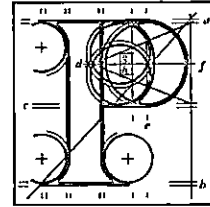


Our Case Number: ABP-315345-22

Planning Authority Reference Number: SD22A/0298



An
Bord
Pleanála



South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24

Date: 15 December 2022

Re: RETENTION: Unmetalled drop-off area/carpark ancillary to the GAA pitch. PERMISSION: To erect GAA pitch goal posts, improve entrance from the road and all associated site works.
Rathcreedan, Newcastle, Co. Dublin

Dear Sir / Madam,

Enclosed is a copy of an appeal under the Planning and Development Act, 2000, (as amended).

Submissions of documents etc., to the Board. N.B. Copies of I-plans are not adequate, all drawings and maps should be to scale in accordance with the provisions of the permission regulations.

1. The planning authority is required to forward specified documents to the Board under the provisions of section 128 and section 37(1)(b) of the Planning and Development Act, 2000, (as amended). Please forward, **within a period of 2 weeks beginning on the date of this letter**, the following documents:-

- (i) a copy of the planning application made to the planning authority and a copy of any drawings, maps (including ordnance survey number) particulars, evidence, a copy of any environmental impact statement, other written study or further information received or obtained by your authority in accordance with regulations under the Acts. If practicable, the original of any drawing with coloured markings should be provided or a coloured copy,
- (ii) a copy of any technical or other reports prepared by or for the planning authority in relation to the application,
- (iii) a **certified** copy of the relevant Manager's Order giving the decision of the planning authority,
- (iv) a copy of the notification of decision given to the applicant,
- (v) particulars of the applicant's interest in the land or structure, as supplied to the planning authority,
- (vi) a copy of the **published notice** and a copy of the text of the **site notice** erected on the land or structure,

Teil	Tel	(01) 858 8100
Glaos Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Riomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

- (vii) a copy of requests (if any) to the applicant for further information relating to the application under appeal together with copies of reply and documents (if any) submitted in response to such requests,
- (viii) a copy of any written submissions or observations concerning the proposed development made to the planning authority,
- (ix) a copy of any notices to prescribed bodies/other authorities and any responses to same,
- (x) a copy of any exemption application/certificate within Part V of the 2000 Act, (as amended), applies,
- (xi) a copy of the minutes of any pre-planning meetings.

2. To ensure that the Board has a full and complete set of the material specified above and that it may proceed with full consideration of the appeal, please certify that the planning authority holds no further material relevant to the case coming within the above list of items by signing the certification on page 3 of this letter and returning the letter to the Board.

3. In addition to the documents mentioned above, please supply the following:- Particulars and relevant documents relating to previous decisions affecting the same site or relating to applications for similar development in near proximity. "History" documents should include;

- a) the Manager's Order,
- b) the site location, site layout maps, all plans and
- c) particulars and all internal reports.
- d) details of any extensions of time given in respect of previous decisions.

Copies of I-plan sheets are not adequate.

Where your records show that a decision was appealed to the Board, it would be helpful if you would indicate the Board's reference.

Submissions or observations by the planning authority.

4. As a party to the appeal you may, under section 129 of the 2000 Act, (as amended), make submissions or observations in writing to the Board in relation to the appeal within **a period of 4 weeks beginning** on the date of this letter. Any submissions or observations received by the Board outside of that period shall not be considered, and where none have been validly received, the Board may determine the appeal without further notice to you.

Please note that in accordance with section 251 of the Planning and Development Act, 2000, (as amended), the period beginning on 24th December and ending on 1st January, both dates inclusive, should be disregarded for the purposes of calculating the last date for lodgement of submissions or observations.

Contingency Submission

5. If the decision of your authority was to refuse permission, you should consider whether the authority wishes to make a contingency submission to the Board as regards appropriate conditions which, in its

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Facs Fax (01) 872 2684
Láithreán Gréasáin Website www.pleanala.ie
Ríomhphost Email bord@pleanala.ie

64 Sráid Maoilbhríde 64 Marlborough Street
Baile Átha Cliath 1 Dublin 1
D01 V902 D01 V902

James McInerney, Planning Consultant.
39, Kilheale Heights, Kilheale Manor, Kill, Co. Kildare, W91 R28R
Mobile: 0863179730 Email: jamesmcinerney@live.ie.

