



An
Bord
Pleanála

Inspector's Report ABP-300328-17

Development

To develop (A) a new 2 storey 3,889sqm extension to the existing Post-Primary School, Coláiste Bhaile Chláir (RN76233C) including a 2 classroom special needs unit and sports hall with all ancillary pupil and staff facilities and (B) a new Claregalway Educate Together National School (RN20211B) consisting of a new 2 Storey, 16 classroom 3,064sq.m Primary School with a 2 Classroom special needs unit including all ancillary pupil and staff facilities: GP hall, and (C) all associated site works with 57 number additional car parking spaces (32 new spaces for Primary and 24 additional spaces for Post Primary) including all landscaping, ball courts and hard and soft play areas. Gross floor space of proposed works 3,889sqm.

Location

Baile Chláir, Lakeview, Claregalway, County Galway

Planning Authority	Galway County Council
Planning Authority Reg. Ref.	17/1038
Applicant(s)	Minister for Education and Skills.
Type of Application	Permission.
Planning Authority Decision	Grant Permission with conditions.
Type of Appeal	Third Party
Appellant(s)	Gerard & Michele Rohan Hubert Newell Claregalway Leisure Centre Ltd. Lakeview Residents Association.
Observer(s)	None
Date of Site Inspection	21 st February & 23 rd April 2018
Inspector	Bríd Maxwell

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 6.26 hectares and comprises an L shaped plot of land to the southeast of Claregalway. Claregalway or Baile Chláir is located approximately 10 kilometres northeast of Galway City, within the County Galway Gaeltacht. The village is situated where the N83(formerly N17 Galway to Sligo Collooney) crosses the River Clare and is also at the junction with the R381 (formerly N18) Galway to Limerick. The village takes a linear form stretching from north of the Clare River to south of the N83/R381 junction. Recent works by the OPW included drainage works to alleviate flooding including a new bridge. The northern extremity of the village comprises an ecclesiastical cluster with the castle and the remains of the Franciscan friary, a graveyard and the remains of the medieval parish church providing an impressive backdrop for the village on the banks of the Clare River.
- 1.2. The appeal site is within an area known as Lakeview and forms part of the existing Coláiste Baile Chláir Post Primary School site and adjacent lands. Roadfront residential development predominates to the north-east of the site and the Claregalway Business Park, which includes a number of vacant units, adjoins to the south-west. Claregalway Community Centre and the GAA grounds are located on the opposite side of the road beyond which is predominantly housing.
- 1.3. The existing Coláiste Baile Chláir has two separate permanent buildings at the southern end of the appeal site. Application details note that the school commenced education operations within a converted building within the adjoining Claregalway business park and originally had its entrance from the business park (now currently gated). Currently all access (pedestrian and vehicular) is via an entrance from Lakeview Road approximately 260m to the east of the junction (controlled by traffic lights) of Lakeview Road with the R381. There is a cycle lane and footpath on one side (north) of Lakeview road which then jumps to the other side (south) with a pedestrian crossing at the crossover point. Paladin fencing provided along the perimeter of the school site prevents any potential pedestrian alternatives and permeability.
- 1.4. Lakeview road joins with a second road, known as Lydican Road which runs along the north-eastern side of the school site. This road has been improved in the vicinity

of the school after which it deteriorates into a narrow, winding country road with a considerable level of ribbon residential development.

2.0 Proposed Development

- 2.1. The proposal involves the development of A) A new two storey, 3,889 sq.m extension to the existing post primary school, Coláiste Bhaile Chláir including a 2 classroom special needs unit and sports hall with all ancillary pupil and staff facilities and (b) A new Claregalway Educate Together National School (RN20211B) consisting of a new 2 storey, 16 classroom 3.064 sq.m primary school with a 2-classroom special needs unit, including all ancillary pupil and staff facilities; GP hall and (c) All associated site works with 57 number additional car parking spaces (32 new spaces for primary and 25 additional spaces for post primary) including all landscaping, ball courts and hard and soft play areas.
- 2.2. The proposed post primary extension is connected to the north end of the existing Coláiste Bhaile Chláir Phase 2 building. The stand-alone 2 storey primary school building is to the north-east corner of the site on the opposite side of the access road and adjacent to the main entrance gates. The sports hall is separated from the main part of the school extension with a central general-purpose area and entrance courtyard linking the two parts.
- 2.3. The primary school is similar in terms of its treatment and scale and incorporates a two storey courtyard layout with its main entrance located on the corner adjacent to the main entrance to the site. It includes a monopitch roof and coloured panelling.
- 2.4. The Planning application is accompanied by a number of reports detailing the nature of the proposal including:
- Engineering Assessment Report, Waterman Moylan Consulting Engineers Limited. July 2017.
 - Invasive Species Report, Brady Shipman Martin February 2016
 - Archaeological and Architectural Heritage Desk Based assessment, Magnus Archaeology February 2017,

- Tree Survey Report – Independent Tree Surveys June 2017,
- Landscape report. Murphy Sheanon, July 2017
- Report for the purposes of AA screening, Moore Group Environmental Services, January 2017.
- School Travel Plan, Waterman Moylan Engineering Consultants. July 2017
- Flood Risk Assessment, Waterman Moylan Consulting Engineers. July 2017
- Traffic and Transport Assessment, Waterman Moylan Consulting Engineers, July 2017
- Road Safety Audit Stage 1, Road Safety Matters, June 2017

