



An
Bord
Pleanála

Inspector's Report ABP-302144-18

Development

Permission for development which will consist of: (a) The construction of a new plastered and capped blockwork wall (approximate height 2.4m above existing ground level) to the eastern and north eastern boundaries (b) The provision of surface water soakaway of 169 metre cubed (c) The retention of existing attenuation tank.

Location

Galway Educate Together N.S.,
Thomas Hynes Road, Newcastle,
Galway.

Planning Authority

Galway City Council

Planning Authority Reg. Ref.

17/388

Applicant(s)

Department of Education and Skills.

Type of Application

Permission.

Planning Authority Decision

Grant Permission subject to conditions

Type of Appeal

Third Party

Appellant(s)

Eoin Kelly, Anne Kelly & PJ Costello.

Observer(s)

None.

Date of Site Inspection

1st October 2018.

Inspector

Brid Maxwell

1.0 Site Location and Description

1.1. The appeal site has a stated area of 1.7 hectares and is occupied by the recently extended Galway Educate Together National School located east of the Thomas Hynes Road in Newcastle to the north west of Galway City Centre. Access is from the south via Moyola Park Road. The site is bounded to the north and east by residential properties whilst St Joseph's Special school is located to the west. The premises of *Croí the West of Ireland Cardiac and Stroke Foundation* is located to the southeast.

2.0 Proposed Development

2.1 The proposed development consists of (a) The construction of a new plastered and capped blockwork wall (approximate height 2.4m above existing ground level) to the eastern and north-eastern boundaries (b) the provision of surface water soakaway of 169m³ (c) the retention of existing attenuation tank.

2.2 Application details indicate that the proposed soakaway is a modification to the surface water drainage system previously approved under planning ref 13/228 for an 8 classroom extension. Permission 13/228 involved a soakaway located in the green space beside the car park however excavations completed at construction stage revealed localised shallow rock which would affect the performance of the soakaway, thus the attenuation tank was placed under the car park and revised location for the soakaway was advised. The proposed soakaway and existing attenuation tank will cater for the surface water run off generated by the northern half of the roof of the existing school, associated footpaths, yard area, existing play areas in the northeast, the ball court area at the north of the site, the school extension associated footpaths junior play areas and access road and car parking to the east of the school and the

future NCCA development¹. Total impermeable area that will drain to the proposed soakaway is approximately 0.825ha.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 By Order dated 22 December 2018, Galway City Council decided to grant permission subject to three conditions including.

- Condition 2. Construction and commissioning of surface water soakaway and its connection to the attenuation tank to be monitored by a fully qualified bonded engineer. Certification to be submitted.
- Condition 3. Maintenance agreement for the attenuation tank and soakaway.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.1.1 Planner's initial report noted third party concerns with regard to potential underground water arising on site and sought additional information with regard to maintenance and clarification of unauthorised works carried out on site, as well as a longitudinal section through wall with adjacent lands to assist in assessment of impact.

3.2.1.2 Final report recommends permission subject to conditions.

3.2.2. Other Technical Reports

3.2.2.1 Executive Engineer Drainage Division indicates no objection in relation to surface water drainage. Subsequent report asserts that it is the policy of Galway City Council that any surface water be discharged on site with attenuation where possible. The proposal for attenuation and restricted discharge to a designed soakaway with an

¹ Planning permission 15/153 Permission granted to construct meeting rooms, sports / general purpose hall and ancillary accommodation, tennis court roundabout and car parking. Not implemented to date.

emergency overflow to the surface water network is appropriate. There is no capacity within the stormwater network to accommodate the additional loading.

3.2.2.2 Environment Section Report recommends conditions with regard to waste management.

3.3. **Third Party Observations**

- 3.3.1 Submission by Mr Aengus Munnely and Dr Fiona Gavin, residents of 71 Upper Newcastle bordering the site to the east note concerns with regard to previous rockbreaking efforts on the site and request the implementation of appropriate measures to protect the structural integrity of their garden wall. Concerns regarding flood risk. Object to the proposed location of the soakaway due to concerns regarding flooding.
- 3.3.2 Submission by the appellants Eoin Kelly, on behalf of his mother Anne Kelly, who owns land immediately adjoining the northeast boundary of the site and PJ Costello, 79 Rockville House, Upper Newcastle. Significant concerns arise regarding the potential flooding risk posed by the development. Concerns are reinforced by flooding incident July 2017 when water from school extension was pumped to the location. Concern regarding unauthorised development carried out on the site resulting in considerable stress and worry. Boundary wall should be provided first to provide extra flood protection barrier. Fill material has distorted original ground conditions and levels increasing threat of flooding. Inclusion of proposed overflow to the public sewer suggests doubts regarding the capacity of the proposed drainage system to handle exceptional volumes of storm water. Concern with regard to location of overground power lines and compatibility issues with permitted NCCA² development.

