



An  
Bord  
Pleanála

## Inspector's Report 311634-21

### Development

New vehicular & pedestrian gates & modifications to existing roads, footpaths & kerbs, increased height of the stone boundary wall & associated site works (Protected Structure).

### Location

Castle Park School, Castle Park Road, Dalkey, Co. Dublin.

### Planning Authority

Dún Laoghaire-Rathdown County Council

### Planning Authority Reg. Ref.

D21A/0517

### Applicant(s)

Castle Park School

### Type of Application

Permission

### Planning Authority Decision

Grant Permission

### Type of Appeal

- (i) Third Party v. Decision
- (ii) First Party v. Condition

### Appellant(s)

- (i) Castlelands Residents Association
- (ii) Castle Park School

### Observer(s)

- (1) John and Rose Thorne
- (2) Naomi Shipley

(3) Pamela and Fergus Redahan

(4) Shane and Orla O’Gorman

**Date of Site Inspection**

8<sup>th</sup> September 2022

**Inspector**

Louise Treacy

## **1.0 Site Location and Description**

- 1.1. The subject site has a stated area of 4.798 ha and is located at Castle Park School, Castle Park Road, Dalkey, Co. Dublin. The existing primary school development is accessed via a long driveway which extends from Castle Park Road to the north-west, into the central and rear portions of the site. Segregated vehicular and pedestrian routes are provided. The vehicular access comprises a one-way circular route adjacent to the school buildings and is a 2-way route elsewhere along its length. A second entrance gate into the school is located at the southern site boundary adjacent to a small residential estate at Castlelands. This gate is used for emergency access, and as such, does not function as a vehicular access into the school.
- 1.2. The school is generally bounded by existing residential developments to the north, south, east and west, including a recently permitted SHD development on former school lands immediately to the west. The Castlelands entrance gate was being used as a construction access for this development at the time of the inspection. Ulverton Road adjoins the school site to the north-east.
- 1.3. The school buildings are generally clustered in the central area of the overall site, with surface car parking adjoining to the north, west and south-west. A green area is located to the front of the school buildings, with a raised pitch located to the rear.
- 1.4. The site to which this appeal relates is located within and forms part of the overall school site. It is irregularly shaped / linear in nature and generally extends from a location to the north-west of the school buildings, along the western boundary adjacent to the ongoing SHD scheme, as far as the southern site boundary adjoining the Castlelands estate.

## **2.0 Proposed Development**

- 2.1. The proposed development consists of the construction of new vehicular and pedestrian gates and modifications to the existing roads, footpaths and kerbs to the access road from Castle Park Road and to the access from Castlelands to Castle Park School and to increase the height of the stone boundary wall delineating Castle

Park School from the residential development to the west of the school from 1.8 m to 2.4 m and associated site works.

### 3.0 Planning Authority Decision

#### 3.1. Decision

- 3.1.1. Notification of the Decision to Grant Permission for the proposed development subject to 4 no. conditions issued on 15<sup>th</sup> September 2021.
- 3.1.2. Condition no. 2 states that the following elements of the proposed development shall be omitted from this permission:
  - (a) The “proposed pedestrian/cyclist routes – residential development” from Castlelands to the permitted residential development (An Bord Pleanála Ref. TA06D.306421).
  - (b) The “proposed pedestrian/cyclist routes – Castle Park School” from Castlelands to Castle Park School i.e. the most easterly element of the access arrangements shown for 6T\_02.

**Reason:** In the interests of clarity and in the interests of the proper planning and sustainable development of the area.

- 3.1.3. All other conditions are generally standard in nature.

