



An
Bord
Pleanála

Inspector's Report ABP-302924-18

Development

An Educate Together National School (RN20413N) consisting of part 2-storey, part 3-storey, 24-classroom primary school building with total floor area of 4,635sq.m.

Location

Carr's Hill, Douglas, to the South West side of Carrigaline Road, Maryborough, Co Cork

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

18/05369.

Applicant(s)

The Minister for Education & Skills.

Type of Application

Permission

Planning Authority Decision

Grant Permission.

Type of Appeal

Third Party

Appellant(s)

1. Douglas Pitch and Putt Club.
2. Mary Conroy & Margaret O'Sullivan
3. David Murphy and Others

Observer(s)

1. Mary Galvin
2. Douglas Golf Club
3. Cairn Homes Properties Limited

Date of Site Inspection 25th January 2019

Inspector Fiona Fair.

1.0 Site Location and Description

- 1.1. The appeal site (0.882ha) is located on the Old Carrigaline Road (R609) at Carr's Hill, Douglas, west of Carrigaline Road, Maryborough County Cork. It represents a parcel of land situated between Darryglynn nursing home and a private residence.
- 1.2. The grounds of Douglas Golf Club are located directly across the road (north-east) and Douglas Pitch and Putt club borders the site to the west. There is a mixture of planted trees and overgrowth on site. The roadside boundary (north-eastern) is formed by an embankment/vegetation and some mature trees, the lands slope away from the roadside boundary to the west. The southern portion of the eastern boundary is relatively open with mature hedgerow and trees on the remainder.
- 1.3. There is a mature tree line and vegetation running along the rear site boundary (south-west). There is a line of mature vegetation/hedgerow. The boundary on the north-western section of the site with the nursing home is formed by a timber panel fence and stepped, capped block wall. Ground levels across the site are set well below the level of the public road with a steady fall across the site from the front (east) towards the rear (west) with a watercourse running adjacent to the rear site boundary. There are some steep changes in level across the appeal site in particular to the south west corner abutting the stream.

2.0 Proposed Development

2.1. Permission is sought for the construction of a new Educate Together National School (RN20413N) consisting of part 2-storey, part 3-storey, primary school building with total floor area of 4,635sq.m including:

- 24-classrooms
- 3-classroom Special Needs Unit
- General purpose hall
- Ancillary pupil and staff facilities;
- A new access road off the Carrigaline Rd with set-down area
- Total of 46 number car parking spaces within the site
- All associated site works, boundary walls; ball courts; hard and soft play areas; and landscaping.

2.2. The application is accompanied with:

- Land Owners Consent (28/05/2018)
- Appropriate Assessment Screening Report (28/05/2018)
- Tree Survey Report (28/05/2018)
- Invasive Species Survey 2017 (28/05/2018)
- Archaeological & Architectural Heritage Desk-Based Assessment (28/05/2018)
- Landscape Report (28/05/2018)
- Engineering Assessment Report (28/05/2018)
- Traffic & Transport Assessment (28/05/2018)
- Flood Risk Assessment (28/05/2018) School Travel Plan (28/05/2018)
- School Travel Plan
- Landscape Report
- Arboricultural Impact Report,

3.0 Planning Authority Decision

3.1. Decision

Following a request for Further information with respect to:

1. Access/parking arrangements.

- Provision has been made for a right turning lane into the school including an adjusted kerb alignment to the satisfaction of the AE.
- An Autotrack swept path analysis including a cover letter from consulting engineers has been provided confirming that the internal circulation arrangement within the school. The AE and SE (Traffic and Transport) are satisfied with the response submitted.
- It is stated that there will be 27 teaching staff and 8 ancillary staff giving a requirement of 31 spaces and 15.5 spaces for visitors. A total of 47 no. spaces (including 3 no. disabled spaces) have been provided on the revised layout drawings as per CCDP (2014- 2020) standards. The AE and SE (Traffic and Transport) are satisfied with the response submitted.
- Details of pedestrian gates and barriers at both exits have been provided to the satisfaction of the AE.

2. School Travel Plan

- In response a letter has been submitted from the principal of Douglas Rochestown Educate Together National School with regard to the School Travel Plan referring to the establishment of a steering committee to discuss sustainable transport strategies.
- Confirmation has been provided that a School Travel Manager shall be appointed. The SE (Traffic and Transport) is satisfied with the response subject to the application of a condition stipulating a number of measures with final details of the School Travel Plan to be agreed prior to the commencement of development.
- It is stated in response that the school will not be in a position to operate two start and finish times.
- A commitment has been provided to open the school grounds 30 minutes before classes start. The SE (Traffic and Transport) has recommended that

application of a condition stipulating that the school open one hour prior to opening and one hour after closing time.

3. Retaining Structures

Cross and longitudinal section drawings, a boundary treatment layout and elevation drawings of proposed retaining and boundary walls have been submitted. Given the existing land profile, practically a degree of stepping of levels will be required and the approach as presented is on balance considered to be acceptable as discussed with the SP and SEP for the area. It is noted that the proposed retaining wall with attached 2.4m high weldmesh fencing above would be situated in a very elevated position relative to the stream and potential future walkway below. In this regard the retention of the existing mature tree line on the stream boundary is essential and an explicit condition shall apply requiring the retention of same and proposals for protection at construction stage having regard to the extent of ground works proposed.

4. Extended Sections

As requested an extended section has been submitted showing the relationship between the playing pitches, retaining walls, lands extending as far as the river and across to the lands to the south-west. In effect it is proposed to construct a substantial scale retaining wall with attached mesh fence to the rear of the playing pitches and to bank and step ground levels behind same as far as proposed weldmesh fencing to run inset from the stream boundary across the full length of the southern site boundary.

5. Management of sewer pumping station

In response a consulting engineer has submitted calculations of the projected loading associated with the development proposal, stating that there will be no septicity in the rising main and a chemical dosing plant can be installed as part of the pump station if required. There is no objection from the engineering reports on file or from the Environment Department. It is noted that the EO has recommended the application of a condition that there should be no operations carried out so as to ensure that no odour or dust nuisance occurs off site.

6. Ecological Impact Assessment Report to be prepared

As requested an Ecological Impact Assessment has been submitted incorporating the findings of a baseline survey and provides details of mitigation measures to be

implemented during the construction stage which are intended to minimise risk of impact to habitats and species. The EClA ultimately concludes “*provided that the proposed development is constructed and operated in accordance with the design, best practice and mitigation that is described within the application, significant effects on ecology are not anticipated at any geographical scale.*”

The Ecologist concurs with the mitigation measures proposed (including removal of vegetation outside the breeding season and protection of water quality) and has no stated objection to the proposal from this perspective (in the event permission is recommended at this stage) subject to the implementation of outlined mitigation measures in the EClA and protection of trees identified in the Tree Survey report.

7. Construction Environmental Management Plan (CEMP) for the proposed development.

A CEMP has been submitted in response as requested which includes mitigation measures set out in the EClA to ensure the protection of water quality. The Environment Department have no objection to the proposal subject to the application of a condition that construction and demolition activities be carried out in accordance with the CEMP submitted.

8. Japanese Knotweed...treatment plan

It was noted on re-inspection of the site that ground level alterations had taken place on the subject site and adjacent lands to the east. The internal Ecologist has recommended that clarification be sought with respect to further details on the Eraginate treatment process and whether this involves or requires the removal of contaminated topsoil from the site.

9. Playing Pitches

Confirmation has been provided that no lighting of the playing pitches is proposed.

10. Public Lighting

An Outdoor Lighting Design Report has been submitted in response. The Public Lighting Engineer has reported that the details submitted are not acceptable they do not comply with CCC standards. In this regard clarification is recommended for revised details.

11. ‘Needs’ or ‘justification’ report.

In response to this request a letter from the Department of Education has been submitted which states that 24 classrooms is required to meet the requirement of the

area, referring to the temporary school accommodation in operation on the grounds of Douglas Hall AFC and Garryduff Sports Centre.

Permission Granted was subject to 51 conditions. Conditions of note are summarised as follows:

C2. The schools shall not be used for adult education classes, or any other activities, to which members of the general public would have access, after 18.00 hours, without a separate planning permission for such use having first been obtained.

C3. The proposed ball courts and pitches shall not be floodlit without a separate planning permission having first been obtained. The proposed site lighting shall not incorporate any floodlighting of these courts/pitches. The ball courts / pitches shall not be used between the hours of 18.00 and 08.30.

C6. The site shall be landscaped in accordance with the scheme submitted on the 28/05/18, unless otherwise agreed in writing with the Planning Authority. All planting shall be carried out within the first planting season following occupation.

