



An
Bord
Pleanála

Inspector's Report

ABP-311326-21

Development	Construction of part three storey, part two storey 37 classroom Post Primary school building and all other associated site development works.
Location	Dunningstown Road and Lousybush Lane (the L-10075 local Road) in the townlands of Lousybush and Loughmacask, Kilkenny City.
Planning Authority	Kilkenny County Council
Planning Authority Reg. Ref.	21/327
Applicant(s)	Board of Management of CBS Secondary School Kilkenny
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party V. Grant
Appellant(s)	(1) Joe Lafferty (2) PM Cantwell

Observer(s)

(1) Seán Breathnach

(2) John Hogan

Date of Site Inspection

10th December 2021

Inspector

Fergal O'Bric

1.0 Site Location and Description

- 1.1. The subject site is a greenfield one located approximately 2.8 kilometres north-west of Kilkenny City with access off a local road, known as the Dunningstown Road. This road is located to the east of the site and Lousybush lane to the west of the site which in turn is accessed off the Bennettstown Road. The Dunningstown Road is accessed off the Grange Road to its south. To the south, west, and north of the site there are zoned but as yet undeveloped greenfield lands with a number of individual dwellings to the east of the site fronting onto the Dunningstown Road and to the north-west of the site accessed off Lousybush lane. On the opposite side of the Dunningstown Road are a number of individual residential properties and The Grange residential estate.
- 1.2. The site is irregular in shape and has a stated area of 7.29 hectares. It forms part of a larger landholding within the Loughmacask area which is identified for mixed community and residential development within the Development Plan. The site is elevated to the north and east and thereafter there are undulations and hillocks within the site and site levels fall towards the west and south of the site.
- 1.3. There is an informal field access opening to the site across third party lands from the Dunningstown Road to the north-east of the site. The site boundaries include low stone walls, grass bank and hedgerow.

2.0 Proposed Development

- 2.1. It is proposed to construct a part 3-storey, part 2-storey thirty-seven classroom Post Primary school building. It would have a total floor area of 10,564 square metres. (sq. m.) Provision is made for 6 ball courts, outdoor seating and breakout areas, a sensory garden, a covered tech area, a storage building (50 sq. m) and substation (22 sq. m); Associated hard and soft landscaping; Provision is made for the future development of a full-sized sports pitch, but does not form part of the current proposal; A new access roadway is proposed, incorporating footpaths, cycleways, streetlighting and landscaping and would tie in with the Loughmacask link Road development proposed by Kilkenny County Council at the Dunningstown Road junction; An internal drop-off and pick-up area for cars and an external set down area for buses, provision for 92 car parking spaces including 5 disabled parking spaces and 342 bicycle parking

spaces, 264 of which will be sheltered; New foul water, water supply and surface water drainage systems incorporating swales, attenuation, rainwater harvesting and flood storage compensation area, boundary treatment and retaining walls and all associated site development works.

- 2.2. The school building has a stated gross floor area of 10,564 sq. m (including store). The building height varies from two storey to three storey and has a maximum height of approximately 15 metres but lowers to approximately 8.8 metres in proximity to the residential properties fronting the Dunningstown Road. The external materials would include render, blue engineering brick, precast concrete columns, grey aluminium windows and doors, galvanised steel barriers and handrails and a green roof system with sedum planting and aluminium rainwater pipes and hoppers. The proposed colours of the external materials are blue, white, and grey. The school buildings would be located approximately 115 metres set back from the Dunningstown Road.
- 2.3. Access to the site is proposed from an extension to the permitted Loughmacask link road (permitted under the Part 8 process, planning reference number P8/14/20). The new access arrangements would provide for a new private access school road which would serve the school campus and tie-in within the permitted Loughmacask link road further north-east of the site.
- 2.4. An Environmental Impact Assessment Screening Report, An Appropriate Assessment Screening Report, an Ecological Impact Assessment, an amphibian survey, A Public Lighting Report, , a Planning Statement, A Land use Planning Risk Assessment, a Road Safety Audit (Stage 1), an Engineering Assessment Report incorporating a Traffic Impact Assessment, a Mobility Management Plan and a site specific Flood Risk Assessment, an Outline Construction Environment and Management Plan, a Noise Impact Assessment, Archaeological and Cultural Heritage Assessment were submitted as part of the planning documentation.
- 2.5. Further Information was submitted to the Planning Authority on 9th day of August 2021

In response to the request for further information an architectural design statement setting out the design rationale was submitted. Details of boundary treatments and sections illustrating the relationship between the school building and the neighbouring

residential properties fronting onto the Dunningstown Road was submitted as were details of pedestrian/cycle connectivity and surface water management.

A revised AA screening report and an Ecological Impact Assessment were also submitted, whereby the cumulative impact of the development within the wider Loughmacask area was included as part of the assessments.

- 2.6. Two letters of consent to the making of the planning application have been submitted, one from Kilkenny County Council and the second from the Edmund Rice school trust.
- 2.7. The Board invited comments from the Development Applications Unit (DAU). The DAU response recommended the developers engage of a licensed archaeologist to inspect the site, carry out test trench investigations, to compile a written report to be submitted to the Department outlining the results of the test excavations and recommendations regarding preservation of remains in situ, excavation and/or monitoring.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was granted subject to 13 conditions. The pertinent conditions are as follows:

Condition number 2: Financial contributions.

Condition number 3: Waste management Plan for the site.

Condition number 5: Pre-connection agreements with Irish Water.

Condition number 7: Construction hours.

Condition number 8: Construction Environmental and Management Plan.

Condition number 9: Consultation with Project Manager for Loughmacask link road.

Condition number 10: Landscaping and boundary treatment details.

Condition number 13: Details of Swift nest boxes

3.2. **Planning Authority Reports**

3.2.1. ***Planning Reports***

The initial report by the Senior Planner raised some issues which were set out in the further information request, details of which are set out in Section 2.6 of this report above.

