



An  
Bord  
Pleanála

## Inspector's Report ABP-320917-24

|                                     |  |
|-------------------------------------|--|
| <b>Development</b>                  | Retention of a steel frame training gym with all associated site works |
| <b>Location</b>                     | Oylegate/Glenbrien GAA Club,<br>Rahale, Oylegate, Co. Wexford          |
| <b>Planning Authority</b>           | Wexford County Council   |
| <b>Planning Authority Reg. Ref.</b> | 20240685   |
| <b>Applicant(s)</b>                 | Oylegate-Glenbrien GAA Club  |
| <b>Type of Application</b>          | Retention permission   |
| <b>Planning Authority Decision</b>  | Grant permission subject to conditions                                 |
| <b>Type of Appeal</b>               | Third Party  |
| <b>Appellant(s)</b>                 | Michael Cloke  |
| <b>Date of Site Inspection</b>      | 16 <sup>th</sup> January 2025  |
| <b>Inspector</b>                    | Sarah O'Mahony   |

## **1.0 Site Location and Description**

- 1.1. The 4.885ha site comprises a GAA club grounds with three playing pitches, a clubhouse/changing rooms, viewing stand, car park, gymnasium shed, some smaller ancillary equipment sheds and tall ball stop netting structures.
- 1.2. The sportsgrounds are situated in a rural area 1.6km southeast of Oylegate village which is approximately halfway between Enniscorthy and Wexford. The N71 passes through the village and the site is situated 1.2km to the east at its closest point. Access is provided to the sportsgrounds from the L2043 local road at the north of the site. The surrounding area is characterised by low density detached dwellings and agricultural land.
- 1.3. The specific development subject to this application for retention permission is the gym shed which comprises a detached 115m<sup>2</sup> pitched roof steeltech type shed. It is situated in the northeast of the site, directly adjacent to the private open space of one dwelling with more dwellings situated in a ribbon pattern to the northeast and adjacent the aforementioned one. There is a dense and tall leylandii hedge forming the boundary between the shed and the residential property with a timber panel fence also noted on the side of the residential property. There is a land drain situated along the eastern boundary, 4.5m from the rear elevation of the shed, with a mixed species hedge situated along the east of the drain forming the boundary between the GAA grounds and a field. The shed is not visible from the public road.

## **2.0 Proposed Development**

- 2.1. Permission is sought to retain a 115m<sup>2</sup> detached and pitched roof shed. The steel frame shed is finished externally with corrugated metal. Permission is also sought to retain its use as a gym.

## **3.0 Planning Authority Decision**

### **3.1. Further Information**

- 3.1.1. A revised site layout plan was requested to demonstrate surface water drainage proposals. The response comprised one site layout drawing illustrating the location

of existing underground pipes, one situated each along the north and south perimeter of the shed, connecting the downpipes of the shed to an existing land drain situated along the eastern boundary of the site.

### **3.2. Decision**

- 3.2.1. A notification of decision to GRANT planning permission was issued by Wexford County Council (the Planning Authority) on 04<sup>th</sup> September 2024 subject to 5no. conditions including nos. 2, 3 and 4 as follows:

*“2. The shed shall not be used for human habitation or for commercial purposes or for any purposes other than for purposes incidental to the enjoyment of the site as a community sports club and its members.*

*Reason: To protect the residential amenities of the area.*

*3. The hours of operation of the development to be retained shall not exceed the hours of 8.00 am to 9.00pm.*

*Reason: in the interests of clarity and proper planning and sustainable development and protection of amenities of adjoining properties.*

*4. No amplified music shall be played in the gym structure at any time.*

*Signage shall be erected internally in the gym structure to state same.*

*Reason: In the interests of orderly development and to protect the residential community of the area*

### **3.3. Planning Authority Reports**

#### **3.3.1. Planning Reports**

- The Planners report recommendation to grant permission is consistent with the notification of decision which issued.
- The report notes the position of the structure to the rear of a dwelling but with no views from the public road, accessed via an existing entrance and served by existing water supply and wastewater treatment system. Following receipt of the above further information, it concluded with a recommendation to grant permission.

- Appropriate Assessment (AA) and Environmental Impact Assessment (EIA) issues are both screened out.