3.0 Planning Authority Decision

3.1. Decision

3.2 Following the formal extension of time of the period for consideration of the application for a stated two months, during which time the applicant clarified details in respect of capacity of existing water and wastewater infrastructure, Galway County Council by order dated 31st October 2017 issued notification of its decision to grant permission and 14 conditions were attached which included the following of particular note:

- Condition 2. Development in accordance with the recommendations of the Transport (Traffic) Assessment and Road Safety Audit submitted with the application
- Condition 3. All signage relating to the proposed development including the name of the premises shall be in Irish
- Condition 4. Sight distance triangles shall be adequately maintained and kept free from vegetation or other obstruction(s) that would reduce visibility below minimum required
- Condition 5. Surface water disposal
- Condition 6. Connection agreement with Irish Water

- Condition 7. Delineation of car parking spaces and cycle parking
- Condition 8. Landscaping
- Condition 9. Undergrounding of service cables
- Condition 10. Prevention of clay rubble or debris on public road
- Condition 11. No advertising structures
- Condition 12. Site development works timing restrictions
- Condition 13. Lighting
- Condition 15. Construction Management Plan

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Senior Executive Planner's report notes that the site has been identified as being subject to fluvial flooding and pockets of pluvial flooding. Acting Senior Planner's report notes previous assessment of the flooding issue and concludes that the proposal complies with flood risk guidelines. Reference is made within the planner's report to an email from roads section indicating that the roads and transportation unit has no objection subject to inclusion of a condition requiring that prior operation of the development the application shall implement in full the recommendations of the road safety audit.

3.2.2. Other Technical Reports

- Initial Environment Section report, by email, notes requirement for additional information on proposed surface water disposal system. Subsequent to submission of details clarifying proposals a final email indicates satisfaction with the proposals.

3.3. Prescribed Bodies

- Submission from Údarás na Gaeltachta refers to the significance of the Gaeltacht and stresses the need for prioritisation of the Irish language generally in decision making and specifically for instance in relation to naming and signage.
- Transport Infrastructure Ireland TII submission asserts that the TII will rely on the planning authority to abide by official policy in relation to development on / affecting national roads as outlined in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012). The proposed development shall be undertaken in accordance with the recommendations of the Transport (Traffic) Assessment and Road Safety Audit. Any recommendations arising should be incorporated as conditions in the permission if granted. The developer should be advised that any additional works required as a result of the Transport Assessment and Road Safety Audits should be funded by the developer.

3.4. Third Party Observations

- 3.4.1 Submissions from the Board of Management of Educate Together NS, Student Council, Parents Together Association and Society of African Missions indicate support for the application outlining inappropriate nature of current accommodation and the need for a suitably purpose built school.
- 3.4.2 A significant number of submissions from the third party appellants and local residents outline objection to the development. Grounds of objection are mirrored within the grounds of appeal and relate to traffic safety, concerns regarding lack of amenity / open space and disruption arising for residents. Further concerns in relation to flooding. Two storey building considered inappropriate. Development contrary to phasing policy.

4.0 Planning History

17/472 Permission granted 21 August 2017 for a new temporary single storey 6 classroom, 307 sq.m post primary building including all associated site works and landscaping in the location of the existing school building ball court. Condition 2 restrict permission to period of 5 years.

15/933 Permission granted 2/11/2015 to include a new vehicular access from Lakeview road to Claregalway school site previously approved 14/1185. Upon completion this new road will provided the permanent access to the school campus and current access gate from the Claregalway Business Park will then be closed up. The work includes forming the new entrance onto Lakeview Road with provision for a new pedestrian and cycle path and ancillary site engineering works. Further work include the widening and upgrade of the Lakeview Road to include a new footpath and cycle path from new school entrance to junction with the N18. Condition 9 and

14/1185 Permission granted on 30th March 2015 for a two storey school building comprising 17 specialist classrooms, 6 general classrooms, a library / resource room, gp hall, kitchenette and servery, offices, staff area and ancillary accommodation with a floor area of c4,475sq.m. Proposed site works to include the provision for 45 no car parking spaces via existing vehicular access linked to the existing road infrastructure to the north west of Unit 13, which will include a bus turning circle and drop off and pick up facilities. External works to include 2 no bicycle racks, footpaths, cycle paths, formation of 4 no ballcourts to the west and north of the proposed development and an external storage yard and ancillary site engineering work including a temporary foul storage tank. The area surrounding the development will be hard and soft landscaped and complete with new boundary treatment and security paladin fencing. (gross floor space 3450sq.m). Condition 9. The access road does not form part of this grant of permission. A separate application will be required for the purpose of providing this access. Condition10 required the payment of a development contribution €35,000 in accordance with Section 48 of the Planning and Development Act.

