup>th</sup> August 2023 by Tipperary County Council for the development, subject to 6 conditions. Conditions of note include:

Condition 2: Hours of use restricted for all-weather pitch and floodlighting (0900-2100 Mon- Fri & 0900-1900 Sat & Sun), facility to be used by Newcastle GAA club and Newcastle National School only, and the pitch is not to be used or rented by third parties.

Condition 3: Proposed lighting to be cowled and directed to reduce light scatter, and in the event complaints are received the operator is to address the issue.

Condition 4: Parking for the facility to be on the grounds of Newcastle GAA club and no parking at Liam Lynch Terrace.

#### **3.2. Planning Authority Reports**

3.2.1. The initial planner's report dated 28/3/23, noted the proposed development was contrary to the existing zoning on the site, that there was no record of planning permission for the existing use and queried the ownership of the site. It was

considered the existing use on the site may have been exempted development by virtue of Class 26 Part 1 of the Third Schedule of S.I. No. 65/1977 - Local Government (Planning and Development) Regulations, 1977, which allowed for the laying out and use of lands for athletics or sports where no charge is made for admission to the public. On this basis it was considered the non-conforming policy could therefore apply if viewed in this context, and a material contravention of the Tipperary County Development Plan 2022 was not required.

The report sought further information on the following grounds:

1. Justification for the development at this location, its proximity to residential properties and other suitable lands in the applicant's ownership to provide the facility.
2. Detail of numbers of users and times of use.
3. A revised design to address concerns regarding the proposed concrete wall height and its use as a hurling wall and limited passive surveillance.
4. A lux contour map illustrating the level of spillage from lights on adjoining properties.
5. Parking provision for users of the facility.

3.2.2. The second planner's report dated 3/8/2023 on receipt of the further information recommended planning permission be granted. The rationale for the development was considered justified as the current facility is in a poor state of repair, the facilities would be shared with the school, and to provide an astroturf facility at the existing GAA grounds would compromise a full-length pitch. The level of use was considered reasonable, the height of the wall had been reduced and would not be used as hurling walls, lighting was considered acceptable, and users of the facility would park in the GAA grounds.

3.2.3. Other Technical Reports

District Engineer – report dated 17/2/2023: No comments on the proposal.

Water Services – no observations received.

Irish Water – no observations received.

### 3.3. Prescribed Bodies

No submissions on file.

### 3.4. Third Party Observations

- 3.4.1. Three individual submissions were received objecting to the proposal and one on behalf of the Residents of Liam Lynch Terrace with signatures. Two submissions were received to the further information response. I have read these submissions, and the main issues raised are similar to those set out in the grounds of appeal in Section 6.1 below.

## 4.0 Planning History

- 4.1. There is no planning history connected with the subject site, P.A Ref: 21/239 was withdrawn and P.A Ref: 22/60682 was incomplete.

- 4.2. Most recent Planning History on adjoining lands of note:

Adjoining school grounds:

**P.A. Ref: 2260517:** Planning permission granted on 19/12/2022 for a single storey extension and alterations to existing school, demolition of existing shed and all associated site works at Scoil Mhuire, Newcastle, Clonmel, Co.Tipperary. The red line boundary for this application did not include the subject site.

Adjoining GAA grounds:

**P.A Ref: 22/60337:** Planning permission granted on 22/9/2022 for two ball stop netting structures and all associated site works. The red line boundary for this application for the GAA grounds did not include the subject site.

## 5.0 Policy Context

- 5.1. **Tipperary County Development Plan (CDP) 2022-2028- adopted 11<sup>th</sup> July 2022**

- 5.1.1. Newcastle village is identified as 1 of 30 'service centre' settlements within Tipperary County's settlement hierarchy, in the County Development Plan. Service centres perform important roles as retail and service providers in their local economy

and are targeted for continued growth. Relevant policies within the CDP Volume 1 relating to this development include:

**Policy 6-2:** Support and encourage the provision of multi-use community facilities and amenities, which would facilitate co-location and sharing of facilities, and match the needs of as many persons and groups as possible.

