



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319170-24

<b>Development</b>	Demolition of existing ball wall for the construction of a new longer ball wall, astro turf, floodlights along with new wastewater treatment system and all associated site works.
<b>Location</b>	Kilcornan, Clarinbridge, Co. Galway
<b>Planning Authority</b>	Galway County Council
<b>Planning Authority Reg. Ref.</b>	23471
<b>Applicant(s)</b>	Clarinbridge GAA Club
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Christina Fordham Duncan Butler, Teresa Nolan & Una Kelly Susan & Peter Blake
<b>Observer(s)</b>	None

**Date of Site Inspection**

7<sup>th</sup> of August 2024

**Inspector**

Darragh Ryan

## **1.0 Site Location and Description**

1.1. The existing site is located on the grounds of Clarinbridge GAA club, east of the village of Clarinbridge Co Galway. The site is bounded to the west by Kilcornan housing estate, to the south by a graveyard, to the north detached dwelling houses and to the east is agricultural land.

1.2. There are two pitches on site with the main playing pitch to the north of the site and training pitch to the south. The area has a large car parking area with an existing ball wall immediately adjacent to the most western boundary of the site. There is a split level club house on site that sits in the centre of the site. The site area is .9269ha

## **2.0 Proposed Development**

2.1. The proposed development is as follows:

- Demolition of existing ball wall
- Construction of a larger ball wall
- Associated astro turf area
- Erection of floodlighting
- New 2.4m high wire fence
- New waste water treatment system

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The planning authority issued a decision to grant permission subject to 11 conditions. The conditions of note include:

C3 – The applicant shall submit amended elevations reducing the 5m high sections of the ball wall to a maximum height of 4.75 meters for the written agreement of the planning authority

C4 – The floodlight shall be cowled and directed onto the astro playing surface area and shall not spill onto lands outside site boundaries.

Floodlights shall not cause excessive glare or distraction to road users or adjoining property owners.

C5 – Hours of operation of floodlights shall be limited to 0900 hrs to 1200 hrs Monday to Friday between 1000hours and 2000 hours, Saturday and Sunday including bank and public holidays.

C11 – The proposed wastewater treatment system shall be located and constructed in accordance with the Plans and Particulars received by the Planning Authority on the 30<sup>th</sup> of November 2023

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

There is a single planning authority report on file. The report can be summarised as follows:

- Principle of development acceptable
- Effluent Disposal - upgrade of existing onsite waste water treatment system is welcome
- The proposal is consistent with infrastructure in the confines of a sports club complex.
- In terms of visual impact the proposal is not considered to directly impact any nearby properties due to the presence of intermittent mature planting located along the western boundary of the site. The 5m high wall element is considered excessive and should be reduced to a height 4.75 meter. The development will not impinge on the visual amenity of the area to warrant a refusal reason.
- Regarding noise, the concerns of residents are noted. It is considered appropriate that no training/games are permitted after 9p.m at night to offset continuous level of noise.
- Planning authority are satisfied with the details supplied in the attached lighting report and satisfied that the proposal is at a sufficient distance removed from adjacent properties so as not to impact residential amenity.

#### **3.2.1. Other Technical Reports**

- None

### **3.3.Prescribed Bodies**

- National Parks and Wildlife Service
  - The development is within a 100m of the Clarin River and therefore has a possible hydrological connection to European Sites. Its is recommended an Appropriate Assessment Screening is carried out to determine the likely impacts of the development on European Sites
  - It is recommended a Bat survey is carried out to determine the likely impacts of the floodlighting on local bat populations

### **3.4.Third Party Observations**

There are 5 third party submissions on file, the issues raised are dealt with in more detail in the appeal. A summary of submissions are as follows:

- Significant impact on residential amenity
- Potential for excessive noise pollution
- Light pollution from floodlights
- Issues with regard to privacy, security and trespassing.
- Potential for overshadowing and loss of light
- Negative visual impact
- Loss of Biodiversity. Loss of Bat Habitat
- Risk to stability of existing trees and boundary walls
- Devalue property in the area
- Negative impact on traffic
- Potential for localised flooding
- Impact on Natura 2000 sites

## 4.0 Planning History

PA reg ref- 20/106 – Permission granted to Clarinbridge GAA to build a 528sqm, two storey extension to the existing club house

PA reg ref- 22/684 – Permission granted to build a standalone two storey building to accommodate two changing rooms/shower rooms at ground floor level, a gymnasium at first floor level complete with ancillary services on their lands.

Proposed works 306sqm

## 5.0 Policy Context

### 5.1. Galway County Development Plan 2022 - 2028

#### **Chapter 7 – Infrastructure, utilities and Environmental Protection.**

##### **WW6 - Private Wastewater treatment Plants**

Ensure that private wastewater treatment plants, where permitted, are operated in compliance with Environmental Protection Agency (EPA) Code of Practice for Domestic Waste Water Treatment System 2021 (Population Equivalent  $\leq 10$ ).