14 December 2022

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1

Dear Sir/Madam.

RE: Third Party Planning Appeal
South Dublin County Council Reg. Ref. No. SD22A/0298
St. Finians GAA Club, Rathcreedan, Newcastle, Co. Dublin.

Appeal.

I am a Planning Consultant and have been instructed by Sean and Geraldine Fitzgibbon, Gortmullen, Ballynakelly, Newcastle, Co. Dublin to lodge this Third-Party Appeal against the Decision of the Planning Authority of South Dublin County Council to Grant Permission & Retention Permission as follows:

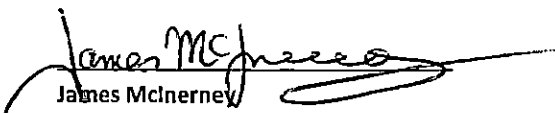
Application No.	SD22A/0298
Application Received	04-July-2022
Further Information	28-Oct-2022
Decision Date	24-Nov-2022
Decision Order No	1475
Location	Rathcreedan, Newcastle, Co. Dublin
Proposal	St. Finians GAA Club, intend to apply for the following retention permission and planning permission at an existing GAA pitch facility at Rathcreedan, Newcastle, Co Dublin. Retention permission is sought for 1, 550m ² 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
Applicant	St. Finians GAA Club
Application Type	Permission and Retention.

Attachments.

The following is attached in support of this Appeal:

- (i) Copy of Acknowledgement of Receipt of Third-Party Submission
- (ii) Grounds of Appeal and
- (iii) Appeal Fee - €220.00.

Yours faithfully,


James McInerney
Planning Consultant.

AN BORD PLEANÁLA	
LDG-	<u>1054987-22</u>
ABP-	_____
14 DEC 2022	
Fee: €	<u>220</u> Type: <u>cash</u>
Time: <u>13.43</u>	By: <u>hurd</u>

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.



Comhairle Contae
Átha Cliath Theas
South Dublin County Council

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

10

Third Party Appeal

For

Development

at

Rathcreedan,

Newcastle,

Co. Dublin

For

St. Finians GAA Club

**P.A. South Dublin County Council
Reg. Ref. No. SD22A/0298**

100

Third Party Grounds of Appeal.

**South Dublin County Council Reg. Ref. No. SD22A/0298.
St. Finians GAA Club, Rathcreedan, Newcastle, Co. Dublin.**

1. Appeal.

I am a Planning Consultant and have been requested by Sean and Geraldine Fitzgibbon, Gortmullen, Balynakelly, Newcastle, Co. Dublin to lodge an Appeal against the Decision to Grant Permission & Grant Retention by the planning authority of South Dublin County Council under Register Reference No SD22A/0298 as set out hereunder:

Reg. Ref. No. SD22A/0298.

By Order No. 1475 dated 24 November 2022, a Decision was made to Grant Permission and Grant Retention to St. Finians GAA Club for development consisting of:

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.

At lands at Rathcreedan, Newcastle, Co. Dublin.

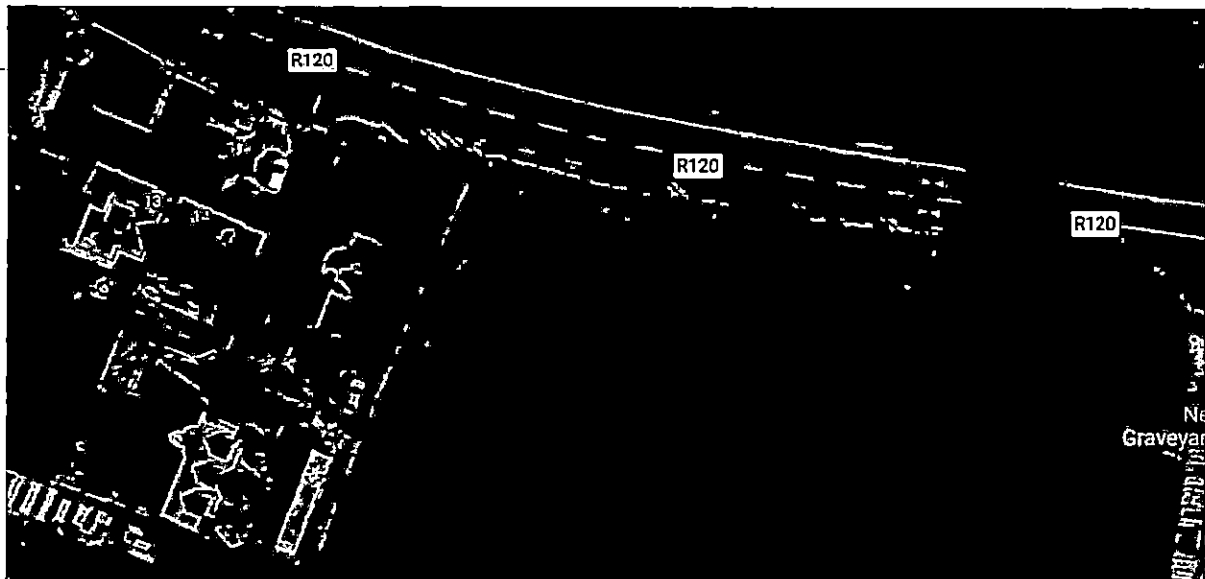
The Decision was subject to 10 No. Conditions.

