

James McInerney Planning Consultant
8, Rochford Park, Kill, Nass, Co. Kildare, W91 F8P5

05-08-2022

Planning Dept
South Dublin County Council
County Hall
Tallaght
Dublin 24

RE: Third Party Observation.

Retention permission and planning permission at an existing GAA pitch facility at Rathcreedan, Newcastle, Co Dublin. Retention permission is sought for 1,550m² unmetalled drop-off area/carpark ancillary to the GAA pitch use and planning permission is sought for: GAA pitch goal posts (2No. standard 8m high) coupled with 8m high ballstop nets to the rear of each goal post. Entrance improvements from the existing Newcastle Road (R120) to the site including widening existing gate from 4.2m to 6m with setback gate arrangement to improve sightlines. Register Reference No. SD22A/0298.

Dear Sir/Madam.

I am a Planning Consultant and have been instructed by Sean and Geraldine Fitzgibbon, Gortmullen, Ballynakelly, Newcastle, Co. Dublin to lodge this Third-Party Observation in respect to the above planning application.

Yours faithfully


James McInerney, Planning Consultant.

Attached:

- (i) Observation Fee €20.00 Receipt No. T4//0/711956 and
- (ii) Grounds of Observation.

Third Party Observation

South Dublin County Council Reg. Ref. No. SD22A/0298.

1. Application.

Reg. Ref. No. SD22A/0298.

On 04-July-2022, St. Finian's GAA Club lodged an application for retention permission and permission for development consisting of:

Retention permission and planning permission at an existing GAA pitch facility at Rathcreedan, Newcastle, Co Dublin. Retention permission is sought for 1,550m² unmetalled drop-off area/carpark ancillary to the GAA pitch use and planning permission is sought for: GAA pitch goal posts (2No. standard 8m high) coupled with 8m high ballstop nets to the rear of each goal post. Entrance improvements from the existing Newcastle Road (R120) to the site including widening existing gate from 4.2m to 6m with setback gate arrangement to improve sightlines.

The Application is due for Decision on 28-August-2022.

It would appear that the above planning application for retention permission and for permission may not be complete as set out hereunder.

(i) Works commenced some time ago on the laying out of a sport playing pitch and the laying out of a hard surface. At that time, it may have been considered that the planning status of the playing pitch was that it constituted Exempted Development by virtue of Class 33 (c) of *Exempted Development-General* of Part 1 to Schedule 2 of the Planning and Development Regulations, 2001-2022, which states:

*Development consisting of the laying out and use of land—
c) for athletics or sports (other than golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), where no charge is made for admission of the public to the land.*

It is now proposed in the application to seek permission for the widening of existing gate from 4.2m to 6m as part of the overall development of the lands, onto the R120 which has a width in excess of 4m. Once the existing 'field gate' has been widened, the laying out of the pitch loses its exempted development status by virtue of the restriction on exemption under Article 9 (1)(a) (ii) of the Regulations which states:

consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width.

(ii) A grass verge located fronting the 'field gate' and to the back of the public footpath was excavated and replaced with a hardsurface. This strip of land with a width of 4.2 is outside the roadside boundary and as such forms part of the roadway. This width will be increased to 6m to facilitate the proposed vehicular access. The carrying out of these works do not come within the scope of Class 13 of *Exempted Development-General* of Part 1 to Schedule 2 of the Planning and Development Regulations, 2001-2022 which states:

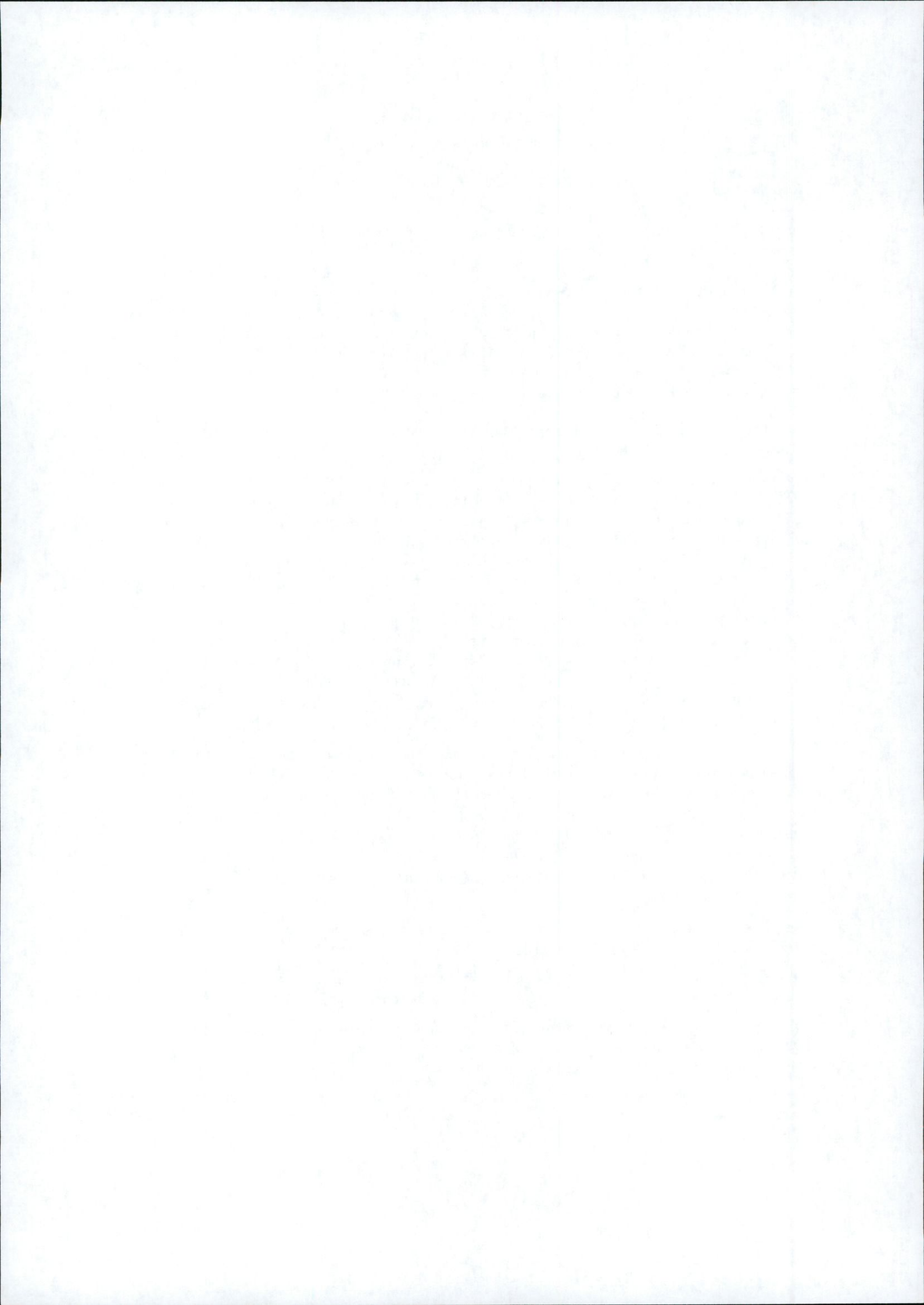
The repair or improvement of any private street, road or way, being works carried out on land within the boundary of the street, road or way, and the construction of any private footpath or paving.

The above works at (i) and (ii) above are not included in the description of development for retention permission as published in the public notices.

(iii) The Site Location Map and Site Layout Plan does not indicate an existing dwelling to the west of the site which faces east onto the pitch and said dwelling is poorly visible on the Site Layout Plan, as viewed on-line.

(iv) The Elevations Drawing does not indicate that the topography of the site is at different levels and does not indicate the pre-development levels and proposed levels. The raised pitch above pre-development level is of major concern as regards its adverse impact on existing adjacent dwellings to the east

(v) Proposed boundary treatment has not been indicated to ameliorate the adverse impact on existing adjacent dwellings to the west.



(vi) The details submitted do not adequately address the extent of the trimming back of the existing front roadside boundary hedging in order to provide sightlines for the proposed widened vehicular access. This hedgerow contributes to the rural landscape character of the area.

(vii) A Swept Path Analysis has not been submitted to demonstrate that there will be no conflict with vehicular movement in respect to car parking/drop off and collection/in and out traffic.

2. South Dublin County Council Development Plan 2022-2028.

The application falls for consideration under the South Dublin County Council Development Plan 2022-2028, which was made on 22 June 2022 and comes into effect 6 weeks from the date of adoption (03 August 2022).

Chapter 13 Implementation and Monitoring.

Table 13.1 Land-Use Zoning.

The Site is located within a Rural and Agriculture Zone 'RU' with Zoning Objective – *“To protect and improve rural amenity and to provide for the development of agriculture”*. Under this zoning objective 'Open Space' is permitted in principle subject to further assessment against the relevant policies, objectives and standards set out under the Development Plan.

Car Park is 'Open for Consideration' for small scale-scale amenity or recreation purposes subject to detailed *“assessment against the principles of proper planning and sustainable development, and the relevant policies, objectives and standards”* set out in the Development Plan. This Observation will demonstrate that relevant policies, objectives and standards of the Development Plan have not been complied with.

The Observers home is located within an Existing Residential Zone with Zoning Objective – *“To protect and/or improve residential amenity”*.

Chapter 8 Community Infrastructure and Open Space.

The new Development Plan introduced a number of additional Objectives under Policy COS4: Sports Facilities. New Objective 14 provided for a full-sized GAA, multi-use, all weather pitch in Newcastle. This Objective would have been drafted following consideration of what facilities currently exists and what facilities have been approved by way of a permission but not yet developed. SDCC would then have determined what facilities needed to be provided and considered that their provision should be sought by way of an appropriate Objective in the new Development Plan. Therefore, Objective 14 must be implemented in full once the new Development Plan is in effect.