#### 3.2. Planning Authority Reports

- 3.2.1. **Planning Reports (29<sup>th</sup> July 2021 and 15<sup>th</sup> September 2021)**
- 3.2.2. Following an initial assessment of the planning application, Dún Laoghaire-Rathdown County Council’s Planning Officer considered that the submitted drawings, with regard to existing and proposed gateways and wall / boundary treatments, locations, and other details were not clear, and that the relationships to their surrounding context, and site development / history, was not sufficiently clear for a full evaluation of potential impacts. As such, it was recommended that **Further Information** be requested in relation to 3 no. items which can be summarised as follows:

(1) The Planning Authority has concerns regarding the clarity and scope of the proposals. The applicant is requested to submit revised drawings that should include:

(a) A revised and simplified “Proposed Site Layout Plan” (not including existing and proposed overall tree site coverage and with the outline / footprint only of the proposed SHD residential scheme) that includes the more easily discernible location of each of the 5 no. gateways. The drawing should include a legend listing the 5 no. gates, their general location and / or purpose.

The drawing should also highlight in colour, the length/extent of the locations of boundary walls proposed to be raised in height.

The details should include any changed or proposed new gateways / arrangements on the boundary to Castlelands, Castle Close and between the existing school and proposed residential development.

Any new foot / cycle paths associated with the existing and proposed gateways should also be highlighted and vehicular proposed use / direction of travel, if any.

(b) A corresponding, single-sheet drawing showing the 5 no. gateways with a single outward facing elevation for each. The details should include any changed or proposed new gateways / arrangements on the boundary to Castlelands, and between the existing school and proposed residential development.

(2) The Planning Authority (Transportation Planning) has concerns regarding the overall proposals and in this regard notes that no details have been provided to show pedestrian and cycle access from Castlelands Park. It is requested that a high-quality pedestrian and cycle access to Castlelands to the south and an improved footpath to serve the development from Castlelands be addressed.

(3) The Planning Authority (Transportation Planning) has concerns regarding the overall proposals and in this regard notes that the proposed gated access for both vehicles and pedestrians from Castle Park is unacceptable to Transportation Planning, to enable permeability across the site. It is requested therefore that revised proposals are submitted to the Planning Authority (Transportation Planning).

3.2.3. The applicant submitted a response to the Request for Further Information on 19<sup>th</sup> August 2021, which was deemed to contain Significant Further Information by the

Planning Authority and the application was readvertised to the public. The response can be summarised as follows:

- 3.2.4. **Item No. 1 (a):** Revised drawings have been submitted to clarify the information requested by the Planning Authority. It is stated that the submitted Site Plan drawing identifies the 5 no. proposed gates, the width and purpose of each gate and the proposed modifications to boundary walls. Gate no. 4 will provide maintenance access to the proposed parkland space being developed in the adjacent residential development. A revised drawing has also been provided to clarify proposals to provide new or amended foot / cycle paths associated with the new gates, with clarification of proposed vehicular use / direction of travel.
- 3.2.5. (b) A drawing has been provided illustrating the entrance gate elevations.
- 3.2.6. **Item No. 2:** The proposed access / egress arrangements for all gates are shown on a revised Site Plan drawing. Additional information is provided on new foot/cycle paths and the proposed vehicular use / direction of travel.
- 3.2.7. **Item No. 3:** Permission has been sought for gates at Castle Park to address concerns regarding the security and privacy of the school premises and its students. The permitted residential development adjacent to the school will increase the quantum of vehicular, pedestrian and cyclist traffic on the private road from Castle Park Road. The applicant is concerned that members of the public, who may be unfamiliar with the school or residential development, may inadvertently access the school grounds, thus creating safety concerns. It is noted that the applicant's premises does not currently contain any through-ways and it is not proposed to alter same under the current application.
- 3.2.8. In assessing the applicant's Further Information submission, Dún Laoghaire-Rathdown County Council's Planning Officer considered that the response to Item Nos. 1 (a) and (b) was acceptable. In assessing the response to Item no. 2, the Planning Officer noted that the public notices submitted with the application did not expressly refer to a proposed pedestrian and cycle access from Castlelands to the permitted SHD residential development on lands adjacent to the school. As such, it was recommended that the proposed pedestrian/cycle access be omitted in the event planning permission was granted for the proposed development.

