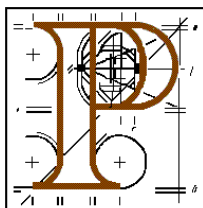


An Bord Pleanála



Inspector's Report

Development: Retention of demolition of agricultural building and permission for 3 no. new schools at Ardnacloghy, Carrigaline, Co. Cork.

Planning Application

Planning Authority: Cork County Council
Planning Authority Reg. Ref.: 15/4388
Applicant: Cork Education and Training Board
Type of Application: Permission
Planning Authority Decision: Grant Permission

Planning Appeal

Appellant(s): Third Party
Carrigcourt Residents Association, Kevin P. Spike, Theresa O'Neill, David O'Keefe & Edel Russell

First Party
Cork Education and Training Board

Type of Appeal: Third Parties V Grant
First Party V Conditions 6, 31, 34

Observers: Orla Murphy, Carrignacurra Residents Association, R. & M. Jeffery and C. & B. Nestor, Carrigaline Community Association Ltd,

Date of Site Inspections: 18th July 2016 and 27th July 2016

Inspector: Kenneth Moloney

1.0 SITE DESCRIPTION

The appeal site is a greenfield site located to the north-west side of Carrigaline town. The sloping site comprises of approximately 8.6 ha. The site is bounded by Ballinrea Road to the west, Carrigcourt housing development to the South, Carrig Na Curra housing development to the East and adjoining agricultural land to the North.

The appeal site itself is effectively former agricultural land which is currently not in use. Although the adjoining fields to the immediate north is used for the purpose of growing cereals.

A significant feature of the appeal site is the falling topography from the north-west to the south east. The site of the former agricultural building is elevated in relation to the remainder of the appeal site. Overall the appeal site is visible from the wider area given its elevated levels in relation to the town. There are existing pylons / over-head electricity lines traversing the site.

The appeal site has an agricultural field entrance onto the adjoining public road. There is a large belt of mature trees situated along the boundary of the appeal site that adjoins the public road.

There are several housing estates situated to the south and east of the appeal site. These houses are two-storey in height and comprise of both detached and semi-detached dwellings. There is a natural vegetation boundary that separates these houses from the appeal site. This natural vegetation comprises of mature trees and hedgerows.

2.0 PROPOSED DEVELOPMENT

The proposed development is for the construction of three new schools comprising of;

- A 2-storey split level school accommodating 500 pupils
- A 24 no. classrooms, 2-storey split-level school accommodating 720 pupils
- A single storey Sonas school accommodating 42 pupils

The proposed development comprises an internal road system with car parking, a single storey special school, a two-storey primary school, a two storey post primary school, and shared amenities including ball courts, playing pitch and landscaped areas.

The proposed development includes the provision of two separate vehicular entrances onto the public road immediately to the west of the appeal site, i.e. the Ballinrea Road.

The development is also for the retention of the demolition of an existing agricultural building.

Additional information sought for the following;

1. Revised Traffic and Transport Plan and Travel Plan shall be submitted.
2. Proposals to enhance the entire road network, Ballinrea Cross, Ballinrea Road and the roundabout in the Cork Road shall be submitted.
3. Adequate sightline provisions required
4. Traffic calming proposals along the Ballinrea Road
5. Provision for footpaths, public lighting and road signage
6. Revised drawings for private entrances opposite the proposed development
7. Details illustrating how roadside parking along the Ballinrea Road will be prohibited
8. Documentary evidence of proof to use sewer the adjoining landownership
9. Evidence that there is sufficient capacity in the open stream along the Cork Road to accommodate the storm drainage
10. Confirmation from the OPW that the proposed culverting the stream is acceptable
11. Clarification of ground level at the location of the attenuation tank
12. Confirmation whether the proposed playing pitches will have floodlighting
13. Details of provision for staff/ student canteen
14. Confirmation whether the school will be used after hours for any uses
15. Boundary treatment
16. Details of the relocation of the proposed amphitheatre
17. Details of the preservation and long term management for any archaeological monuments within the school campus .

3.0 PLANNING AUTHORITY'S DECISION

The Planning Authority decided to **grant** planning permission subject to 42 conditions. I would consider that the conditions can be briefly summarised as follows;

Condition 1 –	standard
Conditions 2 – 5	design / landscaping
Condition 6	opening hours
Condition 7 – 8	wayleaves / underground utilities
Condition 9 – 17	public lighting
Condition 18 – 19	archaeology
Condition 20	Irish Water
Condition 21 – 28	Construction activities best practice
Condition 29, 30	surface water protection
Condition 31, 32	Noise
Condition 33, 34, 35	Traffic and access (including special contribution)
Condition 36	Surface water run-off
Condition 37 – 40	Road Works

Condition 41 Construction works – times
Condition 42 New pedestrian / cycle link

Internal Reports: There are 6 internal reports on the file:

- Public Lighting; - No objections subject to conditions.
- Area Engineer; - Additional information sought in relation to sightline provision, traffic calming proposals, mitigation measures to address additional traffic on existing junctions, mobility management and surface water drainage.
- Environment; - No objections subject to conditions.
- Area Operations – Additional information sought in relation to traffic design. Special Development Contribution recommended.
- Traffic and Transport – Additional information sought on a range of traffic and transport issues.
- Archaeologist; - Additional information sought in relation to the the relocation of the proposed amphitheatre and long term management of archaeological potential.

Objections: There are twenty third party objections on the planning file and the issues raised have been noted and considered.

Submissions: There is a submission from Irish Water who has no objections. There is also a submission from the HSE who outline a number of conditions / requirements. The submission from the IFI outlines that there is no objection provided there is sufficient capacity in the public sewer for the proposed development. An Taisce made a submission requesting that a condition is attached requiring that there is implementation and monitoring of the Travel Plan.

4.0 PLANNING HISTORY

- There is no recent planning history on the appeal site.

5.0 DEVELOPMENT PLAN

The operational Development Plan is the Cork County Development Plan, 2014 – 2020.

Relevant policies include;

Policy HE 4 – 2 Protection of Structures on NIAH.

Policy TM 1 – 1 Encourage non-car based transport.

Policy TM 2 – 1 Encourage Safe Walking Environment

6.0 CARRIGALINE ELECTORAL AREA LOCAL AREA PLAN 2011

The appeal site is zoned C-01 and in accordance with this zoning provision the objective is to provide for an educational campus to include two primary schools and one post primary school and associated ancillary use.

7.0 GROUNDS OF THIRD PARTY APPEALS

The following is the summary of an appeal submitted by **Carrigcourt Residents Association**.

- Sustainable development ensures appropriate development in appropriate locations. The proposed development is not located in an appropriate location.
- This principle is key to the Spatial Planning Guidelines.
- Promoting a development in the north western extremity of Carrigaline is not encouraging sustainable development.
- The proposal further promotes car based trips resulting in traffic congestion.
- The proposed development increases pressure on the northern greenbelt of Carrigaline.
- The applicant's Traffic and Transport Assessment Report has concluded that the proposed development will have a major impact on the present road network and associated road users.
- The application documentation has not adequately conducted a traffic model with regard to the potential impact of the proposed development on the wider road network and on the proposed Western Relief Road.
- It is submitted that the proposed development will take up much of the spare capacity at various junctions across the present road network.
- It is contended that only when the results of a traffic modelling is fully known will the impacts be fully understood.
- A report from the Carrigaline Area Engineers Office indicates that he has serious concerns in relation to traffic.
- It is submitted that the applicant did not fully consider the impact of the proposed development on junction capacity of Carrigcourt Estate with the Ballinrea Road (Route L2464). This junction is the nearest housing estate to be impacted by the proposed development.
- The Traffic and Transport Assessment Report indicates that many of the junctions in the vicinity of the proposed development will operate above capacity both in the opening year and the plan year 2022.
- It is submitted that overcapacity of any junction will result in queue development and serve congestion.
- The Local Authority have sought a financial contribution but it has not been demonstrated that any road works will benefit the proposed development.
- It is contended that the costs of the special contribution would be considered as abnormal costs by the Department of Education and therefore make the site unsuitable for development.

- It is submitted that the applicant's predicted traffic impact is largely based on proposals to shift from use of private car to more sustainable forms of transport. These predictions are very optimistic.
- The exact method of moving car users to other forms of transport is not demonstrated in the submitted Travel Plan.
- It is submitted that the cycle parking provision is inadequate.
- It is submitted that the location of the site is not suitable for students walking to school who live in the south of the town and this will result in larger car usage.
- It has not been adequately demonstrated that even with a western relief road in place that the proposed traffic generation could be accommodated.
- The Traffic and Transport Assessment Report contains no real mitigation measures to address adverse traffic impacts.
- The proposed development is not served by public transport however the Department of Education guidelines suggest that it should be served by public transport.
- The planned reduction in car based trips for students and staff to alternative forms would be difficult.
- It is submitted that given the local topography, location and accessibility of the proposed development site on the periphery access to the site will be difficult for the mobility impaired.
- It is submitted that an Accessibility Audit should have been prepared to identify preferred and anticipated walking routes.
- The proposed development will have an adverse impact on the safety and free flow of traffic on the adjoining roads, a Road Safety Audit should be prepared.
- It has not been adequately demonstrated that the proposed development would adequately protect archaeological potential of the site and the privacy of the neighbouring housing estate.

The following is the summary of an appeal submitted by **Kevin P. Spike** of Ballinrea Road.

- The traffic review was commissioned at a time when schools were closed.
- The traffic review did not adequately take account of the existing road network which would not have the capacity to accommodate additional traffic generation.
- It is contended that the proposed development is premature until the delivery of the Western Relief Road.
- The second vehicular entrance onto the Ballinrea Road will undoubtedly result in traffic delays as this road is narrow with no capacity for a filter lane and will contribute to delays and hazard.
- It is contended that to fulfil class sizes in the gaelcholaiste students will be encouraged to enrol from outside Carrigaline.
- The proposed changes to the on-site working is an acknowledgement of the inadequate and unworkable layout designed for the campus.

- The proposed development for 3 schools is unworkable given (a) the significant non-local numbers of students attending the gaelcholaiste, (b) the distance from Carrigaline, (c) distance from existing housing estates, (d) the distance from the public bus service and (e) the steep hill approach.
- It is considered that providing extra car spaces and less cycle spaces will only promote the use of cars.
- It is contended that the topography of the site is totally unsuitable to accommodating a School Campus and contrary to Department of Education's Technical Guidance Document – TGD-025. The subject site will result in expensive excavation and fill given its topography.
- Large tracts of neighbouring sites drain to the appeal site and there is a history of flood events at the southern end of the site. The proposed construction of hard surfaces and roofs will exacerbate this problem.
- It is noted that previous applications for single storey houses on nearby sites at lower levels were restricted to single storey houses by the Local Authority.
- It is submitted that the applicant demolished an agricultural building on-site without planning permission.
- The proposed development is inconsistent with Objective HOU 13-1 in the 2009 Development Plan.
- It is contended that the applicant engaged consultants to prepare a report on suitable sites for school development. This report recommended 9 potential sites and did not include the appeal site.
- An oral hearing is required to tease out whether the site is suitable.
- The subject site does not satisfy the guidelines of the Department of Education and the site is located on land that was zoned A1 Zoned.
- The proposed development will result in oversupply of classrooms.
- It is contended that the proposed development is a material contravention of the County Development Plan.