Policy COS4: Sports Facilities and Centres

Ensure that all communities are supported by a range of sporting facilities that are fit for purpose, accessible and adaptable.

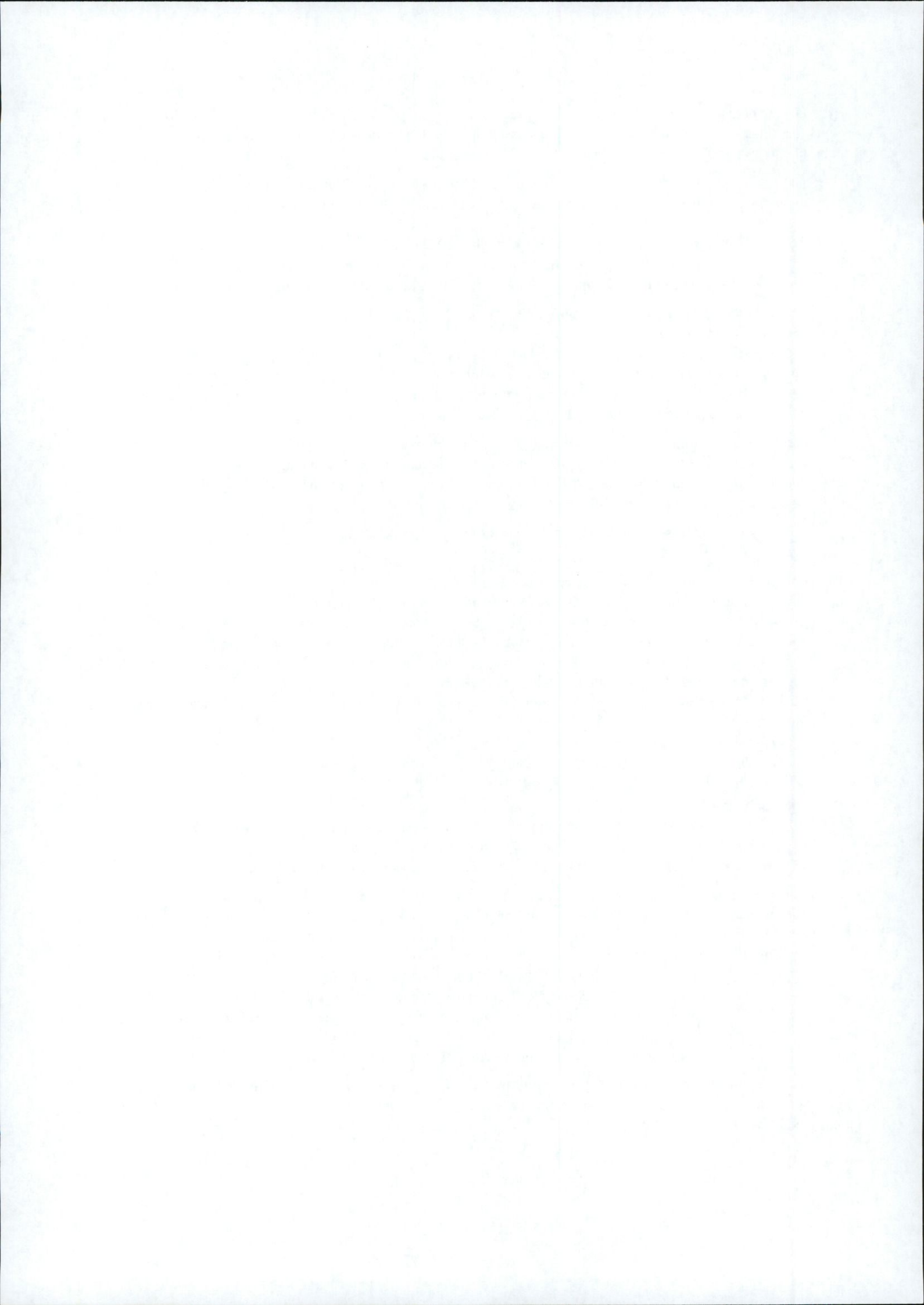
COS4 Objective 14 states:

To provide a sports and recreational amenity in Newcastle, incorporating a full-size GAA, multi-use, all-weather playing pitch, two basketball courts, tennis court, dressing rooms, a walking/jogging/cycling track as well as parking areas and related additional open space.

Cairn Homes Properties Ltd on 16-June-2022, submitted a Proposed Strategic Housing Development Application on Lands at Newcastle South, Newcastle, to An Bord Pleanála for 280No. residential units, under ABP Case Reference No. TA06S.313813. As part of the application, a Planning Report and Statement of Consistency prepared by John Spain Associates, Chartered Town Planners & Chartered Consultants. Under Paragraph 6.8 on page 44, it referred to Policy COS4 Objective 14 of the Development Plan which states:

It is noted St. Finian's GAA has a pitch located from the Aylmer Road to the north east of the town. A 5 a side all weather pitch and full size all weather soccer pitch is located on College Road (Peamount United FC). The SHD 'Graydon' Development by Cairn provides for the delivery of 3.8ha of open space providing a range of spaces areas and experiences, which includes a pitch and MUGA.

