



An
Bord
Pleanála

Inspector's Report ABP-312251-21

Development

Construction of a two-storey school delivered on a phased basis, with the phased demolition/removal of the existing school building on the site

Location

Marymount National School,
Ballsgrove, Drogheda, County Louth.

Planning Authority

Louth County Council

Planning Authority Reg. Ref.

21/760

Applicant

Board of Management, Marymount
National School.

Type of Application

Permission.

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant

Frank Condra.

Observer(s)

None.

Date of Site Inspection

1st April 2022.

Inspector

Lucy Roche

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1.0 Site Location and Description

- 1.1. The appeal site is located within the built-up area of Ballsgrove, to the southwest of Drogheda town centre and is accessed from Donore Avenue to the west, via the Donore Road to the south and Ballsgrove to the north. The site comprises a stated area of 1.05ha and is currently occupied by the existing part single, part two storey, Marymount National School building, a number of prefabricated classroom structures, on-site car parking and associated playgrounds/playing pitches. The existing school building occupies a central location within the school site and has a stated GFA of 2,123sqm.
- 1.2. The site is bounded on three sides (west, north, and south) by public road while an area of public open space occupies the lands to the south. Development within the immediate vicinity of the site comprises the housing developments of Ballsgrove and Highfield to the west and east respectively, while the Holy Family Catholic Parish Church and the Ballsgrove shops are to the north.

2.0 Proposed Development

- 2.1. Permission has been sought for the construction of a new two storey 24 classroom school with a stated GFA of 4,056sqm on the site of the existing Marymount National School. The new school building is to be delivered on a phased basis, with the phased demolition/removal of the existing school building on the site. 1 no. prefabricated building is to be relocated within the site during the course of the construction works with the eventual removal of all prefabricated buildings from the site. The new building is not within the footprint of the original school building and will be repositioned towards the eastern site boundary allowing for the phased delivery of the new school building.
- 2.2. The proposed school building comprises 2no blocks (eastern and southern). The eastern block (maximum height of 10.2m), accommodates the majority of the proposed classrooms. The southern block (max. height 11m) houses the general-purpose rooms, special needs unit, library and teacher / pupil facilities. External finishes comprise coloured rendered panels, fibre cement cladding, aluminium windows and guttering with standing seam metal composite panels to the roof.

- 2.3. Vehicular access to the site will be reconfigured with the existing entrance off Donore Avenue to the west removed and a new pedestrian and vehicular entrance and exit formed off Donore Avenue to the west. The new entrance will provide access to a new drop off area to the west of the site and a new one-way coach and staff car park along the southern boundary exiting out onto Highfield.
- 2.4. The development includes for the provision of bicycle and scooter parking, hard and soft play areas, piped infrastructure and ducting, plant landscaping and boundary treatments, disabled car parking spaces, e-car charging points, ancillary pedestrian access ramps and stairs, signage, attenuation tank, changes in level and all associated site development and excavation works above and below ground. A fully compliance SuDS system is proposed, the design of which includes permeable paving and roof rainwater harvesting. Impermeable road and yard areas will drain into attenuation tanks and then released to the public drainage network via hydrobrake flow control.
- 2.5. The proposed school is designed to cater for 720 students and c48 an increase from 308 students and 32 staff.

3.0 Planning Authority Decision

3.1. Decision

Louth County Council, by order dated 19th November 2021 issued a decision to grant permission for the proposed development subject to 15 no. conditions. The following conditions are of note:

Condition 2 – requires the submission of a construction management plan

Condition 4 – Relates to Finished floor level of the proposed school

Condition 8 – requires the provision of 80 cycle parking spaces

Condition 10 - requires the submission of a stage 3 road safety audit

Condition 11 – requires the applicant to make provision for protecting the existing traffic light controller and minipillar at the existing northern wing wall entrance within the proposed public footpath area during construction

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial Planning Report dated 03/08/2021

