



An
Bord
Pleanála

Inspector's Report

ABP-316322-23

Development	Construction of a school building and all associated ancillary works.
Location	Stamullen Road, Gormanston, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	22963
Applicant(s)	Board of Management of Franciscan College, Gormanston.
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Jill Brangan
Observer(s)	Ian Lennon Rí James Carey
Date of Site Inspection	21 st June 2023
Inspector	Elaine Power

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1.0 Site Location and Description

- 1.1. The site is located in Gormanston, c. 2km east of Stamullen and c. 5km north of Balbriggan. It is bound to the south by Gormanston Road, to the west by a detached dwelling and to the north and east by greenfield sites. The surrounding area is rural in character with a linear pattern of residential development along Gormanston Road. Gormanston Castle and Gormanston College are located on the opposite side of Gormanston Road.
- 1.2. The site is generally rectangular in shape and has a stated area of c.8.38 ha. It is generally level and currently in use as sports playing pitches for Gormanston College. Its boundaries generally comprise hedgerows and mature trees. The southern boundary also includes a fencing. There are overhead electricity wires traversing the north western corner and northern portion of the site.
- 1.3. There is an existing vehicular access to the site and a separate pedestrian gate to the site from Gormanston Road. There is a zebra crossing providing connectivity between the pedestrian entrance to the site and the existing school on the opposite side of the road.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a 2-storey, 37 no. classroom school building with a total floor area of 10,753sqm. The school building includes a general purpose hall, a multi-use hall, a special needs unit, library, staff rooms and photovoltaic roof panels. The works include all ancillary accommodation including a separate storage shed, bin store and an electricity substation.
- 2.2. The development also includes the provision of 3 no. grass sports pitches, 5 no. hard surface ball courts, outdoor seating and breakout areas, a sensory garden, a tech yard and all associated hard and soft landscaping. The works also include new foul and surface water drainage systems.
- 2.3. Access to the site is proposed via a one-way system from Gormanston Road, with a separate entrance and exit. The internal layout includes drop off / collection area for cars and set down area for buses, the provision of 96 no. car parking spaces, including

5 no. disabled spaces and 10 no. electric vehicle charge points and 360 no. cycle parking spaces.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 14 no. conditions. Condition no. 2 states the following: -

2. *Prior to commencement of development of any work on site, the Applicant shall submit the following to the Planning Authority for prior written agreement:*

The detailed design as outlined on page 119A of the Report on the Franciscan College Gormanston Proposed singalised junction and specification is not acceptable and requires agreement.

The applicant shall upgrade Gormanston Road along the full roadside boundary of the site, including its junction with the L1616 Flemington Road, to facilitate the proposed development. The applicant shall agree the detailed design of the works along Gormanston Road and the L1616 including road widths, footpaths, grass verges, cycleways, street lighting, drainage, line markings, boundary treatments and traffic control measures.

The developer shall complete all the above works prior to opening of the school. The applicant shall apply for a road opening licence to complete works required along the public road that are located outside the redline site boundary.

Reason: *In the interest of proper planning and sustainable development of the area. (Transportation).*

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planners Report 14th September 2022

Initial Area Planners Report raised some concerns regarding the proposed development and recommended further information be requested with regard to 7 no. items. These items are summarised below.

1. Detail how the proposed facilities will be made available to public use out of school hours and how this will be managed.
2. Submit a Conservation Management Plan and detail how the existing protected structures and heritage buildings will be protected, maintained and managed into the future.
3. (a) submit a design for signalling the junction of Gormanston and Flemington Road)
 - (b) carry out a DMURS quality audit and amend with any recommended changes
 - (c) show desire lines for pedestrian and cycle movements. Relocate pedestrians to the right and left of the school boundaries to encourage desire lines from east and west.
 - (d) The redline boundary shall be revised to incorporate the footpath and cycle track along the sites front boundary. This infrastructure shall connect to existing infrastructure.
 - (e) the potential signalised junction shall include a footpath and cycleway to the entrance to the school. This infrastructure shall connect to existing infrastructure.
 - (f) revised drawings shall include existing pedestrian crossings and ramps and how the new infrastructure links to existing infrastructure.
 - (g) An updated layout with car parking numbers. Car parking dimensions shall be provided.
 - (h) all works required to incorporate the recommendations and design responses associated with the Road Safety Audit shall be completed.
 - (i) A separate pedestrian and cycle access shall be provided at the southern side of the main access road.
 - (j) An access point for emergency vehicles shall be provided from Gormanston Road.
 - (k) tactile paving shall be provided on the revised layout.

(l) the minimum footpath width to accommodate large groups of people to comply with DMURS is 4m. The layout shall be amended accordingly.

4. A public lighting scheme shall be submitted.
5. Finished floor levels shall be a minimum of 500mm above the maximum water level in the onsite drainage system.
6. Response to third party submissions.
7. Revised public notices may be required.

In response to Item 7 and in accordance with Article 35(1)(a) a revised public notice was published and a new site notice was erected on the 10th March 2023.

Planners Report 4th April 2023

Following receipt of further information, the Area Planner's report concludes that having regard to the documentation received, the Planning Authority, considers that the response to the request for additional information have been satisfactorily addressed. It was recommended that permission be granted subject to 14 no. standard conditions.

3.2.2. Other Technical Reports

Public Lighting Section: Report dated 5th August 2022 recommend that a lighting design for the footpath and vehicular entrance at the road frontage of the site be submitted. The report dated 14th March 2023 in response to further information received recommended that conditions be attached to any grant of permission.

Fire Services Department: Report dated 10th August 2022 raised no objection in principle subject to conditions.

Water Services: Report dated 10th August 2022 raised no objection in principle subject to conditions. The report dated 10th March 2023 in response to further information received raised no objection.

Environment Department: Report dated 24th August 2022 raised no objection.

Architectural Conservation Officer: Report dated 26th August 2022 raised concerns regarding the abandonment of the existing older school building to construct a new school on a greenfield site. The report recommends that further information be sought

regarding the impact on the existing building. This concern is reflected in the further information request issued. The planners report notes that response was received to the further information received.

Transportation Section: Report dated 24th August 2022 raised concerns and recommended that further information be sought. These items of further information are reflected in the request for further information issues. The report dated 23rd March 2023 in response to further information received recommended that conditions be attached to any grant of permission.

3.3. Prescribed Bodies

The planning authority received submissions from the Department of Housing, Local Government and Heritage and Uisce Eireann. The submissions are summarised below: -

Department of Housing, Local Government and Heritage – Development Applications Unit (DAU).