2. Appellants.

The Appellants have two family homes located immediately to the west of the application site, with one of the dwellings facing east towards the site and at a distance of 5.65m from the party boundary. There are four generations of the Fitzgibbon family now residing in Newcastle and they have supported St. Finians 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/training 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 also 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 outlook and morning sunshine. The raised pitch, the proposed goal posts (2No. standard 8m high) coupled with 8m high ballstop nets to the rear of each goal post will be injurious to their residential and visual amenities.



Fitzgibbon Dwellings displayed with red dot.

The front door of the Appellants dwelling faces onto the party boundary resulting in one side line of the pitch being near their dwelling. 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 Appellants 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. Finians 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 the Appellants. Many GAA Clubs within the County would welcome the provision of an Objective in the Development Plan, to facilitate their clubs. St. Finians GAA appear to have disowned the Objective relating to them.

Note:

In their Observation to the planning authority, the Appellants' pointed out that their dwelling was not indicated on the Site Location Map and was poorly visible on the Site Layout Plan.

3. Site.

The Site is located on the southern side of the R120, Newcastle to Rathcoole Road, east of Ballynakelly Cottages (an old and settled community) and west of the Newcastle Cemetery. The Site forms part of a large agricultural landholding thus allowing for incremental transfer of ownership and development for the benefit of St. Finian's GAA Club. The Site is outside the boundary of the Newcastle Local Area Plan, where new communities are being established.

4. South Dublin County Council Development Plan 2022-2028 and Newcastle Local Area Plan 2012-2022.

The application falls for consideration under the South Dublin County Council Development Plan 2022-2028 and the Newcastle Local Area Plan 2012-2022. The Site is outside the boundary of the Newcastle Local Area Plan, nevertheless the application has implications with respect to the NLAP.

Zoning.

The Site is located at the edge of a large area subject to Zoning Objective 'RU' – "To protect and to provide for the development of agriculture". The provision of a car park is 'Open for Consideration' and only "for small-scale amenity or recreational purposes"

- (i) Ballynakelly Cottages and built-up residential area to the east of Newcastle Village are subject to Zoning Objective 'RES' – "To protect and/or improve residential amenity".
- (ii) Large area of lands to the west and within the boundary of the Newcastle Local Area Plan are subject to Zoning Objective 'RES-N' – "To provide for new residential communities in accordance with approved area plans".
- (iii) Newcastle Cemetery to the east is subject to a Specific Objective "To protect and provide for a Burial Ground".

The Site as such is located within 'transitional area' abutting 'residential' and 'rural' and its proximity to 'residential' will have an adverse impact on the residential amenity of the Appellants. The proposed scale of the development together with a possible incremental increase in development into the future will be detrimental to the residential and visual amenities of the Appellants. Whereas new communities are being established within the boundary of the NLAP, which is the proper location for the proposed development as indicated in the Development Plan by way of a Policy COS4: Sports Facilities and Centres- COS4 Objective 14 under Chapter 8 of the Development Plan as follows

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.

The location of the Site on the edge of Newcastle will not provide for any connection with existing or proposed public open spaces.

