



An
Bord
Pleanála

Inspector's Report

ABP-320193-24

Development

Erection of 6 floodlights and the removal of condition 3 of the permission granted under ref. no. 22/41638 and ABP-315092-22 change of operation hours together with associated site works.

Location

Riverstown Football Club, Brooklodge, Riverstown, Co. Cork

Planning Authority

Cork City Council

Planning Authority Reg. Ref.

2442917

Applicant(s)

Riverstown Football Club

Type of Application

Permission

Planning Authority Decision

Grant subject to conditions

Type of Appeal

Third Party

Appellant(s)

Margaret McCann on behalf of Forest Park Residents

Date of Site Inspection

29th November 2024

Inspector

Sarah O'Mahony

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1.0 Site Location and Description

- 1.1. The 3.75ha site is located within a multi-use sportsground situated north of Cork City, at the northeast of Glanmire/Riverstown. Three parallel playing pitches are laid out east-west at the sportsgrounds with a car park at the north and a clubhouse/changing room at the southwest. The wider sportsgrounds site slopes down from north to south with the pitches forming three terraces. The subject site comprises the middle pitch and there are no floodlights currently serving the sportsgrounds.
- 1.2. The sportsgrounds are accessed through the Forest Park housing estate and the M8 motorway forms the northern boundary. Forest Park forms the eastern boundary and another estate called Brooklodge forms the southern boundary. There is a wooded area and the Butlersown River situated to the west.
- 1.3. There is a car park at the northern end of the pitches and a clubhouse at the southwest. Additional development comprises tall ballstop netting and goalposts typical of playing pitches.

2.0 Proposed Development

- 2.1.1. Planning permission is sought for development which comprises the following:
 - Provision of 6no. 15m high floodlights to light existing playing pitch, and
 - Amendment to condition no. 3 of ref. no. 22/41638 and ABP-315092-22 to extend the operational hours from 09:00-21:00 to 09:00-22:30.

3.0 Planning Authority Decision

3.1. Decision

A notification of decision was issued by Cork City Council on 02nd July 2024 to split the decision as follows:

- Planning permission granted for the floodlights subject to three conditions including the following:

3. *The flood lighting system shall be restricted to between the hours of 09:00 and 21:00 on any day.*

Reason: In the interest of clarity and residential amenity.

- Planning permission refused to extend the operational hours of the facility as follows:

1. *The Planning Authority is not satisfied on the basis of information submitted that the proposed development (extended hours of use) would not negatively impact on the amenities of residential properties in the vicinity by reason of noise, disturbance and increased activity levels. The proposed development would therefore be contrary to the proper planning and sustainable development of the area*

3.2. Planning permission Planning Authority Reports

3.2.1. Planning Reports

- The Planners report recommendation to split the permission is consistent with the notification of decision which issued.
- The report considered the principle of development is acceptable and that amendments to the floodlighting design addressed the previous refusal. However, the report also considered that the extension of operating hours would result in an intensification of use which would give rise to impacts on residential amenity.
- Appropriate Assessment (AA) and Environmental Impact Assessment (EIA) issues are both screened out.

3.2.2. Other Technical Reports

- None on file or referred to in the Planners Report.

3.3. Prescribed Bodies

Submission received from Inland Fisheries Ireland requesting that floodlighting does not result in increased illumination of the adjacent river or its banks.

3.4. Third Party Observations

One submission is received from residents of 20 of the 22no. dwellings in the adjacent Forest Park c/o Margaret McCann. It objects to the proposed development on the following grounds:

- Impact to residential amenity by means of noise, light disturbance and vehicular movements late at night. Development would facilitate an intensification of use which would impact residential amenity.
- The Lighting Environmental Zone in which the site is situated should be classified as E2 and not E3 as submitted.
- Visual impact which cannot be mitigated by landscaping. Proposed 15m masts would tower over existing 5.5m high lighting standards and 4.7 - 5.08m high dwellings. Layout, ground form and level changes of Forest Park exacerbates the impact from the proposed lighting masts.
- Impact to ecology of adjacent woodland and the established bat sanctuary.
- Piecemeal erosion of residential amenity through various amendments to planning permissions.
- Traffic hazard. Existing traffic calming measures are considered inadequate. Overspill from the lighting could impact the M8.
- Rationale/justification for the development is questioned when media reports are submitted of the soccer clubs intention to develop lands elsewhere.