**Policy 11-18:** Ensure that new development does not result in significant noise disturbance and to ensure that all new developments are designed and constructed to minimise noise disturbance in accordance with the provisions of the Noise Action Plan 2018 and relevant standards and guidance that refer to noise management.

**Policy 11-19:** Ensure that new development does not result in significant disturbance as a result of light pollution and to ensure that all new developments are designed and constructed to minimise the impact of light pollution on the visual, environmental and residential amenities of surrounding areas.

- 5.1.2. The subject site lies within the settlement of Newcastle village and is zoned 'SP' for 'social and public use' which includes the school site. The objective of this zoning is to "To provide and improve social and public facilities". Table 1.3 of Volume 2 of the CDP sets out permissible uses for this land use. Volume 2 of the CDP sets out the policies and zoning for Newcastle village. Relevant specific objectives for the settlement include:

**SO4:** To encourage and support the development of local facilities and services to meet the needs of the local community.

### **Section 8.5 Non-conforming uses Volume 1 County Development Plan.**

In cases where authorised long-established commercial activities are in operation at locations that are not compatible with current planning objectives, the Council will support their continued operation and expansion, provided that it does not result in loss of amenity to adjoining properties, adverse impact on the environment, visual detriment to the area or creation of a traffic hazard.

## **5.2. Natural Heritage Designations**

The site is not located within a designated site. The closest Natura 2000 site is the Lower River Suir SAC (site code: 002137) which is 200m to the north of the site.

The river Moloughnewtown (EPA name), to the west of the subject site flows into the River Suir but is separated from the site by two roads.

### **5.3. EIA Screening**

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Appendix 1.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. A third party appeal was submitted in respect of Tipperary County Council's notification of decision to grant permission for the development. The appeal was submitted by Michael & Martina Coleman, who live in Liam Lynch Terrace to the north of the subject site. The following provides a summary of the grounds of appeal:

#### Zoning:

- Provision of sports and leisure facilities is not permitted on lands zoned social & public use, and there is no exceptional justification to a material contravention to the Plan.
- Contend there is no evidence as to when the development was constructed, and Class 26 does not extend to structures.

#### Noise:

- No consideration given to the noise generated by the users or by footballs or sliotars striking the wall and metal fence.

#### Lighting:

- Impact of floodlights on residential amenity.

Anti-social behaviour:

- Construction of a wall would reduce passive surveillance of the area and attract anti-social behaviour in laneway. The reduction in the wall from 9ft to 6ft would not overcome this aspect.

Times of use:

- Condition 3 does not provide adequate protection to residential amenity and weekends have not been ruled out and the facility could be leased out to groups of club members etc..

## 6.2. **Applicant Response**

A response from Sharon Ui Dhuibhir on behalf of Newcastle GAA club was received to the appeal on the following summarised grounds:

- Development is an enhancement of an existing facility developed many years ago on land donated to a local community group by Tipperary County Council for such a purpose.
- Primary user has been the school.
- Facility no longer fit for purpose.
- The upgrade will provide the school with a direct access and the existing storage building (dressing room) will be removed to provide surveillance of the facility from the school.
- Following residents' concerns confirm the facility would close at 19.00 hours.
- The GAA have been awarded a Sports grant and the subject site is the only land available to the club, and if they were to choose other lands it would require extra supervision for the school to use it.
- Access to the lands would be from the GAA pitch only and parking in the estate would not arise.

Zoning:

The existing facility including the dressing rooms were initially developed as a tennis/basket court 35 years ago by a local community group and was owned



by the Council at the time. The facility was transferred to Newcastle GAA club on 24/9/2004, when the community group ceased to function. Consider the Council must have complied with all the necessary planning and legal requirements at the time of the transfer.

Noise:

- Consider the noise aspect would be eliminated as the existing metal fencing would be replaced by a 6ft wall.
- Confirm wall would not be used for striking sliothars.