- The Area Planner considers the proposed development to be acceptable in principle and in line with Local and National Policy
- They consider the design and layout of the proposal to be acceptable and that the site can accommodate the development without undue impact on the amenity or character of the surrounding area.
- They note that the proposed scheme will necessitate the removal of a number of trees, particularly along site boundaries. They refer to the tree survey and landscape scheme submitted in support of the application. Further detail was required in relation to the proposed perimeter palisade fencing.
- In relation to residential amenity, they note the concerns raised in the third-party submissions however they are satisfied having regard to the urban location of the site, bounded on three sides by public roads and the separation distances available between the proposed development and adjoining properties, that the proposed development would not have an unreasonable impact on the amenities of adjoining properties.
- They consider that there is sufficient on-site parking to meet the future demands of the school however consider the 46 no bicycle parking spaces to be insufficient.
- The report concludes with a request further information to address a number of issues raised in the report and other technical reports received.

Report dated 17/11/2021

- 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 15no. conditions.

3.2.2. Other Technical Reports

<i>Infrastructure:</i>	22/07/2021:	Requested additional information
	15/11/2021:	No objection subject to conditions

3.3. Prescribed Bodies

<i>Irish Water</i>	16/07/2021:	Requested further information
	10/11/2021	No objection subject to condition
<i>DoHLG&H</i>	27/07/2021:	Conditions recommended to mitigate potential impacts on bats and breeding birds

3.4. Third Party Observations

Residential Amenity:

- Concerns raised regarding the potential impact of the proposed development on the amenities of adjoining properties along Highfield Road by way of overshadowing / loss of natural light.
- Security Flood lighting will invade privacy and disrupt sleep

Transport/Traffic Safety

- Issues with the Mobility Management plan including the lack of reliable and specific real-world data on traffic movement to adequately inform the plan.
- The proposed new vehicular entrance /egress to pose a significant health and safety risk to road users and pedestrians.
- In the absence of any traffic flow analysis, the new entry and exit pints; the proposed new straight link through the site and increased volumes and new traffic flows will aggravate the existing problems relating to traffic congestion and road safety.
- The Road Safety Audit fails to address the impact on travel volumes, road congestion and the associated safety risks.

- Unresolved safety issues associated with a previous Road Safety Audit from 2012 / Pre-existing safety issues at Donore Avenue / Donore Road Junction
- Illegal parking during school drop-off and collection times and lack of parking enforcement
- Excessive staff parking provision
- Carpooling / sharing is contrary to public health advice

Inadequate drainage infrastructure and maintenance

- Increased hard surfaced areas will increase rainwater runoff
- Issue of blocked drain at proposed vehicular entrance

Other

- Issues re location and positioning of site notices
- Use of the label Highfield Road is inappropriate as it suggests that the road around Highfield is a public thoroughfare rather than an access route

4.0 Planning History

03/510189 (2003)	Permission granted for 1no prefabricated classroom unit
04/510228(2004)	Permission granted for a single storey glazed porch area with a between two existing classroom blocks
05/510027(2005)	Permission granted for gymnasium
05/510120 (2005)	Permission granted for 3no prefabricated classroom unit
06/510163 (2006)	Permission granted for 2no prefabricated classroom unit
07/510083 (2007)	Permission granted for 3no prefabricated classroom unit

5.0 Policy Context

5.1. National Policy

- National Planning Framework

NPO 31 - Prioritise the alignment of targeted and planned population and employment growth with investment in:

The provision of childcare facilities and new and refurbished schools on well located sites within or close to existing built-up areas, that meet the diverse needs of local populations.

- 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.

5.2. Development Plan

- 5.2.1. The Louth County Development Plan 2021-2027 (LCDP) came into effect on the 11th of November 2021. It has superseded the Drogheda Borough Council Development Plan 2011-2017.
- 5.2.2. The application site is located within the settlement boundary of the level 1 settlement (Regional Growth Centre) of Drogheda. Level 1 settlements are prioritised for population and economic growth. As per the LCDP the population of Drogheda is projected to increase by 6,914 by 2027.
- 5.2.3. The appeal site is zoned G1 'Community Facilities', the zoning objective of which is *"To provide for an protect civic, religious, community, education, health care and social infrastructure."*

This zoning will facilitate the provision of community, educational, health, institutional, and religious facilities and to safeguard their future provision. Permitted uses include Education Facility (Primary or Second Level), Education Facility (Third Level or Training Centre),

5.2.4. Section 4.10 Education includes a number of Policy Objectives (SC25-32) relating to the provision of schools and associated facilities. The following are of note:

SC 28: To reduce the need to travel by car to schools. Applications for extension to an existing school or a new educational facility must be accompanied by a sustainable travel plan. The plan should indicate how students will access the school and provide for measures and facilities that promote sustainable modes of travel.