12/1604 Permission granted on 22 April 2013 for a 350 pupil post primary school. The development will consist of a 2 storey temporary school building housed within the existing structure of Unit 13 Claregalway Business Park, comprising of 7

specialist classrooms. 12 general classrooms. GP hall kitchenette and servery offices staff area sanitary and ancillary accommodation with a total floor area of c3674 sq.m. Proposed site works to include provision for 15 no car parking spaces via proposed new vehicular access linked to the existing road infrastructure to the north of Unit 13, which will include a bust turning circle and drop off and pick up facilities. External works to include 2 no bicycle racks, formation of 3 no ballcourts to the south and east of the proposed development and an external storage yard. The area surrounding the development will be hard landscaped and complete with new security paladin fencing (gross floor space 9,189 sq.m).

5.0 Policy Context

5.1 National Policy

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

The document sets out best practice to ensure the timely and cost effective roll out of school facilities. Detailed guidance is provided under the following broad headings:

- Forecasting Future Education Demand
- Planning for new schools through local authority development plans
- Location of schools planning considerations
- Site Development Standards
- School Development Proposals and The Development Management Process
- School Site identification and acquisition.

5.2 Development Plan

5.2.1 The Galway County Development Plan 2015-2021 refers.

Relevant Objectives include:

Objective CF 2 – Education Provision and Facilities

Work closely with the Department of Education and Skills and the Office of Public Works to identify and protect suitable sites for new educational facilities. Site reservations for primary and post primary schools shall be considered when developing Local Area Plans and this may include campus arrangements.

At 13.7 Guidelines for Community Facilities: The Council shall seek to ensure that community facilities are provided in tandem with housing developments as well as ensuring there is an adequate proximity to all essential services such as shops. **DM Standard 15: Schools** Applications for educational provision shall comply with the requirements of technical guidance documents published by the Department of Education and Skills (see www.education.ie) and the Local Authority including '*Provision of Schools and the Planning System: A code of Practice for Planning Authorities (DES, DEHLG, 2008)*'. **Existing Educational Sites** Lands adjacent to existing schools should where possible be protected for possible future educational use to allow for expansion of these schools, if required, subject to site suitability and agreement of the various stakeholders.

The zoning designation within the Clare Galway LAP 2005-2011, now expired was part Industrial and Part Residential, phase 2.

I note that Galway County Council have published its intention to incorporate the Gaeltacht Plan (including settlements of Cheathrú Rua, An Spidéal and Baile Chláir) as proposed variation no 2b of the Galway County Development Plan 2015-2021. The draft is in the advanced stage of the variation process whereby a copy of the proposed material alterations to proposed variation 2(b) of the Galway County Development Plan 2015-2021 was placed on public display from Friday 23rd March 2018 until Friday 20th April 2018.

Within the draft, the lands are zoned community facilities, open space recreation and amenity.

I note flood risk management map which provides eastern part of the site within indicative flood zone C with pockets of pluvial indicative pluvial extreme. The western

part of the site is within Indicative Flood Zone B. (Extract provided within Appendixes)

5.3 Natural Heritage Designations

Galway Bay Complex SAC

Lough Corrib SAC

Inner Galway Bay SPA

Lough Corrib SPA

Gregganna Marsh SPA

6 The Appeal

6.1 Grounds of Appeal

6.1.1 There are four third party appellant parties namely Lakeview Residents Association, Gerard Rohan, Claregalway Leisure Centre Limited and Hubert Newell. The appeals, which include various enclosures, detailed assessment, technical analysis and supporting documentation raise several common issues and therefore to avoid repetition I have summarised the grounds of appeal as follows:

- Concern that the planning process was compromised by prior investment by the Department of Education to facilitate development on the site. Application was a fait accompli.
- Concern regarding lack of local consultation.
- Proposal is contrary to core development plan objectives to avoid flood risk.
- Traffic and health and safety issues. Traffic assessment inadequate.
- Significant traffic safety issues on site related to car parking, bus manoeuvres, pedestrian/cycle/vehicular conflict. Traffic Assessment relates to morning drop off and fails to address pick up. Accessibility and Safety Issues.
- Signalised junction is an unauthorised structure erected illegally without consultation with TII, a statutory requirement.

- Standards and principles set out in DMURS 2013 and the National Cycle Manual have not been met by the recently constructed footpaths and cycle lanes.
- Parking provision is inadequate. – No bus parking and no visitor parking.
- Lydican Road has become a one-way system during school opening and closing times.
- Emerging preferred route for the Claregalway bypass has been ignored in all submissions.
- Roads Safety Audit states that there were no vehicular accidents in the vicinity between 2005 and 2015 however focus should be on since new access road installed and traffic lights on the N18 completed. Two accidents noted.
- Problems associated with arrival in morning and afternoon with these problems being more acute in the afternoon. Significant congestion and obstruction at peak times 8.20 to 9.00 Monday to Friday and 15:30 to 15:50 Monday to Thursday and 14:20 to 14:45 Friday.
- Estimated that 30% of traffic approaches from Lydican Road which is unsuitable for this level of traffic.
- Significant dependence on the community centre car park.
- Road Safety Audit notes deficiency in detail on anticipated parking demand or the capacity of the proposed drop off zones to cater for anticipated demands particularly at school collection times. Audit notes capacity for parked cars to obstruct visibility splays and obstruct sight of children by motorists.
- Previous Claregalway LAP required that any new school developments provide roundabout access, off street drop-off facilities and pedestrian barriers from the school gate to the road boundary. The existing school does not have a roundabout access nor off street drop off facility.
- Figures within the TTA assessment are 10% understatement of actual figures. (State 700 pupils when figures on the Department of Education website indicate 774) States that various bus services service Lakeview Road when

there are no public bus services. Section 5 sets a target that 35% of the traffic to the post primary school will be by car. This notwithstanding the fact that 43% of pupils and virtually all staff (73 out of 74) currently arrive by car. Traffic calculations are based on the unreasonable assumption of these modal splits and on a presumption of staggered opening hours.

