



An
Bord
Pleanála

Board Direction
BD-016238-24
ABP-317147-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/05/2024.

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 Cork City Council Development Plan 2022-2028, within which the subject site is zoned ZO12, which has the stated objective 'To provide for schools and educational facilities and related development', to the design and scale of the proposed development, to the proximity to existing and proposed residential areas and to the village of Douglas, and to the tie-in with proposed and future sustainable travel infrastructure projects such as Bus Connects, the Ballybrack Valley Cycle and Pedestrian route, the Douglas East West Link Bridge, and the Maryborough Woods, Active Travel Improvement Works, and to the location of the site within a school catchment area that is under-represented at post-primary level, it is considered that 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.

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 received by the planning authority on the 26th day of January, 2023 and the 28th day of March 2023, 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 Access at The Dales, Maryborough Woods is granted for pedestrian and cycle access, with Emergency Vehicle Access permitted as necessary. Deliveries to the rear of the school grounds through this access shall be permitted twice-weekly, during school hours but outside of drop off and collection times and through a lockable mechanism that shall be the subject of written approval by the Planning Authority prior to the commencement of development. No permission is granted for any additional vehicle access through this entrance to the site.

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

- 3 The proposed 3-arm signalised school access junction from the R609 Carrigaline Rd shall be designed and constructed as a signal controlled junction with provision made to allow the future upgrade of the junction to a 4-armed signal controlled junction. The design and construction of the junction shall be agreed in writing with the ITS department and the Infrastructure Development Directorate. The junction shall be fully operational prior to commencing works on the main development unless otherwise agreed with the Planning Authority as part of the Construction and Environmental Management Plan. All costs associated with the works shall be at the developers expense.

Reason: In the interests of Road and Traffic Safety.

- 4 No vegetation or structure shall exceed 1 metre in height within the site distance triangle. Any utility poles or other objects /structures within the site triangle which, as a result of compliance with this condition, will be in front of the new road boundary shall be repositioned behind the new road boundary, and any surface chambers or man holes in front of it shall be repositioned in a location or at a level to be agreed with the council's area engineer. The applicant shall be responsible for the costs of relocating these facilities, for notifying the relevant statutory undertakers for obtaining any necessary licences, and for notifying the planning authority of the revised locations of such utilities prior to commencement of development

Reason: To provide proper sight distance for emerging traffic in the interests of road safety.

5. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any unit.

Reason: In the interests of amenity and public safety.

- 6 Details (including samples) of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

- 7 Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. The developer shall coordinate with the Drainage Department of the Council during the detailed design and construction of the development.

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

Reason: In the interest of public health and surface water management.

- 8 All trees within and on the boundaries of the site shall be retained and maintained, with the exception of the following:
- (a) Specific trees, the removal of which is authorised in writing by the planning authority to facilitate the development.
 - (b) Trees which are agreed in writing by the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.

Retained trees shall be protected from damage during construction works. Within a period of six months following the substantial completion of the proposed development, any planting which is damaged or dies shall be replaced with others of similar size and species, together with replacement planting required under paragraph (b) of this condition.

No trench, embankment or pipe run shall be located within three metres of any trees which are to be retained on the site.

Reason: To prevent damage to the root systems of trees and in the interest of visual amenity.

9. All planting/landscaping required to comply with the specification of the landscaping scheme submitted to the planning authority shall be maintained, and if any tree or plant dies or is otherwise lost within a period of five years, it shall be replaced by a plant of the same species, variety and size within the planting season following such loss.

Reason: In the interest of visual amenity.

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

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

11. 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.

- 12 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

- 13 The construction of the development shall be managed in accordance with a Construction and Environmental 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:

a) Location of the site and materials compounds including areas identified for the storage of construction refuse.

b) Location of areas for construction site offices and staff facilities.

- c) Details of site security fencing and hoardings.
- d) Details of on-site car parking facilities for site workers during construction.
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
- f) Measures to obviate queuing of construction traffic on the adjoining road network.
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.
- i) Details of appropriate mitigation measures for noise, dust and vibration, and the location and frequency of monitoring of such levels.
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.
- k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants / contaminants enter local surface water sewers or drains.
- l) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.
- m) Measure to fully remediate the site in accordance with a Construction Stage Invasive Plant Species Management plan, in advance of the commencement of construction activities.

Reason: In the interest of amenities, public health and safety.

- 14 Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource

and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

- 15 Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

Note

The Board noted the Inspector's recommended Condition 3 in respect of the delivery of the 3-arm signalised junction which it was recommended should be fully operational prior to the occupation of the school. This differed from the Cork City Council Condition 7, appealed by the first party, which conditioned the delivery would be prior to commencing work on the main development. While the Board shared the Inspectors view that the reports on file used differing terminology, the Board did not share the Inspectors view that prior to occupation would be an appropriate delivery

time for this critical element of the proposed development. The Board had particular regard to the specific site context and the limited availability of suitable alternative access options for the construction phase and considered that the rationale underlying the inclusion of the timing for delivery by the local authority was reasonable.

Board Member



Una Crosse

Date: 08/05/2024