



An
Bord
Pleanála

Inspector's Report

ABP-304733-19

Development

Construction of Post Primary school building with physical education hall, support teaching spaces and ancillary accommodation. Cycle storage spaces, bin store/external store, ball courts, secure special play area, storage building with associated covered work area, landscaping and new entrance gates, car parking, boundary treatment and all other associated site development works.

Location

Carrigaline Road, Ardarrig, Douglas, Co. Cork

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

18/6246

Applicant(s)

Minister for Education and Skills

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party V. Refusal

Appellant(s)	Minister for Education and Skills
Observer(s)	(1) Select Vestry of Douglas Union (2) Douglas Golf Club
Date of Site Inspection	22 nd September 2019
Inspector	Elaine Power

1.0 Site Location and Description

- 1.1. The subject site is located approx. 900m south of Douglas town centre and approx. 4km south of Cork City. It is bound to the north and west by the Carrigaline Road (R609) and to the south and east by residential estates.
- 1.2. The site is irregular in shape and has a stated area of 3.97ha. It forms part of a larger landholding with the applicant's ownership, which has a stated area of 9.23ha. The site is significantly elevated. It is currently overgrown with mature vegetation and trees.
- 1.3. There are a number of gated access points from within the adjoining Maryborough Wood estate. There is no access from Carrigaline Road. The site boundaries include a stone wall, timber fencing railings and hedgerow.

2.0 Proposed Development

- 2.1. It is proposed to construct a part single, part 2-storey and part 3-storey Post Primary school building with physical education hall, support teaching spaces and ancillary accommodation with capacity for 600 no. students.
- 2.2. The school building has a contemporary design approach. The building has a stated gross floor area of 9,116sqm (including store). As the building respects the topography of the site its height varies from single storey to 3-storeys and has a maximum height of approx. 14m. The external materials include render and metal cladding. The proposed colours of the external materials are black, white, red and grey. The school would be located a minimum of approx. 75m from Carrigaline Road.
- 2.3. The development includes ball courts, secure special play area, 150sqm external storage building for wood and metal work studies with associated covered work area, and a bin store / external store.
- 2.4. Access to the site is proposed from a new 11m wide vehicular entrance onto the Carrigaline Road. 67 no. car parking spaces are proposed adjacent to the new entrance with 4 no. disabled car parking spaces adjacent to the school entrance,

150 no. cycle storage spaces, drop off and collection facilities, landscaping works and boundary treatments are also proposed.

2.5. A Landscape report, visual impact CGI's, Appropriate Assessment screening report, Invasive Species report, Tree Survey report, Arboricultural Impact Report, Flood Risk Assessment, an Engineering Assessment Report, School Travel Plan and Transport Assessment were submitted with the application.

2.6. ***Further Information lodged 2nd May 2019***

In response to the request for further information the design approach was simplified, large sections of glazing and the proposed overhang in the northern section of the building were removed and the cladding was minimised. The external finish was altered to brick and render to reflect adjoining properties.

Additional pedestrian routes within the site and through the adjoining site, which is also within the applicants ownership have also been included.

Details of retaining walls, a Habitat Survey, a Site Assessment and Management Plan, a Landscape report, visual impact CGI', photomontages, an Engineering Assessment Report, Flood Risk Assessment, School Travel Plan and Transport Assessment were submitted with the response.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reasons: -

- 1. Having regard to the location of this site adjoining the Carrigaline Road / the R855 and adjoining a draft Bus Connects corridor and to the reliance of the application documents on future infrastructure provision, including pedestrian, cycle and road links beyond the scope of the application and beyond the capability of the applicant to deliver, and to the lack of certainty regarding the delivery of future infrastructure appropriate consents etc, the Planning Authority is not satisfied that the proposed 600 pupil post primary school*

