



An
Bord
Pleanála

Inspector's Report

ABP-319733-24

Development

Permission for the erection of a 5m high sports/ball wall together with associated synthetic playing surface and surrounding fencing, associated flood lighting as well as all associated site works

Location

Naomh Feichin Pairc, Beaulieu, Drogheda, Co. Louth

Planning Authority Ref.

2460128

Applicant(s)

St Feichins GAA

Type of Application

Permission

PA Decision

Grant with conditions

Type of Appeal

Third

Appellant

Kate Murphy & Shane Byrne and others

Observer(s)

None

Date of Site Inspection

24/08/2024

Inspector

Andrew Hersey

Context

1. Site Location/ and Description. The site is located within an existing sports facility in a rural area to the north of Drogheda.

There are existing sports pitches and buildings on the site. There is a housing estate of 10 detached house located adjacent to the north boundary of the site

2. Description of development. Permission is sought for:

- The erection of a 5m high sports/ball wall together with

- associated synthetic playing surface and
- surrounding fencing,
- associated flood lighting
- all associated site works

3. Planning History.

- There are a number of previous planning applications on site which relate to the development of the sports facility. The latest application being
- Planning Reg. Ref.18/401 — The development will consist of construction of a new community centre which will incorporate a main function area, store, toilets, kitchen, offices, meeting room, reception office and plant room at ground floor level and a first floor area for future development along with all associated siteworks – Granted permission and now built
- Planning Reg. Ref 10/286 Granted retention of 8 No. 18 metre high flood lights around pitch 3

4. National/Regional/Local Planning Policy

The Louth County Development Plan 2021- 2027

- The site is located in what is referred to as Rural Zone 2
- Objective SC20 seeks: To support and facilitate the provision, improvement and expansion of sports and recreational facilities, in particular through land use zoning, where appropriate.

5. Natural Heritage Designations

- The nearest designated site is The Boyne Estuary SPA (Site Code 004080) and the Boyne Coast and Estuary SAC (Site Code 001957) which is located 1.6km to the east

Development, Decision and Grounds of Appeal

6. PA Decision. Permission was granted on the subject to 9 conditions.

- Condition No. 2 restricts hours of operation from between 0800 and 2200 Monday to Sunday
- Condition 3 restricts noise levels to 55dBA to between 0800 and 2100 Monday to Friday, 0800 and 1400 on Saturdays and 40dbA at all other times

7. Internal Reports

- Placemaking & Physical Development Section (received 11th April 2024) no comments

8. Prescribed Bodies

- None received

9. Submissions

8 submissions were received which in summary raise the following issues:

- Excessive Noise by constant thud from ball against wall
- Impact from floodlights
- Proximity to existing houses
- Excessive size of wall, visual impact
- There are better options available

10. Grounds of Appeal

A Third Party appeal was lodged by Kate Murphy and Shane Byrne on 15th May 2024. It is stated that the appeal is supported by all of their neighbours (whom are named and signed on the appeal document submitted). A flashdrive has been included in the appeal which shows for further information to support the appeal including images showing the location of existing floodlights, a mock up photo of the proposed wall as viewed from different locations, video footage of bat and images of light pollution In summary the appeal states that:

- The proposed development will cause excessive noise
- The proposal is not supported by a Noise Impact Assessment

- The existing facility has 16 no. 18 metre high uncowed floodlights which were erected without permission. The club applied for retention of these lights and 8 were granted and conditioned to be cowed. The other 8 were to be removed but have not to date. Louth County Council have not enforced the issue. The appellants object to the further 4 floodlights proposed. Lighting is excessive and disturbs neighbouring properties.
- An AA Screening Statement was not submitted with the application.
- Bat activity has been confirmed in the area
- Flood Risk
- That the excessive size will result in a visual impact (30 x 5 metres)
- Its location within the sports complex is too close to adjoining residential properties
- No community engagement
- The drawings submitted are misleading as they have excluded properties
- No EIA report and failed to uphold EU Law with respect to protection of bats
- The Architectural Design Statement is lacking in detail
- A number of key baseline assessments have not been undertaken to allow a full analysis of the proposal
- Some of the conditions are unenforceable
- Excessive hours of operation.