It appears that Cairn Homes Properties Ltd which accepting that Policy COS4 applies to the site of their application, feel that they have no obligation to provide the required a GAA Pitch and Car Parking as set out in the Objective.



It was open to the Applicant to have Objective 14 deleted at Stage 2 Public Consultation Process of the Development Plan, if they considered that it did not apply to the development of their lands not yet subject to a planning application.

3. Newcastle Local Area Plan.

The Newcastle Local Area Plan zoned 6.4 hectares for open space and recreation within the boundary of NLAP. The planning authority had/has a duty to ensure that all planning applications within the boundary of the NLAP contribute to the provision of said open space and recreation. The proposed development is premature pending the making of a new local area plan for Newcastle, which will set out future requirements for recreation and sports.

4. Planning History.

(i) Previous Application on Site.

Reg. Ref. No. SD18A/0401 and ABP-303665-19.

Permission Refused by Order of An Bord Pleanála for development consisting of construction of a 156 number bedroom part two to part four-storey aparthotel (12,283 square metres) with ancillary facilities including a gym (178 square metres), communal lounge (118 square metres) and a meeting/T.V. room (79.4 square metres); 137 number car parking spaces (including provision for a car sharing facility).

(ii) Enforcement Action.

In August/September 2021, works commenced on the lands consisting of:

- (i) Laying out of a pitch
- (ii) Laying out of a hardsurface for the provision of a car park
- (iii) Replacement of grass surface fronting a 'field gate' entrance with a hard surface and
- (iv) Erection of an advertising sign.

SDCC Enforcement Section issues a Section 152 Warning Letter and following an investigation of the matter issued 2nd Section 154 Enforcement Noticed as follows:

An Enforcement Notice pursuant to Section 154 of the Planning & Development Acts 2000 (as amended) issued to the owners of the above lands on 1st June 2022 requiring that within the specified period commencing 3rd June 2022 and ending 17th June 2022 to take the following steps.

1. *Cease the development and discontinue the use of advertising sign 'St. Finian's Needs You'*
2. *Remove the advertising sign 'St. Finian's Needs You' on the fence inside the agricultural entrance.*
3. *Remove all resultant debris to an approved landfill site or salvage yard.*

An Enforcement Notice pursuant to Section 154 of the Planning & Development Acts 2000 (as amended) issued to the owners of the above lands on 1st June 2022 requiring that within the specified period commencing 3rd June 2022 and ending 30th September 2022 to take the following steps.

1. *Cease the development and discontinue the use of hardstanding/ gravel area measuring circa 1840sq.m. inside the agricultural entrance*
2. *Remove the hardstanding/ gravel area inside the agricultural entrance*
3. *Remove all resultant debris to an approved landfill or salvage yard*
4. *In so far as practicable, restore the lands to its prior condition prior to commencement of development.*

(iii) Stage 2 Rezoning Submission.

In early 2021, a local landowner, Mr. Con McCarthy offered to allocate 4ha of lands to St. Finian's GAA Club together with a donation of €500,000.00 for the provision of facilities in return for their support in his submission for rezoning of rural lands to residential lands and the provision of a SLO.

Ref. No. SD-C195-175 refers to a Stage 2 Submission in respect of the SDCC Draft Development Plan, submitted by St. Finian's GAA Club and Mr. Con McCarthy, under the following items:

Item 1: Requests the rezoning of the subject lands from Objective 'RU' - To protect and improve rural amenity and to provide for the development of agriculture to Objective 'RESN' - To provide for new residential communities in accordance with approved area plans.

Item 2: Site Specific Local Objective (SLO) to provide leisure and recreational facilities for use by the community.



The SDCC Chief Executive recommended no change to the Draft Development and the Office of the Planning Regulator was also opposed to the rezoning. Accordingly, the planning authority considered that the provision of the SLO was inappropriate to the lands.

5. Reason for Observation.

The Observers, have two family homes located immediately to the west of the application site, with one of the dwellings facing east towards site and at a distance of 5.65m m from the party boundary. There are four generations of the Fitzgibbon family now residing in Newcastle and they have supported St. Finian's GAA Club since its inception. Sean Fitzgibbon is a Club Trustee and wrote to the Club in March 2021 expressing his opposition to their development plans fronting his dwellings.

Sean and Geraldine are in their seventies and are concerned that the proposed development will be injurious to their residential and visual amenities. They are concerned as regards noise pollution, generated by match activity and vehicular traffic, with the closing and banging of car doors. The scale of the development now proposed is to a small scale, but it appears that the Club have ambitious plans to develop other planning pitches and facilities with possible floodlighting on additional and adjoining lands to be donated by Mr. Con McCarthy.