SC 31 To maximise the use of and support the expansion of existing school sites in accordance with the proper planning and sustainable development of the area

5.2.5. Section 13.12.3 provides guidance on the provision of Education Facilities.

- The need for new educational facilities or expansion of facilities at existing schools will be guided by the Department of Education.
- In assessing individual planning applications for new schools and/or redevelopment/extensions of existing schools, consideration will be given to the following:
 - Overall need in terms of necessity, deficiency, and opportunity to enhance or develop schools.
 - Site location, proximity of school to catchment area, size of site relative to outdoor space requirements and the future needs of the school (i.e. sufficient space provided for future expansion);
 - Traffic and transport impact on the surrounding road network.
 - Good, safe accessible pedestrian and cyclist routes to and from the school from nearby residential and commercial areas.
 - Safe access and adequate car parking layout to facilitate drop off/pick up.
 - Adequate signage, lighting, and boundary treatments.
 - Impact on local amenities and out of school hours uses/dual functioning of school facilities.
 - Conformity with land use zoning objectives; and
 - Conformity with Technical Guidance Document, TGD 025 (or any such updated document), in respect of primary schools.

5.2.6. Section 13.16.11: Car Parking Standards

Schools *1 car parking space per classroom*

5.2.7. Section 13.16.16: Cycle Parking

Schools 1 cycle space per 5 staff 1 space per 5 Students, with a minimum of 10 spaces

5.3. Natural Heritage Designations

No natural heritage designations apply to the subject site.

The following site are located within the wider area:

- River Boyne and River Blackwater SAC – c0.26km to the north
- River Boyne and River Blackwater SPA – c2.5km to the northwest
- Boyne Estuary SPA – 2.4km to the northeast
- Boyne Coast and Estuary NHA and SAC – 3.5km to the northeast
- Boyne River Islands NHA – c2km to the northwest
- River Nanny Estuary and Shore SPA c7km

5.4. EIA Screening

The application includes an ecology screening report prepared by Moore Group Environmental Services. The report states that there are no significant habitats or flora species within the site boundary and concludes that significant environmental effects are unlikely to arise from the proposed development in relation to ecology and biodiversity.

Having regard to the location of the site within the established urban area, the site area 1.05ha, the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required

6.0 The Appeal

6.1. Grounds of Appeal

This is a third-party appeal submitted in the name of Frank Condra a resident of Highfield, Drogheda against the Planning Authority decision to grant planning permission. The issues raised within the submission relate to the following:

Site Notices

- The site notices do not comply with the requirements of the Planning and Development Regulations (as amended) in particular Article 19 (1)(b) and(c) and Article 22(2)(b)(iv)

Issues with the Traffic and transport Report

- The traffic assessment was carried out during Covid when Level 5 restrictions were in place and when school etc were closed
- A number of assumptions are made in the report that are either incorrect or unreliable
- A traffic count in September would have highlighted that the existing road network is already at capacity and that ongoing new developments adjacent to the Donore Road will cause traffic significant problems long before the new school is due to open.

Scope of the Traffic and Transport Assessment

- Limiting the scope of the TTA to Donore road was a mistake and not in line with Traffic and Transport Assessment Guidelines PE-PDV-02045 (May 2014)
- Opening two new entrances onto Donore Avenue will have a huge impact on normal traffic and on the ability of residents opposite the school to access their homes at peak times
- The assessment must take account of recent and planned development in the immediate area. The volume of traffic on Donore Road has grown in recent years

- The TTA should consider the volume and nature of traffic during the 2-years construction phase.