The Newcastle Local Area Plan zoned 6.4 hectares for open space and recreation within the boundary of NLAP for the benefit of the community of Newcastle. Both the planning authority and the Board have a duty to ensure that all planning applications/appeals within the boundary of the NLAP contribute to the provision of said open space and recreation.

5. Planning History.

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).

6. Planning 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 2No. 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

In so far as practicable, restore the lands to its prior condition prior to commencement of development

7. Extent of Works carried out prior to the making of Planning Application.

Circa August/September 2021, the following works commenced on the lands:

- (i) Laying out of a sport playing pitch and the laying out of a hard surface and
- (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.

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.

8. Concerns raised in Planning Observation not adequately consider by planning authority as set out in the Chief Executive Order (CEO).

(i) Status of Playing Pitch.

In my Observation, I had raised that matter of the status of the playing pitch and my concerns in this matter were not recorded in the CEO under the heading **Submissions/Observations/Representations**. Whereas my concerns in relation to Class 13 Exempted Development were recorded. The CEO was selective in what it recorded.

A playing pitch was provided prior to the making of the application. In the letter of application, prepared by Kavanagh, Burke Consulting Engineers dated the 4th of July 2022, it was stated that *"as the pitch element is exempted development, we apply for planning permission for ancillary items such as goals, ball stop nets and entrance movements"*.

My Observation pointed out that once development was carried out on the site consisting of the materially widening of a means of access onto a public road, the laying out of a playing pitch could not be considered as Exempted Development under 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.*

The carrying of such development as Exempted Development on the site of the application is restricted 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.

The CFO included the following under the heading Planning Note:

Planning Note

It is noted that the application is accompanied by a cover letter prepared by Kavanagh, Burke Consulting Engineers dated the 4th of July 2022, in which the applicant states, "as the pitch element is exempted development; we apply for planning permission for ancillary items such as goals, ball stop nets and entrance movements".

Whilst the provision of the Planning and Development Regulations 2001 (as amended), in particular Schedule 2, Part 1, Class 33, provide an exemption for the laying and use of land for sports pitches the associated impacts of the works involved with this application are considered below. Noted that a formal Section 5 application for an exemption declaration has not been received by the Planning Authority.

The above Planning Note did not make any reference to the restriction under Article 9 (1)(a) (ii) of the Regulations. The CFO does not appear to indicate whether at the time of the making of the application the

laying out of the pitch was or was not exempted development. In the interest of orderly development, the matter should have been clear and unambiguous. The planning authority in its request for Further Information could easily have requested the Applicant to clarify the planning status of laying out of the playing pitch and did not do so.

The wording of the restriction under Article 9 (1)(a) (ii) of the Regulations does not include the words, "*save as in the event of planning permission having been granted for such materially widening*". The wording under the Article is clear, once a materially widening of a means of access on to a public road the surfaced carriageway of which exceeds 4 metres in width is carried out, the pitch is not exempted development and therefore constitutes unauthorised development. The question arises should permission be granted in respect to a development with an element of unauthorised development.

(ii) 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.

My Observation pointed out that the proposed development would hinder implementation of the above policy objective of the Development Plan and set out the background as follows:

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.

The Development Plan 2022-2028 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 came into operation and prior to permission being granted for similar developments outside the boundary of the NLAP.

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.313814.

As part of the application, a Planning Report and Statement of Consistency prepared by John Spain Associates, Chartered Town Planners & Charactered 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 Policy COS4 Objective 14.

The CFO in response to my Observation stated:

While the current application would not provide all elements envisaged by this objective, it is considered that the current application would not fetter the delivery of such a facility but would make a valuable contribution to the village of Newcastle in terms of Social / Community.

It would appear that the SHD Application to the Board, seeks to **fetter** the delivery of Objective 14. In seeking Further Information, the planning authority could have requested the Applicant to provide details of the long term proposals for the Newcastle.

9. Extent of Proposed Activities and Possible Further Development.

While the planning authority accepted that the proposed development may have a negative impact on the adjoining Ballynakelly Cottages it considered that limited information had been submitted and requested Further Information under Item 1 in the interested of protecting the residential amenities of the area. The wording of the Request for Further Information was not sufficient to provide clarity as the intended use and intentions for further developments.