C7. All planting shall comply with the specifications of the landscaping scheme agreed, shall be maintained by the developer and if any plant should die it shall be replaced within the next planting season.

C8. With the exception of existing trees indicated for removal on the roadside boundary as per the landscaping plan submitted on the 28/05/18, All trees identified for retention in the Tree Survey Report shall be retained in their entirety and shall be maintained to form a feature of the proposed development.

C9. Retaining structures and boundary walls shall be constructed in accordance with the details submitted on the 17/09/18, unless otherwise agreed in writing with the Planning Authority. A letter of certification shall be provided by the Design Engineer responsible for the Retaining Walls, confirming that the structures have been

constructed as per the design and as per the as-built drawings/details. Alternatively, this certification shall be provided by a suitably qualified structural design engineer, to the Planning Authority's satisfaction.

C11. All works will take place in accordance with ecological mitigation measures as set out in the Ecological Impact Assessment Report, the Tree Survey Report and CEMP as submitted with the planning documentation, under the supervision of an ecologist and/or tree specialist.

C12. Sets out that before development comes into operation, applicant shall submit a Schools Travel Plan for written agreement with the Planning Authority.

C13. The school development shall include the provision of the pedestrian and cycle connection to the proposed Ballybrack Cycle Track.

C14. C15. C16. C17. C18. C19. C20. C21 & C22 relate to roads and car parking.

C51. Requires the developer to pay a special contribution of €30,000 to Cork County Council, in respect of works proposed to be carried out, towards the upgrading of the public footpath and public lighting along the public road (R609).

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planners Report notes that the response to F.I. addresses all issues especially in relation to traffic and ecological matters. The need for the school has been satisfactorily justified by the Department of Education. Any outstanding issues can be dealt with by way of condition. A special development contribution of €30,000 (C.51) is considered appropriate towards upgrading of the public footpath and public lighting.

3.2.2. Other Technical Reports:

Internal Reports:

Traffic & Transport: Initial report required further information in relation to the School Travel plan proposals and visitor parking provision. Subsequent report has no objection subject to condition.

Area Engineer – Initial report requires further information/revisions in relation to provision of a right turning lane into the school from the proposed internal road, a breakdown of parking in accordance with CCDP standards, investigate the possibility of making access from the Greenway disabled accessible and provision of barriers at all pedestrian exits from the site. Report subsequent to F.I states: no objection subject to condition.

Environment – Initial report recommends deferral for a CEMP, details for the management of the sewage pumping station and a lighting plan for the playing pitches if lighting is proposed. Report subsequent to F.I no objection subject to condition.

Ecologist – Initial report recommends deferral for submission of an Ecological Impact Assessment. Report subsequent to F.I requests clarification on the treatment of Japanese Knotweed however conditions are recommended in the event of a grant of permission.

Public Lighting – recommend deferral for a design for the public lighting along the public road and spur road.

Fire Officers Report: Further Information recommended with respect to water for fire-fighting.

External Reports:

None.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

The planners report notes that there are 53 third party submissions on file. The majority of submissions received are in favour of the development referring to:

- Importance of provision of permanent school building referring to existing split campus temporary accommodation.

The planners report states that the principal points of concern raised in the 5 no. objections received relate to:

- Effect on morning and evening traffic
- Huge increase in traffic volumes
- Upheaval on wildlife in the area
- Noise impact
- Measures to prevent the spread of Japanese Knotweed on site
- Impact on privacy of neighbouring property referring to form of boundary treatment proposed and possible damage/loss to existing trees
- No mention of or consultation with Douglas Pitch and Putt club
- No cross section drawing through the Pitch and Putt club boundary
- Development out of character with the area
- No provision for loss of ground for stray golf balls
- No indication of likely height of proposed trees
- Restriction of sunlight to neighbouring course
- No surface water collections system proposed for the northern boundary and flood impacts on the adjacent course
- Position of foul sewage tank, associated odours
- Visual impact of the proposed building and planting
- Proposal out of scale for the site and out of character with the local area
- Light pollutions
- Lack of consultation
- Negative impact on Golf club lands
- Erection of site notice

4.0 Planning History

No recent site history on record.

Adjacent history

- Reg. Ref. 15/6080 – permission granted to Darryglynn Nursing home for Retention of alterations to permission granted for extension of nursing home under PI. Reg. No. Reg. Ref. 13/4159 consisting of construction of lower ground floor area for storage, plant and laundry use, minor internal alterations and associated elevational changes and associated site works.

5.0 Policy Context

Development Plan

5.1.1. The site is governed by the policies and provisions contained in the **Cork County Development Plan (2014-2020)**. The site is located within the development boundaries for Cork City South Environs as set out in the Carrigaline LAP (2017) and forms part of a larger Medium A residential zoning block. Specific Objective SE-R-06 pertains to the lands.

5.1.2. Objective SE-R-06 states:

‘Development of this site is to include the following;

Medium A density residential development to cater for a variety of house types and sizes.

3 Ha of additional open space over and above what is normally required in housing areas. This Open space should include a fully landscaped and useable public park.

Retain the existing trees and hedgerows within the overall development of the site.

A site for a primary school that could be accessed from the R609 and developed by the Department of Education in the short term.

The timing and provision of appropriate drinking water and waste water disposal services for the development including where necessary the upgrading of off-site infrastructure.

Provision of a cycleway

Consideration will need to be given to the provision of a primary school within this site at the detailed planning application stage’.

5.1.3. County Development Plan Objective 4-1: Educational Facilities which states:

‘Facilitate the provision of educational services in the community such as schools, crèches and other educational and childcare facilities. Multiuse facilities which can accommodate both educational and childcare facilities are also encouraged’.

5.1.4. County Development Plan Objective SC 4-2: Provision of Educational Facilities in Large Residential Developments.

5.1.5. County Development Plan Objective TM 3-3: Road Safety and Traffic Management

d) Ensure that all new vehicular accesses are designed to appropriate standards of visibility to ensure the safety of other road users.

5.1.6. Appendix D Parking and Cycling Standards.

5.1.7. County Development Plan Objective HE 2-5: Trees and Woodlands

5.2. **Natural Heritage Designations**

5.2.1. The site is located approximately 1.45km south-west of an existing SPA, namely Cork Harbour SPA (Site Code: 004030) and a proposed NHA, namely the Douglas River Estuary (Site Code: 001046). A detailed AA Screening Report has been submitted with the application.

5.2.2. The AA Screening Report submitted concludes that “the proposed development, by itself or in combination with other plans and projects in light of best scientific knowledge in the field, will not in view of the sites conservation objectives, have significant effects on any European Site.... (and) there is no requirement for Appropriate Assessment.”

5.2.3. Section 5.5 of the EclA sets out the following table for nationally designated sites within the likely zone of impact:

Table 5.1 Nationally Designated sites within the Likely Zone of Impact.

Designated site and code	Distance from proposed works (Km)
Proposed Natural Heritage Area	
Douglas River Estuary pNHA	1.4km
Dunkettle Shore pNHA	4.4km
Cork Lough pNHA	4.5km
Glanmire Wood pNHA	5.1km
Monkstown Creek pNHA	5.5km
Rockfarm Quarry, Little Island pNHA	5.6km
Owenboy River pNHA	6.3km
Great Island Channel pNHA	6.3km
Lee Valley pNHA	7.2km
Lough Beg (Cork) pNHA	8.1km
Blarney Bog pNHA	9.9km
Cuskinny Marsh pNHA	10.2km
Shournagh Valley pNHA	10.6km
Templebreedy National School pNHA	11.4km
Blarney Lake pNHA	11.5km
Ballincollig Cave pNHA	11.6km
Blarney Castle Woods pNHA	11.6km
Ardamadane Wood pNHA	11.8km
Whitegate Bay pNHA	12km
Fountainstown Swamp pNHA	12km
Minane Bridge Marsh pNHA	12km
Rostellan Lough, Aghada Shore pNHA	13.7km

5.2.4. It is stated in the EclA that the stream located in the woodland to the south of the site has connectivity with Douglas River Estuary pNHA. However, the site set-up and pollution prevention measures included in section 2.2 of the Ecological Impact Assessment (EclA) and the overall design of the project will ensure that all potential pathways for impact on the watercourse and on ecological sensitive habitats / sites downstream of the development are robustly blocked.

5.3. Environmental Impact Assessment (EIA)

5.3.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Three Number Third Party Appeals received.