- TTA focuses on junction capacity and that analysis is based on an unreasonable modal split certainly not a worst-case scenario.
- Lands zoned R2¹. Development of these lands premature pending development of R1 zoned lands. Claregalway Area Development Plan is six years out of date. Submissions to new development plan by the community request the rezoning of these lands amenity.
- Building a primary school on the site will deny the opportunity for potential secondary school expansion contrary to the DES own guidelines.
- Wayleave through the flood risk green belt area of the site to access service covers that are part of flood relief measures remove potential for development as amenity space.
- Proposal puts the onus for provision of the playing fields entirely on the community.
- The provision of primary school will overpopulate the site with buildings, people, vehicles and related activities and lead to mental and physical health issues for the children.
- Project splitting. Lack of comprehensive plan for the overall site.
- Concerns regarding capacity of water and wastewater infrastructure.
- Flood risk as the site and surrounding lands are part of turlough and likelihood of ground water flooding is high.
- Lack of landscaping and screen planting.
- Remediation of road safety issues would involve inter alia: separate cycle and pedestrian paths, a new entrance for cyclists and pedestrians at the

¹ Within the Claregalway Local Area Plan 2005-2011 (expired)

northeastern edge of the site from the Lakeview Road, roundabout entrance and exit for vehicular traffic, clearly defined parking for coaches and wheelchair buses, better set down facilities, improvements to footpath at front of community centre to raise it above road level and not for parking, footpaths and cycle lanes on both sides of Lakeview Road. Extension and widening of Lydican Road and improvements along the remainder of this road.

- Demographic analysis is required to demonstrate the need for these schools.
- Board's decision for IDA facility at Parkmore Co Galway PL07.246544 refused on grounds of traffic deficiencies. This application far worse.
- Notably the Planner's report makes no reference to either the County Development Plan nor the previous Local Area Plan within which the zoning is industrial and part residential. Two significant blocks of land zoned for community facilities, one beside the church and existing national school and the other is at the northern end of the town centre over the bridge adjacent to the existing Educate Together National School. These sites are far superior for a new school. Proposed site is peripherally located on the edge of the town where there is already severe congestion.
- Planner's report refers to the site being almost entirely subject to pluvial flooding. Redacted text is noted and conclusions are not convincing. Flooding is a significant issue.

6.2 Applicant Response

6.2.1 Response by Tom Philips and Associates on behalf of the Office of Minister for Education and Skills and includes a response on technical aspects by Waterman Moylan Consulting Engineers. The response addresses the grounds of appeal as follows:

- Refute inaccurate and misleading claims regarding the manner in which the application has been adjudicated by Galway County Council. Claims are highly inappropriate and without substance.

- Co-operation between the DES and Local Authorities are an explicit requirement for planning for future school provision as set out in the S28 Ministerial Guidelines “The provision of Schools and the Planning System – A code of Practice for Planning Authorities”, July 2008.
- The collaborative approach is further reinforced under the memorandum of association between the Department of Education and Skills and County and City Manager’s association and reiterated under Objective CF2 (Education Provision and Facilities) of the Galway County Development Plan 2015-2021.
- Site acquisition process commenced by DES in 2011 and four alternative options were considered. The site was determined to be the preferred option to accommodate a campus style development thus facilitating an optimum land use arrangement in the interests of sustainable development. Site acquisition process was completed in 2014.
- Application was processed in accordance with the normal statutory timeframes and not subject to a hasty sign off as alleged.
- Payment of development contributions is in accordance with the S48 of the Act is a normal element of the planning process. Allegation regarding any deals being done to secure the planning process is vexatious and misleading.
- As regards land use zoning, note the two zonings pertaining under the LAP 2005-2011 residential and industrial. Education use is open for consideration
- As the 2005 plan has expired it is noted that proposed variation 2b of the Galway County Development Plan 2015-2021 seeks to incorporate the Gaeltacht Plan including settlement zonings for Baile Chláir (Claregalway) into the County Development Plan. Within the proposed variation the site has two land zoning objectives including Community Facilities and Open Space amenity. Much of the site including the existing and proposed school buildings are within the Community Facilities Zoned portion. Proposal therefore fully accords with the planning authority’s future vision for the lands
- Assertion that the site is peripheral is unfounded.
- Guidelines and policy context refer to use of multi-campus schooling arrangements in appropriate cases