Item 1. *Limited information has been provided on the operation of the sports pitch, which could impact on the residential amenity of the adjoining properties. In this regards the applicant is requested to submit the following*

Request: - *Details on the intended days and times of use.*

Applicant's Response:

- *The pitch will be used for training and playing matches by underage section of the club.*
- *Activity early evening generally finishing at 9.00pm when daylight allows Saturday Between 10am and 6.00pm Sunday Morning 10am to 1pm.*

CEO Assessment:

*The proposed times as submitted by the applicant are **acceptable subject to conditions.***

Condition No. 9 states:

The use of the pitch shall not extend beyond 9.00 PM weekdays and weekends.

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

Comment:

The start up time for mid-week was not supplied, early evening could be at a number of different hours. No mention was made of the possible operation of Summer Camps. The Response is insufficient to determine the likely impact on the amenities of the Appellants.

Request: - *Likely maximum number of uses at any one time; and*

Applicant's Response:

- *There could be continuous use during the above times by different teams.*

CEO Assessment:

*Although the applicant was requested to submit likely usage in order to assess the likely impact on the residential amenity of the area which was not returned, it is considered reasonable to assume that a GAA pitch for underage sport is likely to result in heavy use and therefore the above is **acceptable subject to conditions.***

Condition No. 10 states:

Noise due to the normal operation of the proposed development, expressed as Laeq over 15 minutes in a noise sensitive location, shall not exceed the background level for the night time.

REASON: *In the interest of public health.*

Comment:

The Applicant failed to respond adequately by merely stating that the maximum number of uses at any one time and merely stated that there **could** be continuous use by different teams. The CEO acknowledged that the response was not returned and arrived at the assumption that the use is likely to result in **heavy use**. What is mean by 'heavy use'? The CEO Assessment arrived at an assumption which is difficult to define, resulting in a conclusion that the use would not have an adverse impact on the Appellants. Clarification of Further Information could have been sought by the planning authority and was not sought. My Observation to the

planning authority placed weight on the possible adverse impact on the Appellants and in this regard the planning authority should have sought Clarification of Further Information. At present there is no noise emitting from the site and the proposed use will generate a new noise that the Appellants have not experienced in their lifetime living at their present address. How are the Appellants expected to know that the noise level has exceeded the conditioned level so that if exceeded they can complain regarding non-compliance.

Most GAA pitches have the following Juvenile activity carried on at training seasons and matches. Each pitch can accommodate simultaneously three separate training young groups, each group can consist of 30-40 Juveniles including mentors. Under 13s and upwards would be split into two separate training groups, each group consisting of 50-60 Juveniles and 6 or 7 mentors. Each session could last for 75minutes including preparations. Depending on time first sessions starts, two or three sessions took take place on the one day/night, meaning the above is repeated 7 days a week.

Match activity can generate the following activity.

Age group 7-12 with up to three match taking place simultaneously, each match consisting of 40 Juveniles and 12 mentors. Match including preparation 40minutes.

Age group 12 and over, one match only, consisting of 30 Juveniles and 6 to 8 members. Match including preparation 60minutes.

A number of three/one matches could be repeated on any one day/night.

In addition to the above, parent/ guardians could also be present. The limited number of off-street car parking spaces will be occupied by the mentors, who will be transporting gear etc to the pitch. If there are a number of sessions/matches taking placed on the one day/night, then the mentors will have limited time to pack/upload and vacate the car park before the mentors for the next sessions arrive.

While the present membership will not generate the above activity, it may do so in a matter of weeks.

Neither the planning authority nor the Applicant made mention of Summer Camp with continuous activity from 9.00am to 2.30pm, with the participants requiring toilet facilities.

The planning authority were lacked in not seeking a schedule of training/match events together with the number of participants, before arriving at an assumption that the activity would be 'heavy use'.

Request: - *Future intention of provision of changing facilities.*

Applicant's Response:

- *No plans to provide changing rooms. Toilets will be required and are currently being considered and will be subject to a further application.*

CEO Assessment:

Given the nature of the proposed development, it is appropriate that toilet facilities would be provided at a future date.

Comment:

It is stated that there are no plans to provide changing room, which does not mean that changing rooms will never be provided. If the provision of toilets is under consideration, then the application is premature until such time of neighbours can assess the true impact on their residential amenities. The possibility of a further application for toilets clearly indicates that further development will be carried incrementally. If toilets are a requirement, then why have they not been included in this application? The non-provision of toilets at this time could result in unsocial behaviour and a public health issue.