The second planning report considered that the issues raised in the further information request had been addressed in a satisfactory manner and recommended that planning permission be granted for the educational development subject to the conditions as summarised in Section 3.1 above.

3.2.2. ***Other Technical Reports***

Road Design: Final report recommends permission be granted, subject to conditions.

Environment: Final report recommends permission be granted, subject to conditions.

3.3. **Prescribed Bodies**

Irish Water: No objection, subject to conditions.

Health and Safety Authority: No objection.

3.4. **Third Party Observations**

Twenty-two third party observations were received. The issues raised are similar to those in the appeal and observation submissions received by the Board but included a number of other matters as follows:

1. Design and layout
2. Residential Amenity.
3. Traffic and Access
4. Physical Infrastructural issues

4.0 Planning History

Subject Site

None

Neighbouring Sites

Planning Authority reference number P8/14/20. A Part 8 proposal for the development of the Loughmacask link Road, Phase 1(A) linking the Freshford Road (R693) with the Dunningstown Road to the north-east of the school site was approved in July 2021 by the elected members.

An Bord Pleanála reference number 310305-21, In October 2021, the Board issued a screening determination that a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement was not required for the development of the Loughmacask link road, between the Freshford Road and a new signalised junction on the Dunningstown Road.

Planning Authority reference number 20/923, in 2020, The Planning Authority permitted modifications to a residential estate previously approved under planning authority reference number 10/10. This site is located south of the school site.

Planning Authority reference number 21/384, in 2021, The Planning Authority permitted a residential scheme for the development of 87 dwellings and a childcare facility south of the current appeal site. Vehicular access is proposed off Grange Road and pedestrian/cycle access off Lousybush lane. This decision has been appealed to An Bord Pleanála under reference number 311793-21 and a decision is due to issue in March 2022.

5.0 Policy Context

5.1. **Kilkenny City and County Development Plan, 2021-2027**

The majority of the appeal site which comprises the school buildings, ballcourts, parking and set down areas and part of the private school access road is zoned for community facilities uses where the objective is “To protect, provide and improve community facilities”. Part of the school access road on the northern part of the appeal

site is zoned Amenity / Green links/Biodiversity conservation/ Open Space/Recreation. The zoning objective is “To allow for green links and biodiversity conservation and to preserve, provide and improve recreational open space.

Specific Objective 6M is “To identify and facilitate the provision of suitable sites for new educational facilities as the need arises throughout the City and County”.

Volume two of the Development Plan pertains to development in the city area. Section 2.2.4 pertains to the Loughmacask area. It is stated that there is planning permission granted for 300 residential units in this area and that a Local Area Plan was prepared for the area in 2008 and expired in 2018. A Masterplan is due for publication by the end of 2021 for the Loughmacask area. The following is specifically set out in relation to the development of a secondary school facility for the CBS “A site on the Dunningstown Road has been rezoned to Community Facilities, in order to accommodate the relocation of the CBS school from James’ Street during the plan period with an appropriate access solution to be delivered in the event of any planning application”.

There is a Roads objectives map within Section 5.8.6 of the Development Plan and this R6 objective is “To provide a link road from the R693 (Freshford Road) to a site designated for a secondary school”. The R6 objective is annotated within Figure MS7, a map outlining roads objectives for the city.

Section 5.3 of the Plan refers to RPO 176 seeks “attain sustainable compact settlements with the 10-Minute City/Town concept. This is supported within the Development Plan through the commissioning of a Local Transport Plan which supports the 10-minute city concept by ensuring increased safety, accessibility and permeability for pedestrians, cyclists, and development of public transport users.

Section 6.6.2 of the Plan specifically sets out the following regarding the development of a secondary school at Loughmacask: “A school site has been identified in the Loughmacask area for the relocation of the CBS secondary school from its current location in James Street”

5.2. **National Policy**

- The Provision of Schools & the Planning System – A code of Practice for Planning Authorities, the Department of Education & Science and the Department of the Environment, Heritage and Local Government, July 2008.
- Technical Guidance Document TGD-025, Identification and Suitability Assessment for Sites for Primary Schools, Department of Education and Skills, January 2012.
- Design Manual for Urban Roads and Streets' (DMURS 2013)

5.3. **Regional Policy**

5.3.1. **Regional Spatial and Economic Strategy for the Southern Region, 2020.**

Specific Objective 182 pertains to school development and sets out the following “It is an objective to support a planned approach to location of school facilities in accordance with the DoHPLG Guidance document the Provision of Schools and the Planning System, such that both proposed locations and existing schools are accessible by cycling/walking from the main catchment areas and accessible by public transport with appropriate safe facilities within reasonable access of public transport and active travel modes... Local Authorities should ensure that a robust site selection process is followed in the selection of new school locations taking into account proximity to community development such as community centres, playing fields, libraries etc so that the possibility of sharing facilities can be maximised.

5.4. **Natural Heritage Designations**

The appeal site is located approximately 420 metres south-west of the River Barrow and Nore SAC and approximately 530 metres west of the River Nore SPA. The Loughmacask PNHA is located on the opposite side of Lousybush Lane from the appeal site.