The following is the summary of an appeal submitted by **Theresa O'Neill** of 18 Carrig Green;

Storm water Drainage

- The location of the storm water attenuation tank abuts the boundary of the appellant's property.
- The application indicates that the ground levels adjoining the appellant's property are to be substantially increased by 6m.
- The attenuated tank will have proposed invert levels of +38.445m OD and +38.921m OD. The manhole levels are proposed at +41.0m OD.
- The application indicates that the floor area of the proposed house is +35m OD and the existing site level at the location of the attenuation tank is 33.9m OD. Based on these levels the ground level adjoining the appellant's property will be raised by 6.1m.
- This will have implications for flood risk and visual impact.
- The issues around the attenuation tank have not been fully addressed.
- The submitted section through the attenuation tank does not highlight the impact on the appellant's property.

- The applicant's response to further information no. 11 which states that there will be no impacts on ground level contradict a submitted drawing by Malachy Walsh and Partners in drawing 15088-2002.
- It is noted that the levels of manholes sw53 and sw54 are set at 36.94m OD indicating an increase in ground level by 3.0m.
- It is requested that given the lack of information in relation to the attenuation tanks the potential impacts are unknown and therefore permission should be refused.

Condition no. 42

- It is contended that condition no. 42 will materially alter the original planning application.
- The suggested access point will not have been demonstrated in the original application in terms of traffic assessment.
- The proposed entrance will be adjacent to the appellant's house and thus adversely impacting on their amenities with increased noise levels.
- The proposed entrance will become the main drop-off point for students as it is located on the main regional road entering and leaving Carrigaline.
- It is considered that the suggested access point will result in traffic chaos within the Carrignacurra Estate and the main Carrigaline Road.
- It is submitted that the original estate infrastructure including junctions, roadways and footpaths was never designed to accommodate the proposed additional traffic.

The following is the summary of an appeal submitted by **David O'Keefe and Edel Russell** of 10 South Lawn, Carrig Na Curra, Carrigaline;

Condition no. 42

- The imposition of this condition would be a material difference to the original planning application.
- The location of the proposed pedestrian / cycle link will materially impact on the appellant's property.
- A Land Registry Compliant Map is submitted identifying the appellant's property and where it adjoins the site.
- It is submitted that providing a pedestrian / cycle link to the R611 from the Gaelscoil will inevitably lead to greater traffic congestion as it will create a new drop-off point along the R611.
- The submitted traffic plan has not considered that traffic implications that the proposed pedestrian / cycle link will have on the R611.
- It is questioned whether additional layby's / set-down points are required on this main road to allow for drop-offs and pedestrian access.
- It is questioned that without this assessment how can the safety of school children be guaranteed.
- It is contended that without this assessment it is possible to anticipate the impact that the proposed development would have on residents of Carrig Na Curra.

Other Proposed Developments for R611 at Carrig Na Curra

- It is submitted that the distance for the entrance to the Shannon Park development to the junction of Carrig Na Curra / R611 is approximately 300 metres.
- The Shannonpark development could include anything up to 1,000 new houses and therefore consideration should be given to a new road layout given the proposals for a new pedestrian / cycle link.
- Details are attached that illustrate the amended Carrigaline LAP and this indicates the scale of the proposed housing development.
- Photographs are submitted to illustrate the footpaths and road of the R611. It is evident from these photos that space is limited to allow space for drop off for the proposed pedestrian / cycle lane.

Material Impact on Property

- It is contended that the most likely location for the proposed pedestrian / cycle lane is adjacent to the appellant's property.
- In such a location the proposed access would overlook the appellant's property.
- The land in question is current green area bordered by mature trees thus providing privacy for the appellant's rear garden. This is illustrated by a submitted photograph.
- As the proposed development includes both primary and secondary school there will be multiple start and finish times.

Loss of Green Space

- In the absence of a plan it is unclear whether condition no. 42 will affect the green space in the Carrig Na Curra estate.
- This green space is currently a recreational amenity and a potential impact is that children will have to use a green space closer to the public road which is less safe.
- A aerial photograph is submitted illustrating the green space in relation to the appellant's property.
- There is a significant slope in the green space making it unsuitable for children to play on.

Potential anti-social behaviour

- There is concern about the accessibility of this pedestrian / cycle link during school hours.
- It is questioned whether this pedestrian / cycle would create a location for loitering and anti-social behaviour which would adversely affect the residents of Carrig Na Curra.

8.0 GROUNDS OF FIRST PARTY APPEAL

The following is the summary of an appeal submitted by the applicant's agent;

Condition no. 6 – Use of School Facilities

- The site is zoned 'C-01' for education use in accordance with LAP 2011.
- Part E of Objective SC 4-2 of the County Development Plan encourages the opening of educational facilities to the wider community.
- Such use is considered to be an efficient use of state resources.
- There is no evidence to suggest that any after-hours use would have a negative impact on the local residential amenities.
- After-school activities would be limited to within the school buildings.
- It is not proposed to provide flood lights for the playing pitches.
- These pitches are too small for competitive matches.
- The after-hours use would not be injurious to established residential amenities and Condition no. 6 is contrary to Objective SC 4-2 of the County Development Plan.
- It is submitted that Condition no. 6 is unprecedented.

Condition no. 31 – Noise

- The design of the proposed development ensures that the location of playing pitches and ball courts are located to the north of the site.
- It is considered that the noise limits of this condition will generally be complied with however during the short period that children are outside playing during break times the limit will be exceeded.
- It is submitted that this condition would place an onerous restriction on the proposed school.

Condition no. 34 – Special Development Contribution

- It is submitted that general contributions as outlined in Tables G4-G9 of the Development Contribution Scheme are not applicable to schools.
- The applicants have no issues with paying a development contribution for infrastructure required to serve the immediate needs of the school.
- The applicant has not appealed condition no. 33 which requires significant upgrades to Ballinrea Road. This upgrade was envisaged in the Carrigaline Area Transportation Plan (CAT), 2007, and will have wider benefits to the wider community.
- The applicant also recognises the need to develop a cycle / footpath to the Cork Road which provides connectivity to future residential areas.
- The applicant is prepared to pay €90,000 towards the provision of this cycle / footpath link. It is contended that this €90,000 is an overestimate.
- It is submitted that condition no. 42 requires the applicant to provide a pedestrian and cycle path within the site to the Cork Road resulting in significant cost to the overall development.
- No justification is provided for an additional €693,485 for works to the Ballinrea Road, Cork Road and Ballinrea Cross. There is no breakdown on how this figure was reached.
- It is clear that CAT, 2007, identified that improvements are required to Ballinrea Road and Ballinrea Cross.

- As CATS was published in 2007 which is 4 years before the appeal site was zoned for education it is difficult to understand how these works can now be classified as 'public infrastructure and facilities which benefit the proposed development' and result in specific exceptional costs to the Local Authority.
- It is noted that the Local Authority have not sought the implementation of CATS through a Supplementary Development Contribution Scheme. Therefore it is considered that the improvements recommended in CATS were envisaged by the Development Contribution Scheme.
- The Board will note that there have been numerous precedents where Special Development Contributions are removed.
- In case ref. 243635 the Board removed a condition requiring a special financial contribution on the basis that the works did not constitute exceptional cost and would be covered by the general contribution scheme.
- The Board removed a special contribution condition in relation to appeal ref. 240093 (School in Athlone) for the provision of a footpath on the basis that it was not exceptional.
- These two precedent cases demonstrate that infrastructure that is subject to development plan objectives is not deemed exceptional costs and should be funded through the Development Contribution Scheme.
- The recommendations of CATS in relation to Ballinrea Road are not specific objectives of the Carrigaline LAP. The implementation of CATS is DB-06 of the LAP.
- Furthermore the recommendations in relation to the Ballinrea Road predate the zoning of the subject site and cannot be considered exceptional costs.
- It is requested that the Board amend Condition no. 34 and lessen the specified contribution of €90,000 to a more reasonable reduced sum in order to pay for the exceptional costs associated with the provision of the pedestrian / cycle link to the Cork Road.

9.0 OBSERVERS

The following is the summary of an observation submitted by **Orla Murray** of no. 5 South Avenue, Carrig Na Curra.

- It is submitted that there are inconsistencies in the submitted drawings.
- Drawing no. 15383-2-202 and PL24 show different distances between the legal boundary (stone wall) and the proposed 2.4m high weldmesh fence.
- It is therefore unknown how the proposed structure will impact on residents.
- In drawing no. 15383-2-202 the existing hedge is only present behind no. 5 South Avenue and offers some level of privacy and no such hedge exists behind no. 6 as shown in the drawing.
- It is submitted that the existing hedgerow is grossly exaggerated in size.

- The above drawings do not accurately show the ground levels.
- The ground level of the school site is approximately 3.0 – 4m higher than the level of the houses.
- It is therefore contended that users of the courts and the pedestrian / cycle way will overlook residential amenities.
- It is submitted that boundary treatment should be provided or ground levels adjusted.
- It is considered that the owner of the site should maintain vegetation in order to protect adjoining amenities.
- The entrance of the proposed pedestrian / cycle way would not be suitable for pedestrians as the footpath does not extend the Carrig na Curra on the Cork side and the only continuous footpath towards the town is on the opposite side of the public road.
- This area will be used as a drop-off point resulting in unacceptable level of traffic on this busy road.
- The public road is extremely busy and the speed limit is 60 kph.
- The pedestrian / cycle route was not part of the original application and therefore escaped public comment.

The following is the summary of an observation submitted by **Carrignacurra Residents Association**;

- It is submitted that the implementation of condition no. 42 will have major repercussions for the housing estate and the traffic flow into and out of Carrigaline.
- Condition no. 42 allows no public consultation in relation to location and suitability of this link.
- It is considered that a separate planning application should be submitted for this cycle / pedestrian link.

The following is the summary of an observation submitted by **Robert and Mary Jeffery** and **Colm and Breda Nestor** of 51 and 48 Carrigcourt Estate;

- The steep gradient of the appeal site will cause overlooking from the proposed development towards the residents of Carrigcourt.
- The major traffic implications due to the proposed development will impact on the marketability of the existing houses in the area.
- The traffic tailbacks due to the proposed development will result in the entrance and western portion of Carrigcourt being continuously utilised as a drop-off and collection point impacting on residents accessing their estate. This will occur at morning and afternoon drop-off and pick-up.
- It is noted that there is no provision for student car parking by attending students. It is contended that students will park in Carrigcourt housing estate.
- The proposed construction of a culvert is a grave concern for the residents of Carrigcourt as the recent flooding events in Douglas and Blackpool has demonstrated.