Road Safety audit

- The Road Safety Audit was conducted on good Friday during covid restrictions (Level 5)
- Vehicular auto tracking report indicates that buses must swing across the righthand carriage way to enter and leave the school
- Current 4 busses will likely increase to 8 and that only to parking spaces for 2 buses is provided
- Only 12 drop off spaces provided to accommodate in the region of 250 cars each morning and evening

Other:

- The need for the proposed development is questioned having regard to Departmental statistics that suggest that school enrolments area likely to fall be 9.1% in the coming years.

6.2. Applicant Response

- Site notices were located in the key positions near the main entrance and to other entrance adjoining the public roads as shown on submitted drawings.
- The Traffic and Transport Assessment carried out in February 2021 acknowledge the Level 5 restrictions and reduction on traffic flows along the 2-junction analysed and used historical data from 2019 to obtain a more representative level of traffic at both junctions
- As stated in the TTA a site visit was not carried out due to travel restrictions, a desk top analysis was carried out.
- The assumption of 50/50 traffic slips at the junction is a robust assessment and overstates the traffic at the junction
- The clearway mentioned in the TAA refers to the yellow box at the junction between Donore road and Donore Avenure

- The TTA included Covid 19 factors on top of the 2021 figures in all traffic models undertaken
- Traffic and Transport Assessment Guidelines PE-PDV-02045 (May 2014) only apply when National Roads are affected
- The scope of the report was agreed with Louth County council – junction analysis was only required at the 2no junctions assessed in the report – Donore Avenue/Donore Road T-junction and Donore Road /132 crossroads
- 3 of the 5no planning applications mentioned in the appeal are located within the Donore Road Industrial Estate and none of them included the 2no junctions' analysis in the submitted TTA and therefore were not included in the TTA. Of the two remaining Reg Ref:21/725 (extension to apartment complex) and Reg Ref: 18/176, only one, Reg Ref:18/176 included a TTA as part of the application. This report noted that the traffic to be generated would be minimal at peak time and as such this was not included in the submitted TTA for the school.
- An analysis of the development permitted under Reg. Ref.18/176 and the increased bus services along Donore road has been submitted.
- The road safety auditor reviewed the attachments for the Marymount NS and noted that unless there was a significant alteration in the traffic data for the site. they deem it unlikely to have any substantial impact on the conclusions and recommendations of the existing RAS report
- In response to the need for the proposed school development reference is made to projected population growth for the county and settlement as per RSES

6.3. Planning Authority Response

- The planning authority is satisfied that site notices were visible and legible from the public road
- The proposal is for the redevelopment of an existing school site within the urban fabric of Drogheda town.

- The PA acknowledges that the Transport assessment and Road Safety Audit (RSA) were undertaken during the period of Covid restrictions Traffic volumes are dealt within the TTA as opposed to the RSA.
- The RSA was prepared by a qualified Road Safety Auditor in accordance with TII guidelines
- The TTA details the traffic accident history adjacent to the site from the Road Safety authority, no further data is available to Louth County Council
- The TAA has been carried out in accordance with TII guidelines. The use of historic data supplement with a traffic count in February 2021 is considered reasonable.
- In developing a mobility management plan a greater emphasis is applied by the developer and local authority in achieving active travel and modal shift away from the private car
- In relation to auto-tracking, a large vehicle turning can cross the road centerline of the intersecting road where the bus has to yield (in line with DMURS).
- The PA is satisfied that the development would not be prejudicial to road safety. they ask the Board to uphold the decision to grant permission for this development subject to conditions 1 to 15.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Access, Traffic & Transportation and Sustainable Travel
- Other