The Fitzgibbons have enjoyed the view from the eastern side of their property of the open country and the Dublin Mountains and are opposed to the provision of any type of boundary treatment that will block their view. The raised pitch, the proposed goal posts (2No. standard 8m high) coupled with 8m high ballstop nets to the rear of each goal post and the lack of proposed boundary treatment to ameliorate the adverse visual impact is injurious to their visual and residential amenity



Fitzgibbon Dwellings displayed with red dot.

The front door of the Observers dwelling faces onto the party boundary resulting in one side line of the pitch being in close proximity to their dwelling. The Observers consider that the development of a playing pitch is injurious to their residential and visual amenities. The proximity of the pitch to the curtilage of their dwelling could give rise to footballs and slitors entering their property. They are also concerned that the extent of the development will intensify over time, with more pitches and clubhouse etc, as the landowner of the site has an extensive landholding adjoining the Site. Such further development could also be carried out without applying for permission and then applying for retention. Steel containers could easily be deposited on the site for use as dressing rooms and flood lighting erected. No toilet facilities have been proposed giving rise to possible unsocial behaviour.

The Site is located within 'transitional are' abutting 'residential' and 'rural' and its proximity to 'residential' will have an adverse impact on the residential amenity of the Observers. The location of the Site on the edge of Newcastle will not provide for any connection with existing or proposed public open spaces.

6. Vehicular Access/Drop-off Area/Car Parking.

It is proposed to widen the established 'field gate' access from 4.2m to 6m and to provide sight lines in both directions, by the removal of the existing roadside hedgerow and the trimming back of the hedgerow. The proposed works will have an adverse effect on the rural landscape character of the area.

No details have been submitted as regard the layout of the proposed drop-off/collection area. The drop off area bounds the off-street car parking spaces and this will give rise to a conflict between vehicles dropping-off and vehicles waiting to access a parking space. The drop-off is a large area and no measures have been specified to prevent vehicles using it for indiscriminate parking during events. In addition, the area between the access gate and pedestrian route to the pitch could also be used for indiscriminate parking. The drop-off and collection procedure will necessitate two vehicular journeys giving rise to unnecessary traffic movements. The close proximity of the drop-off area to the vehicular access will possibly give rise to vehicles waiting on the public road to access the site, thus impeding traffic flow movement on the R120.

It is proposed to provide 29No. off-street car parking spaces. This is a 93.3% increase on the 15No. **Maximum Parking Rate** under Table 13.25 of the Development Plan. The number of spaces provided for any development should not exceed the maximum amount stated. The excess parking spaces and the large drop-off area contributes to a large hard surface area within a rural area constitutes overdevelopment of the Site thus leading to an adverse effect on the rural landscape character of the area. The size of the car park is overdevelopment.

No provision has been made for the parking of a minimum of 4No. bicycles required by Table 13.24 of the Development Plan.

The location of the site outside the boundary of the NLAP will lead to cars being the method of choice for members of club coming and going. Events could attract visitors from other clubs travelling by car thus giving rise to possible parking on the R120 and adjoining streets, much to the annoyance of residents.

It has not been demonstrated that the proposed development will not endanger public safety by reason of a traffic hazard.

Car Park is 'Open for Consideration' under the zoning objectives for 'RU' zones when it relates to small-scale amenity or recreational purpose. The proposed car park does not comply with relevant policies, objectives and standards set out in the Development Plan. Accordingly, the oversized car park is contrary to the zoning objective for the area.

5. Landscaping.

No landscaping has been proposed to ameliorate the adverse impact on existing dwellings and on the grass surfaces to both sides of the vehicular access to soften the hard surface of the car park and to reduce its adverse visual impact. The provision of screen landscaping will interfere with the outlook from existing dwelling.

6. Conclusion.

The planning application is incomplete as referred to above.

Retention permission has been sought for the retention of all the unauthorised development and for permission for other works. The provision of the pitch loses its Exempted Development Status once the vehicular access is widened as proposed. Enforcement Notices have been served and if not complied with, the named parties will be liability to possible legal proceedings in the event that permission is refused. By virtue of Section 162(3) of the Planning and Development Act 2000 (as amended), "no enforcement action shall be stayed or withdrawn by reason of an application for retention of permission".

SDCC in their review of the Development Plan refused to amend the Plan by the insertion of a Specific Local Objective (SLO) – "to provide leisure and recreational facilities for use by the community" on the site of the application. SDCC went on to insert a new Objective 14 under Policy COS14- "to provide a sports and recreational amenity in Newcastle, incorporating a full-size GAA, multi-use, all-weather playing pitch, two basketball courts, tennis court, dressing rooms, a walking/jogging/cycling track as well as parking areas and

related additional open space". It should be emphasised that the Objective specifically refer to the GAA. The Objective applies to 'RES-N' lands within the boundary of the Newcastle Local Area Plan, south of Main Street. The granting of planning permission for the proposed development will undermine the development plan process. Already, Cairn Properties Ltd now consider that they are not obliged to comply with the relevant Objective because of the proposed development and therefore the proposed development is not conducive to securing the Objective. The implementation of Objective 14 within the boundary of the NLAP will be a more central location and less need for car parking spaces.