- It is contended that the provision of a flood defence wall along the entire southern boundary would be essential should the proposal proceed.
- There is concern that Carrigcourt householders may be excluded from insurance in the future.
- The observer would be concerned with the omission of condition no. 6 and 31 as this would result in excessive noise and light pollution outside normal school hours.

The following is the summary of an observation submitted by the **Carrigaline Community Association Ltd.**

Site

- The site is not suitable for the proposed development due to its severe sloping.
- The lower section of the site is also unsuitable due to protected archaeological sites and its marshland.
- The site does not comply with the Department of Education guidelines on site location.

Road Infrastructure

- The applicant has not submitted details of the upgrade of the Ballinrea Road from the roundabout on the Cork Road to the Ballinrea crossroads. These items include cycle ways, pedestrian crossings and traffic calming measures.
- The community in the Carrigaline area have been looking for the Western relief road for a very long time however there are no plans for this infrastructure.
- The upgrading of the Ballinrea Road needs to be done in conjunction with the Western Relief Road before any grant of permission can be issued.
- It is contended that the Ballinrea Road from the roundabout on the Cork Road to Ballinrea cross junction has to be completed first.
- The local authority's commitment in relation to the Western Relief Road is questioned.
- It is noted that the Local Authority did not request a road safety audit on the road infrastructure in Carrigaline area.
- It is contended that this report would highlight serious issues in relation to road safety.
- It is questioned whether it is possible for the Local Authority to require an opening onto the main Cork Road R611/N28 without the applicant submitting any plans.

10.0 RESPONSES

Second Party Response

The following is a summary of a response submitted by the local authority;

Condition no. 6

- At the further information stage the applicant was given the opportunity to clarify usage after school hours however the response was vague.
- In particular the Planning Authority was attempting to establish whether there was any additional traffic generation from sporting activities.
- It is contended that the use of the three schools and their associated outdoor areas could impact established residential amenities and hence the justification for the condition.

Condition no. 31

- The applicant argues that the condition is largely unenforceable particularly given noise during break times.
- The noise limits associated with this condition are considered standard for an urban area.
- Should the applicant not consider that the proposed development will not meet the standards then there are other options including staggered break / yard times.
- Condition no. 32 requires noise monitoring should the Local Authority require.
- Both condition no. 31 and no. 32 are measures to ensure a limited impact on established residential amenities.

Condition no. 34

- It is submitted that justification has been provided for this condition in the applicants Traffic and Transport Assessment.
- The Planning Authority has identified certain works which require undertaking to achieve the requirements of the TTA which ultimately will provide suitable accessibility for pedestrians, cyclists and general traffic to and from the campus.
- These works are also highlight in the reports by Senior Planner (07/03/2016), Senior Engineer (04/03/2016) and Executive Engineer (03/03/2016).
- The cost of the works is outlined in the condition as well as a detailed and specific list of works. These are considered to meet the requirements for a special contribution and are not covered by general contribution.

Third Party Appeals

- All the issues submitted by the third party appeals are noted.
- It is submitted that prior zoning decisions cannot be revisited.
- In relation to traffic and transport for the proposed development it was deemed acceptable by the Traffic and Transport Section of the Council.
- All the proposed works within the redline will be carried out by the applicant.
- The works outside the redline will be implemented by a development contribution,
- The proposed amphitheatre is consistent in levels to the land adjoining this feature.

- The separation distance from the proposed development to the adjacent residential amenities is considered adequate to ensure privacy is retained.
- The boundary fencing will comprise of paladin fencing on the applicant's site and this will provide security and a visual break. It is considered the most appropriate boundary treatment given the use of the site and the extent of the boundary.

First Party Response

The following is a summary of a response submitted by the applicant's agent;

Context

- The need for the proposed development has been an objective of the applicant with the support of the Department of Education and Skills, for almost 10 years.
- Based on consultation and best practice it is considered that a shared campus in the best approach.
- The location was identified as the most appropriate and sustainable location in light of the future expansion of Carrigaline to the north.
- The site was formally zoned for education in the CLAP, 2011.
- During the course of the application the applicant has clarified many issues. The issues of clarification mainly concentrated on traffic and access.
- It is contended that the applicant has addressed all issues within the further information request.

Relevant Planning Policy

- In relation to the Cork County Development Plan, 2014, the proposed development is consistent with the following objectives;
 - Para. 5.4.1
 - Objective SC 4-1
 - Objective SC 4-2
- The appeal site is zoned 'education' in accordance with the Carrigaline Electoral LAP, 2011. This zoning objective also includes objectives for archaeological potential on the site and traffic and mobility plan.
- The CLAP contains a number of development boundary objectives, one of which is DB-06.
- The 2007 CATP contains a number of transportation objectives and these include.
 - Improvements to the 'Black Road' to Cork as far as the N28 interchange.
 - Improvements to the Ballinrae Road from junction with R611 Cork Road to Ballinrea Crossroads paragraph 9.5 including incorporation of cycle-tracks along the existing and proposed built up areas.
 - The CATP refers to the 'Western Relief Road'.
- The CLAP contains a number of development boundary objectives, one of which is DB-06.

Site Suitability and Designs

- The site is zoned for 'education' in accordance with the CLAP, 2011.
- The site is in close proximity to established residential areas to the south and east and as well as the Shannon Park Masterplan Area which proposes to develop 1,000 houses approximately 50m to east.
- The proposed development was designed to maximise the specific characteristics of the site, designing a high quality campus in accordance with the Department of Education and Skills 'Technical Guidance Documents.
- The proposed three schools relate to one another in terms of architectural language.
- It is submitted that the campus is laid out in a safe environment with spaces for flexible uses.
- The proposed layout facilitates supervised social interaction of various age groups and abilities.
- The new civic buildings are proposed to form a new edge to urban edge to Carrigaline, with the campus itself functioning as a centre of excellence in education.
- In relation to topography the proposed development allows for linear buildings on terraces of level land across the sloping site following the sites contours. The requirement for excavations, fill and retaining walls are minimised.
- The individual schools are orientated in a south-eastwards direction in order to maximise solar heat gain and optimum day-lighting. This approach is in accordance with best practice guidance, i.e. Department of Education and Skills guidance document TGD 027 '3.2 (a) and (b).

Privacy of Adjacent Dwellings

- The proposed design maximises sustainable and energy efficiency.
- The proposed buildings are sited so as to maximise the separation distance between the buildings and the adjacent dwellings.
- A distance of 78m exists between the southern elevation of the Sonas School and the rear garden boundaries of the adjacent Carrigcourt houses to the south.
- The rear gardens of Carrig Glen are separated from the elevation of the gaelscoil by a distance of 65m and the eastern elevation of the Gael Cholaite is separated by 58m from the rear gardens of the units within South Avenue.
- The playing pitches and ball courts are located to the north of the site away from dwellings wherever possible.
- The facades for the schools have been designed to minimise overlooking.
- The proposed Sonas School has been designed around courtyard spaces to maximise glazing and opportunities for solar gain.
- The highly glazed sections are set back furthest back into the courtyard.

- The buildings closest to the surrounding dwellings are cleverly designed with smaller areas of fenestration, some of which have a more horizontal emphasis.
- Additional proposals will include considerable separation distances and significant landscape screening will protect residential amenities.
- It is submitted that at site boundaries existing vegetation will be retained.
- The augmentation of boundary treatment will strengthen the screening between the campus and the existing housing.

Archaeology

- It is submitted that the culvert referred to in the appeal by Kevin Silke's appeal is no longer part of the proposed development.
- This culvert was removed as part of an F.I request to retain existing hydrological ground conditions and in order to preserve the archaeological monuments.
- Adequate planting was also provided that provides for 20m buffer zones around the monuments with earthen berms, tree clusters and meadow planting.
- The Archaeological Report, dated 22nd April 2015, states that the design team were in constant contact with the Heritage Unit.
- Further information clarified details in relation to the amphitheatre and the long term archaeological management plan.
- Condition no. 18 and 19 of the Local Authority permission further protects archaeological heritage.

Flooding

- There is no record of previous flooding on the appeal site.
- The nearest previous flood event to the appeal site was on the R611 situated to the south east of the appeal site. This flood event occurred due to a collapsed culvert which has since been reinstated. No further flooding events have occurred at this location since the reinstatement of the culvert.
- It is submitted that only 27% (i.e. 2.3ha) of the site will consist of impermeable areas. A surface water discharge has been designed to accommodate these areas.
- The roads drain to a storm water attenuation tank which is designed to control of water to the storm water drain,
- The remaining 6.3ha of the site will comprise of landscaped areas, playing pitches, courts and permeable paving. The high proportion of these areas will allow for sustainable drainage facilitating surface water through the earth.

Traffic and Transport

- This section of the response is complimented by an attached response prepared by Malachy Walsh and Partners Consulting Engineers entitled '*Response, in respect of Traffic and Transport Issues, to Third Party Appeals by An Bord Pleanala regarding PL04.246387*'

- It is submitted that the findings of the appellants report represents a selective approach to the analysis of the Traffic and Transport Assessment and Travel Plan.
- There is no quantitative analysis or empirical data used to support the appellant's claims.
- The appellants question the validity of these documents despite been based on best practice guidance as well as information and recommendations provided by Cork County Council.
- The approach taken by the design team was influenced by pre-planning consultation.
- It is acknowledged that the Western Relief Road is identified in the CATS 2007 however it is not assumed to be place in the forecast years as there is no commitment by the Council or funding in place.
- The chosen approach is based on realistic tangible information and not dependent on the provision of new infrastructure.
- It is not credible to state that the proposed development is premature until the delivery of the Western Relief Road as this road is uncertain.
- However there is a need for schools in Carrigaline.
- Should the proposed development not proceed pupils will have to travel to school outside Carrigaline which will result in additional traffic in the town.
- The proposed development is located close to existing residential developments.
- The completion of the pedestrian / cyclist facility will allow pupils to utilise such facilities.
- Mitigation measures are present in the TTA and have been conditioned as part of the Council's decision to grant planning permission, i.e. condition no. 33 and no. 34.
- These mitigation measures include improvements to the local road network including Ballinrea Road, enhanced measures for vulnerable road users, urbanisation and traffic calming.
- The Board are advised that the impacts arising from the proposed development will only arise during school terms whereas the mitigation measures are permanent.
- It is submitted that the appellants analysis which refers to travel modal split targets are aspirational however the appeal submissions fail to demonstrate any targets that would be more appropriate.
- It is submitted that the Area Engineers Office which states that there are 'serious reservations' relate to concerns in the absence of a future Transportation Study for Carrigaline.

Second First Party Response

The following is a summary of a response submitted by the applicant's agent;

Condition no. 42

- The proposed access, as per condition no. 42, of Cork County Council will provide for improved connectivity between the campus and

adjacent residential areas including the proposed development of 1,000 dwellings at Shannon Park.