On the basis of the Archaeological Assessment and the results of the archaeologically testing there are no further archaeological requirements.

Uisce Eireann

No objection subject to conditions.

3.4. Third Party Observations

- 3.4.1. 8 no. third party observations were received by the planning authority and 2 no. additional submissions were received following the publication of revised notices. The concerns raised are similar to those of the appeal.

4.0 Planning History

4.1. Subject Site

None

4.2. **Surrounding Sites**

There are a number of planning permissions relating to Gormanston College on the opposite side of Gormanston Road. The most relevant applications are summarised below.

Reg. Ref. FS/17122: Permission was granted in 2017 for internal alterations to existing classrooms, common room, office and stores at the basement level.

Reg. Ref. FS/16084: Permission was granted in 2017 for alterations to the existing assembly hall to provide 5 no. classrooms at first floor level.

Reg. Ref. AA/151380: Permission granted in 2016 for an extension to the sports pavilion, alterations to the assembly hall, alterations to the 4-storey school building and an extension to the school building.

5.0 **Policy Context**

5.1. **Meath County Development Plan 2021 - 2027**

The subject site is zoned G1 – Community Infrastructure with the associated land use objective to provide for necessary community, social and educational facilities. Educational uses are permissible under this zoning objective.

Gormanston is designated as a rural settlement in the settlement hierarchy. Volume 2 of the development plan sets out written statement for settlements. Section 4.7 (Gormanston) states that current community facilities in Gormanston consist of the church, community hall, GAA grounds, Gormanston Park (hostel) and secondary school. The Council will support the expansion of these facilities as necessary to serve the existing and additional population in the area. The plan sets out a number of policies and objectives for Gormanston. The relevant policies and objectives are outlined below.

GOR POL 1: To consolidate and preserve the village core of Gormanston and encourage organic growth that will contribute to the character and structure of the village core and enhance the quality of the village's attractive built and natural environment.

GOR OBJ 3: To promote more sustainable form of transport, including the provision of new pedestrian paths, public lighting, and traffic calming measures to connect the amenities of the village, in conjunction with relevant stakeholders.

GOR OBJ 7: To seek to enhance community and recreational uses for the benefit of the community, as appropriate.

GOR OBJ 11: To ensure high standard of building design which should be representative of Gormanston as a rural village with cues for building form taken from the traditional and vernacular built heritage in the area. New buildings should respond to the individual site context and take due cognisance of adjoining development.

GOR OBJ 13: To seek to improve the village presentation along the main spine and at the entry points in the form of high-quality signage, public art and village type lighting standards.

The following policies and objectives of the development plan are considered relevant:

SOC POL 15: To facilitate the development of preschool, primary, post primary, third level, outreach, research, adult and further educational facilities to meet the educational needs of the citizens of the County.

SOC POL 16: To ensure the provision of preschool, primary and post primary education facilities in conjunction with the planning and development of residential areas, maximises opportunities for use of walking, cycling and use of public transport.

SOC POL 17: To ensure that adequate lands and services are zoned and reserved to cater for the establishment, improvement or expansion of all educational facilities in the County. The Council also supports the concept of multi-campus educational facilities.

SOC POL 18: To continue to support and promote existing schools serving communities in town and village centres.

SOC POL 19: To encourage, support and develop opportunities to open up schools to wider community usage in conjunction with the Department of Education and other stakeholders.

DM OBJ 71: Assessing planning applications for new schools and/or redevelopment / extensions of existing schools, the Planning Authority will have regard to the following:

- 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).
- Public transport availability.
- Traffic and transport impact, good, safe accessible pedestrian and cyclist routes to and from the school from nearby residential and commercial areas.
- Provision of safe and adequate set down facilities for buses.
- Provision of adequate, secure, covered cycle facilities.
- Provision of safe access and adequate car parking and set down areas to facilitate drop off/pick up.
- Adequate signage, lighting and boundary treatments.
- Impact on local amenities.
- Out of school hours uses.

DM OBJ 73: Dual function of sports facilities/halls etc, outside of school hours will be encouraged where the use of such facilities will be of a benefit to the wider community, however, any outside hours usage of the school should not be to the detriment of adjoining residential amenities.

5.2. **Regional Spatial and Economic Strategy for the Midlands and Eastern Region**

The RSES states that in 2016 the age profile of the Region is young with nearly half a million children in the Region that are aged under 14 years of age. The population surge is moving up from primary school age and the number of children of secondary school age children is expected to rise to 2026 and decline thereafter.

The RSES aims to address misalignment in the Region across a range of factors including school provision, facilities and child-friendly amenities. School provision is a key part of social infrastructure to be provided in tandem with housing provision. The

RSES will seek to prioritise the alignment of targeted and planned population and employment growth with educational investment, including the provision of new schools on well-located sites within or close to existing built-up areas that meet the diverse needs of local populations.

RPO 9.21: In areas where significant new housing is proposed, an assessment of need regarding schools provision should be carried out in collaboration with the Department of Education and Skills and statutory plans shall designate new school sites at accessible, pedestrian, cycle and public transport friendly locations.

5.3. ***National Planning Framework***

The strategy notes that demand for school places is set to increase to 2025 and for third-level education places to peak in the years immediately thereafter.

National Policy Objective 31: Prioritise the alignment of targeted and planned population and employment growth with investment in:

- A childcare/ECCE planning function, for monitoring, analysis and forecasting of investment needs, including identification of regional priorities;
- 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 expansion and consolidation of Higher Education facilities, particularly where this will contribute to wider regional development, and
- Programmes for life-long learning, especially in areas of higher education and further education and training where skills gaps are identified.

5.4. ***Other Relevant Guidance***

- The Provision of Schools and the Planning System A Code of Practice for Planning Authorities.
- Technical guidance document TGD025.
- Technical guidance document TGD 027.

5.5. Natural Heritage Designations

The following Natura 2000 sites are within 15km of the subject site.

- River Nanny Estuary and Shore SPA (004158) c. 1.5km north east of the subject site.
- Boyne Coast and Estuary SAC (001957) c. 7km north of the subject site
- Boyne Estuary SPA (004080) c. 9km north of the subject site
- River Boyne and River Blackwater SAC (002299) c. 10km north of the subject site.
- Skerries Island SPA (004122) c. 11km south east of the subject site.
- Rockabill to Dalkey Island SAC (003000) c. 11.5km south east of the subject site.
- Rockabill SPA (004014) c. 12km south east of the subject site.
- River Boyne and River Blackwater SPA (004232) c. 13.5km north west of the subject site.