would not endanger public safety by reason of traffic hazard as the site is located adjoining a heavily trafficked road where the cross-traffic movements likely to be generated by the proposed development would interfere with the safety and free flow of traffic on the road. Furthermore the Planning Authority considers that the road network in the area, including within Maryborough Woods is inadequate to cater satisfactorily for the extra traffic movements likely to be generated by the proposed development and considers that the proposal would endanger pedestrians / cyclists, that the proposal would give rise to on road parking and that the queuing and traffic movements likely to be generated by the proposed development would interfere with the free flow of traffic, would exacerbate traffic congestion and obstruct road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the inadequate drop off area facilities, to the siting of the staff car parking areas served by very poor sightlines and to the siting of the staff car parking areas close to the main vehicular entrance, to the potential for the reversing of cars onto the access road and onto the junction of the school main entrance with the Carrigaline Road, to the potential for queuing on the Carriagaline Road, to the proposed internal road layout not being suitable for two-way traffic and to the potential for serious internal congestion, it is considered that the proposed development would give rise to obstruction of road users and would therefore be contrary to the proper planning and sustainable development of the area.
3. The proposed development would endanger public safety by reason of traffic hazard because the Planning Authority considers that the proposed internal layout would be hazardous for pedestrians and would give rise to serious pedestrian and vehicular conflict. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
4. Having regard to the location of this site within a larger area of land to which the specific zoning objective SE-O-15 applies, as designated in the Ballincollig Carrigaline District Local Area Plan 2017, within an area of land designated as active open space for informal public recreation to be landscaped and

planted, the Planning Authority is not satisfied on the basis of the information submitted that the development of a school can be accommodated, as there is a lack of clarity regarding the access to delivery of and future maintenance and responsibility for the active amenity space to the east of the school site, on land within the ownership of the applicant. Furthermore the Planning Authority is not satisfied with entrance arrangements and traffic management issues to serve the school and accordingly, to permit the proposed development would contravene the Objective SE-O-15 of the Local Area Plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial reports by the Area Planner and the Senior Executive Planner raised some concerns regarding the proposed development and recommended that further information be sought regarding the following:

- The relationship of the subject site to the larger landholding which is zoned for active amenity land and within the applicants ownership.
- A justification report for the proposed school
- Revised design and layout of the school building
- Additional photomontages / CGI's
- Details of access and car parking arrangements
- A revised School Travel Plan
- Details or proposed retaining structures on site
- Details of the underground foul sewer network
- A revised tree survey

- Ecological Impact Assessment report is required
- And Invasive Alien Plant Species treatment plan is required
- Details of the use of pitches outside of school hours and any associated lighting proposals
- Details of public lighting along public roads.

The final reports considered that the items of concern had not been fully addressed and recommended that permission be refused for the 4 no. reasons outlined above.

3.2.2. ***Other Technical Reports***

County Architect final report: No objection.

Ecologist final report raises concerns regarding the limited scope of the Habitats Survey Report

Traffic and Transport final report recommends permission be refused.

Engineering final report recommends permission be refused.

Public Lighting final report recommends further information be sought.

Environment report: No objection.

3.3. **Prescribed Bodies**

Irish Water final report: No objection

Inland Fisheries Ireland: No objection

3.4. **Third Party Observations**

5 no. third party objections were received. The issues raised are similar to those in the observations submitted on the appeal.

4.0 Planning History

Subject Site

None

Surrounding Sites

ABP 302924-18, Reg. Ref. 18/5369: Permission was granted in 2019 for an 24-classroom, Educate Together National School with a gross floor area of 4,635sqm. the site is located approx. 700m south of the subject site.

ABP-304367-19: Current SHD application for 472 no. residential units, a creche and all associated site works at a site located approx. 1.5km south west of the subject site. A decision is due on the 16th October 2019.

5.0 Policy Context

5.1. Ballincollig Carrigaline Municipal District Local Area Plan, 2017

The Plan notes that Douglas is at the heart of the South Environs and is an important suburban centre that has grown very rapidly in recent years. The subject site is zoned for open space with the specific objective SE-O-15 which allows for a new school to be accommodated on the site.