The location of the proposed development in close proximity to the Observers front door is injurious to their residential and visual amenities and is therefore contrary to the zoning objective on their lands, *"To protect and/or improve residential amenity"*.

The proposed development immediate outside the current boundary of the Newcastle Local Area Plan constitutes an unplanned, piecemeal over-development and haphazard form of development, prohibiting against any possible planned future extension of the Newcastle Local Area Plan.

The proposed development materially contravenes Policy COS4 and Objective 14 of the Development Plan. The oversized car park will give rise to indiscriminate parking of vehicles and is in excess of the maximum standard set out in Table 13.25 of the Development Plan and with no provision for bicycle parking. Accordingly, the proposed development cannot be acceptable to the planning authority.

The granting of planning permission will set a dangerous precedent for the carrying of unauthorised development, the seeking of retention/permission to overcome a denied SLO in the development plan process and providing encouragement that policies and objective of the development plan do not strictly have to be complied with. Accordingly, the proposed development cannot be deemed to be in accordance with the propose planning and sustainable development of the area.

Residents who were born, raised and lived all their lives in Newcastle, when it was a small sleepy village, have long accepted that the village would grow into a small town and accepted the publication of the Newcastle Local Area Plan. They accepted the vision for Newcastle and put their faith in SDCC that Newcastle would be developed as per the NLAP. Newcomers to Newcastle also accept where their new homes would be built and their proximity to areas designated for sports and recreational facilities. The choosing by St. Finian's GAA to locate outside the boundary of the NLAP near the older part of Newcastle and not the newer part where most of its members reside is disrespectful to older residents of the Village. Many GAA Clubs within the County would welcome the provision of an Objective in the Development Plan, to facilitate their clubs. St. Finian's GAA have disowned the Objective relating to them.

The making of the planning application is premature pending:

- The provision of 6.4 ha of recreational public open space on 'RES-N' zoned lands within the boundary of the NLAP,
- The implementation of Policy COS4 Objective 14 on 'RES-N' zoned lands within the boundary of the NLAP and
- The making of a new Newcastle Local Area Plan.
- Its location on the edge of Newcastle has no connection with any existing or proposes area of public open space and will be isolated.

James McInerney
Planning Consultant.
August 2022.

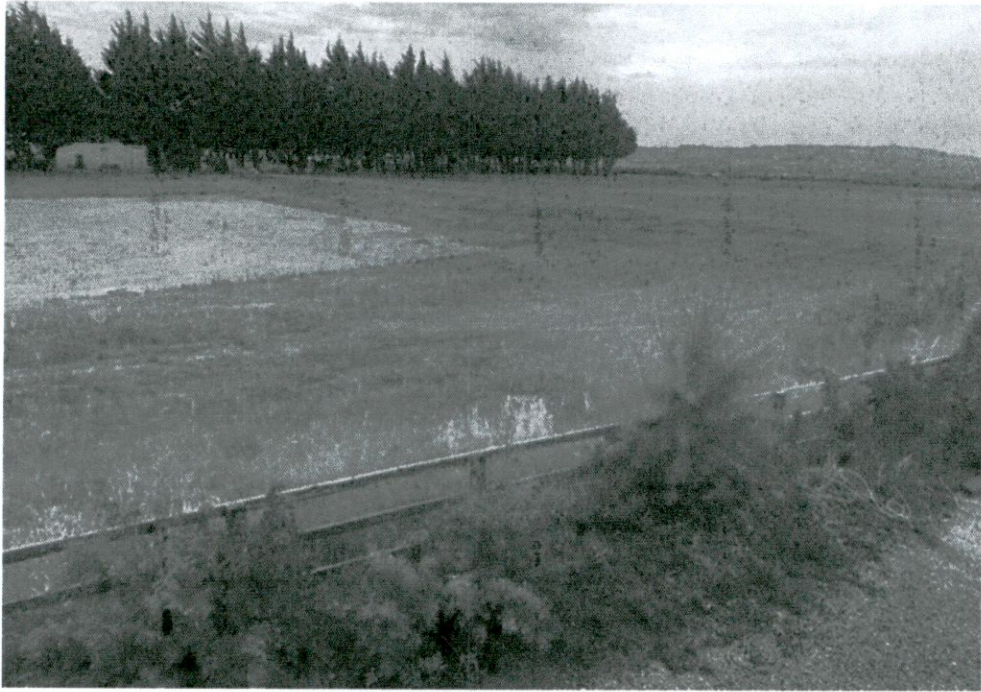
Attachment: Photographs.



1. Party Boundary timber fence and vehicular access to dwelling and proposed dwelling. No screen landscaping proposed, such would block outlook from curtilage of existing dwelling.