#### 3.3.2. Other Technical Reports

- Roads Inspection Report: Two reports received. The first outlines the further information request regarding surface water management while the second assess the response and concludes with two recommended standard conditions.

#### 3.4. Prescribed Bodies

No reports received.

#### 3.5. Third Party Observations

##### 3.5.1. One submission is received from a neighbouring resident objecting to the proposed development on the following grounds:

- Precedent for future non-compliance with planning legislation.
- Non club members use the gym – it is a commercial premises advertised as open to the public.
- Access available 24 hours a day.
- Inadequate separation distance from residential property.
- Noise impacts on residential amenity.
- Inadequate surface water drainage.
- Not opposed to the principle of the development but considers the location is inappropriate.

#### 4.0 Planning History

- 20200043: Planning permission **granted** for floodlights to walking track and associated site works.
- 20191395: Planning permission **granted** for synthetic training pitch, flood lights to training pitch and associated site works.

- 20050623: Permission sought to erect an extension to existing clubhouse consisting of 2 no. dressing rooms along with associated site works. Application declared **withdrawn**.
- 20004406: Planning permission **granted** to erect a viewing stand at playing pitch.
- 026068: Planning permission **granted** to develop land for sport and recreational use.
- 931154: Planning permission **granted** for erection of a storage shed (for tractor and mower).
- 880392: Planning permission **granted** to erect clubhouse, dressing rooms and toilets.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The site is governed by the policies and provisions contained in the Wexford County Development Plan 2022-2028 (referred to hereafter as the CDP). Oylegate is categorised as a large village in the settlement strategy and does not have zoned land.
- 5.1.2. Objective ROS25 states it is an objective of the Council *to facilitate a vibrant and active sports sector with increased participation levels, good quality sustainable facilities which are appropriate in scale and location and which provide opportunities for people to play an active role in sport.*
- 5.1.3. Objective SC34 states it is an objective of the Council *to develop, or support the development of, community facilities at appropriate locations throughout the county and require all new community facilities to be accessible to all and designed to facilitate a wide range of uses/users.*
- 5.1.4. The Development Management Manual is set out in Volume 2 of the CDP and Section 2.6 refers to amenity and states that all developments should be designed to protect the amenities of adjoining properties and properties in the vicinity. Specifically in relation to noise it states:

*Noise emanating from any proposed development shall not cause to be measured at the facing elevation (outside) of any dwelling in the area, during the hours 0700 – 2100 a noise level of 55 dB(A) (Laeq 1 hour) and during the hours 2100 – 0700 and Sundays and Bank Holidays a noise level of 42 dB(A) (Laeq 1 hour). The noise shall not be impulsive in nature or have any tonal element which is 4 dB(A) above the adjacent frequencies.*

## **5.2. Natural Heritage Designations**

The Slaney River Valley Special Area of Conservation and proposed Natural Heritage Area and the Wexford Harbour and Slobbs Special Protection Area are situated 2.5km west of the site.

## **5.3. EIA Screening**

- 5.3.1. 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 Form 1 in Appendix 1 of report.

## **6.0 The Appeal**

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

One appeal is received from Michael Cloke who objects to the development on the following grounds:

- Commercial use of gym and non-compliance with Condition no. 3 restricting use of the gym to members only.
- Non-compliance with condition no.3 regarding operational hours. Keycode access to the gym means no regulation of its use.
- Non-compliance with condition no. 4 regarding a restriction on amplified music. Lack of staff in the gym to enforce compliance.

- Non-compliance with condition no. 5 regarding surface water management. Appeal states that surface water drainage has not been installed.
- Noise impacts from poorly insulated shed materials and nature of use within, e.g. weights banging in weight machines.
- Structure breaches minimum separation distances adjacent to residential property.
- Light pollution from external light turned on all night.
- Lack of consultation or liaison/point of contact to identify breaches of permission.
- Shed should be relocated. The appeal does not object to the principle of providing a gym on the site, it suggests there are alternative locations on the site more suitable for its relocation, away from dwellings.
- Request made in the event of a grant of planning permission to provide the following conditions:
  - Install acoustic screening measures such as sound insulation material on the walls and floor,
  - Require a member of staff to be present during operational hours or install a system to track usage and restrict it to operational hours, and
  - Installation of a noise monitoring system.