11. PA Response

Response received 14th June 2024. The response in summary states:

- That the issues raised in the appeal have been comprehensively addressed in the planners report.
- That the drawings submitted were adequate in order to make an assessment of the proposed development

- That the proposed ball wall is located in the centre of the grounds between existing pitches within the confines of the GAA grounds and it is unlikely that there would be Bat activity at that location
- That the size of the proposal is considered acceptable at this location
- The condition regarding noise levels and hours of operation are the same as those previously imposed under Planning Reg. ref. 10/286
- The proposal is not considered to be a commercial activity.
- That due to its location within club grounds that there will be no impact to residential amenities by way of noise and light pollution
- Surface water can be dealt with by way of planning condition
- That the planning authority request that the Board uphold the decision

12. Observations

None received

Environmental Screening

13. EIA Screening

Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, 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.

14. AA Screening

Having regard to the modest nature and scale of development, location in an urban area, connection to existing services and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

2.0 Assessment

2.1. Introduction

2.1.1. I have examined the application details and all other documentation on file and I have inspected the site and have had regard to relevant local development plan policies and guidance.

2.1.2. I am satisfied the substantive issues arising from the grounds of this third party Appeal relate to the following matters-

- Principle of Development
- Residential Amenities
- Bat Activity
- Visual Amenities
- Surface Water
- Opening Hours

2.2. Principle of Development

2.2.1. The proposed development which is summary relates to an sports/ball wall which is located within an existing sports complex to the north of Drogheda.

2.2.2. The case planner has accepted that the proposed sports wall is an acceptable use in this existing sports complex and it would appear from the third party appeal that they also accept its use at this location.

2.2.3. I also refer to policy Objective SC20 of the statutory development plan which seeks:
To support and facilitate the provision, improvement and expansion of sports and recreational facilities, in particular through land use zoning, where appropriate.

2.2.4. Having regard to the established use of the site where the ball wall is to be located, it is considered that the proposal is an acceptable form of development at this location.

2.3. Residential Amenities

- 2.3.1. This is the fundamental aspect of this appeal as a consequence of the proximity of the proposed sports wall to residential properties to the north I note from the site layout plan that there is a distance of 22 metres from the sports wall to the nearest rear boundary wall of a dwelling and the dwelling on the same site is shown as being located over 54 metres from the sports wall.
- 2.3.2. The impact to residential amenity for the most part is as a consequence of noise and light from floodlighting.
- 2.3.3. Noise will result as a consequence of the constant hitting of the ball with the hurley, the ball hitting the wall and the ball bouncing off the ground before the player catches the ball again and begins the same process again. The appellants state in the appeal that this repetitive thud off the ball will result in an impact to their residential amenity.
- 2.3.4. I note that the Planning Authority in condition No 3 have stipulated noise thresholds of 55dBA during day time hours and 40dbA at night and Sundays.
- 2.3.5. I do not consider that this condition addresses the repetitive nature of the noise emission.
- 2.3.6. The applicants have not submitted any form of Noise Impact Assessment nor is there any internal council report on file which assess the impact of noise.
- 2.3.7. With respect to the same, I do have concerns with respect of the impact of this repetitive noise. A report regarding the same should have been submitted with the application. Without such a report I consider that it would be remiss of the Board to ignore such an impact.
- 2.3.8. Impact to residential amenities would also result as a consequence of floodlighting and I note 4 No. floodlights have been submitted.
- 2.3.9. The appellants state that 8 of the 16 existing floodlights within the complex do not have the benefit of permission and that there should be cowls on all of the lights in the complex which was conditioned by the Planning Authority upon an application for retention.