- As there is no requirement to undertake EIA concerns of project splitting are unfounded. It is reasonable that a series of planning applications have been submitted in the context of available resources and the Department's school planning programme.
- Proposed post primary extension and primary school are intended to be delivered as a single construction project as part of the Department's RAPID programme.
- Claregalway Educate Together National School is currently located in rented accommodation with significant annual rental costs arising in respect of both structures and property. The school is accommodated in a house and prefabricated structures which are not designed for purpose. The site is restricted and has no capacity for further expansion.
- DES advises that the design capacity of the existing post primary school will be 1000 pupils. There remains a possibility that student numbers may temporarily exceed this number in response to local demand for school places but it would be anticipated that numbers generally would remain consistent with the design capacity. Current application for post primary school in Athenry will have an impact on students in Claregalway in due course. The provision of a primary school on the site in no way limits the development capacity of the secondary school given that this school has reached its recommended design capacity.
- In relation to submissions regarding playing pitches, the Department has no specific requirement to deliver playing pitches and as such funding is not provided for same. Under the Department's guidance documents the delivery of hard play areas takes precedence due to greater functionality. The proposed development includes a sports hall, 4 no ball courts and hard and soft play areas for each school. Potential remains for use of the remaining green spaces as a playing pitches subject to the agreement of the OPW due to the presence of a drainage pipe traversing the site which as installed as part of the Clare River drainage system.
- As regards use of the playing facilities in the vicinity of the school site, this is entirely appropriate in the interests of maximising the use of scarce resources.

- Construction activity can be appropriately controlled and mitigated to ensure that residential amenity is protected.
- Landscaping plan was submitted with the application and the applicant is willing to provide planting along boundary with Lydacan Road as deemed a requirement by the Board.
- IDA Parkmore Technology Parka application is not relevant to the assessment of the current appeal.
- Proposal represents a sustainable extension and expansion of critical school infrastructure in Claregalway.
- Proposed Variation 2b of the Galway County Development Plan 2015-2021 specifically supports the provision of school facilities at this location. School facilities were also open for consideration under the previous plan.
- Waterman Moylan Consulting Engineers in relation to traffic, consideration was given to the amount of trip generation from the site during peak pick up and drop off as detailed in Traffic and Transport Assessment.
- Opening times of the post primary (Coláiste Baile Chláir) and the Primary School (Claregalway ETNS) will be staggered by 25 minutes to ensure all school trips to the site do not occur simultaneously.
- TTA predicts that despite the post primary school increasing in capacity there will be a slight reduction in traffic flows due to the reduction in modal split of private car usage from 43% to 35% obtained through methods in school travel plan. The primary school has the benefit of generating its trips at a time of lower base flow on the road network.
- TTA has been prepared based on modal split surveys validated by the commissioned traffic count in May 2017.
- No works are proposed to the Lakeview Road R382 as part of this application.
- Improved pedestrian and cycle facilities were completed in 2016 includes the extension of the footpath network from Claregalway Town Centre to the site. Including footpath /cycletrack adjacent to a widened Lakeview Road and signalised pedestrian crossing across Lakeview Road.

- Widened Lakeview road also ensures adequate room for on road cyclists. Within the site the continuous footpath / cycletrack network is extended and secured covered bicycle parking included for cyclists.
- Parking provision is consistent with the requirements of Table 13.5 of the County Development Plan 2015-2021 which has the requirement of 1 car parking space per classroom in primary school and 2 spaces per classroom in secondary school together with provision of drop off area where appropriate. (32 spaces for 16 classroom primary school, 38 spaces for the 16 Classroom post primary school. Drop off spaces will double from 17 to 34 spaces. Post primary staff parking to increase from 47 to 85 spaces. Primary school staff parking of 43 spaces.) Numerous sustainable measures are outlined in the school travel plan.
- Highway layout was designed with minimum radii and road widths to reduce traffic speeds and crossing distances for pedestrians further reducing VRU safety.
- All stages of roads safety audit in relation to the site entrance and junction with the R381 were completed as part of the permission 15/933. All recommendations of the audit were fully actioned. There was a subsequent recommendation to upload the stage 3 road safety audit to the TII road Safety Audit approvals team which will be done, subject to clarification due to the redesignation of the roads involved.
- Implementation of the school travel plan which requires a drop off strategy to be developed will include specific measures to ensure appropriate drop off arrangements which will seek to remove inappropriate drop off arrangements.
- Schools will discharge to the Claregalway wastewater treatment plant via the existing on-site pumping station.
- Site specific flood risk assessment confirms that the finished floor levels set at 12.15m OD Malin 850mm above the recorded flood level in November 2009 which was due to the surrounding turloughs flooding during an extreme rainfall event. Post primary school extension is set out at 13.3m OD Malin some 2m above the 2009 flood level. Notably additional flood mitigation has been undertaken in the meantime by the OPW. The site is wholly contained

within flood zone C as identified in the Baile Chláir Flood Risk Management Plan dated December 2017 included as part of the proposed variation 2(b) to the Galway County Council Development Plan 2015-2021.

6.3 Planning Authority Response

6.3.1 The Planning Authority did not respond to the appeals.

6.4 Further Responses

6.4.1 Response of Stephen Dowds on behalf of Lakeview Residents Association indicates agreement with and support for the other third party appeals and notes the publication of Galway County Development Plan 2015-2021. Proposed variation No. 2(b) (Gaeltacht Plan). The submission notes that the draft plan includes two other Community Facilities zoned land parcels (at the location of the existing ETNS school and beside the church), as before, which as outlined within the grounds of appeal are preferable for the proposed new primary school development.