- 3.2.9. The Planning Officer also noted the combined pedestrian/cycle route to the east of gate 2 would not meet the minimum width requirements of the Transportation Planning Division. As such, the attachment of a condition widening this route was considered inappropriate given the limitations of the overall site dimensions at this location and it was recommended that this route be omitted by condition.
- 3.2.10. In assessing the response to Item No. 3, the Planning Officer noted the applicant's statement that the school premises does not contain any through-ways, which will not be altered as part of this application. This was considered reasonable.
- 3.2.11. Subject to the foregoing, the Planning Officer recommended that planning permission be granted for the proposed development.
- 3.2.12. **Other Technical Reports**
- 3.2.13. **Transportation Planning (27<sup>th</sup> July 2021 and 14<sup>th</sup> September 2021):**  
Recommended that **Further Information** be requested in relation to the proposed development. No details have been provided in relation to pedestrian and cycleway access from Castlelands Park and Castle Close. The gate access for vehicles and pedestrians from Castle Park is unacceptable to enable permeability across the site and revised proposals are requested for approval.
- 3.2.14. Following the applicant's Further Information submission, Transportation Planning considered that the gated access for vehicles and pedestrians from Castlelands was not in compliance with transportation planning standards for throughway access for pedestrians and cyclists. It was further considered that compliance could be achieved by way of planning condition, with no other objections raised subject to conditions.
- 3.2.15. **Drainage Planning (Surface Water):** No objection to the proposed development subject to condition.
- 3.2.16. **Conservation Officer:** No built heritage objections. The proposed development is not considered to have a detrimental visual impact on the setting of the Protected Structure.
- 3.2.17. **Environmental Health Officer:** No comment on Further Information submission.

### 3.3. **Prescribed Bodies**

- 3.3.1. **An Chomhairle Ealaíon:** None received.

3.3.2. **Dept. of Tourism, Culture, Arts, Gaeltacht, Sport and Media:** None received.

3.3.3. **Dept. of Housing, Local Government and Heritage:** None received.

3.3.4. **An Taisce:** None received.

3.3.5. **Fáilte Eireann:** None received.

3.3.6. **The Heritage Council:** None received.

#### 3.4. **Third Party Observations**

3.4.1. 4 no. third-party observations were made on the application by: (1) Barry and Fiona Timlin, 6 Castlelands, Dalkey, Co. Dublin, (2) Castlelands Residents Association c/o 10 Castlelands, Hyde Road, Dalkey, Co. Dublin, (3) Naomi Shipley, Castlelands, 9 Hyde Road, Dalkey, Co. Dublin, (4) Denis and Ann Maria Lucey, Castle Close, 4 Castle Park Road, Dalkey, Co. Dublin.

3.4.2. The issues which are raised can be summarised as follows: (1) use of gate for vehicular access would generate significant additional traffic in Castlelands, (2) details of gate, pillars and footpath at Castlelands unclear, (3) only emergency vehicular access is permitted through Castlelands, (4) boundary wall of 2.4 m is excessive in height, (5) improper use of Castlelands gate for reasons other than emergency vehicle access, (6) school parking occurring in Castle Close.

3.4.3. Additional observations were made on the applicant's Significant Further Information submission by: (1) BPS Planning Consultants on behalf of the Castlelands Residents Association, c/o 10 Castlelands, Hyde Road, Dalkey, Co. Dublin, (2) Barry and Fiona Timlin, 6 Castlelands, Dalkey, Co. Dublin, and (3) Eleanor and Jim Byrne, 10 Castlelands, Hyde Road, Dalkey, Co. Dublin.

3.4.4. The new issues which are raised can be summarised as follows: (1) inappropriate site notice location, (2) finish of gate at Castlelands is not in keeping with the rest of the cul-de-sac, (3) existing 2 m fence between Castlelands and the school site should be replaced with a more solid secure wall, (4) breach of conditions attached to previous planning permissions regarding the proposed use of the Castlelands gate, (5) inappropriate intensification of use, (6) proposed development is at odds with SHD permission, (6) Castlelands will become a drop-off point for school traffic, (7) the proposed development is in breach of conditions attached to earlier planning permissions on the site.



