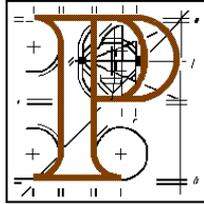


**An Bord Pleanála Ref. No.: PL 04.246234**

## **An Bord Pleanála**



## **Inspector's Report**

### **Proposed Development:**

Permission for the construction of 1 no two storey, 24 classroom primary school building with physical education hall, 4 classroom special needs unit, support teacher spaces and ancillary accommodation, with a total floor area of 4,640m<sup>2</sup>. The site works to the school grounds will consist of the provision of cycle storage, bin store, ball courts, project gardens, landscaping and boundary treatment and all other associated site development works. The works to the remainder of the site consist of the provision of a new access road, 58 no. car parking spaces, drop-off and pick-up facilities within the site and along the road frontage to the R626, Mill Road, all on a site c2.24 hectares located off the R626, Mill Road, Broomfield West, Midleton, Co. Cork.

### **Planning Application**

**Planning Authority:** Cork County Council

**Planning Authority Reg. Ref.:** 15/05415

**Applicant:** The Minister for Education & Skills.

**Type of application:** Permission

**Planning Authority Decision:** Grant permission subject to conditions

**Planning Appeal**

**Appellants:** Upper Mill Road Residents.

**Observers:** None

**Type of appeal:** Third Party against Permission

**Date of Site Inspection:** 24<sup>th</sup> May, 2016

**Inspector:** A. Considine

## **1.0 THE SITE**

- 1.1 The site, the subject of this appeal, is located approximately 1km to the North of the town of Midleton, on the regional road, the R626, also known as Mill Road. The site is in the townland of Broomfield West and is currently under grass / agricultural use. The site is generally lowlying, flat and level at the road and rises towards the rear in a west to east direction. The site occupies a stated area of approximately 2.24ha and comprises part of a larger site.
- 1.2 The site is bound to the south and the west, across the regional road, by residential estates. The roadside boundary comprises a stone wall with a small number of trees. The southern boundary comprises intermittent vegetation and some trees while the northern and eastern boundaries are to be constructed. The Owennacurra River is located across the public road from the subject site to the west.

## **2.0 PROPOSED DEVELOPMENT**

2.1 Permission is sought for the construction of:

- a two storey, 24 classroom primary school building
- physical education hall,
- 4 classroom special needs unit, support teacher spaces and ancillary accommodation,  
with a total floor area of 4,640m<sup>2</sup>.
- Site works to the school grounds will consist of
  - the provision of cycle storage,
  - bin store,
  - ball courts,
  - project gardens,
  - landscaping and boundary treatment and all other associated site development works.
  - the provision of a new access road,

- 58 no. car parking spaces,
- drop-off and pick-up facilities

all on a site c2.24 hectares located off the R626, Mill Road, Broomfield West, Midleton, Co. Cork.

2.2 The planning application was accompanied by the relevant planning, architectural and engineering drawings. In addition, the application included a number of technical reports which are summarised as follows:

Traffic & Transport Assessment:

Waterman Moylan, Consultant Engineers carried out a Traffic & Transport Assessment with regard to the proposed school development on behalf of the Department of Education and seeks to assess the impact of the proposed development on traffic and transportation in the surrounding area. The assessment provides details pertaining to the proposed development and describes the existing situation in the area. In addition, baseline traffic flows were assessed and forecasting methods and appraisals of predicted traffic flows, together with proposed mitigation measures, are provided.

The report concludes that:

- The proposed new school will generate 336 inbound trips and 300 outbound trips in the AM peak on Mill Road.
- PICACY and OSCAADY Analysis has been completed for the 2 no. junctions and the effects of the development traffic was summarised. The analysis concluded that the junctions will operate efficiently in the future design year of 2032.
- Junction site 1a Mill Road / Development Access: the maximum RFC will be 0.491 and with a maximum queue length of 0.95 at the proposed school drop off period of 08.30-09.00.
- Junction site 2 Mill Road / Aconcore Cottages / Townsparks: the maximum RFC will be 0.95 and with a maximum queue length of 19.3 at the proposed school drop off period of 08.30-09.00.

Mobility Management Plan:

Waterman Moylan, Consultant Engineers prepared Mobility Management Plan with regard to the proposed school development on behalf of the Department of Education to identify and review travel that will be associated with the

development as proposed. It is submitted that the Plan will identify measures that will be implemented to reduce transportation demand and to encourage a modal shift towards sustainable forms of transport. The Plan identifies that the accommodation proposed will facilitate c600 students and c48 staff, with 50 car parking spaces and 100 bicycle spaces to be provided. The approximate modal split for the school as advised by the DoE survey carried out is as follows:

Bus:	11%
Private Car:	73%
Walking / Cycling:	16%.

The objective of the Mobility Management Plan is to reduce transportation demands and the predicted design year modal split of the proposed primary school is as follows:

Car Journeys:	65%
Bus:	15%
Walking / Cycling:	20%.

It is submitted that it is not possible to set targets at this stage of the development but it is suggested that a modal shift of 10% towards sustainable forms of transport over a two year period should be achievable. It is also noted that the Plan is a dynamic programme and a review of the plan and targets is required on a regular basis

#### Engineering Assessment:

Waterman Moylan, Consultant Engineers carried out an assessment on the water and drainage requirements for the proposed development on this greenfield site, and considers the impact of the development on the foul water, storm water, watermain and road networks.

**Foul Water Drainage:** In terms of foul water services, the report notes that the development proposes to connect to the existing 450mm foul sewer on Mill Road to the west of the subject site. The foul sewer system has been designed so that it can be drained by gravity to this point. It is calculated that the foul water discharge for the proposed development will be 15,360l/d, with a Dry Weather Flow of 0.18l/s and a peak foul flow of 1.08l/s calculated. The outfall pipe from the development is a 225mm pipe laid at a gradient of 1:30 and a capacity of 83l/s and as such, there is adequate capacity available within the system to accommodate the proposed development.

