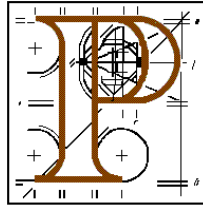


## An Bord Pleanála



### Inspector's Report

**PL27.246334**

**Development:** Two/Three storey and sixteen classroom Primary School and all associated works.

**Location:** Gaelscoil Chill Mhantain, Merrymeeting, Rathnew, Co. Wicklow.

#### **Planning Application**

Planning Authority: Wicklow County Council

Planning Authority Reg. Ref. No: 15/1102

Applicant: The Minister for Education and skills.

Type of Application: Permission

Planning Authority Decision: Grant permission

#### **Planning Appeal**

Appellant: Tomás Ó'Maonaile

Type of Appeal: Third Party

Observers: None

**Date of Site Inspection** 9/6/16

**Inspector:** Siobhan Carroll

## **1.0 SITE LOCATION AND DESCRIPTION**

- 1.0.1 The site is located at Merrymeeting, Rathnew, Co. Wicklow. It is situated on the western side of the link road which serves the housing and commercial development at Broomhall.
- 1.0.2 The site itself is of stated area of 0.489 hectares. It is elevated with views east towards the coast. The site was formerly occupied by temporary accommodation for the Gaelscoil. The lands immediately to the east are occupied by Broomhall Business Park. Permission has been granted for a sixteen classroom primary school on the adjoining site to the west this development is currently under construction.
- 1.0.3 The Broomhall housing area is situated to the south of the site. Broomhall Neighbourhood Centre is located opposite to the vehicular and pedestrian to the school sites. Drumkay housing area is located to the north.

## **1.1 THE PROPOSED DEVELOPMENT**

Permission is sought for the construction of a two/three storey and sixteen classroom Primary School and all associated works. Features of the scheme include;

- Site area of 0.489 hectares,
- Floor area of school - 2,622m<sup>2</sup>,
- Ball courts
- Landscaping

## **1.2 THE PLANNING AUTHORITY'S DECISION**

### **Internal Reports:**

Area Engineer – no observations

Roads – The provision of cycle parking for 10% of maximum pupil numbers is acceptable.

### **External Report**

Irish Water – No objections

## **Submissions**

The Planning Authority received four submissions in relation to the application. The issues raised are similar to those set out in the appeal.

## **Decision**

Following the submission further information the Planning Authority granted permission subject to 14 no. conditions.

## **1.3 PLANNING HISTORY**

### **Subject Site**

**Reg. Ref 12/6523** – Permission was granted for continuation of use of temporary Gaelscoil for a further period of five years with site ancillary works.

**Reg. Ref. 10/2302** – Permission was granted for additional temporary prefabricated two classroom extension and retention of existing temporary Gaelscoil for a further two year period.

**Reg. Ref. 05/2569** – Permission was granted for temporary prefabricated school building, entrance car parking, ancillary works and connection to existing services.

### **Adjacent lands to the west**

**Reg. Ref 13/8552** – Permission was granted for a sixteen classroom primary school with a two classroom SNU / ASD unit, associated ancillary accommodation, external play area, car parking spaces, drop off facilities, gated vehicular access from the Seaview Height and associated landscaping.

## **2.0 PLANNING POLICY**

### **2.1 Wicklow County Development Plan 2010 – 2016**

- Chapter 15 – Social and Community Infrastructure including open space

#### **Education objectives**

**ED1** - To facilitate the provision of schools by zoning suitable lands in Local Area Plans capable of meeting the demands of the projected populations. Prior to the identification of lands for primary and secondary school provision the Council shall consult with the Forward Planning and Site Acquisition and Management sections of the Department of Education.

**ED2** - Where lands are zoned for educational use, to promote and facilitate the development of facilities that provide for linkages between schools types. For example, particular encouragement will be given to primary and secondary school campuses, the linking of preschool services with primary schools and the linking of secondary schools with vocational training facilities.

## **2.2 Wicklow Town - Rathnew Development Plan 2013 – 2019**

Site is zoned Objective 'CE', to provide for and improve Community Educational and Institutional facilities.

- Chapter 8 – Social and Community Infrastructure
  
- **Primary Education**

The population target for Wicklow Town-Rathnew by 2022 is 24,000 persons. The Department of Education advises that 12% of the population at any time is of primary school going age. Therefore this plan will make provision for 2,880 school places (current equivalent of 96 classrooms).