##### **NP 5 Noise Mitigation Measures**

Require activities likely to give rise to excessive noise to install noise mitigation measures and monitors. The provision of a noise audit may be required where appropriate.

##### **LP 1 – Lighting Schemes**

To require that all developments shall ensure lighting schemes are designed so that excessive light spillage is minimised to ensure light pollution in the surrounding environment including residential amenity, wildlife and near public roads is limited. Such lighting schemes shall be submitted and agreed with the Planning Authority.

#### **Chapter 10: Natural Heritage, Biodiversity and Green/Blue Infrastructure**

##### **NHB 5 Ecological Connectivity and Corridors**

Support the protection and enhancement of biodiversity and ecological connectivity in non-designated sites, including woodlands, trees, hedgerows, semi-natural

grasslands, rivers, streams, natural springs, wetlands, stonewalls, geological and geo-morphological systems, other landscape features and associated wildlife areas where these form part of the ecological network and/or may be considered as ecological corridors in the context of Article 10 of the Habitats Directive

#### **NHB 9 Protection of Bats and Bats Habitats**

Seek to protect bats and their roosts, their feeding areas, flight paths and commuting routes. Ensure that development proposals in areas which are potentially important for bats, including areas of woodland, linear features such as hedgerows, stonewalls, watercourses and associated riparian vegetation which may provide migratory/foraging uses shall be subject to suitable assessment for potential impacts on bats. This will include an assessment of the cumulative loss of habitat or the impact on bat populations and activity in the area and may include a specific bat survey. Assessments shall be carried out by a suitably qualified professional and where development is likely to result in significant adverse effects on bat populations or activity in the area, development will be prohibited or require mitigation and/or compensatory measures, as appropriate. The impact of lighting on bats and their roosts and the lighting up of objects of cultural heritage must be adequately assessed in relation to new developments and the upgrading of existing lighting systems.

### **Chapter 11 – Community development and Social Infrastructure**

#### **SRA 1 Sport, Amenity and Recreation**

Support local sports groups and community groups in the development, improvement and expansion of authorised facilities for sporting and recreational needs of all sectors and ages through the reservation of suitable land where available and appropriate.

## **5.2.Natural Heritage Designations**

Inner Galway Bay SPA – 400m west of the site

Inner Galway Bay Complex – 400m west of the site

### **5.3.EIA Screening**

See completed form 2 on file. Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site as well as the criteria set out in Schedule 7 of the Planning & Development Regulations 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**

There are three appeals against the decision to grant permission on file. All appellants are from the residential estate immediately west of the site. Some of the issues raised overlap and for the purposes of clarity, the issues from each appeal shall be grouped here.

#### **6.1.1. Appropriate Assessment**

The development lies 650m north of Galway Bay SAC, there are noted Karst features nearby which could provide a connection to Natura 2000 sites. A full Appropriate Assessment is required. There are 2 bat lesser horseshoe bat roosts from within 5km radius of appellants Eircode. Further examination is required to identify the impact on local ecology including bat roosts.

#### **6.1.2. Consideration of EIAR**

The actual gross floor space of the development is 1475sqm. The development reaches a height of 9.75 meters and 12m including six floodlight poles. This should require an EIA

#### **6.1.3. Negative Visual Impact**

The structure at 4.75m (H) x 57 meter (L) is excessive and visually obtrusive from the perspective of rear dwelling houses backing onto the GAA grounds. The poles at 12m high are excessive. More consideration needs to be given to the landscape sensitivity at this location. Furthermore the existing level of



planting along this boundary is insufficient so as not to have a significant negative impact.

#### 6.1.4. Noise Pollution

No noise assessment carried out to determine the impact the ball wall will have on amenity of neighbouring properties. The development is in very close proximity to adjoining boundaries and there will be excessive noise from shouting cheering and coaching staff. The continuous and monotonous noise will cause undue distress to residents in adjoining properties – there are no details supplied with regard to noise monitoring. The proposal will be well in excess of the upper limit of 50dB as recommended by the WHO.

#### 6.1.5. Light pollution

IS In 12193:2018L& C: 2019 is the European Standard document with regard to sports lighting which has been normalised by NSAI Ireland. Given the population of Clarinbridge is 905 people would put the area in an E2 Environmental zone – E2 Low district brightness areas. It is considered that there is not enough detail provided within the lighting report to assess potential light pollution.

Condition 4 as stipulated by the planning authority report with respect to adjusting the floodlighting, aiming and fitting indicate that the light spill upon adjacent dwellings is not known.

#### 6.1.6. Overshadowing

There is potential for overshadowing from the wall which is excessive in height and scale. No assessment of this potential impact has been carried out. A 4.75 m high wall, together with an additional netting of 5m will seriously impede the character of the area.

#### 6.1.7. Surface Water

The detail supplied in relation to surface water is limited. The structure will raise the ground outside the rear of properties by 1m which could exacerbate drainage issues. A full hydrological study of the site is required.