- Appropriate Assessment

7.2. ***Principle of Development***

- 7.2.1. The appeal site is located within the settlement boundary of Drogheda, a level 1 settlement (Regional Growth Centre) prioritised for population and economic growth. With a total population of almost 41,000 in 2016, Drogheda has been identified as the largest and fastest growing town in the Country. The population growth trajectory for Drogheda, as set out in RSES, envisages the settlement reaching a population of 50,000 by 2031. In order to facilitate the continued expansion and growth of the settlement in a sustainable manner I consider that it would be necessary to ensure the provision of a wide range of services and amenities, including educational facilities. In this regard I draw the attention of the Board to NPO 31 of the National Planning Framework which seeks to prioritise the alignment of targeted and planned population and employment growth with investment in the provision of new and refurbished schools on well located sites within or close to existing built-up areas.
- 7.2.2. The appeal site is located within the established urban fabric of Drogheda, within walking distance of the town centre and a number of residential estates. Marymount National School is well established in the area and its redevelopment and expansion would accord with objective SC31 of the LCDP which seeks *to maximise the use of and support the expansion of existing school sites*.
- 7.2.3. The appeal site is zoned G1 'Community Facilities', under the provisions of the Louth County Development Plan 2021-2027. The objective for the G1 zone is "*To provide for and protect civic, religious, community, education, health care and social infrastructure.*" Educational facilities are permitted in principle within this zoning.
- 7.2.4. In conclusion, having regard to the sites zoning objective, the policies and objectives as set out within the Development Plan and the population projection for the settlement, it is my opinion that the redevelopment of Marymount National School as proposed is justified and is acceptable in principle.

7.3. Access, Traffic & Transportation and Sustainable Travel

Access

- 7.3.1. Marymount National School currently caters for 308 students and 32 staff members, the proposed redevelopment works would facilitate the expansion of the school, increasing its capacity to 720 students (an increase of 130%) and c48 staff members. The significant increase in student numbers facilitated by the development has resulted in a number of traffic and transportation related concerns being raised both in the grounds of appeal and in the submissions received by the planning authority. Concerns have been raised by members of the local community around the ability of the local road network to accommodate the additional traffic movements associated with the proposal and the potential of the proposed development to aggravate existing issues relating to traffic congestion and road safety.
- 7.3.2. The site Marymount National School is bounded by road on three sides with the main access to the site located off Donore Avenue to the west. At present the school does not benefit from a proper drop-off / set down area which is likely to contribute to traffic congestion and ad-hoc parking in the vicinity of the school particularly at start and finishing times. Staff parking on site is limited with inadequate separation of pedestrian and vehicular movements.
- 7.3.3. As proposed the new school layout will see the existing entrance off Donore Avenue closed and replaced with a new one-way system with separate entrance and egress points off Donore Avenue. This new one-way system will allow for the creation of an internal drop-off zone, with 12 designated drop-off car spaces to the west of the site. This arrangement also allows for the proposed ball court areas to the northwest of the site to be used to accommodate overflow on-site parking when demand arises – for example during large school events etc. The new entrance off Donore Avenue will also link to a new pedestrian and vehicular entrance at the southwest corner of the site, off Highfield. This internal link road which extends along the southern site boundary road has been designed to cater for the provision of a dedicated staff parking area, incorporating 42 spaces (including 2 e-car charging points and 2 disability spaces) as well as a bus set down area in proximity of the main entrance. It

is noted that the quantum of parking provided for within the scheme would exceed LCDP standards however having regard to the nature and scale of development proposed, the level of traffic movements likely to be generated by the scheme and the concerns raised in the submission and grounds of appeal regarding traffic congestion and unregulated parking in the area I consider the quantum of parking proposed to be acceptable in this instance.

- 7.3.4. The proposed new access / egress arrangements along with the provision of dedicated on-site parking and set areas would in my opinion help to better control and manage vehicular movements in and around the school site which in turn should help to improve traffic safety and to alleviate traffic congestion, particularly at peak times.

