



Board Direction

Ref: PL04.246387

The submissions on this file and the Inspector's report were considered at a Board meeting held on September 1st 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.

Reasons and Considerations

Having regard to the C-01 zoning objective of the subject site in the Carrigaline local Area Plan 2011, to the proximity of the subject site to lands zoned for future residential development, and to the pattern of existing development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not lead to the creation of a traffic hazard or unduly increase traffic congestion in the area, would support the sustainable residential development of this part of the town of Carrigaline, and would not be likely to lead to flooding. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area. It is further considered that the retention of the demolition of the agricultural buildings on the site, for which retention was sought, would not be contrary to the proper planning and sustainable development of the area, in the light of the zoning of the subject site.

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 1st day of February, 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. The materials, colours and textures of all of the external finishes to the proposed schools shall be submitted to, and agreed in writing with, the planning authority before the commencement of construction of the schools. All roofs shall be blue-black or dark-grey in colour.

Reason: In the interest of visual amenity.

3. The schools shall not be used for adult education classes, or any other activities, to which members of the general public would have access, after 18.00 hours, without a separate planning permission for such use having first been obtained.

Reason: In the interest of protecting the residential amenities of neighbouring residential property.

4. The proposed ball courts and pitches shall not be floodlit without a separate planning permission having first been obtained. The proposed site lighting shall not incorporate any floodlighting of these courts/pitches. The ball courts / pitches shall not be used between the hours of 18.00 and 08.30.

Reason: In the interest of protecting the residential amenities of neighbouring residential property.

5. Covered and secure bicycle parking spaces shall be provided within the site, which shall fully comply with the development plan standards of the Cork County Development Plan, 2014 – 2020. Prior to the commencement of development, the layout of such spaces shall be submitted to, and agreed in writing with, the planning authority.

Reason: To ensure an adequate bicycle parking provision is available to serve the development.

6. A comprehensive boundary treatment scheme shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This scheme shall include details of

all proposed boundary treatments at the perimeter of the site including the specific locations and heights of fences relative to adjoining ground levels on both sides of the proposed boundary treatment. All paladin fencing shall be finished in a dark green colour only.

Reason: In the interest of visual amenity

7. A new pedestrian/cycle link within the site shall be provided from the south-eastern corner of the proposed campus site to adjoining lands so as to link up with the R611 regional road and associated footpath. Details of this link, including boundary treatment and gates, shall be submitted to, and shall be agreed in writing with, the planning authority prior to commencement of development. The gates from this link to the adjoining lands shall be kept closed between 18.00 and 08.30.

Reason: In order to facilitate pedestrian and cycle access to the subject site from the R611 and future residential development to the east of the site, and in the interest of permeability.

8. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, which shall be prepared by a suitably qualified landscape architect, and which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This scheme shall include the following:

- (a) Proposals for the protection of all existing and new planting for the duration of construction works on site, together with proposals for adequate protection of new planting from damage until established.

- (b) A timescale for implementation, including details of phasing, which shall provide for the planting to be completed before the development is first made available for occupation.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to assimilate the proposed development into the surrounding landscape, in the interest of visual amenity.

9. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no additional development shall take place above roof parapet level of the proposed school buildings, including any solar panels, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area, and to permit the planning authority to assess any such development through the statutory planning process.

10. 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 hours of working, construction noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of clarity, orderly development and amenity.

11. 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.

Reason: In the interest of public health.

12. (a) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths, cycle parking and kerbs, shall comply with the detailed standards of the planning authority for such works.
- (b) All access for the construction phase of this development shall be way of the proposed main entrance onto the Ballinrea Road, and no access shall be taken during the construction phase through the pedestrian/cycle link to the R611.

Reason: In the interest of amenity and of traffic safety.

13. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: In the interest of proper waste management.

14. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

15. The archaeological monuments and their setting shall be protected and maintained in perpetuity in accordance with the Landscape Plan (Drawing 15383-2-301) and the Archaeological Management Plan submitted on the 1st day of February 2016. The long term management of the monuments shall be implemented in accordance with the details submitted including the proposed planting of trees, shrubs, grass and meadow.

Reason: In order to preserve the archaeological monuments and their setting.

16. An appropriate number of information plaques shall be erected at a suitable location with relevant information relating to the archaeological monuments, investigation and excavation. The number, style, design and content shall be prepared by a suitably qualified archaeologist and shall be agreed in advance with the planning authority.