#### 6.1.8. Loss of Residential Amenity

- Potential for trespassing when players hit ball over the wall into rear garden. This also raises security concerns.
- Devaluation of property in the local area as a result of loss of residential amenity
- There is no justification to position the hurling wall and flood lighting in such close proximity to boundaries. They are other options available to the GAA club.
- Concerns with regard to the extent of potential future development onsite. The installation of packaged waste water treatment system indicates that.
- Increased levels of traffic entering and leaving the site as a result of the proposed development.

## **6.2. Applicant Response**

The applicant has responded to each of the planning appeals made in turn. Additionally a visual impact assessment, a noise assessment and an updated lighting plan has been submitted in support of the application.

### **6.2.1. Noise**

The existing ball wall at its nearest point to existing houses is 11.93meters. The side walls will be 12.96m away from nearest dwelling. A noise assessment has been carried out and this demonstrates that noise levels from the new hurling wall shall be reduced from the existing levels on site.

### **6.2.2. Light Pollution**

The lighting design and attached appendices demonstrate potential light spill from the astro turf area into the rear gardens of adjacent estate. Accepted standards for light spill are also outlined. The light spill for an area designated as “E3” zoned area in the CIBSE recommended lighting levels standard, the maximum acceptable light spill is 10.0 Lux for “E3” zoning. The highest level of spill pertains to house 25 at 3.41 lux. In order to reduce potential lightspill further, the applicant proposes moving the ballwall 2m eastward away from the dwelling houses. There is also a 5m wide strip between shared boundary with housing estate and new ball wall which shall be planted in order to reduce any potential lightspill.

#### 6.2.3. Safety/ Trespassing & Security

- The issue of balls going over the walls and subsequent disturbances are somewhat exaggerated. Issues of near misses are taken very seriously and the Club would be liable for same.
- There has been no complaints made to the GAA club with regard to trespassing
- The new astro turf will be controlled by gated access and fenced off with 2.4m high fencing in order to control access. The area will be used by all age groups at designated times and will cease to be used at 9p.m nightly.

#### 6.2.4. Imposing Presence/ Visual Impact

- The applicant has submitted visuals of the proposed development from the perspective of properties of the residential housing estate.
- There is a 5m wide buffer between the boundary wall of the housing estate and proposed new hurling wall. There shall be a buffer of trees planted at this location to help screen the development
- The hurling wall is at a greater distance set back from the existing wall.
- The poles are slender and will blend into the existing tree line

### 6.3.Planning Authority Response

- None

### 6.4.Observations

#### National Parks and Wildlife Service

- The Department recommends that a Screening for Appropriate Assessment be carried out due to the proximity of the Development to nearest European Sites.
- It is recommended that a Bat Survey be carried out in order to assess the potential impacts of the development on protected bat species.

## 7.0 Assessment

7.1.1. Having examined the application details and all other documentation on file, including the appeal, and having inspected the site and having regard to the relevant national and local policy guidance, I consider the main issues in relation to the appeal are as follows:

- Impact on Residential Amenity
  - Noise Pollution
  - Light Pollution
  - Visual Amenity
- Impact on Bats
- Other Issues
- Appropriate Assessment

### 7.2. Impact on Residential Amenity

7.2.1. The primary focus of the appeal concerns the potential impact on residential amenity arising from the proximity and scale of the proposed wall in relation to nearby residential properties. The proposed structure will be a substantial wall, extending to a height of almost 4.75 meters and a length of 57 meters. The wall is designed to be set back 7.3 meters from the common boundary. To ensure a thorough assessment, I have addressed the implications for residential amenity under distinct headings.

#### 7.2.2. Noise Pollution

The appellants have raised concerns regarding the cumulative noise impact that the proposed ball wall, in conjunction with the adjacent astro pitch, may have on the residential amenity of the area. Their concerns specifically highlight the potential noise generated by various activities, including the sound of balls striking the wall, whistles being blown, and participants shouting and calling during activities on the pitch. To address these concerns, the applicant has submitted a detailed noise assessment report, conducted by a qualified Acoustics Consultant, as part of the appeal documentation. The report provides an extensive analysis of the noise environment, covering various aspects including the instrumentation used, field calibration, weather conditions, and topographical influences.

