

Title of Report:	Planning Committee Report – LA01/2019/1326/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	22nd September 2021
For Decision or For Information	For Decision

Linkage to Council Strategy (2021-25)	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Senior Planning Officer

Budgetary Considerations	
Cost of Proposal	Nil
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:

Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

<u>No:</u>	LA01/2019/1326/F	<u>Ward:</u> The Glens
<u>App Type:</u>	Full	
<u>Address:</u>	Ruairi Og CLG, 1A Middlepark Avenue, Cushendall , BT44 0TH	
<u>Proposal:</u>	Proposed replacement floodlights and ball stop nets	
<u>Valid Date:</u>	3rd December 2019	
<u>Con Area:</u>	N/A	
Agent:	Gary McNeill, 14 Cave Road, Cushendun, BT44 0PN	
Applicant:	Ruairi Og CLG, 1A Middlepark Avenue, Cushendall , BT44 0TH	
Objections: 0	Petitions of Objection: 0	
Support: 1	Petitions of Support: 0	

Executive Summary

- Full planning permission is sought for Proposed replacement floodlights and ball stop nets
- The site is located within the development limits for Cushendall.
- The elements of the proposal which relate to ball stop nets are considered acceptable and meet policy.
- The replacement floodlights are assessed to be in a zone considered to be E2 as categorised in the ILP Guidance. Light pollution is considered a statutory nuisance under the Clean neighbourhoods and Environment Act (NI) 2011
- The replacement floodlights will have an impact on the nearby properties and when assessed against Policy OS 7 of PPS 8 – Open Space, Sport and Outdoor Recreation, and the information submitted to date, this impact is considered to be unacceptable and therefore contrary to OS 7.
- There has been consultations with Environmental Health, DfI Roads and DfC, HED HMU.
- Environmental Health objects to the scheme and seeks further or amended information.
- There has been 1 letter of support and no letters of objection.
- Refusal is recommended.

Drawings and additional information are available to view on the Planning Portal - <https://epicpublic.planningni.gov.uk/publicaccess/>

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies, guidance and consideration in sections 7 and 8 and resolves to **REFUSE** planning permission for the reason set out in section 10.

2 Site Location and description

- 2.1 The site comprises a GAA pitch and the immediate small area around it. The pitch currently has six lighting columns along the east side and six on the west side. There are ball stop nets at each end of the pitch. The pitch is part of a larger area which includes a playing field to the west of the pitch and a car park and pavilion to the south. There is a tarmac parking area to the west of the pavilion. To the east of the pitch there is a hardstanding through which there is vehicular access from the Coast Road. The site is largely defined by fences. The land rises to the west and north west of the pitch.
- 2.2 Beside the pitch to the north east there is a fire station defined by conifer trees. To the immediate north of the pitch there is the residential area of Ardmoyle Park. There are also residential areas to the west, south west and south east of the pitch. South of the pavilion lies the Redbay Boats – boat manufacturing business.
- 2.3 The site is located within the settlement development limits for Cushendall. The pitch and the wider area around it are designated as a Major Area of Existing Open Space within the Northern Area Plan 2016 (NAP). An existing area of economic development and land zoned for economic development is designated to the south and south east of the site under CLED 01 Gortaclee Road of the NAP.

3 RELEVANT HISTORY

There is no relevant planning history.

4 THE APPLICATION

- 4.1 Planning permission is sought for Proposed replacement floodlights and ball stop nets.

Habitats Regulation Assessment

4.2 The potential impact this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The Proposal would not be likely to have a significant effect on the Features, conservation objectives or status of any of these sites.

5 PUBLICITY & CONSULTATIONS

5.1 External

There are no letters of objection received on this application. There was a query over the phone from one neighbour but no objection was submitted.