7.1 Assessment

7.1 The Board's consideration of the appeals can in my view be considered under the following broad headings.

- Development Plan Policy & Considerations
- Layout and Design
- Traffic
- Flooding and Other Matters
- Appropriate Assessment

7.2 DEVELOPMENT PLAN POLICY AND CONSIDERATIONS.

7.2.1 The third-party appellants contend that the application is premature having regard to the fact that the Claregalway Local Area Plan 2005-2011 has expired and pending adoption of the Gaeltacht Plan including settlements of an Ceathrú Rua, An Spidéal and Baile Chláir (Claregalway).² I note that the zoning objectives within the former Claregalway Local Area Plan 2005-2011 for the site include Industrial, to the rear of the site and Residential (Phase 2) to the front of the site. The land use zoning objectives and zoning matrix provide that education uses are “open for consideration” within both zoning designations. As regards the draft Gaeltacht Plan, the zoning objective proposed is Community Facilities and Open Space and the proposed school structures are located entirely within the Community Facilities zoning. I consider that having regard to the established school use on the site and the planning history pertaining to the site and in light of compatibility with previous zoning and emerging zoning there is no conflict with zoning objectives and in my view the issue of prematurity does not arise.

7.2.2 Other relevant objectives and policies of the Galway County Development Plan 2010-2016 include Objective CF 2 – Education Provision and Facilities which provides for the Local Authority to work closely with the Department of Education and Skills and the Office of Public Works to identify and protect suitable sites for new educational facilities. Site reservations for primary and post primary schools shall be considered when developing Local Area Plans and this may include campus arrangements. As regards Guidelines for Community Facilities Development Standard 15: Schools requires that “Applications for educational provision shall comply with the requirements of technical guidance documents published by the Department of Education and Skills (see www.education.ie) and the Local Authority

² Galway County Council published its intention to incorporate the Gaeltacht Plan (including settlements of Cheathrú Rua, An Spidéal and Baile Chláir) as proposed variation no 2b of the Galway County Development Plan 2015-2021. The draft is in the advanced stage of the variation process whereby a copy of the proposed material alterations to proposed variation 2(b) of the Galway County Development Plan 2015-2021 was placed on public display from Friday 23rd March 2018 until Friday 20th April 2018.

including *Provision of Schools and the Planning System: A code of Practice for Planning Authorities (DES, DEHLG, 2008)*. In relation to existing educational sites lands adjacent to existing schools should where possible be protected for possible future educational use to allow for expansion of these schools, if required, subject to site suitability and agreement of the various stakeholders.

7.2.3 The County Development Plan is therefore generally supportive of the timely provision of school facilities within the County in association with the Department of Education and Skills which is in turn in accordance with the Provision of Schools and the Planning System, a Code of Practice for Planning Authorities (2008). In this regard I consider that the collaborative approach, evidently adopted is entirely appropriate and in accordance with Ministerial Guidelines. In this regard I do not consider that such an approach would prejudice the assessment of the proposed development on its planning merit.

7.2.4 A number of the third-party appellants contend that the site is unsuitable for the development proposed and the need for the combined educational provision of a primary school and extended secondary school is questioned by some. Questions are posed with regard to the demographic analysis to back up the requirement for the development of these educational facilities in Claregalway. On the question of need for the development, I note that the current post primary school is partially housed in temporary accommodation (17/472 refers)³ and the existing Educate Together National School is evidently currently also operating within inadequate accommodation. Clearly the provision of schools and forecasting of future education demand is a matter for the Department of Education and based on the evidence provided the need for the schools is not in question. Submissions on behalf of the Department in response to the appeal clarify the design capacity of the schools and note that whilst numbers may temporarily be exceeded in relation to the post primary school the numbers will remain generally consistent. It is also

³ 17/472 Permission for a new temporary single storey 6 classroom 307 sq.m post primary school building including all associated site works and landscaping in the location of the existing school building ball courts. (Gross floor space 307sq.m)

noted that a concurrent proposed post primary school in Athenry will have an impact on student's numbers in Claregalway in due course.

7.2.5 As regards the contentions that the site is peripheral, I consider that this position is without basis. The site is within the settlement boundary, with significant established residential areas in close proximity, within approximately 850m walking distance of the village centre and adjacent to the established community centre, creche and GAA pitches. On the matter of alternatives, I have noted the alternative sites suggested including the location of the existing Educate Together National School and the lands adjacent to the local church. I note the submission on behalf of the first party outlining issues with regard to the latter on the basis of its proximity to dwellings, traffic, parking and heritage issues. I would note a number of other constraints with regard to the lands adjacent to the church. I note that the provision of campus type arrangement is supported within the Galway County Development Plan and within the national guidance, in appropriate circumstances. On this basis of the relevant planning policies and objectives as set out in the Galway County Development Plan 2015-2021 in considering the nature of the development as proposed, I conclude that the principle of development is acceptable and therefore I consider it appropriate to progress to assessment of the proposal on its merit.

7.3 LAYOUT AND DESIGN.

7.3.1 The proposed post primary school extension follows the established school format, in terms of design, elevational treatment and form and finish. The proposed primary school building is of a similar scale and incorporates a two storey courtyard layout with its main entrance located adjacent to the entrance to the site. In my view the building forms are acceptable in design terms and seek to establish their own character. Given the current open nature of the site within a wider open context (in conjunction with the somewhat visually compromised Claregalway Business Park), I consider that the implementation of a soft and hard landscaping scheme on the site will be crucial to mitigate the transformation of the site, aid the screening of the buildings, boundary fencing and paved areas and integrate the proposal into the

landscape. On the question of the internal site layout I consider this generally to be appropriate.