Lights:

- The existing floodlights would be replaced with more modern lights with the latest standards, and they intend to fully comply with condition 3.

Anti-social behaviour:

- The improvements would enhance the area and result in less potential for any anti-social behaviour.

Conditions on times of use:

- The existing facility has operated for years without restriction on times of use. The operating hours considered acceptable by the planning authority.

This submission had an attached copy of a letter from the principal of the adjoining Primary School dated 30<sup>th</sup> May 2023 supporting the value of the astro turf pitch to the school.

### **6.3. Planning Authority Response**

None

## **7.0 Assessment**

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the application and appeal, and inspected the site, and having regard to relevant local policies and guidance, I consider the main issues in this appeal are as follows:

- Principle of the development;
- Impact on residential and visual amenity;
- Ownership of the site;
- Material contravention; and
- Appropriate Assessment.

## **7.1. Principle of the development**

- 7.1.1. In terms of considering the principle of the development, I consider there are two aspects; (i) the zoning provision and, (2) the established use of the subject site.
- 7.1.2. The subject lands and adjoining school site are zoned 'social and public use', in the Newcastle settlement plan contained within the Tipperary County Development Plan 2022-2028. The objective of this zoning is 'To provide and improve social and public facilities'. There are a number of acceptable uses in principle on this type of zoned land including park/playgrounds, education, childcare and community facilities. However, sports/leisure facilities are not considered permissible within this zoning.
- 7.1.3. There are several policies within the CDP which seek to support and encourage the provision of multi-use community facilities and amenities, which would facilitate co-location and sharing of facilities, and match the needs of as many persons and groups as possible. The applicant in describing the history of the site's development state it was initially developed by a community group, which would support the general approach for such facilities in the CDP. However, on the day of my site inspection the pitch was not open for public use, and I consider that the residents of the housing estate could not avail of the facility. The applicants have not provided any information that would conflict with my conclusion in this regard.
- 7.1.4. I also note the adjoining GAA pitch has been zoned as amenity, in which sports/leisure uses are 'open for consideration' on such zoned lands. The CDP was adopted in 2022, and the subject site was zoned as 'social & public' within this Plan. This would suggest it was not considered a sports facility at the time of the zoning for the settlement and instead was recognised as land to be reserved for any future expansion to the school. On this basis I consider the development would

compromise the overall zoning objective for the site and accordingly I do not consider the proposed development to be acceptable in this case.

- 7.1.5. Turning to the established nature of the site, the applicants contend the subject site was used as a tennis/basketball court 'about 35 years ago' by a community group and has therefore existed for a substantial period. The principal of the adjoining school confirms the school has used the astro turf facility since she has worked in the school since 2007 (17 years). The third party does not refer to the use of the facility as a community group development and provides no indication as to how long the facility has been in existence.
- 7.1.6. There is no record of planning permission for the site, although I would tend to agree with the initial planner's report that the subject site may have initially been a residual area of land from the original housing development. The same report notes the development may have been installed by the Council but there are no records to support this, and it may have been installed as exempted development under Class 26, Part 1 of the Third Schedule of S.I. No. 65/1977 - Local Government (Planning and Development) Regulations, 1977. Class 26 allows for the laying out and use of lands for athletics or sports where no charge is made for admission of the public to the land. It was the planning authority's view that the non-conforming policy applies if viewed in this context, and a material contravention of the Tipperary County Development Plan 2022 for the proposed use was not required. I do not agree with the planning authority's approach in this regard as I consider the provision of land-use zoning within the development plan is intended to provide a degree of certainty and clarity to the community, landowners, developers and investors regarding future development as stated in S.28 guidelines on Development Plans.
- 7.1.7. The third party in their submission disagree with the Council's approach on the grounds that no evidence was provided as to when the development was constructed and that the dressing rooms would not avail of Class 26 of the Regulations as it is a structure. The issue of whether the site benefits from exempted development is not a matter for the Board, however I would agree with the third party that neither the applicant nor the Council have presented any evidence that the use of the subject lands as a sporting facility constitutes an established use. Section 8.5 of the CDP (non-conforming use) would not therefore apply. I note the applicant's response to the further information regarding using existing lands within

the existing GAA grounds to accommodate an astro pitch for the club, and that it was not possible to do so within the confines of its second pitch. However, I do not consider this a justified reason to compromise the existing zoning of the site, and I do not consider the established use of the site has been clearly confirmed.