Traffic and Transportation:

- 7.3.5. A Traffic and Transport Assessment (TTA) and Road Safety Audit were submitted as part of the planning documentation (The TTA being submitted in response to a further information request). The appellant has raised a number of concerns relating to the timing, methodology, scope, and content of these assessments.
- 7.3.6. The TAA submitted examines existing and proposed traffic conditions and transport activity within the vicinity of the site in order to determine the likely effects the proposed redevelopment of Marymount National School would have on the local road network. The scope and methodology of the assessment were agreed in advance with Louth County Council. The TAA includes results of a 12-hour traffic survey conducted in February 2021. Two locations were surveyed, one at the existing T-Junction between Donore Avenue and Donore Road and the other at the junction between Donore Road and the R132. The AM peak time was found to be from 08.15 to 09.15 and the afternoon peak time was found to be from 14.30 to 15.30. The report acknowledges the fact that the traffic count was undertaken during covid restrictions with section 4 of the report assessing the impact of Covid Restrictions on traffic flows. I note that data from historic traffic counts for the Donore Rd – R132 junction (2019- pre covid traffic flows) was used in order to establish the impact of Covid travel restrictions on background traffic flows, I consider this approach is to be

reasonable. The traffic profile likely to be generated by the proposed development was obtained from the school and verified using data for similar developments (TRICS). Following calculation of traffic flows, new development traffic was compared with existing background flows and a junction capacity analysis was undertaken using Junctions 9 modelling software. It is noted that updated Junction 9 modelling for the Donore Road – Donore Avenue T-junction was submitted as part of the applicant's response to the grounds of appeal, the updates provided take account of the apartments permitted under Reg. Ref. 18/176 and the increase in the number of bus routes along the Donore Road.

- 7.3.7. The results of the TTA showed that proposed development will have very little impact on the Donore Rd – R132 junction, as new traffic mounts to less than 5% of existing traffic. Modelling of the Donore Avenue and Donore Rd junction indicates that the Donore Rd will operate comfortably below capacity up to 2039 with proposed development in place. While some delays may occur along Donore Avenue at the junction of Donore Rd during peak periods, any congestion caused would be short lived. The report recommends that consideration be given to the provision of an additional filter lane in future years - in the event that traffic flows continue to grow.
- 7.3.8. The Road Safety Audit submitted as part of the planning documentation examines the road safety implications associated with the provision of new access / egress points onto Donore Avenue and Highfield. The RSA, prepared by a qualified road safety auditor, identifies safety issues and provides a number of recommendations to address these issues. I note that the appellant has concerns regarding the timing of the report (Good Friday during Covid Restrictions) and suggests that the auditor be invited to reevaluate the site now that restrictions have been removed. The applicant in response notes that the Road Safety Auditor has reviewed the attachments for Marymount National School and confirmed that unless there was a significant alteration in the traffic data for the site any substantial impact on the conclusions and recommendations of the report is unlikely.
- 7.3.9. In conclusion I am satisfied that both the TTA and RSA were carried out in accordance with TII guidelines and based on the information available I am satisfied

that the local roads infrastructure is adequate to serve the proposed school development.

Sustainable Travel

- 7.3.10. A Mobility Management Plan (MMP) was also submitted as part of the planning documentation. The main target of the MMP was to ensure that the traffic impacts associated with the day-to-day operations of the development are minimised, with resulting benefits for the school and local community. Section 3 of the MMP outlines possible incentives to encourage walking, cycling and the use of public transport, it also provides indicative figures for existing and target modal splits for the next three years. The target modal split for 2023 being Walking 36%, Cycling 5%, public transport 22%, carsharing 15% and private vehicle 30%. The MMP recommends the appointment of a designated Mobility Management Plan Coordinator with responsibility for implementing the measures outlined in the MMP.
- 7.3.11. It is noted that the appeal site is well located within an urban context being within walking distance of Drogheda town centre and a number of residential estates. The pedestrian infrastructure in the area is well developed with designed pedestrian crossing points and footpaths along both sides of the road in all areas adjacent to the school. The proposed scheme incorporates proposals for the provision of new pedestrian accesses points to the north, east and western in order to better facilitate parents and pupils walking and cycling to the school from the surrounding areas.
- 7.3.12. 46no on-site bicycle parking spaces were proposed as part of the scheme, while this would exceed the requirement for the 2023 target modal share for cycling, the quantum of spaces proposed is below the required standard for such infrastructure as set out in the County Development Plan. In this regard I note that the planning authority included in their decision a condition requiring the number of cycle parking spaces to be increased to 80no spaces to better encourage and facilitate sustainable forms of transport. I consider this reasonable having regard to the nature and scale of development proposed and the need to encourage sustaina