**Surface Water Drainage:** The report notes that the proposed development will drain via gravity and discharge to the proposed soakaway on site where the storm water will naturally percolate to ground. The proposed surface water drainage system has been designed as a SUDS and uses green roofs, petrol interceptor and storage tanks together with flow control device. The percolation rate of the site has been established at  $1.94 \times 10^{-4}$  m/s. in terms of SUDS, it is proposed to use water butts and a soakaway which will have a storage capacity of  $133.2 \text{m}^3$ . The report concludes that 'it is proposed to provide a 300mm overflow from the soakaway to the adjacent watercourse'.

**Water Supply:** The development is to connect to the public water main which is located on Mill Road. It is estimated that the development have a water demand of 0.18l/s,  $15.36 \text{m}^3/\text{day}$ . The report notes that water conservation measures will be used to further reduce overall water demand.

**Transport:** The report notes that stringent traffic management will be required for construction traffic during the construction phase of the development. The site is located within a 60km/h zone and adequate sight distances can be provided at the access point.

**Tree Survey & Arboricultural Impact Assessment:** This survey provides the baseline information on the composition and condition of the trees within the subject site and seeks to inform the future development of the site. The survey identifies 21 trees and provides information in relation to all. The survey identifies 3 trees for felling, all Sycamore Acer pseudoplatanus, with recommendations for the remaining 18. The Arboricultural Impact Assessment seeks to outline the impact of the proposed school development on the trees. The report considers tree constraints and removal, and notes that a fourth tree will be required to be removed, an Ash tree, category C in order to facilitate the new boundary treatment along the public road. As an aside, I note the tree species cited in the Arboricultural Impact Assessment are not the same as those within the tree survey.

**Landscape Report:** Mitchell & Associates, Landscape Architecture & Urban Design, prepared a landscape design strategy for the school and seeks to create an exciting, functional and safe environment for students and staff to enjoy, as well as integrating the school development and associated facilities into the receiving environment. The report provides specifications for the landscaping of the site including soft and hard landscaping works.

- 2.3 In terms of the proposed primary school, the building itself is to be located to the east of the subject site and will provide for educational facilities over two floors. It is noted in reports on the PA file, that the primary school will accommodate the 'Educate Together' which is currently located in Midleton. The school is proposed to accommodate 600 pupils and it is expected that there will be 48 members of staff. The full site is to be bounded by a 2.4m high paladin fence with hedge planting and boundary trees. The existing roadside boundary wall will be set back and reinstated on the new aligned boundary.
- 2.4 The building will rise to a maximum height of 9.01m and the design provides for external finishes including exposed grey brickwork, both coloured and white/cream render. The roof shall be a dark grey standing seam roof and the windows finish has not been specified. Louvers to match the proposed glazing system are proposed on part of the elevations. The front of the building, and the location of the main entrance, will be to the north.
- 2.5 The layout of the primary school proposes 28 no. classrooms, 14 on each floor including 4 classrooms within the Special Needs Unit which is to be located on the ground floor. Each classroom also includes WC facilities. In addition, the school building proposes 2 general purpose halls, one with servery, staff room, 2 principal / deputy principle offices, administration office, multipurpose room, library & resource area, a number of SET rooms, and sanitary and ancillary accommodation as well as storage rooms. The building is laid out in a general U shape. The original site layout provides for a general 'kickabout' area to the south of the site, adjacent to the boundary with houses, three areas of hard / soft court areas, including one specifically associated with the SNU, to the west of the building, a separate junction play space, hedge room, school garden and a sensory garden. Following the submission of a response to the Further Information Request from Cork County Council, additional car parking, 34 spaces, was provided within the area originally proposed to house the three areas of hard / soft court areas. These have been relocated to within the grass 'kickabout' area to the south of the site.
- 2.6 Access to the proposed school will be from the north of the site, with the construction of a proposed new road. All traffic is generally confined to the northern area of the site with 55 staff car parking spaces provided and a drop off area. There is a separate drop off area identified for the Special Needs Unit, and parking for 100 bicycles, located adjacent to the pedestrian entrance from Mill Road.

### **3.0 REPORTS ON PLANNING AUTHORITY FILE**

3.1 The planning application was lodged with Cork County Council on 29<sup>th</sup> June, 2015 and it is indicated that pre planning consultations were undertaken.

3.2 In terms of the Planning Authority's assessment, 2 third party objections were noted on the planning file. The issues raised in the objections are summarised as follows:

- No objection in principle to the proposed development of the school.
- Concerns in relation to roads and traffic issues including the location of the proposed Zebra crossing and the impacts on traffic flows.
- Concerns in relation to the potential for parking on the footpaths on both sides of the crossing which will lead to congestion and potentially accidents in the future.
- Location of the crossing in terms of proximity to access to houses will hinder the visibility for residents leaving.
- The development will create traffic congestion and issues raised in relation to the location of the bus drop off area and Mobility Management Plan.
- Questions whether the volume of traffic can enter the site via a right turning lane as proposed.
- The drop off area won't function as the plan suggests and is on the wrong side of the road as the majority of students will be coming from the Midleton direction.
- Mill Road is a fast road at present and the development will magnify the problem and leave the area unsafe and inaccessible for residents during the school hours.
- The entrance should be moved north and a roundabout constructed to allow traffic turn and use the off-site drop off facility.
- The area outside existing homes should be designated non parking with double yellow lines.