## **7.2. Impact on residential and visual amenity**

- 7.2.1. The Third Party raises a number of issues concerning the impact of the development on residential amenity by way of noise, lighting and anti-social behaviour. I will address these matters in turn.

### Noise:

- 7.2.2. The applicant's submission to the appeal state the new facility would be used by school pupils during normal school hours and by club members, including adults and children. It is clear however that it would not be a facility open to the residents within the estate or the wider community. I therefore consider the development is an intensification of use and an extension of the existing GAA grounds in an established residential estate, and would not be for the benefit of the residents in the estate.
- 7.2.3. There are no details submitted regarding the times of use of the existing facility, however in the planning authority's notification to grant they have restricted the hours of use of the facility to between 09.00-21.00 hours Monday to Friday and between 09.00-19.00 hours Saturday and Sunday. I acknowledge parking for the facility is to be confined to the existing GAA club grounds and the facility is not to be used or rented by third parties. Nevertheless, I consider both of these conditions would be difficult to enforce, particularly as there is a parking area beside the site within the estate and the facility could be used by the GAA for club members for use for birthday parties etc., at the weekends or during the summer months.
- 7.2.4. I consider the use of this facility in close proximity to residential occupiers, who would not necessarily avail of the facility, would experience an element of noise and disturbance from comings and goings, particularly on Saturday and Sunday mornings, and into the evening, which is considered unreasonable. I am mindful that the occupiers of the houses that abut the existing GAA grounds already experience an element of noise and disturbance from the grounds, however these grounds are screened by a high wall. However, I consider the further extension of these grounds

into the housing estate would intensify the noise and disturbance to these residents from people using the facility in the evening and weekends.

#### Lighting

- 7.2.5. The existing facility has floodlights, and it is not unreasonable to assume it has been used in the evenings in the past. However, I can find no record of planning permission having been granted for these floodlights. I further observed the adjoining GAA grounds have a number of floodlights along the eastern boundary of the subject site which abut the rear boundary of Nos. 19-32 Liam Lynch Terrace. The lighting report submitted by way of further information indicates the rear gardens of the houses to the north would be impacted by light spill from the proposed floodlights which I consider unreasonable in a residential area, particularly as their amenity is already impacted by the existing floodlights to the east used by the existing GAA grounds.
- 7.2.6. It is clear that the use of floodlights indicates the subject site would be used during the evenings when the school is closed. I would be of the view that residents in the adjoining estate had a legitimate expectation when living next to the existing GAA grounds that floodlights could form part of such an amenity use, but I do not consider the same logic would apply to the subject site, given its zoning. I also note the hours of use for the development have been restricted and the lighting would be cowed but I consider it unreasonable that the residential properties to the immediate north of the subject site would be further impacted by light spillage during the winter months and in particular at the weekends, in addition to the existing lighting from the GAA grounds.

#### Anti social behaviour

- 7.2.7. The third party has raised issues regarding past anti-social behaviour/security in the laneway to the rear of Liam Lynch terrace, and that the construction of a perimeter wall would further reduce passive surveillance of the area. The subject site is currently enclosed by high mesh netting which is visually permeable. I agree the removal of the changing room building to the north of the school would open up the natural surveillance to this side of the playing facility during school hours, although I note none of the properties within the estate directly overlook the subject site.