- 7.3.13. The school is currently supplied with 4no. school bus services which serve the town centre and the surrounding residential areas. The proposed bus set down area within the school grounds should accommodate 2no buses at any one time. The nearest public bus stop to the school is located on Bells Grove, c130m or 1 minutes' walk from the school.
- 7.3.14. In conclusion, I consider that the proposals to facilitate access to/from the site by sustainable/active modes of transport are acceptable. Having regard to the information submitted in the TTA and the Mobility Management Plan, it is my view that a 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.

7.4. ***Other***

7.4.1. *Residential Amenity*

In relation to the concerns raised regarding the potential impact of the proposed development on the amenities of adjoining residential properties, I would consider, having regard to the nature and design of the proposed development, its location within an established urban area, and the separation distance involved that the development as proposed would be unlikely to result in any unreasonable impact on the amenities of adjoining properties, particularly in terms of overlooking, overbearing and overshadowing / loss of light.

I consider that external lighting proposed to serve the school should be cowled and directed away from residential properties in order to limit any potential impact of glare or light nuisance.

7.4.2. *Procedural Issues*

In terms of the alleged irregularities relating to the location of site notices and the manner /form in which they were erected, I note that the planning authority have

affirmed in their response to the appeal that they are satisfied that the site notices were visible and legible from the public road. I am satisfied that the concerns raised in the grounds of appeal did not prevent the concerned party from making representations.

I note that the above assessment represents by de-novo consideration of all planning issues material to the proposed development.

7.5. ***Appropriate Assessment***

7.5.1. A report for the purposes of Appropriate Assessment screening, prepared by Moore Group Environmental Services has been submitted with the application. This document 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 as well as an identification / assessment of the likely effects on the identified sites etc.

7.5.2. The following table provides a list of European sites identified within a possible zone of influence:

European Site	Site Code	Distance
River Boyne and River Blackwater SAC	002299	C270m
River Boyne and River Blackwater SPA	004232	c2.5km
Boyne Estuary SPA	004080	C2.4km
Boyne Coast and Estuary NHA and SAC	001957	C3.5km
River Nanny Estuary and Shore SPA	004158	C7km
Clogher Head SAC	001459	C11.89km

7.5.3. The screening report concludes that:

- There is no connectivity to the River Boyne or any other European sites within or outside the zone of potential impact.

- There are no predicted effects on any European sites given - the separation distances between the site and European sites, the lack of connectivity between the proposed development and hydrological pathways; the proposed connection to the existing sewer network and no predicted emissions to air, water or environment during construction or operational phases.

7.5.4. The report objectively concludes that:

- The proposed development is not directly connected with, or necessary to the conservation management of the European sites considered in this assessment
- The proposed development is unlikely to either directly or indirectly significantly affect the Qualifying interests or conservation objectives of the European Sites considered in this assessment
- The proposed development alone or in combination with other projects, is not likely to have significant effects on the European sites considered in this assessment in view of their conservation objectives
- It is possible to conclude that significant effects can be excluded at the screening stage.

it can be excluded, on the basis of objective information, that the Proposed Development, individually or in combination with other plans or projects, will have a significant effect on a European Site. an Appropriate Assessment is not, therefore required.

7.5.5. As the appeal site does not support any of the habitats or species for which the Natura sites are designated it can be determined that there will be no direct effect on same. While no direct hydrological pathway from the site to any Natura 2000 sites has been identified I note that the designated area of sites within the inner section of Boyne Estuary, namely the Boyne Coast and Estuary SAC and the River Boyne and River Blackwater SAC, are proximate to the outfall location of the Drogheda WWTP. Therefore, I consider it reasonable to determine that an indirect pathway exists from the site to these designated sites via the surface water/foul water networks to Drogheda WWTP. I would however consider that the distance between the appeal

site and designated sites would be sufficient to ensure that any pollutants or silt would undergo treatment in the WWTP.