The issues raised are jointly summarised as follows:

Drainage

- Concern as to disposal of surface water drainage
- Location of springs or underground streams
- High water table
- Concern of flooding in the area generally and to neighbouring properties
- Gradient and flow of surface water will cause flooding of neighbours garden
- Consent to connect to the foul sewer
- Location of the sewerage treatment facility adjacent to Mr. Murphy's property is unacceptable. Concern of smell, noise pollution, rodent's attraction and possibility of sewerage leaking.
- Proposal for location of waste bins on the party boundary unacceptable.
- Prolonged noise from site works unacceptable to neighbouring property.

Noise

- Noise disruption, in particular, to residents of the nursing home
- Construction noise of concern
- Evening time use of the facility
- No condition prohibiting evening use albeit permission would have to be obtained.
- Noise from school alarms
- Noise from 600 children at play

Lighting

- Light-spill of concern for early sleepers

Overdevelopment

- The site is steeply contoured
- The overall site area of 2.3 ha while in line with Department Guidelines for a 24 classroom school in reality is restricted due to levels.
- One small play area and 3 ballcourts accessed by a very lengthy ramp is insufficient to serve a 24 classroom school.
- Scale is out of context with its surroundings

Prematurity

- Cycle link to the south is truncated.
- Scant details of the nature of the pathway
- Future connection has no time table and is stated to be at 'preliminary design stage' in the Traffic Engineers Report.
- No Part 8 – a bridge is needed to cross the stream to the south to access the 'future connection'.

Unsustainability of Site

- There is a level change across the site of some 20m
- Universal access is compromised
- Ramps are proposed between levels
- Site more suitable to residential development.

Traffic

- The most serious and concerning issue.
- Stretch of road proposed for entry / exit dangerous. Traffic gridlock twice a day will ensue.
- Experience of Ballincollig school is of relevance. Considerable traffic congestion and queueing of both cars and buses.
- Residents driveways will be blocked by traffic congestion
- Concern of cars parking on footpaths and blocking driveways.

- School closing time causes considerable congestion
- Drop off over an extended time period of 30 min can be managed somewhat better.
- There are no parking facilities available outside of the site
- Pupil numbers may / highly likely to be increased in the future
- Inadequate non-staff car parking spaces
- At least 100 non-staff parking places are required
- Difficulty of 'U'-turning to return to the city
- For a period of at least 30 min in the morning and 40 min in the evening, the Old Carrigaline Road will be completely blocked in both directions
- Alternative access via the possible future Greenway is uncertain
- Even if the alternative access is constructed were there to be an optimistic 20% reduction in car traffic, standstill would still occur.
- Query the possibility of some form of holding facility being established off site.
- Footpaths 1 m in width abutting a busy road is cause of traffic concern and child safety.
- Concern that parents will use the nursing home entrance as a dropping point and make turning movements at this location to avoid traffic congestion.
- Condition 13 of the notification of decision to grant permission is unclear. Connection to and construction of the pedestrian and proposed Ballybrack cycle track is premature and uncertain.

Impact on Neighbouring Property

- Steep ditch to the front of the appellants property along the road and footpath leading to from the school. Danger to pedestrians.
- Proposed development if constructed will necessitate the construction of a front boundary wall to neighbouring properties– expense of construction is unfair to third parties.
- Direct overlooking of front windows of adjoining residential properties.

- Negative impact upon privacy
- Boundary fencing proposed is unsuitable to protect residential amenity of neighbouring property.
- Request consultation on the nature of the materials used, that the fencing type be amended to be the same as what borders Darraglynn Nursing Home.
- Request that proposed bin location be amended away from party boundary with residences.
- Request that junior play yard be moved further away from neighbouring residences.
- No consultation took place with neighbours.
- Noise and traffic disruption over a period of 1 year during construction period.
- Scale of the development inappropriate until the existing infrastructure has been upgraded.

6.2. Planning Authority Response

Response received it is summarised as follows:

- The traffic and transportation section of CCC intend to commence the Part 8 process for Phase 4 of the Ballybrack cycle track in December 2018
- Condition no, 13 of the draft grant of planning permission required the provision of a link to the Ballybrack cycle track and this has been shown on the site plan submitted as part of the FI response.
- The proposed site entrance design is considered acceptable
- A condition was applied (C12) recommending the opening of the school one hour prior to opening and one hour after closing as part of the school travel plan with compliance details to be submitted to the p.a. for agreement.
- Concerns about scale / siting of the building need to be assessed against the site level constraints and the fact that there is a specific objective for a school at this location (zoning objective SE-R-06)

- The area engineer was satisfied with the surface water disposal details submitted
- The environment officer and area engineer are satisfied with the proposal as submitted and amended by way of F.I.
- C44 applied to the draft grant of planning permission stipulates that operations be carried out to ensure no odour nuisance occurs off site.
- C43 applied to the draft grant of planning permission deals with potential noise level thresholds.

6.3. First Part Response

6.3.1. Two number first party responses were received they are jointly summarised as follows:

Community Asset

- This is a proposal for a primary school on zoned lands
- 53 no observations submitted to the p.a. most of them were positive
- Proposed school will replace a school operating in a temporary premises since 2013
- Applicant is willing to consider minor amendments to the proposal to address some of the appellants concerns.

Prevention of stray golf balls entering the site

- Its is unreasonable to assume that zoned lands would remain undeveloped due to possibility of stray golf balls
- Objective SE-R-06 requires that the development of the zoned area is to include a site for a primary school.
- Advantageous arrangement for the appellant, in relation to stray golf balls, is not a planning concern
- The applicant is under no obligation to replace this asset.
- Principle of erection of a fence to prevent stray golf balls is acceptable to the applicant, if permission is forthcoming.

- Proposed boundary treatment between the site and the pitch & putt course was a 2.4m high wire and mesh fence. The applicant proposes to amend this to erect a ball-stop net (15m high) above the proposed fence.
- Request that the Board deal with the issue of golf ball net by way of condition, details to be agreed with the p.a.
- Should the Board feel that such a condition cannot be authorised by way of condition, the applicant is willing to pursue a separate planning application for a revised boundary to CCC.

New trees and planting near site boundary

- The revised landscape plan shows the reconfiguration of the proposed landscape arrangements, incl. the removal of many trees close to the boundary with the pitch and putt course.
- The proposed 'T7' trees have been replaced with smaller species of tree.
- Each tree is now a minimum distance of 6m from the site boundary
- A root protection barrier is now proposed
- It is not considered that the boundary treatment proposed would impact upon the pitch and putt course and would affect levels of sunlight.

Surface water drainage

- There is a proposed embankment on the eastern boundary.
- Internal paths and roadways fall towards the permeable paving areas or the gullies proposed.
- Positive surface water drainage system proposed.

Foul sewerage

- Foul sewerage proposal acceptable to Cork County Council
- The foul pumping station is located at sufficient distance from the site boundary to minimise the risk of odour, noise and vibration nuisance.
- There is minimal risk of odour due to short retention time of foul sewer in the rising main.

- The applicants offer to deliver a chemical dosing plant at F.I. stage was deemed unnecessary.

Character of the development

- The character of the area will change from its greenfield status but this is zoned lands.
- It is not considered that boundary treatments represent an important amenity to be protected.
- A 2.4m wire mesh fence is proposed the school site and the pitch and putt course, with no retaining wall. A nearby retaining wall to the play area is proposed, but this will not be visible from the boundary as the development levels down from west to east at this location.