- 7.2.8. Anti-social behaviour is a wide-ranging issue however strategies to tackle anti-social behaviour are underpinned by principles of early prevention to reduce the likelihood of it occurring. The perimeter wall along the northern and eastern perimeter of the subject site were reduced in height from 2.75m to 1.8m by way of further information. The applicant has not specified the need for the wall but has confirmed it would not be used as a hurling wall or for sliothar practice. Whilst I consider the reduction in height of the wall is a visual improvement particularly along the western elevation, the proposed wall would remove the current open aspect and natural surveillance of the facility which the existing netting provides and thereby create a barrier to an area that has been zoned for social and public use. It is not impossible to design a secure heavy duty anti climb type fencing that would not prevent the facility being visible. I therefore consider the construction of a wall around the facility detracts from the visual amenity of the area, reduces the passive surveillance of the development and reinforces the separation of the space from the occupiers of the housing estate. I am not satisfied the applicant has justified the need for the proposed perimeter wall and consider its construction would reduce the existing good natural surveillance of the existing mesh fencing which provides visibility into the existing pitch area.
- 7.2.9. In conclusion I consider the development of the subject site is an extension and intensification to the existing extensive GAA grounds and it would impact on the residential amenity of the dwellings within the estate. If the Board are minded to grant planning permission for the facility I would recommend a restriction on the hours of operation to during school hours and not in the evenings or weekends. I would further recommend that the floodlights are removed from the development and the perimeter wall replaced by a strong anti-climb netting to provide visibility into the proposed pitch area.

### **7.3. Ownership of the land**

- 7.3.1. The Third party contends that the lands are not in the ownership of the applicant. I note on the planning application form the applicant is stated as being the owner. The initial planner's report states that the most recent planning application made by Newcastle GAA (P.A Ref: 22/600337) did not include the subject site within their landholding ownership. The applicant in their appeal submission outlines when the community group ceased to function, the subject land was officially and legally

transferred to the ownership of the GAA club in 2004 by the community group. No documentation has been submitted (such as folio details etc) by the applicant to verify the land was transferred to the club and that the land is in their ownership. Nevertheless, the Council have not queried the ownership of the lands, and the planning application was accepted as valid. The third party has not provided any rebuttal to suggest the applicant is not the owner of the subject site.

7.3.2. I noted on my site inspection there was a pedestrian link from the existing GAA grounds to the subject site, which may be used by the school to access the GAA grounds or the members of the GAA club to access the subject site. Although I acknowledge that this does not mean it is in the ownership of the applicant.

7.3.3. Section 5.13 of the Development Management Guidelines for Planning Authorities (June 2007), states the planning system is not designed as a mechanism for resolving disputes about title to land or premises and these are ultimately matters for resolution in the Courts. In this regard, it should be noted that, section 34(13) of the Planning and Development Act 2000, as amended, states a person is not entitled solely by reason of a permission to carry out any development. Section 34(13) of the Planning and Development Act further provides that if the applicant lacks title or owner's consent to do works permitted by a planning permission, the permission does not give rise to an entitlement to carry out the development. I do not therefore consider that there is any basis for dismissing the appeal on this ground.

#### **7.4. Material Contravention**

7.4.1. Having regard to the general nature and text as stated in the zoning objective and the lack of evidence that the existing use on the site is an established community use, I consider the proposed use materially contravenes the zoning objective for the site and is a material contravention to the CDP. As the planning authority did not consider the development a material contravention, the Board do not need to rely on Section 37(2) (b) of the Planning and Development Act 2000 as amended.

7.4.2. I note that Section 37(2)(a) of the 2000 Act permits the Board when determining an appeal under this section to grant a permission even if the proposed development contravenes materially the development plan relating to the area of the planning authority to whose decision the appeal relates. In doing so the Board may only grant

permission in accordance with paragraph (a) of the aforementioned section where the following criteria are satisfied:

- (i) the proposed development is of a strategic or national importance.**

The proposed development is not of strategic or national importance.

- (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned.**

The objectives within the CDP are clearly stated for this type of zoning and the proposed development would not comply with this zoning.