- The proposed access will be gated and locked outside school hours.
- It is acknowledged as important to provide for a pedestrian / cycle link to the R611 Cork Road particularly in light of proposals for the future development of the town to the north east.
- It is proposed to provide 1,000 houses within the Shannonpark Master plan. This site is located some 50m east of the subject development.
- A planning application was recently lodged for the first phase of this development comprising if 297 houses (L.A. Ref. 16/4289).
- As part of this plan there will be significant improvement in the sustainable transport facilities.
- It is contended that the principle vehicular / pedestrian entrance to the school campus is to be located approximately 750m northwest of the junction of the R611 and the Ballinrea Road, this would result in unnecessary long journey for students living in these areas and therefore choosing private motor cars in lieu.
- The direct access link will be more accessible for students using bus stops located along the R611.
- It is contended that any potential impacts have been already analysed and adequately mitigated against.
- The proposed schools is proposed to meet a growing population in Carrigaline. Should the school be not constructed then it will have to travel to school outside Carrigaline.
- The proposed link will provide an immediate link from Heron Woods and the large development at proposed at Shannon Park.
- The outdoor play areas are concentrated to the north of the site specifically away from established housing estates.
- The applicant will endeavour to ensure that the proposed path / cycle link will have minimal impact on residential amenities.
- The proposed pathway onto to the R611 will not be injurious to the established residential amenities and improve permeability and connectivity.

Attenuation Tank

- It is submitted that it is not the case that the ground levels adjacent to the appellant's property will increase by 6m.
- The levels indicated on the drawings are incorrect.
- Attached drawings prepared by Malachy Walsh Partners clarify the issue.
- Section B-B illustrates that the ground level should it be raised slightly will adequately accommodate the new drainage system.
- The proposed ground level will be well below that of the adjacent property and will have no impact on the adjoining property in terms of visual impact of flood risk.
- It is contended that this issue is not a substantial planning issue and can be largely dealt with by condition.
- On this basis the board is requested to uphold the decision of CCC.

11.0 THE ORAL HEARING

An oral hearing, in respect of the file PL04.246387, was held in the Carrig Court Hotel, Carrigaline on Monday 25th of July 2016 and Tuesday 26th of July 2016. An appendix to this report is attached which contains a signed sheet of attendees and a list of documents presented to the hearing. The proceedings were digitally recorded and a copy is also attached to this file. There were five parties and two observers who presented at the oral hearing and those who presented to the hearing were as follows;

- Cork Education Training Board
- Cork County Council
- Carrigcourt Residents Association / Carrigaline Community Association Ltd.
- Kevin P. Silke
- Theresa O'Neill
- Robert Jeffery
- Oral Murray

Proceedings got under way with my opening statement. Participants were informed that the purpose of the oral hearing is an information gathering exercise to assist me in considering the merits of the case and in drafting my report and recommendation to the Board in relation to the proposed development.

With respect to the format of the hearing this followed, the Order of Proceedings, with some exceptions, which was issued to the parties on the 4th of July 2016. The first party was asked to state their case, outline their appeal in relation to condition no.s 6, 31 and 34 and respond to the third party appeals.

Applicant

Jarlath Fitzsimons S.C., on behalf of Cork Training Education Board, introduced the witnesses that would be making a submission to the hearing. Mr Fitzsimons stated that the first party case would firstly outline their appeal to conditions no. 6, 31 and no. 34 of the Local Authority permission and secondly their submission would respond to the third party appeals. In Mr. Fitzsimons introduction he also outlined the relevant statutory planning policy that supported the proposed development.

Firstly Mr. Joe O'Brien, Project Director, outlined the design considerations for the proposed development and the proposed landscape strategy.

Mr. John Fitzgibbons, Education Officer of the CETB, read his submission into the record. This submission outlined the typical operational hours for the three schools and the various uses associated with the schools including ancillary uses.

Mr Harry Walsh, Director of McCutcheon Halley Walsh Planning Consultants, on behalf of CETB, read his submission into the record. This submission outlines that condition no. 6 is contrary to statutory planning policy. This submission also argued that Condition no. 31 was unenforceable and that the implementation of a noise limiting condition for a school is unprecedented. Mr Walsh also submitted arguments in relation to condition no. 34 and these broadly stated that the works the subject of condition no. 34 cannot be described as 'public infrastructure and facilities which benefit the proposed development' and will result in 'specific exceptional costs'. Mr. Fitzsimons then concluded the first party arguments in relation to conditions no. 6, 31 and no. 34. In relation to condition no. 6 Mr. Fitzsimons argued that condition no. 6 conflicted with statutory policy and in relation to condition no. 31 he argues that this noise condition is irrelevant as the proposal is not an industrial development. Finally in relation to condition no. 34 Mr Fitzsimons argues that the applicant is exempt from development contributions given its charitable nature and also cites a High Court judgement case as a relevant consideration.

The second component of the applicant's submission to the hearing related to the applicant's reasoning and justification for the proposed education campus. Oral submissions were received by the following;

- Mr John Fitzgibbons, Education Officer of the CETB who outlined the educational need for the proposed development.
- Mr Harry Walsh, Director of McCutcheon Halley Walsh Planning Consultants who set the planning context for the proposed development and outlined responses to the third party appeals in relation to planning matters.
- Mrs Sarah Kelly, Director of KOWB Architects, outlined the design philosophy for the proposed development.
- Michael J. O'Sullivan, Chartered Engineer and Director with Malachy Walsh and Partners, Consulting Engineers outlined the water services issues and responded to the issue of the attenuation tank and its location.
- Margaret McCarthy, Archaeologist (Tobar Archaeological Services) outlined the background to the archaeology on the site and the proposed mitigation measures.

Late in the afternoon the proposed order of proceeding were interrupted to facilitate a submission from Theresa O'Neill and Robert Jeffery who were unable to attend the hearing on subsequent days.

Day 2

On the second day the hearing commenced with a presentation from Mr Ciaran O'Callaghan, Senior Engineer with Malachy Walsh and Partners. Mr O'Callaghan outlined the conclusions of the Traffic and Transport Assessment (TTA), the junction capacities and the proposed mitigation measures. Following this Mr O'Callaghan set out responses to the third party appeals.

Subsequent to Mr O'Callaghan's presentation there was a period of cross questioning from the third parties. In particular, Mr. Casey, on behalf of Carrigcourt Residents Association / Carrigaline Community Association Ltd. questioned Mr O'Callaghan principally on the methodology of the TTA and questioned Mr Harry Walsh on the planning rationale for the proposed development. This was followed by questions from Mrs Dorgan, Solicitor, on behalf of Mr. Kevin P. Silke. Mrs Dorgan questioned Mr. Fitzgibbon on the suitability of the appeal site for the proposed development and alternative sites considered. Mrs Dorgan also sought clarification on the total number of persons anticipated to attend the proposed Education Campus to which Mr. John Fitzgibbon responded. Mrs. Dorgan also asked questions in relation to traffic and transport.

Following the questioning above Cork County Council were then invited to present their submission to the hearing. This submission included presentations by Mr Paul Murphy, Senior Planner and Mr Peter O'Donoghue, Senior Engineer. Mr Murphy's submission outlined the planning rationale for the proposed development, the Council's reasoning for conditions 6, 31 and 34. Mr. Peter O'Donoghue outlined the traffic and transport considerations for the proposed development including the justification for condition no. 34. Following these presentations I asked questions in relation to condition no. 42 and the special development contribution, i.e. condition no. 34.

In the afternoon Michael Wall, on behalf of Carrigcourt Residents Association / Carrigaline Community Association Ltd., presented his submission to the hearing. This submission outlined concerns in relation to traffic and access. This presentation was followed by cross-questioning of the applicant's Archaeologist, Margaret McCarthy. An issue addressed by the archaeologist was that the archaeological features to be preserved would be enclosed by a buffer zone comprising of a solid fence.

Following these questions there was a presentation by Tricia O'Sullivan, Planning Consultant, on behalf of Kevin P. Silke. The presentation outlined its objections to the proposed development on grounds of site selection, landscape and visual impact, and traffic and access. A presentation was then read into the hearing by Mrs Oral Murray, who is an observer.

Following the presentation from Mrs. Oral Murray the applicant then took the opportunity to clarify some issues that had arose in the cross-questioning section earlier, in particular in relation to separation distances and traffic and access,. Following this Mrs Sarah Kelly, who was not present earlier in the day, was questioned by the appellants in relation to architectural and design issues.

The final module concluded with the closing statements from two third parties, an observer, Cork County Council and the applicant. The hearing concluded at approximately 6:20pm on Tuesday 26th of July.

12.0 ASSESSMENT

The main issues to be considered in this case are: -

- 12.1 Principle of Development
- 12.2 Condition no. 42
- 12.3 Traffic and Transport
- 12.4 Condition no. 6
- 12.5 Condition no. 31
- 12.6 Condition no. 34
- 12.7 Impact on Residential Amenities
- 12.8 Flood Risk
- 12.9 Archaeology
- 12.10 Appropriate Assessment Screening

12.1 Principle of Development

The proposed development is for an education campus comprising of three schools.

The appeal site is located on the north-western edge of the established built-up area of Carrigaline. In accordance with the Core Strategy of the Cork County Development Plan, 2014 – 2020, Carrigaline is identified as a metropolitan town. The strategic aim for metropolitan towns is as follows;

‘Critical population growth, service and employment centres within the Cork “Gateway”, providing high levels of community facilities and amenities with infrastructure capacity high quality and integrated public transport connections should be the location of choice for most people especially those with an urban employment focus’.

I would note that the County Development Plan supports the provision of multi-campus school arrangements and this is specifically referred to in Section 5.4.6 of the Development Plan.

Policy objective SC 4-1 of the County Development Plan is relevant and this states it is an objective to *‘facilitate the provision of educational services in the community such as schools, crèches and other educational and childcare facilities. Multiuse facilities which can accommodate both educational and childcare facilities are also encouraged’.*

Although the appeal site is currently situated in unused agricultural land the subject site is zoned in accordance with the provisions of the Carrigaline Electoral Area Local Area Plan, 2011. The appeal site is zoned *‘education campus to include two primary schools and one post primary school and associated ancillary use’.*

The zoning provision also has objectives in relation to traffic and archaeology and this is stated as follows;

'Any proposed development will have to be accompanied by a detailed traffic and mobility plan. The southern side of this zoned area is within the Zone of Archaeological Potential of the three Recorded Monument CO086-054 Ringfort (possible); CO086-05501 & 2 Fulachta Fiadha and any development in this area will need to be cognisance of the potential presence of subsurface archaeology and may require an archaeology impact assessment. If archaeology is demonstrated to be present appropriate mitigation (preservation in situ / buffer zones) will be required'.

The proposed development comprises of three schools and associated facilities including out-door hard play areas. The proposed development also includes car parking and bicycle parking. I would note that the submitted layout plan illustrates buffer zones to the south of the site to protect existing archaeological sites on the proposed campus and this effectively amounts to the creation of a archaeological parkland.