At present, there are **52 permanent classrooms** in the settlement as follows:

- Scoil an Choroine Mhuire 16 classrooms
- Padraig Naofa BNS 16 classrooms
- Wicklow 2 NS (Glebe) 8 classrooms
- St. Ernan's BNS 4 classrooms
- SN Naomh Iosef 4 classrooms
- Wicklow Montessori 4 classrooms

There are currently 2 schools in temporary accommodation as follows:

- Gaelscoil Chill Mhantain 8 classrooms
- Wicklow Educate Together 10 classrooms (2012)

Therefore this plan must make provision for 44 additional permanent classrooms.

Permission has already been granted for a 32 classroom primary school in Merrymeeting, but this will only generate 24 additional classrooms as it is intended that St. Ernan's BNS and NS Naomh Iosef will relocate to this new school. Therefore the remaining shortfall that must be planned for is 20 classrooms.

## **Education Objectives**

**ED1** To co-operate with the Department of Education & Skills, the Vocational Education Committee for Co. Wicklow and school management boards in the provision of school places.

**ED2** To promote and facilitate the development of facilities that provide for linkages between schools types. For example, particular encouragement will be given to primary and secondary school campuses, the linking of pre-school services with primary schools and the linking of secondary schools with vocational training facilities.

### **2.3 National Policy**

**The Provision of Schools & the Planning System – A code of Practice for Planning Authorities, the Department of Education & Science and the Department of the Environment, Heritage and Local Government, July 2008.**

The Code of Practice sets out best practice approaches that should be followed by planning authorities in ensuring that the planning system plays its full part in facilitating the timely and cost-effective roll-out of school facilities by the Department of Education and Science and in line with the principles of proper planning and sustainable development.

**Technical Guidance Document TGD-025, Identification and Suitability Assessment for Sites for Primary Schools, Department of Education and Skills, January 2012.**

The Guidance note was prepared to assist the identification and assessment for suitability of new sites for Primary Schools.

### **3.0 APPEAL**

A third party appeal was lodged by Tomás Ó'Maonaile on the 22<sup>nd</sup> of March 2016. The content of the appeal submission can be summarised as follows;

- The appellant Tomás Ó'Maonaile was the chairman of the founding committee of Gaelscoil Chill Mhaintáin in 1996 and was chairman of the Board of Management for seven years. Letters of support for two other previous chairmen of the Gaelscoil Board of Management have been provided.
- The Planning Authority requested further information regarding the suitability of the site to accommodate two 16 no. classroom schools specifically in relation to the site size.

- The response from the Department of Education and Skills stated the provisions of the 'Technical Guidance Document TGD-025 – Identification and Suitability Assessment of Sites for Primary Schools, January 2012' were 'Guidelines' and do not provide prescriptive rigid rules. The appellant considers in the absence of primary or subordinate legislation that the document is therefore quasi-legislation.
- It is the appellant's contention that the provisions of the Technical Guidance Document imposes obligations on the Department of Education and Skills in relation to site size.
- The Gaelscoil Chill Mhaintáin community have a legitimate expectation that their new school will be built on a 3 acre (1.6 hectare) site.
- The combined Rathnew school community have a legitimate expectation that their new school will be built on a 3 acre (1.6 hectare) site.
- In their response to the Planning Authority the Department quotes the revised national development plan which states that the preferred model for future development of educational infrastructure will be 'Shared Campuses'. The appellant states that the sharing of campuses is not suitable in this case having regard to the site size and the slope of the site.
- It is noted that the Department of Education and Skills are currently building a new 16 no. classroom school for Educate Together granted under Reg. Ref. 14/1792. The site has an area in excess of 3 acres and is located less than a mile from the appeal site at Merrymeeting.
- The appellant considers that all the requirements set out in the Technical Guidance Document cannot be met on the smaller site including the Physical Education Curriculum. The space available on site is not adequate to provide for team sports or athletics.
- It is stated that 80% of the children attending the Gaelscoil Chill Mhaintáin live in Wicklow Town. The site at Merrymeeting is located 2.7m from the centre of Wicklow Town. As the majority of pupils would travel to school by car the school would generate a significant level of traffic.
- The Traffic Management Report submitted with the application was for the combined Rathnew school at the Merrymeeting site which was granted under Reg. Ref. 13/8552. The report does not refer to the traffic generated by the Gaelscoil Chill Mhaintáin.
- The entrance to the proposed school and the combined Rathnew school is located almost directly opposite the entrance to the Broomhall

Neighbourhood Centre. The road is busy at this location and the combined Rathnew school is not yet built. Staggered opening and closing times are proposed for both schools. This would result in two opening times and four closing times which would cause congestion. The proximity of the Neighbourhood Centre entrance would further compound this.