7.3.2 As regards any potential for impact on established residential dwellings, given the distance involved overlooking and overshadowing of adjacent dwellings is not an issue and the development will not give rise to any undue loss of residential amenity. As regards construction impacts I consider that these can be appropriately mitigated.

7.3.3 On the issue of impact on established amenities in terms of the use of adjacent pitches and community facilities, I would concur with the first party that alliance and mutual resource benefit is entirely appropriate and in the interest of the best use of those resources and proper planning and sustainable development. I note that the submissions on behalf of the first party have indicated that it is intended that amenity facilities within the school will be open for outside civic use which I considered is appropriate in the spirit of community. In this regard I affirm the expression "*Ni neart go cur le chéile*".

7.3.4 On the allegation that the proposal results in an unduly built up environment which would be detrimental to children's welfare, no evidence is provided to support such a claim. I consider that the building forms are of an appropriate scale and character and as outlined above the provision of additional landscaping will be required to soften the visual impact and assist in terms of placemaking. On the basis of the foregoing it is my view that the design and layout of the proposed development is appropriate and will not impact on residential amenity of property in the vicinity or the amenities of the area.

7.4 TRAFFIC

7.4.1 Traffic and road safety are key issues in the appeals. The third party appellants express a number of safety concerns arising from the character of the Lakeside Road and Lydican road and potential for conflict with pedestrian / cycle and vehicular traffic. There is dissatisfaction with the works carried out on the local road network pursuant to planning permission 15/933 and observed inappropriate driver behaviour is described in some detail. I note further concerns expressed with regard to the

methodology of the traffic assessment in particular assumptions with regard to modal shift and responses to the road safety audit. The third-party appellants and observers assert that the level of traffic is significantly underestimated within the application and that the proposal will give rise to serious traffic congestion and disorderly drop off.

7.4.2 The First party in response reaffirms the accuracy of the traffic assessment. It is stressed that the travel plan which involves measures to encourage sustainable modes will be implemented and the first party commitment in this regard is reaffirmed. I note that it is not proposed to carry out works to the public road network as part of the proposed works and I would concur with the first party that issues raised with regard to signalisation of the junction of the R381 and Lakeview Road are beyond the remit of the current appeal. On the date of my site visit, I observed the process of the peak pick up period (15:30-15:50). I noted that pedestrian and cycle movement from the school was free flowing and efficient. I noted that waiting cars were distributed both within the site and on Lakeview Road. Numerous buses exited the site without hindrance and in general I considered that pick up operated efficiently and safely. Whilst the intensity of peak periods is acknowledged, ultimately, I consider that convenience will strongly influence travel patterns and choices, and on balance I accept the first party's assertion that traffic can be appropriately managed and that it will not have a significant negative impact on the network. I consider that issues arising are more appropriately addressed as part of the wider traffic and transport management strategy.

7.4.3 On the issue of pedestrian and cycle permeability, I noted on the dates of my site visit that provision for pedestrians and cyclists permeability within the village is constrained. I do not, however consider that the historic under provision for wider cycle / pedestrian permeability should constitute a barrier to the development of educational facilities on the site. I consider that the proposal appropriately provides for suitable pedestrian / cycle access and the wider provision and link in is more appropriately addressed as part of the wider local traffic and transport management strategy. I would be of the view that provision for pedestrian access points along the eastern boundary of the site along the Lydican Road should be addressed in this context. As regards parking the

level of proposed on site parking provision which is in line with development plan standards and bus set down is satisfactory and appropriate given the context of the site. Additional provision would in my view run contrary to measures to promote sustainable transport.

7.5 Flooding and Other Matters

7.5.1 As regards potential for flooding I note the Flood Risk Management Maps included within proposed variation 2(b) to the Galway County Development Plan 2015-2021. The site of the proposed structures is indicated to be within Flood Zone c with pockets of pluvial indicative and pluvial extreme and a small pocket of indicative flood zone B. The western part of the site is indicated to be within Flood Zone B. I note the Flood Risk Assessment compiled by Waterman Moylan Consulting Engineers which records several recorded flood events in the areas surrounding and adjacent to the site. The assessment notes that the risk of flooding is minimised with adequate sizing of on-site surface water network and SUDS devices. Finished floor level us set at a minimum of 0.54m above the predicted 1 in 1000 flood level. The risk of flooding from surcharging of the surrounding drainage systems is reduced by setting finished floor levels of the building above adjacent road levels with overland flood routing along the road network. Surface water discharging form the site will be limited by hydrobreak to ensure that maximum discharge rate from the site is limited to 2.86 l/s/ha. Excess discharge flows from the development will be attenuated in the underground storage tank. On the basis of the details submitted within the flood risk assessment, I consider that the design measures outlined appropriately mitigate flood risk.

