



An  
Bord  
Pleanála

## Inspector's Report ABP-306696-20

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<b>Development</b>	Demolish school buildings and construct a three-storey replacement school and associated development
<b>Location</b>	Mount Temple Comprehensive School, Malahide Road, Clontarf, Dublin 3
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	4498/19
<b>Applicant(s)</b>	Department of Education and Skills
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	First & Third-Party
<b>Appellant(s)</b>	1. Department of Education and Skills, 2. Sheila O'Flanagan, 3. Copeland Grove Residents c/o Derek McGrath
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	21 <sup>st</sup> September 2020
<b>Inspector</b>	Colm McLoughlin

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## **1.0 Site Location and Description**

- 1.1.** The appeal site covers a stated area of 9.5ha and is located between Malahide Road (R107) and Howth Road (R105), approximately 550m to the northeast of Clontarf Dart station, on the north side of Dublin city. It accommodates a post-primary school, served by a cluster of buildings of varying ages, including protected structures. The buildings are primarily situated on the northwest corner of the site amongst mature trees, set onto a central parking area. On-site infrastructures serving the school comprise access roads, parking areas and play areas, including natural and all-weather playing fields along the northeast and southeast boundaries. It is served by a secondary vehicular access from the south off Howth Road to a disused sports pavilion building (Phoenix Squash Club), while the main school access, featuring a gate lodge and a tree-lined avenue, is from the northwest off Malahide Road.
- 1.2.** The surrounding area is generally characterised by residential properties to the south and recreational lands to the north, dominated by Clontarf Golf Club. Bounding the site to the southwest and west are the rear gardens of two-storey housing along Copeland Grove and Howth Road, while the south eastern boundary backs onto the DART and intercity railway line. A pair of flat-roofed two-storey semi-detached houses are also situated on the southern site boundary close to the Howth Road access. The site is enclosed by a mix of boundaries types, including walls and fences of varying heights. Surveyed ground levels indicate a gradual drop of approximately 8m from the northwest entrance to the south entrance.

## **2.0 Proposed Development**

- 2.1.** The proposed development would comprise the following elements:
- the phased demolition of six buildings with a stated gross floor area (GFA) of 6,251sq.m, including the main school building, Mount Temple hall, the Maths block and two prefabricated structures in the main campus, as well as the disused sports pavilion building to the south;
  - construction of a three-storey post-primary school building adjacent to the southwestern boundary to accommodate a stated 1,000 pupils, with roof-

mounted and south elevation photovoltaic panel arrays, a single-storey detached construction studies store to the southwest side and a single-storey detached electricity services building with access road along the northern boundary, with a stated GFA of 10,685sq.m;

- provision of a revised internal roads and paths layout, to comprise a central pedestrian and cyclist mall running through the site and the provision of car parking, cycle parking, set down and servicing areas;
- lighting and landscaping works throughout, including extensive groundworks, retaining walls, external seating and teaching areas, street furniture, internal gates and boundary treatments, the removal and cutting of trees, additional and replacement tree planting, three ball courts to the northwest boundary and the repositioning of a playing field;
- environmental and other services and the provision of sustainable urban drainage systems, including the installation of an underground attenuation tank.

**2.2.** In addition to the standard documentation and drawings, the planning application was accompanied by various technical reports and drawings, including the following:

- Planning Report;
- Engineering Assessment Report;
- Flood Risk Assessment;
- School Travel Plan;
- Traffic and Transport Assessment;
- Landscape Statement;
- Conservation Report;
- Appropriate Assessment (AA) Screening Report;
- Drone Inspection Report;
- Desk-based Archaeological Assessment;
- Tree Survey Report.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1. The planning authority decided to grant permission for the proposed development, subject to 24 conditions, which are generally of a standard nature, including the following:

Condition 3 – repositioning of the walkway 3m off the western boundary and the provision of cladding to the western gable elevation to the multi-use hall;

Condition 4 – provide a 2m-high boundary wall or a timber fence on the western boundary with Copeland Grove;

Condition 7 – the proposed demolition of buildings should occur between six and 12 months of the occupation of the new school building;

Condition 8 – three ball courts to the northeast side are excluded from the permission;

Condition 13 – detailed conservation requirements;

Condition 14 – only 48 car parking spaces to be provided.

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

#### **3.2.1. Planning Reports**

The recommendation within the Planning Officer's report (January 2020) reflects the decision of the planning authority and noted the following:

- the proposed school would accommodate approximately 100 more pupils than the existing school;
- the three-storey height of the building is not excessive and provides for a more efficient use of land than the existing situation, while the variety and rhythm in the façades break up the bulk of the building;
- while acknowledging differences in ground levels, arising from the separation distances to housing along Copeland Grove, the proposed development would not result in excessive overlooking or overshadowing;

- shifting the walkway off the boundary would improve privacy for residents along Copeland Grove and the provision of semi-mature tree planting would be beneficial in addressing the visual impacts;
- proposals would not have a detrimental impact on the character and setting of Mount Temple house and clock tower, which are protected structures;
- the buildings to be demolished would not be of particular merit and there would be some improvements to the setting of Mount Temple house;
- alternative layout options were presented and discounted for various reasons, including the cost and practicality of proposals;
- the proposed positioning of the school building would appear to be logical, in light of the connectivity with the existing campus, including the protected structures and mature trees to the northwest corner of the site, the desire to maintain the all-weather playing pitches and the potential impact on Light-Bellied Brent Geese foraging on the playing pitches;
- it is more likely that Light-Bellied Brent Geese would forage on the grass pitches to the east along the railway line, away from the main school building area;
- a hydrological pathway to European sites has not been identified and the proposed development would not have undue impacts on qualifying interest bird species for neighbouring European sites through loss of foraging habitat;
- the preparation of an Environmental Impact Assessment Report (EIAR) would not be necessary for this project.

### 3.2.2. Other Technical Reports

- Roads & Traffic Planning Division – no objection, subject to conditions including a reduction of car parking, the provision of sheltered and well-lit cycle parking, the maintaining of a bus stop on Howth Road and the submission of a construction traffic management plan;
- Engineering Department (Drainage Division) – no objection, subject to conditions;

- Conservation Officer- grant permission and attach conditions addressing the maintenance of protected structures and the provision of screen planting;
- City Archaeologist – attach a condition to include archaeological assessment and monitoring.

### **3.3. Prescribed Bodies**

- Department of Culture, Heritage and the Gaeltacht – no response;
- Irish Water – no response;
- Fáilte Ireland – no response;
- An Taisce – no response;
- Irish Rail – conditions relating to construction and construction traffic recommended;
- The Heritage Council – no response;
- An Comhairle Ealaíon – no response.

### **3.4. Third-Party Submissions**

- 3.4.1. At least 27 third-party submissions were received during the consultation period for the application, primarily from neighbouring residents of Copeland Grove and Howth Road. The issues raised are similar to those raised in the third-party grounds of appeal and they are collectively summarised within the third-party grounds of appeal below.

## **4.0 Planning History**

### **4.1. Appeal Site**

- 4.1.1. Pre-planning discussions in relation to the proposed development are stated to have occurred between representatives of the planning authority and the applicant under DCC references PAC0082/12 and PAC0230/18 (June 2018). As detailed in the planning authority's report, there have been numerous planning applications

submitted that are associated with the appeal site, with the most recent application comprising the following:

- DCC Ref. 4090/10 – retention permission was granted in March 2011 for a vehicular entrance and associated boundary treatments along Howth Road.

## **4.2. Surrounding Area**

- 4.2.1. Recent planning applications in the immediate area are generally reflective of the urban character and the mix of uses within this area, with the majority of planning applications comprising proposals for domestic extensions and alterations.

## **5.0 Policy & Context**

### **5.1. Development Plan**

- 5.1.1. The appeal site has a zoning objective referred to as ‘Z15 – Institutional & Community’ within the Dublin City Development Plan 2016-2022, with a stated objective ‘to protect and provide for institutional and community uses’. Within Z15 zoned lands, ‘education’ is a permissible use. Additional matters to be considered when assessing proposals for development on Z15 lands include the following:
- potential to contribute to the development of a strategic green network;
  - integration with surrounding uses, including prevailing heights at any perimeter with existing residential development and the standards in Section 14.7 of the Plan (relating to the avoidance of abrupt transitions of scale).
- 5.1.2. Buildings on site included within the Record of Protected Structures (RPS), comprise Mount Temple gate lodge (RPS Ref. 4856) and Mount Temple original house and tower (RPS Ref. 4855). Chapter 11 of the Development Plan provides guidance on development comprising or in the curtilage of protected structures, including policies CHC1 and CHC2, which seek the preservation of the built heritage of the city and the safeguarding of the special interest of protected structures.
- 5.1.3. Relevant planning policies for schools and education facilities are set out under Section 12.5.4 within Volume 1 of the Development Plan. Relevant policies and objectives include:
- SN10 – facilitate new school extensions;



- SN12 – shared use of schools;
- SN13 – promote school building design responding to local character;
- SNO3 – facilitate the expansion of schools.

5.1.4. Section 16.7.2 of the Development Plan sets out building height limits, including a 16m restriction for commercial and residential development in this part of the outer city. Section 16.16 of the Development Plan sets out standards to be considered for schools development. Other relevant sections of the Development Plan include the following:

- Section 4.5.3 - Making a More Compact Sustainable City;
- Section 4.5.9 – Urban Form & Architecture;
- Section 9.5.4 - Sustainable Urban Drainage Systems (SUDS);
- Section 16.2 – Design, Principles & Standards.

5.1.5. In this part of the city (Area 2), a maximum of one car parking space per classroom is allowed for, based on standards listed in Table 16.1 of the Development Plan, while one cycle parking space for every three pupils is required based on standards listed in Table 16.2. School travel plans are required for all new schools.