Objective SE-O-15: *Active open space for informal public recreation to be landscaped and planted.*

The development of a school can be accommodated on a portion of this site, subject to satisfying the Planning Authority that issues relating to the following can be satisfactorily addressed;

- *Relationship of School site with remaining active amenity land*
- *Entrance detail and traffic management*
- *Visual impact when viewed from Douglas Village and surrounding areas.*

5.2. Douglas Land Use and Transportation Strategy 2013

The strategy notes that Douglas caters for a large number of pupils and there is a very significant level of school trips with the study area. The majority of pupils travel school by car and, consequently school traffic is a significant contributor to congestion during peak periods. It is an objective of the plan to encourage sustainable travel to schools.

5.3. Cork County Development Plan, 2014

Section 5.4 – Education of the Plan notes that schools play a significant role in the development of sustainable and balanced communities and are often the focal point of community life. Relevant policy objectives of the Plan are set out below: -

Objective 4-1: Educational Facilities.

Objective SC 5-3: Provision of New Recreation and Amenity Facilities

Objective 5-5: Recreation and Amenity Policy

Objective TM 2-1: Walking

Objective TM 2-2: Cycling

Objective TM 3-3: Road Safety and Traffic Management

Objective TM 4-1: Car and Cycle Parking

Objective HE 2-5: Trees and Woodlands

Appendix D -Parking and Cycling standards is also considered relevant.

5.4. National Policy

- The Provision of Schools & the Planning System – A code of Practice for Planning Authorities, the Department of Education & Science and the Department of the Environment, Heritage and Local Government, July 2008.
- Technical Guidance Document TGD-025, Identification and Suitability Assessment for Sites for Primary Schools, Department of Education and Skills, January 2012.

5.5. Natural Heritage Designations

The subject site is located approx. 810m south of Cork Harbour SPA (004030).

5.6. EIA Screening

Having regard to the nature and small scale of the proposed development and the location of the site, it is concluded that 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. Grounds of Appeal

This is a first-party appeal against the Planning Authorities decision to refuse planning permission. The detailed submission which addresses the reasons for refusal is summarised below.

- The proposed development is intended to facilitate the Douglas Educate Together Post-Primary School, which currently has 270 no. pupils enrolled. There is a current temporary school located at Wellington Street, in the north environs of the city. Due to the population cohort within the catchment, the area has been identified as being in critical need of additional facilities. The Department of Education has been actively seeking a site in Douglas / Rochestown for the last 5 years. It has proven difficult to find a site due to the limited zoned lands, traffic concerns, the proximity to a greenbelt and the topography of the area. Following a submission by the Department of Education during the review of the Ballincollig Carrigaline Municipal District Local Area Plan, 2017 the subject site was rezoned to allow for educational uses.
- The site has recently been absorbed into Cork City Councils administrative boundary. Cork County Council did not deem it necessary to include the City Council during the planning process and it was not feasible for the applicant to

contact the City Council in relation to what arrangements would be necessary for the delivery and maintenance of the open amenity space. The applicant is amenable to enter into a Section 47 agreement with the Planning Authority regarding the use of the space. Revised drawings PA(L)00 and PA(L)51 were submitted which show potential routes through the lands. The proposal is fully compliant with Objective SE-O-15. Further details regarding the lands management and maintenance can be agreed by way of condition.

- The Planning Authority agreed the scope of the TA. The TA included an assessment of the potential impact of the school development both with and without the proposed new Douglas East West Link Bridge, which extends east-west from Grange Road to Carrigaline Road (opposite the school access). The development does not rely on infrastructure provision beyond the scope of the application. While pedestrian, cycle and road infrastructure is welcomed, the development is not reliant on them. In addition, nearly all necessary infrastructure required to serve the development would be completed in advance of the project with the remainder delivered in conjunction with the development of adjacent residential projects. The proposed development is not premature pending the completion of the Bus Connects project. Permission was granted (ABP 302924-18) for a National School approx. 1km south of the subject site with access off the Carrigaline Road and no concerns were raised regarding a traffic hazard.
- It should also be noted that the school is already established in temporary accommodation at Wellington Street in the north city environs. The existing school, which is located outside of its catchment area has a modal split of 31% for private car. The low level of private car drop-off is due to a detailed travel plan which includes private buses as there is no direct bus link to the current site. The subject site is well connected by public bus routes. The subject site is located within the centre of its catchment area immediately adjacent to existing and proposed residential developments, the proposed locations would therefore generate more trips by walking, cycling and sustainable mode than the existing location.