3.3 There are 3 no external reports noted on the planning file from the following:

An Taisce: Further information should be sought requiring a detailed mobility strategy with regard to the DoTs policy, Smarter Travel: A Sustainable Transport Future – A New Transport Policy for Ireland 2009-

2020. On receipt, conditions should be attached to a grant of permission requiring its implementation.

Irish Water: No Objection subject to conditions.

Inland Fisheries Ireland: The IFI advises no objection to the proposed development, in particular the proposal to dispose of septic effluent to the public sewer, provided there is sufficient capacity in existence so that it does not overload either hydraulically or organically, existing treatment facilities or result in polluting matter entering waters. If not, the onus is on the developer to provide a separate treatment and disposal option until public facilities are available.

3.4 There are 4 no reports noted from internal departments within Cork County Council as follows:

1. National Roads Office: No comments as the proposed development does not affect a national route.

2. Environment: No Objection subject to conditions.

3. Engineering Report: Notes the works proposed on the Regional Road and advises that the details and extent of road widening and road resurfacing will need to be agreed with Cork Co. Co. In addition, amendments required to the pedestrian crossing as well as advising of the need for traffic calming measures, road signage and road markings. Should permission be granted, conditions are recommended.

4. Area Engineer: Further information is required in relation to a number of roads and transport issues and surface water drainage, and advises that clarification is required that the developer will carry out road improvements etc at his own expense.

3.5 The Planning Authority's report considered the proposed development in terms of compliance with the Midleton Local Area Plan, as well as issues relating to the design and layout, residential amenity, roads and traffic, parking and other issues including surface water. In considering all issues associated with the proposed development, the planning officer concluded that the proposed development was acceptable in principle and in terms of the zoning objective afforded to the site. However, the report also considers that the detail submitted in relation to traffic and surface water disposal are insufficient and as such, further information is required.

- 3.6 Further information was sought on the 20<sup>th</sup> August, 2015 in relation to roads & traffic, surface water drainage and costs. A response to the request was received by Cork County Council on the 7<sup>th</sup> January, 2016. The response sought to address the issues raised and include amendments to the development as required.
- 3.7 Following receipt of the response to the further information request, there are 4 no reports noted from internal departments within Cork County Council as follows:
1. National Roads Office: No comments as the proposed development does not affect a national route.
  2. Environment: No Objection subject to conditions as per previous report. A Waste Management Plan is required.
  3. Engineering Report: Notes the works proposed on the Regional Road and that details of the extent of road widening and road resurfacing of the R626 have not been submitted. These details, as well as traffic calming measures will need to be agreed with Cork Co. Co. Should permission be granted, conditions are recommended.
  4. Area Engineer: Advises that there is no objection to permission being granted subject to the inclusion of conditions.
- 3.8 Following receipt of the response to the further information request, the Planning Officer concluded that all issues raised had been addressed and recommends that planning permission be granted subject to conditions. This recommendation is supported by a further report from the A/Senior Planner.

#### **4.0 DECISION OF THE PLANNING AUTHORITY**

The Planning Authority decided to grant planning permission for the proposed development subject to 19 conditions.

#### **5.0 RELEVANT PLANNING HISTORY**

There is no relevant planning history associated with the subject site.

## **6.0 POLICY CONTEXT**

Cork County Development Plan, 2014:

- 6.1 Section 5.4 of the Plan deals with Education and Table 5.1 identifies the need for two primary schools in Midleton, including a 24 classroom primary school.
- 6.2 CDP Objective SC 4-1 deals with Educational Facilities, and states as follows:  
Facilitate the provision of educational services in the community such as schools, crèches and other educational and childcare facilities. Multiuse facilities which can accommodate both educational and childcare facilities are also encouraged.

Midleton Local Area Plan, 2011:

- 6.3 The subject site is located within the zoned area of Midleton on lands zoned X-02. This special objective provides that:  
'It is an objective to allow for a mix of uses on this site including the potential relocation of Midleton GAA, provision of a cemetery, residential and business uses.'

The subject proposed development comprises a small area of the overall X-02 zoned lands.

## **7.0 GROUNDS OF APPEAL**

- 7.1 This is a third party appeal against the decision of Cork County Council to grant planning permission for the proposed development, subject to conditions. The appeal document requests that clarification is required with regard to the concerns raised during the PAs assessment of the proposed development with regard to public safety, the efficiency of the traffic management measures and proposals for drainage and flood management. The grounds of appeal are summarised as follows:
- The residents propose a one way traffic flow system, which would include a one way in and one way out traffic flow system. It is submitted that the drop off area should be within the school boundaries.
  - If a new roundabout was placed at the entrance to Tir Cluain housing estate, this would move the traffic into the school quicker.

- The design of the drop off area will discourage use.
- Set down area for buses should be inside the grounds of the school.
- There is no facility for buses to turn at the school.
- There is insufficient provision for the cars turning right into the proposed school access road and designated drop off areas.
  - The proposed filter lane will only accommodate 3-4 cars
  - The location of the entrance and filter lane is too close to the entrance to Cloonmullin.
  - The development will result in difficulties for existing residents
  - The existing carriageway is to be reduced from 4.3m to 3.3m to accommodate the central island.
- The northern pedestrian crossing is too close to the vehicular junction.
- The proposed lanes at 3.5m are too narrow for buses.
- The drawings do not show sightline to the appropriate standard as only 59m are shown as possible. This should be 90-160m depending on the speed limit.
- Parking provision proposed will not meet the immediate needs of the school.
- In terms of flooding, the site is adjacent to the Owenacurra River and the area has suffered bad flooding recently.