- 7.2.3. The nearest noise-sensitive receptors were identified, and ambient background noise levels were recorded over a two-day period, from March 20th to 22nd, 2024, between the hours of 0900 and 2100. (It should be noted ambient background training noise was taken when there was no one using the existing hurling wall) The recorded LAeq levels were 57 dB and 56 dB for the respective days. The report includes an hourly breakdown of the noise levels, offering a comprehensive overview of the acoustic environment during the assessment period.
- 7.2.4. A specific noise measurement assessment was then conducted to simulate the potential noise impact of the proposed hurling wall. This assessment was performed using a similar-sized hurling wall at Craughwell GAA club, where a controlled training exercise was simulated with eight players striking balls and receiving instructions from a coach. Although the hurling wall used in the simulation is shorter than the proposed structure, the methodology employed in this assessment is considered robust and appropriate for extrapolating the expected noise levels.
- 7.2.5. The noise levels were simulated from the nearest noise-sensitive receptors, specifically at numbers 24 and 25 Kilcornan Estate. The results of this simulation revealed that, at no point, did the noise emissions exceed 55 dB. The acoustic report concludes that the noise levels associated with the proposed development would not surpass the existing ambient background noise levels recorded during the assessment period.
- 7.2.6. Several factors contribute to this conclusion, notably the design of the wall, which includes returns on each wing, and its considerable height. These design elements are expected to significantly mitigate noise emissions toward the neighbouring estate, with the majority of the noise being redirected back toward the GAA field and away from the residential properties. The report estimates that the proposed new wall will achieve an improvement of approximately 10 dB over the current noise conditions associated with the existing ball wall. It should also be noted that as a result of analysis of potential light spill the proposed wall has been moved east by 2m from the original proposed location. The astro turf is also to be reduced in size by 114sqm. This should also reduce down the numbers of players on the field at any one time. The applicant has also provided a detailed breakdown of time slots and intended occupants of the astro turf area. The area is completely reserved for playing members of the Clarinbridge GAA club and Camoige Club.

- 7.2.7. In light of the World Health Organization (WHO) guidelines on acceptable noise levels for residential areas, which recommend that outdoor noise should not exceed 55 dB during the day, and the standards set forth in BS 8233:2014, the noise assessment provided is considered comprehensive and thorough. The analysis suggests that the noise generated by the proposed development will not exceed existing levels and will therefore not adversely impact the residential amenity of the neighbouring properties in terms of noise pollution.
- 7.2.8. Based on this evidence, I am satisfied that the proposed development, as designed, will not pose a significant noise disturbance to the surrounding residential area. The incorporation of the design features mentioned should effectively minimize potential noise impacts, ensuring that the development aligns with established noise standard and is consistent with policy NP5 of the Galway County Development Plan 2022 – 2028.
- 7.2.9. Light Pollution
- 7.2.10. The appellants have expressed significant concerns regarding the potential adverse effects on residential amenity stemming from the proposed lighting associated with the development. Specifically, they argue that the extent of light spill and its consequent impact on their properties cannot be accurately quantified in the absence of a comprehensive lighting survey. This lack of data, creates uncertainty about the true extent of the lighting's impact on the residential environment and the potential for disturbance.
- 7.2.11. In response to these concerns, the applicant has provided a detailed lighting survey conducted by DIALux, which offers a thorough assessment of the proposed development's potential impact on neighbouring residential properties. The survey evaluates lux levels across the astro turf pitch and surrounding areas, particularly focusing on potential light spill into adjacent residential zones.
- 7.2.12. The proposed lighting scheme includes six 12-meter-high lighting poles strategically positioned around the perimeter of the astro turf pitch and behind the ball wall. The survey offers precise coordinates for each pole and includes a detailed analysis of lux levels both on the astro turf pitch and in the immediate vicinity, particularly at the rear of properties in Kilcornan estate. The report comprehensively details the aiming

positions, angles, and alignments of all lighting fixtures, with lux levels calculated for specific locations based on the luminaires employed.

- 7.2.13. The report's findings are further clarified through visual aids, including a False Colour Rendering on page 21, which depicts potential light spill, with black representing the lowest lux level (0 lux) and white the highest (300 lux). The Isoline mapping on page 22 provides a quantifiable representation of light spill in the area surrounding the pitch, ranging from 10 lux to 1 lux. The survey references the "Guidance Note for the Reduction of Obtrusive Light" (UK) issued by CIBSE, which categorizes areas into Environmental Zones as per Appendix 2. Based on Table 2 of the guidance, the subject site is classified within Zone E3 (Suburban), where a vertical illuminance of up to 10 lux is deemed acceptable. Table 3 further details the permissible parameters within this zone.
- 7.2.14. To further address the appellants' concerns, the applicant commissioned an additional assessment by Hivolt Group, specifically targeting potential light spill into the rear and side gardens of the seven houses closest to the hurling wall. The highest recorded lux level was 3.41 at the side boundary of House 25 (an appellant), while House 24 (another appellant) registered 2.14 lux. These measurements were taken at a height of 1.5 meters above ground level and experienced on the eastern most portion of the gardens within the sites.
- 7.2.15. The appellant states it is important to note that these readings were obtained in the absence of the visors that will be installed on all lighting fixtures, as well as without considering the mitigating effects of existing trees and foliage, both of which are expected to reduce light spillage. Furthermore, the applicant has committed to relocating the western side of the ball wall and associated lighting 2 meters eastward to minimize any potential light spill into the rear gardens of the neighbouring properties.
- 7.2.16. In light of the design approach for the lighting and results of the lighting survey, I am of the view that the anticipated light spill resulting from the proposed development will remain well within acceptable limits for a suburban area, as defined by the CIBSE guidelines for the reduction of obtrusive light. The lux levels are expected to remain below the 10 lux threshold stipulated in the relevant guidance documents. Additionally, the proposed mitigation measures, including the provision of additional

screen planting within the buffer zone between the ball wall and the common boundary, as well as the eastward relocation of the wall and lighting, will further attenuate any potential impacts associated with light spill.