## 6.2. **Applicant Response**

- Clarification that gym access is advertised and charged for non-playing club members.
- Communication has been made to all club members and signage erected regarding operational hours and playing music. The response outlines how the communication to members states that gym access will be revoked for members who breach these rules of use.
- The response states that the stone filled base surrounding the shed is designed to provide adequate surface water runoff. It also states that gutters and downpipes have been installed and that the adjacent drain was cleared and cleaned.

- In response to claims about excessive noise, it is claimed that a survey of usage indicates the gym is used on average for 3 hours a day over the permitted 13 hour operational times. It also states that special rubber matting was installed on the floor and that all weights have rubber covers ensuring there is no significant noise impacts when weights are dropped on the floor from any height. Lastly, it states that the shed is finished with 40mm Kingspan insulated panels on the roof and walls.
- There is a 3m separation between the side of the gym and the Appellants property.
- The external light is directed downwards and is situated 1m below the top of the adjacent hedge. The response acknowledges that the light may be visible from the upstairs of the Appellants property but disagrees that it creates light pollution.

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

- No response received.

### **6.4. Further Responses**

6.4.1. The Appellant submitted a further response to the Applicants response. It makes the following points:

- Non-playing membership of the club and an associated access to the gym (following payment of an additional fee) allows general members of the public who are not part of a team to access the gym. It is submitted that this is inconsistent with the permission sought and condition no. 2. It also submits that this results in a commercial use of the site.
- Ongoing breaches of the operational hours. There is no monitoring or enforcement of who uses the gym as access is via a key stored in a coded lock box. It is suggested that a system such as a scanned QR access as utilised in other gyms provides better records of times and personnel accessing the gym.
- No liaison point of contact to inform the club of breaches.
- The skylights on the Appellant's side of the pitched roof have been covered as well as all but one on the opposite side. It is suggested that the GAA club undertook this to mask when the gym is in use.



- A lack of staff at the gym means there is no regulation or enforcement of rules regarding noise and music.
- The stone base drainage system referred to in the response is inadequate due to poor soil conditions and results in surface water entering the Appellants property.
- Disagreement with survey results regarding usage. The response claims the gym is used far more than three hours a day, particularly during the summer months.
- Disagreement regarding noise impact and claims that noise from the gym is negatively affecting residential amenity. Loud bangs are noted regularly. Appellant considers that Kingspan insulation is for thermal purposes and not acoustic. Videos are submitted to demonstrate noise.
- Clarification sought from An Bord Pleanála regarding the legal separation distance required between a gym and a private dwelling.
- Photographs provided demonstrating extent of lighting on the site. The Appellant acknowledges that lighting from walkways and pitches is outside the remit of this appeal but notes such lighting is extinguished at 10pm therefore there should be no requirement to provide lighting at the gym overnight.

6.4.2. The Applicant responded to the above response by re-stating earlier points including that the gym is only accessible to club members, signage has been erected inside and outside the gym highlighting permitted operational hours and the prohibition on amplified music, skylights have been covered internally to prevent overheating and sunglare, the stone base is designed to provide adequate rainwater retention and existing gutters have been cleaned. It submits that the survey of usage identified the gym is operational for 25% of permitted hours only and therefore there is no constant noise and again, it is stated that specialist matting is in place. Lastly, the response states that there is a 3m separation between the gym and the appellants property and that the external light is no longer in use 24/7.

## 7.0 **Assessment**

7.1. The development comprises provision of a gym within a sports grounds for the private use of its members which in my opinion complies with Objectives ROS25 and SC34 of the CDP.

- 7.2. The appeal submits that the ongoing operation of the gym does not comply with conditions set out in the notification to grant permission however I highlight to the Board that such a document is a notification of a decision only and not a final grant of permission with enforceable conditions.
- 7.2.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal therefore are as follows:
- Commercial use
  - Site selection and separation distance
  - Drainage
  - Noise
  - Lighting
- 7.3. **Commercial Use**
- 7.3.1. The Appellant considers that the Applicant's fee structure is inappropriate and equates to the provision of a commercial service. The GAA Club has membership fees for players and non-players which I understand is a standard practice nationwide and one which is not, in my opinion, inappropriate. Members of a club include individuals and families of all ages and abilities who support the organisation and I note that backroom staff and positions of responsibility such as chairperson, treasurer and PRO etc are often filled by non-playing members of sporting organisations. I do not consider this is a material planning matter. Similarly, I consider that the fee structure which the GAA club charges for playing or non-playing members to use the gym is also not a planning matter. Once all gym members are first and foremost members of the GAA club then the gym is not, in my opinion, a commercial venture. How much each individual chooses to interact with the club, following registration and payment of a membership fee is not material to the planning matters.
- 7.3.2. What is a material matter however is whether the gym is a commercial development or not as this has implications for the application of development contributions as