- In response to the further information request 12 no. spaces were proposed at Drybridge (which is outside of the red line boundary and within the blue line boundary), which is considered sufficient to accommodate the potential number of drop-offs generated by the use. A revised drawing has been submitted with the appeal which shows the provision of 18 no. spaces, which was the number of spaces originally requested by the Planning Authority. 19 no. additional drop off spaces have also been proposed within the school grounds, along the access road. It is noted that there are existing spaces available within Douglas town centre and the surrounding residential estates.
- To facilitate the proposed Bus Connects route along the Carrigaline Road, applicant has submitted a revised drawing which shows a 5m set back and the rearrangements of car parking on site. The applicant has no objection to these alterations
- 3 no pedestrian / cycle accesses are proposed to the site from Carrigaline Road, Maryborough and Drybridge. Vehicular access to the school from Maryborough would be limited to occasional off-peak deliveries (8-10 per week). The applicant is committed to providing cycle links through the site and to the Ballybrack Valley Cycle track.
- The internal road has been increased to 6m in width to accommodate mini-bus movements. Minor alterations have also improved the available sightlines.
- The proposed school hours 8.30 -3.25. This could be moved to 8.15 -3.10 to stagger the start time with the recently approved National school.

6.2. Planning Authority Response

None

6.3. Observations

2 no. observations were received from (1) Douglas Golf Club and (2) Select Vestry of Douglas Union. The concerns raised are summarised below:

- The proposed development, in combination with the previously approved school on the Carrigaline Road, would result in a traffic hazard. The existing road network cannot accommodate the proposed development. The Carrigaline Road should be widened, and traffic calming measures put in place prior to any works being carried out on site.
- In sufficient car parking is provided on site. Vehicles parked on Carrigaline Road would reduce existing sightlines for existing properties.
- Negative impact of surface water run off from the site to adjoining properties.
- Trees on the adjoining rectory site may become unstable during the construction phase. These trees should be removed prior to construction work at the developer's expense. Site boundaries should be maintained at all times
- The developers should ensure that Japanese knotweed is contained within the site.

7.0 Assessment

7.1.1. The subject site is now sited within the jurisdiction of Cork City Council, having been subject to a boundary extension/transfer with Cork County Council. The relevant Development Plan and Local Area Plan for the purposes of the assessment of this application remain as the Cork County Development Plan 2014 and the Ballincollig Carrigaline District Local Area Plan 2017. These plans will continue to apply in the 'transfer area' until such time as they are superseded by new plans, prepared by Cork City Council.

7.2. As indicated the appeal refers to the proposed development lodged with the Planning Authority on the 2nd May 2019, by way of further information. The following assessment focuses on that proposal with reference to the original scheme where appropriate. The main issues in this appeal relate to the compliance with policy, transportation, car parking, water services and health and safety. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Principle of Development

- Transportation
- Car Parking
- Water Services
- Health and Safety
- Appropriate Assessment

7.3. ***Principle of Development***

7.3.1. The Ballincollig Carrigaline Municipal District Local Area Plan 2017 notes that Douglas has seen significant population growth in recent years. Due to the population cohort within the catchment, the area has been identified as being in critical need of additional school facilities by the Department of Education. The proposed development would accommodate the Douglas Educate Together Post-Primary School, which currently has 270 no. pupils enrolled. It is noted that there is a current temporary school located at Wellington Street, in the north environs of the city.

7.3.2. The subject site is zoned for open space with the specific objective SE-O-15 '*Active open space for informal public recreation to be landscaped and planted*'. The objective allows for the development of a school on a portion of the site subject to a number of criteria as noted below: -

- Relationship of school site with remaining active amenity land
- Entrance detail and traffic management
- Visual impact when viewed from Douglas Village and surrounding areas.