## **5.2. Planning Guidelines**

5.2.1. An array of technical design guidance for schools have been prepared by the Department of Education & Skills. The following planning guidance documents are relevant:

- Design Manual for Urban Roads and Streets (2019);
- Urban Development and Building Heights Guidelines for Planning Authorities (2018);
- Architectural Heritage Protection – Guidelines for Planning Authorities (2011);
- The Planning System and Flood Risk Management – Guidelines for Planning Authorities (Office of Public Works, 2009);

- The Provision of Schools and the Planning System - A Code of Practice for Planning Authorities, the Department of Education and Science and the Department of the Environment, Heritage and Local Government (2008);
- Greater Dublin Regional Code of Practice for Drainage Works (Version 6.0).

### 5.3. Natural Heritage Designations

5.3.1. The distances and directions to the closest European sites to the appeal site, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA), are listed in table 1.

**Table 1.** European Sites proximate to the Appeal Site

Site Code	Site Name	Distance	Direction
004024	South Dublin Bay and River Tolka Estuary SPA	0.5km	south
000206	North Dublin Bay SAC	2.7km	south
004006	North Bull Island SPA	2.7km	east
000210	South Dublin Bay SAC	3.4km	south
000199	Baldoyle Bay SAC	6.8km	northeast
004016	Baldoyle Bay SPA	7.1km	northeast
003000	Rockabill to Dalkey Islands SAC	7.9km	east
000202	Howth Head SAC	8.2km	east
000205	Malahide Estuary SAC	9.9km	northeast
004025	Malahide Estuary SPA	10.1km	northeast
004117	Ireland's Eye SPA	10.8km	northeast
002193	Ireland's Eye SAC	11km	northeast
004113	Howth Head Coast SPA	11km	east
004172	Dalkey Islands SPA	12.9km	southeast
000208	Rogerstown Estuary SAC	14.6km	northeast
004015	Rogerstown Estuary SPA	14.8km	northeast
004069	Lambay Island SPA	18.0km	northeast

## **5.5. Environmental Impact Assessment - Preliminary Examination**

- 5.5.1. Environmental Impact Assessment (EIA) is not mandatory for the proposed project. Having regard to the existing development on site, the limited nature and scale of the proposed development, primarily replacing and extending the existing development on site and with the majority of the urban site not subject of the proposed development works, and the absence of any connectivity to any 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. Grounds of Appeal – Third Parties**

- 6.1.1. Two third-party appeals with drawings, photographs and supplementary reports opposing the decision of the planning authority were received; one from a resident of Copeland Grove and one on behalf of a group of residents with addresses on Copeland Grove. In conjunction with the third-party submissions, the issues raised in these appeals regarding the proposed development can be collectively summarised as follows:

#### Design & Layout

- the location, scale and height of the proposed development would not be appropriate, particularly given the relationship to residential properties along Copeland Grove and Howth Road, many of which have been extended to the rear, as well as the increased prominence of the school buildings when compared with the existing situation;
- rationale for the proposed development, including consideration of the visual impacts, alternative layouts and justification for the building heights, has not been fully presented by the applicant or fully considered by the planning authority, particularly in light of the scale of the site and the stated reasons for discounting alternatives;

- a masterplan is required for the entire site, as per Development Plan requirements, given that the development is not of a minor scale;
- as per pre-planning advice from the planning authority, the building can be repositioned further from Copeland Grove without impacting on the vista towards Mount Temple house, given that views of this protected structure are already restricted from the Howth Road area;
- boundary proposals fail to recognise the differences between the levels of the adjoining properties and the subject site, leading to further impacts on the privacy and security of these properties;
- condition 4 of the planning authority decision requiring a 2m-high boundary on the west side, may result in damage to trees, which would be contrary to the requirements set out under condition 11, and could have a significant visual impact for adjoining residents;

#### Residential Amenities

- nuisance and disturbance from various sources, including noise from school bells and alarms, would arise for neighbouring residents, including those working from their homes, with the school likely to operate seven days per week and during holiday periods;
- excessive overlooking from classrooms would arise directly into Copeland Grove residences and the proposed installation of 'translucent' glazing to specific windows would not address this concern;
- external areas would be lit and used by pupils leading to disturbance, noise and security impacts and the loss of privacy for neighbouring residents, particularly given the position of a walkway directly onto the rear boundary of numerous gardens along Copeland Grove;
- the removal and damage of mature trees, as well as trees stated to have a limited lifespan, would lead to a loss of privacy and visual impacts for neighbouring residents that are not fully addressed in the landscape details submitted with the application;
- all replacement trees along the southwest boundary should be native semi-mature species and of a minimum height;

- overbearing impacts and overshadowing of housing and gardens along Copeland Grove would arise;
- modifications would be required at the least, including repositioning of the building and walkway further from the southwest boundary, screening to windows or the use of opaque glazing, the introduction of increased landscape screening along the southwest boundary and the 2m-high boundary under condition 4 of the planning authority decision should be of block rather than timber build;

#### Traffic, Parking & Access

- the immediate area already suffers from traffic congestion and a high demand for car parking, particularly along Howth Road and Copeland Grove, which has limited off-street parking and is narrow. This situation would be exacerbated by the proposed shortfall in car parking spaces on site, particularly during rainy weather, the need for servicing and the access arrangements;
- closing the Howth Road access to facilitate construction traffic and the reduction in car parking relative to school size, would lead to more pupils having to use the pedestrian laneway between Copeland Grove and Malahide Road for access, which would increase potential for anti-social behaviour in the lane and would increase the use of Copeland Grove as a set-down/pick-up area to the detriment of the amenities and safety of local residents;
- increased right-turns by vehicles travelling west along Howth Road would increase traffic congestion and increase risk of road traffic accidents;

#### Construction Phase

- further consideration of the construction phase impacts of the project on the residents of Copeland Grove is required, including consideration of the health and safety risks, general disruption and disturbance, emissions, traffic congestion and parking;
- a local liaison to address disturbances during the project construction phase would be required;

- a construction management plan was not provided with the application and the phasing details and the construction hours for the project are not clear;
- a survey of the western boundary wall with the school would be necessary in order to address any impacts that could arise during construction work;

### Environmental Matters

- an EIAR should have been prepared for the proposed development or a screening determination is required as the site area (9.49ha) would be marginally below the threshold (10 hectares) for urban development outside of a business district, as well as the impacts of the development on the cultural heritage of the area and Light-bellied Brent geese who use the site;
- the impacts of the development on migratory Light-Bellied Brent Geese, including the new building area, has not been sufficiently considered, and the evidence of their presence on site should have triggered the submission of a Natura Impact Statement (NIS);
- an appellant has appended an AA Screening Report to their submission, concluding that the proposed development would be likely to have significant effects on a European site and that a NIS is required for the project;
- the planning authority has accepted that mitigation and compensatory measures would be undertaken as part of the project with the footprint of the main school building to be demolished to be replaced with a grass landscaped area. Based on case law, such measures should not be taken into consideration in the absence of a NIS;
- the bird surveys informing the applicant's AA screening report, were not sufficient as two surveys per month are generally required from October to March and surveying outside of school hours and for extended periods would also be necessary;
- the tree survey submitted identifies a short lifespan for numerous trees that are proposed to be removed, which may not be entirely accurate;
- details of the replacement tree planting and the potential to damage trees are not adequate;

- the impacts of the proposals on the water table and the potential to lead to an increased risk of flooding need to be considered, particularly the impacts along Howth Road arising from the potential displacement of flood water from the southern car park area;

#### Other Matters

- the drawings provided are not sufficiently clear to allow an accurate understanding of the scale and impacts of the proposed development;
- further lighting and security (CCTV) details are required;
- the use of the school grounds as an amenity space for locals has been limited;
- condition 3(a) may require the school building to be repositioned, which could have impacts for third parties and would therefore be ultra vires;
- the proposals would lead to impacts on the financial value of neighbouring properties;
- the consultation undertaken with local residents was not sufficient with some residents not aware of the meetings held and the details of the project were not fully available during consultation. A summary of a consultation meeting, including format, matters discussed and matters requiring clarification, is appended to a submission on behalf of a group of local residents. Various concerns raised by neighbouring residents during the consultation event were not addressed as part of the proposed development;
- the Board should request from the planning authority the notes from five pre-planning meetings held between June 2008 and June 2018 in relation to the project;
- a conservation report by a qualified conservation architect, appended to the submission on behalf of a group of local residents, clarifies that the new school building area forms an important area within the curtilage of the protected structures on site, with other less sensitive areas for the new school building available on site, particularly to the southeast;

- important views towards Dublin Bay from Mount Temple house would be impacted and the planning authority failed to consider the expertise provided within a conservation report prepared on behalf of an appellant by a qualified conservation architect;
- the gate lodge onto Malahide Road has not been properly maintained and should be conserved as part of the subject proposals.

## **6.2. Grounds of Appeal – First Party**

6.2.1. A first-party appeal has been lodged only against conditions 8 and 13(a)-c and 13(d) of the planning authority's decision to grant planning permission. The grounds of the first-party appeal can be summarised as follows:

### Condition 8

- the ball courts excluded from the permission were referenced in the development description under the term 'associated ancillary hard and soft landscaping works' and identified on the planning application drawings;
- the ball courts would merely comprise asphalt hard surfaces enclosed by a 2.4m-high metal fence and the impact of these features would be minimal;
- condition 8 should be omitted;

### Condition 13(a)-c

- no works were proposed in the application to the protected structures and funding to undertake the possible works is not currently available;
- clarification via an amended condition 13 is required, as the applicant fully accepts responsibility for the maintenance of the protected structures on site, whereas tying this to the subject permission would hinder the ability to undertake the proposed development;
- the scope of works arising from the preparation of a Conservation Management Plan is, as yet, unknown and it is unclear whether the condition actually requires the carrying out of repair works to the three protected structures, which could then impact on the project phasing.



