



An  
Bord  
Pleanála

## Inspector's Report ABP-300965-18

### Development

Modifications and extensions to the existing school building. The proposed works will consist of; the construction of a 3 storey extension to the school building; the addition of a first floor mezzanine within the existing school building; an extension to provide fire escape stairs to the new mezzanine level; an extension of the existing ballstop netting; an increase in height of the ballcourt fencing; additional accessible car parking spaces; and all ancillary landscaping and site development works

### Location

Ardscoil na Mara, Ballycarnane,  
Tramore, Co. Waterford

### Planning Authority

Waterford City and County Council

### Planning Authority Reg. Ref.

17/395

### Applicant(s)

Department of Education

### Type of Application

Permission

### Planning Authority Decision

Grant

<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Department of Education
<b>Date of Site Inspection</b>	10 <sup>th</sup> May 2018
<b>Inspector</b>	Colin McBride

## **1.0 Site Location and Description**

1.1 The appeal site, which has a stated area of 4.66 hectares is located to the west of the town centre and is accessed from Summerhill Road, which runs on a south east to north west axis to the north of the site between the town centre and the R675/The Coast Road. The site is occupied by an existing school (Ardcoil na Mara), which is a three-storey structure. The site is located at the end of a public road that forms junction with the Summerhill Road to the north of the site. This road serves two supermarkets (Lidl and Tesco) and a neighbourhood centre. It appears that the public road serving the site will be extended when lands adjoining the school are developed in the future. Where the Summerhill Road meets the R675/The Coast Road is an existing roundabout that also provides access to the Clarinwood housing development on the western side of the R675/The Coast Road. To the north of the site is the Tesco supermarket, to the east are dwellings that back onto the site and fronting onto Priests Road, to the south and to the west on the opposite side of the public road are undeveloped lands.

## **2.0 Proposed Development**

2.1. Permission is sought for modifications and extension to an existing school building. The proposal consists of a three-storey extension, the addition of a first floor mezzanine within the existing school building, an extension to provide fire escape stairs to the new mezzanine, an extension of the existing ball stop netting, an increase in height of the ball court fencing, additional accessible car parking spaces and all associated site works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission granted subject to 9 conditions. Of note is the following conditions.

Condition no. 9: A special development contribution of €50,000 in respect of specific exceptional costs in respect of the provision of upgraded road junction infrastructure, the R765/Summerhill Road Roundabout junction.

### **3.2. Planning Authority Reports**

#### **3.2.1. Reports**

Water Services (no date): No objection.

Planning report (25/07/18): Further information required including details regarding parking provision, the provision of Traffic Assessment and the level of additional pupils and staff proposed as a result of the extension.

Irish Water (27/07/17): No objection.

Water Services (27/07/17): No objection.

Roads (20/12/17): the proposal would increase pupil numbers and subsequently traffic levels with current congestion issues at the junction of the R675 at the entrance to Clarinwood. To improve accessibility to the Clarinwood estate a signalised roundabout should be removed and a signalised junction be installed and a development contribution should be sought of €50,000 in relation to this development.

Planning report (19/01/18): A grant of permission recommended subject to the conditions outlined above.

### **3.3. Third Party Observations**

No third party submissions.

### **4.0 Planning History**

146000146: Permission granted for construction of a hurling wall.

13/513: Permission granted for retention of modifications to ball stop net.

11/425: Permission consequent on outline permission granted for a post primary school.

09/483/ Outline permission granted for the provision of a new 1,000 pupil post primary school.

## **5.0 Policy Context**

### **5.1. Development Plan**

The relevant Development Plan is the Tramore Local Area Plan 2014-2020. The appeal site is zoned Community Services with a stated objective 'to provide for Institutional, Educational, Social, Cultural, Economic and Community development uses'.

### **5.2. Natural Heritage Designations**

None in the vicinity.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

A first party appeal has been lodged by McCurtheon Halley Chartered Planning & Consultants on behalf of the Department of Education. The grounds of appeal are as follows...

- The appeal submission notes that the original school was permitted with an expected capacity of 1000 pupils, the school current has 1,170 pupils with the extension to cater for up to 1350 pupils.
- The appeal is against the terms of condition no. 9 and the application of a special development contribution of €50,000 for upgrade of a junction. It is noted that no indication is given of how the figure of €50,000 was calculated.