7.5.2 As regards servicing of the site the Engineering report by Waterman Moylan Consulting Engineers notes that it is proposed to drain foul sewage by gravity through a network of 150mm pipes and discharge to an existing 300mm foul sewer below the access road. This foul sewer drains to a pumping station located at the north end of the access road. Sections of the existing foul sewer serving phase 2 of the post primary school will be diverted as part of the development. Foul sewage is

pumped via a 100mm rising main to the public sewer on the N18 where it ultimately outfalls to the public treatment plant in Claregalway.

7.5.3 Surface water from the development will drain via two separate networks. The proposed expansion of the post primary school and associated hard surfaced areas will drain at a restricted rate via gravity and discharge to an existing 225mm surface water sewer located in the Claregalway Corporate Park to the south of the site. Surface water from the proposed primary school and associated hard standing areas including the new carpark will drain via gravity and discharge to an existing 600mm flood alleviation culvert running from south to north through the site. Flow will be restricted and attenuated in accordance with the Greater Dublin Strategic Drainage Study. It is proposed that the post primary school expansion will use the existing watermain within the campus. The proposed primary school will connect to the watermain on Lakeview Road. As regards servicing, technical reports on file raised no specific concerns in terms of public sewer capacity and public water supply and I consider that servicing does not present as a barrier to the proposed development.

7.5.4 As regards archaeology the Archaeological and Architectural Heritage Assessment by Magnus Archaeology, notes no identified archaeological features or other evidence for archaeology of the site. Noting that extensive modern ground disturbance has occurred on the site it is not envisaged that there will be any surviving archaeology on the site and no further cultural heritage mitigation measures are proposed.

7.6 Appropriate Assessment

7.6.1 As regards Appropriate Assessment the report for the purposes of AA screening compiled by Moore Group Environmental Services identifies the Natura Sites potentially affected. The Lough Corrib SAC (Site Code 00297) is located approximately 480m to the east of the site. No direct impacts arise. Any significant change in river quality of the River Clare and Lough Corrib (8km downstream) either alone or in combination with other project or plans because of indirect pollution of groundwater is unlikely given the distance and lack of source pathway receptor. On this basis I consider that it is reasonable to conclude that the project either alone or

in combination with other plans or projects is not likely to have significant effect on the Lough Corrib SAC or any other European sites in view of their conservation objectives.

8.0 CONCLUSION AND RECOMMENDATION

8.1 The principle of development is acceptable in accordance with the policies and objectives of the Galway County Development Plan 2015-2021. I consider that the proposed layout and design is appropriate and the proposed development would not endanger safety by reason of traffic hazard, would not give rise to flood risk and would accordingly be in accordance with the proper planning and sustainable development of the area.

Having considered the contents of the application, the decision of the planning authority, the provisions of the Development Plan, the grounds of the appeals and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be granted for the reasons and considerations, and subject to the conditions, set out hereunder:

Reasons and Considerations

Having regard to the location of the site, and the established educational use and to the character and pattern of development in the vicinity, it is considered that the proposed development, subject to compliance with the conditions set out in the schedule hereto, would not give rise to traffic hazard or injury to visual or residential amenity, would not give rise to flood risk and would accord with the provisions of the

Galway County Development Plan 2015-2021 and would be in accordance with the proper planning and sustainable development of the area.

Conditions.

1. The development shall be carried out and completed in accordance with the plans and lodged with the application as amended by the further plans and submitted the 18th day of October 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The provisions of the Road Safety Audit and School Travel Plan, as set out in the submitted documentation, shall be carried out in accordance with the detailed requirements of the planning authority, including provision for ongoing monitoring and reporting of progress. Provision shall be made for additional pedestrian / cycle access to the site along the eastern boundary in accordance with the requirements of the planning authority.

Reason: In the interest of traffic safety and in order to help to achieve a modal shift towards increased use of sustainable travel modes, in the interests of sustainable transport.

3. All signage related to the proposed development including the name of the premises shall be in Irish.

Reason: In the interest of protecting the linguistic and cultural heritage of the area.

4. The road works associated with the proposed development including the setting out of the entrance, paving and surface finishes, road marking and signage shall be carried out and completed in accordance with the requirements of the planning authority.

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

5. School opening times shall be staggered by a minimum of 25 minutes.

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

6. Details of the materials, colours and textures of all the external finishes of the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

7. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than [1:500] showing –

- (i) The species, variety, number, size and locations of all proposed trees and shrubs [which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder] [which shall not include *prunus* species]
 - (ii) Details of screen planting [which shall not include *cupressocyparis x leylandii*]
 - (iii) Details of roadside/street planting [which shall not include *prunus* species]
 - (iv) Hard landscaping works, specifying surfacing materials, furniture [play equipment] and finished levels.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment
- (c) A timescale for implementation [including details of phasing]

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of [5] years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

8. Water supply and drainage arrangements (including surface water disposal) shall accord with the requirements of the planning authority for such services and works.

Reason: To ensure the proper drainage of the proposed development.

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Provision of parking during the construction period;
- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

10. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in

writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interests of sustainable waste management.

11. Prior to commencement of development, proposals for the location and form of all public lighting shall be submitted for the written agreement of the Planning Authority. This shall include details of design of individual lamp standards, details of the likely intensity of lighting.

Reason: In the interest of orderly development.

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

Reason: In the interest of the visual amenities of the area.

Bríd Maxwell

Planning Inspector

30 April 2018