### Condition 13(d)

- the condition appears to imply that a conservation expert would be required as part of the repair works to the protected structures;
- the condition is unreasonable as the extent of repair works are unclear and the appointment may impact on the phasing of the overall project, particularly as no funding is available for the repair works.

### **6.3. Applicant's Response**

The applicant's response to the third-party grounds of appeal can be summarised as follows:

- the assessment of the proposed development by the planning authority was detailed, thorough and comprehensive, addressing the acceptability of the proposals with respect to land-use zoning, the alternative layouts considered, the matters raised within third-party submissions, the impact on neighbouring properties, including conditions to address the impacts on Copeland Grove, and the appropriateness of building heights;
- the rationale for the proposed layout and the overall campus masterplan has been presented as part of the application;
- negative impacts on the curtilage of Mount Temple house would not arise, nor would the proposals erode sea views from the house and this has been accepted by the planning authority;
- the existing use of the appeal site must already have some impacts for residents and any increased impacts would be negligible, while the anticipated noise levels would not result in nuisance for neighbouring residents;
- the rear gardens to Copeland Grove are 30m in length and flanked to the rear by a dense line of mature trees, which would reduce the potential impacts of the proposed development on the residential amenities of these neighbouring properties;
- the design of the building with the closest elevations facing Copeland Grove not featuring windows, a minimum of 60m to 70m separation distance

between the existing residential and proposed school windows, vegetative screening and the requirement for a revised alignment of the walkway along the west boundary, further address the impacts of the development on housing within Copeland Grove;

- the supplementary tree planting along the boundary with Copeland Grove would comprise semi-mature non-deciduous trees;
- opaque glazing to classroom windows would not be acceptable to the applicant, as this would hinder the internal education environment, and excessive overlooking would not arise in any case, due to the vegetative screening and the distances involved;
- issues raised in the third-party appellant's AA Screening Report are addressed in a separate ecological technical note appended to the applicant's response, including the impacts on Light-bellied Brent Geese;
- within the AA screening report, the third-party appellant's ecologist has relied upon baseline information collated by third-parties, including data gathered by others in 2012, which does not present an accurate and complete picture of the appeal site;
- the planning authority outlined in their report why an EIAR and a NIS would not be necessary for the project;
- the results of surveying conducted by the applicant's ecologist indicate that qualifying interest bird species do not occur on site in large numbers (i.e. approaching 1% of national or international populations);
- suitable foraging areas would remain on site, the loss of small areas would not be significant on Light-bellied Brent Geese and the disturbance during the construction phase is not likely to have a significant effect on wintering bird numbers.

#### **6.4. Planning Authority Response**

- 6.4.1. The planning authority did not respond to the grounds of appeal.

## **6.5. Further Submissions**

6.5.1. No submissions in response to the first-party grounds of appeal were received.

## **6.6. Observations**

6.6.1. None received within the statutory period.

## **7.0 Assessment**

### **7.1. Introduction**

7.1.1. I consider the substantive issues arising from the first-party and third-party grounds of appeal and in the assessment of the application and appeal, relate to the following:

- Masterplan & Zoning;
- Layout, Scale, Design & Architectural Heritage;
- Impact on Residential Amenities;
- Access, Parking & Traffic;
- Site Services;
- Other Matters.

7.1.2. The applicant has contested several conditions of the decision to grant permission issued by the planning authority, and my consideration of the appropriateness or otherwise of these conditions is undertaken as part of the assessment below.

### **7.2. Masterplan & Zoning**

7.2.1. The neighbouring residents' grounds of appeal assert that a masterplan for the school site would be required as part of the application, as the proposed development is not minor in scale and as the site is zoned for 'Z15 - Institutional and Community' purposes in the Dublin City Development Plan 2016-2022. The Development Plan states that where there is an existing institutional use, any proposed development for an 'open for consideration' use on part of the landholding shall be required to demonstrate to the planning authority how the proposal is in

accordance with and assists in securing the aims of the zoning objective and that a masterplan may assist in demonstrating how this may be satisfied. The Development Plan states that a masterplan would not be required in the case of development comprising extensions to an existing institutional use and the enhancement of these facilities.

7.2.2. As noted above, the appeal site already accommodates a post-primary school, including associated recreational and educational facilities, and education uses are 'permissible' uses on 'Z15' lands, according to the Development Plan, and the subject proposals would serve as a redevelopment of part of the site intended to extend and enhance the existing facility. The Development Plan does not strictly require submission of a masterplan in these circumstances. Nevertheless, the applicant has submitted a site masterplan drawing (no.1446-25) as part of the planning application, with no new Z15 'open for consideration' uses proposed for the site and the masterplan proposals that do not form part of the subject proposals primarily comprise the removal of the old classroom block to the clock tower building and the alteration of soft and hard landscaping fronting the science block to the east. A strategic landscape masterplan for the overall school campus has also been provided as part of the application (see drawing no.19126-2-110 and the Landscape Design Rationale report submitted). The applicant states in their planning report that it is the intention to maintain the site for education and associated uses only and I note that the proposed cycle path running through the site and the playing pitches to be maintained have scope to contribute to the strategic green network for the city. Accordingly, I am satisfied that the proposals would comply, in principle, with the zoning objectives for the site. Notwithstanding this, and as per policies SN10, SN12 and SN13 of the Development Plan, which are aimed at facilitating school developments, the acceptability or otherwise of the proposed development requires the proposals to respect and integrate with the surrounding area and to have due consideration for the protection of surrounding residents, households and communities. Assessment of the impact of the proposed development on the character of the area, including protected structures located on site, is undertaken in Section 7.3 directly below, while the impacts on neighbouring residential amenities are primarily addressed in Section 7.4 of this report.

### **7.3. Layout, Scale, Design & Architectural Heritage**

- 7.3.1. The neighbouring residents' grounds of appeal assert that a revised layout for the proposed development is required considerate of the scale of the site and requiring the proposed new school building to be repositioned further from neighbouring housing, using areas less sensitive to the setting and character of the protected structures on site. The proposed layout would appear to be largely guided by the desire to maintain the extensive recreational grounds currently serving the school, the need to ensure that the school and the majority of the playing fields remain operational during the construction phase, the desire to improve pedestrian and cyclist connectivity across the site, the provision of east and west-facing teaching spaces, the achievement of level access to the school and the need to address the character and setting of the protected structures on site.
- 7.3.2. To facilitate the site layout, five school buildings and a sports pavilion building would be demolished, which would allow for the new school building to be situated to the south of the existing main school campus, along the southwestern boundary with Copeland Grove. The buildings to be demolished are not listed within the planning authority's record of protected structures and the conservation section of the planning authority has not sought that these buildings be maintained as part of the development. Their removal would support efforts to open up views towards Mount Temple house and the adjoining clock tower. The buildings to be demolished date from the 1960s onwards and the applicant states that the majority of these buildings are in a poor state of repair and require regular maintenance. Photographs of the buildings to be demolished are included in the planning report accompanying the application. The buildings are not protected and do not appear to be of any major significance, therefore, I am satisfied that the principle of demolishing the subject buildings as part of the campus redevelopment would be acceptable.
- 7.3.3. Alternative locations for the new school building on site were considered as part of the initial design phase, with the subject location chosen by the applicant because it is immediate to the existing school, due to health and safety concerns, the impacts on protected structures, costs, restricted parking and the need to create quality teaching space. The potential use of the current location for the existing main school was discounted, primarily as this would necessitate the need to provide alternative

temporary teaching facilities for pupils and staff during the construction phase, the costs associated with this, concerns regarding construction access and the implications for the setting and character of the protected structures on site.

Repositioning of the building further south from the proposed position would require a revised building orientation that would reduce the area of the playing pitches, which would impact on the quality of teaching spaces, with primarily north and south-facing rooms, while the construction access would also be inhibited. This layout would also impact on the views towards Mount Temple house when approaching the protected structure from the south.

7.3.4. While section 12.5.4 of the Development Plan primarily relates to development of schools within the inner-city, sustainable redevelopment of school sites should nevertheless comprise an efficient use of urban land. Section 16.2.1 of the Development Plan, addressing 'Design Principles', seeks to ensure that proposals respond to the established character of an area, including open spaces and building heights. Designs should also be sustainable and inclusive, incorporating SUDS, energy efficiency and inclusivity for all end-users. These requirements have clearly informed the subject project, with a near zero energy building (NZEB), roof-top and south end elevation photovoltaic panels and level building entry points provided. I am satisfied that the rationale for the proposed layout as outlined in the applicant's planning report is reasonable, with due consideration for the site's constraints. The site layout successfully responds to the surrounding context and represents a sufficiently high standard of urban design, in accordance with the principles set out in the Development Plan and the Code of Practice for the Provision of Schools and the Planning System. While I accept that the proposed layout involves the siting of the main three-storey building a stated minimum distance of 39m from the closest original rear elevation of neighbouring housing, this is a substantial separation distance and my assessment of the impact of the proposed development on neighbouring properties is undertaken below primarily in section 7.4 of this report.

7.3.5. The grounds of appeal assert that the height of the proposed buildings would be out of character with the surrounding context, which is dominated by two-storey housing. The new school building would primarily read as a stepped three-storey building, responding to the fall in ground levels to the south and with circulation cores at both ends of the building reading as marginally higher four-storey elements. This new

school building would have a height of approximately 13m relative to the immediate ground levels, excluding any flue overruns, and no higher than 16m at its apex according to the applicant. The buildings to be demolished range from single to two-storeys. Contiguous elevation drawings submitted with the application illustrate the existing and proposed variations in building height relative to neighbouring properties, including housing along Copeland Grove and Howth Road (see drawing nos. PL123 & 125). I am satisfied that the separation distances between the proposed buildings and the other school buildings on site that would remain, as well as the existing neighbouring houses, would be sufficient to ensure that an abrupt transition in building heights would not arise.