4.0 Planning History

The following planning history relates to the appeal site

- 22/41368 (ABP ref. 315092-22): Planning permission granted for development of artificial all-weather playing pitch, floodlights, netting, fencing, storage area, and all site works.
- 16/4194 (ABP Ref. PL04.246480): Retention permission granted for retention of netting poles serving pitch no. 3 and permission for netting for pitches nos. 1, 2 and 3.

- 16/6035 (ABP Ref. PL04.247483): Permission granted for removal of conditions Nos. 9, 10 and 12 of permission granted under reg. no. 04/5325 to provide full vehicular access to sports facility.
- 11/5035: Extension of duration granted to extend the appropriate period of reg. ref. 05/9662 (ABP ref. PL04.216879)
- 10/5355 (ABP ref. PL04.237352): Retention permission granted to retain temporary single-storey steel building used as changing rooms which serve playing pitches.
- 05/9662 (ABP ref. PL04.216879): Planning permission granted for construction of changing rooms (single storey) to serve playing pitches, previously granted permission under planning register reference number 04/5325.
- 04/5325: Planning permission granted for granted permission for 3 no. playing pitches, 2 no. all weather pitches, 2 no. basketball courts, 1 no. tennis court, entrance for service and emergency vehicles, pedestrian entrance and associated fencing.
- 00/1709 (ABP ref. PL04.125593): Planning permission refused for 4no. playing pitches and access facilities.

5.0 Policy Context

5.1. Development Plan

5.1.1. The site is governed by the policies and provisions contained in the Cork City Development Plan 2022-2028 (referred to hereafter as the County Plan). The site is zoned ZO 16 'Sports Grounds and Facilities' which has the following objective: *"To protect, retain and enhance the range and quality of sports facilities and grounds."*

5.1.2. Section 6.53 states the following:

"In order to ensure that sports grounds and facilities are protected, Cork City Council will ensure that adequate playing fields for formal active recreation are provided in new development areas and that existing sports facilities and grounds within the established urban area are protected, retained and enhanced. Cork City Council will aim to facilitate an increase in the number of

playing pitches in the City in order to maximise the widespread use of playing pitches and for playing pitches to be utilised seven days a week, subject to protecting adjoining residential amenity.”

5.1.3. Section 9.31 refers to Light Pollution as follows:

“It is essential that external lighting (e.g. street lighting, floodlighting) be designed to provide a safe and secure environment, while minimising the potential for light pollution or light spillage to surrounding properties. Excessive lighting can be harmful to wildlife and result in skyglow, which is the luminance of the night sky over urban areas from artificial lighting. The design of street lighting including lighting columns and other fixtures can have a significant effect on the streetscape and where new proposals for lighting require planning permission, including flood lighting for sports and recreational facilities, Cork City Council will ensure that these potential impacts are considered.”

5.2. Natural Heritage Designations

The site is situated 2km northeast of Cork Harbour Special Protection Area and Glanmire Wood proposed Natural Heritage Area.

5.3. EIA Screening

See EIA Pre-Screening Form 1 in Appendix 1. The development is not a class of development requiring mandatory or sub-threshold EIA and therefore there is no EIA Screening requirement.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal are the same as those raised in the third party's submission set out in Section 3.4 above and I note both documents are very similar. I have summarised the grounds of appeal as follows:

- Development would facilitate an intensification of use which would impact residential amenity by means of noise, light disturbance and vehicular movements late at night.
- The Lighting Environmental Zone in which the site is situated should be classified as E2 and not E3 as submitted.
- Visual impact.
- Impact to ecology of adjacent woodland and the established bat sanctuary.
- Traffic hazard. Existing traffic calming measures are considered inadequate. Overspill from the lighting could impact the M8.
- Query raised regarding implementation of Condition no. 2 requiring lighting to be safe for use near bat habitats. The appeal questions if Bat Conservation Ireland guidance is binding and who is responsible for ensuring the guidance is implemented.

6.1.2. The appeal also sets out concerns that the planning history on the site has eroded residential amenity in a piecemeal fashion by amending or removing conditions attached to the parent permission which were intended to protect residential amenity. The appeal considers that permitting each amendment has weakened credibility in the planning process however in my opinion this by itself is not grounds for appeal. Each application for planning permission is dealt with on its own merits and assessed against the relevant policy in place at that time.