5.5. EIA Screening

- 5.5.1. An Environmental Impact Assessment Screening report was submitted with the application and the applicants Consultants concluded that there is no real likelihood of significant effects on the environment arising from the proposed development. The Consultants set out that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.
- 5.5.2. Class (10)(dd) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- All private roads which would exceed 2,000 metres in length.
- 5.5.3. It is proposed to construct a school development and associated playing facilities. The length of the private access school road from the school gates to its junction at the Dunningstown road is approximately 700 metres. The length of the school access road is, therefore, well below the applicable threshold of 2,000 metres as set out in the Planning Regulations. The introduction of a school development will not have an adverse impact in environmental terms on surrounding land uses. The proposed development is not likely to have a significant effect on any European Site (as discussed below in section 8.0 of my report) and there is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site/or other). The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other development in the neighbourhood. It would not give rise to a risk of major accidents (as set out in the COMAH land use risk assessment report submitted as part of the planning documentation) or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Kilkenny County Council, upon which its effects would be marginal.
- 5.5.4. Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on lands within the development boundary of the Kilkenny City and County Development Plan 2021-27 and the results of the Strategic Environmental Assessment of the Kilkenny City and County Council Development Plan, undertaken in accordance with the SEA Directive (2001/42/EC),
- The location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of development in the vicinity,
- The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended).

5.5.5. I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment, and that on preliminary examination, an Environmental Impact Assessment Report (EIAR) for the proposed development is not necessary in this instance.

6.0 The Appeal

6.1. Grounds of Appeal

This is a third-party appeal, submitted by Mr Joe Lafferty, a resident of the Dunningstown Road and by PM Cantwell, a resident and business owner from Lousybush Lane against the Planning Authority decision to grant planning permission. The issues raised within the submission relate to the following:

Roads and Traffic:

- The appellant hopes that the school proposal will be endorsed by the Board with a planning condition included stating that the Dunningstown Road junction be permitted as a cul-de-sac.
- A cul-de-sac junction arrangement on the Dunningstown Road would support a safe and sustainable neighbourhood for residents and students.
- Transparency of traffic conditions outside of the school site are surprisingly lacking in the Planning Authority decision.
- The traffic impact on the surrounding area, including those created by the proposed Loughmacask Link Road, must be considered by the Board when reviewing the current planning appeal.
- A number of local elected representatives, schools and resident's associations have expressed opposition to the proposals on traffic safety and congestion grounds and failure to adhere to the design criteria set out in the Design Manual for Urban Roads and Streets (DMURS) Guidance Document.
- The appellant states that the shortest route to the school site from the most populated areas is along the Dunningstown Road, and students will walk, cycle, or use scooters to access the shortest possible route.
- Car traffic would use the Dunningstown Road as other nearby roads including Grange Road and the Freshford Road are busy at peak times with traffic

navigating towards St Luke's hospital, Loreto secondary school and St Canice's secondary school.

- The Dunningstown Road would be used as an illegal set down area for dropping off and collection of students coming to/from the CBS site. The Dunningstown Road would be used as a rat run, facilitated by the development of the signalised junction permitted under P8/14/20.
- The Road Safety Audit and traffic assessment submitted as part the planning documentation only consider the roads issues within the current appeal site boundaries.
- There is a soft margin for a distance of 30 metres travelling north on Dunningstown Road before one would arrive at the Dunningstown Road junction, permitted as part of the Loughmacask link road.
- The development of the school will result in increased traffic on the Dunningstown Road at peak school drop off and collection times post construction and result in increased noise levels.
- A cul-de-sac plan for the Dunningstown Road junction as part of the Loughmacask link road would provide the safest outcome for pedestrians and cyclists.
- Support the principle of the development but have concerns regarding the timing of the development relative to the essential infrastructural works to serve the development and the wider Loughmacask area.
- The proposals to develop pedestrian access off Lousybush Lane to serve the school and residential development within Loughmacask would result in Lousybush Lane being no longer suitable or safe as a vehicular access to/ from the business premises or housing along Lousybush lane. The observer was given assurances by officials from Kilkenny County Council that a link would be provided from the Loughmacask link road to the business premises and housing at the northern end of Lousybush Lane.

- The development of the school access road is premature pending the determination of the final road alignment of the remaining section of the City Inner relief Road to serve the overall Loughmacask area.
- It is inappropriate for Kilkenny County Council to permit the school development dependant on a Part 8 application which is pending review by the Board in respect of an Appropriate Assessment screening determination.
- The school development would add to the disruption and nuisance on Lord Edward Street and Lousybush lane to the south-west of the appeal site where a pedestrian/cycle connection to the school site is conditioned by the Planning Authority, under Condition 9 (f).

Other Issues:

- The Council have adopted a strategy to decouple the Loughmacask link road proposals from the CBS school development proposals. They are interdependent and inter linked.
- Insufficient consideration was afforded to all residents along the Dunningstown Road under the Part 8 process pertaining to the development of the Loughmacask link road.
- The school students would continue to use the Dicksboro GAA playing facilities on the Bennettsown Road until the school develop their own pitch facilities, which are outside of the scope of the current school development proposals.
- Any Appropriate Assessment (AA) screening assessment would need to consider the cumulative impacts of the proposed residential development within the Loughmacask area.
- An AA should be required given the scale of development proposed within the Loughmacask area.

6.2. First party response to appeal submission

Roads and Traffic:

- Condition 9(a) as included within the planning decision specifically requires the applicants to consult with the Project Manager of the Loughmacask link road regarding the detailed design and delivery of roads on the appeal site and tie-ins with the road's infrastructure permitted as part of the Loughmacask link road.
- The appeal is expressly made to seek revisions to an entirely separate development, approved by Kilkenny County Council on the 26th day of July 2021 under the part 8 planning process., which approved the development of the Loughmacask link road.
- The link road permission lies to the north-east and outside of the red line application site boundary of the current appeal site.
- The appeal quotes extensively from the Chief Executive's report on the Part 8 application. The appellant is seeking to link the Loughmacask link road development to the school planning application.
- The detailed consideration and merits of whether a signalised or cul-de-sac junction option on the Dunningstown Road was completed as part the Part 8 planning process. A signalised junction was ultimately approved.
- The Planning Authority's decision for the school conditioned that the applicants consult with the Project Manager for the Loughmacask link road in respect of the detailed design and the delivery of the road infrastructure to ensure both are co-ordinated. The applicants would be satisfied with the imposition of a similar condition by the Board if they deem it appropriate to grant planning permission for the school development.
- The appellant has not submitted any evidential basis to support the claim that the signalised junction as approved on the Dunningstown Road would adversely impact upon traffic in the area
- The design and layout of all road's infrastructure is in accordance with the standards and requirements of the Roads Authority and Transport Infrastructure Ireland.