7.3.6. The Development Plan sets out that the maximum building height allowable would be 16m in this area, excluding plant, flues and lift overruns. The Urban Development and Building Heights Guidelines for Planning Authorities (2018) provide guidance relating to building heights. According to these Guidelines, building-up urban infill sites is required to meet the needs of a growing population and 'increased building height is a significant component in making optimal use of the capacity of sites in urban areas'. Section 3.1 of the Guidelines outlines that it is Government policy that building heights must be generally increased in appropriate urban locations. There is a presumption in favour of increased heights in urban locations, such as this, with good public transport accessibility, including bus and rail links, and I am satisfied that the building heights proposed are appropriate having regard to the need to use urban land efficiently, the relevant planning provisions and the site context. However, the Guidelines also note that development should be of very high quality in terms of the architectural, urban design and public realm outcomes.

7.3.7. As part of the application the design proposals are outlined in the planning report submitted and the applicant's computer-generated images (CGIs) provide a reasonably accurate portrayal of the proposed scheme. External finishes to the elevations of the proposed building would comprise brickwork to the plinth and the three bookend-style circulation cores, with this brickwork intended to relate to the original brickwork in Mount Temple house and with contrasting coloured render finishes for the inset walls and the projecting wall elements. The upper floors for the central multi-use hall would be framed in metal cladding with a colour-glazed curtain-wall system, which would also be carried through to the main entrance canopy

feature. A colour-render finish is also proposed for the blank-gable wall to the multi-use hall on the west side of the building. Based on concerns regarding the visual impact of the development when viewed from the rear of Copeland Grove, the planning authority has requested that this west-facing blank gable be finished in both render and brick, similar to the rest of the building, and with vertical emphasis. The applicant has not contested this and I am also satisfied that there would be merit in attaching such a condition from a visual amenity perspective. The proposed scheme is of contemporary design with balanced solid and void proportions, quality, durable and low maintenance materials, and with finishes exhibiting a consistency in design, with the most expansive east and west elevations primarily broken up by vertical differentiation in the building finishes and the stepping of the building line for the various internal facilities, to create a sensory garden, to highlight the main building entrance and to identify the circulation cores. I am satisfied that with the attachment of conditions, sufficient attention and detail has been undertaken in the design and external appearance of the proposed school buildings.

7.3.8. A central corridor would run through the building to allow teaching rooms to be primarily served by east or west-facing aspect. The internal design, layout, configuration and room sizes, including ancillary and associated facilities and areas, for the new school building are stated to accord with the technical guidance standards employed by the applicant. I am satisfied that the proposed school teaching spaces would provide a quality education environment for pupils and staff, in line with the approach supported within the Ministerial Code of Practice titled 'The Provision of Schools and the Planning System'.

7.3.9. Policies CHC1 and CHC2 of the Development Plan, seek to preserve the built heritage of the city and to safeguard the special interest of protected structures. When considering the suitability of building height, the Urban Development and Building Heights Guidelines refer to the need to consider the impact on the historic built environment, while the Architectural Heritage Guidelines require development proposals to take account of the impact on protected structures. The site and surrounding area is not within a designated conservation area and the protected structures on site, as referenced above, have influenced the proposed site layout and the location of the new school building, with the plans submitted illustrating the positioning of the building largely to the west of a north-facing view line towards the



front of Mount Temple house and with a finished-floor level set 4m to 8m below the ground level of this protected structure. A Conservation Report stated to have been prepared by an accredited conservation architect (Grade I) was submitted with the application, addressing the historical context for the site using cartographic analysis, detailing features of cultural heritage and providing an architectural heritage impact assessment of the proposals. This assessment highlights that no works or loss to the original fabric of the protected structures is proposed at this juncture and that the proposed development would be beneficial to the setting of the protected structures, Mount Temple house and clock tower, by opening up views of the structures and restoring parterre features stepping down from the house. Views towards the sea would be reduced by the new position for the school, but the applicant considers that this impact would be partially mitigated by the creation of sylvan boundaries.

- 7.3.10. In response, a Conservation Report prepared by an accredited conservation architect (Grade III) was appended to a third-party submission to the planning authority, and this outlined the extent of the curtilage for the protected structures based on statutory wording, planning guidance and the historical context of the site. This highlights the importance of maintaining the open lands to the south of Mount Temple house, including views of the house from the entrance gateways. Areas of lower and higher sensitivity have been identified and the new school building would straddle both these areas.
- 7.3.11. A visual impact assessment of the proposed development did not accompany the application, but photomontages from five locations were submitted, including two from ground level (Drawing nos.PL202 & PL203) showing the proposed new school building alongside Mount Temple house and a bird's-eye view of proposed school campus from the north (Drawing no.PL200). Screening by the mature tree-lined avenue and a separation distance of 200m largely creates a visual disconnection between the gate lodge and the proposed new school building. The most open and sensitive views of Mount Temple house and the clock tower are from the south and the proposed new school building would be positioned south of the existing main school building, on lower ground and approximately 70m from these protected structures. While I recognise that the proposed building would feature an increased building height when compared with the existing main school building and would to a very limited extent obstruct views of the protected structures from the south and

views to the south from the protected structures, there is significant gain to be achieved for the setting and character of the house and clock tower via the proposed demolition of five school buildings surrounding these structures and the proposed landscaping. The historical parterre features fronting the protected structures would also be partially extended as part of the development and I do not consider that the subject proposals would impact negatively on the setting of the protected structures, particularly when compared with the present situation. In summary, I am satisfied that the proposed development would not have an adverse impact on the setting and character of the protected structures on site.

7.3.12. Within condition 13 of the planning authority decision, the planning authority required a variety of measures to be employed in order to protect the curtilage, fabric, character and integrity of the protected structures on site. The applicant has contested the necessity for aspects of Condition 13 and lack of clarity in this condition, specifically items (a)-c and (d), as funding to conserve the protected structures would not be immediately available, and given that the wording of the condition may significantly hinder the phasing of the subject school development. With the exception of works involving the demolition of structures, groundworks and landscaping within the curtilage of Mount Temple house and clock tower, no actual works are proposed as part of the planning application to the subject protected structures on site. The thrust of condition 13 is to enable recording, repair, maintenance and conservation of the protected structures as part of the project. The repair and maintenance works to the protected structures are unknown at this stage. Given the absence of details regarding the repair and maintenance works that may be necessary and, as these works may require material alterations to protected structures, it would only be appropriate and reasonable to attach a condition seeking the recording of the subject protected structures on site at this juncture, and as such an alternative amended conservation condition achieving same should be attached in the event of permission being granted.

7.3.13. In conclusion, subject to conditions, I am satisfied that the layout, scale, height, appearance and design of the proposed development, including the relationship with protected structures, would be appropriate for the area and the appeal site.

## **7.4. Impact on Residential Amenities**

- 7.4.1. The Development Plan promotes sustainable development with due consideration for surrounding residential amenities. The grounds of appeal raise several concerns with respect to the potential impact of the development on the residential amenity of neighbouring properties, potentially arising from the loss of privacy and light, excess overbearing impacts and overlooking, as well as increased disturbance and nuisance via noise, lighting and reduced security. Residents have highlighted concerns regarding the loss of mature trees and vegetation along the boundary with Copeland Grove and Howth Road, which would impact on the security and screening presently enjoyed by these properties. In response, the applicant asserts that the existing school facility to an extent already impacts on the residential amenities of neighbouring properties, and that the design features and boundary treatments, as well as the separation distances between the proposed building, including any windows facing the rear of neighbouring housing, would sufficiently reduce any impacts of the proposed development on the amenities of neighbouring residences.
- 7.4.2. The closest residential buildings to the development area on the appeal site comprises the housing along Copeland Grove and Howth Road to the west and south. At its closest point to a residential boundary, the proposed new school building would be positioned a stated minimum of 8.85m from the rear boundary of No.14 Copeland Grove. The rear gardens to the housing along Copeland Grove, a large number of which have been extended to the rear, are on average approximately 30m in length, with the nearest part of the proposed new school building to neighbouring houses a stated 39.15m from the original rear elevation of No.14 Copeland Grove. Section drawings (no.1446-PL115-to PL119) along the boundaries with Copeland Grove and Howth Road illustrate the boundary proposals and the variations in topography in selected locations, with the subject site generally on higher ground (0.25m to 3m) when compared with the rear ground level of neighbouring properties in Copeland Grove. Potential for excessive direct overlooking from ground level along the western boundary would be substantially restricted by the boundary treatments, including the existing stepped boundary wall, which would be supplemented by the requirements of conditions (3a and 4) attached to the planning authority decision, including the requirement for a 2m-high boundary along the rear of the residential properties, as well as additional boundary trees and

planting. The applicant has not contested these conditions, and I consider these conditions reasonable in continuing to secure the boundary and providing screening at surface level between the school grounds and the houses.

