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**Planning and Development Acts 2000 to 2019**

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

**Planning Register Reference Number: D18A/1171**

**Appeal** by The Minister of Education and Skills care of Tom Phillips and Associates of 80 Harcourt Street, Dublin against the decision made on the 13<sup>th</sup> day of June, 2019 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The construction of a new part one-storey; part - two-storey and part three-storey, 11,256 square metres Post-Primary School (RN68241F) including a four-classroom special needs unit, incorporating sports hall, classrooms, general purpose hall, and all ancillary pupil and staff facilities, with all associated site works, a new substation, 100 number car parking spaces, ballcourts, hard and soft play areas and landscaping, including an access point off Ballyogan Avenue and a new pedestrian access off the linear park in front of Holy Trinity National School. With a future greenway extending north to the M50, all at the former HRI lands at Ballyogan Road, Leopardstown, Dublin.

## Decision

Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to ATTACH condition number 3 and the reason therefor, AMEND condition number 2 so that it shall be as follows for the reason set out, and ATTACH a further condition so that it shall be as follows for the reason set out.

2. A fully accessible public greenway for both pedestrians and cyclists from the existing greenway at the site's southwestern boundary along the full western boundary of the site, as shown on drawings submitted to the planning authority on 17<sup>th</sup> day of May, 2019, shall be constructed, to the planning authority's taking in charge standards, prior to the opening of the school for use. Revised drawings and details shall be submitted to, and agreed in writing with, the planning authority prior to the opening of the school for use. This section of the greenway shall be constructed to the planning authority's "Taking in Charge" standard. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In the interests of the proper planning and sustainable development of the area and to ensure that the proposed development is in accordance with policy ST5: Walking and Cycling and policy ST6: Footpaths and Pedestrian routes of the Dún Laoghaire-Rathdown County Development Plan and the Green Infrastructure Strategy and DMURS.

## Further Condition

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 the proposed greenway from the northern end of the Greenway as referred to in condition 2 to Leopardstown Valley, as set out in Section 4.3.5 Proposed Linkages (Link Number 12) and Figure 4.11 Movement Strategy – Planned Linkages of the Ballyogan and Environs Local Area Plan 2019 - 2025. 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 the first opening of the school for use 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.

## **Reasons and Considerations**

Having regard to the provisions of the Dún Laoghaire-Rathdown Development Plan 2016 – 2022, the Ballyogan and Environs Local Area Plan 2019 - 2025 and Section 48, Planning and Development Act, 2000, (as amended), the Dún Laoghaire-Rathdown County Council Development Contribution Scheme 2016 - 2020 (adopted by Dún Laoghaire-Rathdown County Council on 14<sup>th</sup> day of December, 2015), it is considered that, subject to compliance with the conditions set out, the proposed development would be in accordance with the local policies and objectives, would ensure maximum permeability, would contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme which will benefit the proposed development, and would, therefore, be generally in accordance with the proper planning and sustainable development of the area.

## **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.

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**Terry Ó Niadh**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

**Dated this                      day of                      2020**