- The Traffic Assessment submitted concludes that “all junctions associated with the development are expected to perform well within capacity for all future scenarios and future upgrades”. The analysis included an increased traffic generation estimation which resulted in a more robust assessment.
- The appeal makes little or no reference to the Mobility Management Plan submitted by the applicants as part of their planning documentation.
- Bus and bicycle parking have been incorporated within the layout design providing for more sustainable travel patterns to/from the school site.
- Large parts of the northern part of the city are within a 15-minute walking or cycling distance of the appeal site and the new access roadway will provide for dedicated cyclepaths and footpaths.
- A pedestrian/cycle link to Lousybush Lane to the west of the site is proposed to cater for students from that part of the city. The principle of developing a new school at this location is supported by national, regional, and local planning policy.
- Dunningstown Road is located approximately 400 metres from the school gates and therefore, would not be convenient as a drop off point.
- The Loughmacask link road has been designed by Kilkenny County Council (KCC) to restrict vehicle turning movements.
- The traffic distribution patterns used in the traffic assessment for the Kilkenny CBS school are based on legal traffic movements.
- Given the restriction on permissible traffic movements at the Dunningstown Road junction, there will be no increase in vehicular traffic on Dunningstown Road south arising from the school development.

Other Issues:

- The appellant states that he endorses the Planning Authority’s decision, however, he has made an appeal against the decision of the Planning Authority to permit the school development.

- There were a number of issues raised by local residents in relation to residential amenity, views, boundary treatment and by other residents and two local school principals in relation to traffic and road safety issues. Further information was submitted to the Planning Authority in relation to landscaping, boundary treatment, pedestrian and cyclist connectivity and safety, set down areas, parking, pedestrian access from Lousybush Lane among other matters.
- A grant of planning permission was issued by the Planning Authority which indicates that they and their Road Design colleagues were satisfied that the school development was in compliance with road safety standards and Development Plan policies and objectives.
- The need for the new school is well established and supported by the specific policies and objectives of the Development Plan.
- The existing CBS school is located on a constrained city centre site with limited capacity to expand.
- The design of the school has been set out to minimise any adverse impact upon the residential amenities of neighbouring residents on the Dunningstown Road.
- Issues such as flooding and provision for the Swift birds and ecological impact have all been considered and addressed in accordance with best practice standards.

6.3. Planning Authority Response

The Planning Authority issued a response and set out the following:

- The substance of the appeal relates to matters outside of the control of the applicant.
- There is a footpath along the northern side of the Dunningstown Road and this would be connected to the signalised junction, approved under planning reference number P8/14/20.
- The development of the Loughmacask link road is a specific objective as set out within the Kilkenny City and County Development Plan 2021-2027 which

came into effect on the 15th day of October 2021. This road's objective (R6) is annotated within Volume 2 of the Development Plan in Figure MS7.

- The Loughmacask link Road will serve additional zoned lands within Loughmacask, not just the school site.
- A pedestrian and cycle access from Lousybush lane off the Tullaroan Road, to the south of the site is also proposed. This will provide alternative access to the school site from the city area.
- The school site is zoned for community facilities in the Development Plan to accommodate the identified need for the relocation of the CBS school.
- The Council supports the development of the school and the associated access road link to the Dunningstown Road.

6.4. Observations

Two observations were received from (1) Sean Breathnach and (2) John Hogan, both neighbouring residents. The issues raised are summarised below:

Roads and Traffic:

- Residents of the Upper Dunningstown Road were assured by officials from Kilkenny County Council that the construction of footpaths and development of a traffic lighted junction at the Dunningstown Road are proposed to maintain the safety of all road users.
- The Loughmacask link road was included as an objective of the Kilkenny City and County Development Plan 2014-20.
- The design of the Dunningstown Road junction as permitted under the Part 8 proposals does not permit traffic to turn down the Dunningstown Road towards the city.
- Many of the students will arrive by bus and or cycle/walk to school.
- The Loughmacask link road and extension into the school site will provide footpaths and cycle paths, thus providing alternatives to the private car.

- No reference is made to the pedestrian/cycle access proposed off Lousybush Lane or access through the planned Glenveagh Homes residential estate to the south of the appeal site.
- The making of the Dunningstown Road junction into a cul-de sac would not make the area safer for cyclists and pedestrians, it would have the opposite effect.
- The cul-de-sac proposals for the Dunningstown Road junction would result in the creation of increased three-point traffic manoeuvres.

Other Issues:

- Schools only operate for 183 days of the year and are closed every Saturday and Sunday.
- The school will have its own on-site sporting facilities and is located within walking distance of the Dicksboro GAA grounds, the St James Park and an equestrian facility.
- Significant consultation occurred between officials of Kilkenny County Council, elected members, local residents and community groups as part of the preparation of the plans for the Loughmacask link road.
- The appellant is seeking to amend a majority decision of Kilkenny County Council in respect of an independent Part 8 roads infrastructure project, following extensive public engagement and in accordance with all relevant planning legislation.
- This planning appeal pertains to a separate planning permission, reference number P8/14/20, approved under Part 8 of the Planning and Development Regulations, under which a right of appeal is not provided for.