In terms of overall future spatial development of the Carrigaline the land-use zoning map for the Carrigaline LAP, 2011, indicates that there is a planned mixed use residential development (Zone X-01) with a masterplan to be prepared at the site. This land is located at the northern edge of the town to the east of the Cork Road. It is noted that this zoned land which is 44 ha in size will be a phased development and will provide between 1,000 to 1,200 residential units. Mr. John Fitzgibbons submitted to the oral hearing that there is a strong education need for the proposed development and that it is government policy to promote multi-campus schools.

The location of the proposed development is a relevant consideration as the development site is situated on the edge of town and is currently unconnected to residential areas in terms of pedestrian and cycle provision. In addition the proposed development would adjoin the rear of the established housing estates and this would represent, in my view, a significant intervention having regard to the current use of the appeal site.

The proposed development is consistent with the zoning objective and therefore the principle of the proposed development, in my view, is acceptable.

12.2 Condition no. 42

There is considerable third party opposition to Condition no. 42 and this was evident at the oral hearing. Condition no. 42 facilitates a pedestrian and cycle link from the appeal site to the Cork Road.

I would note the Area Engineer considers proposals for a pedestrian / cycle entrance, from the Cork Road, is necessary in terms of overall acceptability of the proposed development. I would concur with this view on basis of permeability and connectivity of the proposed education campus to the wider residential developments, both existing and proposed. In addition, it is my view, based on the evidence at the oral

hearing and the submissions on the file that the subject pedestrian / cycle link would contribute to a sustainable modal split and as such would reduce potential traffic congestion to and from the proposed education campus. I would base this view largely on the location of the proposed education campus which is situated on the north-western fringe of the build-up area of Carrigaline and is currently predominately accessible by car.

The Board will note from Condition no. 42 that it is a requirement that the applicant provide a new pedestrian / cycle link within the site which shall be provided from the south-east corner to the adjoining lands. The applicant has no objection to this condition.

I would note that from the eastern corner of the appeal site to the Cork Road there is a distance of approximately 40 metres. This 40 metre stretch of land is located over third party lands and this land would be required to fulfil the pedestrian / cycle link from the proposed education campus to the Cork Road. Mr Paul Murphy, Senior Planner, Cork County Council, confirmed to the oral hearing that the special development contribution in condition no. 34 of the local authority permission allowed for €90,000 which would facilitate the pedestrian / cycle link over the said third party lands. The mechanism to deliver this pedestrian / cycle link over the third lands is a Compulsory Purchase Order. Mr Murphy also confirmed to the hearing that it is intended that the pedestrian / cycle link would be 4 metres wide and it is considered that two third party landowners will be impacted upon.

I questioned Mr. Peter O'Donoghue, Senior Engineer, Cork County Council, whether a traffic assessment of the Cork Road was considered in relation to the proposed pedestrian / cycle link from the education campus to the Cork Road. In this regard I noted that some of the third party submissions to the Board concluded that the provision of a cycle / pedestrian link is void of any traffic assessment on the Cork Road. Mr O'Donoghue responded by stating that the pedestrian / cycle link is important for the proposed development to provide connectivity to public transport which is situated on the Cork Road. It is proposed to provide a 100m set-down area along the western side of the Cork Road to facilitate school drop-offs. This set-down will accommodate approximately 18 cars. This is provided for in condition no. 34 of the local authority permission. Mr O'Donoghue also outlined that should the congestion on the Cork Road become excessive there are other measures available to the council and these include the full implementation of the mobility management plan by the school and provision of clearways and double yellow lines which the Council has control over. The provision of the set-down area is provided for with the special development contribution area and it is estimated that it would cost €25,000.

Therefore, in terms, of overall acceptance of the proposed education campus I would consider that the provision of a pedestrian / cycle link from the proposed education campus to the Cork Road is an integral

component. This is mainly on the basis that the proposed campus is disconnected from established and proposed housing and will not easily encourage cycling and walking to the schools. An issue to be addressed is whether this proposed pedestrian / cycle link within the appeal site will adversely impact on established residential amenities.

As this pedestrian / cycle link arose from a condition of the planning authority there is no scaled drawing illustrating the proposed link within the appeal site or outside the subject site. However any such pedestrian link is likely run close to residents of Carrig Green, in particular no.s 16 to 24 Carrig Green. I would note from the submitted drawing no. Ex-01 'Existing Site Sections' that the general gradient of the appeal site in this location is generally lower than the adjacent rear gardens and in some instances almost 3 metres lower. This is important as it will mitigate any potential overlooking issues. In addition I would note that it is proposed to retain established boundary vegetation as part of the proposed landscaping plan as illustrated in submitted drawing no. 15383-2-301 and this again will mitigate any potential overlooking from any proposed pedestrian / cycle link to the established residential properties. Furthermore it is proposed that the pedestrian / cycle entrance would be gated and this is significant as the entrance will only allow access during schools opening hours.

Notwithstanding the issues and concerns raised by the third party appellants and the observers I would consider, having regard to the mitigation measures outlined above, that the imposition of condition no. 42 would not seriously injure established residential amenities. I would recommend to the Board that condition no. 42 is retained.

12.3 Traffic and Transport

The scale and location of the proposed education campus is significant when considering traffic and access in relation to the proposed development. The proposed development is located effectively on an edge of town site with no direct public transport link or no pedestrian / cycle link to the site.

It is intended that the proposed education campus will accommodate approximately 1,391 persons. This figure includes pupils, teachers and ancillary staff.

In terms of traffic and access the main access to the proposed education campus is from the Ballinrea Road, which adjoins the western side of the appeal site, and this will be located approximately 20 metres south of the existing agricultural entrance to the appeal site. A second vehicular entrance to the site is also proposed, which is located 150m north of the existing entrance, and this entrance will serve staff only.

The proposed development also provides for 4 no. car parks as follows;

- Car park no. 1 provides for 49 staff car spaces

- Car park no. 2 provides for 54 car spaces and 6 bus spaces and drop off area
- Car park no. 3 provides for 42 staff car spaces
- Car park no. 3 provides for 37 car spaces

The required car parking provision is set out in Appendix D of the Cork County Development Plan, 2014. I would note that the required car parking provision for schools is as follows;

- 1 space per teaching staff
- + 1 space per 2 ancillary staff
- Additional 50% of staff provision for visitors at primary level
- Additional 30% at second level

On the basis of the submission to the oral hearing by Mr. John Fitzgibbons it is noted that the 3 no. schools will require 89 teachers and 40 ancillary staff. This staff complement will require 109 car parking spaces. In addition the total staff provision for the two primary schools is 84 and the required car parking provision is therefore 42 spaces. In relation to the proposed second level school the total number of staff provision is 45 and the required parking provision is 13.5 spaces. Therefore the required car parking provision for the proposed education campus is 164.5 spaces. The overall provision of car parking spaces for the proposed development is 182 spaces.

In relation to cycle parking provision I would note that Appendix D of the Cork County Development Plan requires the following cycle parking spaces for schools;

- 1 space per 10 students (Primary School)
- 1 space per 4 students (Secondary School)

Therefore the required cycle parking provision for the two primary schools is 76 and the required cycle parking provision for second level schools is 125 spaces. The overall provision of cycle parking on the proposed education campus is 78 spaces. The proposed development also includes the provision of bicycle lockers. I would recommend to the Board that full compliance with the cycle parking standards should be a condition of any permission.

I noted from my site inspection that the Ballinrea Road is a public road which is rural in character and is predominantly adjoined by agricultural land. The Ballinrea Road climbs steadily from the Cork Road, at the Ashgrove Roundabout, in a northwards direction. I also noted beyond Carrigcourt housing estate the width of the public road narrows and the alignment is restricted due to bends on the public road and third party property which is mainly situated on the western side of the public road. The gradient from the north of Carrigcourt housing estate also rises steadily to the Ballinrea Cross, which is north of the appeal site.

Overall having regard to the current condition of the Ballinrea Road, as based on a visual observation of area and described above, I would consider that the Ballinrea Road in its current position would require significant intervention to accommodate the proposed education campus and this intervention is specifically outlined in the submitted drawing no. PL-03, which was received by the Planning Authority on 01/02/16. This intervention provides for a wider carriageway, improved alignment and 5 no. set-downs. The proposed junction and road widening of the Ballinrea Road will effectively provide for traffic calming measures as the speed limit will be 50kph in this urban zone and will improve visibility.

The application documentation also includes a Traffic and Transport Assessment (TTA). A significant conclusion of this document is the junction capacity assessments given the proposed development in 2017 and 2022. I would note of particular concern is that by 2022 four of the existing junctions assessed in the TTA have exceeded their practical capacity.

In addition to traffic mitigation measures outlined above a key component by the applicant is the introduction of a sustainable Travel Plan for the Education Campus. The application documentation is accompanied by a Travel Plan and the core principle of this plan is to provide guidance for improving transportation and accessibility for staff and students at the proposed education campus. The plan includes tables, i.e. Table 8, 9 and 10, which outline indicative modal split targets for the years 2016 and 2021. I have considered and analysed these tables and I would consider that these targets are optimistic however the travel plan includes methods to arrive at these targets. In contrary to my view Mr. O'Callaghan submitted to the oral hearing, as a response to the submission from Coakley Consulting Engineers, on behalf of Carrigcourt Residents Association, that the targets of the Travel Plan are within the Government's targets, are supported by An Taisce survey data and were consulted with Cork County Council. I would also consider that the level of cycle and pedestrian infrastructure proposed as part of the proposed development would enhance the overall pedestrian and cycle experience to and from the proposed education campus.

In relation to the internal reports from the Local Authority traffic sections I would note that the report from the Area Engineer, dated 13/03/2015, raised concerns in relation to sightline provision, provision of traffic calming measures along the Ballinrea Road, controlled and uncontrolled crossing points along the Ballinrea and Cork Road. In addition the Area Engineer considered that mitigation measures are required to address the conclusions of the TTA that the proposed development will exceed the practical capacity of junctions in the vicinity of the appeal site. The Area Engineer considers that the entire road network, including Ballinrea Cross, Ballinrea Road and the roundabout on the Cork Road would require enhancing. In terms of mobility management the Area Engineer considers proposals for a pedestrian entrance from the Cork Road to the education campus is necessary.

The Area Operations Engineer has recommended that the applicant pays a Special Development Contribution in relation to the upgrade of the Ballinrea Cross, which is located north of the appeal site. I would also note that the report from Traffic and Transport Division also recommended a list of items that would be required for the applicant to fulfil. These items were mainly included in the Local Authority's request for additional information.

The applicant submitted a range of measures to address the local authority's request for additional information. In relation to sightline provision it is proposed to provide a signalised junction at the main entrance to the school. The Council have agreed that a signalised junction addresses the need to have a sightline provision of 90m in either direction from a set-back distance of 4.5m. The applicant proposes to retain the second vehicular entrance to the north of the appeal site.

The applicant proposes pedestrian and cycle infrastructure along the Ballinrea Road outside the site. It is stated that a proposal for traffic calming along the full length of the Ballinrea Road is outside the remit of the applicant. The proposal also includes provision for public lighting and road signage along the Ballinrea Road.