7.3.3. Due to the transfer of the area to the jurisdiction of Cork City Council in May 2019 concerns were raised by the planning authority regarding the clarity of the responsibility, delivery and maintenance of the active lands located to the north of the school site and the willingness of Cork City Council to take on responsibility for the land. In the appeal the applicant notes that the site has recently been absorbed into Cork City Councils administrative boundary and that Cork County Council did not deem it necessary to include the City Council during the planning process.

7.3.4. To ensure compliance with Objective SE-O-15 the applicant submitted proposals by way of further information for links between the subject site and the lands zoned for

active amenity space. The applicant is amenable to enter into a Section 47 agreement with the Planning Authority regarding the use of the space. It is my view that the relationship between the subject site and the applicant's larger landholding can be dealt with by way of condition.

7.3.5. Objective SE-O-15 also requires that the development of a school on the site must have regard to the impact on traffic and visual amenities of Douglas. The issue of traffic is dealt with in detail below.

7.3.6. With regard to the impact on the existing visual amenities of Douglas, photomontages of the proposed development indicate that the site is largely screened by mature vegetation and trees. It is noted that the response to further information altered the elevational treatments of the building and that the revised external materials include brick and render. It is acknowledged that the site is located on elevated lands, however, having regard to the existing urban context and the design and layout of the school building it is my view that the proposed development would not negatively impact on the existing visual amenities of Douglas.

7.3.7. In conclusion, having regard to the sites zoning objective, the population cohort of the area and the design and layout of the development it is my opinion that the provision of a school development would be appropriate at this location and would be compatible with policy objectives.

7.4. ***Transportation***

7.4.1. The subject site is a greenfield site located to the south and east of Carrigaline Road, located approx. 900m south of Douglas town centre. Carrigaline Road (R609) is approx. 10m in width (including footpaths) outside the subject site. It is noted that a new link road is proposed from Douglas Terrace to the west of the site with associated alterations to the Carrigaline Road.

7.4.2. Vehicular access to the subject site is proposed from Carrigaline Road via a new signalised junction. The proposed vehicular access is approx. 11m in width with a 2m wide footpath on either side. Due to the topography of the site there is a circuitous vehicular and pedestrian route to the school entrance which is located approx. 75m from the entrance. A more direct stepped pedestrian and cycle friendly

route is proposed from the access to the school building. Additional pedestrian and cycle accesses are proposed from Carrigaline Road, along the northern boundary of the site and from 'The Dales' along the south eastern boundary of the site. It is proposed that the access from 'The Dales' would also provide access for emergency vehicles and occasional deliveries. Routes to and within the adjoining lands, which are also within the ownership of the applicant and are zoned for active amenity land, are also proposed.

- 7.4.3. The development includes the provision of 67 no. car parking spaces located in the western portion of the site, adjacent to the proposed vehicular access and 4 no. additional disabled car parking spaces located adjacent to the school building. 19 no. drop off / collection spaces are proposed along the internal access road and a turning circle is provided outside the main entrance to the school. As part of the appeal the applicant submitted revised drawings showing an additional drop off area at the northern boundary of the site (which the applicant refers to as Drybridge) with capacity for approx. 18 no. drop off / collection spaces.
- 7.4.4. The Planning Authority raised serious concerns that the proposed development would result in a traffic hazard and would be premature pending the provision of the new link road between Douglas Terrace and Carrigaline Road (to the west of the site). The 4 no. reasons for refusal related to traffic and car parking. Concerns are also raised in the observations on the appeal regarding an under provision of car parking on site and the potential for a traffic hazard due to a significant increase in vehicular movements generated by the proposed development. It is noted that a Transport Assessment (TA) was submitted to the Planning Authority by The Douglas Golf Club as part of their submission raises some concerns regarding the scope of the TA submitted by the applicant.