well as commercial rates etc. Having regard to the information submitted by both parties, I consider that the fee structure is acceptable to demonstrate that the development is not a commercial venture open to any member of the public. The Applicant has demonstrated that all gym members must be members of the GAA Club in the first instance. In the event of a grant of permission, I recommend that a condition is attached similar to condition no. 2 which restricts the use and membership of the gym to non-commercial purposes only.

#### **7.4. Site Selection**

- 7.4.1. The gym structure is situated to the rear boundary of a residential property in the northeast of the sportsgrounds. It is close to, but outside of any existing facilities such as pitches and the car park. It is not visible from the public road and at 4.6m in height, is an acceptable scale of structure surrounded by mature landscaping and which does not result in any overshadowing concerns. It is finished with dark grey corrugated metal sheeting which is, in my opinion, an acceptable finish for the rural area and is not dissimilar to large domestic sheds.
- 7.4.2. The Appellant seeks clarity on separation distances between gyms and private residential properties however I am satisfied that no such specification exists. Every application is judged on its own merits and there are no minimum separations set out in planning legislation or in the CDP.
- 7.4.3. There is a separation of 3m between the side elevation of the shed and the existing property boundary which is acceptable in my opinion to enable maintenance of the shed and the hedgerow while also maintaining the hedgerow entirely.
- 7.4.4. Aside from the submitted noise impacts and drainage matters as discussed below, I consider the location to be acceptable. The scale and finishes of the shed are similar to an agricultural shed or a large domestic shed which would not be out of character for the rural area in which the site is situated.

#### **7.5. Drainage**

- 7.5.1. In responding to the further information request, the Applicant submitted a drainage layout drawing illustrating the location of 4-inch pipes underground which discharged surface water from gutters and downpipes to the adjacent open land drain. The

drawing is titled 'Site Layout Plan' and the annotations refer to the pipes as 'existing'. The cover letter however which accompanied the drawing referred to the enclosed drawing as 'revised site layout with proposed surface disposal'.

- 7.5.2. The appeal submits that surface water is entering the Appellant's property. The Applicant's response to the appeal does not clarify if the pipes were installed. It states that the stone filled base surrounding the shed is designed 'to provide adequate water retention' and that rainwater gutters and chutes were also installed. I note from the site inspection that the gutters and downpipes are in place but that there are no drains readily visible. The downpipes appear to discharge directly to the aforementioned stone base with no evidence of any collection network within the stone as illustrated by the drawing.
- 7.5.3. In this regard it is not clear whether the underground pipes suggested to collect water from the roof of the building were ever installed. In the event of a grant of planning permission, I recommend a condition is attached requiring the installation of the pipes and a requirement that all surface water is captured and discharged within the site, with no discharge permitted to any adjacent property. The latter part of this condition is already captured in condition no. 5 of the Notification of Decision and reflects the recommendation set out in the Roads Inspection Report, following receipt of the requested further information.

## **7.6. Noise**

- 7.6.1. There is a discrepancy between the Appellant and Applicant in terms of the degree of noise produced and whether this could have an impact on the residential amenity of adjoining properties. The Appellant states there is significant noise emanating from the gym including outside of permitted operational hours and suggests this is from weights being dropped on floors or from associated machinery. The Applicant however outlined extensive measures already in place such as rubber matting on the floor, around the weights themselves and insulation in the shed's structure all to reduce noise impacts.
- 7.6.2. I did not note any noise emanating from the structure during the site inspection however I have viewed videos submitted by the Appellant allegedly taken from the Appellants property and demonstrating noise generated from the gym.

7.6.3. I note Section 2.6 of Development Management Manual of the CDP sets noise limits to be adhered to for all developments and I consider it appropriate in the event of a grant of permission to attach such a condition, as well as one setting out operational hours. In my opinion, such conditions would draw a balance between upholding residential amenity and permitting the development which is ancillary to the sports grounds and where there are clear objectives in the CDP to support sporting facilities.