5.6. EIA Screening

5.6.1. An Environmental Impact Assessment Screening Report was submitted with the application to Meath County Council. I have had regard to same in this screening assessment. The information provided is in accordance with Schedule 7 of the Planning and Development Regulations 2001. The EIA Screening Report identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

5.6.2. Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and Section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

- Item 10(b): Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

- Item 15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

5.6.3. It is proposed to construct a 2-storey 37 classroom post primary school with a total floor area of 10,753sqm on a site with a stated gross area of c. 8.38 ha. The site is located in the urban area (other parts of a built up area). The site is, therefore, below the applicable threshold of 10ha. There are no excavation works proposed. Having regard to the relatively limited size and the location of the development, and by reference to any of the classes outlined above, a mandatory EIA is not required. I would note that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation. The proposed development would use the public water services of Uisce Eireann. Surface water and foul water would be treated within the site. There is potential for foul water to be connected to the public network. An Appropriate Assessment Screening Report was submitted with the application which notes that the proposed development individually or in combination with other plans and projects would not adversely affect the integrity of the European Sites and that associated environmental impacts on these sites, by reason of loss of protected habitats and species, can, therefore, be ruled out.

5.6.4. Having regard to the nature and limited scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded. An EIA - Preliminary Examination form has been completed and a screening determination is not required. It is noted that third parties and the planning authority raised no concerns regarding EIA or the cumulative impact of residential development in the wider area.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal was received from Jill Brangan. The concerns raised in the appeal are summarised below: -

- Concerns of land ownership and the impact on the conservation management of the existing school building. There is no conservation plan in place as part of this application.
- Condition no. 13 of the grant of permission requires that the recommendations and findings of the Franciscan College Conservation Letter dated 14th November 2022 shall be implemented where possible. This condition is misleading.
- The subject site comprises football pitches that are historically linked to the school grounds and have been used by the public.
- The promise to allow the public to use the new school grounds is not guaranteed.
- It is not in the best interest of the school to lose access to existing sports facilities, including the swimming pool, sports complex, running track, handball courts and football pitches, located within the existing school grounds.
- If the existing school requires upgrading this should be supported by the council.
- The new building would have a negative impact on the visual amenities for local residents.
- Concerns regard loss of historical trees on site.
- Concerns that the existing school building would be permanently used to house refugees, which would double the population of Gormanston.

6.2. Applicant Response

The applicant submitted a detailed response to the appeal which outlined the sites location, the proposed development, the planning history, relevant policy and the planning application process with Meath County Council. The applicant welcomes the decision of Meath County Council to grant permission. The response is summarised below.

Principle of Development

- The concerns raised in the appeal were all addressed in the planning application process. Other issues raised are immaterial and unrelated to the planning assessment.
- The subject site is zoned for community uses and the policies of the development plan support the expansion of schools and the use of school facilities for out of hours use by the wider community.
- Given the long established school use at the existing Franciscan College school campus and the subject site as school playing pitches, the proposed development is the most appropriate use for the site and is consistent with the zoning objective.
- The proposed development is to facilitate the expansion of the Franciscan College to have a student population of 1,000. The expansion is required to meet future demand. The school has been earmarked for redevelopment and expansion for a number of years.
- The existing grounds and buildings require significant redevelopment and refurbishment to meet the Department of Education's technical guidance standards to accommodate a school of 1,000 students.

Built Heritage

- The redevelopment and refurbishment of the existing school is complicated by the fact that Gormanston Castle is a protected structure, there are a series of other buildings listed on the National Inventory of Architectural Heritage, there is a National Monument on the school grounds and there is a protected view from the Castle looking east towards the sea.

- The subject site, while located within the overall campus does not have any restrictions and would not impact on the existing built heritage.
- The school does not own the site of the existing school. It has been a long term tenant. The conservation and built heritage on the site is the responsibility of the owners and not within the control of the applicant.
- The Franciscan Province of Ireland wrote a letter to the planning authority as part of the further information response acknowledging their obligations in relation to the maintenance of the heritage structures and committed to preparing a Conservation Management Plan for the campus and to engage with the planning authority.
- It is noted that An Taisce were consulted and did not make a submission to the planning authority.
- Condition no. 13 of the grant of permission make reference to the wrong letter. The Franciscan College Conservation Letter was dated 25th November 2022.

Ownership

- The planning application coincided with the transfer of ownership of the school's proposed new site from the Franciscan Province of Ireland to the Educena Foundation, in anticipation of a new school becoming established. These details are immaterial and a letter of consent to the making of the planning application was submitted at the time the application was lodged.

Cultural Heritage

- The applicant is happy to provide a commemorative gesture on the site of the new school in recognition of the site's significance in terms of its cultural and sporting heritage. No such condition was attached to the grant of permission.

Visual Amenity

- The subject site is located within the development boundary of Gormanston and is zoned for community uses.
- The prevailing height is 2-storeys.
- The site layout has been designed to preserve the vast majority of healthy trees and hedgerows.

- The proposed development would not be out of character.

Availability of Amenities

- It is accepted and encouraged that the wider community have access to and use of school facilities, subject to agreement with the relevant stakeholders. A letter of commitment from the Board of Management was submitted as in response to the further information request.
- The proposed development would have a positive impact on the availability and accessibility of amenities for the local community.
- It is not the applicants responsibility to provide amenities or facilities for the wider area.

Use of Existing School

- The development of the proposed school has been planned for several years. It is part of a bundle of 6 no. schools across Leinster known as the Devolved School Building Programme 2 – Project Boyne. The National Treasury Management Agency has allocated funding. Preliminary surveys and assessments of the site were carried out in 2021, which pre-dates the invasion of Ukraine. This matter is of no relevance to the assessment of the development.
- There is no evidence that the existing school is suitable for continued use as a school. The existing building is no longer fit for purpose. The right of children and young people to have access to high quality educational services and facilities is support by the National Planning Framework. The current school does not offer an appropriate long term solution.

Trees

- The only healthy trees and hedgerows to be removed are to accommodate access to the new school. The planning authority attached a suitable condition in this regard.
- The proposed development would not have a significant adverse effect on the existing tree population.

6.3. Planning Authority Response

The submission from the planning authority requests that the decision to grant permission is upheld.