With regard to the above, I note the Planning Authority in their initial assessment (03/08/2021) were unable to rule out significant effects on the conservation objectives of designated sites due to the lack of clarity in respect of the feasibility of a connection to public water / wastewater infrastructure (this issue was raised by Irish Water). Following the submission of a pre-connection enquiry, Irish Water confirmed that connection to public mains water and wastewater infrastructure was feasible. In receipt of this information the planning authority considered it reasonable to conclude that the proposed development would not adversely affect the integrity of European Sites.

7.5.6. It is my view that, having regard to the nature and scale of the development, the sites location in a serviced urban area and the nature of existing development which separates the appeal site from the designated sites and to the nature of the qualifying interests, lack of direct hydrological pathway or biodiversity corridor link to conservation sites and the treatment of surface runoff and foul water in Drogheda WWTP, that the proposed development would not be likely to have a significant effect on any European site.

7.5.7. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any designated European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on the following: nature and scale of the proposed development, the nature of the receiving environment which comprises a built-up urban area, the capacity within the Drogheda WWTS to treat the additional loading from the proposed development, the distances to the nearest European sites and the hydrological pathway considerations.

8.0 Recommendation

- 8.1. I recommend that permission for this development be granted subject to condition as set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the Louth County Development Plan 2021-2027, and in particular the G1 zoning objective pertaining to the site and the narrative and policy framework relating educational facilities; and having regard to the nature, scale, design and layout of the proposed development, the location of the site and pattern of development in the surrounding vicinity, it is considered that, subject to compliance with the conditions below, the proposed development would not seriously injure the residential amenities of the area, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, 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 28th day of October 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>Reason: In the interest of clarity</p>
2.	<p>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</p>

	<p>development. This plan shall include inter alia a construction programme for the works, a traffic management plan and details of intended construction practice for the development, including noise and dust management measures and details of construction lighting. A Construction Manager shall be appointed to liaise directly with various sections of the Council</p> <p>Reason: In the interests of public safety and residential amenity and proper planning and sustainable development.</p>
3.	<p>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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity</p>
4.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.</p> <p>Reason: In the interest of sustainable waste management.</p>
5.	<p>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</p>

	<p>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.</p> <p>Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.</p>
6.	<p>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.</p> <p>Reason: In the interest of visual amenity</p>
7.	<p>The applicant or developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.</p> <p>Reason: In the interests of Public Health</p>
8.	<p>Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
9.	<p>The number of cycle parking spaces serving the school shall be increased to 80 spaces. Prior to the commencement of development, the developer shall submit to and for the written agreement of the planning authority a revised site layout plan to demonstrate compliance with the requirements of this condition.</p> <p>Reason: In the interests of sustainable transport and proper planning and sustainable development</p>

10.	<p>The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, kerbs and signage shall comply with the detailed standards of the planning authority for such road works.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
11.	<p>(a) Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the occupation of the new school building.</p> <p>(b) Any external lighting serving the school shall be cowled and directed away from residential properties.</p> <p>Reason: In the interests of amenity and public safety.</p>
12.	<p>Prior to the school becoming operational a stage 3 Road Safety Audit shall be carried out in accordance with TII Audit Requirements.</p> <p>Reason: In the interests of traffic safety</p>
13.	<p>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.</p> <p>Reason: In the interests of visual and residential amenity</p>
14.	<p>Prior to the commencement of development,</p> <p>(a) A bat survey should be carried out across the entire development site by a suitably qualified ecologist during the active season. The survey should include all buildings and trees on site</p>

	<p>(b) Detailed measures in relation to the protection of bats and nesting bird species shall be submitted to and agreed in writing with the planning authority. All agreed measures shall be implemented as part of the development.</p> <p>Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.</p> <p>Reason: In the interest of wildlife protection.</p>
15.	<p>The landscaping scheme shown on drawings submitted to the planning authority on the 18th June 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.</p> <p>Reason: In the interest of residential and visual amenity</p>
16.	<p>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</p>

	<p>matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>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.</p>
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Lucy Roche

Planning Inspector

7th April 2022