- 7.4.3. The proposed new building would not feature upper-level windows on the two gable elements, which are closest to the rear of Nos.14 and 30 Copeland Grove. Consequently, the closest upper-level windows would be approximately 22m to 50m from the rear gardens of housing in Copeland Grove. A drone survey by the applicant of 22 selected tree heights along the boundaries with Copeland Grove and Howth Road in August 2019 estimated the height of the mature trees to be within the range of 11.5m and 24.2m. Twenty trees are identified for removal throughout the site consequent to a tree survey, with 11 mature trees to be removed along the boundary between the proposed school building and the housing to the west. Several mature trees would remain and would be managed, with some coppiced to improve screening and, as stated within the grounds of appeal, additional semi-mature non-deciduous trees would be planted along the boundary to compensate for the loss of trees. I am satisfied that with the above referenced separation distances, as well as the maintained and proposed boundary treatments including planting, potential for excessive direct overlooking from the upper levels of the new school building would not arise. Potential for excessive indirect overlooking from the south-facing upper level windows serving classrooms in the proposed building would not arise given the orientation and minimum separation distance (23m) between these windows and the rear boundary with the nearest neighbouring properties (28 Copeland Grove). Opaque glazing is proposed to the toilet and changing room windows and the high-level windows serving the central fitness suite. I am satisfied that the installation of opaque glazing or other additional measures to restrict views from windows in the new school building would not be necessary in light of the assessment above. I am satisfied that undue loss of privacy or overlooking impacts for residents of neighbouring properties would not arise given the positioning and orientation of the upper-level windows, the separation distances between the proposed building and neighbouring properties and the screening that would be provided by the existing and maintained boundaries, including mature trees, as well as the proposed boundary treatments, including a 2m-high wall or timber fence, as well as additional and replacement trees and planting.

- 7.4.4. During consideration of the application, concerns were raised regarding the alignment of an existing walkway bounding the boundary with properties along Copeland Grove. As a condition (3a) of the planning authority decision, it was requested that the walkway be realigned and repositioned at least 3m from the boundary to protect existing amenities. The applicant has not contested this condition and the request appears reasonable. Neighbouring residents appealing the decision assert that the walkway could not be realigned without the necessity to reposition the school building, however, I am satisfied that compliance with this condition would be feasible without having to move the footprint of the school building any closer to the boundaries, and the revised walkway could be repositioned in a manner that could avoid detrimental damage to trees in this area.
- 7.4.5. The applicant submitted a shadow analysis drawing (no. 1446 PL-28) to illustrate the areas that would be overshadowed by the new school building throughout the year and at differing daytimes. Given the orientation, the separation distances and the positioning of the proposed building to the east of Copeland Grove residences and to the north of Howth Road residences, I am satisfied that the proposed development would not result in excessive overshadowing of amenity spaces or loss of natural light to internal rooms to these closest neighbouring residences.
- 7.4.6. Similar to the situation with regard to the loss of privacy, overlooking and overshadowing, residential properties with the greatest potential to be effected as a result of overbearing impacts, would be those located along Copeland Grove and Howth Road. I am satisfied that the stated separation distances from neighbouring residential properties and the proposed development, would be sufficient to ensure that the proposed three-storey building would not be excessively overbearing where visible from these properties, including their rear gardens, which I have acknowledged to be positioned on lower ground.
- 7.4.7. The majority of the new school facilities would be internalised and subject to standard building regulation requirements and the vast majority of external areas for the school would remain to the east of the site, with the exception of the three ball courts on the north western boundary. Operational phase lighting, noise and other emissions arising from the proposed development would be similar to the existing development on site and would be typical for a school development in an urban context, such as this, and the screening proposals for the boundary would reduce

the impacts further. A lighting plan can be requested as a condition in the event of a grant of permission for the proposed development. While I would accept that moving the main school building and campus may alter or vary the disturbance effect for neighbouring residents and that the campus would facilitate increased pupil numbers, I am not satisfied that this would lead to a substantial increase in nuisance for neighbouring residents, including those working from home, particularly given the nature and scale of the well-established existing facility on site.

- 7.4.8. In conclusion, the proposed development would not result in undue loss of privacy and light, excessive overshadowing or overlooking, as well as excessively overbearing impacts for neighbouring residential properties. Furthermore, the operation of the proposed development would not be likely to lead to a substantial increase in disturbance for neighbouring residents. Accordingly, the proposed development should not be refused for reasons relating to the impacts on neighbouring residential amenities.

## **7.5. Access, Parking & Traffic**

- 7.5.1. The grounds of appeal assert that an insufficient provision of car parking would be provided to serve the development, which would result in additional overspill parking in the surrounding area, while the development would also lead to increased traffic and parking congestion in the area, particularly along Copeland Grove and Howth Road. The grounds of appeal also assert that traffic safety and movement would be compromised via increased right-turning vehicles using the Howth Road access. The proposed development would continue to be served by the vehicular, cyclist and pedestrian accesses off Malahide Road and Howth Road.
- 7.5.2. The Roads & Traffic Planning Division of the planning authority did not object to the access arrangements for the proposed development, noting that the Howth Road access would only be used by staff and service vehicles and that any alterations outside the redline boundary would be subject to separate agreements. Engineering drawing (no. P130) reveals the sightlines available at the exit to this entrance onto Howth Road. The proposals would result in increased use of the Howth Road access, which is not proposed to be upgraded as part of the development and at present features a poor junction arrangement and layout that is complicated by the bus stop at the entrance. It is clear that improvements could be made to this junction

area to facilitate safer and improved access to the school and along Howth Road to the benefit of all road users, possibly involving reduced kerb radii, improved signage and road markings and greater clarity of surfaces for the differing transport modes, following the approach contained in the Design Manual for Urban Roads and Streets. A condition should be attached to address this, should permission be granted for the proposed development.

7.5.3. The Traffic and Transport Assessment submitted with the planning application does not anticipate substantial increases in traffic in the wider area, arising from the future operation of the facility. Further impacts on traffic in the surrounding road network are not anticipated given the nature and scale of the proposed development largely replacing the existing facility. As part of the application, the applicant submitted a School Travel Plan for the development, which includes a range of targets, measures and actions to increase the shift towards more sustainable modes of transport and reduce private car usage associated with school trips. With the possible closing of pedestrian and cyclist access to facilitate the construction access from the south, it is asserted by neighbouring appellants that this would encourage increased use of Copeland Grove for parking, as a set-down and pick-up area for the school and as a through-route for cyclists and pedestrians using the Malahide Road entrance of the school. As a consequence it is asserted by neighbouring appellants that this would cause unnecessary inconvenience for residents, as well as increased disturbance and risk of accidents along Copeland Grove. Vehicular access to the school, as well as set-down and pick-up areas would continue to operate from the Malahide Road entrance during the construction period, therefore, I am satisfied that this would not lead to a substantial or permanent increase in use of Copeland Grove for parking, set-down or pick-up associated with the school. Cyclist and pedestrian activity through Copeland Grove may increase over the construction period should pedestrian and cyclist access be restricted from the Howth Road entrance, but this would only be for a temporary period and would not be focussed solely on Copeland Grove, given the other immediate routes available to the main school entrance, including Copeland Avenue. Assertions of increased anti-social behaviour in the area are civil matters to be dealt by the relevant authorities.

7.5.4. A total of 60 car parking spaces are proposed to serve the school, with 25 staff car parking spaces to the south and 29 car parking spaces to the north, two of which

feature accessible car charging points accessed by a 'grasscrete' road surface. When excluding rooms and facilities such as staff rooms and libraries, the new school building would accommodate 1,000 pupils and 59 classrooms according to the applicant, including for example, general classrooms, music rooms, science laboratories, arts and crafts rooms. It is stated that the science block would also remain as part of the education facilities. A total of 18 set-down parallel car parking spaces for drop-off and pick-up would be provided along the main avenue off Malahide Road, while four car parking spaces from the total are to be allocated as accessible spaces and six spaces would be provided with electrical charging points. The Roads & Traffic Planning Division of the planning authority, considered that the quantum of parking proposed would comprise an excess of 12 car parking spaces based on Development Plan standards allowing for a maximum of one car parking space per classroom. However, I note that the Roads & Traffic Planning Division of the planning authority appear to have relied on the Traffic and Transport Assessment that described the proposed development as accommodating 48 classrooms and 1,100 pupils, which does not align with the floor plan details and planning notices submitted. The existing site layout identifies 75 car parking spaces serving the school with significant scope for informal spaces around buildings. I am satisfied that the 60 proposed parking spaces provide for a reasonable reduction in car parking serving the school, which would not be excessive relative to the existing parking, the standards in the Development Plan, the additional school accommodation and the desire to further reduce the modal split of private car usage for the campus.

- 7.5.5. A total of 334 Sheffield-style bicycle spaces are proposed at surface level along the school mall, which would exceed the Development Plan standards based on 1,000 pupils attending the post-primary school. The Development Plan states that all long-term cycle racks shall be protected from the weather, therefore, I am satisfied that the condition requested by the Roads & Traffic Planning Division that the spaces should be sheltered would be warranted.
- 7.5.6. In conclusion, subject to conditions, the proposed development would not result in traffic hazard, would not result in significant additional traffic or parking congestion in the area or inconvenience to road users, and would feature an appropriate provision of car and cycle parking.



## **7.6. Site Services**

- 7.6.1. The application was accompanied by an Engineering Assessment Report addressing site services, including surface water drainage, foul drainage and water supply. With regard to surface water drainage, the existing surface water from the site drains without attenuation to the existing 225mm diameter surface water sewer along Howth Road. A piped gravity network is now proposed, with a 225mm diameter surface water sewer serving the western side of the site connecting into the Howth Road sewer. The development would feature an attenuation tank capable of storing 680 cubic metres and sized for a 1:100-year storm event with a 20% climate change allowance. Permeable paving is proposed for car parking spaces and rainwater harvesting would also be installed, as part of a suite of SUDS. It is stated that the proposals would restrict outflow from the entire campus below 10.73l/s, which the Engineering Department of the planning authority has not objected to. A fuel interceptor and a flow control device (hydrobrake) would be installed prior to discharge of surface waters to the public network. With regard to foul drainage, a 225mm diameter piped gravity system is proposed, connecting to the existing 450mm diameter foul sewer running along Howth Road. The proposed water supply would involve a connection into the existing 5-inch watermain along Howth Road and decommissioning of the existing connection on Malahide Road.
- 7.6.2. The planning authority's Engineering Department consider the applicant's proposals to be generally acceptable, subject to conditions clarifying the terms of the permission. I note that the replacement school would place limited additional pressure on site services and would improve the management and storage of surface water on the site. In conclusion, I consider the proposed site services would be satisfactory, subject to appropriate conditions.