6.4. Observations

2 no. observations were received from Ri James Carey and Ian Lennon. The concerns raised are similar to those of the appeal which are outlined above. The additional planning related concerns raised are summarised below:

- Concerns that demolition of landscape features within the curtilage of a protected structure. These include stone walls along the sports grounds boundary and 1950's stone steps and stiles which provided access from the school to the sports ground.
- The landscape formed part of the Gormanston Demesne. While the parkland may have been subsidiary to the immediate grounds of the castle, is none the less forms part of the designated landscape of a protected structure. The site is therefore, within the curtilage of a protected structure.
- The subject site forms an intrinsic part of the college complex. The significance of the site has not been acknowledged in the archaeological or heritage assessments.
- Concerns that the historic campus may suffer further abandonment and dereliction should its function be lost.
- Concerns that responsibility for increased wastewater treatment loading has not been addressed.

6.5. Further Responses

None

7.0 Assessment

7.1. Having examined the appeal details and all other documentation on file, including all of 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
- Built Heritage
- Design Approach
- Water Services
- Transportation
- Appropriate Assessment

7.2. ***Principle of Development***

7.2.1. It is proposed that the new school would facilitate the expansion of the existing Gormanston College (post primary school), which is currently located within the grounds of Gormanston Castle and campus, on the opposite side of Gormanston Road to the subject site. Concerns are raised in the appeal that consideration should be given to extending the existing school building rather than building on a greenfield site.

7.2.2. The applicants Planning Report and the response to the appeal note that the existing school building and the area immediately adjacent to the school building pose significant challenges to the expansion of the school. The existing school building accommodates c. 439 pupils and would require significant redevelopment and refurbishment to meet the Department of Education's technical guidance standards to accommodate the proposed 1,000 pupils. There are also conservation and built heritage considerations on the existing site which limit the development potential. In this regard Gormanston Castle adjoining the school building is a protected structure. This protection extends to the curtilage of the site, which includes the existing school building and adjacent grounds. There is also a National Monument and a series of other buildings that are listed on the NIAH within the grounds of Gormanston Castle and a protected view from the castle looking east towards the sea.

7.2.3. The applicant also notes that the grounds of the existing school are not within the ownership of the applicant and that the overall site is shared with Gormanston Park which curtails any real capacity to make significant changes to the existing school building or to develop new buildings on the overall site. The issue of ownership has

also been raised as a concern in the appeal. It is noted from the information submitted that the applicant is not the owner of the existing school site. The applicant clarified in the response to the further information that ownership of the subject site has also changed recently and that new owner of the subject site would be responsible for its management and maintenance. I am satisfied that the applicant has consent to make the application and no concerns were raised by the planning authority in this regard.

7.2.4. Having regard to the conservation and built heritage considerations and to the ownership of the existing school site I agree with the applicant that there are significant constraints to redeveloping the existing school building. Therefore, it is my view that the proposed school building should be assessed on its merits.

7.2.5. The subject site is zoned G1 – Community Infrastructure with the associated land use objective to provide for necessary community, social and educational facilities. Educational uses are permissible under this zoning objective. It is also noted that the subject site is located within the overall existing school campus and is currently used as playing pitches. Therefore, I have no objection in principle to the development of the subject site for a school.

7.2.6. Objective DM OBJ 71 sets out criteria for assessing applications for new schools and / or redevelopment / extensions of existing schools. There is some overlap between the criteria. In my view they can be summarised as site location; transportation and accessibility; signage, lighting and boundary treatments; impact on local amenities; and out of hours uses. In the interest of clarity each of these criteria are assessed below, while transportation and accessibility are addressed in detail in Section 7.6 below.

Site Location

7.2.7. Objective DMOBJ71 requires that consideration is given to the sites location with regard to its proximity of school to catchment area, the size of the site relative to outdoor space requirements and the future needs of the school (i.e. sufficient space provided for future expansion).

7.2.8. The site is located in the village of Gormanston, c. 2km east of Stamullen. It is a greenfield site, which is used as sports playing pitches for the existing Gormanston

College on the opposite side of the road. The catchment area for the school has not been provided, however, it is noted that the school is one of 20 no. school building projects that are being managed and delivered on a devolved basis by the National Development Finance Agency on behalf of the Department of Education. The subject site has been earmarked for a new build replacement school. Therefore, I am satisfied that expanded educational facilities are considered necessary in order to meet the projected demand for school places in the Gormanston area.

7.2.9. The school building (10,753sqm) is located on a c. 8.38 ha site. The building and associated car parking areas and internal access roads are largely located on the southern portion of the site, which generally equates to half of the site. The northern portion of the site would accommodate 3 no. grass sports pitches and 5 no. hard surface ball courts. There is a significant area of open space along the sites western boundary and hard and soft areas of landscaping at the eastern and southern (front) elevations of the school building. There are also 2 no. internal courtyard areas and a sensory garden within the school building.

7.2.10. Concerns are raised in the appeal that future pupils of the proposed new school would lose access to facilities within the existing school. As outlined above, the applicants do not have ownership of the existing school and associated facilities. Having regard to the outdoor amenity spaces provided within the new school building I am satisfied that there are sufficient outdoor facilities to accommodate the future demand of the school and that there is sufficient scope for potential future school expansion, should the need arise.

Signage, Lighting and Boundary Treatments

7.2.11. Objective DMOBJ71 requires that consideration is given to signage, lighting and boundary treatments.

7.2.12. The elevational drawings indicate that the words 'Franciscan College' in 800mm aluminium lettering would be provided at second floor level on the southern elevation. I am satisfied that the proposed signage is high quality and appropriate for an educational use. It is unclear from the drawings submitted if it is proposed to provide any additional signage at the vehicular entrances to the site. If permission is being

contemplated it is recommended that final details of all proposed signage be agreed with the planning authority.

7.2.13. In response to the further information request the applicant submitted an External Lighting Report. The Public Lighting Section of the planning authority raised no concerns regarding the internal lighting layout. However, it was considered that the report did not adequately address the lighting design for the proposed footpath and vehicular accesses on Gormanston Road. It was recommended that a condition be attached to any grant of permission that a revised lighting design should be agreed with the planning authority prior to commencement of development. If permission is being contemplated it is recommended that a condition be attached in this regard.