## **7.7. Lighting**

7.7.1. I agree with the Appellants that there is no need for lighting associated with the gym to be operational outside of operational hours of the gym. The Applicant's response does not justify the external lighting, particularly when other lighting in the wider complex is extinguished at 10pm. I also note a statement in the final Applicants response that such lighting is now not operational permanently. I recommend a condition is attached requiring all lighting associated with the gym to be extinguished outside of permitted operational hours.

## **8.0 AA Screening**

8.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

8.2. The Slaney River Valley Special Area of Conservation and the Wexford Harbour and Slobbs Special Protection Area are situated 2.5km west of the site.

8.3. The proposed development comprises retention of a 115m<sup>2</sup> detached and pitched roof shed for use as a gym within a sports grounds.

8.4. No nature conservation concerns were raised in the planning appeal.

8.5. Having considered the nature, scale and location of the project, 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:

8.6. The small scale and domestic nature of the works in a serviced urban area,

8.7. The distance from the nearest European site and lack of connections, and

- 8.8. Taking into account screening report/determination by LPA,
- 8.9. 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.
- 8.10. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## 9.0 Recommendation

I recommend that retention and completion permission is granted, subject to conditions, for the reasons and considerations set out below.

## 10.0 Reasons and Considerations

- 10.1. Having regard to the location and character of the site and surrounding area in a rural area together with the provisions of the Wexford County Development Plan 2022-2028 including Objective SC34, it is considered that, subject to compliance with the conditions set out below, the scale and nature of the development is acceptable. The development would not seriously injure the visual or residential amenity of the area. The development is, therefore, in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

|    |   |
|----|---|
| 1. | The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 15 <sup>th</sup> day of August 2024, 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. | <p>The gym shall not be used for human habitation or commercial purposes and shall remain ancillary to the enjoyment of the site as a community sports club by its members only.</p> <p>Reason: In the interest of clarity.</p>  |
| 3. | <p>The gym shall operate only between the hours of 08:00 to 21:00 Monday to Sunday. All lighting associated with the gym shall be extinguished outside of these hours.</p> <p>Reason: In the interest of residential amenity and proper planning and sustainable development.</p>  |
| 4. | <p>During the operational phase of the development the noise level shall not exceed</p> <p>(a) 55 dB(A) rated sound level during the operational hours, and</p> <p>(b) 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times, (corrected for a tonal or impulsive component) as measured at any point along the boundary of the site. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To protect the residential amenities of property in the vicinity of the site</p> |
| 5. | <p>The disposal of surface water shall comply with drawing no. 24-003-PL06 received by the planning authority on the 15<sup>th</sup> day of August 2024 such that no surface water discharges to any adjacent property.</p> <p>Reason: In the interest of proper planning and sustainable development.</p>   |

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

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Sarah O'Mahony  
Planning Inspector

26<sup>th</sup> March 2025



# Form 1

## EIA Pre-Screening

|  |   |            |   |
|--|---|------------|---|
| <b>An Bord Pleanála</b><br><b>Case Reference</b>   | 320917-24   |            |   |
| <b>Proposed Development Summary</b>  | Retain a 115m <sup>2</sup> detached and pitched roof shed for use as a gym within a sports grounds. |            |   |
| <b>Development Address</b>   | Oylegate/Glenbrien GAA Club, Rahale, Oylegate, Co. Wexford  |            |   |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br>(that is involving construction works, demolition, or interventions in the natural surroundings) |   | <b>Yes</b> | <b>X</b>  |
|  |   | <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)?</b>  |   |            |   |
| <b>Yes</b>   |   |            |   |
| <b>No</b>  | <b>X</b>  |            | Tick if relevant.<br>No further action required |
| <b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>  |   |            |   |
| <b>Yes</b>   |   |            |   |
| <b>No</b>  | <b>X</b>  |            | Proceed to Q4                                   |

| 4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]? |  |  |  |
|---|--|--|--|
| Yes   |  |  |  |

| 5. Has Schedule 7A information been submitted? |          |  |
|--|----------|--|
| No   | <b>X</b> | Pre-screening determination conclusion remains as above (Q1 to Q4) |
| Yes  |          | Screening Determination required                                   |

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