Reason: To raise archaeological awareness.

17. The recommendations set out in the School Travel Plan shall be fully implemented. A Mobility Manager for the overall school campus shall be appointed to oversee and implement the School Travel Plan. The Mobility Manager shall carry out travel habit surveys of staff and identify actions for the developer, so that progress towards meeting the targets set out in the plans can be maintained. This review may, from time to time, result in adjustment targets. The review will be carried out in consultation with the planning authority.

Reason: In the interest of sustainable transport.

18. All service cables associated with the proposed development (such as electrical, telecommunications and public lighting cables) shall be run underground within the site. Any overhead cables crossing or bounding the subject site shall be undergrounded as part of the site development works.

Reason: In the interest of orderly development and the visual amenities of the area.

19. Lighting shall be in accordance with a scheme, which shall be designed to minimize glare and light pollution, and which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This lighting shall include provision for the lighting of the pedestrian/cycle link referred to in condition number 7 of this permission.

Reason: In the interest of residential amenity and public safety.

20. The developer shall be responsible for the design and the construction of: -

- (a) The proposed upgrade works on the L2464 located immediately to the west of the site in their entirety (i.e. the entire road width, including traffic light junction and pedestrian and cycle infrastructure on both the eastern and western side of the L2464). Ref. drawings numbers KOBW 2428 PL-03 and MWP 15088-SK102 Rev. B.
- (b) The proposed gateway treatment located to the north of the school campus within the red line boundary of the site.
- (c) The public lighting associated with the gateway treatment and along the L2464 from the Gateway to the southern boundary of the school campus site but within the red line boundary of the site.

These works shall extend over the full proposed width of the improved roadway. The design and construction shall be carried out in accordance with DTTAS, DHPCLG and NRA road design and construction guidelines, and to the written satisfaction of the planning authority. All road design and construction details on the L2464 and all associated road works shall be agreed in writing with the planning authority prior to commencing construction work on site.

All works within the red line boundary of the application shall be constructed in their entirety, and at the developer's expense, prior to opening of any schools within the campus.

Reason: In the interests of orderly development and of traffic and pedestrian safety.

- 21. The developer shall submit, 'as-built drawings' of the constructed L2464 Ballinrea Road works and services layout to the planning authority within 3 months of completing the road works.

Reason: In the interest of orderly development.

- 22. The developer shall be responsible for the design and construction (at his expense) of all new road markings and road signage required on the approaches to the L2464 Ballinrea Road works and roadworks. Prior to the 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, a 'Road Markings and Signage Layout' for the public road shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interests of orderly development and of traffic and pedestrian safety.

23. 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 in respect of:

i. Ballinrea Road (i.e. from Ashgrove Roundabout to the southern boundary of the site)

- a) Traffic Calming Scheme (including uncontrolled pedestrian crossings, road realignment, road markings etc.)
- b) Provision of pedestrian and cycle infrastructure
- c) Set-down areas
- d) Upgrade of Ashgrove Roundabout

ii. Cork Road

- a) Toucan Crossing to facilitate both pedestrians and cyclists
- b) Set-down area adjoining pedestrian link required by condition 7 of this permission.

iii. Ballinrea Cross

Upgrade of Ballinrea Cross to improve safety and capacity so as to mitigate the impacts of school related traffic.

The amount of the contribution to be paid to Cork County Council is €783,485.00. The contribution shall be paid prior to the commencement of the 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 will be incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Note: In imposing condition no. 23, the Board concurred with the views expressed by the planning authority that the road works referred to in this

condition (which were those referred to in the authority's condition number 34) were essential in order to facilitate the proposed development and would benefit the development. The Board considered that, if these works were not carried out, the proposed development would not be acceptable, as it would lead to serious traffic congestion. However, the Board did not share the Inspector's analysis of the High Court decision "*Cork Institute of Technology – v - An Bord Pleanála*". The Board was of opinion that the principles in that case related solely to the content of the General Development Contribution Scheme, and to its proper interpretation, and not to the imposition of a Special Development Contribution under Section 48 (2)(c) of the Act. Accordingly, the status of the applicant – whether or not it was a voluntary organisation and whether or not it paid a planning application fee, (which were issues relevant to the General Development Contribution Scheme) – is not of relevance to the application of this Special Development Contribution. (The Board did not include any condition requiring the payment of financial contributions under the General Development Contribution Scheme for this development.)

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

Board Member: _____ Date: 13th September 2016
Philip Jones