Traffic Impact and Access

- A full TIA was submitted
- A school travel plan was submitted
- Waterman Moylan prepared a full response to appellants concerns.
- The extension of the urban area along Carrigaline Road, in line with the LAP, will help to reduce vehicle operating speeds, access to the course, which suffers from restricted sightlines because of its own boundary conditions, will benefit from the reduced vehicle operating speeds.
- The school are not in a position to have two separate start and finish times

Responses accompanied with Reports from:

- Waterman Moylan Consulting Engineers Limited – Drainage and Traffic
- Waterman Moylan Consulting Engineers Limited – Traffic, Surface Water runoff, Sewerage & Waste
- Drawing A1613-DK29/11 – Proposed Timber Fencing Boundary Type E

6.4. Observations

6.4.1. Two observations, objecting to the proposed development have been submitted, they are jointly summarised as follows:

Douglas Golf Club

- Does not object to the principle of the development
- Concern of trespass by students onto golf club lands
- Suitable boundary between the golf club lands and the appeal site is required at the expense of the applicant.
- Need to allay potential concerns arising from stray golf balls
- The golf course is already at the very minimum area required to sustain an 18 hole golf course and hence any intrusion on the golf course for any improvements to the R609 Carrigaline Road would render the course non-viable.
- Concern that golf club lands would be subject to CPO to improve road infrastructure

Traffic

- Concern with respect impact of cumulative traffic increase in the area, from housing / zoned lands and the proposed school.
- Carrigaline Road forms western boundary to the golf course; improved infrastructure along the R609 may be required with a requirement for lands from the Golf Course.
- Negative impact upon the golf club would be inconsistent with objectives of the Cork County Development Plan as well as SE-O-13 of the Ballincollig Carrigaline LAP 2017.
- Trip generation rates used in the TTA are low and assume a high uptake of sustainable transportation modes, high 'occupancy level' (2 students per car) for vehicular trips.
- The applicant did not carry out any traffic count as part of the TTA and instead references traffic figures set out in the primary school application

- Concerned that the school travel plan (as required by way of draft decision C12 of Reg. Ref. 18/05369) would be ineffective, undeliverable and unenforceable.
- A significant special development contribution should be attached by the Board, towards the provision of necessary transport infrastructure.
 - Future bus lanes, set down area, carriageway upgrade, improved pedestrian and cycle facilities along the R609.
- Public footpath along the Carrigaline is not suitable for children and is too narrow for such a busy road.
- Concern with respect to street lighting on the public road and impact upon residences

Residential Amenity

- Boundary treatment proposed between Mary Galvin's home and the appeal site is inappropriate.
- Negative impact upon privacy
- Concern with respect to noise
- Wellbeing of neighbours during construction phase
- Impact upon trees along boundaries
- Access to the site has been altered without planning permission

Environmental Impact

- Concern with respect to dust, noise, odour, litter, during construction phase
- Endorse C35 of the draft decision to grant permission
- Concern with respect to noise generation
- Working hours should be restricted to 08.00 – 18.00 Mon – Fri and 08.00 to 16.00 on Saturday, with no Sunday working,
- Concern around treatment and removal of invasive species off the site, unclear if works to date have been carried out under licence from the NPWS
- Observations Accompanied with:

- Report from MHL & Associates Ltd. For Douglas Golf Club entitled 'Proposed Post Primary School, Douglas' Planning Reg. Ref 18/6246. (It is noted the subject application relates to a primary school on foot of Planning Reg. Ref. 18/5369)
 - Report highlights a number of assumptions on which both Traffic and Transportation Assessments have been based, which are below standard and of cause of some concern.
 - Neither reports provide an analysis of the various design year scenarios.
 - Both TTA's for the respective schools carry out independent traffic analysis, without referencing traffic generation by the other development.
 - Concern with respect net cumulative impacts
 - Traffic modelling carried out in the TTA utilises the extremely conservative traffic generation and traffic growth assumptions set out in the respective TTA's
 - The two school proposals assessed their impact in isolation, does not give an accurate picture as to their effect
 - Significant capacity issues will result on the local road network
 - Any intrusion on the golf club lands to improve infrastructure would be unacceptable.

6.4.2. An observation, in support of the proposed development, was submitted by McCutcheon Halley on behalf of Cairn Homes Properties Ltd. It is summarised as follows:

- Cairn are the owners of the subject appeal site as well as the surrounding residentially zoned lands for which proposals for a SHD are currently being processed (ref. ABP-302564-18) – 450 dwelling units
- Express support for the development as well as the surrounding residentially zoned lands.
- The proposed development will have primarily a positive impact on the surrounding area.

- The lands are zoned and there is a long standing specific objective for a primary school attached to the lands.
- There is a clear need for the school
- Temporary nature of the current school accommodation, rapid growth in demand for student spaces.
- The requirement to provide permanent accommodation is important. The proposed development is in accordance with the policies and objectives of the Cork County Development Plan (CCDP) 2014 and the Ballincollig Carrigaline LAP 2017
- The school is optimally located towards the south of the settlement, where future growth of the south environs is anticipated.
- The design and layout of the school has been carefully considered and planned.
- The submitted travel plan, traffic and transportation assessment and additional further information submitted by the client have provided quantitative analysis and empirical data which confers that the development will not have a significant impact on the local traffic and transportation network
- Connection to the proposed Greenway will ensure that the proposed school is accessible to pedestrians and cyclists from both existing and proposed residential areas linked by the Greenway.
- The Greenway is part of a wider transportation plan for Douglas.
- The Greenway currently culminates 200m to the west of the appeal site.
- The off – road connectivity across the south environs, together with the provision of a bus stop on the Carrigaline Road will ensure that the school maximises the potential use of sustainable transport modes and mitigates the impact on the existing local road network.

6.5. Further Responses

- 6.5.1. Two responses have been received on behalf of Margaret O'Sullivan and Mary Conroy. The raised are similar issues to those already raised in their third-party appeal and the responses seek to further concentrate on the inadequacy of the existing footpath width (which it is submitted is 1.2m in places). The adequacy and accuracy of the TTA is queried, number of car parking spaces proposed is inadequate, number of drop offs / collections required is seriously under estimated (concern with respect to traffic queuing / waiting to pick up at school closing time, where will they wait, serious cause of congestion and blockage of Carrigaline Road). Concern with respect to location of a pedestrian barrier at the western boundary of the site. Concern for health and safety of cyclists and school children using the inadequate access road (R609 Carrigaline Road). Overloading of some elements of the junction queue capacity is forecast. The comparison with the school in Ballincollig is highly relevant and should not be dismissed by the applicant. Usability, accessibility and connectivity to the Greenway is uncertain. The site is unsuitable for any school and particularly for a school of the scale proposed, cognisance being had to traffic issues, steepness of the site and the lack of parking. The specific objective relates to 20 ha of residentially zoned lands but the school site is squeezed into a particular corner.
- 6.5.2. Two responses have been received from Douglas Pitch and Putt Club. They raise similar issues to those already raised in their third-party appeal and the other appeals and further highlights issues with respect to traffic safety concerns. Concern that the approach road / access road serving the school is also proposed to serve Cairn Homes Development of up to 450 homes. Acknowledge and appreciate the amendments made by the applicants and trust that they will be implemented. Raises concerns with respect to change in levels at the boundary of the site abutting the Pitch and Putt course and direction of drainage, which it is submitted is directed towards the Pitch and Putt Course. Concern proposal will lead to flooding. The foul system proposed puts the Course at risk. Concern over proximity and visual impact of a retaining wall, over 2 m in height, proposed close to the boundary with the pitch and putt course. Traffic and access concerns reiterated. Parking, u turns and use of pitch and putt club car park and entrance by school traffic is highlighted. Concern

that works on the site will affect the stream (silt) esp. during construction phase, this will block the pitch and put course irrigation system.

- 6.5.3. A response was received from David Murphy and Sheila Murphy. It raises similar issues to those already raised in their third-party appeal and seeks to further concentrate on concerns of foul water drainage, surface water drainage, flooding, noise impact from play areas and boundary treatment. The amendments to rear boundary treatment proposed by the first party are welcomed, however, response to boundary treatment to the front of their property is considered inadequate. Concern is further expressed with respect to traffic congestion on the Carrigaline Road. Location of the bin storage and response by the first party that an alternative suitable location not being available on the site is criticised. It is strongly held that the site is unsuitable for a school development, such as that proposed.

7.0 Assessment

The issues of the subject appeal case can be dealt with under the following headings:

- **Principle of the Proposed Development**
- **Impact Upon Residential Amenity of the Area**
- **Traffic/Parking/Access Issues**
- **Foul Sewerage**
- **Surface Water Drainage**

7.1. Principle of the Proposed Development

- 7.1.1. The site is located within the development boundaries for Cork City South Environs as set out in the Ballincollig – Carrigaline Municipal District Local Area Plan 2017 and it forms part of a larger Medium A residential zoning block, see policy section 5.0 of this report above.
- 7.1.2. The appeal site is therefore located on lands with appropriate land-use zoning and under which there is a local objective (i.e. SE-R-06) for school development under the Carrigaline Local Area Plan 2017. Objective SE-RE-06 of the Ballincollig – Carrigaline LAP 2017 specifically requires that a site be set aside for the delivery of a school on the zoned lands.
- 7.1.3. It is submitted by the first party that the particular site identified for the development of a school and new road connection to future residential development, is being provided in advance of residential development on the remainder of the zoned lands. Cognisance is had to the Strategic Housing Development (SHD) proposal for 446 no. units (259 no. houses, 182 no. apartments), creche and all associated site works on residentially zoned lands which overlap with and extend beyond the appeal site boundaries. The Boards decision of 12/11/2018 Requires further consideration / amendment.
- 7.1.4. The Department of Education submit that a 24 classroom primary school is essential to meet the requirement of the area, referring to the temporary school accommodation in operation on the grounds of Douglas Hall AFC and Garryduff

Sports Centre. It is also stated that following a nationwide demographic exercise the necessity for Douglas Rochestown Educate Together NS was re-affirmed and that it is critical that the permanent accommodation proceeds as soon as possible.