There has been 1 letter of support. A summary of the letter of support is:

- a precedent has been set with the presence of the existing floodlights
- community benefits of floodlighting with the success of sport in this locality
- the existing lights leave blind spots. 300 lux is the minimum recommended standard set for GAA
- improved player safety avoiding the need for travel to alternative facilities
- the proposed increased height and size of the ball stop nets will stop stray balls leaving the pitch
- condition lights to be switched off at 9pm
- there are no objections

5.2 Internal

Environmental Health – objects to this proposal for the impact of excessive light spill to the adjacent residential areas

Department for Infrastructure, Roads – has no objection to the proposal

Historic Environment Division, Historic Monuments - has no objection to the proposal

6 MATERIAL CONSIDERATIONS

6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local development plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

6.2 The development plan is:

Northern Area Plan 2016

6.3 The Regional Development Strategy (RDS) is a material consideration.

6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.

6.5 Due weight should be given to the relevant policies in the development plan.

6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS) 2015

Planning Policy Statement 8, PPS 8 – Open Space, Sport and Outdoor Recreation

8 CONSIDERATIONS & ASSESSMENT

8.1 The main consideration in the determination of this application relate to the Principle of Development, light impact on residential properties, traffic matters, other matters.

Planning Policy

8.2 The site is located within the settlement development limits of Cushendall and is designated as Open Space.

8.3 The proposal must be considered having regard to the SPPS, PPS policy documents and supplementary guidance specified above.

8.4 The SPPS highlights the need to consider residential amenity and floodlighting. With regard to the siting of intensive sport facilities the SPPS advises on page 87, that by their very nature and scale can give rise to particularly complex planning considerations such as impact on amenity. The SPPS advises careful consideration of impact on residential amenity:

'Planning authorities should carefully consider development proposals for all sport and outdoor recreational activities, including facilities ancillary to water sports. Relevant planning considerations will include: location, design, hours of operation, noise, impact upon visual and residential amenity, access and links to public transport; floodlighting; landscaping, public safety (including road safety); nature conservation, biodiversity, archaeology or built heritage.' (Para 6.213, pg. 89, SPPS)

Principle of Development

8.5 The proposal is for ball stop nets at the southern and northern end of the pitch and for the replacement of the existing floodlighting.

8.6 The proposed ball stop nets are shown at 15 metres high and 36 metres long with posts at either end of the net anchored in the ground with concrete bases. The ball stop posts are also anchored by multi strand rope fixed into a concrete base. The proposal includes an extension of the playing area to the north and south by 1.2 metres to accommodate the new ball stop nets within a new section of wall, railing and concrete path. The principle of this part of the proposal is acceptable and complies with planning policy as required under PPS 8.

8.7 Turning to the other element of the proposal which seeks to replace the existing floodlighting. There are currently six lighting columns on the west side of the pitch and a further six on the east side. The proposed lighting columns include four on the west side and four on the east side. The proposed lighting columns are 19.6 metres high, fixed into a concrete base. Each lighting column is topped by eight lighting units.

8.8 Policy OS 7 – The Floodlighting of sports and recreational facilities (PPS 8) is the relevant policy context to assess such floodlighting. The policy sets out three criteria for the development of floodlighting which must be met:

(i) there is no unacceptable impact on the amenities of people living nearby;

(ii) there is no adverse impact on the visual amenity or character of the locality; and

(iii) public safety is not prejudiced.

8.9 In considering this Policy context, the Planning Department is satisfied that Criteria (ii) & (iii) are met as the proposal will not have an adverse impact on the visual amenity or character of the locality as there is existing floodlighting in this area, and public safety will not be prejudiced. Dfl Roads has suggested a condition in relation to public safety regarding road users. However, the Planning Department has concerns with the potential unacceptable impact on the amenities of people living nearby and therefore has not been satisfied that criterion (i) is met.

