



An  
Bord  
Pleanála

**Board Direction**  
**BD-002754-19**  
**ABP-302924-18**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 03/04/2019.

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 provisions of the Ballincollig - Carrigaline Municipal District LAP 2017, and in particular, to the land use zoning, specific objective SE-R-06 and to the nature, height, scale and design of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not adversely affect the residential or visual amenities of the area nor would it give rise to the creation of a traffic hazard in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Appropriate Assessment Screening for Proposed Development report submitted with the application, and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely

to have a significant effect on any European Site in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment is not, therefore, required.

## **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 17<sup>th</sup> September 2018, and further plans and particulars submitted to An Bord Pleanála on the 3<sup>rd</sup> December 2018 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. Details [including samples] of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of the visual amenities of the area.

3. 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 20.00 and 08.30.

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

4. (i) The site shall be landscaped in accordance with the landscape scheme submitted on the 28/05/18, unless otherwise agreed in writing with the Planning Authority. All planting shall be carried out within the first planting season following opening of the school.

(ii) All planting shall comply with the specifications of the agreed, landscaping scheme and shall be maintained by the developer and if any plant should die it shall be replaced within the next planting season.

(iii) A scheme indicating boundary treatments (in accordance with Drawing No. A1613-SK29/11 submitted to An Bord Pleanála on the 03<sup>rd</sup> December 2018) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This boundary treatment scheme shall provide a timber fence, (similar to that in-situ to the rear of Darryglynn Nursing home) along the south-eastern boundary.

**Reason:** In the interests of visual amenity.

5. The landscaping scheme shown on drg no.s 142-14-DD-01 & 142-14-DD-02, as submitted to the planning authority on the 28th day of May, 2018 shall be carried out within the first planting season following substantial completion of external construction works.

In addition to the proposals in the submitted scheme, the following shall be carried out:

All trees identified for retention in the Tree Survey Report shall be retained in their entirety and shall be maintained to form a feature of the proposed development. The critical root zone of trees, treelines and hedgerows to be retained will be identified by a tree specialist and fenced off before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. No trenches, embankments or pipe runs shall be sited within 7m of the trunks of the trees to be retained.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development [or until the development

is taken in charge by the local authority, whichever is the sooner], 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 the interest of residential and visual amenity.

6. Invasive alien plant species shall be treated and removed from the site by a competent operator under the supervision of the project ecologist. Removal of soil material contaminated or potentially contaminated with Japanese Knotweed may only be carried out under license from the National Parks and Wildlife Service in accordance with the Birds and Natural Habitats Regulations.

**Reason:** To control the risk of spread of invasive alien species from this site.

7. All works shall take place in accordance with ecological mitigation measures as set out in the Ecological Impact Assessment Report, the Tree Survey Report and CEMP as submitted with the planning documentation, and under the supervision of an ecologist and/or tree specialist.

**Reason:** In the interest of protection of protected species and/or habitats of high natural value.

8. 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, noise management measures and off-site disposal of construction/demolition waste.

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

9. A detailed workplace travel plan shall be carried out, submitted to and agreed in writing with the planning authority, prior to commencement of development.

**Reason:** In the interest of public safety and sustainable transportation.

10. The school development shall include the provision of the pedestrian and cycle connection to the proposed Ballybrack Cycle Track.

**Reason:** In the interests of sustainable commuting.

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) All foul sewage and soiled water shall be discharged to the public foul sewer.

(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

**Reason:** In the interest of public health.

13. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian/vehicular/cycle routes through the site and car parking areas, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

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

14. No further structures, plant or antennae shall be erected on the roof of the proposed building without a prior grant of planning permission.

**Reason:** In the interest of visual amenity.

15. A plan containing details for the management of waste (and, in particular, recyclable materials) 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:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

16. 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 upgrading of the public footpath and public lighting along the public road (R609). 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 are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

**Board Member**

**Date:** 11/04/2019

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Michelle Fagan