7.2.14. As far as possible trees and hedgerows along the sites northern, eastern and western boundaries would be retained. The boundary treatment drawing submitted by way of further information indicates that a 2.4m high green mesh fence would be provided within the site at the northern, eastern and western boundaries. In addition at the sites western boundary with an existing residential dwelling a 2.2m high aluminium post and composite timber panel fence would be provided. At the sites southern boundary with Gormanston Road 2 no. trees and 3 no. sections of hedgerows would be removed to facilitate vehicular and pedestrian access to the site and a 1.8m high powder coated steel vertical bar and railings and gates would be provided around the boundary. I have no objection to the proposed boundary treatments and consider them appropriate in this context. The impact of the loss of trees and hedgerows is addressed below in Section 7.4 Design Approach

Impact on Local Amenities / Out of Hours Uses

7.2.15. Concerns are raised in the appeal and the observations regarding the loss of the playing pitches and access to the school facilities outside of school hours. It is proposed to provide 3 no. playing pitches and 5 no. hard surface ball courts. In response to the appeal the applicant refers to the letter from the Chairperson of the Board of Management of Franciscan College details the applicants commitment to the use of the school facilities for the wider community, subject to agreement with relevant stakeholders. Having regard to the information submitted I am satisfied that the proposed school would have a positive impact on the availability and accessibility

of amenities to the local community outside of school hours, which is in accordance with Policy SOC POL 19: To encourage, support and develop opportunities to open up schools to wider community usage in conjunction with the Department of Education and other stakeholders.

Conclusion

7.2.16. Having regard to the above I am satisfied that the proposed new school building is in accordance with the sites zoning objectives, the criteria set out in Objective DMOBJ71 and is supported by Policy SOC POL 15 to facilitate the development of educational facilities to meet the educational needs of the citizens of the County and Policy SOC POL 18 to continue to support and promote existing schools serving communities in town and village centres.

7.3. Built Heritage

7.3.1. In response to the further information request the applicant submitted an Archaeological and Cultural Heritage Assessment. The report notes that the subject site is located within lands belonging to the former estate of Gormanston Castle. There are no recorded architectural heritage sites within the subject site. There are 9 no. protected structures, 1 no. national monument and 11 no. architectural heritage sites recorded in the NIAH within c. 500m of the subject site. These are outlined below. It is noted that there is some overlap between the protected structures and the NIAH.

Protected Structures

RPS	Name	Building Type	Description
91038	Gormanston thatched cottage 1	house	Five bay single storey thatched cottage with hipped ends, 2 chimneys, square projecting front porch with fanlight above door. Rendered earth walls, sash windows. Conservatory to side.
91039	Gormanston thatched cottage 2	house	Four bay single storey thatched cottage with hipped ends and single brick chimney stack.
91040	Gormanston Castle	school building	Detached nine-bay three-storey over basement, former castle, commenced c.1363, rebuilt,

			remodelled and extended c.1820.It is thought that Thomas Wogan Brown and Sir Richard Morrison were both involved in the design of the building at different times
91041	Gormanston College	School Building	Detached multiple-bay four-storey school, built c.1956, comprising of ranges set around two central courtyards. Two-storey projecting granite framed entrance. Hipped artificial slate roof with rooflights. incl. Grounds, gym, handball alleys, chapel.
91042	Beechville	Terraced House	Detached five-bay single-storey former house with attic accommodation, built c.1760, now in use as an outbuilding. Hipped thatched roof with corrugated-iron covering and a red brick chimneystack. An example of the vernacular tradition in Ireland
91043	Beechville	House	Detached three-bay two-storey house, built c.1840. Hipped slate roof with red brick chimneystacks. Rendered walls with render quoins. Timber sash windows with stone sills and render surrounds.
91044	Post Box	Post Box	Cast-iron post box, c.1980, with moulded neck, curved cap and 'An Post' insignia
91045	Gormanston House	House	Detached three-bay two-storey former RIC barracks, built c.1820, with ashlar limestone gabled central porch, now in use as a private dwelling. Hipped slate roof with terracotta ridge tiles and two ashlar limestone chimneystacks
91046	Gormanston – Granny Stone	Monument	Squat rounded stone outside the wall of Gormanston College

National Monuments

Number	Building Type	Description
ME028-019	Church	This was a private or manorial chapel associated with Gormanstown Castle. The church is marked on the Down Survey (1656-8) county map of Meath, and mentioned in

		Dopping's Visitation books (1682-5). The church has now been removed.
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Building Listed on the NIAH

NIAH	Name	Rating
14322005	Gormanston Castle	National
14322006	Gormanston College	Regional
14322007	Handball Alley	Regional
14322008	Handball Alley	Regional
14322009	Sports Hall / Centre / Gymnasium	Regional
14322010	Church / Chapel	Regional
14322011	Lamp Standard	Regional
14322012	Gormanston Constabulary Barrack	Regional
14322013	Post Box	Regional
14322014	House	Regional
14322015	Farm House	Regional

- 7.3.2. Having regard to the above it is noted that the subject site is located within the environs of a number architectural heritage sites. However, it is not located within an Architectural Conservation Area and there are no protected structures, national monuments, protected views or buildings listed on the NIAH within the subject site. While it is acknowledged that the proposed scheme would introduce a new feature in the landscape it would not impinge on any views towards the existing structures. I am satisfied that due to the limited 2-storey height of the building, the high quality design and layout and the use of high quality and durable materials within the site that the proposed development would not negatively impact on the character or setting of any protected structure, monument or building listed on the NIAH.
- 7.3.3. Concerns are raised in the observation from Ian Lennon that the subject site is located within the landscape of the Gormanston Demesne and is therefore, within the curtilage of a protected structure and the appeal also considers the playing pitches on the subject to be historically linked to Gormanston College.
- 7.3.4. Gormanston Castle (RPS 91040) and Gormanston College (RPS 91041) are located c. 200m south of the subject site on the opposite side of Gormanston Road.

Gormanston Castle was constructed in c.1363 and rebuilt, remodelled and extended c.1820. Having regard to the information submitted in the observation it would appear that the subject site formed part of the parkland associated with the castle.