It should be noted that the Applicant was not requested to indicate future intentions for the provision of other facilities such as further pitches, changing rooms and clubhouse on adjoining lands.

In conclusion, the Response to Item 1 stated:

The additional pitch is needed because of the rapid growth in the number of children playing GAA in Newcastle. It's use will be no different to the use of any juvenile GAA facility anywhere in South Dublin. These facilities should be, and generally are, adjacent to residential facilities without causing any problems for the community they serve.

Comment:

Most GAA Clubs within South Dublin have all the facilities attached, such as clubhouse, changing rooms and toilets and are inclusive of juvenile and adult members. It would appear to be inappropriate for either the planning authority and/or An Bord Pleanála to insert a condition limiting the use of the pitch to juveniles only. Should adults use the pitch then there will be a demand for changing rooms on the application site.

The response in relation to future intentions was purposely measures so as to ensure a successful outcome to the application. This must be balanced against the submission made under Stage 2 of the SDCC Draft Development Plan Review, (Ref. No. SD-C195) where it was indicated:

Mr. Con McCarthy has been engaging with St. Finian's GAA Club in Newcastle who are currently seeking to expand their facilities for the local community. As Part of the rezoning and subsequent development of the subject lands Mr. Con McCarthy is committed to provide 3.2-4Ha of land and significant funding to deliver leisure and recreational facilities for use by the GAA and wider community. The provision of such facilities would be an excellent planning gain for the Newcastle and wider South Dublin area.

The request for rezoning was opposed by SDCC and the Office of the Planning Regulator together with SLO requested in relation to St. Finian's GAA Club.

The site of the application is 1.98ha and whereas up to 4ha was being made available under the rezoning submission. It is clear that Mr. Con McCarthy is willing to release any size of agricultural lands to facilitate St. Finian's carry out leisure and recreational facilities in an incremental manner.

The Applicant in stating that GAA Facilities elsewhere in South Dublin are adjacent to residential facilities "without causing any problems" did not indicate if the boundary of such facilities were within 5.65m of the front door of a dwelling house. My Observation to the planning authority did not state that the proposed development would cause "problems", it stated that its was injurious to exiting residential and visual amenities, which the planning authority and An Bord Pleanála have a duty to protect.

The planning authority in accepting that the Further Information was satisfactory was incorrect in that the full extent of the training/match facilities was not submitted as requested under Further Information.

Absent from the Decision by the planning authority was a condition prohibiting the deposit of any temporary structure on the site, which are a common feature ancillary to playing pitches.

10. Impact on Visual & Residential Amenity.

My Observation to the planning authority set out the proximity of the Appellants' dwelling house (front door is 5.65m from the site boundary) to the proposed development and concluded that the proposed development was injurious to their visual and residential amenities contrary to the zoning for their lands. i.e., Zoning Objective 'RES - "To protect and/or improve residential amenity".

In response, the CEO noted:

The proposed goal posts and ball stops would have no significant negative impact on the residential amenity of the surrounding properties. Concerns have been raised in relation to the potential for balls to enter the residential the properties adjoining the site. It is considered the proposed use of ball stops would mitigate such an impact, and therefore no objection is raised in this regard.

My Observation under the heading visual and residential amenity raised other issues other than the potential for balls to enter residential properties adjoining the site and were not referenced in the above extract from the CEO. The planning authority did not put the location of the front door of my clients' dwelling and its proximity to the site boundary into context. Of all the residential properties adjoining the site, the Appellants' property is the nearest to the proposed development and my Observation was the only one made. The matter of non-contextualising of the proximity of the relationship of the front door was a serious lapse by the planning authority. The failure by the Applicant to clearly demonstrate the location of my clients' dwelling on the Site Plan may have contributed to the planning authority not giving the matter serious concern.

The proposed scheme of landscaping and boundary treatment submitted as Further Information will not ameliorate the adverse impact on the Appellants' dwelling as such landscape and boundary treatment will take years to mature and become an effective screen barrier to noise pollution. The mature planting will interfere with the Appellants' outlook from their property and will block morning sunlight to same.