7.2.17. In conclusion, I am satisfied that the applicant has adequately addressed the appellants' concerns regarding light spillage. The measures proposed will ensure that the light spill remains within acceptable parameters and does not result in any significant or detrimental impact on the residential amenity of the surrounding properties.

7.2.18. Visual Impact

7.2.19. The proposed development involves the relocation and extension of the existing ball wall and associated lighting, to be situated approximately 13 meters from the nearest residential property at 24 Kilcornan estate. The existing ball wall is currently positioned 11 meters from this property. Under the current application, the applicant proposes to move the ball wall a further 2 meters eastward, thereby extending the structure away from the nearest dwelling to almost 15m.

7.2.20. The appellants have expressed concerns that the proximity of the proposed development to site boundaries will lead to a significant negative visual impact. Specifically, the scale of the proposed structure, which measures 57 meters in length and 4.75 meters in height, is considered overbearing and likely to cause some overshadowing of nearby properties. In response, the applicant has indicated that the ball wall will be positioned 8.7 meters from the nearest boundary and that additional screening will be provided to mitigate the visual impact of the development. It is noted that the proposed development is located to the east of the dwellings in Kilcornan estate, where sunlight from the south, west, and north will remain unaffected. Sunshine from the east is already partially obstructed by existing boundary trees and hedging. The applicant has submitted a visual impact assessment from the perspective of the houses at Kilcornan estate in support of the application and appeal.

7.2.21. Upon review of the proposal, I acknowledge that the proposed structure, with its length of 57 meters and height of 4.75 meters, is extensive. However, the existing screening, the current presence of a ball wall, and the wire fence are significant factors in this assessment. The height of the existing structure matches that of the



proposed ball wall, though the existing wall is considerably shorter in length. The proposed relocation of the ball wall eastward and the increased setback to 8.7 meters from the boundary are substantial changes. These adjustments will provide ample space for additional screen planting, which will complement the existing vegetation and significantly reduce the visual impact along the boundary.

7.2.22. From the perspective of house number 25, the scale of the proposed wall in terms of length is indeed substantial. However, given the existing and proposed levels of screening, I do not consider the development to cause an undue visual impact. On the contrary, the proposal represents a marked improvement over the current on-site arrangement. The visual impact assessment submitted by the applicant, including rendered images, supports the view that the visual impact will be subtle, particularly given the extensive screening measures planned. Furthermore, I find that the proposed netting atop the wall and the installation of 12-meter-high poles should not be considered as having a detrimental visual impact. The netting is particularly necessary to minimize the potential for stray balls, which is a valid safety consideration.

7.2.23. In conclusion, I am satisfied that the proposal, as conditioned and with the ball wall's revised positioning, should not unduly affect the visual amenities of the area. Given that the new location of the wall is further from the boundary than the existing structure, the overall visual impact on the majority of dwellings at Kilcornan estate will be reduced. This is supported by the visual renders submitted by the applicant. Therefore, I do not believe that the development will result in such a negative visual impact as to warrant a refusal.

### **7.3. Impacts on Bats**

7.3.1. The appellants have raised concerns regarding the presence of local bat populations, specifically noting that there are two bat roosts within a 5-kilometer radius of the proposed development site. Emails have been provided from the National Parks and Wildlife Service (NPWS) indicating the presence of the lesser horseshoe bat (*Rhinolophus hipposideros*) within the area. A submission has been received under this appeal from National Parks and Wildlife Service stating that given the proximity of the area to Kilcornan Woods and the proposal to install

appropriate lighting, it is recommended that a bat survey be carried out to determine the potential impact of the development on protected bat species.

Policy Objective NHB 9 with regard to Protection of Bats and Bats Habitats in the Galway County Development Plan seeks to protect bats and their roosts, their feeding areas, flight paths and commuting routes. Any lighting proposals that may impact upon bat populations should be subject to a Bat survey.

- 7.3.2. The site in question is a brownfield site, currently occupied by an existing ball wall, which will be demolished to make way for a new structure that will be constructed at a setback from the shared boundary. All existing trees and hedgerows will remain in situ, with additional planting proposed along the boundary, further supporting local biodiversity.
- 7.3.3. The construction of a new ball wall, positioned further back from the boundary, is not anticipated to pose a significant barrier to the nightly activities of the local bat populations. The removal of the existing ball wall from the boundary line and the subsequent reclamation of this area with hedging and trees is a positive contribution to local biodiversity. The retention of woodland and linear features such as hedgerows, stonewalls and associated riparian vegetation is a positive for the local bat populations.
- 7.3.4. Concerns arise however regarding, the installation of floodlighting on the astro turf pitch and potential disturbance to bat populations, even though the impact of such lighting is confined to the astro turf area. As discussed in section 7.2 above, light spill from the proposed development is expected to be minimal, and confined to the area of the astro turf only. While I do not consider that the impacts of the floodlighting will be significant, owing to reduced surface area the lighting covers, I would consider it prudent to urge on the side of caution and recommend a bat survey be carried out to determine likely or potential impacts.
- 7.3.5. In conclusion, based on the information available and the measures proposed, I consider the addition of floodlighting at this time to be premature pending the submission of a bat survey to determine likely impacts of the floodlight on local bat populations. In the absence of the Bat survey the proposal does not align with Policy Objective NHB 9 of the County Development Plan 2022 - 2028 with regard to the protection of Bats and their Habitats. In this regard, I recommend this aspect of the

development to be removed from the proposal as the development may have a significant adverse impact on the local population of lesser horseshoe bats or their roosts.