- Concern is raised regarding the slope of the internal road serving the site to provide for drop off and collection.
- The appellant has attached letters from parents of children currently attending the Gaelscoil Chill Mhaintáin and from two former Chairmen of the Board of Management of Gaelscoil Chill Mhaintáin. These letters support the appeal.
- A number of alternative sites are suggested by the appellant including the former Abbey Community College where Gaelscoil Chill Mhaintáin is temporarily located. In 1999 under Reg. Ref. 99622375 outline permission was granted to Gaelscoil Chill Mhaintáin for a new school at Crinion Park Wicklow. The site was purchased by the Department of Education and Architects were appointed to design the school building. The Department of Education later decided that the site was too small and the project did not proceed. It is noted that site is significantly bigger than the currently proposed site at Merrymeeting. It remains undeveloped to date. The appellant considers this is a more suitable location for the Gaelscoil.
- Other suitable sites are suggested on the new ring road in Wicklow.
- The appellant requests that the Board refuse permission for the reasons set out in the appeal submission.

**The Board received a further submission from the appellant Tomás Ó'Maonaile on the 30<sup>th</sup> of May 2016.**

- The appellant disputes that the permission granted under Reg. Ref. 13/8552 covered the overall traffic management and parking for Phase 1 and Phase 2.
- The appellant states that the application for Gaelscoil Chill Mhaintáin does not include any proposals for traffic management or transport facilities.
- The appellant has based concerns on the Traffic Impact Assessment Document submitted with Reg. Ref. 13/8552. Traffic Impact Assessment Document was submitted on 21/7/2013 and is therefore out of date. It is stated in the report that there will be 189 vehicles entering the school at peak AM time periods. No provisions have been made from cars turning right into the site.



- The proximity of the entrance to Broomhall Neighbourhood Centre has not been addressed.
- The use of TRICS model is questioned.
- The proposed scheme provides for bus traffic to use the same one-way system as all cars. There is no pull-in area for buses provided. Fire tender access to the proposed school is over set down area subject to no parking there.
- No Road Safety Audit has been carried out.
- The appellant disputes the statement that the proposed design meets all the functional, spatial and pedagogic requirements.
- The catchment of Gaelscoil Chill Mhaintáin is wide with most pupils coming from Wicklow Town.

### **3.1 First Party Response**

A response was received from Oppermann Associates on behalf of the applicant the Department of Education & Skills on the 25<sup>th</sup> of April. The main issues raised concern the following.

- Regarding the issue of the site size as noted in the further information response ‘the Departments Guidelines’ regarding Primary School sites are guidelines and not rigid rules. A smaller site does not necessarily mean a substandard site if the curricular requirements are met.
- The brief to the design team from the Department was to provide a new 16 no. classroom school, 2 no. external ball courts and 1 no. junior play area as the second phase on the site in Merrymeeting.
- The total school development has an area of 2,622sq m with a site area of 0.489 hectares. While the site may not meet the Departments new Guidelines it does provide the functional, spatial and academic requirements of the Department for a 16 no. classroom school.
- The site area is 4,890sq m and the school footprint is 1,280sq m which leaves 3,610sq m to be used for play space and pedestrian circulation. The total required play space for junior and senior play is 1,600sq m and 2,210sq m remains for additional landscaped space. It is noted

that the design includes an additional outdoor play area of 125sq m above the GP Hall.