7.0 Assessment

- 7.1.1. At the time the Planning Authority made its planning decision on the 2nd day of September 2021, a residential zoning objective pertained to the appeal site. However, the Kilkenny City and County Development Plan (KDP) 2014-2020 has since been superseded by the Kilkenny City and County Development Plan (KDP)

2021-2027, operational since the 15th day of October 2021, where the zoning objective for the site of the school buildings, ball courts, parking and set down areas on site has changed to Community facilities

7.1.2. The appeal refers to the proposed development submitted to the Planning Authority on the 9th day of August 2021, by way of further information. The following assessment focuses on that proposal with reference to the original development where appropriate. The main issues in this appeal relate to the compliance with policy, residential and visual amenity, access, transportation, and car parking. Appropriate Assessment requirements are also considered. I am satisfied that the issues of design and layout and water services were addressed satisfactorily within the planning application and were not raised within the appeal/observations submitted to the Board. No other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Principle of Development
- Residential and Visual Amenity
- Access, Transportation and Car Parking
- Other issues
- Appropriate Assessment

7.2. ***Principle of Development***

7.2.1. The Kilkenny City and County Development Plan (KDP) 2021 notes that Kilkenny City has seen significant population growth in recent years. Due to the population cohort within the catchment, the area has been identified as being in critical need of additional school facilities by the Department of Education, as was the case in the previous City and County Development Plan 2014-2020. The proposed development would accommodate the Kilkenny CBS secondary school. It is noted that the current school is presently located on James Street in the city on a restricted site with limited capacity for expansion.

7.2.2. The majority of the school site is zoned for community facilities. Section 2.2.4 of the Development Plan (Volume 2), sets out the following “A site on the Dunningstown Road has been rezoned to Community Facilities, in order to accommodate the relocation of the CBS school from James’ Street during the plan period with an

appropriate access solution to be delivered in the event of any planning application". The access solution referred to in the Plan is the approved Loughmacask link road which would tie-in with the private school access road, being considered under the current proposals. There is also a specific roads objective set out within Volume 2 of the Development Plan, R6, which seeks to develop the Loughmacask link road from the R693 Freshford Road to the Dunningstown Road. The route of the R6 road's objective is annotated on a Map, Figure MS7, within Volume 2 of the Plan. The proposed school access road alignment is consistent with that set out within MS7. The Development Plan provides for the relocation of the CBS secondary school to Loughmacask and this site has been specifically zoned to provide for the relocation. It is apparent from the planning history in this vicinity that the school would serve existing and future planned residential development in Loughmacask and the surrounding areas.

7.2.3. Educational facilities are permitted on lands zoned for community facilities purposes. The school building development and ancillary recreational areas would, therefore, be consistent with the current zoning objective and accord with the proper planning and sustainable development of the area. A 450-metre section of the private access school road would tie into the permitted Loughmacask link Road, approved under the Part 8 process, is zoned for amenity Amenity / Green links/Biodiversity conservation/ Open Space/Recreation. The objective is "To allow for green links and biodiversity conservation and to preserve, provide and improve recreational open space.

7.2.4. In conclusion, having regard to the sites zoning objective, the policies and objectives as set out within the Development Plan, the existing and proposed population cohort of the area, it is my opinion that the principle of the provision of a school development would be appropriate at this location and would be compatible with local policy objectives.

7.3. Residential and Visual Amenity

7.3.1. With regard to the impact on the residential and visual amenities of the area. it is apparent from the cross sections and site levels submitted as part of the planning documentation that the school buildings will be at a lower level (ranging from 2.65 metres to 3.95 metres below the finished floor levels) of the neighbouring dwellings

that front onto the Dunningstown Road. From the architectural design statement submitted by the applicants, it is apparent that the school building height has been specifically lowered to the rear of these dwellings in order to lessen the visual impact upon their rear garden amenity spaces and to reduce opportunities of overlooking of the rear garden spaces. There are no windows proposed within the (eastern) elevation, that nearest the residential properties. A number of the residential properties are well screened with 4 metre tall leylandii along the eastern site boundary. The applicants are also proposing to set back the school building from the rear boundaries of the residential properties by a minimum of 8.9 metres as well as implementing landscaping and 2.4 metre timber panelled boundary treatment.

- 7.3.2. The applicants state that they liaised with the neighbouring residential property owners specifically regarding these matters. It is noted that many of the neighbours who had made observations to the Planning Authority during the planning application process have not appealed the decision of the Planning Authority to grant planning permission for the school development. Having regard to the urban context, the design and layout of the school building, it is my view that the proposed school development would not adversely impact on the visual or residential amenities of this area
- 7.3.3. The orientation of the school buildings and the separation distances of between 24 metres and 30 metres to the nearest part of the neighbouring residential properties is considered sufficient to ensure the overshadowing and/or overbearing would not arise. Similarly, due to the separation distances and in the absence of fenestration detailing within the eastern elevation of the school and with the implementation of the landscaping and boundary treatment details nearest the residential properties, these measures are sufficient to ensure that no undue overlooking of the neighbouring rear garden spaces would arise.
- 7.3.4. In conclusion, I consider that the residential and visual amenities of the area have been duly considered within the design, landscaping, and boundary treatment proposals such that the school development would not adversely or unduly impact upon the neighbouring properties.