## **8.0 RESPONSES**

### **8.1 Planning Authority:**

The Planning Authority submitted a response to the first party appeal, which includes a number of individual reports from various sections of the Council as follows:

SEE Executive Engineer, East Cork Municipal Area, sought to deal with the flooding issues raised in the third party appeal and advised that during the extreme weather event of the 29<sup>th</sup> December, 2015, there was wide spread flooding in Midleton and elsewhere in the County and part of the site flooded due to pluvial flooding. The water built up on the saturated field as there is

currently no positive drainage from the area. The proposed development as permitted, includes for a surface water drainage system to include (by condition) attenuation. This will continue to provide attenuation but will prevent a build-up of surface water as occurred on the 29<sup>th</sup> December, 2015.

Non National Roads Design Office submitted an itemised response to the issues raised in the third party appeal, with 'no comment' attributed to a number of issues. In addition, the following comments are made:

- New Roundabout: outside the boundary of the current application.
- A set down for the bus is shown on the planning drawings submitted which can be used for turning if required.
- Design of the right turn lanes are to be agreed with Cork Co. Co. prior to construction.
- In relation to the location of the northern pedestrian crossing, it is submitted that there appears to be sufficient space for vehicles to turn. The exact location of the crossing is to be established at detail design stage, and will be agreed with Cork Co. Co. prior to construction.
- Lane widths are adequate and in keeping with DMURS.
- DMURS requires a sight distance of 59m for non-bus routes for a 60km/h design speed.

## 8.2 First Party Response to Third Party Appeal:

The First Party, through their agent, has submitted a response to the third party appeal. The response is summarised as follows:

- The proposal for a one way traffic flow system is not safer for pupils and road users wishing to drop off pupils.
- The roundabout proposal is on lands which are not owned by the Department of Education so cannot be constructed as proposed. The planning application layout has been agreed with Cork County Council. The drop off area does not need to accommodate staff parking as there is separate staff parking provided.
- The drop off area is a standard for schools.

- The drawing submitted as part of the FI response indicates direct routes from the road side bus drop off to the school without having to walk around the onsite drop off.
- The entrance road off Mill Road has a dedicated right turning pocket and a turning area is provided past the school entrance / exit.
- The Traffic & Transport Assessment states that the max queue of right turning vehicles into the proposed development will be 0.95 in the AM peak so the provision of 4 right turning vehicles will ensure no adverse effect on straight through vehicles.
- In relation to the northern pedestrian crossing, there is an option to place a yellow box before the crossing to allow vehicles to filter in when a pedestrian is crossing.
- The lane width complies with DMURS.
- Figures indicate adequate car parking provided.
- Regarding the issue of flooding, it is noted that the site is not prone to flooding. Site surface water drainage outfall from the site is restricted to greenfield run off rate with excess water being stored on site.

The response concludes that the issues raised have been fully addressed at further information stage and it is considered that the development will not give rise to any adverse engineering issues.

## **9.0 OBSERVERS TO APPEAL**

There are no observers noted in relation to this appeal.

## 10.0 ASSESSMENT

10.1 Having regard to the nature of this appeal, and having undertaken a site visit, as well as considering the information submitted as part of the planning application and appeal, and together with the planning history associated with this site, and the nature of the proposed development, I suggest that it is appropriate to assess the proposed development under the following headings:

1. The principle of the development and compliance with policy.
2. Site services.
3. Roads & Traffic issues.
4. Design & Siting.
5. Flood Risk Analysis
6. Appropriate Assessment
7. Other Issues

### Principle of the development and compliance with policy:

Cork County Development Plan, 2014:

10.2 Section 5.4 of the County Development Plan deals with Education and Table 5.1 identifies the need for two primary schools in Midleton, including a 24 classroom primary school. In this regard, I am satisfied that the proposed development can be considered acceptable in principle.

Midleton Local Area Plan, 2011:

10.3 I consider it reasonable to consider the principle of the proposed development as it relates to the Midleton Local Area Plan, 2011 which is the relevant policy document for the subject site. The site is located on the edge of, and within, the development boundaries of the town on lands which have a zoning objective X-02 in this LAP. The subject proposed development comprises a small area of the overall X-02 zoned lands and this zoning objective provides that:

‘It is an objective to allow for a mix of uses on this site including the potential relocation of Midleton GAA, provision of a cemetery, residential and business uses.’

- 10.4 Section 3.4.29 of the LAP identifies lands in the Waterrock area of Midleton and assigns a special policy area objective X-01 which will provide 'for a major expansion of the town requiring the preparation of a master plan for the lands and to include new housing, water services, distributor and residential road network, **2 primary schools (my emphasis)**, a new secondary school, neighbourhood centre, park and structural landscaping'. In terms of the subject proposed development, it might be considered that provision has been made in the plan for the primary school to be located to the west of the subject site on the lands zoned X-01. I note the comments in the PAs planning report that meetings were held between the PA and the Department of Education in relation to the proposed school and that the applicants were advised that the principle of the primary school at the proposed location 'would be compatible with the mixed use zoning objective, as long as it did not prohibit the future development of the wider site.' I agree that the zoning objective afforded to the subject site, X-02, provides for a mix of uses which include community, residential and business uses. As such, I would concur that the principle of the proposed primary school as proposed, would accord with the zoning objective for the site. Site suitability issues are also required to be considered.

Site services issues:

Water Services:

- 10.5 Public water supply: It is proposed that the primary school will be served from the existing watermain which runs along Mill Road. The Board will note that neither the PAs Engineer nor Irish Water have not raised an objection to the proposed development. In addition, the overall design of the school provides for a number of water conservation measures to reduce the overall water demand of the school which will include low volume flush / dual flush WCs, spray taps, draw off tap controls and leak detection measures.
- 10.6 Foul water sewer: The development proposes to connect to the existing foul sewer which is located on Mill Road, to the west of the site. The outfall pipe from the proposed development will be a 225mm diameter pipe which will be laid at a gradient of 1:30 which will give a capacity of 83l/s. There is adequate capacity in the public foul sewer to accommodate the proposed development and the Board will note that neither the PAs Engineer nor Irish Water have not raised an objection to the proposed development in this regard.