6.2. **Applicant Response**

- The appeal response outlines how the proposal addresses a previous refusal for lighting on the site by providing additional lighting design information stated to be previously lacking. Specialist lighting design now proposes poles of a lower height and the report demonstrates that lux levels would be within both E2 and E3 zone thresholds.
- The Applicant submits that the proposed development would improve passive surveillance in the area and help combat anti-social behaviour along the pedestrian entrance to the wooded area along the northwest.

- The Applicant acknowledges requirement for bat-friendly lighting and is willing to comply with Condition no. 2.
- The Applicant's response acknowledges the Planning Authority's refusal to extend the operating hours and does not set out any response or additional appeal to this matter. It goes on to highlight how this decision means the existing permitted hours will remain and therefore intensification of use or generation of additional noise would not occur.
- The proposed floodlights would be more than 30m from adjacent dwellings and the response considers that when consideration is also given to the existing trees along the eastern boundary of the site, then lighting would not impact residential amenity.
- The response submits that no evidence is presented by Appellants outlining how lighting would impact the motorway. The design report demonstrates how no impact is likely to occur.

6.3. Planning Authority Response

No response on file.

7.0 Assessment

7.1. Introduction

- 7.1.1. There are two aspects to the proposed development: erection of floodlights and extending the operating hours later in the evening period. The Planning Authority granted permission for the former and refused permission for the latter. A third party has appealed the decision and while it does not expressly say that the appeal only relates to the element which was granted permission, it is evident when reading the appeal that this is the case. I also note the Applicant's response which acknowledges the refused aspect and does not dispute this. The response simply focuses on responding to the issues raised in the appeal regarding the floodlights.
- 7.1.2. I agree with the conclusion drawn by the Planning Authority that extending the hours of operation of the sportsgrounds would negatively impact on the residential amenity of neighbouring dwellings, by reason of noise and disturbance due to the proximity of

the site to the neighbouring dwellings and the location of vehicular access to the site via the Forest Park housing estate.

- 7.1.3. This assessment will therefore focus on the grant of permission for the floodlights, and whether this is appropriate or not.
- 7.1.4. The site is situated on lands zoned ZO 16 'Sports Grounds and Facilities' which seek to protect, retain and enhance the range and quality of sports facilities and grounds. I therefore consider that the principle of development is established and acceptable.
- 7.2. Therefore, 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:
- Impact to residential amenity including noise, visual impact and disturbance
 - Impact to woodland and ecology
 - Traffic Hazard
- 7.3. **Residential Amenity**
- 7.3.1. I note Section 6.53 of the Development Plan seeks to *maximise the widespread use of playing pitches and for playing pitches to be utilised seven days a week, subject to protecting adjoining residential amenity*.
- 7.3.2. The appeal suggests that floodlights would cause light intrusion to the Forest Park dwellings as well as noise and traffic disturbance due to intensification. The Applicant's response submits that intensification would not occur due to the refusal of permission to extend the operating hours however I do not agree with this conclusion. I consider that a degree of intensification would occur simply by facilitating use of the pitches during hours of darkness when they otherwise could not be used. There is a justification set out in the application documents which outline how the development is proposed in order to facilitate additional use of the playing pitches and therefore I believe a degree of intensification is inevitable even when confined to the existing operational hours.
- 7.3.3. In terms of lighting overspill, the appeal submits that the site and surrounding land has been misclassified to an E3 zone where it should be E2 which is more

representative of a rural and darker area. The appeal suggests the lighting design is incorrect for the site and surrounding lands, however the Applicant's response refers to the Lighting Design Report submitted with the application which states that the proposed light levels would be an average of 2.09 lux. The Applicant highlights how this complies with thresholds for both E2 and E3 areas.

7.3.4. I also note that drawing no. PL2403-E-100-10, which illustrates potential lighting overspill to adjacent properties, has been prepared in a bare earth scenario which does not account for the existing treeline which would in my opinion provide additional screening.

7.3.5. Having regard to this factor, together with:

- the fact that the lights would be extinguished by 9pm,
- the presence of other public streetlighting in Forest Park housing estate, and
- the lighting design report and drawing no. PL2403-E-100-10 which illustrates some lightspill into the rear open space of 7no. dwellings but no overspill to the rear façade and windows of those properties,

I consider that residential amenity would not be significantly impaired by the proposed operation of floodlights on the site.