- 7.1.5. The proposed development would result in the removal of temporary prefabricated buildings and replacement with a permanent purpose-built school. The proposed development would serve to greatly enhance the facilities being provided within the school complex.
- 7.1.6. It is submitted that the proposed development represents the appropriate and sustainable option for the provision of a new primary school campus to serve the Cork southern environs area in Douglas, Co. Cork, which shall provide permanent accommodation to the Douglas Rochestown Educate Together National School, which has operated in temporary premises since 2013.
- 7.1.7. The proposal is compatible with Development Plan policy in relation to the provision of school facilities, namely Policy SE-R-06. I therefore consider that the proposal is acceptable in principle and consistent with the zoning objective for the area.

7.2. Impacts Upon Residential Amenity of the Area

- 7.2.1. The school building is 2/3 storeys in height and is placed on an east – west orientation, with the narrow western elevation facing the pitch & putt course. A separation distance of 35m is provided between the pitch and putt course and the school building with an aspect of 18.5m from the boundary.
- 7.2.2. The school has been designed having regard to operational requirements as per the Planning Report submitted. A mix of brick and render finishes are proposed with a sloping flat roof form with coloured PVC membrane finish. I agree with the planning authority that in terms of visual impact the split-level approach, set below the adjacent public road is considered to represent a good approach to development of the site.
- 7.2.3. Third party concern is raised with respect to Technical Guidance Document 025 of the Department of Education and Skills; while the site area of the appeal site is 'in line' with the guidance document, the third parties allege that the site is unsuitable due to the steeply contoured nature of the site, giving rise to a lot of 'dead space'. Concern is raised with respect to the lack of soft play areas and it is argued that the

hard surface ball-courts cannot be used for overflow car-parking as they are located behind the school at a lower level.

- 7.2.4. This is a steeply sloping site with site levels set below the adjacent public road level and levels falling steadily towards a watercourse adjacent to the rear site boundary. A topographical site survey showing existing contours and extended site sections have been submitted. It is proposed to provide a level platform parking area at the eastern end of the site bordering the public road. An extensive level of cut is proposed at the front of the site with some fill planned to the rear of the school building to create a platform for the playing pitches. Retaining walls are proposed to stabilise the proposed site ground levels.
- 7.2.5. The planning authority consider that given the existing land profile, practically a degree of stepping of levels will be required and the approach as presented is on balance considered to be acceptable as discussed with the SP and SEP for the area. It is noted that the proposed retaining wall with attached 2.4m high weldmesh fencing above would be situated in a very elevated position relative to the stream and potential future walkway below. In this regard the retention of the existing mature tree line on the stream boundary is considered essential and an explicit condition recommended requiring the retention of same and proposals for protection at construction stage having regard to the extent of ground works proposed. This is considered reasonable and appropriate.
- 7.2.6. Having regard to the positioning of the building relative to neighbouring structures it is considered that there are no overlooking or overshadowing issues with the development proposal.

Boundary Treatment

- 7.2.7. Third party concern has been raised with respect to the proposed boundary, to the south east, comprising a 2.4m wire mesh fence in front of a hedgerow between the appeal site and Mr. and Mrs Murphy's rear garden. Mr and Mrs Murphy raise this as a concern, with lack of privacy, noise, leaves and weeds being identified as problems with the proposed wire fence.
- 7.2.8. The applicant's response to the appeal submits that they will alter the fence in favour of a timber fence type, similar to that already erected as a boundary between Darraglynn Nursing home and the appeal site. The applicant submits that they are

willing to accept a condition to any grant of planning permission requiring the boundary at this location to be provided in accordance with the detail of Drawing No. A1613-SK29/11 submitted with the appeal response. It is noted that Mr and Mrs Murphy consider this amendment acceptable.

- 7.2.9. Cognisance is had to concerns raised by the pitch and putt club. The applicant submits that they are committed to providing a ball-stop net at the boundary with the pitch and putt lands. It is also proposed to alter the location and species of trees near the western boundary, to prevent any encroachment by roots or overhanging branches onto the pitch and putt course. This amendment is considered appropriate and acceptable.
- 7.2.10. I recommend that a condition be attached requiring that boundary treatments, in accordance with Drawing No. A1613-SK29/11 (submitted to An Bord Pleanála on the 03rd December 2018) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Noise and Light Impact

- 7.2.11. Third party concern is raised with respect to noise from the junior play area and lighting of the school site, in particular its associated ball courts and street lighting. The first party submits that the noise impact from the junior play area will be mitigated. Given that the play area is located at a lower level than the nursing home or residential properties and a retaining wall is proposed along the play area's northern edge which will act in part as a noise barrier. I accept the submission by the first party that the junior play area is not large and will be used on a staggered basis by the students.
- 7.2.12. It is acknowledged that the changing nature of the area is of cause of concern to existing residents. However I note conditions attached to the draft decision to grant planning permission and consider that subject to good management practices and compliance with conditions that the proposed school would not give rise to negative noise and light impact.
- 7.2.13. Of note are conditions attached to the draft decision to grant planning permission in particular:
- C2; that the school shall not be used for adult education classes, or any other activities, to which members of the general public have access, after

18.00hrs, without a separate planning permission for such use having been obtained first

- C3: the proposed ball courts and pitches shall not be flood lit without a separate grant of planning permission and their use restricted between the hours of 18.00 and 8.30,
- C32 which requires that a public lighting plan be submitted for written agreement prior to commencement of development and
- C43 applied to the draft grant of planning permission deals with potential noise level thresholds

7.2.14. I am satisfied that issues raised can be adequately dealt with by way of condition and compliance stage.

Bin Storage

7.2.15. Third party concern has been raised with respect to location of proposed bin storage close to the boundary with neighbours rear garden, suggesting that bins will attract rats and cause odour nuisance. It is submitted by the first party that the proposed location is the only practical location available, as it is the only level access location with direct access to the school, and which does not require wheeling bins to be wheeled uphill or on steeply sloping ground.

7.2.16. Given ground level changes and the presence of a high timber fence in addition to C44 applied to the draft grant of planning permission which stipulates that operations be carried out to ensure no odour nuisance occurs off site I am of the opinion that the location of the bin storage is acceptable. This is a primary school site and good health and safety and management practices are compulsory. I do not anticipate that bin storage would give rise to a negative odour, vermin or nuisance impacts.

7.2.17. Having regard to all of the information before me, and having conducted a visit of the site and its environs, I am of the opinion that the proposed development is generally acceptable in principle. I consider that the height of the proposed development, together with the separation distances involved and the orientation of the site is such that the impacts on amenity would not be so great as to warrant a refusal of permission.

- 7.2.18. The proposed development is required to meet the requirements of the area, replacing temporary accommodation in operation on the grounds of Douglas Hall AFC and Garryduff Sports Centre. The school building and ancillary facilities are generally to be welcomed in residential areas, subject to the proper planning and sustainable development. Given the development rationale submitted by the applicants I am satisfied that the school size has been informed by census information with the intention to ensure there is adequate capacity for the local area. Regard is had that the proposed facility which represents a replacement of an existing primary school, would be in use, in the main, during the academic year, namely 167 days a year.
- 7.2.19. I do not accept that the proposed facility would detrimentally impact on the amenity of the area. I have no information before me to believe that the proposed development if permitted would negatively impact upon residential amenity or lead to devaluation of properties in the vicinity.