- 10.7 Surface water sewer: It is noted that there is no existing surface water drainage system in place in the vicinity of the site. As such, the applicant originally proposed to install a soakaway on the site where the storm water would naturally percolate to ground. In addition, the applicant advises that the proposed surface water drainage system for the development has been designed as a sustainable urban drainage system (SUDS) and uses green roofs, petrol interceptor and storage tanks. The Board will note that the issue of surface water drainage was raised as part of the FI request issued by Cork County Council in relation to the proposed development.
- 10.8 Following the submission of a response to the FI request, the issue of Surface Water Drainage appears to have been dealt with to the satisfaction of the Planning Authority and the Area Engineer. The Board will note that the documents submitted as part of the appeal file omit a page of text of the response to the FI request, and this page is also missing on the Councils web site. However, the plans and drawings are on file which respond to the issues raised. Should the Board deem it necessary, a request to Cork County Council to submit the full FI response documents could issue. I do consider that the conditions recommended by the Area Engineer in relation to surface water drainage, and in particular with regard to attenuation issues, are appropriate, and should a decision to grant issue, these conditions should be included. In addition, the Board will note the intention to dispose of surface waters via the Owenacurrna River, as requested by the PA. The wayleave and relevant permissions to do so have also been submitted and are on file.
- 10.9 In response to the further information request, and in particular in relation to the surface water discharge proposal, the Board will note that the delineated site boundary has been altered to include the proposed wayleave from the site to the Owenacurrna River. This wayleave will run across the public road from the northern area of the site to the west for a distance of approximately 50m. This change was not advertised. I note that the PA considered that the red line amendment is not a true site alteration as it only facilitates the wayleave area. Reference is also made to S34(4)(a) of the Planning & Development Act which allows a planning authority to apply conditions 'for regulating the development or use of any land which adjoins, abuts or is adjacent to the land to be development and which is under the control of the applicant if the imposition of such conditions appears to the planning authority (i) to be expedient for the purposes of or in connection with the development authorised by the permission'. I am satisfied that this approach is acceptable and surface water issues have been appropriately dealt with.

## Roads & Traffic:

10.10 Access to the site is proposed off the Regional Road, R626, also referred to as Mill Road, approximately 1km to the North of the town centre of Midleton. As described, the subject site comprises part of a larger greenfield site which is bound to the south by residential developments. To the west of the regional road, there are further residential developments adjacent to the Owenacurra River. There is an existing agricultural entrance to the lands. The proposed development, if permitted, will provide for a primary school on the site, with facilities for approximately 600 students<sup>1</sup> and 48 staff. The school will also provide for a 4 classroom special needs unit, support teacher spaces and ancillary accommodation.

10.11 Waterman Moylan, Consultant Engineers carried out a Traffic & Transport Assessment with regard to the proposed school development on behalf of the Department of Education and seeks to assess the impact of the proposed development on traffic and transportation in the surrounding area. The assessment provides details pertaining to the proposed development and describes the existing situation in the area. In addition, baseline traffic flows were assessed and forecasting methods and appraisals of predicted traffic flows, together with proposed mitigation measures, are provided.

The report concludes that:

- The proposed new school will generate 336 inbound trips and 300 outbound trips in the AM peak on Mill Road.
- PICACY and OSCAADY Analysis has been completed for the 2 no. junctions and the effects of the development traffic was summarised. The analysis concluded that the junctions will operate efficiently in the future design year of 2032.
- Junction site 1a Mill Road / Development Access: the maximum RFC will be 0.491 and with a maximum queue length of 0.95 at the proposed school drop off period of 08.30-09.00.
- Junction site 2 Mill Road / Aconcore Cottages / Townsparks: the maximum RFC will be 0.95 and with a maximum queue length of 19.3 at the proposed school drop off period of 08.30-09.00.

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<sup>1</sup> The Board will note that the Engineering Assessment Report submitted with the planning application indicates that the number of students will be 720.

10.12 The Board will note that the concerns raised by the third party appellant in terms of the proposed development, primarily relate to public safety, the efficiency of the traffic management measures and proposals for drainage and flood management. In terms of traffic issues, the appellants are concerned that there is insufficient provision for cars turning right into the school, there is no facility for buses to turn at the school, the proximity of the entrance to the school and the filter lane is too close to the entrance to Cloonmullin and if permitted, the development will result in difficulties for existing residents. In addition, it is considered that proposed reduction in the lane widths to 3.5m will be too narrow for buses and the location of the pedestrian crossings are a concern. In addition, the third party makes a number of recommendations in terms of a one way traffic flow system, the provision of a roundabout at the entrance to Tir Cluain housing estate and the locating of the drop off area within the school boundaries.

10.13 I have considered the submission of the third party and note the suggestions for a one way traffic flow system and the provision of a roundabout at the junction / entrance to Tir Cluain. The Board will note that the suggested layout would require the acquisition of additional lands to facilitate same as the proposed works are located outside the currently proposed development site. I also note that in response to this appeal, and in particular these issues, the Cork County Councils engineer has not commented as they lie outside the proposed site boundary. I consider it reasonable that the development be considered as proposed. In addition, the Board will note that the conditions attached to the PAs grant of permission provide for agreement between the first party and the County Council with regard to a number of roads and traffic issues including the following:

- Condition 14: traffic calming measures
- Condition 15: controlled and uncontrolled crossings
- Condition 16: proposed right turn lane and road widening and all associated road works
- Condition 17: public lighting
- Condition 19: all design and construction details relating to the proposed roadworks.