Traffic Assessment

- 7.4.5. The revised TA submitted by way of further information assessed the junction of Carrigaline Road with the proposed new access, both with and without a proposed new link road from Douglas Terrace to the west of the site. No other junctions were included in the assessment. A traffic survey was not carried out as part of the TA. Baseline data was obtained from a traffic survey undertaken at the Dry Bridge /

Carrigaline Road signalised junction on the 6th September 2016 in both the AM (07.30 - 09.30) and PM (15.30 – 18.30) peaks. Having regard to the nature and scale of the development it is considered that information regarding the impact on additional junctions, in particular the ‘fingerpoint’ roundabout and Maryborough Hill / Carrigaline Road would be appropriate to fully address the impact of the development. It is also my view that the cumulative impact of the recently granted primary school (ABP 302924-18) located approx. 1km south of the subject site should be included in the assessment. However, it is noted that the Planning Authority agreed the parameters of the TA.

- 7.4.6. Having regard to the nature and scale of the development the applicant considered that TRICS was not representative of the development and, therefore, was not used in the TA. Information made available by the Department of Education and Skills for existing Cork based schools was instead assessed and a target modal split of 52% by private car was considered appropriate for the subject site.
- 7.4.7. LinSig was used to model the junction of Carrigaline / site access, both with and within the proposed east – west link Road. It showed that two of the three arms of the junction are reaching capacity with limited queuing occurring in the AM peak, both with and without the proposed link road. While it is acknowledged that there are some deficiencies in the applicants Transport Assessment it is considered that sufficient information has been submitted to fully assess the potential impact of the development on the surrounding road network.
- 7.4.8. The proposed development would result in additional traffic movements on the surrounding road network, however, having regard to the urban location and the evidence submitted in the TA. it is my opinion that. there is capacity in the network to accommodate the development and that the construction of the link road would have a limited impact on the capacity of the Carrigaline Road / school access junction. It is, therefore, my view that the proposed development is not premature depending the construction of the proposed east-west link road and would not endanger public safety by reason of a traffic hazard.
- 7.4.9. It is noted that the applicant proposed to alter the Carrigaline Road to provide a right turning lane to the site. As these works are outside of the applicant’s ownership it is

recommended that a condition be attached to any grant of permission that any works to the public road be agreed with the Planning Authority.

Sustainable Travel

- 7.4.10. With regard to sustainable modes of transport it is envisioned that the school would have a modal split of 32% bus and 16% walking and cycling. The School Travel Plan states that the school would appoint a Travel Manager with responsibility to encourage and facilitate sustainable travel for both pupils and staff.
- 7.4.11. The subject site is well served by public transport in the form of bus, with the 216 bus operating along Carrigaline Road every 30 minutes. The applicant has stated that it is not envisioned that the existing private mini-bus service currently serving the temporary school location would continue at the new location. Notwithstanding this, the internal access route has been designed to allow for drop off by private mini-bus. It is envisioned that any coach drop off would be accommodated at the drop off area along Carrigaline Road, to the north of the site.
- 7.4.12. Drawing no. ABP-01 submitted with the appeal shows the internal car parking arrangement altered to provide a 5m set back along the Carrigaline Road. The setback would accommodate the proposed Bus Connects route along the western boundary of the site. It is acknowledged that the Bus Connects route has not been finalised, however, in my view it is considered appropriate to attach a condition to any grant of permission that a 5m setback be provided along the western boundary of the site to facilitate the future expansion of public transport infrastructure.
- 7.4.13. Pedestrian and cycle access is proposed from the main entrance on Carrigaline Road with additional accesses from Carrigaline Road, along the northern boundary of the site and from 'The Dales' along the south eastern boundary of the site. There is an existing signalised pedestrian crossing along Carrigaline Road, in close proximity to the proposed drop off area and the applicant has stated that it is proposed to provide a signalised crossing at the junction of Carrigaline Road and the new school access. In my view there are sufficient pedestrian facilities in the

immediate vicinity of the site to accommodate the level of anticipated pedestrian trips to the development.