- 7.3.5. Curtilage is not defined by legislation. However, the Architectural Heritage Protection Guidelines identify the curtilage as *the parcel of land immediately associated with that structure and which is (or was) in use for the purposes of the structure*. Section 8.7.1 of the development plan states that *the term 'curtilage' is generally taken to mean those lands immediately associated with the structure... In the case of larger properties, the curtilage must be determined on a case by case basis*. While it is acknowledged that the subject site previously formed part of parkland that was within the estate of Gormanston Demesne, I am satisfied that it does not form part of the curtilage of the protected structure.
- 7.3.6. Attendant ground is defined in the Planning and Development Act as lands lying outside of the curtilage of a protected structure. The Architectural Heritage Protection Guidelines identify attendant grounds as *lands outside the curtilage of the structure but which are associated with the structure and are intrinsic to its function, setting and / or appreciation. In many cases, the attendant grounds will incorporate a designed landscape deliberately laid out to complement the design of the building or to assist in its function*. It is my view that the subject site does not form an intrinsic element of the overall designed landscape of Gormanston Castle and its Demesne and that the landscape does not complement the design of the protected structure or assist in its function. Therefore, I am satisfied that the development of the subject site would not negatively impact on the setting or character of the protected structure.
- 7.3.7. Gormanston College (RPS 91041) is also located c. 200m south of the subject site. It was constructed in c.1956. While it is acknowledged that the subject site includes playing pitches for the school I am satisfied that these are not within the curtilage or the attendant ground of the protected structure that the development of the subject site would not negatively impact on the setting or character of the protected structure.
- 7.3.8. Concerns are also raised in the appeal and observations regarding the impact on the conservation management of the existing school building. The report of the planning authority's Architectural Conservation Officer also raised concerns regarding the

abandonment of the existing older school building to construct a new school on a greenfield site.

- 7.3.9. As outlined above, the existing school are not within the ownership of the applicant and that there are significant challenges to expand the school campus. In response to the request for further information the letter from the Franciscan Province of Ireland (Appendix B) states that they are fully committed to the on-going maintenance and conservation the architectural heritage of the site. While the redevelopment and reuse of the historic buildings that currently accommodate the school uses would be welcomed it is acknowledged that this is outside of the remit of the current appeal.
- 7.3.10. The observation from Ian Lennon also raises concerns regarding the demolition of landscape features within the curtilage of a protected structure. From the information submitted in the submission to the planning authority it would appear that this relates to the removal of a section of stone wall along the subject site boundary with Gormanston Road. It is my view that this site is not within the curtilage or attendant ground of any protected structure and, therefore, no demolition works within the context of a protected structure are proposed or to be retained. The observation also raised concerns regarding works undertaken in within the existing school campus which are outside of the remit of this appeal.
- 7.3.11. Concerns are also raised in the appeal regarding the potential future use of the existing school campus buildings. The information submitted with the application indicates that the existing school building will be used for educational purposes. However, it should be noted that the intended use of the existing school buildings is outside of the remit of the current appeal.
- 7.3.12. The applicant's response to the appeal acknowledges the subject sites cultural and historical significance and suggests that a commemorative gesture could potentially be provided within the new school. Section 7.7.12.1 of the development plan states that public art can assist in developing a sense of place and provides an identity and character to a community that is distinctive and unique. This is supported by policy SOC POL 54 to promote the provision of public art. Therefore, if permission is being contemplated it is recommended that a condition be attached that the applicant provide a piece of public art within the new school campus.

7.3.13. In conclusion, I am satisfied that the proposed development would have no physical or visual impact on the setting or character of the protected structures, national monument or building listed on the NIAH within the wider environs of the subject site. It is my opinion that the contemporary design of the school successfully integrates with and enhances the character of the area and provides an appropriate contrast to the existing protected structures and the surrounding historic areas.

7.4. *Design Approach*

7.4.1. The proposed development comprises the construction of a 2-storey post primary school accommodating 37 no. classrooms, a general purpose hall, a multi-use hall, a special needs unit, library, staff rooms and all ancillary accommodation including a separate external storage shed and bin store and electricity substation.

7.4.2. Concerns are raised in the appeal that the new building would have a negative impact on the visual amenities for local residents.

7.4.3. The school building is generally located on the southern portion of the overall site with the playing pitches and ball court located on the northern portion of the site. The school building is located a minimum of c. 60m from the sites boundary with Gormanston Road and c. 70m from the existing single storey residential dwelling to the west of the site. The building is generally rectangular in shape with projections on the eastern and western elevations. It has a maximum width of c. 160m and a depth of c. 70m.

7.4.4. Photomontages of the proposed building are provided in the applicants Architectural Design Statement, which I consider provide a reasonable representation of the proposed school building. I am satisfied that the proposed design and layout is reflective of a contemporary school building and responds appropriately to its context. It is acknowledged that the school would be highly visible from Gormanston Road and the adjoining property to the west and would introduce a new feature in the landscape. However, it is my view that it would not be visually obtrusive and would not negatively impact on the existing residential or visual amenity of the wider environs. To ensure a high quality it is my recommendation that if permission is being contemplated that a condition be attached that details of the external materials of the school building be agreed with the planning authority.

7.4.5. Concerns are also raised in the appeal regard loss of historical trees on site. The applicants Arboricultural Impact Assessment notes that there are 26 no. individual trees, 3 no. tree groups and 3 no. hedges. The trees comprise 2 no category A, 14 no. Category B, 11 no. category C and 5 no category U. To provide access to the site is proposed to remove 1 no. category B tree, 1 no. category C tree, and 3 no. small areas (c. 15sqm each) of category C hedge at the sites southern boundary with Gormanston Road. It is also proposed to remove 4 no. category U trees due to structural decline and disease. To mitigate against the tree loss the landscaping proposals include a diverse mix of new trees, hedges and vegetation throughout the site. I am satisfied that the loss of trees and hedgerow is compensated for by the additional planting proposed and that the landscaping proposals would improve species diversity in the local landscape with a medium to long term positive benefit for biodiversity.

7.5. **Water Services**

- 7.5.1. This is a greenfield site with no known water, wastewater or surface water infrastructure. The applicants Engineering Planning Report notes that the proposed development would connect to the public water main network.
- 7.5.2. There is no foul network in the vicinity of the site. The applicant has stated that to connect to the public network it would require the provision of a 1.8km foul sewer to connect to the Stamullen WWTP. Details of the pre-connection enquiry to Uisce Eireann are provided in Appendix C of the applicants Engineering Report. A connection to the public network would require third party consent and crossing the M50. Therefore, it is proposed to provide an on-site wastewater treatment plant and sand polishing filter. The applicants Engineering Report states that the design of the WWTP has been agreed with Meath County Council and its noted that no concerns are raised by the planning authority in this regard.
- 7.5.3. The WWTP would be located at the sites northern (rear) boundary c. 150m north of the school building and immediately north of the proposed playing pitches. The proposed foul network has adequate capacity for estimated flows generated by the proposed school and has been designed to achieve self-cleaning velocities, in accordance with Uisce Eireann's Code of Practice. The WWTP and sand polishing

filter would treat the final effluent. In the event of a breakdown, 24 hour emergency storage would be provided within the site.

