



Planning and Development Acts 2000 to 2022

Planning Authority: Wicklow County Council

Planning Register Reference Number: 22/1064

Appeal by Charlie Keddy of Sea Road, Kilcoole, County Wicklow, against the decision made on the 18th day of January, 2023 by Wicklow County Council to grant subject to conditions a permission to Waterford and Wexford Education and Training Board care of Coady Architects of Mount Pleasant Business Centre, Ranelagh, Dublin, in accordance with plans and particulars lodged with the said Council.

Proposed Development: New Saint Catherines's Special School provided in a split-level two storey building arranged as two linked blocks, including two vehicular entrances onto the proposed new access road to be constructed for Saint Catherine's Association Day Care and Respite Centre (ABP-311747-21). The proposed building will contain 25 classrooms, a hydrotherapy pool, associated clinician and educational support rooms and ancillary spaces with total floor area of circa 6252 square metres serving approximately 158 pupils. Proposed site works to include the construction of new play areas, including junior soft play area, ballcourt, multisensory garden with all associated paths and paving, 102 numbered car-parking spaces, eight numbered minibus set-down bays (four numbered covered) and queuing spaces, together with

boundary treatments, 10 numbered bicycle stands, external store, ancillary infrastructure works and landscaping at lands associated with the Holy Faith Convent, Kilcoole, County Wicklow.

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.

Reasons and Considerations

Having regard to the location of the site within the settlement of Kilcoole, which is defined as a Level 4 self-sustaining town in the Wicklow County Development Plan 2022-2028, the pattern of development in the area, and the planning history within the immediate vicinity of the site, it is considered that subject to compliance with the conditions set out below, the proposed development would not adversely affect the setting of a protected structure, would be acceptable in terms of traffic and pedestrian safety and would accord with the relevant provisions of the development plan including the policies set out in Chapter 7 as it relates to social and community development. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.



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Conditions

1. The development shall be carried out and completed in accordance with the plans, as amended by the further plans and particulars submitted to the planning authority on the 15th day of December 2022, and by the further plans and particulars received by An Bord Pleanála on the 3rd day of July 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. The developer shall ensure that all mitigation measures, as set out in the Natura Impact Statement and other particulars submitted to the Board on the 3rd day of July 2023, shall be implemented in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this Order.

Reason: In the interests of clarity and of the protection of the environment during the construction and operational phases of the development.

3. No development shall commence until the access road granted permission under ABP-311747-21 (Wicklow County Council Register Reference number 21/469) has been completed to the satisfaction of the planning authority.

Reason: In the interest of pedestrian and traffic safety.

4. 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. Surface water from the site shall not be permitted to drain onto the adjoining public road or adjoining properties.

Reason: In the interest of environmental protection and public health.

5. Public lighting shall be designed in line with the provisions of Bat Mitigation Guidelines for Ireland – V2 Irish Wildlife Manuals, No. 134. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage. Where lighting is required, directional lighting shall be used to prevent overspill onto habitats which may be used by bats.

Reason: In the interest of biodiversity protection.

6. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
- (a) A plan to scale of not less than 1:500 showing the species, variety, number, size and locations of all proposed trees and hedgerows (which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder).
 - (b) Specifications for mounding, levelling, cultivation and other operations associated with grass establishment.
 - (c) A timescale for implementation.

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 visual amenity.

7. Prior to the commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Eireann.

Reason: In the interest of public health.

8. 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.

9. 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 include a construction programme of works, construction traffic management plan, noise and dust mitigations measures, surface water measures and construction lighting. A construction manager shall be appointed to liaise directly with Wicklow County Council.

Reason: To safeguard the amenities of the area.

10. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,
 - (b) Employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) Provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

Development of the pipeline will travel within the zone of the notification surrounding enclosure MA030-010. Archaeological testing shall be undertaken at this location in advance of any excavation works and a report on the findings forwarded to all relevant authorities.

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 site and to secure the preservation and protection of any remains that may exist within the site.



Una Crosse

Member of An Bord Pleanála

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

Dated this 20th day of November 2023.