- 7.4.14. As stated in the appeal it is proposed to provide 176 no. cycle parking spaces on site, which is above Development Plan standards. Cycle friendly stairs are provided within the site. Phase 1 and 2 of the Ballybrack Greenway has recently been completed. The high-quality cycle and pedestrian route runs to the west of Carrigaline Road adjacent to the subject site. An indicative cycle route was submitted by way of further information (drawing no. P036), which is approx. 300m in length and links the 'fingerpoint' roundabout (located to the north of the site) to the proposed drop off area and access along the northern boundary of the site. The proposed route is outside of the applicant's ownership, however, the applicant has stated that they are committed to delivering this facility subject to the agreement of the Local Authority. In my view, the proposed development is not dependant on the provision of the cycle route, however, the provision of a cycle route would support and encourage travel by sustainable modes both to the site and within Douglas.
- 7.4.15. The School Travel Plan states that the school would be open 1 hour before and 1 hour after school hours to minimise the impact on the local road network, however, the applicants notes in the appeal that the school would be open school hours only and if required the start and end time of the school day could be staggered with surrounding schools to reduce the traffic impact. Having regard to the findings of the TA, it is my view that the surrounding road network can accommodate the vehicular movements generated by the school and extended opening hours are not required.
- 7.4.16. In conclusion, it is considered that the subject site is well served by public transport and is highly accessible by sustainable modes of transport. Having regard to the information submitted in the TA and the School Travel Plan, it is my view that a modal split of 52% by private car 32% by bus and 16% by walking and cycling is achievable for the subject site and that the proposed development would not endanger pedestrians or cyclists by reason of a traffic hazard.

7.5. ***Car Parking***

- 7.5.1. Concerns have also been raised by the Planning Authority and the observers regarding the limited number of car parking spaces proposed and the negative impact that overspill car parking would have on the surrounding road network.
- 7.5.2. The development includes the provision of 67 no. car parking spaces located in the western portion of the site, adjacent to the proposed access and 4 no. additional disabled car parking spaces located adjacent to the school building. These spaces are reserved for staff and visitors and are slightly above the car parking standards set out in the Development Plan. In my opinion this is a sufficient level of car parking for the 40 no. staff members and visitors.
- 7.5.3. With regard to drop off spaces it is proposed to provide 37 no. spaces both within the subject site (19 no. spaces) and along the northern boundary of the site (18 no. spaces). Based on the current modal split at the temporary school and data provided by the Department of Education and Skills the school has a modal split target of 52% by private car. The applicant has assumed that on average each private car would drop off 2 no. pupils. Therefore, it is envisioned that approx. 156 no. trips by private car would be generated over a 20-minute period. The internal access road is approx. 6m in width. A vehicular turning area and 2m wide footpaths have been provided within the site, therefore, it is my opinion that the proposed layout would not result in vehicular and pedestrian conflict.
- 7.5.4. Having regard to the age profile of the pupils and the information submitted it is considered that sufficient car parking and drop off spaces have been provided both within the development and are available on the surrounding road network to ensure the proposed development and would not result in a traffic hazard.

7.6. **Water Services**

- 7.6.1. The site is not subject flooding. It is proposed to connect the development to the existing public foul sewer which runs within the subject area and serves the existing residential developments to the south of the site. It is also proposed to connect the development to the main water supply located at Carrigaline Road.
- 7.6.2. Concerns were raised in the appeal regarding surface water run-off from the site to adjoining properties. The Engineering Assessment Report states that it is proposed

to divide the site into two catchment areas for surface water drainage. The northern catchment would collect the surface water run-off from the school building and the hardstanding area to the north of the site. The run-off would be directed to an existing network which serves the adjoining residential estate. The southern catchment would collect run-off from the proposed road network and car parking areas and discharge to a proposed soakaway located within the site. The proposed development has been designed as a sustainable urban drainage system.

7.6.3. It is noted that the Planning Authority's Area Engineer raised no concerns regarding surface water run-off, however, concerns were raised regarding the impact the retaining structures could potentially have on the integrity of the existing sewer.