## **7.7. Other Matters**

### Flood Risk

- 7.7.1. Concerns in relation to increased risk of flooding arising from the proposed development are raised by neighbouring residents. The applicant submitted a flood risk assessment report as part of the planning application and this noted that the river Wad catchment study identified an area of fluvial flood risk to the south eastern

corner of the site currently accommodating a soccer pitch and a rugby pitch. This area was identified in the archaeological assessment accompanying the planning application as the historical location of ponds and 'Black Quarry', and no works are proposed to this area as part of the application. The area on site proposed to accommodate the new school building and associated service areas, is set on ground that is approximately 0.5m to 3.5m above the two playing fields and at low risk of fluvial or other flood risk. As such, the development area is in flood zone C based on the approach within The Planning System and Flood Risk Management – Guidelines for Planning Authorities. The assessment highlighted that the natural fluvial flood route would be situated away from the school buildings and that the residual risk of pluvial flooding would be low for the school based on the proposed ground-floor levels, as well as the sizing and design of the surface water drainage system. The applicant calculates that the development would result in a 95% reduction in the runoff rate from the site. Based on the information available, I am satisfied that the proposed development would not be subject to unacceptable risks of flooding and would not lead to an increased risk of flooding to other lands.

#### Construction Phase

- 7.7.2. Several concerns have been raised by third parties with respect to the construction phase of the project, including the potential for increased nuisance and disturbance for local residents. The planning authority decision included a number of conditions specifically addressing the phasing of the development, the requirement for a construction management plan and the restriction of construction times. Within their engineering assessment the applicant recognises that stringent traffic management would be required during the construction phase of the project and they have not contested the attachment of the planning authority conditions, which would be a standard requirement in the event of a grant of planning permission. I am satisfied that given the temporary nature of the works, the scale of the overall site and the scope to use the Howth Road access during construction, subject to conditions similar to those set out by the planning authority, the construction phase of the proposed development would not be likely to detrimentally impact on neighbouring residential amenities and would not be likely to pose an unacceptable risk to public and environmental safety.

### Property Devaluation

- 7.7.3. The grounds of appeal assert that the proposed development would lead to a depreciation in the value of property in the vicinity. Arising from the assessment above, in particular with regard to the impact of the proposed development on neighbouring residential amenities (section 7.4), and cognisant of the existing and established use of the site, I am satisfied that clear and convincing evidence has not been provided to support claims that the proposed development would be likely to result in a substantial depreciation of property values in the vicinity.

### Archaeology

- 7.7.4. The site is outside of a 'Zone of Archaeological Interest', as identified in the Development Plan, and the nearest recorded monument and place is the Casino structure, approximately 230m to the northwest in Marino. An archaeological assessment accompanied the planning application and this assessment noted that a recorded archaeological monument (Ref. DU018-018) was previously identified close to the Howth Road on site. This archaeological site may possibly encompass a curved earthen bank feature that has since been buried under the playing fields and the site has been declassified. Known archaeology would not be impacted by the proposed development. The Department of Culture, Heritage and the Gaeltacht did not respond during consultation, while the City Archaeologist recommends that an archaeological condition be attached, including monitoring, in the interest of preserving, or preserving by record, archaeological material likely to be damaged or destroyed in the course of development. Significant groundworks have previously taken place across the site and would be required as part of the proposed development. The applicant has recognised that monitoring during initial groundworks would be necessary and that further investigation may be necessary of a possible archaeological site close to the Howth Road railway embankment and a mound in the eastern corner of the site, both of which are not within the proposed building footprint. Consequently I am satisfied that a condition requiring preservation, recording and protection of archaeological materials would be appropriate and necessary.

## Ball Courts

- 7.7.5. The decision to grant planning permission issued by the planning authority included condition 8 requiring the omission from the development of three ball courts identified along the western boundary, as it was considered that these elements should have been specifically referenced as part of the description of the proposed development, as detailed in the public notices for the planning application. The applicant considers that these ball courts were indirectly referenced in the development description as they form part of the 'soft and hard landscaping' for the project, as stated in the development description, and their omission via condition is not warranted.
- 7.7.6. I accept that the development description does not specifically refer to the three ball courts, but I also note that the planning authority did not find issue with this when validating the application. The public had an opportunity to comment on the application proposals, including the three ball courts at this point. The Planning and Development Regulations 2000-2020 require the public notices to include a 'brief description of the nature and extent of the development' and it would be unwieldy, impractical and unnecessary to require every specific feature of a development to be described in the public notices, particularly for a development of the scale proposed. It would not be helpful or in the interest of natural justice if the development description in the public notices referred to every minor ancillary aspect of a proposal. It is clear from the drawings that were submitted to the planning authority with the application that the revised layout for the site, as part of the proposed development, including hard landscaping, would incorporate the inclusion of the three ball courts. Comments in response to the first-party appeal were not received. I am satisfied that the ball courts form part of the subject proposed development, as originally submitted to the planning authority, and I have considered these as an integral aspect of the proposals in my assessment above. Therefore, condition 8 of the planning authority decision would not be warranted and should be omitted in the event of a grant of planning permission.

## Consultation

- 7.7.7. The neighbouring residents grounds of appeal assert that sufficient consultation was not undertaken with local residents and that issues raised during public consultations

were not addressed as part of the proposed development submitted in the application to the planning authority. Public consultation events are not a statutory requirement as part of the application process for a project of this scale and nature, neither is there a necessity for all matters raised during any consultation event to be addressed in the proposals or otherwise. I am satisfied that the public would have been made aware of the planning application through the statutory public notices and concerned parties were not prevented from making representations on the application and appeal. The above assessment represents my de novo consideration of all planning issues material to the proposed development.

## **8.0 Appropriate Assessment**

### **8.1. Stage 1 – Screening**

- 8.1.1. A NIS was not submitted by the applicant with the planning application, but a report screening for Appropriate Assessment was submitted. The applicant's AA Screening Report identifies European Sites within a possible 15km radius of the appeal site and assesses the potential impacts on these European sites. The AA screening report concludes that there is no potential for likely significant effects on any European sites and a similar conclusion was reached by the planning authority when issuing a decision on the application. A third-party appellant subsequently submitted a report screening for Appropriate Assessment as part of the grounds of appeal and this concluded that the proposals would have a significant negative impact on European sites and that a NIS should be prepared for the project. Where relevant I refer to the screening reports submitted below.
- 8.1.2. The submissions and observations from the planning authority, prescribed bodies and third parties are summarised in sections 3 and 6 of this Report, including reference to ecological and AA matters. The applicant provides a description of the project in Section 3.1 of their AA Screening Report. The development is also summarised in Section 2 of this Report above.

## 8.2. Relevant European Sites

8.2.1. The nearest European sites to the appeal site are outlined in section 5.4 above. A summary of European Sites that occur within the zone of influence of the proposed development is presented in table 2 below.

**Table 2.** Neighbouring European Sites

Site Name & Code	Qualifying Interest / Special Conservation Interest	Distance
South Dublin Bay and River Tolka Estuary SPA [004024]	Light-bellied Brent goose <i>Branta bernicla hrota</i> [A046] Oystercatcher <i>Haematopus ostralegus</i> [A130] Ringed plover <i>Charadrius hiaticula</i> [A137] Grey plover <i>Pluvialis squatarola</i> [A141] Knot <i>Calidris canutus</i> [A143] Sanderling <i>Calidris alba</i> [A149] Dunlin <i>Calidris alpina</i> [A149] Bar-tailed godwit <i>Limosa lapponica</i> [A157] Redshank <i>Tringa totanus</i> [A162] Black-headed gull <i>Chroicocephalus ridibundus</i> [A179] Roseate tern [A193] Arctic tern [A194] Wetland and waterbirds [A999]	0.5km
North Dublin Bay SAC [000206]	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows [1330] Mediterranean salt meadows [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with marram grass <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190]	2.7km

	Petalwort <i>Petalophyllum ralfsii</i> [1395]	
North Bull Island SPA [004006]	Light-bellied brent goose [A046] Shelduck <i>Tadorna</i> [A048] Teal <i>Anas crecca</i> [A054] Pintail <i>Anas acuta</i> [A054] Shoveler <i>Anas clypeata</i> [A056] Oystercatcher [A130] Golden plover <i>Pluvialis apricaria</i> [A140] Grey plover [A141] Knot [A143] Sanderling [A144] Dunlin [A149] Black-tailed godwit <i>Limosa</i> [A156] Bar-tailed godwit [A157] Curlew <i>Numenius arquata</i> [A160] Redshank [A162] Turnstone <i>Arenaria totanus</i> [A169] Black-headed gull [A179] Wetland and waterbirds [A999]	2.7km
South Dublin Bay SAC [000210]	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]	3.4km
Baldoyle Bay SAC [000199]	Tidal Mudflats and Sandflats [1140] Salicornia Mud [1310] Atlantic Salt Meadows [1330] Mediterranean Salt Meadows [1410]	6.8km
Baldoyle Bay SPA [004016]	[A046] Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [wintering] [A048] Shelduck ( <i>Tadorna tadorna</i> ) [wintering] [A137] Ringed Plover ( <i>Charadrius hiaticula</i> ) [wintering] [A140] Golden Plover ( <i>Pluvialis apricaria</i> ) [wintering]	7.1km