7.3. Layout/Traffic/Parking/Access Issues

- 7.3.1. The proposed site has direct access to the existing Carrigaline regional road. The plans lodged show a road connection into the residentially zoned lands from which the school will be accessed.
- 7.3.2. Third party concern is raised that as a consequence of the school development, traffic congestion on roads surrounding the school would be intolerable. It is contended that the existing roads infrastructure is deficient to accommodate a school of the scale proposed, especially when taken in conjunction with the planned secondary school further to the west of the Carrigaline road and the traffic associated with the SHD proposal. Particular concern is expressed with respect to width of footpath on Carrigaline road, narrow width of the road, inadequate provision of car parking / drop off / waiting car parking spaces, lack of bus parking spaces and fear of queueing and congestion resulting in grid lock, blocking of driveways and U-turns on the Carrigaline Road, making it difficult and unsafe for residents / patrons to enter and exit their homes, the nursing home or the pitch and putt course.
- 7.3.3. A Traffic and Transportation Assessment was submitted with the application. A revised school travel plan was submitted. It is submitted that the school will not be in

a position to operate two separate start times and finish times. The usual practice of junior and senior infant classes closing an hour earlier than other classes is intended to be continued. A commitment has been provided to open the school grounds 30 minutes before classes start. The SE (Traffic and Transport) has recommended that application of a condition stipulating that the school open one hour prior to opening and one hour after closing time. Confirmation has been provided that a School Travel Manager shall be appointed. The SE (Traffic and Transport) is satisfied with the response subject to the application of a condition stipulating a number of measures with final details of the School Travel Plan to be agreed prior to the commencement of development. I agree that a condition should be attached which stipulates that the school shall be open to receive pupils into the school building at least 1 hour in advance of each designated start time and it shall remain open for one hour after closing time.

- 7.3.4. A total of 47 no. spaces (including 3 no. disabled spaces) have been provided on the revised layout drawings as per CCDP (2014-2020) standards. The rationale for on-site parking provision for staff, visitor car parking spaces and drop off / pick up spaces is based on approx. 3 vehicles using each space during the AM peak and 50% modal split. It is contended that the parking provision is therefore adequate. A reduction in vehicle speeds on the access roadway is anticipated.
- 7.3.5. An Autotrack swept path analysis including a cover letter from consulting engineers has been provided confirming that the internal circulation arrangement within the school is sufficient for school bus turning and set down/pickups. A bus pull in area is proposed on the roadside boundary adjacent to the public road edge on the west side of the main entrance and the consulting engineer's response states that the occurrence of bus drop offs within the site will not be regular as it is proposed to use the lay-by as the main drop-off point. The AE and SE (Traffic and Transport) are satisfied with the response submitted.
- 7.3.6. The first party submits that the school will be located in the heart of the catchment area it serves. The signalised intersection has been designed to perform within capacity to future design year 2033. The net effect of relocating the existing temporary school accommodation to the appeal site will be to reduce traffic on the local road network. The traffic and access arrangements have been designed to cater for the school operating at full capacity, alongside the full development of the

adjoining residential lands, and the M28 Motorway being in operation. The Modal Split proposed in the Traffic and transport Assessment is achievable as the school will be relocated into the heart of its catchment area, adjacent to the Ballybrack Greenway and local bus routes, with 42% of students living within 4 Km, and adjacent lands all zoned for residential development.

- 7.3.7. It is the opinion of the traffic and transportation department of Cork County Council that the road layout, set down areas and car parking proposed is acceptable, subject to conditions, including a special development contribution of €30,000 towards the upgrading of the public footpath and public lighting. Having cognisance to the zoning of the site, the specific objective SE-R-06 and established need for permanent quality school accommodation I consider that the current proposal is acceptable on the subject site from a traffic, access and parking perspective. I am cognisant that the Green Schools Programme encourages walking and cycling. I note the proposal for a school travel plan which will encourage sustainable modes of transport such as use of buses, carpooling and other initiatives to discourage car use. On-site management of traffic is necessary, on a daily basis, given the scale of the school. There is a need for a workplace travel plan with monitoring to be put in place.
- 7.3.8. Third party concern has been raised with respect to potential impact upon privacy and potential risk of injury to children from increased footfall on the Carrigaline Road, in particular, to the front of 'Maryborough' and 'Manitou' cottages. Concern is raised with respect to the width of the footpath (c. 1.2m in places) leading to from the school and the steep ditch to the front of the appellants property along the road being a danger to pedestrians; in particular boisterous school children. It is contended that the proposed development, if constructed, will necessitate the construction of a front boundary wall to neighbouring properties. The expense of construction is unfair to third parties.
- 7.3.9. It is submitted that steps are being taken to improve the Carrigaline Road, incl the provision of a right-turn lane, a fully signalised junction and a widened footpath in front of the site, which will serve to reduce traffic speeds and create a safer environment for pedestrians.
- 7.3.10. It is submitted that increased footfall on Carrigaline Road will be mitigated substantially by the provision of a connection to the greenway, to the south of the

site. The character of the Greenway is such that it will be far more attractive option for pedestrians and especially children. As such, it is submitted that the actual foot traffic increase on Carrigaline Road will be negligible.

- 7.3.11. The first party response submits that it would not be possible as part of the appeal process to address the boundary treatment to the front of the appellants properties as it does not relate to the appeal site. However, the applicant is willing to engage with them separately on this issue. I note conditions; C51 in respect of the requirement for a special contribution of €30,000 towards the upgrading of the public footpath and also C13 requiring the provision of the pedestrian and cycle connection to the proposed Ballybrack Cycle Track. I agree that the boundary treatment and privacy for residents, outside of the appeal site boundaries and not directly abutting the site and in the public realm, is not necessarily a relevant planning matter to this application.
- 7.3.12. In conclusion, I consider the proposed site entrance design is acceptable. I note the number and location of on-site car parking, set down and drop off areas and consider same to be acceptable. The current proposal represents the changing nature of the area which it is acknowledged will have a knock-on effect to the local area generally. I am of the opinion that the proposal, if permitted, will lead to increased traffic in the local area, however, cognisance is had that it will be replacing temporary school accommodation elsewhere. Given the information on file, layout proposed, measure proposed to be implemented incl. school travel plan and a school travel manager I consider that the proposal will not lead to or exacerbate the obstruction of road users or the creation of a traffic hazard it should not therefore be refused planning permission on grounds of traffic hazard. If the Board is disposed towards a grant of permission, I recommend that a condition be attached which requires that a detailed workplace travel plan be put in place and that monitoring be carried out by the planning authority.

Greenway

- 7.3.13. It is acknowledged that at present there is no cycling infrastructure in place on the public road adjacent to the subject site. A pedestrian and cycleway access is proposed on the southern site boundary to connect into a future proposed Greenway/cycle track on lands to the south of the subject site. Provision has been made for 88 no. bicycle parking spaces. It is noted that the proposed Greenway to

the south of the site is an off-road track which inherently would encourage higher usage rates. Delivery of this infrastructure is critical to achieving a modal shift for school users.

- 7.3.14. Third party concern is raised with respect to the future connection to the Greenway, prematurity of the proposal in advance of the delivery of the Greenway, suitability of the greenway for cyclists due to level of entry and provision of steps along the route and timely delivery of the Greenway.
- 7.3.15. The future connection to the cycleway / greenway is a local objective of the lands under the Ballincollig – Carrigaline LAP 2017, under Objective SE-R-06.
- 7.3.16. It is submitted that the Ballybrack Greenway (Phase 1 to 3) has been completed / extended to within 300m of the western boundary of the proposed school site. Phase 4 of this greenway will see the completion of a full greenway link from Douglas Village c. 1 Km northwest of the site to Maryborough Ridge c. 1 Km southeast of the site and includes a dedicated link to the school site over the existing stream. The applicant submits that they are committed to facilitating the provision of the greenway link and this will be delivered by CCC under a Part 8 scheme for phase 4 of the greenway.
- 7.3.17. The p.a. attached a condition (C13) to the draft grant of planning permission in respect of delivery of the Greenway. It states: 'The school development shall include the provision of the pedestrian and cycle connection to the proposed Ballybrack Cycle Track.' This I agree with the first party is an explicit requirement that the connection to the south of the site is provided as part of the school development.
- 7.3.18. The response from the planning authority confirms that the Greenway is to be delivered by CCC under a Part 8 scheme which is to be underway 'soon'. As part of the design CCC have co-ordinated the greenway design with the school design. (It is indicated in August 2018) As part of the design CCC have co-ordinated a tie-in level of 43.00m OD (Malin Head) to the rear of the school. This includes a dedicated link (including bridge) to the school site over the existing stream at a gradient of c. 3.6% enabling cycle access.
- 7.3.19. I highlight that the planning authority response states that the traffic and transportation section of CCC 'intend to commence the Part 8 process for Phase 4 of the Ballybrack cycle track in December 2018'. Given the assurance made by the

planning authority, it being the competent authority on the matter, I consider it would not be appropriate to refuse planning permission on grounds that the proposal is premature in the absence of or connection to the Greenway.