7.6.4. Having regard to the information submitted I am satisfied that the proposed drainage arrangements are sufficient to cater for surface water relating to the site. However, having regard to the concerns raised by the Planning Authority regarding the impact of the retaining structure on the existing sewer network it is recommended that a condition be attached to any grant of permission that drainage proposals including the disposal and attenuation of surface water, be agreed with the Planning Authority.

7.7. *Health and Safety*

7.7.1. The objection on file from Select Vestry of Douglas Union, who own the adjoining site, raised health and safety concerns regarding the stability of existing trees and boundary treatments during the construction works.

7.7.2. In my opinion, the structural adequacy of the existing trees and boundary treatments are not matters that would be appropriate for the Board to adjudicate on. It is considered that the onus is on the applicant and their contractors, to ensure that the construction phase is undertaken in a safe manner, in accordance with their obligations under separate codes, and I further note that the granting of permission would not relieve the applicants of their responsibilities in this regard. It should be noted that under section 34(13) of the Planning and Development Act 2000, as amended, a person shall not be entitled solely by reason of a permission to carry out any development.

7.7.3. I consider that the disputes between the parties in relation to matters of structural stability, construction methods and resultant health and safety risks that may or may not arise are ultimately matters that would be dealt with more appropriately outside of the planning appeal process.

7.8. ***Appropriate Assessment***

Having regard to the nature and small scale of the proposed development within a serviced urban area and the distance from the nearest European site, 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**

It is recommended that permission be granted subject to conditions

9.0 **Reasons and Considerations**

Having regard to the provisions of the Ballincollig Carrigaline Municipal District Local Area Plan 2017, and in particular, to the land use zoning specific objective SE-O-15 and to the nature, 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 2nd day of May 2019 and by the further plans and particulars received by An Bord Pleanála on the 4th day of July, 2019, 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 and pitches shall not be used between the hours of 2000 and 0830.

Reason: To protect the residential amenity of properties in the vicinity.

4. To facilitate the future expansion of public transport infrastructure along the Carrigaline Road a 5m set back shall be provided along the western boundary of the site as shown on drawing no. ABP002, submitted with the appeal on the 4th day of July 2019. Details of the setback shall be submitted to and agreed in writing with the Planning Authority.

Reason: In the interest of sustainable transport.

5. Vehicular access from 'The Dales' shall be for deliveries and emergency vehicles only, unless otherwise agreed with the Planning Authority.

Reason: In the interest of residential amenity.

6. Details of the proposed links between the subject site and the amenity lands to the north of the site and details of the proposed trail / path within the lands

shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development.

Reason: In the interest of proper planning and sustainable development of the area.

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

Reason: In the interest of visual amenity

8. The landscaping scheme shown on drawings submitted to the planning authority on the 2nd day of May, 2019 shall be carried out within the first planting season following substantial completion of external construction works.

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

Reason: In the interest of residential and visual amenity.

9. With the exception of existing trees indicated for removal on the Arboricultural Impact drawings submitted on the 2nd day of May 2019, all trees identified for retention 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.

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

10. Retaining structures and boundary walls shall be 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.

11. 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 2011.

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

12. All works shall take place in accordance with mitigation measures as set out in the Habitat Survey and the Tree Survey Report as submitted with the planning documentation, and under the supervision of an ecologist and/or tree specialist.

Reason: In the interest of protection of species and habitats.

13. The applicant or developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

14. A detailed School 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:

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.

15. 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.

16. 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.

17. 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.

18. All service cables associated with the proposed development shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity

19. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

20. The formation of the vehicular and pedestrian accesses to the site including alterations of the existing public footpath and public road shall be constructed in accordance with the requirements of the planning authority.

Reason: In the interest of orderly development and traffic safety

21. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

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

22. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

23. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

24. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment

25. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme 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 the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

26. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of the proposed cycle route between 'fingerpoint'

roundabout and the subject site and the proposed signalised junction adjacent to the proposed school entrance. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate.

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

Elaine Power

Planning Inspector

30th September 2019