Light Impact on Residential Properties

8.10 Criterion (i) of Policy OS7 requires that there is no unacceptable impact on the amenities of people living nearby. Policy goes on to advise that care must be taken to ensure that floodlighting will not cause unacceptable harm to amenity and where floodlighting is proposed to an existing facility, a number of issues need to be considered. This includes the potential for increased use of the facility, light pollution and increased traffic and noise generation. Such issues are particularly relevant where the proposed floodlighting is close to residential properties. (Para 5.52, pg. 35). Such a situation arises in considering this proposal.

8.11 The Institute of Lighting Professionals (ILP) has a Guidance Note for the *Reduction of Obtrusive Light*. This guidance establishes a measure for lighting levels with various categorisation of light levels. This categorisation ranges from sparsely populated areas to heavily populated areas. Following consultation with Environmental Health, it is considered the subject application site is zone E2. Zone E2 is defined as Rural (Low district brightness) – village or relatively dark outer suburban locations with lux levels of no greater than 5 *lux* pre curfew and 1 *lux* post curfew. The Guidance goes on to outline measures that can be employed to limit obtrusive light. *Lux* is the unit of illuminance, which is equal to one lumen per square metre. It describes how much light falls on a certain area.

8.12 Environmental Health (EH) has raised concerns regarding the level of lighting and the impact on the adjacent residential areas initially advising that the lighting survey does not adequately show the levels of illumination at residential properties. In its response EH identifies

concerns with light levels shown on light plan stamped as Drawing no 04, at the facades of properties at Ardmoyle Park with:

“...light levels ranging from 15 to almost 50lux when the lights would be in use. This would appear to be high and may create conditions where unwanted light/light spill will affect the occupants.”

8.13 EH expressed concerns with the way information on the lighting plan has been presented using contours for light levels in contrast to the pitch where spot points are used for light levels. Subsequently on the 20th January 2020 a letter was issued to the agent requesting that the issue of excess light be addressed.

8.14 In responding to this, the applicant (through a club member), provided information in support of the floodlighting. This information advised that the existing pitch lighting is substandard and poorly positioned and directed resulting in significant levels of light spill to neighbouring residential properties. The following points in support are highlighted:

- GAA recommends that lighting systems with a minimum of 300lux are required for Camogie and Hurling, a reduction in the overall average lux value from the 300lux proposed is unrealistic
- Light spill will be inevitable to the residential properties at Ardmoyle Park which may be affected by increased light levels. It is countered that there is already some light spill in this area from the existing flood lights.

8.15 Despite acknowledging that there may be increased light levels to residential properties, the applicant subsequently argued that the proposed LED scheme lighting units will be angled and positioned with maximum light directed to the pitch with light spill minimised to properties at Ardmoyle Park and the Coast Road. The applicant contends that with the presence of existing floodlights the actual level of light spill from the proposed floodlights would not be unacceptable. That said, no information has been provided to support this assertion and to address concerns raised by EH. The applicant says the EH do not state that the light spill would be unacceptable, rather, it would appear to be high. For this reason the applicant suggests using a condition on the finishing time of 9.00pm/9.30pm, which the applicant has subsequently amended to a suggestion of 9.00pm.

8.16 A condition limiting the time the floodlights would still leave a significant amount of hours where amenity issues could arise, particularly from October to March when it gets darker earlier in the evenings. It will also require a level of light impact that will not cause a nuisance.

8.17 A revised drawing was then submitted to supersede Drawing No. 04. Drawing No. 04a, indicates the figures in lux levels to residential properties in a *Table* set out below the lighting plan. This table indicates that House 4 (which is a pair of semi-detached houses 7 and 8 Ardmoyle Park) could receive a maximum lux level of 51 and a minimum lux level of 22. House 3 which is 5 and 6 Armoyle Park could receive a maximum lux of 48 with a minimum lux level of 27. Other properties are shown with high lux levels, House 1 (1 Armoyle Park) has a maximum lux levels of 35 and minimum of 20. House 2 (which may refer to 2, 3 and 4 Ardmoyle Park) with a maximum lux level of 18 and minimum of 4. House 5 (36 and 37 Ardmoyle Park) indicates lux levels of between 3 and 14. The table refers to house 6 and 7, however the plan does not show which properties these houses refer to. The table also has average lux levels for the identified houses. This table is shown below

Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Min/Avg	Min/Max
House 1_Cd_Seg1	Obtrusive Light - Cd	N.A.	98504	131308	69880	0.71	0.53
House 1_III_Seg1	Obtrusive Light - III	Lux	27.60	36	20	0.72	0.56
House 2_Cd_Seg1	Obtrusive Light - Cd	N.A.	59173	86292	32914	0.56	0.38
House 2_III_Seg1	Obtrusive Light - III	Lux	9.50	18	4	0.42	0.22
House 3_Cd_Seg1	Obtrusive Light - Cd	N.A.	117240	160224	77988	0.67	0.49
House 3_III_Seg1	Obtrusive Light - III	Lux	36.86	48	27	0.73	0.56
House 4_Cd_Seg1	Obtrusive Light - Cd	N.A.	130568	176117	86234	0.66	0.49
House 4_III_Seg1	Obtrusive Light - III	Lux	34.71	51	22	0.63	0.43
House 5_Cd_Seg1	Obtrusive Light - Cd	N.A.	23316	28916	17991	0.77	0.62
House 5_III_Seg1	Obtrusive Light - III	Lux	7.17	14	3	0.42	0.21
House 6_Cd_Seg1	Obtrusive Light - Cd	N.A.	51341	95935	23461	0.46	0.24
House 6_III_Seg1	Obtrusive Light - III	Lux	4.70	12	2	0.43	0.17
House 7_Cd_Seg1	Obtrusive Light - Cd	N.A.	35611	66671	21457	0.60	0.32
House 7_III_Seg1	Obtrusive Light - III	Lux	4.33	9	2	0.46	0.22
ISO	Illuminance	Lux	34.20	500	0	0.00	0.00
Playing Field	Illuminance	Lux	302.11	487	210	0.70	0.43

Table showing *lux* levels on surrounding properties. [Extract from Drawing No. 04a)

8.18 Following further consultation with EH, it advises that the contours on the lighting plan show lux levels that exceed the guidance of the ILP Guidance note for the reduction of obtrusive light. As this part of Cushendall is considered to be zone E2. and defined as Rural (Low district brightness), the predicted lux levels shown to the houses set out in the table, together with the contours shown on the lighting plan, exceed the ILP Guidance.

8.19 EH quantify this position and state that the applicant's suggestion of a condition limiting operational time may be unachievable in early spring, autumn and winter, and that it may not alleviate issues for residents if for example they are looking to use habitable rooms such as bedrooms prior to any curfew. While EH has stated in its latest response that the Planning Department may consider the imposition of a condition restricting that the lights are not used beyond 9pm, this requires that the *lux* levels do not exceed 5*lux*. As it has not been demonstrated that this

lux level is achievable, then it is unreasonable to impose this condition and it fails the tests for a condition as set out in the SPPS.

8.20EH goes on to state that if the Club installs the new lighting as proposed and justified complaints are received, the Club could be liable to formal action being taken under the terms of the Clean Neighbourhood and Environments Act (NI) 2011.

8.21 In an effort to progress the application to a solution and following consultation with EH, The applicant was advised of this on 26th February 2020 that different lamp design could be used to direct light mostly to the pitch. The following combination of mitigating measures could be deployed to attenuate excess light spill:

- Louvres fitted to prevent light spill
- Reduction in the number of light fittings
- Reduction in the height of lamp posts
- Change in the direction of light fittings so not facing toward properties.

The applicant was advised again on 12th June 2020 and 7th July 2020 of this. The applicant advised that this would be more costly than the scheme submitted. The applicant considered that a condition limiting the times of use would be sufficient.