#### **7.4. Other Issues**

##### Site Levels/ Flooding

The appellants have raised concerns that the ground levels on site will be altered to the extent that issues may arise with regard to control and management of surface water on site. Where levels have been altered this may result in localised flood events or waterlogging for the residents of Kilcornan estate. The applicant has addressed this issue in detail and provided details of finished levels for the proposed wall and astro turf. At no point will the wall or pitch level exceed that of properties at Kilcornan estate. Having examined site levels and finished levels as provided by the applicant, I do not see any merit in the claim of the appellants that site levels will be increased by 1m, for the most part site levels are to be reduced by approx. .5 of a meter. In conclusion, I consider the detail provided with regard to surface water management is clear and all surface water can be managed wholly within the grounds of Clarinbridge GAA complex.

##### **7.4.1. Intensive Development**

- 7.4.2. The appellants have raised concerns that the applicant's proposal for a new wastewater treatment system (WWTS) indicates an intent to further intensify development within the GAA grounds. They reference the previously granted planning permission (Ref. 22684) for a new gymnasium on-site, which has not yet been developed, as evidence of the applicant's intentions to increase development along this boundary. Additionally, the appellants describe the proposed development as "garden grabbing," implying an unacceptable level of intensification.

In response, the applicant clarifies that the proposed ball wall will be relocated 4.5 meters northward and 2.0 meters eastward, thereby reducing the impact of the structure compared to its current position. The installation of the new wastewater treatment system was requested by Galway County Council and was not originally intended by the applicant. This request aligns with Galway County Council's policy to upgrade septic tank systems when possible. The applicant has stated within this application that there is now no intention to construct the gymnasium at present.

Furthermore, in response to the appeal, the applicant has reduced the size of the astro pitch by 114 square meters, which will consequently decrease the intensity of use and reduce the number of participants on the playing field.

- 7.4.3. I do not find the scale or nature of the proposed development to be a significant concern. The applicant has taken substantial steps to address potential impacts on residential amenity, including the repositioning of the ball wall and the reduction of the astro pitch size. The appellants' assertion that the proposal constitutes "garden grabbing" lacks merit, as all development activities are confined within the applicant's defined red-line boundary.

The proposal to install a new packaged wastewater treatment system is, in my opinion, a prudent measure and aligns with best practices. It ensures that the wastewater treatment infrastructure meets current standards, thereby enhancing the environmental sustainability of the development.

In conclusion, I do not consider the proposed intensification of development to be so significant as to justify a refusal. The measures taken by the applicant mitigate potential impacts and reflect a considered approach to addressing both regulatory requirements and residential concerns.

7.4.4. Waste Water Treatment System

- 7.4.5. The Site Characterisation Report submitted with the application identifies that the subject site is located in an area with a Regionally Important Aquifer where the bedrock vulnerability is Moderate. A ground protection response to R2<sup>2</sup> is noted. Accordingly, I note the suitability of the site for a treatment system (subject to normal good practice, i.e. system selection, construction, operation and maintenance). The applicant's Site Characterisation Report identifies that there is no Groundwater Protection Scheme in the area.
- 7.4.6. The trial hole depth referenced in the Site Characterisation Report was 3.65 metres. Bedrock was not encountered, the water table was not encountered. The first 1.6m are identified as imported sub soil which is to be removed. (It is stated in another part of the application, this subsoil was from historic works carried out in 1987 on site when ground levels were raised) The soil conditions found in the trial hole are described as finely graded brown silt clay soil. Percolation test holes were dug

below the underside of imported subsoil at 2.5m and pre-soaked. A T value/sub-surface value of 47 was recorded.

- 7.4.7. The applicant proposes to install a 30 PE Chieften SBR Wastewater treatment system. The distribution attenuation layer of 219.90m<sup>2</sup> is proposed. Having consulted table 6.1 and 6.2 of the EPA CoP 2021 all separation distances as proposed can be achieved. The system is designed to accommodate over the 2200 litres per day and a PE of 1700 grams per day, The site sections of system design provide for a minimum depth as required under table 6.3.
- 7.4.8. I note points raised in the appeal with respect to the management of wastewater. The proposed development will adhere to the EPA Wastewater Treatment Manuals for Small Communities, Business, Leisure Centres, and Hotels.
- 7.4.9. Having regard to the detail submitted with regard to site suitability, I am of the opinion that the development is unlikely to pose any adverse impact on groundwater quality at this location, provided that correct installation procedures are followed, and ongoing maintenance is carried out.