² Planning permission 15/153 Permission granted to construct meeting rooms, sports / general purpose hall and ancillary accommodation, tennis court roundabout and car parking, Not implemented to date.

4.0 Planning History

15153 Permission granted to construct meeting rooms, sports/general purpose hall ancillary accommodation, tennis court, roundabout and car parking.

13/228 Permission granted 23/7/14 for construction of a two storey extension to Galway Educate Together School comprising of 8 classrooms, teacher rooms library set rooms and ancillary accommodation with a total floor area of c1387msq. Works to include alterations to Thomas Hynes Road including new set down area and roundabout, new access road to car parking and drop off facility with provision for 32 car parking spaces including accessible parking to land directly east of the existing school. Alteration to existing car park to provide 10 no car parking spaces, 1 no ballcourt to replace existing temporary mobile classrooms, 1 no junior play area, SNU play area, landscaped garden areas, realignment of the existing wall to the south and south-east school boundary and all associated site engineering works.

12/166 Permission for retention of single storey prefabricated building.

10/230 Permission for single storey extension and associated site works. Comprising 2 no classrooms, a gross motor room and multi-sensory room.

0/169 Permission granted for erection of single storey prefabricated building and associated site works,

00/341 Permission granted for a new nine classroom national school together with site development works and access road at rear of St Joesph's Special school.

UD17/018 Warning letter issued with regard to unauthorised stone filling at the north-eastern part of the site.

5.0 Policy Context

5.1. Development Plan

The Galway City Development Plan 2017-2023 refers. The site is Zoned Community “*To provide for institutional and community facility use*”.

5.2. Natural Heritage Designations

The site is not within a designated area. The designated area of the Lough Corrib SAC is within 300m to the east of the site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 The third party appeal is submitted by Eoin Kelly, also on behalf of Anne Kelly owner of a greenfield site adjacent to the site and adjacent homeowner PJ Costello, 79 Rockville House.

- Appellants own property at the north-eastern corner boundary of the site including a greenfield site intended to provide for future family homes and an established dwellinghouse.
- Note unauthorised works carried out on the site. Issue has been hugely stressful and has lead to significant anxiety.
- No objection to the wall however serious concerns arising in relation to potential flooding risk resulting from the proposed drainage scheme given proximity to third party property, fall of land and ground conditions.
- On 26th June 2017, builders directed a large volume of stormwater over a period of hours to unauthorised soakaway in the process flooding the immediate area and trespassing boundary.
- Addition of fill material has resulted in significant alteration to ground conditions in area of proposed soakaway.
- Note diminished capacity to absorb water in winter months.

- Separate Engineering reports recommends highly varying soakaway size. Malone O Regan proposed 169m³ where previously under 13/228 Barret O Mahony had recommended a 57m³ soakaway. Water percolation results on which this design was based were carried out in November 2017 appear to demonstrate progressive deterioration of the ground conditions to absorb water from those recorded in the summer time. If tests were carried out in winter after more prolonged rainfall would an even larger volume soakaway be required?
- Discrepancy in the comparative size of the soakaway design eliminates confidence in the process.
- Storm water from the school should be released to the public storm drain.
- If planning permission is upheld two conditions should be imposed to include reducing flow rate of storm water from the attenuation tank from 20lt/second to 5/10lt/second.
- Wall should be constructed in an unbroken fashion with suitably deep concrete foundation prior to construction of soakaway.

6.2. Applicant Response

The response by Mullarkey Pedersen architects on behalf of the applicant is summarised as follows:

- The existing primary school was constructed in 1994 and is serviced by a fully functioning storm sewer network discharging to soakaways contained within the site.
- Permission 13/228 included a soakaway to be located in the green space beside the car park however excavations revealed localised shallow rock which would affect the performance of this soakaway therefore the attenuation tank was installed under the car park.
- The proposed soakaway and attenuation tank for retention will cater for surface water run off generated by the northern half of the roof of the existing

school, associated footpath, yard area, existing play areas in the north west, the ball court at the north of the site, the school extension, associated footpaths, junior play area access road and car parking area to the east of the school development and the future NCCA development.