7.4. Surface Water Drainage

- 7.4.1. Third party concern is expressed with respect to historic issues on the site, due to high water table levels. It is submitted that there are a number of springs or underground streams detected during the construction of the nursing home, c. 2 years ago.
- 7.4.2. The first party submits that site specific geotechnical investigations were undertaken in 2017, with no groundwater encountered. Any outflow pipe discovered during site development can be connected to the proposed surface water system.
- 7.4.3. Report prepared by Waterman Moylan provides a full technical response to the issues raised in the appeal. The response confirms that the drainage system proposed will direct flows away from the neighbouring properties.
- 7.4.4. With regard to surface water disposal it is proposed to discharge runoff to the Moneygurney stream running parallel with the rear site boundary. It is proposed to restrict runoff rates to the Greenfield rate via hydrobrake with excess rates stored in attenuation tank (525m³ & 54m³ capacity) south of the school building under one of the playing pitches and under the internal access road close to the site entrance. Detailed design calculations have been provided with the system designed in line with SUDS to cater for the 1 in 100 year event.
- 7.4.5. The area engineer has no objection to the development proposal from this perspective subject to exact details being agreed prior to the commencement of construction. Overall, I note that the area engineer was satisfied with the surface water disposal details submitted.
- 7.4.6. It is my opinion there is no information before me to suggest that the proposed development should be refused planning permission on grounds of public health and safety. I am satisfied that issues raised can be adequately dealt with by way of condition and compliance stage.

7.5. Foul Water Drainage

- 7.5.1. Third party concern is raised with respect to the capacity of the local public foul sewerage network. It is claimed that a section of the public network was installed by the appellant during the construction of the Nursing Home. The 'question of ownership and consent to connection' is mentioned in the appeal submission, but no specific query is raised.
- 7.5.2. Concerns about the positioning and functioning of the sewage tank/pumping station have been expressed in the objections received. Of concern is the proposed location of the pumping station and proposed 'sewage treatment plant' within 'a few feet' of a neighbouring dwellings boundary and it is requested that it be moved elsewhere.
- 7.5.3. An internal foul effluent storage tank 70m³ and foul pumping station with an associated rising main is proposed directly north of the school building behind the neighbouring nursing home. It is submitted by the applicants consulting engineer that there will be no septicity in the rising main and a chemical dosing plant can be installed as part of the pump station if required. Reference is also made to the separation distance of the pump station from the proposed school building (12m) and neighbouring property (11.5m) exceeding the 10m minimum separation distance for a Type 2 pumping station.
- 7.5.4. The appellants are concerned that the pumping station will attract rodents and that in the event of a power cut that lasts more than 24 hrs the pumping station might overflow, giving rise to odours. The first party refer the Board to the report prepared by Waterman Moylan which it is submitted provides a full technical response to the issues raised in the appeal. It is contended that the foul pumping station is located at sufficient distance from the site boundary to minimise the risk of odour, noise and vibration nuisance. There is minimal risk of odour due to the short retention time of the foul water in the rising main. The applicants offered to deliver a chemical dosing plant at F.I. stage, as an extra measure. However, the p.a. did not include such a requirement in its notification of decision to grant permission. It is submitted that if a section of the sewer is in public ownership, that section can be by-passed. It is submitted however that the access arrangements have been agreed with Irish Water (IW).

7.5.5. There is no objection from the engineering reports on file or from the Environment Department. It is noted that the EO has recommended the application of a condition that there should be no operations carried out so as to ensure that no odour nuisance occurs off site. I consider the location of the pumping station / sewerage tank complies with relevant regulations in this regard. The engineering reports returned have no objection to the proposed foul effluent disposal arrangements. There is no information before me to suggest that the proposed development should be refused planning permission on grounds of negative impact to public health and safety. I am satisfied that issues raised can be adequately dealt with by way of condition and compliance stage.

7.6. **Other Issues**

7.6.1. **Flooding**

7.6.2. There is presently a watercourse running parallel with the rear site boundary with ground levels across the site falling steeply towards same. The site is located outside any designated flood risk zone as per the LAP zoning maps and there are no recorded flood events in the vicinity of the site having reviewed the OPW historic flooding maps. However, a Flood Risk Assessment (FRA) has been submitted with the application documentation assessing potential tidal, fluvial and pluvial flood risk. The FRA has outlined a low level of flood risk and contends that the risk of flooding have been mitigated across the development making reference to limiting surface water runoff to the Greenfield rate. The AE has no stated objection to the proposal from a flood risk perspective noting that exact attenuation details should be agreed prior to the commencement of construction. Given the foregoing, there is no information before me to suggest that the proposed development should be refused planning permission on grounds of flood risk.

7.6.3. **Construction Period**

7.6.4. Third party concern has been raised with respect to siltation of the stream, noise, dust and disruption from construction traffic. The EclA and the CEMP submitted is noted and considered acceptable in principle. I am of the opinion that the proposed development is acceptable, subject to a condition being attached to any grant of

planning permission, which requires that the development be carried out in accordance with the construction environmental management plan (to ensure protection of water quality, mitigation of dust and noise among other considerations). Subject to good housekeeping by the developer no material issues in this regard should arise. It is duly noted that the construction period is for a finite time period only.

7.6.5. I am satisfied that issues raised can be adequately dealt with by way of condition and compliance stage.

7.6.6. **Consultation**

7.6.7. Third parties have raised lack of consultation with adjoining property owners and the community as an issue of concern. The applicant, the Minister of Education and Skills submit that they do not typically engage in pre-application consultation, additional to the statutory planning consultation process which has been availed of in this instance. However, it is submitted that the applicant is happy to engage with third parties through the planning process, and for them to be facilitated at application stage and, if necessary, appeal stage.

7.6.8. Third parties have clearly been involved in the process and I see no evidence to suggest that their right of submission / objection, appeal or observation has been inhibited.

7.7. **Appropriate Assessment (AA)**

7.7.1. The closest European Sites are the Cork Harbour SPA (site code 004030) and the Douglas River Estuary (site code 001046).

7.7.2. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest Natura 2000 sites. No Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.

8.0 Recommendation

- 8.1.1. I recommend that the decision of the planning authority be upheld and planning permission be Granted subject to the following conditions.

9.0 REASONS AND CONSIDERATIONS

- 9.1. Having regard to the provisions of the Ballincollig - Carrigaline Municipal District LAP 2017, and in particular, to the land use zoning, specific objective SE-R-06 and to the nature, height, scale and design of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not adversely affect the residential or visual amenities of the area nor would it give rise to the creation of a traffic hazard in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 17th September 2018, and further plans and particulars submitted to An Bord Pleanala on the 3rd December 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 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 school shall not be used for adult education classes, or any other activities, to which members of the general public would have access, after 18.00 hours, without a separate planning permission for such use having first been obtained.

Reason: In the interest of protecting the residential amenities of neighbouring residential property

3. The proposed ball courts and pitches shall not be floodlit without a separate planning permission having first been obtained. The proposed site lighting shall not incorporate any floodlighting of these courts/pitches. The ball courts / pitches shall not be used between the hours of 18.00 and 08.30.

Reason: In the interest of protecting the residential amenities of neighbouring residential property.

4. The design, finish and use of materials shall be strictly in accordance with the details submitted on the 28/05/18, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure satisfactory architectural standards in the interests of visual amenity.

5. Finished floor levels of the proposed structure shall be in accordance with the details lodged with the Planning Authority on the 17/09/18, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of visual amenity.

6. (i) The site shall be landscaped in accordance with the landscape scheme submitted on the 28/05/18, unless otherwise agreed in writing with the Planning Authority. All planting shall be carried out within the first planting season following opening of the school.

(ii) All planting shall comply with the specifications of the agreed, landscaping scheme and shall be maintained by the developer and if any plant should die it shall be replaced within the next planting season.

(iii) A scheme indicating boundary treatments (in accordance with Drawing No. A1613-SK29/11 submitted to An Bord Pleanála on the 03rd December 2018) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This boundary treatment scheme shall provide a timber fence, (similar to that in-situ to the rear of Darryglynn Nursing home) along the south-eastern boundary and it shall also include details of a golf ball-stop net (to an agreed height between the parties and the planning authority) between the site and the pitch and putt course.

Reason: In the interests of visual amenity.

7. (i) With the exception of existing trees indicated for removal on the roadside boundary as per the landscaping plan submitted on the 28/05/18, All trees identified for retention in the Tree Survey Report shall be retained in their entirety and shall be maintained to form a feature of the proposed development. The critical root zone of trees, treelines and hedgerows to be retained will be identified by a tree specialist and fenced off before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. No trenches, embankments or pipe runs shall be sited within 7m of the trunks of the trees to be retained.