7.4. Transportation

- 7.4.1. The subject site is a greenfield site located approximately 2.8 kilometres north-west of Kilkenny city centre. Vehicular access to the site is proposed from a private access road, proposed as part of the school development that would join with the Loughmacask link road west of the Dunningstown Road signalised junction (permitted but not constructed). The Local Authority made an observation to the planning appeal outlining how the school proposals would comply with the policies and objectives of the current Kilkenny Development Plan, in terms of the community facilities zoning objective and the specific road's objective, R6, as well as the policy statement in Section 2.2.4 of the Plan for the Loughmacask area to provide for the relocation of the Kilkenny CBS secondary school from its present restricted James Street site. The school access road would have a carriageway width of approximately 7 metres and would provide for footpaths, cycle paths and streetlighting along both sides.
- 7.4.2. The appellant and one of the observers raised issues regarding the type of junction at the intersection of the Dunningstown Road with the Loughmacask link road and in terms of developing a spur to access the lands of the observer off the new Loughmacask link road. The Loughmacask link road was subject to public much consultation as part of the Part 8 planning process. The elected members of Kilkenny County Council approved the Part 8 link road in July 2021, wherein a signalised junction at the Dunningstown Road was permitted. The junction has been designed so that traffic is not permitted to turn down(south) the Dunningstown Road from the link road.
- 7.4.3. The Roads Department raised some initial concerns in relation to pedestrian connectivity, auto-track and swept path analysis, scale of mini-internal roundabouts, set down areas, pedestrian crossing points, on-road parking, and electric vehicle charge points. However, following the response to the further information request, the Roads Department recommended a grant of planning permission subject to a number of specific conditions, specifically in relation to the tie-in between the Dunningstown Road signalised junction and the school access road and the development of the pedestrian/cycle access off Lousybush lane to the southwest of the appeal site. In conclusion, I am satisfied that the proposals accord with the policies and objectives of the Development Plan and the vision for the Loughmacask area, in terms of providing a suitable access for the school.

Traffic Assessment

- 7.4.4. The Traffic and Transportation Report (TR) submitted included results of a 12 hour traffic survey conducted in December 2020 when schools were still open, although some Covid restrictions remained in place at the time, including encouraging working from home. Two locations were surveyed, one on the Dunningstown Road, north of the appeal site access junction and the other at the junction of the Freshford Road with Talbot's Gate Road. The AM peak time was found to be from 08.15 to 09.15 and the pm peak time was found to be from 16.30 to 17.30. The am peak on the Freshford Road was assessed as having the largest volume of traffic, largely associated with traffic to and from St Luke's Hospital and also being the main artery to the city from the north-west of the urban environs.
- 7.4.5. Having regard to the nature and scale of the development the applicant applied the TRICS trip database to estimate the estimated trip generation of the proposed school. The conclusion of the TR was that all junctions impacted the development, were expected to perform well within capacity for future scenarios up to and including the year 2038, including providing for increased traffic generation, that includes for a growth in the school student population of up to 1,000.
- 7.4.6. The TR also references the Part 8 Loughmacask link road scheme which will provide for a signalised junction on the Dunningstown Road. It is stated that this junction will provide "specific movement restrictions in order to retain connectivity for residents along Dunningstown Road while routing regional traffic onto Freshford Road. This intersection configuration will also improve movement for pedestrians and cyclists through the junction". Figure 3.2 within the traffic assessment provides an illustration of the proposed Dunningstown Road junction.
- 7.4.7. I note that the Planning Authority have stated that by virtue of the design of the Dunningstown signalised junction that access to the southern leg of the Dunningstown Road from the school site would not be possible without performing an illegal traffic manoeuvre, and the design does not lend itself to taking such a manoeuvre. The Local Authority have set out within their appeal submission that the approved signalised junction on the Dunningstown Road provides for a tie-in with the existing footpaths on the northern side of the Dunningstown Road and the development provides for a

pedestrian/cycle access from Lousybush Lane, south-west of the appeal site. They also advise that the construction of the Loughmacask link road would have a positive impact on the capacity of the Dunningstown Road junction.

- 7.4.8. I am satisfied that the local roads infrastructure is adequate to serve the proposed school development, especially when the new signalised junction on the Dunningstown Road is factored in. The construction of the Dunningstown Road signalised junction would provide the connectivity between the private school access road and the Dunningstown Road. I note the wording of condition number 9 of the Planning Authority decision, in relation to liaising with the Loughmacask Road Project Manager prior to commencing works provides sufficient comfort in this regard. It is, therefore, my opinion that the proposed development would improve connectivity locally within the north-western environs of the city and would not endanger public safety by reason of a traffic hazard.

Sustainable Travel

- 7.4.9. Regarding sustainable modes of transport, the applicants carried out an analysis of walking and cycling catchments in terms of journey distance and time. These are presented (Figures 4.4 and 4.5 within the Traffic Assessment) in the form of isochromes radiating from the appeal site in 5, 10 and 15 minute journey time intervals. From the analysis, it is apparent that the greatest walking connectivity to the school site is from the Dunningstown and Freshford Roads. In terms of cycling connectivity, the majority of the north-west of the city would be accessible from the school site within a 15-minute journey cycle time.
- 7.4.10. The applicants have submitted data from the 2016 Census regarding modal share, which estimated that only low levels of active travel and public transport modes are used to access schools, approximately 10% and the remainder of 90% using the private car to access secondary school. The applicants have set out a strategy to encourage active travel and reduce the reliance on the private car. In the short term, the model split is expected to favour the private motor car. The applicants engaged with the Local Authority and revised their trip generation volumes where they assumed a total number of 550 trips associated with each of the am and pm periods into the

future, based on a school capacity of 1.000 pupils, and which allows for growth of the secondary school into the future.