- Staff parking areas and traffic circulation areas are catered for in phase 1 of the development which has already been approved and is under construction.
- It is noted that the provision of an outdoor playing pitch is not a Department of Education & Skills requirement for a Primary School.
- The school design has been maximised to sun path. The ball courts are located together and are sheltered from the prevailing wind.
- It is reiterated that it is the Departments preference to have shared educational campuses for the future development of educational facilities.
- In relation to the issue of traffic generation the appeal states that the Traffic Management Report does not include any reference to traffic generated by the proposed Gaelscoil. The Traffic Management Plan prepared by Clifton Scannell Emerson Associates has included the traffic which the Gaelscoil in phase two would generate.
- The Traffic Management Report provides details in relation to the staggering of school hours of operation. A one-way system traffic system has been designed to accommodate parents drop off and collection in an efficient and functional way.
- Condition no. 6 of Reg. Ref 13/8552 states that there will be staggered opening and closing times between the proposed schools in order that the drop off times in the mornings and afternoons do not coincide.
- Regarding the slope of the site it has presented a design opportunity and a high quality and safe designed indoor and outdoor play area for the school.

### **3.2 Planning Authority Response**

- None received

### **4.0 ASSESSMENT**

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Overview of primary school provision
- Design & Layout
- Traffic Impact
- Appropriate Assessment

#### **4.1 Overview of primary school provision and the Wicklow Town - Rathnew Development Plan 2013 – 2019**

4.1.1 The Wicklow Town - Rathnew Development Plan 2013 – 2019 sets out the existing situation regarding educational facilities in the area. The Wicklow Town and Rathnew area are served by a total of eight primary schools they are Scoil an Choroine Mhuire, Pádraig Naofa BNS, Wicklow 2 NS (Glebe), St. Ernan's BNS, SN Naomh Iosef and Wicklow Montessori which are in permanent accommodation. Gaelscoil Chill Mhantain and Wicklow Educate Together are in temporary accommodation.

4.1.2 It is stated in the Development Plan that provision will be made for 2,880 school places which is equivalent to 96 classrooms. Section 8.3.1 of the Plan sets out the requirement for an additional primary school accommodation and states that there is a shortfall of 20 classrooms. The Gaelscoil Chill Mhantain website states that presently the school has seven classes. Under the current proposal a total of sixteen classrooms would be provided. Therefore the proposed Gaelscoil building would provide an additional 9 new classrooms and thereby reducing the overall shortfall of primary classrooms in Wicklow town and Rathnew to 11 classrooms.

4.1.3 Having regard to the provisions of the Wicklow Town - Rathnew Development Plan 2013 – 2019 the subject site is zoned Objective 'CE', to provide for and improve Community Educational and Institutional facilities. The site previously accommodated the Gaelscoil's temporary classrooms and there is permission on the adjoining site to the west for a sixteen classroom school for the combined Rathnew school community. In terms of the zoning and planning history the appeal site is a preferential site for the proposed Gaelscoil.

4.1.4 Accordingly, I consider that the proposed development is acceptable in principle having regard to the zoning objectives of the appeal site and subject to all other relevant planning considerations being satisfactorily addressed.

#### **4.2 Design and Layout**

4.2.1 The appellant has expressed specific concern in relation to the suitability of the appeal site in terms of its size and location. The

appellant notes that alternative sites were not considered and states that in 1999 the Department of Education received outline permission for a new school building for Gaelscoil Chill Mhaintáin at Crinion Park, Wicklow. It was noted the site in that case was bigger than the currently proposed site at Merrymeeting. The appellant stated that the development did not proceed as the Department of Education at the time considered that the site was too small.

4.2.2 The appeal site has an area of 0.489 hectares and it proposed to share vehicular access with the combined Rathnew school community primary school which is currently under construction immediately to the west of the Gaelscoil site. In relation to the matter of the suitability of the site for the proposed Gaelscoil the Planning Authority sought further information from the applicant to clarify the site size and how it complies with the Department of Education & Skills Technical Guidance Document TGD-025, Identification and Suitability Assessment for Sites for Primary Schools.

4.2.3 Table 1 in the Technical Guidance Document sets out School Site Area Analysis and states that for a school of between 8-16 classrooms that a school footprint of 1,600sq m is required. The requirement for ballcourts is 1,200sq m and the requirement for Junior play area is 400sq m. A site with an area of 1.04 hectares is set out as the area to accommodate a school of up to 16 classrooms. Note 3 on the table states that in higher density urban developments where the optimum site are set out above cannot be identified the Planning and Building Unit of the Department of Education & Skills should be consulted at the earliest possible stage.