	[A141] Grey Plover ( <i>Pluvialis squatarola</i> ) [wintering] [A157] Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [wintering] [A999] Wetland and Waterbirds	
Rockabill to Dalkey Islands SAC [003000]	Reefs [1170] Harbour porpoise <i>Phocoena phocoena</i> [1351]	7.9km
Howth Head SAC [000202]	Dry Heath [4030]	8.2km
Malahide Estuary SAC [000205]	Tidal Mudflats and Sandflats [1140] Salicornia Mud [1310] Atlantic Salt Meadows [1330] Mediterranean Salt Meadows [1410] Marram Dunes (White Dunes) [2120] Fixed Dunes (Grey Dunes)* [2130]	9.9km
Malahide Estuary SPA [004025]	[A005] Great Crested Grebe ( <i>Podiceps cristatus</i> ) [wintering] [A046] Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [wintering] [A048] Shelduck ( <i>Tadorna tadorna</i> ) [wintering] [A054] Pintail ( <i>Anas acuta</i> ) [wintering] [A067] Goldeneye ( <i>Bucephala clangula</i> ) [wintering] [A069] Red-breasted Merganser ( <i>Mergus serrator</i> ) [wintering] [A130] Oystercatcher ( <i>Haematopus ostralegus</i> ) [wintering] [A140] Golden Plover ( <i>Pluvialis apricaria</i> ) [wintering] [A141] Grey Plover ( <i>Pluvialis squatarola</i> ) [wintering] [A143] Knot ( <i>Calidris canutus</i> ) [wintering] [A149] Dunlin ( <i>Calidris alpina</i> ) [wintering] [A156] Black-tailed Godwit ( <i>Limosa limosa</i> ) [wintering] [A157] Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [wintering] [A162] Redshank ( <i>Tringa totanus</i> ) [wintering] [A999] Wetland and Waterbirds	10.1km
Ireland's Eye SPA [004117]	[A017] Cormorant ( <i>Phalacrocorax carbo</i> ) [breeding] [A184] Herring Gull ( <i>Larus argentatus</i> ) [breeding] [A188] Kittiwake ( <i>Rissa tridactyla</i> ) [breeding]	10.8km



	[A199] Guillemot ( <i>Uria aalge</i> ) [breeding] [A200] Razorbill ( <i>Alca torda</i> ) [breeding]	
Ireland's Eye SAC [002193]	Perennial Vegetation of Stony Banks [1220] Vegetated Sea Cliffs [1230]	11km
Howth Head Coast SPA [004113]	[A188] Kittiwake ( <i>Rissa tridactyla</i> ) [breeding]	11km
Dalkey Islands SPA [004171]	[A192] Roseate Tern ( <i>Sterna dougallii</i> ) [passage] [breeding] [A193] Common Tern ( <i>Sterna hirundo</i> ) [passage] [breeding] [A194] Arctic Tern ( <i>Sterna paradisaea</i> ) [passage] [breeding]	12.9km
Rogerstown Estuary SAC [000208]	Estuaries [1130] Tidal Mudflats and Sandflats [1140] Salicornia Mud [1310] Atlantic Salt Meadows [1330] Mediterranean Salt Meadows [1410] Marram Dunes (White Dunes) [2120] Fixed Dunes (Grey Dunes)* [2130]	14.6km
Rogerstown Estuary SPA [004015]	[A043] Greylag Goose ( <i>Anser anser</i> ) [wintering] [A046] Light-bellied Brent Goose ( <i>Branta bernicla</i> <i>hrota</i> ) [wintering] [A048] Shelduck ( <i>Tadorna tadorna</i> ) [wintering] [breeding] [A056] Shoveler ( <i>Anas clypeata</i> ) [wintering] [A130] Oystercatcher ( <i>Haematopus ostralegus</i> ) [wintering] [A137] Ringed Plover ( <i>Charadrius hiaticula</i> ) [wintering] [A141] Grey Plover ( <i>Pluvialis squatarola</i> ) [wintering] [A143] Knot ( <i>Calidris canutus</i> ) [wintering] [A149] Dunlin ( <i>Calidris alpina</i> ) [wintering] [A156] Black-tailed Godwit ( <i>Limosa limosa</i> ) [wintering] [passage] [A162] Redshank ( <i>Tringa totanus</i> ) [wintering] [A999] Wetland and Waterbirds	14.8km

Lambay Island SPA [004069]	[A009] Fulmar ( <i>Fulmarus glacialis</i> ) [A017] Cormorant ( <i>Phalacrocorax carbo</i> ) [A018] Shag ( <i>Phalacrocorax aristotelis</i> ) [A043] Greylag Goose ( <i>Anser anser</i> ) [A183] Lesser Black-backed Gull ( <i>Larus fuscus</i> ) [A184] Herring Gull ( <i>Larus argentatus</i> ) [A188] Kittiwake ( <i>Rissa tridactyla</i> ) [A199] Guillemot ( <i>Uria aalge</i> ) [A200] Razorbill ( <i>Alca torda</i> ) [A204] Puffin ( <i>Fratercula arctica</i> )	18.0km
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### 8.3. Receiving Environment

- 8.3.1. The subject urban site, as described in section 1 above, contains a school campus amongst mature treelines and comprising buildings, hard-surfaced areas and recreational grounds, including playing fields.
- 8.3.2. With regard to the presence of flora and fauna on site, the AA Screening Report of the applicant focusses on avifauna. The applicant refers to a paper by Benson (2009) investigating the use of inland feeding sites by Light-bellied Brent Geese, which highlighted that the grounds of Mount Temple Comprehensive School had potential as a feeding site for this bird species.
- 8.3.3. Both the applicant and third-party appellants' AA Screening Report refer to an NIS dated October 2019 submitted to the Board as part of proposals for a strategic housing development (SHD) (ABP Ref. 305680) on the neighbouring St. Paul's College site in Raheny, Dublin 5. This NIS includes a figure indicating the ex-situ inland feeding sites for Light-bellied Brent Geese in the Dublin area based on surveying during the 2018-2019 winter season. According to this NIS, Light-bellied Brent Geese were not recorded on the appeal site during the 2018-2019 winter season. Appended to the NIS is another NIS (dated November 2017) that had been prepared for an earlier SHD application by the consultant that prepared the AA screening report on behalf of the applicant for the subject project. Within this 2017 NIS, it is stated that no geese were recorded on the Mount Temple site over the previous five winter seasons, dating back to 2012-2013, but that droppings from Light-bellied Brent Geese were recorded at the site.

- 8.3.4. The applicant undertook an initial walkover of the site on the 15th day of February 2019 and no signs of qualifying interest bird species from European sites were recorded. Four full days of follow-up wetland bird surveys were undertaken during 2019 (25th February, 5th March, 11th March and 29th September). The results of the surveying are appended to the applicant's AA screening report and this highlights recordings of Herring Gull and Black-headed Gulls foraging on site in groups of 1 to 13 on each of the four survey days. Flocks of up to 250 Light-bellied Brent Geese flew over the site on each of the full day surveys, while 14 Light-bellied Brent Geese were recorded foraging for three minutes in the eastern corner of the site on the evening of the final survey day. Droppings or feathers from other qualifying interest bird species identified in table 2 above were not recorded during the surveys.
- 8.3.5. The closest watercourse to the appeal site is the river Tolka estuary approximately 500m to the south. Surface water bodies have not been identified on the site and the majority of the lands drain attenuated towards Howth Road. Foul water from the site drains into the foul sewer network, flowing to Ringsend Wastewater Treatment Plant, prior to discharge to the Liffey estuary, which has a 'moderate' status in the Water Framework Directive with a water quality status referred to as 'unpolluted'.

#### **8.4. Test of Likely Significant Effects**

- 8.4.1. The project is not directly connected to or necessary to the management of any European site. The proposed development is examined in relation to any possible interaction with European sites to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.
- 8.4.2. Taking account of the characteristics of the proposed development in terms of its location and the scale of works both during construction and operational phases, the following issues are considered for examination in terms of implications for likely significant effects on European sites:
- habitat loss and fragmentation;
  - disturbance and displacement impacts;
  - habitat degradation as a result of hydrological impacts.

### Habitat Loss and Fragmentation

- 8.4.3. Light-bellied Brent Geese are qualifying interests for South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), North Bull Island SPA (Site Code: 004006), Baldoyle Bay SPA (Site Code: 004016), Malahide Estuary SPA (Site Code: 004025) and Rogerstown Estuary SPA (Site Code: 004015). The baseline population for Light-bellied Brent Geese in these SPA sites provided by the National Parks and Wildlife Services (NPWS) varies from an internally-important 368 birds in South Dublin Bay and River Tolka Estuary SPA to an internally-important 1,548 birds in North Bull Island SPA. Internally-important populations of 726 birds are recorded for Baldoyle Bay SPA, 1,104 for Malahide Estuary SPA and 1,069 for Rogerstown Estuary SPA. According to the applicant, the data from Birdwatch Ireland Irish wetland bird surveys (IWeBS) indicates a mean peak of 4,602 Light –bellied Brent Geese in the Dublin Bay area.
- 8.4.4. According to NPWS data, Herring Gull are qualifying interests for Ireland’s Eye SPA (Site Code: 004117) with a nationally-important population of 250 and Lambay Island SPA (Site Code: 004069) with a nationally-important wintering population of 2,400 birds.
- 8.4.5. Black-headed Gull are qualifying interests for South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) with a nationally-important population of 3,040 birds and North Bull Island SPA (Site Code: 004006) with a nationally-important population of 2,196 birds.
- 8.4.6. Light-bellied Brent Geese, Herring Gull and Black-headed Gull recorded by the applicant on the appeal site during surveying potentially form part of the baseline populations of these qualifying interests bird species in the respective European sites within the zone of influence of the project. The applicant asserts that the subject lands are not considered to form an important ex-situ site with respect to these bird species, given that the evidence confirms very limited use of the site for feeding and as the bird numbers recorded only represent a small proportion of their population relative to national populations and the baseline populations for these birds in each of the respective European sites. The applicant also highlights that large areas of amenity grassland would remain in the eastern part of the site to

continue to provide suitable foraging opportunities for wintering wetland birds during the construction and the operation of the facility.