7.3.6. Noise and disturbance is likely to occur from both training sessions and matches including noise from whistles, shouts to players and an influx of vehicles carrying players and spectators, arriving and leaving at the same peak times. In my opinion, the potential regularity of this disturbance 7 nights a week until 10.30pm would be a nuisance as set out in Section 7.1.1 of this report and therefore I agree with the recommended refusal for this aspect of the proposed development. As permission was refused by the Planning Authority to extend the operational hours, the current curfew of 9pm would remain. In this regard, I consider that any possible additional noise or disturbance during the winter months would be very similar degree to that currently facilitated by daylight during the summer months.

7.3.7. I acknowledge that different sports have seasons where there may be more activity during particular months than others, however operation of the playing grounds is not tied down to one sport only. As daylight is currently the only limiting factor from operation of the playing grounds during the permitted operational hours, I consider it

is acceptable to facilitate the floodlights during those same operational hours. The lighting would result in intensification, but to the same degree as is currently experienced, or in the least permitted, during other times of the year.

7.3.8. In my opinion, the temporary and transient nature of any additional noise and disturbance together with:

- the 9pm curfew,
 - the existing treeline which provides some screening between the site and the dwellings, and
 - the separation distances present between the playing pitches and the dwellings,
- is sufficient to protect residential amenity.

7.3.9. Visual impact is referred to in the third-party appeal. I note the design of the floodlights comprises a very tall but narrow profile structure, similar to public lighting. I also noted the presence of floodlights at other sports grounds in close proximity to the site including at Glanmire Community College, Glanmire Gaelic Football Grounds and Sarsfields Hurling Club, all of which also have dwellings in close proximity and with less intervening vegetative screening than at the site. The subject site has the benefit of a strong line of trees between it and Forest Park which aids in visual screening. The floodlights would be taller than some of the trees, but the trees would still provide a degree of screening.

7.3.10. The ground form in the area slopes down from north to south and east to west, such that the top of the floodlights would have a level of 41.5mOD while the drawings received state that the eaves of the closest dwellings in Forest Park range between 30.68 and 32.15mOD. If a sample 2.5m height is added to represent the pitched roofs of those dwellings, that results in ridge heights between 33.18 and 34.65mOD which means the flood lights would be 8.32m – 6.85m taller than the existing dwellings. With a separation distance of 30m between the closest floodlight to the closest dwelling, I consider that the potential for any significant visual impact is low.

7.3.11. I further note the presence of existing tall and narrow structures in the area such as a telecommunications mast on a hill to the west and tall timber poles supporting the ballstop netting. In my opinion, together with the other examples listed above of other

floodlights near dwellings in the vicinity, this sets a precedence of acceptable siting for such structures which assimilate well into the landscape.

- 7.3.12. In conclusion, I do not consider that the proposed 6no. 15m high structures would result in any significant visual impact on the amenity of any neighbouring dwellings.

7.4. Ecology

- 7.4.1. The appeal and Inland Fisheries Ireland (IFI) raised concerns regarding light pollution and its impact to ecology and bats in particular in the woodland west of the playing pitches which encloses a valley and river between the site and housing to the west. This concern is also reflected in Section 9.31 of the Development Plan which acknowledges how *Excessive lighting can be harmful to wildlife*.
- 7.4.2. I note the IFI submission request that lighting is designed to reduce overspill to the river or its banks and in my opinion the design put forward and illustrated on drawing no. PL2403-E-100-10 achieves that goal with very limited overspill beyond the confines of the site. The nature of the woodland and topography of the area with the river situated below the woodland means there is very little likelihood of any lightspill to the river.
- 7.4.3. Similarly regarding bats, the detailed design illustrated on drawing no. PL2403-E-100-10 already reduces illuminance of the woodland and in addition I consider that the restricted operational hours would further reduce any impacts to bats. I note however Condition no.2 which requires lighting to be designed and installed in accordance with Bat Conservation Ireland guidance and to the satisfaction of the Planning Authority. I consider this condition is sufficient to uphold protections to the local bat population and clearly identifies the Planning Authority as the appropriate body to monitor installation and operation of the new lighting.