4.2.4 In response the Department stated that the site area is 4,890sq m and that the school footprint is 1,280sq m. The remaining site area exclusive of the school building is 3,610sq m and is proposed to be used for play space and pedestrian circulation. The layout includes the provision of hard and soft play areas, the scheme includes 2 no. ballcourts to be located to the south of the school building with an additional outdoor play area of 125sq m above the GP Hall. I note that the Department of Education & Skills has no requirement for on-site playing pitches. The areas of outdoor play space are in accordance with the Department of Education & Skills requirements for Primary Schools.

4.2.5 The Department of Education & Skills in their response to the Planning Authority's further information stated that 'the Departments Guidelines' regarding Primary School sites are guidelines and not rigid rules.' This point is reiterated in the appeal response and it is also stated that a smaller site does not necessarily mean a substandard site if the curricular requirements are met. It is stated in the appeal response that the proposed scheme does provide for all the functional, spatial and academic requirements of the Department.

- 4.2.6 The Department of Education & Science & DoEHLG publication - The Provision of Schools & the Planning System – A code of Practice for Planning Authorities also provides guidance in relation to primary schools. It advises that generally the minimum size for a new primary school is 8 classrooms. In rapidly developing areas this minimum may be as high as 16 classrooms. It was specified that the design of schools shall include classrooms with en suite toilet, specialist rooms, General Purpose rooms for PE facilities and ancillary accommodation, Library, Principal's office and an administration and staff room area, and external hard and soft play areas. These different rooms have been provided within the school. The use of multi-campus schooling arrangements is also favoured in order that facilities can be shared and better utilised.
- 4.2.7 In relation to landscaping proposals the Planning Authority condition that of a suitably qualified Landscape Architect (or suitably qualified Landscape Designer be employed to ensure that the site is satisfactorily landscaped and that the details be agreed with the Planning Authority. Should the Board decided to grant permission for the proposed development it is recommended that a similarly worded condition be attached to ensure that the proposed scheme is satisfactorily landscaped and that existing planting is protected where it proposed to be retained.
- 4.2.8 The subject site is located on lands zoned for Community Educational and Institutional facilities it adjoins a permitted primary school which is currently under construction and it previously accommodated temporary classrooms from which the Gaelscoil operated. The Planning Authority considered the site was appropriate in this context. I would concur with the Planning Authority in that regard. While I note that the site is less than the recommended 1.04 hectares as set out in the Department of Education & Skills Technical Guidance Document the sixteen classroom school including external hard and soft play areas and facilities has been provided in accordance with the Department of Education & Skills requirements.
- 4.2.9 The Planning Authority attached a condition which de-exempted any development falling within Class 57 Part 1 of Schedule 2 of the Planning and Development Regulations which refers to development within the curtilage of the school. Having regard to the site size, I consider that it would be appropriate that the Board attach a similarly worded condition should they decide to grant permission for the proposed development.

### **4.3 Traffic Impact**

- 4.3.1 The appellant has raised concerns in relation to potential traffic impact from the proposed development. Specific concerns are raised

regarding the proximity of the proposed shared vehicular entrance with the combine Rathnew Primary School and the entrance to Broomhall Neighbourhood Centre. The validity of the submitted Traffic Impact Assessment and the use of TRICS is also queried.

4.3.2 A Traffic Management Plan for the proposed scheme was prepared by Clifton Scannell Emerson Consulting Engineers in February 2015 to inform the overall strategy for the site.

4.3.3 I note from the appeal response that the Board of Management of Gaelscoil Chill Mhantain that the catchment of the school is primarily from Wicklow Town and Rathnew. It is noted that the catchment extends to other settlements in east Wicklow including Ashford, Glenealy, Rathdrum, Barndarrig and Redcross and these pupils would be likely to travel to school by private bus or private car.

4.3.4 In relation to the Traffic Management Plan the appellant stated that it does not include any reference to traffic generated by the proposed Gaelscoil. Having reviewed the Traffic Management Plan prepared by Clifton Scannell Emerson Associates I note that in the introduction it states *“This Traffic Management Plan details the proposed traffic arrangements for the whole site, including the predicted traffic generation...this Traffic Management Plan will consider the later scenario when both schools will be operational, i.e. 32 classrooms with an estimated 500 pupils.”*

4.3.5 Therefore the submitted Traffic Management Plan prepared by Clifton Scannell Emerson Consulting Engineers provides full details in relation to traffic generated by both schools. The appellant queries the use of TRICS to assess traffic generation. In relation to this matter, I note that TRICS is the UK and Ireland’s national system of trip generation analysis, containing over 7150 directional transport surveys at over 110 types of development. The annual collection programme covers the whole of the UK and Ireland, across 17 defined regions and therefore it is a suitable and appropriate tool to use in the assessment of traffic at this location.