10.14 The Board will note that there is a solid white line on the road along the boundary of the proposed development site and the access to the regional road is to be facilitated at a point along this solid white line. I also note that the

response to the further information request did not fully provide for details of the extent of the proposed road widening or road surfacing. I am however, satisfied that the proposed development will include the setting back of the existing roadside boundary which will facilitate appropriate sight distances being available at the entrance to the school. In addition, the proposed road signage will also facilitate the safe provision of the school in terms of traffic and pedestrian safety. Compliance with the stated conditions will also ensure compliance with DMURS and I am satisfied that in principle, the development and the road works proposed adequately accord with the principles of the design manual guidelines.

10.15 I acknowledge that the traffic associated with schools can be problematic, particularly at the drop off and pick up times of the day. It is certain that if permitted, the development would contribute to increased traffic levels on the Mill Road at these times of the day. On the date of my inspection, I noted that traffic volumes were not high in the vicinity of the site and should permission for a school be granted, it is likely that this would change. However, I also noted the existing developments in the immediate vicinity of the subject site are primarily housing which might feed the school. In addition, the site is served by footpaths from the town centre to the subject site. The proposed works to the boundary and road adjacent to the proposed school will facilitate and promote pedestrian and bicycle use as a mode of transport, as well as reducing traffic speeds in the vicinity. Bus services are also available in the vicinity of the site.

10.16 Waterman Moylan, Consultant Engineers prepared Mobility Management Plan with regard to the proposed school development on behalf of the Department of Education to identify and review travel that will be associated with the development as proposed. The Plan seeks to identify measures that will be implemented to reduce transportation demand and to encourage a modal shift towards sustainable forms of transport. The objective of the Mobility Management Plan is to reduce transportation demands and the predicted design year modal split of the proposed primary school is as follows:

Car Journeys: 65%

Bus: 15%

Walking / Cycling: 20%.

It is submitted that it is not possible to set targets at this stage of the development but it is suggested that a modal shift of 10% towards sustainable forms of transport over a two year period should be achievable. It is also

noted that the Plan is a dynamic programme and a review of the plan and targets is required on a regular basis. Given the location of the subject site in relation to the main population areas of the town, together with the proposed road works, I am satisfied that the development can be accommodated without endangering public safety by reason of traffic hazard or obstruction of road users and would not generate serious traffic congestion in the town centre. Should the Board be minded to grant planning permission in this instance, I recommend that the conditions of Cork County Councils Area Engineer be included in such a decision.

10.17 The development proposes 58 staff car parking spaces and 34 visitor car parking spaces, 92 in total, to service the primary school. The Cork County Development Plan, requires that *1 space per teaching staff, + 1 space per 2 ancillary staff, + additional 50% of staff provision for visitors at primary level and additional 30% at second level.* The proposed development provides for 24 class rooms and 4 special needs classrooms which would imply 28 teachers amounting to 28 spaces. The information provided advises a staff of 48 and in this regard 10 additional spaces are required, 38. In addition, 19 spaces are required – 50% of the staff provision, which is a total of 57 spaces are required to comply with the Development Plan standards. I am satisfied that the proposed development adequately complies in this regard.

10.18 In terms of bicycle parking, the development plan requires 1 space per 10 students for Primary Schools. The information submitted in support of the proposed development advises that c600 students will be facilitated at the school. A figure of 720 students is advised in the Engineering Assessment Report. The development proposes 100 bicycle parking spaces. Using the upper figure of students, the development requires 72 bicycle parking spaces to comply with the Development Plan standards. I am satisfied that the proposed development adequately complies in this regard.

Design and siting:

10.19 The proposed primary school is to be located to the east of the subject site, and proposes to provide for educational facilities over two floors. The building will rise to a maximum height of 9.01m and the design provides for external finishes including exposed grey brickwork, both coloured and white/cream render. The roof shall be a dark grey standing seam roof and the windows finish has not been specified. Louvers to match the proposed glazing system

are proposed on part of the elevations. The front of the building, and the location of the main entrance, will be to the north.

10.20 The layout of the primary school proposes 28 no. classrooms, 14 on each floor including 4 classrooms within the Special Needs Unit which is to be located on the ground floor. Each classroom also includes WC facilities. In addition, the school building proposes 2 general purpose halls, one with server, staff room, 2 principal / deputy principle offices, administration office, multipurpose room, library & resource area, a number of SET rooms, and sanitary and ancillary accommodation as well as storage rooms. The building is laid out in a general U shape. The original site layout provides for a general 'kickabout' area to the south of the site, adjacent to the boundary with houses, three areas of hard / soft court areas, including one specifically associated with the SNU, to the west of the building, a separate junction play space, hedge room, school garden and a sensory garden. Following the submission of a response to the Further Information Request from Cork County Council, additional car parking, 34 spaces, was provided within the area originally proposed to house the three areas of hard / soft court areas. These have been relocated to within the grass 'kickabout' area to the south of the site.

10.21 Having regard to the location of the subject site, there is no doubt that if permitted, the proposed development will dramatically alter the existing visual amenities of this area of Midleton. In addition, it might reasonably be considered that the subject site represents a very important site in terms of a gateway to the town of Midleton from the north and as such, any development on the site should have regard to this fact. I am satisfied that the site layout and the proposed building design are acceptable. In addition, the layout provides for the building to be located to the rear of the site, and away from the public road, with the car parking and recreational areas to be located towards the public road. In addition, the proposed landscaping of the overall site, together with the proposed boundary treatments, will help assimilate the building into this landscape. I have no objection to the proposed development in terms of design and siting.

Flood Risk Analysis:

10.22 The subject site is located within proximity to the Owenacurrna River and the Board will note my assessment of surface water proposals above. The subject site does not lie within an identified flood risk area. The Board will note the submission of the third party in relation to recent flooding issues at the site.