## 4.0 Planning History

- 4.1. There is an extensive planning history associated with the school site. Those applications which are considered most relevant to the current appeal case are identified below.
- 4.2. **An Bord Pleanála Ref. ABP-306421-20:** Planning permission granted on 5<sup>th</sup> May 2020 for a SHD comprising, inter alia, 101 no. apartments and associated site works.
- 4.3. This application site adjoins the current appeal site immediately to the west and is currently being implemented.
- 4.4. **Planning Authority Reg. Ref. D19A/0504:** Planning permission granted on 25<sup>th</sup> February 2020 for development comprising, inter alia, the demolition of 2 no. existing storerooms and the construction of a single-storey, double-height extension to the existing school hall.
- 4.5. Condition no. 8 of this permission states that:
- “The access onto Castlelands shall be used as a pedestrian/cyclist and emergency vehicular access only. During the construction phase of the school redevelopment the access shall be used for the occasional access / egress of large construction equipment that cannot negotiate the main school entrance on Castle Park Road. Prior notice of these events shall be submitted to and agreed with the Planning Authority (Traffic Section) and shall be subject to an agreed marshalling and management plan. All other service and construction traffic shall use the main school entrance on Castle Park Road”.
- Reason:** In the interest of orderly development.
- 4.6. **Planning Authority Reg. Ref. D17A/0551; ABP Ref. PL06D.249205:** Planning permission granted by An Bord Pleanála on 26<sup>th</sup> April 2018 for development including, inter alia, 50 no. apartment units. This application also provided for the use of the existing gate to the school from Castlelands for emergency / fire tender access purposes, for pedestrian access and for temporary construction access, all within the grounds of Castle Park School.
- 4.7. Condition no. 3 (a) of this permission requires details of the access arrangements to Castlelands, including gateway elevations and pedestrian and cycle links, to be

agreed in writing with the Planning Authority prior to the commencement of development.

- 4.8. **Planning Authority Reg. Ref. D11A/0570:** Planning permission granted on 15<sup>th</sup> March 2012 for new entrance gates and signage at Castle Park School at Castle Park Road.
- 4.9. **Planning Authority Reg. Ref. D05A/0830; ABP Ref. PL06D.215646:** Planning permission refused on 26<sup>th</sup> May 2006 for development comprising, inter alia, 81 no. apartments and all associated development at Castle Park School. The development included “the use of the existing school entrance from Castlelands to provide access to the residential units and to provide emergency and service access to the school”.
- 4.10. Planning permission was refused for 2 no. reasons including (1) the impact of the proposed development, by reason of its layout, height, scale, and form, would seriously injure the existing and established built form, character and residential amenity of adjacent residential properties on Hyde Road, and in Castle Close and Castlelands, and (2) the loss of mature trees, which would seriously injure the visual and residential amenities of the area and of property in the vicinity.
- 4.11. **Planning Authority Reg. Ref. D05A/0762; ABP Ref. PL06D.215520:** Planning permission granted on 27<sup>th</sup> June 2006 for the redevelopment and extension of Castle Park School.
- 4.12. Condition no. 2 of this permission requires the following:
- “The access onto Castlelands shall be used as a pedestrian/cyclist and emergency vehicular access only by Castle Park School. During the construction phase of the school redevelopment, the access shall be used for the access/egress of large construction equipment and related traffic subject to agreement in writing with the planning authority. Prior notice of these events shall be submitted to and agreed in writing with the planning authority and shall be subject to an agreed marshalling and management plan. All other service and construction traffic shall use the main school entrance on Castle Park Road.