4.3.6 Regarding the matter of traffic generation, post the development of both schools with a combined total of 500 pupils, a total number of 888 vehicular movements to the site is envisaged. This comprises 450 journeys into the sites and 438 journeys out from the sites. During the peak AM period of 8am – 9am a total of 189 trips would be generated to the sites. This figure is compared with a total of 99 trips being generated in the peak AM period of 8am – 9am which were generated when the Gaelscoil was temporarily located on the site.

- 4.3.7 Trip generation to the site will be influenced by modal choice available. For pupils based in the neighbouring housing areas in Rathnew and Wicklow town there are options for walking and cycling to school and these alternatives to the use of car transport can be encourage and implemented by the school through the provision of a School Travel Plan (Mobility Management Plan). Therefore I consider that it would be appropriate to attach a condition requiring the provision of a Mobility Management Plan in order to ensure that the proposed development have as limited an impact as possible. The strategy should include incentives to encourage the use of cycling and walking by staff and pupils. A dedicated bicycle parking area should be provided on site and this should also be addressed by condition should the Board decide to grant permission.
- 4.3.8 The appellant has concerns regarding the circulation of vehicles around the site including cars, buses and emergency vehicles. As detailed in the Traffic Management Plan and indicated on Master Plan of the Site on Drawing No: 14-050-PP-00 a one-way traffic system has been designed to accommodate parents drop off and collection. Vehicular access is off Seaview Heights road with vehicles exiting onto Broomhill Road. The internal road layout provides for set down area to the upper section of the site which would prevent the use of the bus set down area. In relation to the matter of emergency service vehicles I note that the proposed one-way vehicular system provides set down areas for access and pull-in of such vehicles.
- 4.3.9 The appellant has raised the issue of the proximity of the vehicular access to the Broomhall Neighbourhood Centre from the vehicular entrance to the schools. The access to the Broomhall Neighbourhood Centre is located on the western side of the Seaview Heights road it is circa 25m from the entrance to the schools. A key important factor to note in relation to the operation of the two schools is that there will be staggered opening and closing times. This matter was addressed in condition no. 6 attached to the permission granted for the combined Rathnew school under Reg. Ref. 13/8552. This ensures that the drop off times in the mornings and afternoons will not coincide and that there is a minimum stagger of 30 minutes. The staggering of the school opening and closing times will serve to reduce the peak traffic flows to and from the site and therefore reduce traffic congestion in the area.
- 4.3.10 The use of private buses to transport pupils living outside the main urban areas is operated throughout Co. Wicklow and the proposed scheme provides a dedicated bus layby on Broomhall Road adjacent to the school sites. A total of 60 no. car parking spaces are proposed to serve the Gaelscoil and the combine Rathnew School. These spaces are proposed to the north and west of the Gaelscoil building. As set out in Table 1 of the Department of Education and Skills - Technical Guidance Document 2 no. car parking spaces are required per class. A total of 32 classes will be provided in both school therefore a total of

64 car parking spaces would be required. As the scheme will also provide for cycle parking and cycling and walking by staff will be promoted as part of the School Travel Plan, I consider the vehicular parking provision is acceptable.

4.3.11 Having regard to the details submitted including the Traffic Management Plan, I consider that the proposed development is acceptable from a traffic and transport perspective. Accordingly, I consider that the proposed development would not cause significant road congestion and would not give rise to the creation of a traffic hazard in this location.

#### **4.4 Appropriate Assessment**

4.4.1 The site is located at Merrymeeting, Rathnew, Co. Wicklow and is situated circa 1.2km from the Murragh to the east. The Murragh Wetlands SAC (Site Code 002249) is a coastal wetland complex which stretches for 15 km from Ballygannon to north of Wicklow town, and in parts, extends inland for up to 1 km. A shingle ridge stretches the length of the site and carries the mainline Dublin-Wexford railway. It is selected as a SAC as it contains the following habitats Annual Vegetation of Drift Lines, Perennial Vegetation of Stony Banks, Atlantic Salt Meadows, Mediterranean Salt Meadows, Alkaline Fens and Cladium Fens which is a priority habitat.