The SEE Executive Engineer, East Cork Municipal Area, sought to deal with the flooding issues and advised that during the extreme weather event of the 29<sup>th</sup> December, 2015, there was wide spread flooding in Midleton and elsewhere in the County. Part of the site flooded due to pluvial flooding. The report submits that water built up on the saturated field as there is currently no positive drainage from the area. The proposed development as permitted, includes for a surface water drainage system to include (by condition) attenuation. This will continue to provide attenuation but will prevent a build-up of surface water as occurred on the 29<sup>th</sup> December, 2015. Surface water will be disposed of via the Owenacurra River. I have no objection in this regard.

Appropriate Assessment:

- 10.23 The subject site is located at a distance of approximately 2km from the nearest SAC, the Great Island Channel, Site Code 001058, located to the south of the subject site. The Great Island Channel is also identified as an NHA. The site the subject of this appeal can be considered a greenfield site and is located within 120m from a watercourse, the Owenacurra River, into which, it is proposed to discharge surface water from the site. Given that a Natura 2000 site is located within 15km of the site, the Board will be required to consider the potential effects of the proposed development on the identified European Site. Having regard to the proximity of the adjacent river, the site must be subject to AA regarding its implications for the Natura 2000 site in view of the site's conservation objectives. AA is required *"if it cannot be excluded, on the basis of objective information, that it will have a significant effect on that site, either individually or in combination with other plans or projects"* (EC, 2006). In other words, where doubt exists about the risk of a significant effect, an Appropriate Assessment must be carried out.
- 10.24 An Bord Pleanála, as the competent authority is responsible for obtaining the information necessary to enable an AA screening to be undertaken, and if required, obtain from the proponent, a Natura Impact Statement. Integral to the AA process, is the consideration of alternatives. This issue will be discussed further below. The purposes of AA screening will determine whether appropriate assessment is necessary by examining:
- *whether a plan or project can be excluded from AA requirements because it is directly connected with or necessary to the management of the site, and*

- *the potential effects of a project or plan, either alone or in combination with other projects or plans, on a Natura 2000 site in view of its conservation objectives, and considering whether these effects will be significant.*

#### 10.25 AA Screening:

1. Description of the project and local site: This is an application to construct a new primary school and all associated parking, landscaping, recreational facilities, roads and access on a green field site. The development is proposed to connect to all public water services and discharge, following attenuation, surface water to the Owenacurra River, approximately 2km upstream of a designated SAC.
2. Is the proposed development directly connected with or necessary to the nature conservation management of a Natura 2000 site: No.
3. Identification of relevant Natura 2000 sites, within 15km of the subject site:
  - Great Island Channel, Special Area of Conservation (SAC site code: 001058)
  - Cork Harbour Special Protection Area (SPA site code: 004030)
4. Key Natura 2000 site with regard to the subject site and proposed development is the Great Island Channel, Special Area of Conservation (SAC site code: 001058), which is located approximately 2km to the south of the site.
5. Existing expert reports, advice or guidance: The Board will note the submission from Inland Fisheries Ireland which advises no objections to the proposed development, as well as the AA screening carried out by the Area Planner as part of the PAs assessment of the proposed development.
6. The potential for significant impacts on Natura 2000 sites, having regard to potential significance indicators and to qualifying interests

and conservation objectives for the site. Where doubt exists, it should be assumed that effects could be significant. In terms of the relevant Natura 2000 site in this instance, the Conservation Objectives Great Island Channel SAC Site Code [001058] states as follows:

*Objective: To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected:*

- [1140] Mudflats and sandflats not covered by seawater at low tide
- [1330] Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)

The Conservation Objectives Cork Harbour Special Protection Area (SPA site code: 004030), states as follows:

*Objective: To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:*

The Board will note that this SPA is an important site for 20+ species of overwintering birds

Potential significance indicators<sup>2</sup>:

Any impact on an Annex I habitat:

Causing interference with, reduction, erosion or fragmentation of the Natura 2000 site: No

Causing direct or indirect damage to the physical quality of the environment (e.g. water quality and supply, soil compaction) in the Natura 2000 site: Possible in terms of water quality due to surface water discharge to the Owenacurra River, although unlikely subject to compliance with conditions.

Causing serious or ongoing disturbance to species or habitats for which the Natura 2000 site is selected (e.g. increased noise, illumination and human activity): Possible / Not likely due to separation distance.

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<sup>2</sup> Using the Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities, DoEHLG, 2009 I consider that the potential significant indicators should include as presented. There is no defined list of indicators, with each site potentially generating a different list.

Causing direct or indirect damage to the size, characteristics or reproductive ability of populations on the Natura 2000 site: Not likely.

Interfering with mitigation measures put in place for other plans or projects: No.

Causing a cumulative impact and other impacts: Possible / Not likely

7. Assessment of likely effects - direct, indirect and cumulative – undertaken on the basis of available information as a desk study or field survey or primary research as necessary: Having considered the above potential significance indicators, I consider that the development, if permitted, is unlikely to have an effect on the Natura 2000 site.

8. Screening Statement with conclusions: The safeguards set out in Article 6(3) and (4) of the Habitats Directive are triggered not by certainty but by the possibility of significant effects. Thus, in line with the precautionary principle, it is unacceptable to fail to undertake an appropriate assessment on the basis that it is not certain that there are significant effects. It is reasonable to conclude that, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site the Great Island Channel SAC Site Code [001058], or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

Other Issues:

10.26 Residential Amenity:

Having regard to the proposed development, there are potential issues arising in terms of the existing residential amenities of properties in the immediate vicinity of the site. The Board will note that the issue of traffic associated with the proposed development has been addressed above in this report. I have concluded that while I accept that there will be an increase in traffic on the regional road at particular times of the day as a result of the proposed development, I am satisfied that the road network is capable of

accommodating the school. The proposed site layout provides for the open spaces and recreational areas of the facility to be located to the south of the site and adjacent to the existing houses. Having regard to the existing and proposed boundary treatments, I am satisfied that the development will not impact upon the existing amenities of these houses. In addition, the proposed school building is to be located away from these houses. In terms of the potential visual impact of the development, I am satisfied that the proposed design and landscaping of the site will not result in any significant negative visual intrusion in this area of Midleton.