- It is noted a Traffic and Transport Assessment (TTA) was submitted. The TTA assesses the junction in question and concluded that it operates within capacity with or without the proposed school extension in place. It is considered based on the TTA that the junction in question does not need to be upgraded to a signalised junction as it will continue to operate within capacity after completion of the development.
- It is noted that the application of the condition in question is not in accordance with the criteria set out under the Development Management Guidelines for special contributions. It is noted the junction is removed from the school and its upgrade would benefit the wider area and such should be funded under the general development contribution scheme.
- The appellants note there are a number of precedents similar in nature in which special development contribution were applied and omitted by the Board with PL34.240093 in particular noted.

## 6.2. Planning Authority Response

Response by Waterford County & City Council.

- The special development contribution is required in case for specific works to the road network that will directly benefit and facilitate expansion of the school. These works are the upgrade of the Junction of R675 adjacent the Clarinwood residential estate and are not covered under the general list of projects under the adopted Development Contribution Scheme.
- The contribution is required to improve traffic management within the confines of the school and the road network to and from the school. The existing junction experiences congestion during peak times and has a knock on effect along the Ring Road/Coast Road. The increase in traffic volumes from the new extension will require the junction to be altered to a four way signalised junction.
- The estimated cost of upgrade is conservative with it noted that a similar junction upgrade in Waterford City cost €60,000. It is noted that junction profile will need alteration and that the overall cost is between €100,000 and

€120,000 with the Council is not asking for the full contribution but believing that 50% should come from the main contributors to its requirement.

- The traffic surveys undertaken for the TTA do not reflect the situation on the ground and the TTA does acknowledge that traffic levels will increase as a result of the proposal. The survey also did not take into account worst case scenarios which are wet days.
- It is noted there is a direct co-relation between school traffic and traffic congestion experienced at the junction question.

### **6.3. Response by the appellant, Department of Education.**

- It is noted that upgrade works should fall within the scope of the general contribution scheme.
- The appellants reiterate their views regarding the impact of the proposal on traffic and the adequacy of the road network.
- The appellants disagree that the school is the main contributor to traffic at the junction and road network and do not consider that the requirement for 50% of the cost is justified.
- The appellants note that they consulted with the Council prior to submission of further information and the Traffic and Transport Assessment (TTA) and consider that the scope and conclusions of such are sound.
- It is noted that the upgrade works are not specifically beneficial to the proposed development and notes that if a special contribution is required the proportion of such should relate to only extension of the school.

## **7.0 Assessment**

7.1 At the outset, I wish to point out that following consideration of the documentation on the appeal file and the site location and context, I am satisfied consideration of the

proposal on a de novo basis, (that is as if the application had been made to the Board in the first instance), is unwarranted and that it is appropriate to determine the appeal in accordance with the provisions of Section 139 of the Planning and Development Act, 2000 as amended. Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Condition no. 9

## 7.2 Condition no. 9

7.2.1 Condition no. 9 entails the application of a special contribution of €50,000 under Section 48(12) of the Planning and Development Act for upgrade of the R675/Summerhill Road Roundabout Junction. The proposal is for an extension of the existing school, which includes additional classroom facilities. According to the information on file the school currently caters for 1170 pupils with the extension to cater for up to 1350 pupils. The appeal site is located at to the west of the town centre and is accessed from Summerhill Road, which runs on a south east to north west axis to the north of the site between the town centre and the R675/The Coast Road. The site is located at the end of a public road that forms junction with the Summerhill Road to the north of the site. This road serves two supermarkets (Lidl and Tesco) and a neighbourhood centre. It appears that the public road serving the site will be extended when lands adjoining the school are developed in the future. Where the Summerhill Road meets the R675/The Coast Road is an existing roundabout that also provides access to the Clarinwood housing development on the western side of the R675/The Coast Road.

7.2.2 Under Section 48(2)(c) of the Planning and Development Act 2000 (as amended) “a Planning Authority may, in addition to the terms of the 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. Under the Development Management Guidelines it is noted that “a condition requiring a special contribution must be amenable to implementation under the terms of section 48(12) of the Planning Act; therefore it is essential that the basis for the calculation of the contribution should be explained in the planning decision. This means that it will be necessary to identify the nature/scope of works, the expenditure involved and the basis for the calculation, including how it is apportioned to the particular development. Circumstances which might warrant the attachment of a special contribution condition would include where the costs are incurred directly as a result of, or in order to facilitate, the development in question and are properly attributable to it. Where the benefit deriving from the particular infrastructure or facility is more widespread (e.g. extends to other lands in the vicinity) consideration should be given to adopting a revised development contribution scheme or, as provided for in the Planning Act, adopting a separate development contribution scheme for the relevant geographical area. Conditions requiring the payment of special contributions may be the subject of appeal.