4.4.2 The Murragh SPA (Site Code 004186). The Murragh SPA is an important site for wintering waterbirds, being internationally important for Brent Goose and nationally important for Red-throated Diver, Greylag Goose, Wigeon, Teal, Black-headed Gull and Herring Gull. It is probably the most important site in the country for nesting Little Tern. The regular occurrence of Red-throated Diver, Little Egret, Whooper Swan, Greenland White-fronted Goose, Golden Plover, Little Tern, Sandwich Tern, Short-eared Owl and Kingfisher is of note as these species are listed on Annex I of the E.U. Birds Directive. The site also supports a typical diversity of birds associated with reed swamp, including Reed Warbler, a very localised species in Ireland. The site is also of considerable importance for the wide range of coastal and freshwater habitats that it supports, including several that are listed on Annex I of the E.U. Habitats Directive.

4.4.3 In relation to determining the effects of a development on a European site are likely and whether or not the effects are significant in light of the Conservation Objectives for the site. It should also be determined if there are cumulative effects with other projects. Accordingly, having regard to the nature and scale of the proposed development a primary school building and the nature of the receiving environment, namely an urban and fully serviced location and proximity to the nearest European site, I am satisfied that no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have



a significant effect individually or in combination with other plans or projects on a European site.

## **5.0 RECOMMENDATION**

- 5.0.1 Having read the submissions on file, visited the site, had due regard to the provisions of the Development Plan and all other matters arising. I recommend that permission should be granted.

### **REASONS AND CONSIDERATION**

Having regard to the provisions of the Wicklow County Development Plan 2010 - 2016, the Wicklow Town - Rathnew Development Plan 2013 - 2019, the need for educational facilities in an area and the planning history of the be acceptable in terms of traffic safety and convenience and 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 submitted on the 9<sup>th</sup> day of February 2016, 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. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 57

Part 1 of Schedule 2 of those Regulations shall take place within the curtilage of the school, without a prior grant of planning permission.

**Reason:** In the interests of the amenities of the area.

3. 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.

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.

**Reason:** In the interest of public health.

5. 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) construction hours;
- b) location of the site and material compound(s) including area(s) identified for the storage of construction refuse;
- c) location of areas for construction site offices and staff facilities;
- d) details of site security fencing and hoardings;
- e) details of on-site car parking facilities for site workers during the course of construction;
- f) 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;
- g) measures to obviate queuing of construction traffic on the adjoining road network;
- h) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- i) 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;
- j) provision of parking for existing properties during the construction period,
- k) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- l) 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;

- m) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil, and
- n) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

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 amenities, public health and safety.

- 6. Prior to the occupation of the school a School Travel Plan (Mobility Management Plan) shall be submitted to the Planning Authority for written agreement. Details to be agreed with the planning authority shall include proposals to ensure the operation and free flow of the internal access road and junction serving the two separate school sites, the prevention of parking in the existing roadside bus set down area, the free flow of traffic on Broomhill Road and incentives to encourage the use of cycling and walking by staff and also students of the facility. It shall be implemented within 3 months of the opening of the school and continued and updated annually during the operation of the school.

**Reason:** In the interests of public safety, traffic safety and of encouraging the use of sustainable modes of transport.

- 7. Covered and secure bicycle parking spaces shall be provided within the site. Details in this regard shall be submitted to the planning authority for written agreement prior to commencement of development.

**Reason:** To ensure an adequate bicycle parking provision is available to serve the development.

- 8. (a) 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.

(b) The applicant shall retain the services of a suitably qualified Landscape Architect (or suitably qualified Landscape Designer) throughout the life of the site development works. A Practical Completion Certificate is to be signed off by the Landscape Architect when all landscape works are completed to the satisfaction of the Planning Authority in consultation with the Parks and Landscape

Services Department; and in accordance with the permitted landscape proposals.

**Reason:** In the interest of the proper planning and the sustainable development of the area.

9. Details of the proposed site boundary treatment shall submitted to, and agree in writing with, the planning authority prior to commencement of development.

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

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

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

11. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

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**Siobhan Carroll,  
Planning Inspector  
22<sup>nd</sup> of July 2016**