#### 10.27 Development Contributions:

Having regard to the nature of the proposed development, the development is exempt from paying development contributions.

### **11.0 CONCLUSIONS & RECOMMENDATION**

Conclusion:

11.1 I have considered the proposed development having regard to the provisions of the current Cork County Development Plan, 2014 and the Midleton Local Area Plan, 2011, together with the pattern of existing and permitted development in the vicinity, the information submitted as part of the planning application and all reports and third party submissions.

11.2 In terms of the zoning afforded to the site, I accept that the educational nature of the development can be considered as according with the essentially open zoning of X-02 which provides for a mix of uses including community, recreational, residential and business. In addition to the above, I am satisfied that the development is acceptable in terms of overall design and siting, flood risk and AA. The site is capable of being serviced by public water services and the Board will note no objection from Irish Water or Cork County Council Engineering departments in this regard. Finally, I am satisfied that the development, if permitted, will not impact on the existing residential amenities of properties in the vicinity of the site.

11.3 The primary area of concern arising from the third party appeal relates to roads and traffic issues. I have considered this matter carefully, and following

my site inspection together with the information provided in support of the proposed development, and the comments of the various engineering reports, I am satisfied that the proposed access to the site is acceptable and if permitted, would not conflict with the other existing accesses in the vicinity. In addition, and having regard to the available sight lines at the proposed vehicular entrance, together with the road boundary proposals, sight distances are acceptable. Finally, it is considered that the existing road network is capable of accommodating the proposed development, subject to compliance with conditions.

#### 11.2 Recommendation:

It is recommended that planning permission be **GRANTED** for the construction of 1 no two storey, 24 classroom primary school building with physical education hall, 4 classroom special needs unit, support teacher spaces and ancillary accommodation, with a total floor area of 4,640m<sup>2</sup>. The site works to the school grounds will consist of the provision of cycle storage, bin store, ball courts, project gardens, landscaping and boundary treatment and all other associated site development works. The works to the remainder of the site consist of the provision of a new access road, 58 no. car parking spaces, drop-off and pick-up facilities within the site and along the road frontage to the R626, Mill Road, all on a site c2.24 hectares located off the R626, Mill Road, Broomfield West, Midleton, Co. Cork, for the following reason and consideration:

### **REASONS & CONSIDERATIONS**

Having regard to the provisions of the current Cork County Development Plan, 2014, the Midleton Electoral Area Local Area Plan 2011, the pattern of existing and permitted development in the vicinity and having regard to the information submitted as part of the planning application together with the information submitted in the appeal, I am satisfied that, subject to compliance with the following conditions, the proposed development generally accords with the zoning and policy requirements of the relevant plans as it relates to development of a primary school, would be acceptable in terms of traffic safety and would not injure the existing residential amenities of properties in the vicinity of the site, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## SECOND SCHEDULE

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, submitted the 29<sup>th</sup> day of June 2015 and further information submitted 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 points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of clarity.

2. Details of surface water drainage from the overall site shall be submitted to, and agreed with, the Planning Authority before commencement of development, or at the discretion of the Planning Authority within such further period or periods of time as it may nominate in writing. The surface water drainage system shall include the provision of oil interceptors and attenuation.

**Reason:** In the interest of proper planning and sustainable development.

3. The surface water discharge from the development to the Owenacurra shall following attenuation, be controlled by means of a hydrobreak or similar. The design and details of the sealed retention tank shall be submitted to the Planning Authority for agreement, in writing, prior to commencement of development, or at the discretion of the Planning Authority within such further period or periods of time as it may nominate in writing.

**Reason:** To provide adequate drainage system, the protection of water quality and in the interests of the proper planning and sustainable development of the area.

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 proposed road widening and turning lane shall also include for the provision of road drainage at the developer's expense. Drawings and details of new public road drainage system shall be submitted and agreed before development commences.

**Reason:** To provide for road drainage.

6. Details of traffic calming measures, road signage and markings on the Regional Road R626, warning the public of the entrance and of proposals for traffic management at the site entrance, shall be submitted to and agreed in writing with the planning authority prior to commencement of development. These works shall be completed to the satisfaction of the Planning Authority and prior to the school coming in to operation.

**Reason:** In the interest of traffic safety.

7. The installation of the proposed controlled and uncontrolled crossings and all associated alterations necessary to the public road shall be designed to the relevant design standards and constructed by the applicant (at his expense) and agreed with the Planning Authority prior to the commencement of any construction on site. These works shall be completed to the satisfaction of the Area Engineer prior to the school coming in to operation.

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

8. All associated road works including, the proposed right-turn lane, road widening, the provision of sight-lines at the new entrance, extension of public lighting, shall be designed to the relevant design standards and constructed by the applicant (at his expense) and agreed with the Planning Authority prior to the commencement of any construction on site. These works shall be completed to the satisfaction of the Area Engineer prior to the school coming in to operation.

All design and construction details relating to the proposed roadworks shall be agreed the Planning Authority prior to commencement of work on site. The design and construction shall be carried out in accordance with the relevant standards.

**Reason:** In the interests of traffic safety and the proper planning and sustainable development of the area.

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.

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A. Considine  
Planning Inspector  
3<sup>rd</sup> June, 2016