- Previous flooding incident referenced as having occurred on 26th June 2017 was due to a temporary measure in which groundwater sitting in deep excavations was pumped by the works contractor to a small temporary soakpit. The temporary measure was not subject to engineering design and was significantly undersized.
- The proposed soakaway is sized in accordance with industry best practice and current design standards (BRE Digest 365 Soakaway Design Manual)
- The design of the proposed soakaway is based on soil infiltration rate tests at the location of the proposed soakaway. Infiltration tests were carried out during winter season November 2017 by an independent geotechnical engineering company that specialises in such tests.
- Soakaway Design calculations indicate that a 169m³ soakaway is required.
- Measures included to mitigate risk of flooding to neighbouring properties include an outlet from the attenuation tank to allow stored surface water to flow via a controlled rate limited by hydrobrake to the proposed soakaway to percolate into the grounds. Hydrobreke will limit the flow to 20l/s.
- BRE Digest 365 Soakaway Design Manual recommends that a soakaway is designed for a 1 in 10-year storm event however the attenuation tank and proposed soakaway are conservatively sized to cater for a 1 in 100-year storm event.
- Additional safeguard provided is the installation of an emergency overflow to the public sewer.
- In relation to assertions with regard to fill material altering ground conditions it is intended that the area of footprint of the proposed soakaway will be excavated to facilitate the installation of the proposed soakaway chambers. The soakaway chambers would be surrounded with clean crushed angular stone.

6.3. **Planning Authority Response**

The Planning Authority did not respond to the appeal.

7.0 **Assessment**

- 7.1 I note that the grounds of appeal relate to the proposed soakaway and the third-party appellant party raises no concerns about the proposed boundary wall. The grounds of appeal essentially arise from concerns with regard to the capacity of the proposed system to cater for the surface water levels arising and concerns with regard to the potential for flooding of vulnerable third-party property. These concerns are clearly influenced by a reported incident in June 2017 when flooding occurred within the area of the proposed soakaway and adjacent lands. The First Party acknowledges this event and notes that this arose as groundwater sitting in deep excavations was pumped by the works contractor to the small temporary soakpit which was not subject to engineered design and was significantly undersized. The current proposal is designed in accordance with industry best practice - BRE Digest 365 Soakaway Design Manual. Regarding the issue of discrepancy between the comparative size of the soakaway and that originally envisaged in governing permission 13/228, I note that the current proposal is based on infiltration tests carried out at the location of the proposed soakaway and that the design takes account of the permitted NCCA development. On the issue of altered ground levels arising from fill material I note that the first party proposes to excavate the area of the proposed soakaway to facilitate the installation of the soakaway chambers which will be surrounded by clean crushed angular stone.
- 7.2 The proposal involves a design for a 1 in 100-year storm event and provides an additional safeguard in terms of incorporating an emergency flow to the public sewer. In my view based on the documentation submitted the proposed system represents an appropriate engineered design solution for surface water arising on the site.

- 7.3 On the issue of Appropriate assessment, having regard to the nature and scale of the proposed development together with the separation from any designated European Site and having regard to the source pathway receptor model, it is not considered that the proposed development is likely to have significant effect either individually or in combination with other plans or projects on a European Site. It is considered that a stage 2 appropriate assessment and submission of an NIS under the Habitats Directive (92/43/EEC) is not therefore required.
- 7.4 On the issue of EIA Screening having regard to the limited nature and scale of the proposed development, nature of the receiving environment and remove from any sensitive locations or features there is no likelihood of significant effects on the environment arising from the development proposed for retention. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8 Recommendation

- 8.1 I have read the submissions on the file, visited the site and had due regard to the development plan and all other matters arising. I recommend that the Board uphold the decision of the planning authority to grant permission subject to the following conditions.

Reasons and Considerations

Having regard to planning history and established use of the site, and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention and proposed development would not give rise to flooding and would not injure the amenities of the area and would thus accord with the proper planning and sustainable development of the area.

Conditions

1. development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 23rd day of April 2018, 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 the 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.
 - a) The construction and commissioning of the surface water soakaway shall be monitored by a suitably qualified bonded engineer who shall submit a report to the Planning Authority certifying the construction and operation of the surface water system within four weeks of installation of the system.
 - b) A maintenance contract for the attenuation tank and soakaway shall be entered into and kept in place at all times. Signed and dated copies of the contract shall be submitted and agreed in writing with, the planning authority within four weeks of the installation.

Reason: In the interest of public health.

Brid Maxwell
Planning Inspector

18th October 2018