2. Relationship with party boundary and proposed car park and drop off zone. No screen landscaping proposed, such would block outlook from curtilage of existing dwelling.



3. Relationship between party boundary and proposed car park and raised playing pitch. Plans submitted with application do not demonstrate that there is a sloping embankment to north side of the pitch.



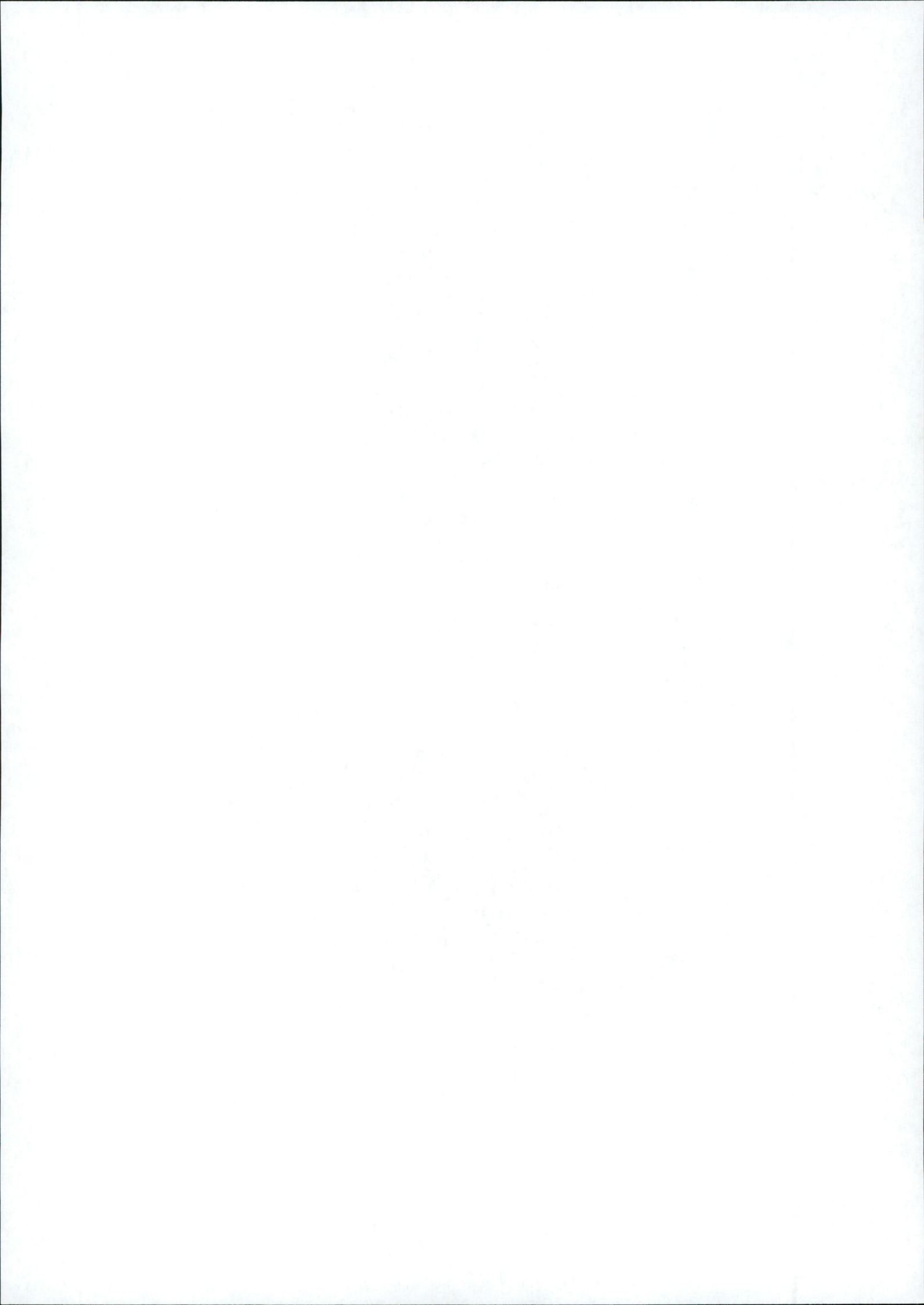
4. View from eastern (north) boundary of site with 2No. Fitzgibbon's dwellings in background. No screen landscaping proposed, such would block outlook from curtilage of existing dwelling.

