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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dún Laoghaire Rathdown-County Council**

**Planning Register Reference Number: D18A/0865**

**Appeal** by Ballinteer Educate Together Parent Association of Notre Dame, Upper Churchtown Road, Dundrum, Dublin and by the Minister for Education and Skills care of Tom Phillips and Associates of 80 Harcourt Street, Dublin against the decision made on the 31<sup>st</sup> day of October, 2018 by Dún Laoghaire-Rathdown County Council to refuse permission to the said Minister for Education and Skills for the proposed development.

**Proposed Development:** The development will consist of a two-storey primary school building (Ballinteer Educate Together National School - Roll Number 20400E) with a gross floor area of circa 3,219 square metres comprising 16 number classrooms and ancillary teacher and pupil facilities, located to the north-west of the existing community school building on this site. The development will include two number ball courts; 93 number bicycle parking spaces; 32 number car parking spaces, including two number universal access spaces; drop-off zones; a green roof; signage; internal pedestrian/vehicular routes; internal pathways and hard and soft play areas. The development also includes a two-storey sports facility (circa 1,207 square metres) located to the south-east of the existing community school, adjacent to the southern site boundary. The development will also include new/revised

internal pedestrian and vehicular routes and car parking on the site, including the relocation of 12 number existing car parking spaces and the provision of 16 number additional car parking spaces to serve the existing community school and proposed sports facility; two number new pedestrian entrances at the northern site boundary onto the adjoining Slang River Greenway and a new temporary vehicular entrance onto Wyckham Way at the north-western site boundary, which will facilitate one-way, left turning exit movements from the site only. A new pedestrian entrance is also proposed at the north-western site boundary onto Wyckham Way. No changes are proposed to the existing vehicular entrance at the south-eastern site boundary via Parkvale. The development will also include piped infrastructure and ducting; plant; two number attenuation tanks; signage; changes in level; site landscaping; boundary treatments and all associated site development and excavation works above and below ground, all on a on a site of circa 5.65 hectares at Saint Tiernan's Community School (Roll Number 91343T), Parkvale, Balally, Dublin. The subject site adjoins the Gort Mhuire Centre (Protected Structure) to the south (RPS Reference 1453).

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## Reasons and Considerations

Having regard to the zoning and other objectives of the planning authority as set out in the Dún Laoghaire-Rathdown County Development Plan 2016-2022, which includes objectives to facilitate educational development on suitable sites, to the established educational use on the lands comprising the site, and to the nature and scale of the proposed school development, it is considered that, subject to compliance with the conditions set out below, including the omission of the proposed vehicular exit onto Wyckham Way, the proposed development would be in accordance with the established use of the lands, would comply with the provisions of the Development Plan, would not seriously injure the amenities of the area or of property in the vicinity, would not endanger public safety for pedestrians or cyclists, and would be generally acceptable in terms of traffic safety. 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, 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 proposed development shall be amended as follows:-
  - (a) The proposed left turning exit only vehicular access onto Wyckham Way, and associated internal vehicular roadway leading to this access, shall be omitted from the development.
  - (b) Cyclist access and pedestrian access to the existing footpath and cycle way along Wyckham Way shall be facilitated.
  - (c) The internal access roads and turning areas within the overall school lands, and the existing gateway onto the Parkvale estate, shall be altered to provide for two-way vehicular traffic through the existing access from/into the Parkvale estate, and the proposed turning areas/drop-off bays within the site shall be so sized as to permit full-size coaches to enter and leave the school lands without having to reverse.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

3. The following requirements shall be provided for and adhered to in the development:-
  - (a) The developer shall implement the measures for achievement of the targets specified in the submitted School Travel Plan. These shall be fully implemented, monitored and reviewed under the direction of the Mobility Manager who shall be appointed by the developer, in accordance with the requirements of the planning authority. Periodic updates on achievement of targets and provision of monitoring reports shall be submitted, in accordance with an agreed timeframe, to the planning authority. If targets for

modal split are not being achieved, alternative arrangements shall be agreed in writing with the planning authority.

- (b) Staggered opening and closing times shall be operated and maintained by the proposed school in conjunction with the existing adjoining school Saint Tiernan's Community School so that drop off and collection times for the two schools do not coincide. A minimum stagger of 30 minutes shall be employed, unless otherwise agreed in writing with the planning authority.
- (c) The proposed pedestrian accesses onto the River Slang Greenway shall be provided before the proposed school is opened for use. The developer shall pay the full cost of any parking control or other measures that may be implemented by the local authority to prevent the use of the Ardglass estate by vehicular traffic associated with pedestrian access to the school.
- (d) The developer shall pay the full cost of any parking control or other measures that may be implemented by the local authority within the Parkvale estate to increase pedestrian and cyclist safety within the estate and along the link road between the Parkvale estate and the junction with the Sandyford Road.

**Reason:** In the interest of pedestrian and vehicular safety, amenity, clarity and orderly development.

4. The use of the sports hall outside of school hours and outside term time shall be made available where it will be of benefit to the wider community, to details (including hours of operation) to be agreed in writing with the planning authority before the sports hall is opened for use.

**Reason:** To comply with the requirements of Section 8.2.12.4 (School Development) of the County Development Plan 2016-2022, and in the interests of the proper planning and sustainable development of the area.

5. 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 the visual amenities of the area.

6. All trees which are shown on submitted drawings as to be retained on site shall be enclosed by protection fencing, which shall be erected outside the branch spread of the trees prior to the commencement of any foundation or building works. This protection fencing shall be maintained in place throughout the construction stage, in accordance with the standards set out in BS 5837 and the requirements of the planning authority in consultation with the Parks and Landscape Division.

**Reason:** In the interest of environmental and visual amenity and clarity.

7. 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. Details of the surface water drainage system in compliance with Sustainable Urban Drainage measures (SUDS) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of public health to ensure a proper standard of development.

8. The developer shall engage the services of a Conservation Architect or equivalent expert with specialised conservation expertise, in accordance with the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011 and in accordance with Best Conservation Practice, to monitor the adjoining wall of the walled garden during the course of construction to ensure that the structural stability of this wall is not compromised.

**Reason:** To ensure that the integrity of this protected structure is maintained and that all works are carried out in accordance with best conservation practice.

9. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and

- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.



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:-
- (a) location of the site and material compound(s) including area(s) 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 to ensure that car parking facilities for site workers, and parking areas for construction vehicles, are provided on site during the course of construction, and that procedures are implemented so as to ensure that no such vehicles are permitted to park on adjoining residential streets (particularly in Ardglass, Ballyolaf and Parkvale estates);
  - (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 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 include rainwater;
- (k) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil, and
- (l) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers, drains and the adjoining Slang River.

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.

**Reason:** In the interest of protecting residential amenities, public health and pedestrian and traffic safety.

11. 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.

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

12. All service cables associated with the proposed development shall be located underground.

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

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**Philip Jones**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

**Dated this            day of            2019.**