- 2.3.10. I refer to Planning Reg. Ref. 10/286 where planning was granted for the retention of 8 floodlights and that there is a condition stipulating that cowls added to the lights to prevent overspill.
- 2.3.11. I note the planning authorities response to the appeal does not address this issue.
- 2.3.12. Regard must be had to the fact that there is a sports complex at this location and as such there would be a certain level of noise and light overspill that would result as a consequence of the use of this facility.
- 2.3.13. I would consider however that impacts that would result as a consequence of the future use and development of this sports facility should be minimised having regard to the proximity of the complex to residential dwellings.
- 2.3.14. The application does include for any mitigation measures so as to reduce the impact of potential noise and light emissions
- 2.3.15. Alternative locations within the sports complex have not been considered further away from the residential properties.
- 2.3.16. On the basis of the above and having regard to the details on the file, I am not satisfied that there would not be significant impacts to the residential amenities of adjacent residential properties.

2.4. Bat Activity

- 2.4.1. I note the appellants have raised an issue with respect to the presence of bats in the vicinity of the site which are protected under the Wildlife Act 1976.
- 2.4.2. I note that there are no internal reports on the file with respect to wildlife and in particular bats.
- 2.4.3. I further note that there are reports on file from prescribed bodies and in particular the NPWS.
- 2.4.4. The only comment regarding bats from the planning department is in the case planners response to the appeal where it is stated that bat activity would be unlikely at this location.
- 2.4.5. I tend to agree with the case planner in this respect. The proposed development is located between two existing pitches in an open area where bat activity would be

unlikely. There may be an impact as a consequence of the proposed lighting however but I do not consider that this would warrant a decision to refuse permission.

2.5. Visual Amenities

- 2.5.1. The proposed structure is 5 metres high by 30 metres long with associated weldmesh sections of fencing. This is located between 2 existing pitches.
- 2.5.2. The Architectural Design Statement submitted with the application is noted
- 2.5.3. It is considered that while the structure is large, it cannot be easily seen from the public road or the surrounding landscape.
- 2.5.4. There are no visual designations associated with the site as set out in the statutory development plan for the area.
- 2.5.5. On the basis of the foregoing and having regard to its location within an existing sports complex, it is considered that the proposed development will not have a significant impact upon the visual amenities of the area.

2.6. Surface Water

- 2.6.1. There was no surface water ponding within the site on the day of the site visit. There is a sports facility on site with various pitches and it is therefore likely that there is existing infrastructure on site to deal with surface water.
- 2.6.2. The appellants raise an issue with respect to an existing stream where surface water is directed to, and that the said stream becomes blocked up and causes flooding. I would consider that this is a maintenance issue rather than a planning issue
- 2.6.3. It is therefore considered that surface water can be dealt with by way of condition.

2.7. Opening Hours

- 2.7.1. I note the appellants concerns with respect to the hours of operation imposed under Condition No. 2, which restricts hours of operation from between 0800 and 2200 Monday to Sunday
- 2.7.2. I further note the planning authorities response to the appeal which states that the opening hours (and noise emission thresholds) are the same as those imposed under Planning Reg. Ref. 10/286
- 2.7.3. Planning Reg. Ref. 10/286 is an application for the retention of floodlights and is not associated with the development of sports pitches at this location. I would consider that this application is therefore irrelevant in terms of precedent set for opening hours
- 2.7.4. The issue of opening hours is linked with residential amenity impacts. If it was the case that impacts with respect to residential amenity were satisfactory addressed then the proposed opening hours, which would not be unusual for a sports facility could be accommodated.
- 2.7.5. However, I am not satisfied on the information submitted with the application that there would not be impacts to the residential amenities of adjacent dwellings by way of noise and light emissions.

3.0 Recommendation

- 3.1. I recommend that permission be refused for the following reasons:
 - 1. The proposed development comprises of the construction of a sports/ball wall which is located approximately 22 metres at its closest point to a residential development of ten houses. The Board are not satisfied having regard to the submissions on file that the use of the proposed sports/ball wall will not have a serious detrimental impact on the residents of those houses by way of repetitive

noise emissions. Having regard to the same and having regard to the potential for excessive light spill from existing and proposed floodlighting, it is considered that the proposed development will have a serious detrimental impact upon adjacent residential properties 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.

Andrew Hersey

Planning Inspector

19th September 2024