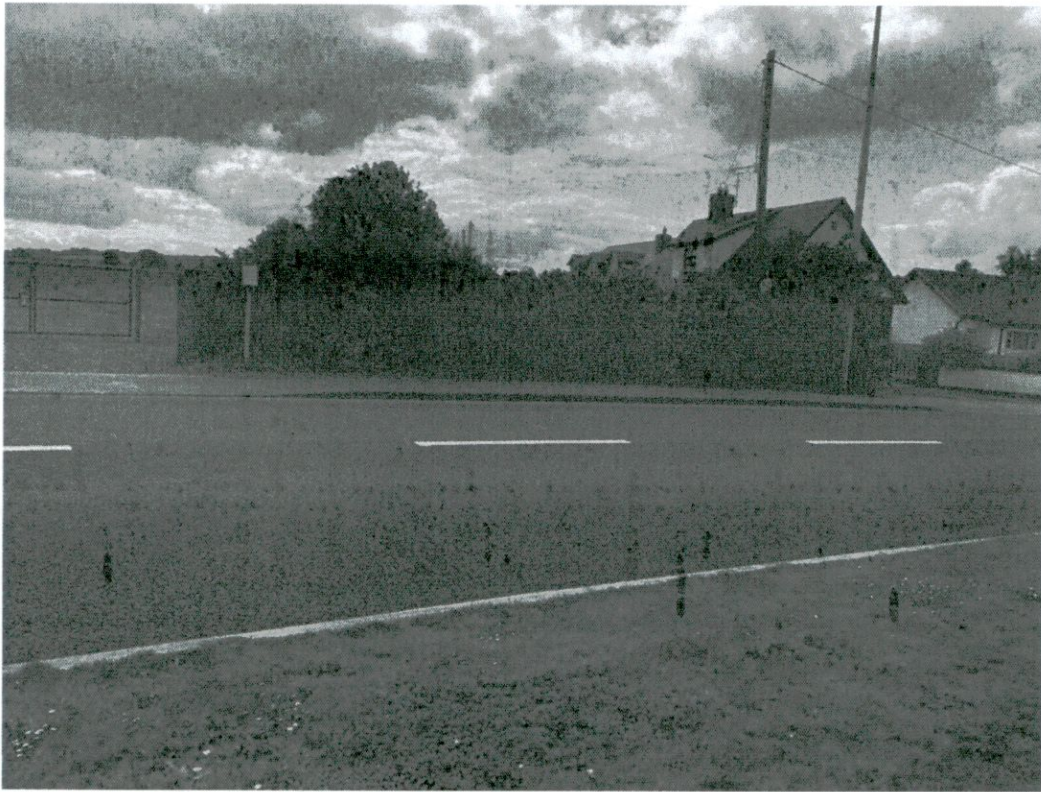


5. View from eastern (south) boundary of site with 2No. Fitzgibbon's dwellings in background.



6. View through proposed vehicular access of 2No. Fitzgibbon's Dwelling.





7. View along R120 between vehicular accesses and party boundary to existing dwellings. Part of this hedgerow will be removed to facilitate a widened access and trimmed back to facilitate sightlines. This hedgerow contributes to the landscape character of the area and provides a separation feature between the build environment to the east and west.



8. Party boundary 5.65m from existing dwelling, the proposed development will have an adverse impact on the residential and visual amenities of existing dwellings.



James McInerney,
Planning Consultant
On behalf of Sean & Geraldine Fitzgibbon
8, Rochford Park
Kill
Co. Kildare

Date: 08-Aug-2022

Dear Sir/Madam,

Register Ref: SD22A/0298
Development: St. Finians GAA Club, intend to apply for the following retention permission and planning permission at an existing GAA pitch facility at Rathcreedan, Newcastle, Co Dublin. Retention permission is sought for 1,550m² unmetalled drop-off area/carpark ancillary to the GAA pitch use and planning permission is sought for:
GAA pitch goal posts (2No. standard 8m high) coupled with 8m high ballstop nets to the rear of each goal post.
Entrance improvements from the existing Newcastle Road (R120) to the site including widening existing gate from 4.2m to 6m with setback gate arrangement to improve sightlines.
Location: Rathcreedan, Newcastle, Co. Dublin
Applicant: St. Finians GAA Club
Application Type: Permission and Retention
Date Rec'd: 04-Jul-2022

I wish to acknowledge receipt of your submission in connection with the above planning application. The appropriate fee of €20.00 has been paid and your submission is in accordance with the appropriate provisions of the Planning and Development Regulations 2001(as amended). The contents of your submission will be brought to the attention of the Planning Officer during the course of consideration of this application.

This is an important document. You will be required to produce this document to An Bord Pleanála if you wish to appeal the decision of the Council when it is made. You will be informed of the decision in due course. Please be advised that all current applications are available for inspection at the public counter and on the Council's Website, www.sdblincoco.ie.

You may wish to avail of the Planning Departments email notification system on our website. When in the **Planning Applications** part of the Council website, www.sdblincoco.ie, and when viewing an application on which a decision has not been made, you can input your email address into the box named "**Notify me of changes**" and click on "**Subscribe**". You should automatically receive an email notification when the decision is made. Please ensure that you submit a valid email address.



Please note: If you make a submission in respect of a planning application, the Council is obliged to make that document publicly available for inspection as soon as possible after receipt. Submissions are made available on the planning file at the Planning Department's public counter and with the exception of those of a personal nature, are also published on the Council's website along with the full contents of a planning application.

Yours faithfully,

M. Furney
for **Senior Planner**