- 7.4.11. A Mobility Management Plan (MMP) for the school site was submitted as part of the planning documentation. This Plan is to be supported by the appointment of a designated school Mobility Manager who would seek to ensure that the recommendations of the MMP would be implemented. Section 4 of the MMP includes a number of recommendations. Among these recommendations are: To raise of awareness of the MMP, to undertake travel surveys and understand travel patterns, to improve conditions for pedestrians and cyclists travelling to and from the site, to enhance the permeability of the site and the promotion of travel by sustainable modes.
- 7.4.12. The KK2 bus route operates along the Freshford Road with the nearest bus stop being outside the Sycamores residential estate, approximately 250 metres east of the appeal site, running every 30 minutes from Monday to Saturday. Notwithstanding this, the internal private school access road has been designed to allow for drop off by private minibus.
- 7.4.13. A pedestrian and cycle access link to the school is proposed from the south-west of the appeal site, off Lousybush Lane. This would provide access from the city and the Tullaroan/Bennettstown road areas to the school site and ease the pressure from the Dunningstown and Loughmacask link road access points. There is a bus set down area proposed as well as parking for up to 342 bicycles, in addition to the pedestrian link to the south-west of the site, all of which provide increased modal choice for students and teachers.
- 7.4.14. Pedestrian and cycle access is proposed from the main vehicular entrance off the Dunningstown Road. There is a proposed pedestrian crossing along the internal school private access road, in close proximity to the proposed drop off area. In my view, there are sufficient pedestrian/cycling facilities in the immediate vicinity of the site to accommodate the level of anticipated active modal trips to the school site.
- 7.4.15. It is proposed to provide 342 cycle parking spaces on site, which exceeds Development Plan standards. The high-quality cycle and pedestrian route along the private access road and continued along the proposed Loughmacask link road to the

Freshford Road which would tie-in with existing footpaths and cycle lanes that exist along that main north-south artery in/out of the city.

- 7.4.16. In conclusion, it is considered that the proposals facilitate access to/from the site by sustainable/active modes of transport. Having regard to the information submitted in the TA and the Mobility Management Plan, it is my view that an increased modal split, whereby more active modes of walking and cycling and an increased share using public transport, is achievable for the subject site and that the proposed development would not endanger pedestrians or cyclists by reason of a traffic hazard.

Car Parking

- 7.4.17. Concerns have also been raised by the appellant regarding the potential for the overspill of car parking would have on the Dunningstown Road.
- 7.4.18. The development includes the provision of 92 car parking spaces located in the western portion of the site, adjacent to the proposed access and the 5 disabled car parking spaces located adjacent to the main school building entrance. These spaces are reserved for staff and visitors and are in excess of the car parking standards set out in the Development Plan. In my opinion there is a sufficient level of car parking for staff members and visitors.

8.0 Appropriate Assessment

8.1. Compliance with Article 6(3) of the Habitats Directive

The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

8.2. Background to the Application

- 8.2.1. The applicant submitted an initial screening report for Appropriate Assessment (AA) as part of the planning documentation in April 2021. The 'Appropriate Assessment (AA) Screening' was prepared by the Moore Group, A revised AA screening report was submitted to the Planning Authority in July 2021. The following assessment focuses on the revised report with reference to the original screening report where

appropriate. The applicant's Stage 1 Appropriate Assessment (AA) Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. The applicants AA Screening Report concludes that "It is possible to rule out likely significant effects on European sites as there is no potential for contamination of surface water during construction, the proposed development will not result in any changes to the amount of surface water run-off during operation, nor will it result in any contamination of surface waters during operation, and no significant increase in foul water will arise from the proposed development".

8.2.2. Having reviewed the documents, and the research information that fed into the assessment from the National Parks and Wildlife Service (NPWS), the Environmental Protection Agency (EPA), Ordnance Survey Ireland (OSI) and the National Biodiversity Data Centre (NBDC), I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

8.3. **Screening for Appropriate Assessment – Test of likely significant effects**

8.3.1. The project is not directly connected with, or necessary to the management of a European Site, and therefore, it needs to be determined if the development is likely to have significant effects on a European site(s).

8.3.2. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SCA) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site

8.4. **Brief description of the development**

8.4.1. The applicant provides a description of the project on page 1 of the AA screening report. In summary, the development comprises:

- A part 3-storey, part 2-storey thirty-seven classroom Post Primary school building;

- 6 ball courts, outdoor seating, breakout areas and a sensory garden;
- A covered tech area, a storage building (50 sq. m) and substation (22 sq. m);
- Hard and soft landscaping;
- A new access roadway incorporating footpaths, cycleways, streetlighting and landscaping;
- An internal drop-off and pick-up area for cars and an external set down area for buses;
- Car and bicycle parking spaces;
- New foul water, water supply and surface water drainage systems;
- Boundary treatment and retaining walls and all associated site development works.

8.4.2. A Construction Management Plan (CMP) has been submitted as part of the planning documentation as well as details of Sustainable Urban Drainage Measures (SuDS) in terms of managing surface water run off within the appeal site.

8.4.3. Habitats within the appeal site boundary include grassland, Hedgerow also exist along much of the appeal site perimeter boundary along with grass bank.

8.4.4. There is a depression area to the centre west part of the appeal site which on historic maps appears as part of the original Lough Macask, now located on the western (opposite) side of Lousybush lane to the appeal site. This area comprises a natural wetland comprising reed and large sedge swamp. The wet grassland on the appeal site differs from the Lough Macask pNHA in that it does not support permanent standing water. There were signs of seasonal flooding in this depression area with water marking plant litter on fence lines. There were no signs of stagnant water during my site inspection in December 2021. The depression and wet grassland habitat have been modified by improved agricultural practices and drainage through ploughing, planting, and fallowing. This area is now overgrown comprising with rank grassland habitat and Willow saplings.

8.4.5. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Construction related surface water pollution
- Habitat disturbance during/post construction.

8.5. Submissions and Observations

8.5.1. An appellant did raise the issue of AA and the consideration of the cumulative impact of development within the wider Loughmacask area.

8.6. European Sites

8.6.1. Two European sites located within a 15-kilometre radius of the site, the River Barrow and Nore SAC (Site Code: 002162) and the River Nore SPA (Site Code 004233) The River Barrow and Nore SAC is located approximately 420 metres north-east of the appeal site and the River Nore SPA is located approximately 530 metres east of the appeal site boundary.

8.6.1. Using the source pathway-receptor model, there is no pathway or connectivity between the appeal site and the two European sites which are located within the potential zone of influence of the appeal site.