The planning authority failed to carry out a proper assessment of the extent of the activity that could be carried on 7 days a week and during summer camps. They failed to specify an approximately level of activity and/or to seek clarification on the matter. Instead, the planning authority used the words 'heavy use' to conclude that the proposed development would not have an adverse impact on the Appellants.

11. Traffic.

The proposed development will give rise to additional traffic movement on the R120. The extent of the use of the proposed development has not been clarified by way of Further Information. The CEO assumed that the use will be a 'heavy use'. If the extent of the use has not been properly defined, how then were Road Dept able to determine that the proposed development would not endanger public safety by reason of a traffic hazard.

The provision of the off-street car parking spaces is limited by virtue of the location of the site within a rural area. The lack of sufficient car parking spaces arising from a demand for more spaces by virtue that in the norm juveniles are driven by car to and from training. Indeed, the Applicant originally sought permission for 29No. spaces, whereas this number has been reduced to 14No. spaces. These spaces will be more than likely be occupied by club mentors, who will be tasked with transporting the necessary for each group. Parents who wish to attend, will be required to source parking along the R120, thus causing an obstruction to other road users. The public footpath fronting Ballynakelly Cottages is a widened footpath and is used for the parking of cars by member of the public during burial services and mass blessings of graves etc. at the adjoining cemetery. This parking in the past has caused blockage to the two vehicular accesses to the Appellants property. Whereas, these events are irregular, the use of the GAA pitch will be seven days a week. The Appellants, who are in their seventies, are concerned that the blockage could interfere with the emergency services access their property.

As session times are allocated time slots, the dropping off and collection will take place within a narrow window, rather than staggered over a longer period. With a high number of juveniles attending within one time slot, there will be insufficient car parking spaces available, giving rise to on-street parking of the R120.

The proximity of the internal roundabout to the entrance will delay traffic in and out with vehicles stopped on the R120 waiting to enter.

12. Conclusion.

The planning authority by their Decision approved development:

- in connection with the use of a playing pitch the planning status of which is in question.
- to which the full extent of the activities to be carried on is unclear as regards the number of participants at any one time. Such detail would provide a barometer for measuring the impact on the residential and visual amenities of the Appellants and the generation of traffic movements.
- without giving due attention to context of the relationship of the Appellants front door of their dwelling house and the site boundary.
- knowing that further facilities would be needed to serve the development and possible further development
- knowing that Cairn Homes Properties Ltd have sought to be excused from compliance with COS4 Objective 14 of the Development Plan.

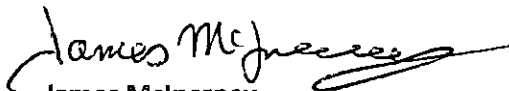
The Development Plan has made adequate provision to ensure that the community of Newcastle is supported by a range of sporting facilities that are fit for purpose, accessible and adoptable. 6.4ha of lands for such sporting facilities have been set aside within the boundary of the NLAP. Such facilities will cater for 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. The above provision is clearly identified on the NLAP Maps for prospective house to evaluate as to whether to purchase new homes in close proximity to such facilities. The same consideration has not been given the Appellants, who never had any reason to believe that the proposed development would take place in close proximity to their home. 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.

Until such time as all the sporting facilities proposed within the boundary of the NLAP have been developed, the proposed development is premature. St. Finians GAA Club could possibly end up with facilities at three different locations, Alymer Road, Rathcreedan and on Cairns Homes Properties Ltd lands. The Rathcreedan site on the edge of Newcastle has no connection with any existing or proposes area of public open space and will be isolated.

The planning authority have been unable to quantify the extent of the use and therefore not in a position to gauge the number of traffic movements in and out of site and the effects of vehicles stationary opposite the entrance impeding traffic leaving. This will delay the movement of traffic at the roundabout and in turn delay traffic leaving. The Applicant had originally assessed the need for 29No. spaces, which they considered as being required.

The proposed development amended by the Further Information does not provide any comfort to the Appellants and as such will be injurious to their residential and visual amenity, contrary to the zoning objective on their lands, 'RES' - *"To protect and/or improve residential amenity"*. The conditions attached to the Decision will not prevent the proposed development causing serious injury to the area and Appellants' property.

Accordingly, the proposed development cannot be deemed to be in accordance with the proper planning and sustainable development of the area.



James McInerney
Planning Consultant.
December 2022.