I would note that the various Traffic Engineer reports from the local authority have concluded that the response to the additional information is adequate subject to the applicant implementing the significant road infrastructure. The scale of this road infrastructure is evident from the submitted drawing PL-03, received by the Planning Authority on 1st February 2016. The local authority Traffic Engineers also recommend that the applicant makes a financial contribution towards road infrastructure outside the applicant's boundary.

Mr Ciaran O'Callaghan, Senior Engineer, on behalf of the applicant, outlined to the oral hearing the conclusions of the Traffic and Transport Assessment. These conclusions are a summary of the submitted Traffic and Transport Assessment which were received by the Planning Authority on 01/02/16. Mr O'Callaghan submits that the TTA concluded that sections of the existing road network are at or near capacity, with schools in their current location, and the network would continue to be at capacity with some impact should the schools be relocated to the Education Campus.

In summary the key findings of the TTA in relation to junction capacity are as follows;

- Existing priority controlled junctions at West Avenue and Ballinrea Cross would operate within capacity for the opening year 2017 and the plan year 2022 with the short exception for the short interval (8:15am to 8:45am).
- The Cork Road / Carrigaline Inner relief road / West avenue would operate above capacity during the plan year 2022 without the proposed campus and above capacity with the proposed education campus.

- The West Avenue / Carrigmore / Glenwood Cross Road junction would exceed its practical capacity in the plan year 2022 with the proposed education campus.
- The analysis for the West Avenue / Dun Eoin junction concluded that the junction would exceed its capacity in the plan year 2022 with the Education Campus in place.

Having regard to the conclusions of the TTA the applicant proposed additional mitigation measures as part of the additional information response and these include the following;

- Proposed signal controlled access junction to the education campus
- Pedestrian walk and traffic phase at signal junction
- A two-lane approach from the Education campus
- Left turn lane from the northern arm
- Separate vehicular staff entrance to the north of signal junction

I would note that the TTA also recommends the following;

- Enhanced pedestrian and cycle facilities from the Cork Road to the subject site
- Appropriate pedestrian crossing facility adjacent to Ballinrea Road / West Avenue
- Sight visibility distance provided at the existing Ballinrea Road shall be enhanced to mitigate the existing deficiency and likely increase in traffic from the proposed development
- The junction capacity at the Cork Road / Inner Relief Road / West Avenue Roundabout shall be enhanced

In essence the applicant concludes that the infrastructure recommended for implementation as outlined immediately above is outside the remit of the proposed development and are effectively required for the wider area. In supporting this argument the applicant refers to the Carrigaline Area Transportation Study, 2007. I would note that the CATS, 2007, specifically refers to the upgrade of the Ballinrea Road. Section 10.6 states '*as the provision of the Outer WRR also results in traffic increases on the Ballinrea Road, an upgrade from the junction with the R611 Cork Road to Ballinrae Crossroads is proposed*'.

The CATS, 2007, also refers to the objective to upgrade the Ballinrea Road to provide for cycle facilities. I would acknowledge that the CATS, 2007, is not a statutory document and is effectively a traffic study recommending a menu of options. The Carrigaline Local Area Plan, 2011, in Section 1.2.26 refers to Carrigaline's inadequate road network, poor public transport links and major peak hour traffic congestion in the town centre. The Carrigaline LAP, 2011, refers to key transport requirements of the CATS, 2007, and furthermore in Section 1.2.27 states that the provision of cycle / pedestrian routes in Carrigaline will favour school users and local commuters. It is also stated that these routes will build on

existing pedestrian network, providing clearly defined routes for both pedestrians and cyclists.

I would conclude that the both the applicant and the local authority are agreed that there is an infrastructure deficit and that this needs to be addressed in order to accommodate the proposed development. However the significant issue is who will provide the infrastructure and I examine this issue further in my assessment under condition no. 34.

I would note the conclusion of Mr. Peter O'Donoghue, Senior Engineer, to the hearing in which he concluded that without the proposed traffic improvements including those recommended by the applicant there would be significant adverse impacts. I would conclude that the traffic measures outlined by both parties are a prerequisite for the proposed development and without these traffic mitigation measures the submitted Traffic and Transport Assessment has indicated many of the junctions will operate above practical capacity resulting in congestion to the local area and this in my view would be an unacceptable consequence of the proposed development.

12. 4 Condition no. 6

Condition no. 6 effectively restricts after school hours use of the facilities on the proposed education campus. The proposed outdoor facilities include 9 outdoor hard play surfaces and a sizable green area referred to as a practice area. There is also an indoor play facility and the proposed school buildings would potentially provide space for community meetings or evening education. Therefore the use of the education campus after school hours, in my view, has the potential to intensify the overall usage of the site in terms of evening use and out of term use.

I would note that the first party appeal has submitted arguments stating that the use of the educational facilities after school hours would represent efficient use of state resources and also that the proposed after hours use would be consistent with Objective SC 4-2 of the Cork County Development Plan, 2014 – 2020. I would consider that having reviewed policy Objective SC 4-2 of the Cork County Development Plan that I would not concur with the applicant who concludes by not using the proposed development after hours the proposed development would be contrary to policy Objective SC 4-2 of the Cork County Development Plan.

I would note that the applicant's response to additional information request no. 14 confirms that there is no intension to use the school building for anything other than normal school use.

However during the oral hearing some clarification was brought to the extent of after school hours use. The submission from Mr. John Fitzgibbons outlines that the three schools will generally be open from 8am to 6pm and this would provide for afternoon extracurricular activities such as dancing, tennis and homework club. I would consider that this is

generally normal practice. I would note that the submissions refer to evening usage and this includes infrequent meetings for the Board of Management, Parents Council and school concerts. These meetings are usually held within school term. Mr. Fitzgibbons submission also clarified that the applicants have no intention of holding Adult Education (night classes) within the premises. Mr. Harry Walsh argues that a condition similar to the subject condition no. 6 is unprecedented. I would also note that the proposed development does not provide for flood lighting and that the size of the hard play areas are generally not suitable for competitive matches. Furthermore the submission from Jarlath Fitzsimons S.C. states that this condition, which refers to 'normal school hours' creates uncertainty.

In the submission from Mr. Paul Murphy, Senior Planner, Cork County Council, he outlined that the Council recognise that condition no. 6 is perhaps too restrictive and that its intention was not to restrict other educational activities that may occur in the evenings or afternoons. The Council therefore has no objection to the revision of this condition.

Overall I would acknowledge that the proposed development represents an intensification of activity from the established agricultural land and undoubtedly will have implications for established residential amenities. Having regard to the proposed use I would consider that the case made by the applicant is reasonable and overall would amount to limited evening activity during the course of the school term. The extracurricular activity outlined during the afternoons is generally normal school operation and to restrict this, in my view, would detrimentally impact on the operation of the school.

However in the interest of protecting established residential amenities I would recommend to the Board that Condition no. 6 is revised such that no adult education is permitted on the proposed education campus without the benefit of a planning permission. In addition I would support condition no. 9 of the Local Authority which omits the use of flood lighting for the ball courts.

I would be satisfied that this revised condition no. 6 would protect the established residential amenities without overly restricting the activities of the proposed education campus.

12.5 Condition no. 31

In relation to condition no. 31 I note that the applicant argues that it would be impossible to enforce this condition. However I would consider that condition no. 31 and 32 should be read together. Condition no. 32 requires that the applicant carry out a noise monitoring survey should the local authority require one.

Having reviewed condition no. 31 and the submissions on the file I would consider that this condition is reasonable. I would accept that it is

inevitable that during break / yard times there will be a peak in noise levels however as the local authority have suggested there is the potential to stagger break / yard times and this may mitigate the overall noise impact.

Mr. Harry Walsh in his submission to oral hearing argued that the proposed site layout would mitigate noise. In this respect it was stated that the outdoor facilities are all situated to the north of the campus which is away from the established residential amenities. In addition it is argued that the applicant is satisfied that noise generated from the proposed development would be comfortably within the specified limits with the exception of the school breaks. Finally Mr. Walsh argued that the location of the proposed school adjacent to established residential amenities is consistent with Section 5.4.5 of the Cork County Development Plan. Mr Walsh therefore argues that condition no. 31 is omitted.

In the submission from Mr. Paul Murphy, Senior Planner, Cork County Council, it was stated that although this is a standard condition for urban areas the Council would have no objections to a revision or omission of this condition.

I would consider that this condition would be useful as it would require the applicant to provide noise attenuation / landscaping features should the noise levels at the nearest noise sensitive locations exceed 55 dB. This would in my view, protect established residential amenities for excessive noise levels.

Although I would recommend to the Board that condition no. 31, or similar condition, is retained I would recommend that paragraph no. 2 of this condition is omitted on the basis of the location of the proposed development. The location of the proposed development is essentially the rural / urban fringe and any established background noise levels are likely to be low as confirmed by my site inspection. As such it would be possible that noise levels at the boundaries of the adjoining premises will exceed the background level by 10 dB but still be below the 55 dB as required.

12. 6 Condition no. 34

Section 48 (1) (c) of the Planning and Development Act, 2000 (as amended) states that *'a planning authority may, in addition to the terms of a scheme, require the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by a scheme are incurred by any local authority in respect of public infrastructure and facilities which benefit the proposed development'*.

Therefore the significant issue, in my view, is whether the proposed development will require the local authority to provide public infrastructure and facilities which are specific and exceptional and not covered by the general scheme.

Condition no. 34 of the local authority permission itemises the specific infrastructure that will require expenditure by the local authority and which are not covered by the general scheme and these include;

- i. Ballinrea Road (i.e. from Ashgrove Roundabout to the southern boundary of the site)
 - a. Traffic Calming Scheme (including uncontrolled pedestrian crossings, road realignment, road markings etc.)
 - b. Provision of pedestrian and cycle infrastructure
 - c. Set-down areas
 - d. Upgrade of Ashgrove Roundabout
- ii. Cork Road
 - a. Toucan Crossing to facilitate both pedestrians and cyclists
 - b. Set-down area
- iii. Ballinrea Cross
 - a. Upgrade of Ballinrea Cross to improve safety and capacity so as to mitigate the impacts of school related traffic.

In considering the arguments submitted by the applicant I would consider that there are two distinct arguments and these are briefly summarised as follows.

Firstly I will consider the argument submitted by Mr. Harry Walsh, Planning Consultant. It is argued principally by Mr. Walsh that the infrastructure as outlined in condition no. 34 was conceived in Carrigaline n Area Transportation Study, 2007. CATS, 2007, concluded with a non-statutory transportation strategy to be implemented for an expanding Carrigaline. Subsequently Carrigaline LAP, 2011, was adopted and this Local Area Plan provided for the educational zoning objective on the appeal site. There is also a separate policy objective within the LAP, i.e. DB-06, which provides for the implementation of the CATS, 2007. Therefore it was argued by Mr. Harry Walsh that there is a statutory objective to implement CATS, 2007, and should therefore be provided for in the adopted Development Contribution Scheme. Furthermore Mr. Walsh argues that as the CATS, 2007, transport strategy objectives, proceeds the CLAP, 2011, and as such the revised zoning objective on the appeal site, by four years then these transportation objectives are not specific to the appeal site and are indeed more general to the development of the town of Carrigaline. In addition Mr. Walsh stated that there are precedents for the removal of Special Development Contributions and in specific Board decisions appeal ref. 243635 and appeal ref. 240093. The planning inspector's report and Board's order are attached to Mr Walsh's submission.