**Reason:** In the interest of public safety and orderly development”.

## 5.0 Policy and Context

### 5.1. Dún Laoghaire-Rathdown County Development Plan 2022-2028

### 5.2. Land Use Zoning

- 5.2.1. The site is subject to land use zoning 'SNI' which has the objective "to protect, improve and encourage the provision of sustainable neighbourhood infrastructure".
- 5.2.2. The trees which are located on the northern part of the overall school site (outside of the appeal site) are subject to an objective "to protect and preserve trees and woodlands".

### 5.3. Heritage

- 5.3.1. Castle Park School and the entrance gateway are a Protected Structure (RPS Ref. No. 1405).
- 5.3.2. **Policy Objective HER8: Work to Protected Structures** – It is a Policy Objective to:
  - (i) Protect any structures included on the RPS from any works that would negatively impact their special character and appearance.
  - (ii) Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the 'Architectural Heritage Protection Guidelines for Planning Authorities' published by the Department of the Arts, Heritage and the Gaeltacht.
  - (iv) Ensure that any development, modification, alteration, or extension affecting a Protected Structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed scale, mass, height, density, layout, and materials.
  - (viii) Protect the curtilage of protected structures and to refuse planning permission for inappropriate development within the curtilage and attendant grounds that would adversely impact on the special character of the Protected Structure.

### 5.4. Schools

- 5.4.1. **Policy Objective PHP7: Schools** - It is a policy Objective to protect existing schools and their amenities and ensure the reservation of primary and post-primary school sites in line with the requirements of relevant education authorities and to support the

provision of school facilities and the development / redevelopment of existing schools for educational and other sustainable community infrastructure uses throughout the County.

## 5.5. Natural Heritage Designations

5.5.1. None.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. A **first-party appeal** has been lodged by McCauley Daye O'Connell Architects on behalf of the applicant in relation to condition no. 2 only of the Planning Authority's Notification of the Decision to Grant Permission. The grounds of appeal can be summarised as follows:

- An existing gate provides pedestrian, vehicular and cyclist access for the school from Castlelands. The school has recently sold a portion of its land for residential development, which includes arrangements for shared use of this portion of land. This does not alter the existing access arrangements for the school.
- Two previously permitted residential developments on this portion of land (Planning Authority Reg. Ref. D17A/0551 and ABP Ref. 306421-20) allow the use of the existing gate for emergency / fire tender access, pedestrian/cyclist access and temporary construction access.
- Condition no. 2 seeks to affect these permitted arrangements, which is beyond the scope of the planning application.
- As the gate is currently used for pedestrian, cyclist and vehicular access, it would benefit users if there was greater separation of these activities for practical, security and safety reasons.
- The proposed arrangement provides for clear and separate routes to the neighbouring residential development and the applicant's property. It also ensures school access can be entirely controlled by the school to prevent

inadvertent trespassing on school property by those accessing the residential development.

- The proposed development has been designed having regard to national, regional and local policy documents which support, inter alia, sustainable travel modes and permeable neighbourhoods.

6.1.2. A **third-party appeal** against the Planning Authority's decision has been lodged by BPS Planning Consultants on behalf of Castlelands Residents Association, c/o Eleanor Byrne, No. 10 Castlelands, Hyde Road, Dalkey, Co. Dublin. The grounds of appeal can be summarised as follows:

- Tree loss would reduce screening of recently permitted SHD scheme from No. 9 Castlelands, with no mitigation planting proposed.
- The Castlelands gate has only ever been permitted as an emergency exit from the school and SHD scheme and for pedestrian/cycle access. The Planning Authority's decision to permit the use of the gate for vehicular access does not reflect the planning history associated with the use of the gate.
- Since 2007, the Planning Authority and An Bord Pleanála have allowed construction access for vehicles through the Castlelands gate and as an emergency exit at operational phases.
- The impact of vehicular traffic on the Castlelands cul-de-sac was a key consideration in the refusal of planning permission by the Board for a residential development on the school site in 2005 (ABP Ref. PL06D.215646).
- The wording of condition no. 2 attached to a planning application for the extension and redevelopment of the school (ABP Ref. PL06D.215520) allowed the wholesale use of the Castlelands entrance for all construction traffic, with a lack of enforcement when issues arose.
- The current proposal to use the Castlelands entrance as a vehicular access contradicts all previous planning decisions made by the Planning Authority and the Board with respect to this entrance.
- The applicant's Significant Further Information cover letter does not identify a planning permission reference number on which to base the use of the