- (iii) permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under Section 28, policy directives under Section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government.**

Having regard to these guidelines, policy directives and relevant policy, and to the nature of the development, I consider that there are no relevant criteria that would permit a material contravention of the CDP.

- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permission granted, in the area since the making of the development plan.**

The Development Plan was adopted on 11<sup>th</sup> July 2022, and as referenced in 4.2 above planning permission has been granted for extensions to both the school and the GAA grounds since the adoption of the Development plan. However, the subject site is located in an established residential area and would not be used by the residents in the area or the wider community, rather exclusively by the GAA club and school, which would be contrary to the zoning objective for the site which is for social and public use.

- 7.4.3. Having regard to the above, I do not consider the development would meet the above criteria. I have also had regard to the date of adoption of the CDP in 2022, the pattern of development and permissions granted in the area since the making of the



development plan and therefore do not consider the proposed development has an exceptional justification to consider materially contravening the current CDP. I am also cognisant that the development of the site by the GAA club could prejudice the future expansion of the school.

## **8.0 AA Screening**

- 8.1. I have considered the installation of an all-weather pitch with perimeter fencing and walls, described in detail in Section 2 of this report, in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.2. The subject site is not located within any European Site. It is located within the settlement of Newcastle and located c.200m to the south of the Lower River Suir Special Area of Conservation (SAC) (site code: 002137). Any surface water from the site would be contained within the site and discharged to ground via soakpits.
- 8.3. Having regard to the nature and scale of the project proposed in a village settlement, and to the nature of the receiving environment and separation distance from the nearest designated site, no appropriate assessment issues arise or were raised in the planning appeal. I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows :
  - The nature of the works being small scale.
  - Any surface water would connect to the soakpits and distance from the nearest European site.
  - Taking into account the screening report by the Planning Authority.

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore an Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## 9.0 Recommendation

I recommend that permission for the proposed development should be refused, for the following reasons set out below.

### Reasons and Considerations

1. The site is located in an area zoned for social and public use in the current County Development Plan 2022-2028 for which the objective is 'To provide and improve social and public facilities', and wherein sports/leisure facilities are not identified as a permissible use. The proposed development would therefore materially contravene the objectives for the area as outlined in the Tipperary County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the nature of the development, the proposed hours of use, the erection of 4 floodlights, the construction of a perimeter wall, and the proximity of the development to existing residential properties, it is considered that the proposed development would seriously injure the residential amenities of the adjoining properties by reason of noise and disturbance, light spillage and visual amenity, and would be contrary to Policies 6-2, 11-18, 11-19 and SO4 of the Tipperary County Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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.

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Catherine Dillon  
Planning Inspector

8<sup>th</sup> October 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

<b>An Bord Pleanála Case Reference</b>	317908-23			
<b>Proposed Development Summary</b>	The construction of a synthetic grass training pitch with flood lighting, concrete walls and perimeter fencing, gates, footpath, access ramp with steps and all associated ancillary works. Demolition of (i) boundary walls (ii) existing dressing rooms building, fencing, lighting and pitch surface is also required. Permission for retention of existing synthetic grass training pitch with flood lighting, dressing rooms building and fencing also required.			
<b>Development Address</b>	Clashganny West, Newcastle, Clonmel, Co.Tipperary			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	✓	
		<b>No</b>	No further action required	
<b>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?</b>				
<b>Yes</b>		Class.....	EIA Mandatory EIAR required	
<b>No</b>	✓		Proceed to Q.3	
<b>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]?</b>				
		<b>Threshold</b>	<b>Comment (if relevant)</b>	<b>Conclusion</b>
<b>No</b>	✓	N/A		No EIAR or Preliminary Examination required
<b>Yes</b>		Class/Threshold.....		Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	✓	Preliminary Examination required
Yes		Screening Determination required

**Inspector:** Catherine Dillon

**Date:** 8<sup>th</sup> October 2024