8.22 There has been much debate between the Planning Department, in consultation with EH, and the applicant to seek a resolution and a scheme that meets policy. On the 19th May 2020, 12th June 2020 and the 31st July 2020 the applicant was advised that the Council was seeking a lighting plan showing the *lux* levels that the nearby properties experience from the existing floodlighting. This would allow a comparison of light level between the floodlights that currently operate with the proposed. On the 1st September 2020 the applicant submitted a further drawing (Drawing No 05), which indicates light spill from the existing floodlights. Figures have been inserted into the drawing which it is assumed indicate *lux* levels on the pitch and around its boundary. No figures have been provided beyond the boundary to indicate what levels will affect neighbouring residential properties. Therefore it is not possible to accurately compare the proposed levels with current, or gain an understanding of what the nearby residents would experience over and beyond the current situation.

8.23 The applicant accepts that there will be light spill experienced by nearby residents. The Planning Department is unable to ascertain what light levels these nearby properties will experience over and above the current situation. The imposition of a condition is not possible for the reasons set out in Para 8.18 of this Report. Greater weight has been given to the concerns raised by EH and the proposal fails to meet the tests of Policy OS 7.

Traffic Matters

8.24 The policy also highlights the need to assess the impact of floodlighting on traffic with dazzle implications for transport and pedestrians from glare, excessively bright or poorly aimed floodlighting. The Department for Infrastructure, Roads has been consulted and responded with no objection. It has suggested the following condition is imposed should planning permission be forthcoming:

The level of illumination of the proposed flood lights shall be controlled to a brightness which does not affect road users after nightfall.

Reason: in the interest of road safety.

Other Matters

8.25 The applicant has raised an approved application for floodlighting in Limavady under planning application LA01/2019/0630/F for two new floodlit pitches also near to housing areas and believes that the council is taking a very different approach to this application in Cushendall. Environmental Health have highlighted distinct differences between the Limavady approval and this current application these include:

- The Limavady application was accompanied by a detailed and comprehensive lighting assessment undertaken by a consultant identifying a few pockets where light levels would be very low (in single figures). The Limavady lighting assessment shows significantly less light spill than that shown at Cushendall.
- For Limavady, where there are higher lux figures this falls on ground which is open space and not on houses.
- The Limavady application shows that light spill will not impact the amenity of properties with lux levels of 2/3 in gardens. At Cushendall lux levels of between 15 and in excess of 50 are shown at the facades of dwellings at Ardmoyle Park.
- The proposed Cushendall floodlights do not meet the ILP Guidance for E2 zone, lux level of 5 pre curfew.

8.26 EH noted a lack of detailed information on the submitted lighting plan as no exact figures could be deciphered from the Cushendall plan as this is illustrated through contour line, whereas, in Limavady, the lighting plan shows lux levels with many regularly spaced spot points. EH advise that the light levels plan for Cushendall should be more comprehensive clearly showing residential properties with plotted lux figures.

8.27 The subject application is not comparable to the approved floodlighting in Limavady and is therefore given limited weight in the consideration of this proposal.

8.28 DfC Historic Environment Division was consulted in relation to archaeological matters. It raised no objection to the proposal and the proposal complies with PPS 6.

9 CONCLUSION

9.1 The proposal is considered unacceptable at this location having regard to the Northern Area Plan 2016 and other material considerations, the SPPS and Planning Policy Statement 7. Although the slight increase in pitch size and ball stop nets are acceptable elements of the proposal, there is concern with the replacement floodlights. It is accepted that there will be light spill experienced by nearby residents, which is considered to be unacceptable. The proposal fails to meet the policy test of Policy OS 7 as there is an unacceptable impact on the amenities of people living nearby. and 21. Refusal is recommended.

10 Refusal Reason

1. The proposal is contrary to Para 6.213 of The Strategic Planning Policy Statement for Northern Ireland and Policy OS 7 of Planning Policy Statement 8, Open Space, Sport and Outdoor Recreation, as the proposal would, if permitted have an unacceptable impact on the amenities of people living nearby due to the level of light spill that would occur.

Site Location Map and Drawings