Castlelands entrance for vehicular purposes. As such, the Planning Authority was asked to grant permission for the future use of this entrance in a manner that contravenes the terms and conditions of multiple previous planning permissions pertaining to the school or land it has sold.

- Castle Park School agreed to a throughway when it sold the SHD developer a large area of school grounds, with a right-of-way through Castlelands. The school did not object when the SHD developer proposed and obtained planning permission to create a throughway for pedestrians/cyclists from the Castle Park Road entrance all the way through to Castlelands.
- The appellant accepts that the use of the Castlelands entrance for emergency purposes and pedestrian access to the school and SHD scheme but does not accept any other use of the entrance, including for vehicular access to the school and / or a throughway.
- The use of the gate as permitted by the Planning Authority is unclear.
- The applicant's Significant Further Information drawings suggest the ongoing use of the gate for vehicular access. The school should remain a cul-de-sac with one vehicular entrance.
- A condition has not been attached to the permission requiring the gate to be used for emergency vehicles only.
- It is requested that the Board continue to attach condition nos. 2 (a) and (b) should planning permission be granted for the proposed development.
- The proposed pedestrian / cycle routes do not comply with technical standards, with insufficient width available to accommodate vehicular, pedestrian and cycle access.
- The statutory planning notices did not expressly refer to a proposed pedestrian and cycle access from Castlelands to the permitted SHD scheme.
- The planning permission as granted would have a significant negative and permanent impact on the residential and visual amenities on the traffic, road and pedestrian safety of Castlelands residents.

- The planning decision appears to permit vehicular usage of the Castlelands gate, whilst removing pedestrian and cycle access proposals.

## **6.2. Planning Authority Response**

- 6.2.1. A response to the appeal was received from the Planning Authority on 5<sup>th</sup> November 2021. The Planning Authority considers that the appeal does not raise any new matters which would justify a change in attitude to the proposed development.

## **6.3. Observations**

- 6.3.1. Observations were made on the appeal by: (1) John and Rose Thorne, 3 Castlelands, Hyde Road, Dalkey, Co. Dublin, (2) Naomi Shipley, 9 Castlelands, Hyde Road, Dalkey, Co. Dublin, (3) Pamela and Fergus Redahan, 5 Castlelands, Hyde Road, Dalkey, Co. Dublin, and (4) Shane and Orla O’Gorman, 7 Castlelands, Hyde Road, Dalkey, Co. Dublin.
- 6.3.2. The issues raised in the observations reflect those identified in the third-party appeal.

## **7.0 Assessment**

- 7.1. First and third-party appeals have been lodged in relation to the Planning Authority’s decision in this instance. The first party appeal relates to condition no. 2 of the decision only. In my opinion, it would be appropriate to assess this application de novo and I consider that the main issues arising include:

- Principle of the Development
- Planning History / Impact on Castlelands

- 7.2. Each of these issues is addressed in turn below.

### **7.3. Principle of the Development**

- 7.3.1. In summary, the proposed development seeks permission to provide new gates and boundary treatments to increase the separation between persons accessing the school site and the recently permitted SHD residential development on the former school lands adjoining to the west. The applicant’s agent submits that these works are being undertaken to enhance the privacy and safety of the school.