## **8.0 AA Screening**

### **Appropriate Assessment Screening Determination**

(Stage 1, Article 6(3) of Habitats Directive)

- 8.1.1. I have considered the proposed development of a covered storage area in light of the requirements of S 177S and 177U of the Planning and Development Act 2000 as amended.
- 8.1.2. A detailed description is presented in Section 1 of my report. In summary, the proposed development site is a brownfield site within an existing GAA club, there is an ball wall with hardstanding at the location of the proposed ball wall. To the west of the development is Kilcornan Residential Estate, to the south is an access road and graveyard, to the north is low density residential and to the east is playing pitches and agricultural land. The development will comprise of demolition of existing ball wall, construction of a new ball wall with astro turf pitch and floodlighting and all assoicted site works.. There is no surface water runoff from the site and collected

rainwater is discharged to soak pits on site. Wastewater is to be discharged to a new packaged waste water treatment system and eventually discharged to ground.

There is a watercourse known as Clarin River 100m to the south of the development site and this connects into Galway Bay Complex SAC and Inner Galway Bay SPA.

The area is within 200m of Kilcornan Woods.

There are no other ecological features of note on the site that would connect it directly to European Sites in the wider area.

### European Sites

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA). Two of European sites are located within 400m of the potential development site.

Galway Bay Complex SAC (Site Code 000268)

Inner Galway Bay SPA (Site Code 004031)

Given the limited scale of the proposal, I do not consider it necessary to examine the potential for significant effects on any European Sites beyond those of Galway Bay Complex SAC and Inner Galway Bay SPA.

European Site	Qualifying Interests (summary)	Distance	Connections
Inner Galway Bay SPA [004301]	Wintering water birds (20x species) Wetland and waterbirds	400m	No direct
Galway Bay Complex SAC [000279]	<b>Habitats:</b> Mudflats and sandflats not covered by seawater at low tide [1140] , Coastal lagoons [1150] ,Large shallow inlets and bays [1160]	400m	Potential Hydrological Connectivity via the Clarin River

	<p>Reefs [1170], Perennial vegetation of stony banks [1220], Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] <i>Salicornia</i> and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Turloughs [3180] <i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130] Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210] Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210] Alkaline fens [7230] Limestone pavements [8240]</p> <p><b>Species</b></p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Phoca vitulina</i> (Harbour Seal) [1365]</p>		
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### 8.1.3. Likely impacts of the project (alone or in combination)

Due to the limited nature of the development proposal and the relevant small scale construction impacts and brownfield nature I consider that the proposed development would not be expected to generate impacts that could affect anything

but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors. The applicant has provided a site suitability assessment for the provision of a new waste water treatment system. The demolition of existing wall and construction of new wall and astro turf area do not require specific mitigation measures for the control of pollutants but can be managed through standard best practice construction techniques. A construction management plan should be provided prior to construction to ensure best practice construction methodologies. In my view the development is not likely to have significant negative impacts on any European site.

The proposed development would not have direct impacts on any European site.

During site clearance, construction of the ball wall and astro turf area and site works, possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions to surface water. However the site is at a significant distance from nearest European site and minor nature of works involved would not create a negative impact.

The contained nature of the site and distance from receiving features connected to Galway Bay Complex SAC and Inner Galway Bay SPA make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites.

#### **8.1.4. Likely significant effects on the European sites in view of the conservation objectives**

The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of the SAC or SPA. Due to distance and lack of meaningful ecological connections there will be no changes in ecological functions due to any construction related emissions or disturbance.

There will be no direct or ex-situ effects from disturbance on mobile species including otter during construction or operation of the proposed development. There will be no significant disturbance to any wintering birds (ex-situ) that may occasionally use the amenity grassland area adjacent to the proposed development site.



#### **8.1.5. In combination effects**

The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area. No mitigation measures are required to come to these conclusions.

#### **8.1.6. Overall Conclusion**

##### **Screening Determination**

Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites within Galway Bay Complex SAC or Inner Galway Bay b SPA or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site
- Distance from and weak indirect connections to the European sites
- No significant ex-situ impacts on wintering birds

### **9.0 Recommendation**

In accordance with the foregoing I recommend that a split decision should be made as follows:

- (1) Grant permission for the construction of ball wall, astro turf area, fencing, packaged waste water treatment system and all associated site works based on

the reasons and considerations marked (1) under and subject to the conditions set out below (section 9.2), and,

- (2) Refuse retention permission for the flood lightning associated with astro turf pitch and ball wall based on the reasons and considerations marked (2) under (section 9.3).

## 9.1 **Reasons and Considerations (1)**

Subject to the following conditions, the proposed development of a ball wall and all weather training facilities and installation of packaged wastewater treatment system at these existing club grounds would accord with the existing GAA club facilities and in accordance with SRA 1 Sport Recreation and Amenity policy objective of Galway County Development Plan 2022 to 2028 encourage community facilities and other recreational and amenity resources, would provide valuable sports facilities for the community, would not unduly impact on the residential amenities of adjoining residents, and would be in accordance with the proper planning and sustainable development of the area.