7.5. Traffic Hazard

- 7.5.1. The appeal is concerned that the lighting may impact traffic on the M8 to the north of the site. I note however the lighting design report and Drawing no. PL2403-E-100-10 which suggests minimal light overspill would occur beyond the confines of the playing pitch itself. The M8 carriageway has a separation distance of 90m to the closest lighting mast and it is also situated at a much higher ground level than the site on an embankment with tall vegetative screening.

- 7.5.2. In my opinion, there is little to no potential for impact to the M8 due to the design of the lighting, the difference in ground levels and the separation distance between the lights and the carriageway. However, if the Board considers it appropriate, a condition could be attached requiring the Applicant or operator of the playing pitches to comply with Transport Infrastructure Ireland and Cork City Council regarding any future alignment required to re-direct the lights to avoid any glare to the motorway.
- 7.5.3. With regard to traffic impacts to Forest Park, there is no suggestion made in the documentation received that the playing pitches generates any car parking overspill in the housing estate. I therefore understand that references to traffic impacts are limited to the movement of vehicles between the entrance of the site and the public road. This requires movement along a 100m section of the Forest Park access road.
- 7.5.4. I note the Local Authority did not raise any concerns regarding traffic hazard. I also consider that while intensification would occur in terms of facilitating the use of the grounds after dark during winter months, there is no evidence put forward to demonstrate that a larger volume of vehicles would arise at any point in time during these hours, than during any other point during daylight hours such as a Saturday morning when operation of the pitches is already permitted and facilitated by daylight. In this regard, the only additional traffic movements would be as a result of the ability to utilise the pitch after dark, but until 9pm only and in my opinion this is unlikely to result in any significant change to traffic flows than during other permitted operational hours of the facility.
- 7.5.5. I therefore consider that a traffic hazard is unlikely to occur as a result of permitted floodlights at the site.

8.0 AA Screening

- 8.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.1.2. The site is not situated within or adjacent to any European Site. The subject site is located 2km northeast of Cork Harbour Special Protection Area.

- 8.1.3. The proposed development is set out previously in this report in more detail but in summary erection of 6no. floodlights to serve a playing pitch and to extend the evening operational hours of that pitch and associated grounds and development.
- 8.1.4. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:
- The small scale and domestic nature of the proposed development in a serviced urban area, distance from European sites and urban nature of intervening habitats, absence of ecological pathways to any European sites
- 8.1.5. I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

9.0 Recommendation 1

- 9.1. I recommend that planning permission is **REFUSED** to extend the operational hours of the site for the following reasons and considerations:
1. Having regard to the generation of additional noise and disturbance which would be facilitated by extending the operating hours until 10.30pm seven nights a week, it is considered that the proposed development would seriously injure the residential amenity of neighbouring residences by means of noise, lighting, vehicular movements and general nuisance and disturbance. Extending the operational hours would not comply with Section 6.53 of the Cork City Development Plan 2022-2028 and would not represent the proper planning and sustainable development of the area.

10.0 Recommendation 2

- 10.1. I recommend that planning permission is **GRANTED** for the proposed floodlights for the following reasons and considerations:

Having regard to the location and character of the site and the separation distances to existing dwellings together with the provisions of the Cork City Development Plan 2022-2028 including Sections 6.53 and 9.31, as well as the ZO 16 'Sports Grounds and Facilities' zoning objective for the area, 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 comply with local design guidance and 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 carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interest of clarity.
2.	The lighting shall comply with Bat Conservation Ireland guidance and installed to the satisfaction of the Planning Authority. The floodlighting shall not result in any increased illumination of the adjacent river or its bank. Reason: To reduce the impact of the proposed development on nocturnal species.
3.	The floodlighting system shall operate between the hours of 09:00 and 21:00 on any day. No floodlighting shall operate outside of those hours. Reason: In the interest of clarity and residential amenity.

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.

Sarah O'Mahony
Planning Inspector

16th December 2024

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	320193-24		
Proposed Development Summary	Erection of 6no. floodlights and extension of operating hours.		
Development Address	Riverstown Football Club, Brooklodge, Riverstown, Co. Cork		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No	X		Tick if relevant, no further action required.
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No		N/A	

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

5. Has Schedule 7A information been submitted?		
No	X	Screening determination remains as above (Q1 to Q4)
Yes		

Inspector: _____

Date: 16th December 2024