- 8.4.7. The neighbouring appellants' AA Screening Report asserts that additional bird surveys are required and that an ecological assessment undertaken in 2012 for the school grounds comprising habitat mapping and various surveys, identified use of the site by Light-bellied Brent Geese, Black-tailed Godwit and Oystercatcher. According to the third-party appellants, the ecological assessment confirms that use of the site by Light-bellied Brent Geese is irregular and that the largest flock recorded using the grounds during the 2011-2012 comprised 360 birds in January 2012. Anecdotal evidence regarding use of the new school area by Light-bellied Brent Geese is also asserted by the neighbouring appellants. A copy of this ecological assessment has not been provided with the third-party appellants' AA Screening Report. I note that the applicant refers to various studies and surveys with respect to Light-Bellied Brent Geese undertaken more recently and after 2012.
- 8.4.8. The vast majority of the school grounds would clearly not form part of the development area for the project, as buildings and associated works would be concentrated along the western boundary of the site close to the existing school and sports pavilion buildings, and, therefore, the extensive areas of amenity grassland areas on site would remain, including their use as part of an extensive network of ex-situ feeding sites. Consequently, I am satisfied that significant loss of habitat or fragmentation of habitat would not arise.

#### Disturbance and Displacement Impacts

- 8.4.9. It is submitted that construction-related disturbance would not result in significant impacts on fauna, as fauna are habituated to noise from similar construction and urban activities in the surrounding environment. Extensive areas of amenity grassland area would remain on site, therefore, significant disturbance and displacement impacts for foraging birds would not arise.
- 8.4.10. The third-party grounds of appeal assert that in order to address the loss of an existing area of amenity grassland to the south of the main school building, an alternative amenity grassland area would be provided by the applicant in the area of existing main school building and this would be a mitigating or compensatory measure to address effects on a European site. Extensive planning rationale for the

proposed layout of the development has been provided by the applicant as part of the application and appeal, including considerations such as construction phasing, costs, practicality, neighbouring amenities and building design. Based on the information provided and available, I am satisfied that mitigation measures to avoid or reduce adverse effects on a European site do not form part of the development, nor do compensatory measures aimed at compensating for the negative effects on a European site form part of the development.

#### Habitat Degradation as a result of Hydrological Impacts

- 8.4.11. A direct pathway between the appeal site (source) and European sites (receptors) via drainage during construction and operation does not exist, however there is a potential indirect pathway to coastal SACs and SPAs via the surface and foul drainage network and Ringsend Waste Water Treatment Plant (WWTP).
- 8.4.12. Surface water from the site would be discharged to the public surface water drainage system after passing through a fuel interceptor and a flow control device. All foul water from the proposed development would be discharged via the public system to the Ringsend WWTP. Permission has been granted (ABP-301798-18) for works that would increase the capacity of the plant from a population equivalent of 1.9 million to 2.4 million. The proposed development would primarily replace the existing school and would serve approximately 100 additional pupils.
- 8.4.13. While there is theoretically an indirect hydrological pathway between the appeal site and coastal sites (South Dublin Bay and River Tolka Estuary SPA, South Dublin Bay SAC, North Bull Island SPA, North Dublin Bay SAC) via the public drainage system and the Ringsend WWTP, I am satisfied that the distances are such that any pollutants would be diluted and dispersed, and ultimately treated in the Ringsend WWTP and there is no likelihood that pollutants arising from the proposed development either during construction or operation could reach the designated sites in sufficient concentrations to have any likely significant effects on the designated sites in view of their qualifying interests and conservation objectives.

## **8.5. In-combination Impacts**

- 8.5.1. Given my assessment above and findings of no significant effects from the proposed development, I am satisfied that likely significant in-combination impacts would not arise.

## **8.6. Stage 1 – Screening Conclusion**

- 8.6.1. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024), South Dublin Bay SAC (Site Code: 000210), North Bull Island SPA (Site Code: 004006), North Dublin Bay SAC (Site Code: 000206), Baldoyle Bay SPA (Site Code: 004016), Malahide Estuary SPA (Site Code: 004025), Rogerstown Estuary SPA (Site Code: 004015), Ireland's Eye SPA (Site Code: 004117) and Lambay Island SPA (Site Code: 004069), or any other European sites, in light of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement is not therefore required.
- 8.6.2. In reaching this conclusion, I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

## **9.0 Recommendation**

- 9.1. Following the assessments above, I am satisfied that there is sufficient information on the file to allow me to make a recommendation to the Board. I recommend that planning permission for the proposed development should be granted, subject to conditions, for the reasons and considerations set out below.

## **10.0 Reasons and Considerations**

- 10.1.1. Having regard to the land use zoning objectives for the site, as set out in the Dublin City Development Plan 2016-2022, to the nature, scale and design of the proposed development, the pattern of development in the vicinity and the existing development on site, it is considered that, subject to compliance with the conditions set out below,

the proposed development would be acceptable in terms of design, height and scale of development, would not have an adverse impact on the setting and character of the protected structures on site, would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience, would not be subject to unacceptable risks of flooding and would not lead to an increased risk of flooding to other lands and would comply with the provisions of the Dublin City Development Plan 2016-2022. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 proposed development shall be amended as follows:
  - (a) the boundary walkway shall be realigned in order to be set in by a minimum of three metres from the western boundary line for its entire length and without undue interference with the trees proposed to be maintained. The area between the western boundary and this realigned boundary walkway shall be set out in low level hardy perennial shrubbery/hedging around the new and existing boundary trees;
  - (b) a revised layout for the entrance area along Howth Road shall be provided having regard to standards within the Design Manual for Urban Roads and Streets, while accommodating the existing bus stop;
  - (c) sheltered and well-lit accommodation for all of the proposed cycle parking shall be provided.



The above amendments shall be submitted to the planning authority for written agreement prior to the commencement of any development on site.

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

3. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development.

Demolition works shall commence no later than six months following occupation of the new school building and the demolition works shall be completed no later than one year following the occupation of the new school building with the demolition works area made good, as indicated on the proposed site plan (drawing no. 1446 PL21). The proposed cycle and car parking to serve the development shall be in situ prior to the occupation of the new school building.

**Reason:** In the interests of orderly development.

4. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The west facing gable of the multi-use hall shall be clad in both render and brick, similar to the rest of the building, with a vertical emphasis.

**Reason:** In the interest of visual amenity.

5. Details of boundary treatments, including all fencing/gates internal to the site, shall be submitted to, and agreed in writing with the planning authority prior to the commencement of the development to include a block wall, capped and rendered, or a timber fence with concrete supports/framing, to a height of two metres above the ground level of the adjacent area of the school site along the applicant's side of the west site boundary with the houses on Copeland Grove, which shall be constructed prior to the occupation of the new school building.

**Reason:** To protect residential amenities.

6. The landscaping scheme shown on drawing no. 191126-2-100 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 that 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.

7. With the exception of trees indicated for removal on the Tree Survey Report and the Tree Survey Overview drawing (no. 18005\_TS), 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.

All planting shall be adequately protected from damage until established. Any plants that 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.

8. Where trees are to be removed to facilitate the development hereby approved a minimum of 50% of replacement trees along the western boundary shall be semi-mature specimens of similar genus. The applicant shall also provide details for the written agreement of the Planning Authority on the longer term management of the tree belt along the west boundary including proposals for the replacement of existing and proposed trees with similar specimens at the end of their productive life.

**Reason:** To protect residential amenities.

9. Lighting shall be provided in accordance with a scheme, which shall include lighting along the vehicular, pedestrian and cycle routes and to car park 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 the occupation of the new school building.

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

10. Prior to the occupation of the new school building, a Mobility Management Strategy shall be submitted to the planning authority for written agreement. The strategy shall address the mobility requirements for the school and shall promote the use of public transport, cycling and walking. A mobility manager shall be appointed to oversee and co-ordinate the roll out of the strategy.

**Reason:** In the interest of sustainable transportation.

11. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

**12.** Prior to commencement of works, the developer shall make a record of the existing protected structures on site. This record shall include:

- (a) a full set of survey drawings to a scale of not less than 1:50 to include elevations, plans and sections of the structures, and;
- (b) a detailed, labelled photographic survey of all internal rooms (including all important fixtures and fittings), the exterior and the curtilage of the buildings.

This record shall be submitted to the planning authority prior to the commencement of the development and one copy of this record and a full set of drawings of the protected structure shall be submitted to the Irish Architectural Archive.

**Reason:** In order to establish a record of the protected structures on site.

**13.** Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

**14.** 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 recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Thereafter, the waste and recycling shall be managed in accordance with the agreed plan.

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

**15.** No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenity of the area.

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

**Reason:** In the interest of the environment and sustainable waste management.

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

- (a) Location of the site and materials compound, including area identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site and accounting for the Howth Road railway bridge height restrictions;

(f) Measures to obviate queuing of construction traffic on the adjoining road network;

(g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

(h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any site access, public road or footpath during the course of site development works;

(i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

(k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

(l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

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

**Reason:** In the interest of amenities, public health and safety details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste.

**18.** Site development and building works shall be carried out only between the hours of 0800 to 1900 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.

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Colm McLoughlin  
Planning Inspector

7<sup>th</sup> October 2020