



## Board Direction

---

**Ref: PL04.246234**

The submissions on this file and the Inspector's report were considered at a Board meeting held on June 30<sup>th</sup> 2016.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Appropriate Assessment Screening**

The Board noted the Appropriate Assessment Screening carried out by the planning authority and the Appropriate Assessment Screening determination carried out by the Inspector. The Board concurred with the Inspector's determination, and adopted her conclusions and recommendations in this regard. The Board was therefore satisfied, having regard to the nature, location and scale of the subject development, and the proposed construction provisions, which would constitute normal construction practice, that the proposed development would not be likely to have a significant effect, individually or in combination with other plans or projects, on the Great Island Channel Special Area of Conservation (site code 001058), and on the Cork Harbour Special Protection Area (site code 004030), or on any other European sites, in view of their conservation objectives.

### **Reasons and Considerations**

Having regard to the provisions of the current Cork County Development Plan, 2014 and the Midleton Electoral Area Local Area Plan 2011, to the pattern of existing and permitted development in the vicinity (including proximity to lands earmarked for significant future housing development), and having regard to the nature and scale of the proposed primary school, it is considered that, subject to compliance with the conditions set out below, the proposed development would generally comply with the zoning and policy requirements of the relevant plans, would be acceptable in terms of traffic and pedestrian safety, would not be prejudicial to public health or lead to a risk of flooding, and would not injure the existing residential amenities of

properties in the vicinity of the site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 7<sup>th</sup> day of January, 2016, 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. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. In this regard, details of surface water drainage from the overall site shall be submitted to, and agreed with, the planning authority before commencement of development. The surface water drainage system shall include the provision of oil interceptors and attenuation. The surface water discharge from the development to the Owenacurra River, following attenuation, shall be controlled by means of a hydrobreak or similar.

**Reason:** In order to ensure the provision of an adequate drainage system that will prevent flooding, and to prevent pollution.

3. Details of the external finishes of the proposed school building, together with boundary treatments and all landscaping works, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The landscaping plan shall include a timetable for implementation.

**Reason:** In the interest of visual amenity, and in order to integrate this large building complex into its surroundings.

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays

and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

6. All of the works to the R626 Regional Road required to service the proposed school development, including the proposed right-turn lane, road widening, the provision of sight-lines at the new entrance, extension of public lighting, traffic calming measures, road drainage, road signage and markings, road surfacing/re-surfacing and proposals for traffic management at the site entrance, shall be designed to the relevant design standards. Full design details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The works, as may be modified by the authority as part of such agreement, shall be carried out as part of the construction works for the proposed school development, and shall be completed prior to first occupation of the proposed school.

**Reason:** In the interests of pedestrian and road safety, and to protect the residential amenities of nearby dwellings.

7. The installation of the proposed pedestrian crossings, both of which shall be signalled controlled, and all associated alterations necessary to the public road shall be designed to the relevant design standards. Detailed designs of these crossings, including all necessary telemetry and services, shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. The crossings shall be fully operational prior to first occupation of the proposed school.

**Reason:** In the interests of pedestrian safety.

8. Prior to the opening of the proposed school, a detailed Mobility Management Strategy shall be submitted to, and agreed in writing with, the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car-pooling by staff employed in the school, to reduce and regulate the extent of staff parking and to encourage the use of sustainable modes of transport (public and private bus transport, cycling and walking) by pupils and their parents. The mobility strategy shall be prepared and implemented by the developer / school management, and shall be subject to review every two years, in accordance with details to be agreed with the planning authority. Any future reduction in car parking provision for staff, resulting from the implementation of this Mobility Management Strategy, shall be replaced by additional bus drop off facilities and/or additional cycle parking.

**Reason:** In order to encourage the use of sustainable modes of transport, in the interests of pedestrian and traffic safety.

9. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

10. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000, as amended, in respect of road widening and surfacing, provision of right turning lane, controlled pedestrian crossings, footpaths, advance traffic signage, traffic calming measures, public lighting and other associated road works to the R626 Regional Road (Mill Road), all as indicated in the submitted drawings and particulars, and as may be further modified in order to

comply with the requirements of conditions numbers six and seven of this order. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which would be incurred by the planning authority in relation to this road, which are not covered in the Development Contribution Scheme and which would benefit the proposed development.

Note 1: In imposing condition no. 10, the Board noted that the works to the public road, as envisaged in the application, and as may be modified as a result of compliance with conditions numbers 6 and 7 of this permission, are outside the boundaries of the site as outlined in the submitted application. Accordingly, it was considered appropriate to require payment of a special development contribution under Section 48 (2)(c) to cover in full the cost of these works, which works would benefit the proposed development (and without which the development should not take place). The Board further decided that the amount of such contribution would be left for negotiation between the developer and the local authority, so as to allow for the possibility that such works could be carried out either by the local authority, or by the applicant as agent for the authority, or a mixture of the two.

Note 2: In relation to condition no. 7, the Board noted some discrepancies and conflicting drawings and particulars in the submitted documents, with regard to the pedestrian crossings, and considered that it was necessary, in the interests of pedestrian safety, that both of these crossings would be signal controlled.

*[Please issue a copy of this Direction with the Board order]*

Board Member: \_\_\_\_\_ Date: 1<sup>st</sup> July 2016  
Philip Jones