8.6.2. The qualifying interests of the River Barrow and Nore SAC, site code 002162 are set out below:

Estuaries [1130]; Mudflats and sandflats not covered by seawater at low tide [1140]; Reefs [1170]; Salicornia and other annuals colonising mud and sand [1310]; Atlantic salt meadows [1330]; Mediterranean salt meadows [1410]; Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]; European dry heaths [4030]; Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]; Petrifying springs with tufa formation [7220]; Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]; Alluvial forests with Alnus glutinosa and Fraxinus excelsior [91E0]; Desmoulin's Whorl Snail [1016]; Freshwater Pearl Mussel [1029]; White-clawed Crayfish [1092]; Sea Lamprey [1095]; Brook Lamprey [1096]; River Lamprey [1099];

Twaite Shad [1103]: Salmon [1106]: Otter [1355]: Killarney Fern [1421]: Nore Pearl Mussel [1990].

The Conservation objective of the River Barrow and Nore SAC is “To maintain and restore the favourable conservation conditions of the species and habitats along and within the watercourse”.

- 8.6.3. The qualifying interests of the River Nore SPA, site code 004233 is set out below:
Kingfisher (*Alcedo atthis*) [A229]

The Conservation objective of the River Nore SPA is “To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA”

8.7. Identification of likely effects

- 8.7.1. The construction phase of development would involve significant excavation and earthworks. However, given the absence of a pathway from the appeal site to the two European sites, it is unlikely that significant effects on the European sites would arise in this instance given the lack of potential for contamination of surface water during the construction phases of the school development.
- 8.7.2. The proposed development will not result in changes to the amount of surface water run-off which would be managed on site through the use of SuDS measures during the operation of the school development and neither will there be a significant increase in foul waste will arising from the development.
- 8.7.3. Other potential direct impacts on the European Site from the development would include the discharge of hydrocarbons into the watercourse, arising from the refuelling of construction vehicles during the construction works. However, given the absence of a pathway from the appeal site to the two European sites, it is unlikely that significant effects on the European sites would arise in this instance.
- 8.7.4. Cumulative impacts have been considered. Future developments in the area are likely to be residential or community based in nature within the Loughmacask area.

This area is removed from the SAC/SPA boundaries and would, therefore, be less likely to give rise to cumulative impacts on any European sites in the vicinity.

8.8. Mitigation Measures

- 8.8.1. No measures designed or intended to avoid or reduce any harmful effects of the project on a European site have been relied upon in this screening exercise.

8.9. Screening Determination

- 8.9.1. Significant effects can be excluded, and Appropriate Assessment is not required

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on the River Barrow and River Nore SAC (002162) and the River Nore SPA (004233) or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment, and the submission of a Natura Impact Statement is not therefore required.

9.0 Recommendation

It is recommended that permission be granted subject to conditions

10.0 Reasons and Considerations

Having regard to the provisions of the Kilkenny City and County Development Plan 2021-2027, and in particular, to the community facilities land use zoning objective pertaining to the school building site and associated ballcourts, car parking and part of the access road, the specific R6 roads objective within the Development Plan for the development of the Loughmacask link road and tie-in with the private school access road, Section 6.6.2 of the Development Plan (Volume 2) regarding the relocation of the CBS secondary school to these specific lands in Loughmacask, to the nature, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed educational development would not adversely affect the residential or visual amenities of the area nor would it give rise to the creation of a traffic hazard in the vicinity. The proposed

development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 9th day of August 2021, 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 ball courts and pitches shall not be floodlit without a separate planning permission having first been obtained. The proposed site lighting shall not incorporate any floodlighting of these courts/pitches. The ball courts and pitches shall not be used between the hours of 2000 and 0830.

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

3. (a) Details of the tie-in between the private school, access road and the Loughmacask link road west of the junction with the Dunningstown Road shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development.

(b) Details of the proposed pedestrian/cycleway connectivity between the subject site and Lousybush Lane to the south-west of the site shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development.

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

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

Reason: In the interest of visual amenity

5. The landscaping scheme shown on drawings submitted to the planning authority on the 9th day of August 2021 shall be carried out within the first planting season following substantial completion of external construction works.

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

Reason: In the interest of residential and visual amenity.

6. Retaining structures and boundary walls shall be agreed in writing with the Planning Authority. A letter of certification shall be provided by the Design Engineer responsible for the Retaining Walls, confirming that the structures have been constructed as per the design and as per the as-built drawings/details.

Alternatively, this certification shall be provided by a suitably qualified structural design engineer, to the written approval of the Planning Authority.

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

7. All works shall take place in accordance with mitigation measures as set out in the revised Natura Impact Statement as submitted to the Planning Authority on the 9th day of August 2021.

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

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

Reason: In the interest of public health.

9 Final details of the Mobility Management Plan as submitted to the Planning Authority on the 23rd day of April 2021 shall be agreed in writing with the Planning Authority. It shall be the responsibility of the school authorities to manage all school's related travel in accordance with the Mobility Management Plan. The Mobility Management Plan shall, at a minimum, incorporate the following measures:

b) It shall be the responsibility of the school authorities to monitor and record all school's related travel on an on-going basis.

c) It shall be the responsibility of the school authority to achieve compliance with modal targets and objectives of the Mobility Management Plan and report compliance details of same to the Planning Authority at the appropriate agreed intervals.

d) Traffic and parking arrangements, including cycle parking shall comply with the requirements of the planning authority.

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

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

Reason: In the interests of amenity and public safety.

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

Reason: In the interest of visual amenity.

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

Reason: To safeguard the amenities of the area.

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

Reason: In the interests of visual and residential amenity

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

Reason: In the interest of public health.

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

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

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

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

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

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

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

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

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

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

- 20 The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and
- (b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site

Fergal Ó Bric

Planning Inspectorate

5th January 2022