

An
Bord
Pleanála

Board Order
ABP-312251-21

Planning and Development Acts 2000 to 2021

Planning Authority: Louth County Council

Planning Register Reference Number: 21760

Appeal by Frank Condra of 17 Highfield, Drogheda, County Louth against the decision made on the 22nd day of November, 2021 by Louth County Council to grant subject to conditions a permission to the Board of Management of Marymount National School care of Atkins of Atkins House, Airside Business Park, Swords, County Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Proposed development consisting of a new two-storey 24 classroom school including all ancillary teacher and pupil facilities, delivered on a phased basis, to include the phased demolition/removal of the existing school building on the site including the relocation of one number prefabricated building and eventual removal of all prefabricated buildings. Vehicular access to the site will be reconfigured with the existing entrance removed and a new pedestrian and vehicle entrance and exit formed off Donore Avenue providing access to a new drop off area; the new entrance also accesses a new one-way coach and staff car park along the southern boundary exiting out onto Highfield Road. The development will include the provision of bicycle and scooter parking, hard and soft play areas, piped infrastructure and ducting, plant landscaping and boundary treatments,

disabled car parking spaces, e-car charging points, ancillary pedestrian access ramps and stairs, signage, attenuation tank, changes in level and all associated site development and excavation works above and below ground; all at Marymount National School, Ballsgrove, Drogheda, County Louth.

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 provisions of the Louth County Development Plan 2021-2027, and in particular the G1 zoning objective pertaining to the site and the narrative and policy framework relating to educational facilities; and having regard to the existing use of the site as a school, to the nature, scale, design and layout of the proposed development, to the location of the site and to the pattern of development in the surrounding vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area, and would be acceptable in terms of traffic safety and convenience. The

proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Stage 1 Appropriate Assessment Screening

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European sites, in view of the site's Conservation Objectives.

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 to the planning authority on the 28th day of October 2021, 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 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 include, inter alia, a construction programme for the works, a traffic management plan and details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste. A construction manager shall be appointed to liaise directly with various sections of the council.

Reason: In the interest of public safety and residential amenity and of proper planning and sustainable development.

3. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

4. Details 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.

5. The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interests of public health.

6. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

7. The number of cycle parking spaces serving the school shall be increased to 80 spaces. Provision shall be made for the charging of electric bicycles at locations convenient to the bicycle parking. Prior to the commencement of development, the developer shall submit to, and agree in writing with, the planning authority a revised site layout plan showing compliance with these requirements.

Reason: In the interest of sustainable transportation.

8. A minimum of 10% of the proposed car parking spaces shall be provided with electrical connection points, to allow for functional electric vehicle charging. The remaining car parking spaces shall be fitted with ducting for electric connection points to allow for future fitout of charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

9. (a) Public lighting shall be provided in accordance with a scheme, 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 occupation of the new school building.
- (b) Any external lighting serving the school shall be cowled and directed away from residential properties.

Reason: In the interests of amenity and public safety.

10. Prior to the school becoming operational, a stage 3 Road Safety Audit shall be carried out in accordance with TII Audit Requirements.

Reason: In the interests of traffic safety.

11. Prior to commencement of development,
- (a) a bat survey shall be carried out across the entire development site by a suitably qualified ecologist during the active season. The survey shall include all buildings and trees on site, and
- (b) detailed measures in relation to the protection of bats and nesting bird species shall be submitted to, and agreed in writing with, the planning authority.

All agreed measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

Reason: In the interest of wildlife protection.

12. The landscaping scheme shown on drawings submitted to the planning authority on the 18th day of June, 2021 shall be carried out within the first planting season following substantial completion of external construction works. 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, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

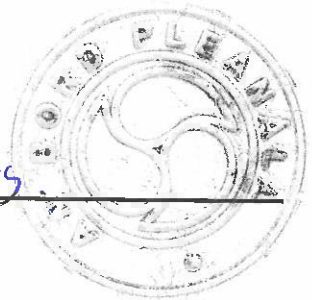
Reason: In the interest of landscape enhancement.

Patricia Calleary

Patricia Calleary

Member of An Bord Pleanála

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



Dated this *22* day of *April* 2022.