I would note that the CATS, 2007, specifically refers to the upgrade of the Ballinrea Road. Section 10.6 of CATS states '*as the provision of the Outer WRR also results in traffic increases on the Ballinrea Road, an upgrade from the junction with the R611 Cork Road to Ballinrae Crossroads is*

proposed. The CATS, 2007, also refers to the objective to upgrade the Ballinrea Road to provide for cycle facilities.

I would acknowledge that the CATS, 2007, is not a statutory document and is effectively a traffic study recommending a menu of options. The Carrigaline LAP, 2011, in Section 1.2.26 refers to Carrigalines inadequate road network, poor public transport links and major peak hour traffic congestion in the town centre. The LAP refers to key transport requirements of the CATS, 2007, and furthermore in Section 1.2.27 states that the provision of cycle / pedestrian route in Carrigaline will put emphasis on school users and local commuters. It is also stated that these routes will build on existing pedestrian network, providing clearly defined routes for both pedestrians and cyclists.

The critical issue, in my view, is whether the infrastructure itemised in condition no. 34 is a statutory development plan or local plan objective. It is my view, having considered all the evidence, that the Carrigaline Area Transportation Study, 2007, is effectively a non-statutory traffic study which was not adopted by elected members. This point was highlighted by Mr. Peter O'Donoghue, Senior Engineer of Cork County Council, in his evidence to the oral hearing. The CATS, 2007, in my view offers a menu of options to address traffic infrastructure deficits in Carrigaline and the appropriate forum to include these traffic infrastructure options as statutory objectives is within the County Development Plan or the Local Area Plan.

I have noted above that the LAP, 2011, refers to the CATS, 2007, and indeed in Section 1.2.26 of the LAP, 2011, states specific recommendations of the CATS, 2007. However having reviewed the County Development Plan and the LAP I would not consider that delivery the any of the items listed within Condition no. 34 are development plan objectives or local area plan objectives. Accordingly I would consider that the argument submitted by Mr. Harry Walsh, is not sufficient to delete condition no. 34 and therefore I would recommend to the Board that condition no. 34 is retained on the basis of his argument.

In addition to the above I would note Section 7.12 of the Development Management Guidelines, 2007, which sets out guidance in relation to financial contributions. These guidelines advise in relation to special contributions that the basis for the calculation of the contribution should be explained in the planning decision and how it is apportioned to the subject development. I would consider that the submission from Mr. Peter O'Donoghue to the oral hearing has outlined the basis of calculation for infrastructure outlined in condition no. 34. In addition Mr. O'Donoghue and Mrs Madeline Healy, Local Municipal Engineer confirmed to the oral hearing that the €240,000 in relation to Ballinrea Cross is appropriate and will largely comprise of clearance, materials and improving sightlines.

The guidelines further advise that circumstances that might warrant the attachment of a special contribution condition would include where costs are incurred directly, as a result of, or in order to facilitate, the

development in question are attributable to it. However the guidelines advise that in circumstances where the benefit of the specified works are more widespread, i.e. likely to benefit other lands then it is advisable to revise the general development contribution scheme. It is my view, based on the submitted TTA, and as I have concluded in Section 12.3 above, that the proposed infrastructure works are necessary to facilitate the proposed development.

The second argument submitted by applicant was argued by J. Fitzsimons (SC). Mr Fitzsimons submitted that the applicant is a statutory charity and in accordance with the Cork County Council adopted Development Contribution Scheme, 2004, the applicant is exempt from any development contribution. The basis of this argument arises from High Court Judgement 'Cork Institute of Technology v. An Bord Pleanala. In essence this High Court Judgement concluded that the eligibility of a waiver of a planning contribution is determined by the antecedent question of whether a developer would also have been entitled to a waiver from the planning application fee under Article 157(1) of the Planning and Development Regulations, 2001 (as amended). Mr Fitzsimons argued that CETB (Cork Education Training Board) is a 'voluntary organisation' within the meaning of Article 157(1). Accordingly, Mr Fitzsimons argues that as a consequence, CEPT is entitled to avail of a 100% reduction in contributions pursuant to the provisions of the adopted Development Contribution Scheme.

In considering the argument submitted by Mr. J. Fitzsimons I would firstly and foremost have regard to Article 157 of the Planning and Development Regulations, 2001. This Article sets out exemptions for applicants in planning fees. In relation to the current case before the Board the applicant has paid a planning application fee to the amount of €40,580.00. This in my view is an acknowledgement by the applicant that they would not be exempt from the planning fee.

In relation to exemptions to the Cork County Development Scheme, 2004, I would note that page 7 of the scheme sets out categories of reduced contributions. The first paragraph essentially states that applicants who are exempt from planning fees as per Article 157 (a-c) are 100% exempt from the development contribution scheme. It is my view, having considered the evidence that the applicant by paying the planning fee has effectively acknowledged that they would not fall within Article 157 (a-c) of the Planning and Development Regulations, 2001. Furthermore I would not consider, on the basis of information available to the Board, the applicant has adequately demonstrated that they are a voluntary organisation and on that basis I would not consider that there is sufficient information available to set aside the special development contribution in a similar manner to the high court judgement Cork Institute of Technology v. An Bord Pleanala.

Finally in not accepting the arguments submitted by Mr. J. Fitzsimons I would advise the Board that there are precedents in which both primary

level schools and secondary schools, including gaelscoil, in the Cork area which have received planning permissions with conditions requiring special development contributions for infrastructural development outside their site boundary. In particular I would refer the Board to Board's Order appeal ref. 244363 and appeal ref. 244361.

12.7 Impact on Residential Amenities

I would note that the third party appellants generally argue that the proposed development will have an adverse impact on established residential amenities. In general the following, is argued, will adversely impact on established residential amenities.

- Overlooking
- Visual impact
- Boundary Treatment
- Noise
- Traffic and Access
- After school usage
- Surface water drainage / flood risk

I propose to address overlooking, visual impact and boundary treatment and the remaining four items listed above have been addressed in other sections within the overall assessment.

Overlooking

In relation to overlooking concerns it is important to note that the applicant read into the record the distances of the proposed buildings in relation to third party properties. The applicant, as part of their submission, also included a typed version of the distances. This typed version is included in the Appendix of documents and is entitled '*PL 04.246387 Oral Hearing - Clarification of Distances*'.

I would note from the submitted proposed site layout plan that the proposed Sonas building and the gaelscoil are the closest buildings to established houses. The Sonas building is situated approximately 78m from the rear elevation no. 45 Carrig Court which in my view is a significant separation distance. I would also consider that the Sonas building is set back significant distances from the established properties in South Avenue. The proposed Sonas building is a single storey building. In relation to the gaelscoil, I would again consider that this building is adequately set-back from adjacent residential properties. I would acknowledge that the proposed gaelscoil is a two-storey building.

I note the submitted Landscape Plan (drawing no. 15383-2-301) and this plan illustrates that the established vegetation along the boundaries, in particular the boundaries adjoining the established housing will be retained.

The levels are also an important consideration and it is evident from the submitted layout plan (drawing ref. EX-01) that some of the rear gardens associated with the residential properties are slightly higher than the adjoining appeal site and this is an important mitigating factor.

Overall it is my view based on separation distances, the proposed building heights, both the proposed and existing landscaping and the topography of the appeal site and the adjoining site that the proposed development would not unduly overlook established residential amenities.

Visual Impact

There is no doubt that the proposed development, given the established green field use on the appeal site, will result in a significant alteration to the landscape.

I would acknowledge the topography of the local area including the appeal site which is elevated in relation to lands in to the south towards Carrigaline. Therefore any alteration to the landscape is likely to significantly alter the landscape.

The submission by Sarah Kelly, Architect and Director of KOWB, to the oral hearing outlined the architectural and design strategy for the proposed development. Mrs Kelly stated that a fundamental feature of the design and architectural strategy was to maximise the specific characteristics of the site and this included using the slope and topography of the site to provide a terrace of buildings along the site contours and thus avoiding cut and fill. Mrs Kelly also outlined that a design characteristic of the proposed development was to provide for east and south facing aspects to maximise daylight and solar gain within the proposed classrooms. Another significant feature of the design strategy is the provision of an archaeological parkland which amounts to 6.5ha in size which is located to the south of the site and this acts as a buffer between the proposed schools and the established housing. It is also outlined how existing trees will be retained and that new trees will be proposed and these measures will act as a visual screen between the proposed development and the established houses.

It is relevant to note that in accordance with the provisions of the Cork County Development Plan, 2014 – 2020, that neither the appeal nor its immediate area is afforded any landscape protection. The roads in the immediate vicinity of the appeal site are not designated 'Scenic Routes' nor is the landscape of the appeal site or adjoining lands designated as a 'High Value Landscape', in accordance with the provisions of the County Development Plan.

Overall I would consider that the visual impact of the proposed development, having regard to the proposed design which avoids cut and fill and landscaping proposed and retained would not unduly impact on established residential amenities.

Boundary Treatment

It is generally proposed to retain the sod and stone bank / wall and hedgerows and locate new paladin fencing on the school side of the boundary. The boundary fencing will provide gates for maintenance.

The issue of boundary treatment was raised at the oral hearing and Mr. Paul Murphy stated that this issue will be dealt with by condition no. 5 of the local authority permission and I would consider this an appropriate mechanism to address concerns. Overall I would consider the boundary treatment acceptable.

12.8 Flood Risk

In terms of flood risk I would note that the appeal site or its immediate environs is not identified within a flood zone. The Carrigaline zoning map identifies areas that are susceptible to flooding in Zone A and Zone B. The appeal site is not located within any of these designated flood zone areas.

The application documentation includes a Flood Risk Identification Report. I would note from this report that there is no recorded flood event on the appeal site or the town of Carrigaline. A single flood event occurred at the Shannon Park roundabout and this occurred due to a collapsed culvert which was subsequently repaired. I would note that the report from the Area Engineer, dated 13th March 2015, outlined there was no concerns in relation to flood risk.

I would accept that the topography of the site would facilitate surface water run-off in a southern direction. It is intended that surface water will be attenuated on site and will discharge by gravity to an existing sewer network tie-in branch line on the boundary of the adjoining Carrig Na Curra housing development.