- 7.5.4. Appendix A of the Engineering Report notes that 6 no. trial pits were tested. The water table is c. 3m below ground level. A Site Characterisation Report has been submitted for each trial hole. Generally, there is 300mm of topsoil with a clay layer beneath with some gravel present. The content of the gravel is lower further east on the site. beneath this the subsoil is a clayey gravel with relatively high content of cobbles. The percolation characteristics of the soil indicates that the soil is suitable for treatment of wastewater. A summary of the test results is provided in Table 1 of Appendix 1.
- 7.5.5. Having regard to the above, I have no objection in principle to the provision of an on-site wastewater treatment system. However, the Uisce Eireann website (www.water.ie) states that the Stamullen Waste Water Upgrade Scheme is currently progressing. The project involves inter alia the construction of a new pumping station at the existing Stamullen WWTP, the installation of approximately 6km of twin rising mains predominantly in public roads to connect to the Balbriggan sewer network at Cardy Rock for onward piping of the wastewater to Balbriggan Wastewater Treatment Plant. It is noted that the raising main will cross under the M1 motorway and continue past the entrance to Gormanston College on Gormanston Road, turning right onto Flemington Place.
- 7.5.6. This is a relatively large project and the volume of wastewater would be significant, therefore, it is my view that a connection to the public network would be preferable and from the information outlined above, would be feasible. If permission is being contemplated it is recommended that a condition be attached that the applicant enter into a waste water connection agreement with Uisce Eireann.
- 7.5.7. The concerns raised in the observation that responsibility for increased wastewater treatment loading has not been addressed is noted. As outlined above it is not proposed to connect the proposed school to the public network. If a connection to the public network is feasible it would be connected to the Balbriggan WWTP. The Uisce Eireann website also notes that the scheme has been designed to cater for flows from Gormanston in the future. Therefore, I am satisfied that there is sufficient capacity within the system.

7.5.8. It is proposed that surface water run off would be collected on site and discharge the flow under infiltration via 3 no. soakaways at the northern, eastern and western boundaries of the school building. The soakaways are designed to cater for a 1 in 30 year storm event with 20% allowance for climate change. A 1 in 100 year rainfall event would be contained within the open / green spaces within the site without any adverse impact on buildings, roads or pedestrian areas. The development incorporates SUDS measures including permeable surfaces, rainwater harvesting and underground modular systems (such as soakaways). Full details of the proposals are provided in the applicants Engineering Report. It is noted that the planning authority raised no concerns with regard to a storm water drainage.

7.5.9. Overall, I am satisfied that there are no infrastructural aspects to the proposed development that present any conflicts or issues to be clarified.

7.6. ***Transportation***

7.6.1. Objective DM OBJ 71 of the development plan requires that consideration is given to transportation and accessibility when assessing sites for new schools and / or redevelopment / extensions of existing schools. These criteria are addressed below.

Public Transport Availability

7.6.2. Gormanston Road is served by bus route 191 and the 192. The 191 operates 3 no. buses in the AM peak and 2 no. buses in the PM peak between Stamullin and Dublin city. The 192 operates 4 no. buses off peak between Stamullin and Balbriggan. The subject site is also located c. 650m from bus stops on Flemington Road, which are served by Bus Eireann bus routes 101 and 101X. These routes provide connectivity between Dublin city and Drogheda, with buses every 30 minutes in the peak periods. Gormanston village is served by Gormanston Train Station located c. 1.2km east of the subject site, which provides connectivity between Dublin and Belfast.

7.6.3. It is noted that the subject site is not served by high capacity or high frequency public transport. However, as this development includes extending and decanting an existing school I am satisfied that the subject site has adequate access to public transport in accordance with the provisions of Objective DM OBJ 71

Traffic and Transport Impact

- 7.6.4. The Transport Assessment was submitted with the application identified 2 no. junction, which in accordance with TII's Traffic and Transport Assessment Guidelines, required further assessment. In this regard the junction of Flemington Road / R132 and the staggered junction of Gormanston Road / Flemington Road / Martins Road were assessed for the opening year (2024), +5 years (2029) and +15 years (2039) both with and without the development. The analysis indicates that the junction of Flemington Road / R132 would continue to operate within capacity both with and without the development.
- 7.6.5. The analysis also indicates that with or without the development the Gormanston Road arm of the staggered junction of Gormanston Road / Flemington Road / Martins Road exceeds or is reaching its design capacity in both the AM and PM peak periods. In the response to the request for further information, received on the 3rd March 2023, the applicant proposed a new signalised junction at Gormanston Road / Flemington Road.
- 7.6.6. It is noted that condition no. 2 of the planning authority's planning decision requested that *the detailed design as outlined on page 119A of the Report on the Franciscan College Gormanston Proposed signalised junction and specification is not acceptable and requires agreement. The applicant shall upgrade Gormanston Road along the full roadside boundary of the site, including its junction with the L1616 Flemington Road, to facilitate the proposed development. The applicant shall agree the detailed design of the works along Gormanston Road and the L1616 including road widths, footpaths, grass verges, cycleways, street lighting, drainage, line markings, boundary treatments and traffic control measures.*
- 7.6.7. The Report on the Franciscan College Gormanston Proposed signalised junction and specification has not been included with the appeal documentation. This report was requested from the Planning Authority on the 21st June 2023. The report was not provided, however, the DMURS Statement and Road Safety Audit were resubmitted. While it is noted that the full details of the proposed design of the junction of Gormanston Road / Flemington Road / Martins Road have not been submitted I am satisfied that this concern could be addressed by way of condition. In this regard if permission is being contemplated a condition should be attached requiring that the

junction of Gormanston Road / Flemington Road / Martins Road be signalised and that Gormanston Road, along its boundary with the appeal site, shall be upgraded, prior to the occupation of the school building and that the final detailed design shall be agreed with the planning authority.

Cycle and Pedestrian Environment

- 7.6.8. As noted above the subject site is located in an area that is characterised as rural. There are no nearby residential or commercial areas. Stamullen is located c. 2km west and Balbriggan is located c. 5km south of the subject site.
- 7.6.9. The subject site is located on Gormanston Road, c. 60m west of the junction with Flemington Road. Gormanston Road is a local road with a continuous footpath on the southern side. For the majority of the site boundary with Gormanston Road there is no footpath. There is a zebra crossing outside the existing school grounds on the southern side of the road to the entrance to the playing pitches on the subject site. There is no cycling infrastructure on the surrounding road network.
- 7.6.10. It is proposed to provide a 3m wide footpath and 1.5m wide grass verge along the sites boundary with Gormanston Road. This footpath would connect to the existing public footpath on northern side of Gormanston Road which provides connectivity to Flemington Road and Gormanston village. The provision of a public footpath would improve pedestrian infrastructure in the area. If permission is being contemplated details of all proposed pedestrian crossings on the Gormanston Road shall be agreed with the planning authority.