(ii) Post construction, only trees which are dangerous, dead or dying through post maturity, disease or storm damage may be felled, after submission of a tree surgeon's report to and agreement in writing with the Planning Authority excepting in the case of an emergency. Any such trees must be replaced with agreed species within one planting season of the felling.

Reason: To protect the integrity of woodland habitat within the site.

8. Retaining structures and boundary walls shall be constructed in accordance with the details submitted on the 17/09/18, unless otherwise agreed in writing with the Planning Authority. A letter of certification shall be provided by the Design Engineer responsible for the Retaining Walls, confirming that the structures have been constructed as per the design and as per the as-built drawings/details. Alternatively, this certification shall be provided by a suitably qualified structural design engineer, to the written approval of the Planning Authority.

Reason: In the interests of orderly development and residential amenity.

9. Invasive alien plant species shall be treated and removed from the site by a competent operator under the supervision of the project ecologist. Removal of soil material contaminated or potentially contaminated with Japanese Knotweed may only be carried out under license from the National Parks and Wildlife Service in accordance with the Birds and Natural Habitats Regulations.

Reason: To control the risk of spread of invasive alien species from this site.

10. All works shall take place in accordance with ecological mitigation measures as set out in the Ecological Impact Assessment Report, the Tree Survey Report and CEMP as submitted with the planning documentation, under the supervision of an ecologist and/or tree specialist. This shall include the following:

- implementation of water pollution protection measures per CEMP and EclA;
- implementation of protection measures for trees identified to be retained per the Tree Survey Report; installation of fencing of a buffer zone to the stream, which shall incorporate all of the riparian area, and shall be set at a minimum of 15m back from the stream prior to the commencement of development; and implementation of restriction on clearance of vegetation on this site during the bird nesting season (1st March to 31st August).

- The riparian buffer zone along the river bank shall be maintained in perpetuity. This area shall be a minimum of ten metres width extending back from the top of the river bank along the full length of the development.

Reason: In the interest of protection of protected species and/or habitats of high natural value.

11. A detailed workplace travel plan shall be carried out, submitted to and agreed in writing with the planning authority, prior to commencement of development. It shall be the responsibility of the school authorities to manage all school's related travel in accordance with the agreed Travel Plan. The Travel Plan shall, at a minimum, incorporate the following measures:

- a) The school shall be open to receive pupils into the school building at least 1 hour in advance of the start of class. A similar arrangement shall be in place at school closing time.
- b) It shall be the responsibility of the school authorities to monitor, and record all school's related travel on an on-going basis.
- c) It shall be the responsibility of the school authority to achieve compliance with the targets and objectives of the Travel Plan and report compliance details of same to the Planning Authority at the appropriate agreed intervals.
- d) Traffic and parking arrangements, including cycle parking shall comply with the requirements of the planning authority.

Reason: In the interest of public safety and sustainable transportation.

12. The school development shall include the provision of the pedestrian and cycle connection to the proposed Ballybrack Cycle Track.

Reason: In the interests of sustainable commuting.

13. The applicant shall agree the detailed road design with the Planning Authority prior to commencement of construction, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing.

Adequate notice shall be given by the applicant to the Planning Authority in this respect.

Reason: In the interests of orderly development.

14. The proposed access road and signalised junction with the public road shall be constructed as part of the school development, to the satisfaction of the planning authority. The detailed design of this infrastructure shall be agreed in writing with the Planning Authority prior to the commencement of development.

Reason: In the interests of road safety.

15. Prior to the commencement of any development the applicant shall submit and agree in writing the following with the Planning Authority:

- (i) a. Road surface water drainage layout;
- b. Traffic management plan;
- c. Construction program;
- d. Road marking & signage layout;
- e. Public and Traffic lighting layout & specification;
- f. Road safety audit.

All associated works shall be at the expense of the applicant.

Reason: In the interests of road safety.

- 16. (i) The applicant shall certify that the necessary permissions are in place to carry out all works on the R-609-0 road. The applicant shall submit written certification in this respect to the Planning Authority prior to the commencement of construction, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing.
- (ii) The applicant shall complete the road works on the R-609-0 in asphalt road surfacing.
- (iii) Footpath shall be re-instated at developer's expense for the full length of the road boundary to the satisfaction of the Council's Area Engineer.
- (iv) Gates shall open inwards.

- (v) Vegetation or any structure shall not exceed 1m in height within the sight distance triangle.
- (vi) Car parking shall be provided on site, prior to opening of the school, to the satisfaction of the Planning Authority.
- (vii) Prior to the commencement of development written details of the layout and landscaping of the proposed-on site car parking area shall be submitted and agreed in writing with the Planning Authority.
- (viii) All car parking bays shall be clearly demarcated with a material to be agreed with the Planning Authority.
- (ix) Tactile Paving shall be provided at all crossing points. Exact layout shall be agreed in writing with Cork County Council, prior to commencement of any construction.

Reason: In the interests of orderly development.

17. (i) Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.
- (ii) Storm attenuation measures shall be incorporated into the proposed storm water system. Full detailed storm water attenuation proposals shall be submitted to and agreed in writing with the Planning Authority prior to commencement of any development. These proposals shall include detailed, site specific design, layout and section drawings and construction details. as well as detailed proposals for the operation, maintenance and silt management of the system.
- (iii) No polluting matter, soiled water, silt or gravel shall be allowed to drain from the site into any watercourse and detailed proposals for installation and maintenance of silt traps and other measures to ensure this shall be submitted to and agreed in writing with the Planning Authority prior to commencement of any development.
- (iv) Existing roadside drainage arrangements shall be preserved to the satisfaction of the Planning Authority. Gullies shall be installed on the R-609-0 connected to the stormwater system in the site to take Road Surface Water.

(v) The applicant shall undertake an inspection of the interceptor traps monthly and shall maintain a register of the outcome of such inspections. The register shall be made available for inspection by the Planning Authority at all reasonable times.

Reason: In the interest of public health and to ensure a proper standard of development.

18. (i) The construction of the development shall be managed in accordance with the Construction Environmental Management Plan (McCarthy Keville O'Sullivan 10/09/18 Rev 01) submitted with the planning application.
- (ii) Operations on site, both during the construction phase and following commissioning shall be carried out in such a manner that no polluting material enters the watercourses around the site.

Reason: In the interests of public safety and residential amenity

19. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest dwelling shall not exceed:-

- (i) An L_{AeqT} value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive. The T value shall be one hour.
- (ii) An L_{AeqT} value of 45 dB(A) at any other time. The T value shall be 15 minutes. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

(b) All sound measurement shall be carried out in accordance with ISO Recommendation R 1996 "Assessment of Noise with respect of Community Response" as amended by ISO Recommendations R 1996 1, 2 or 3 "Description and Measurement of Environmental Noise" as applicable.

Reason: To protect the residential amenities of property in the vicinity of the site.

20. Lighting shall be provided in accordance with a scheme, which shall include lighting of pedestrian / vehicular / cycle routes through the site and car parking areas, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to occupation of the school.

Reason: In the interests of amenity and public safety.

21. No further structures, plant or antennae shall be erected on the roof of the proposed building without a prior grant of planning permission.

Reason: In the interest of visual amenity.

22. (i) All over ground tanks containing liquid fuels shall be contained in water proof bunded areas of sufficient volume to hold 110% of the value of the largest tank within the bund. All valves on the tank shall be contained within the bunded area. The bunded area shall be fitted with a locking penstock valve, which shall be opened only to discharge storm water to an interceptor. The developer shall ensure that this valve is locked at all times.
- (ii) All inflammable substances shall be stored in accordance with Fire Officers requirements.

Reason: In the interest of orderly development.

23. All site operations shall be carried out in such a manner as to ensure that no odour or dust nuisance occurs off site.

Reason: To safeguard the amenities of the area.

24. Waste storage bins shall be covered at all times when not in use and emptied on a regular basis. This area shall be maintained so as not to cause a litter nuisance.

Reason: To safeguard the amenities of the area.

25. No muck, dirt, debris or other material shall be deposited on the public road or verge by machinery or vehicles travelling to or from the site during the construction phase. The applicant shall arrange for vehicles leaving the site to be kept clean.

Reason: In the interest of orderly development.

26. During construction the developer shall provide adequate off carriageway parking facilities for all traffic associated with the proposed development, including delivery and service vehicles/trucks. There shall be no parking along the public road.

Reason: In the interest of traffic safety.

27. The developer shall pay the sum of €30,000.00 (thirty thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, as amended, towards upgrading of the public footpath and public lighting along the public road (R609). This contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Fiona Fair

Planning Inspector

20.02.2019