## 9.2 Conditions

1. 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. 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.

Reason: In the interest of clarity.

2. Prior to the commencement of development, the applicant shall submit for the written agreement of the planning authority, revised drawings detailing the new location of the ball wall. The ball wall shall be located 4.5 meters northwards of its current location and 2m eastwards as set out in the applicants submission to the board submitted on 28<sup>th</sup> of March 2024.

Reason: In the interest of clarity

3. The height of the ball wall shall be a maximum height of 4.75m (not including netting). Revised elevations shall be submitted for the written agreement of the planning authority.

Reason: In the interest of clarity

4. The hours of operation of the astroturf area shall be limited to between 0900 hours and 2100 hours Monday to Friday and to between 1000 hours and 2000 hours, Saturday and Sunday including Bank Holidays.

Reason: To protect the amenities of the area.

5. (a) During the operational phase of the proposed development, the noise level arising from the development, result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

(b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

Reason: To protect the residential amenities of property in the vicinity of the site.

6. All surface water generated by the development shall be disposed of within the site and shall not be discharged to the public road or adjoining properties. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

7. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1700 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

8. The area between the ball wall and western boundary of the site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) Contoured drawings to scale of not less than [1:500] showing –

(i) a survey of all existing trees and hedging plants on the site, their variety, size, age and condition, together with proposals for their conservation

(ii) a continuous hedge of indigenous species (e.g. holly, hawthorn, beech or field maple) planted for the full length of the western boundary;

(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment;

(c) Proposals for the protection of all existing and new planting for the duration of construction works on site, together with proposals for adequate protection of new planting from damage until established;

(d) A timescale for implementation which shall provide for the planting of trees and hedgerows to be completed before the ball wall/astro turf area is first opened

Deciduous trees shall be planted at not less than two metres in height and evergreen species at not more than 750 millimetres in height. Species to be used shall not include either *cupressocyparis x leylandii* or *grisellinia*. Any plants which die, are removed or become seriously damaged or diseased, within a period of [five] years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

9. 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:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Measures to obviate queuing of construction traffic on the adjoining road network;
- (c) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (d) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (e) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (f) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

Reason: In the interest of amenities, public health and safety.

10. The existing septic tank system on site shall be decommissioned and fully removed from the site and disposed of in an authorised manner no later than one month following the installation of the proposed new wastewater treatment system on site.

Reason: In the interest of public health and proper planning and sustainable development.

11. The proposed wastewater treatment system and polishing filter/percolation area shall be located constructed and maintained in accordance with the plans particulars received by the Planning Authority on the 30<sup>th</sup> of November 2023, and shall be in accordance with the requirements of the “EPA Wastewater Treatment Manuals for Small Communities, Business, Leisure Centres, and Hotels”. No other system shall be installed unless agreed in writing with the planning authority.

Reason: In the interest of public health

### 9.3. Reasons and Considerations (2)

The installation of the proposed floodlighting would not be considered acceptable pending the outcome of a bat survey to determine the impact the proposed floodlighting may have on local bat populations. In this regard it is considered the proposal would not be in accordance with Policy Objective NHB 09 of the Galway County Development Plan 2022 - 2028 regarding the Protection of Bats and Bats Habitats. The proposed development would therefore, conflict with the objectives of the development plan and 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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Darragh Ryan  
Planning Inspector

27<sup>th</sup> August 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	319170 - 24			
<b>Proposed Development Summary</b>	Demolition of existing ball wall, constriction of new ball wall, astro turf area, lighting, new wastewater treatment system and fencing			
<b>Development Address</b>	Kilcornan, Clarinbridge, Co. Galway			
<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>	X	
		<b>No</b>		
<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>				
<b>No</b>	X		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>				
<b>Yes</b>	X	Class/Threshold.....		Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>		<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_



## Form 2

### EIA Preliminary Examination

An Bord Pleanála Case Reference	319170	
Proposed Development Summary	Demolition of existing ball wall, constriction of new ball wall, astro turf area, lighting, new wastewater treatment system and fencing	
Development Address	Kilcornan, Clarinbridge, Co. Galway	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The site is located on a site of an existing GAA complex adjacent to residential development. The proposed development is not exceptional in the context of existing environment.</p> <p>No the proposal consists of demolition of existing ball wall. All waste can be managed through standard construction management measures.</p>	No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>No the red line boundary of the site remains the same. There is no extension to boundary as a result of proposed development. The site area is 9269ha.</p> <p>There are no other developments under construction in proximity to the site. All other development are established uses.</p>	No
Location of the Development	The proposed development is located 400m north east of Galway Bay Complex SAC and Galway	No

<p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>Bay Complex SPA. The proposal includes standard best practices methodologies for the control and management of wastewater and surface water on site.</p> <p>There are no other locally sensitive environmental sensitivities in the vicinity of relevance.</p>	
<p style="text-align: center;"><b>Conclusion</b></p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>		

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_

**Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)