- 7.3.2. A total of 5 no. gates are proposed, all of which generally comprise flat bar uprights set between granite piers. Gate no. 1 is located at the top of the main avenue, just beyond the pedestrian/cyclist and vehicular route into the adjacent SHD scheme. The gate extends across the width of the main avenue and will facilitate vehicular access to the school campus only.
- 7.3.3. Gate no. 2 is located at the rear of the site at the boundary with Castlelands. The site plan which accompanied the applicant's Significant Further Information submission (Sheet No. DR-A-01020) identifies that this gate will provide vehicular access and a dedicated pedestrian / cycle route into the school and an emergency vehicle route and a dedicated pedestrian /cycle route into the adjoining residential development.
- 7.3.4. Two further gates are proposed to the rear of gate no. 2 within the school site. These gates will further separate access to the school and the adjacent residential development as described above. Gate no. 3 is located on the boundary of the school site and the residential development, while gate no. 5 is located to the rear of the school. Gate no. 4 is a pedestrian gate which is proposed within the granite wall extending between the school site and the permitted SHD development.
- 7.3.5. The planning application also proposed to retain, repair and increase the height of the existing granite wall along the western site boundary to a height of 2.4 m and to provide a new granite stone wall of 2.4 m in height to tie in with the existing.
- 7.3.6. The planning application includes a statement from Molloy & Associates Conservation Architects which concludes that the architectural / heritage characteristics within the receiving environment will remain unchanged by the proposed development. The Conservation Officer of Dún Laoghaire-Rathdown County Council also had no objection to the proposed development on heritage grounds. Having regard to the foregoing, and the nature and scale of the proposed development, I am satisfied that gate nos. 1, 3, 4 and 5 and the works to the boundary wall would be acceptable on the subject site and would have no negative impact on the Protected Structure (Castle Park School and entrance gateway).
- 7.3.7. In my opinion, the key issue for consideration relates to gate no. 2 at the southern site boundary and the potential for its use to give rise to negative impacts on the residential amenities of the Castlelands residents.



#### **7.4. Planning History / Impact on Castlelands**

- 7.4.1. The first-party appeal in this case relates to condition no. 2 of the Planning Authority's Notification of the Decision to Grant Permission for the proposed development, which requires, inter alia, the omission of the proposed pedestrian / cyclist routes from (i) Castlelands to the permitted SHD development adjoining the school site and (ii) from Castlelands to Castle Park School. The applicant's agent submits that two previous applications for residential development on the former school lands immediately to the west of the school site (Planning Authority Reg. Ref. D17A/0551 and ABP Ref. 306421-20) allow the use of the existing gate at Castlelands for emergency / fire tender access, pedestrian / cyclist access and temporary construction access. It is submitted that condition no. 2 will affect these permitted arrangements, which is beyond the scope of the planning application.
- 7.4.2. It is further submitted that the proposed development provides clear and separate routes to the neighbouring residential development and the school property and will ensure that school access can be entirely controlled to prevent inadvertent trespassing by those accessing the residential development.
- 7.4.3. The third-party appellant submits that the Castlelands gate has only ever been permitted as an emergency exit from the school and SHD scheme and for pedestrian /cycle access. It is considered that the current proposal to use the Castlelands entrance as a vehicular access contradicts all previous planning decisions made by the Planning Authority and the Board with respect to this entrance. It is considered that the applicant's Significant Further Information drawings suggest the ongoing use of the gate for vehicular access, and it is considered that the school should remain a cul-de-sac with one vehicular entrance. The appellants also contend that the planning decision appears to permit vehicular usage of the gate, whilst removing pedestrian and cycle access.
- 7.4.4. The planning history pertaining to the subject site clearly identifies that the Planning Authority and the Board have previously approved the use of the access gate at Castlelands for pedestrian / cyclist access, for emergency vehicular access and as a temporary construction access to facilitate the redevelopment of former school lands. In reviewing the cover letter which accompanied the planning application, I note it states that the planning application seeks, inter alia, alterations to the current

southern access to Castlelands to provide separate pedestrian access to the school and to the residential development (which has a right of way across the applicant's land) to ensure the security and privacy of the school. It further provides a means of egress for emergency vehicles from both the school and the residential development.