7.2.3 The Planning Authority have noted that the basis for the contribution is in respect of upgrade works necessary at the junction of the R675 and Summerhill/Clarinwood, which experiences congestion at peak times of school traffic with particular issues concerning traffic wishing to enter and exit the Clarinwood housing development as well as queuing on the R675/The Coast Road. The Planning Authority note that the proposal will result in an increase in pupil numbers and therefore increased traffic exacerbating such issues.

7.2.4 The appellant notes that the junction in question is removed from the appeal site and that its upgrade would be beneficial to the wider area and is not exclusively tied to the existing school/proposed development and its upgrade should be provided for under the terms of the standard Development Contribution scheme. In this regard the appellant notes that the application of a special development contribution is not in accordance with the recommendations of the Development Management Guidelines. In addition the appellants note that a Traffic and Transport Assessment was carried out and it was demonstrated that the junction in question is operating within capacity will continue to operate within capacity after completion of the proposed development.

7.2.4 As noted earlier the proposal is for an extension to an existing school. The extension is subordinate in scale to the existing school and as noted in the information on file the extension will facilitate an increase of pupil levels from 1170 to 1350. I would consider that the development is not of significant scale and is an extension to a well-established use at this location. The existing school is well serviced in regards to established road infrastructure and is accessible from the Summerhill Road either from the town centre to the east and the R675/The Coast Road to the west. The school is not exclusively served by existing road infrastructure but is along a road that also serves a Tesco store, a Lidl store and a neighbourhood centre and will serve undeveloped lands to the south and west. A Traffic and Transport Assessment was submitted with the proposal and such include junction analysis based on traffic surveys and concluded that the junction of Summerhill Road and the R675/The Coast Road is currently operating within capacity and such will remain the case after completion of the proposed development. I am satisfied with the scope and methodology use in the TTA and would consider that the conclusions are acceptable.

7.2.5 It is clear that such a condition should only be applied in respect of a particular development, which is likely to incur specific exceptional costs not covered by the General Development Contribution Scheme of the Council. Such a contribution is in addition to the terms of the general scheme and might cover specific developments whereby the scale of the development and the demand the proposed development is likely to place on public services and facilities is deemed to be exceptional. I would consider that existing road network in the vicinity of the proposed development is of an adequate standard to cater for the existing development and for its subsequent extension. I would consider that the works proposed by the Local Authority to the junction are not essential or exclusively required to facilitate the proposed development and that they are an upgrade that is desirable for the wider area. I would question whether the application of a special contribution in this case is justified and in accordance with provisions under Section 48(12) of the Planning and Development Act, 2000 (as amended).

7.2.6 In addition I would note that the upgrade of the junction is not noted as being a specific objective of the Tramore Local Area Plan or part of the Councils' expenditure plan. I would consider that the proposal would not meet the criteria for such a condition set down under the Development Management Guidelines. Firstly the Local Authority have failed to provide sufficient information regarding specific costs of the upgrade works and how such are appropriately apportioned to the school development. In addition I would refer to the fact the Development Guidelines note that "where the benefit deriving from the particular infrastructure or facility is more widespread (e.g. extends to other lands in the vicinity) consideration should be given to adopting a revised development contribution scheme or, as provided for in the Planning Act, adopting a separate development contribution scheme for the relevant geographical area".

## 8.0 Recommendation

8.1. In conclusion having regard to the documentation on file, the submissions received, and the assessment above I recommend that Planning Authority be directed to remove condition 9 in accordance with the following **Draft Order**:

## 9.0 Decision

Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE Condition No. 9.

## 10.0 Reasons and Considerations

It is considered that the imposition of a special development contribution condition

numbers 9 has not been justified by the planning authority, having regard to fact the proposal is an extension to an established use subordinate in scale to the existing development on site, the proposed junction upgrade is not essential to facilitate the proposed development and would constitute works that would be beneficial for the wider area and the failure to provide sufficient information regarding the justification for the costs proposed and how it is apportioned to the proposed development. It has, therefore, not been demonstrated that the conditions comes within the scope of section 48(2) of the Planning and development Act 2000, (as amended).

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Colin McBride  
Planning Inspector

14<sup>th</sup> June 2018