Michael J. O'Sullivan presented his submission to the oral hearing in relation to flood risk concerns and I would note proposals for storm water drainage and rainwater harvesting. In relation to storm water Mr. O'Sullivan outlines that storm water is attenuated to green field flows and discharged by gravity via a new attenuation tank to the existing 225mm diameter sewer network at the boundary of the adjoining Carrig Na Curra housing estate. It is proposed to increase the capacity of the Carrig Na Curra hydro brake which will allow for increased inflow. It also proposed to provide rain harvesting facility which will cater for grey water, i.e. run-off water from the roof of the gaelcolaiste and gaelscoil. This proposed rainwater harvesting tank has the capacity to accommodate 35m³ of water.

As part of Mr. O'Sullivan's submission the levels in relation to no. 18 Carrig Green was clarified. It was submitted that there was an earlier error in the submitted drawings and that manhole 53 is now +34.300 OD rather than +38.445m OD which has resulted in the storm drainage line being dropped

by circa 5.5 metres. This clarification would in my view address the concerns of the residents of no. 18 Carrig Green in relation to flood risk.

Overall I would consider that the proposed development has addressed concerns in relation to flood risk and surface water drainage.

12.9 Archaeology

The zoning objective of the appeal site, as per the Carrigaline LAP, 2011, provides for archaeological protection within the site. In this regard it is stated that *'the southern side of this zoned area is within the Zone of Archaeological Potential of the three Recorded Monument CO086-054 Ringfort (possible); CO086-05501 & 2 Fulachta Fiadha and any development in this area will need to be cognisance of the potential presence of subsurface archaeology and may require an archaeology impact assessment. If archaeology is demonstrated to be present appropriate mitigation (preservation in situ / buffer zones) will be required'*.

Margaret McCarthy (Tobar Archaeological Services) on behalf of CETB outlined to the oral hearing the details of the archaeological assessment during the course of the planning application. In addition to a desk-top survey which identified the three archaeological monuments referred to in the zoning provision a site inspection identified a 4th archaeological site which was potentially a Fulachta Fiadha.

On the basis of the four archaeological sites identified on the site the archaeological assessment recommended a geophysical survey, archaeological testing and buffer zones. I note that the geophysical survey identified other potential archaeological sites including a ring-ditch further to the north on the site. There was further archaeological testing and excavations of the identified sites.

The applicant responded to the local authority additional information request ensuring that the proposed amphitheatre is designed to be constructed above the archaeological buffer zone and will not impact on it. The applicant also submitted an Archaeological Management Plan which was approved by the local authority's County Archaeologist.

In conclusion I would note that Margaret McCarthy, in her presentation to the oral hearing confirmed that four of the archaeological features would be protected by preservation and two subsequent archaeological finds which are located within the footprint of proposed buildings will be excavated and preserved by record. This approach was approved by the Cork County Council's Archaeologist and the Department of Arts, Heritage and Gaeltacht. Furthermore Mrs McCarthy confirmed to the hearing that the four archaeological features to be protected by preservation would have buffer zones to prevent any development encroaching on these site.

I would consider on the basis on the information on the file and the evidence to the hearing that all the archaeological issues have been adequately dealt with.

12.10 Appropriate Assessment Screening

The applicant submitted as part of the application documentation an AA Screening Assessment. In addition the Planning Authority also carried an AA Screening Assessment. I would note that both AA Screening Assessments concluded that no appropriate assessment issues arise.

I would consider, having regard to the information on the file and the suburban location of the proposed development and to the nature and scale of the development proposed and to the nature of the receiving environment, namely an inner suburban and fully serviced location, no appropriate assessment issues arise.

13.0 RECOMMENDATION

I have read the submissions on the file, visited the site, had due regard to the development plan and all other matters arising. I recommend that planning permission be granted for the reasons set out below.

REASONS AND CONSIDERATIONS

Having regard to the C-01 zoning objective of the subject site as set out in the Carrigaline Local Area Plan, 2011, it is considered that, subject to compliance with conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would 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 retained and carried out in accordance with the plans and particulars lodged with the application as amended by particulars received by the planning authority on the 1st February 2016, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The materials, colours and textures of all the external finishes to the proposed schools shall be submitted to and agreed in writing with the planning authority before the commencement of construction of the schools.

Reason: In the interest of the visual amenities of the area and of a proper standard of development.

3. The recommendations set out in the School Travel Plan shall be fully implemented. A Mobility Manager for the overall scheme shall be appointed to oversee and implement the School Travel Plan. The Mobility Manager shall carry out travel habit surveys of staff and identify actions for the applicant, so that progress towards meeting the targets set out in the plans can be maintained. This review may, from time to time, result in adjustment targets. The review will be carried out in consultation with Cork County Council.

Reason: In the interest of sustainable development.

4. Covered and secure bicycle parking spaces shall be provided within the site and shall fully comply with the development plan standards of the Cork County Development Plan, 2014 – 2020. Prior to the commencement of development, the layout shall be submitted to the planning authority.

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

5. A comprehensive boundary treatment proposal shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development. This scheme shall include details of all proposed boundary treatments at the perimeter of the site including specific location of height of fence relative to adjoining ground levels on both sides of the proposed boundary treatment.

Reason: In the interest of visual amenity

6. The use of evening adult education classes shall be prohibited within the hereby permitted education campus unless consent is obtained by means of a separate grant of planning permission by Cork County Council, or by An Bord Pleanala on appeal.

Reason: In the interest of protecting established residential amenities.

7. Covered bin storage areas shall be provided within the site.

Reason: In the interest of public health and residential amenity.

8. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.

Reason: In the interest of orderly development and the visual amenities of the area.

9. Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

10. A detailed design for the proposed hard play spaces shall be submitted to the Planning Authority, for written agreement, prior to the commencement of development.

Reason: In the interest of clarity and traffic safety.

11. 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 the commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of amenities and public safety.

12. The developer shall ensure that:

- (i) Prior to commencement of development, details of a Traffic Management Plan during the construction phase, shall be submitted to the Planning Authority for their written agreement.
- (ii) The Traffic Management Plan shall be subject to on-going review with the planning authority during the whole of the construction period with review periods being directly related to the levels of construction employees on site.

Reason: In the interest of development control and traffic safety.

13. Lighting shall be in accordance with a scheme, which shall be designed to minimize glare and light pollution, and which shall be submitted for the written agreement of the planning authority prior to commencement of development. No floodlighting of the playing pitches or courts etc. is hereby permitted.

Reason: In the interest of residential amenity and public safety.

14. An appropriate number of information plaques shall be erected at a suitable location with relevant information relating to the archaeological monuments, investigation and excavation. The number, style, design and content shall be prepared by a suitably qualified archaeologist and agreed in advance with the Planning Authority.

Reason: To raise archaeological awareness.

15. The archaeological monuments and their setting shall be protected and maintained in perpetuity as per Landscape Plan submitted (Drawing 15383-2-301). The long term management of the monuments shall be implemented as per details submitted including the proposed planting trees, shrubs, grass and meadow.

Reason: To preserve the archaeological monuments and their setting.

16. All design work shall be in accordance with all relevant design standards including NRA's DMRB and 'Design Manual for Urban Roads and Streets.

Reason: In the interest of traffic safety.

17. Prior to the commencement of development, the developer shall submit a detailed landscaping plan prepared by a suitably qualified landscape architect for the agreement of the planning authority. Such a plan shall include proposals for the retention of trees and hedgerows on the site boundary where appropriate and measures for their protection during the construction phase. The landscaping plan shall also indicate details of all boundary treatment.

Reason: In the interests of visual amenity and of the amenities of adjoining residences and to ensure a proper standard of development.

18. Activities at the site shall not give rise to noise levels off-site, at noise sensitive locations, which exceed the following sound pressure limits (Leq,T):

- Day 55dB(A) $L_{Aeq(30\text{ minutes})}$ (08:00 hours to 21:00 hours).
- Night 45dB(A) $L_{Aeq(30\text{ minutes})}$ (21:00 hours to 08:00 hours).

Noise levels shall be measured at the noise monitoring locations. Monitoring results shall be submitted to the Planning Authority on a 6 monthly basis during the operation phase.

Reason: To control emissions from the development and provide for the protection of the residential amenities.

19. The vehicular access arrangements, internal road network, public footpaths and cycle lanes within the proposed development site, to service the proposed development shall comply with the requirements of the planning authority.

Reason: To ensure a satisfactory standard of development.

20. The developer is responsible for the design and the construction of; -

- a. The proposed upgrade works on the L2464 located immediately to the west of the site in their entirety (i.e. the entire road width, including traffic light junction and pedestrian and cycle infrastructure on both the eastern and western side of the L2464). Ref. drawings numbers KOBW 2428 PL-03 and MWP 15088-SK102 Rev. B received by Cork County Council on 1st February 2016.
- b. The proposed gateway treatment located to the north of the school campus within the red line boundary of the site.
- c. The public lighting associated with the gateway treatment and along the L2464 from the Gateway to the southern boundary of the school campus site but within the red line boundary of the site.

These works shall extend over the full proposed width of the improved roadway. The design and construction shall be carried out in accordance with DTTAS, DOEHLG and NRA road design and construction guidelines, and to the satisfaction of the Cork County Council Road Design Department. All road design and construction details on the L2464 and all associated road works shall be agreed with Cork County Council Road Design Office prior to commencing construction work on site.

All works within the red line boundary of the application shall be constructed in their entirety, and as the developer's expense, prior to opening any schools within the campus.

Reason: In the interest of orderly development and free flow of traffic on adjoining roads.

21. 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 in respect;

- i. Ballinrea Road (i.e. from Ashgrove Roundabout to the southern boundary of the site)
 - b. Traffic Calming Scheme (including uncontrolled pedestrian crossings, road realignment, road markings etc.)
 - c. Provision of pedestrian and cycle infrastructure
 - d. Set-down areas
 - e. Upgrade of Ashgrove Roundabout
- ii. Cork Road
 - a. Toucan Crossing to facilitate both pedestrians and cyclists
 - b. Set-down area
- iii. Ballinrea Cross

- a. Upgrade of Ballinrea Cross to improve safety and capacity so as to mitigate the impacts of school related traffic.

The amount of the contribution to be paid to Cork County Council is €783,485.00. The contribution shall be paid prior to the commencement of the development 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.

22. The developer shall submit, 'as-built drawings' of the constructed L2464 Ballinrea Road works and services layout within 3 months of completing the development road works.

Reason: In the interest of orderly development.

23. The developer shall be responsible for the design and construction (at his expense) of all new road markings and road signage required on the approaches to the L2464 Ballinrea Road works and roadworks. Prior to the commencement of development, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing, a 'Road Markings and Signage Layout' for the public road shall be submitted and agreed in writing with the Planning Authority.

Reason: In the interest of traffic safety and orderly development.

24. A new pedestrian / cycle link within the site shall be provided from the southeast corner of the proposed campus site to adjoining lands. Before any development commences, or, at the discretion of the Planning Authority, within such further periods or periods of time as it may nominate in writing, details of this link shall be submitted for written agreement of the Planning Authority.

Reason; In the interest of orderly development and to provide adequate pedestrian connectivity in the area.

Kenneth Moloney
Planning Inspector
8th August 2016