- 7.4.5. The Planning Authority requested the applicant to provide Further Information regarding the nature and scope of the proposals. The applicant's response to this request included a Site Plan drawing (No. 1094-MDO-XX-XX-DR-A-01020) which identifies the intended routes through the proposed gate at Castlelands. A vehicular route and a pedestrian / cycle route is indicated directly into the rear of the school site, with a separate emergency vehicle route and a further pedestrian / cycle route leading into the adjoining residential development. In my opinion, planning permission for the use of the Castlelands gate for vehicular access to the school has not been sought under this application, and in any event, I do not consider that any rationale has been provided which would justify such a use. Thus, I consider that the vehicular use of the Castlelands access should be restricted for emergency purposes only, which reflects the established planning history on the site. This matter can be clarified by condition should the Board decide to grant planning permission in this instance.
- 7.4.6. In considering the 2 no. separate pedestrian / cyclist access gates which are proposed at the Castlelands entrance, I note that the Planning Authority's Transportation Planning Section considered that the gate does not comply with transportation planning standards for throughway access for pedestrians and cyclists. It was further considered that compliance could be requested by way of condition, including, inter alia, that the cycleway access shall be a two-way cycle access to a minimum width of 3 m in compliance with the NTA Cycle Manual and that any footpath access provided shall be a minimum width of 1.8 m for universal access and in accordance with DMURS.
- 7.4.7. In assessing these issues, the Planning Officer noted that the planning application public notices did not expressly refer to a proposed pedestrian and cycle access from Castlelands to the permitted SHD scheme. As such, it was recommended this access be omitted. While the Planning Officer's assessment is acknowledged, I consider that the proposed use of access gate no. 2 has been clarified by the

applicant's Further Information submission, which was readvertised to the public, thus enabling 3<sup>rd</sup> party engagement on this matter.

- 7.4.8. Dún Laoghaire-Rathdown County Council's Planning Officer further noted that the proposed cycle / pedestrian access from Castlelands to Castle Park School does not comply with the minimum requirements identified by the Transportation Planning Section. The attachment of a planning condition to achieve such compliance was considered inappropriate on foot of the limitations of the overall site dimensions at this location.
- 7.4.9. In reaching a conclusion on this matter, and in reviewing the planning application details for the adjoining SHD scheme (ABP Ref. ABP-306421-20), I note that the development as granted included the use of the existing Castlelands gate for emergency / fire tender access purposes, for pedestrian / cycle access and for temporary construction access. As such, the principle of pedestrian / cycle use of this access to serve the SHD scheme has already been deemed acceptable.
- 7.4.10. In my opinion, the final details regarding the design / configuration of gate no. 2 can be agreed with the Planning Authority prior to the commencement of development. I note in this regard that a shared pedestrian / cycle access may be acceptable at this location given that further gates (nos. 3 and 5) are proposed within the site to segregate the school and residential patrons. This matter can be address by planning condition.

## **8.0 Recommendation**

- 8.1. I recommend that planning permission be granted for the proposed development.

## **9.0 Reasons and Considerations**

- 9.1. Having regard to the nature and scale of the proposed development and the planning history pertaining to the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable at this location and would be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>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 19<sup>th</sup> 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>(a) The access at Castlelands (gate no. 2) shall be used as a pedestrian / cyclist and emergency vehicular access only. This access shall be for the benefit of Castle Park School and the permitted residential development on the adjoining site to the west (ABP Ref. 306421-20).</p> <p>(b) The developer shall agree final design details of the proposed access gate at Castlelands (gate no. 2), including pedestrian / cyclist access arrangements, in writing with the Planning Authority prior to the commencement of development.</p> <p><b>Reason:</b> In the interests of clarity and to ensure a satisfactory standard of development.</p>
3.	<p>Site development and building works shall be carried out only between the hours of 0700 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.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>

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Louise Treacy  
Senior Planning Inspector

22<sup>nd</sup> December 2022