Car, Bicycle and Bus Parking

- 7.6.11. The internal layout of the site has been designed in accordance with DMURS. The layout provides for a one-way vehicular system through to front of the school building. The layout submitted by way of further information indicates that 59 no. staff car parking spaces would be provide in a staff car park. An additional 34 no. parallel car parking spaces car be provided along the internal access road. The development plan sets out a car parking standard of 3 no. spaces per classroom plus dedicated pick up / drop off area. The proposed development incorporates 1.6 no. spaces per class room with dedicated drop off spaces.. Having regard to the location, nature and

characteristics of the subject site I am satisfied that sufficient car parking has been provided to encourage modal split towards sustainable forms of transport, whilst also ensuring there is adequate provision for staff and drop off / collection requirements.

7.6.12. The development plan sets out a cycle parking standard of 25% of pupil registration numbers. Therefore, 250 no. spaces are recommended. It is proposed to provide 360 no. bicycle parking spaces, 340 no. of which are covered. If permission is being contemplated it is recommended that a condition be attached that the final details and location of the bicycle parking spaces be agreed with the planning authority.

7.6.13. The layout also provides a dedicated bus layby to the front of the school building. The layby is c. 40m in length. I am satisfied at there is adequate provision for bus set down facilities within the site.

Conclusion

7.6.14. In conclusion, having regard to the above I am satisfied that the proposed development is in accordance with the provisions of Objective DM OBJ 71 of the development plan.

7.7. ***Appropriate Assessment.***

7.7.1. The applicant has submitted a Screening Report for Appropriate Assessment prepared by Envirico Limited. The Report provides a description of the proposed development, identifies and provides a brief description of European Sites within a possible zone of influence of the development and an assessment of the potential impacts arising from the development. The AA screening report concludes that there is no potential to impact on any designated site and an NIS is not deemed necessary.

7.7.2. Having reviewed the documents and submissions, I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

Stage 1 AA Screening

7.7.3. 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). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

Brief Description

- 7.7.4. A description of the project is provided in the in Section 4.2 of the Screening Report. The proposed development is also summarised in Section 2 of my report. In summary, the proposed development consists of a 2-storey 37 classroom post primary school on a c. 8.38 ha site in Gormanston, c. 5km north of Balbriggan. The surrounding area is rural in character with a linear patten of residential development along Gormanston Road and with educational and industrial uses (Gormanston Castle and College) on the opposite side of Gormanston Road. The area serviced by public water supply. Foul effluent and surface water would be drained and treated within the site. The site is a greenfield site currently used as playing pitches for the Gormanston College campus. No flora or fauna species for which Natura 2000 sites have been designated were recorded on the application site. The subject site is located c. 280m from the Kennetstown Stream with no hydrological connection to the subject site.

Zone of Influence

- 7.7.5. The proposed development is not located within or immediately adjacent to any European Site. Concerns are raised by a third party that the Zone of Influence has not been reasoned or explained. Appropriate Assessment Guidance (2009) recommends an assessment of European sites within a Zone of Influence of 15km. However, this distance is a guidance only and a potential Zone of Influence of a proposed development is the geographical area over which it could affect the receiving environment in a way that could have significant effects on the Qualifying Interests of a European site. In accordance with the OPR Practice Note, PN01, the Zone of Interest should be established on a case-by-case basis using the Source- Pathway-Receptor framework and not by arbitrary distances (such as 15km). The Zone of Influence may be determined by connectivity to the proposed development in terms of:

- Nature, scale, timing and duration of works and possible impacts, nature and size of excavations, storage of materials, flat/sloping sites;
- Distance and nature of pathways (dilution and dispersion; intervening ‘buffer’ lands, roads etc.); and
- Sensitivity and location of ecological features

7.7.6. Table 1 of the applicants report considers the following Natura Sites to be within the Zone of Influence: -

- River Nanny Estuary and Shore SPA (004158)
- Boyne Coast and Estuary SAC (001957)
- Boyne Estuary SPA (004080)
- River Boyne and River Blackwater SAC (002299)
- River Boyne and River Blackwater SPA (004232)
- Skerries Island SPA (004122)

7.7.7. As outlined in Section 5.5 above it is my view that Rockabill to Dalkey Island SAC (003000) and Rockabill SPA (004014) are also within 15km of the subject site. The 8 no. designated sites within 15km of the subject site are outlined below

<i>River Nanny Estuary and Shore SPA (004158) c. 1.5km north east of the subject site.</i>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
<i>Qualifying Interests/Species of Conservation Interest</i>	Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Herring Gull (<i>Larus argentatus</i>) [A184] Wetland and Waterbirds [A999]
<i>Boyne Coast and Estuary SAC (001957) c. 7km north of the subject site</i>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected

<i>Qualifying Interests/Species of Conservation Interest</i>	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>
Boyne Estuary SPA (004080) c. 9km north of the subject site	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
<i>Qualifying Interests/Species of Conservation Interest</i>	<p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Little Tern (<i>Sterna albifrons</i>) [A195]</p> <p>Wetland and Waterbirds [A999]</p>
River Boyne and River Blackwater SAC (002299) c. 10km north of the subject site.	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected
<i>Qualifying Interests/Species of Conservation Interest</i>	<p>Alkaline fens [7230]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>

Skerries Island SPA (004122) c. 11km south east of the subject site.	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
<i>Qualifying Interests/Species of Conservation Interest</i>	Cormorant (<i>Phalacrocorax carbo</i>) [A017] Shag (<i>Phalacrocorax aristotelis</i>) [A018] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Purple Sandpiper (<i>Calidris maritima</i>) [A148] Turnstone (<i>Arenaria interpres</i>) [A169] Herring Gull (<i>Larus argentatus</i>) [A184]
Rockabill to Dalkey Island SAC (003000) c. 11.5km south east of the subject site.	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected
<i>Qualifying Interests/Species of Conservation Interest</i>	Reefs [1170] Phocoena phocoena (Harbour Porpoise) [1351]
Rockabill SPA (004014) c. 12km south east of the subject site.	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
<i>Qualifying Interests/Species of Conservation Interest</i>	Purple Sandpiper (<i>Calidris maritima</i>) [A148] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194]
River Boyne and River Blackwater SPA (004232) c. 13.5km north west of the subject site.	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
<i>Qualifying Interests/Species of Conservation Interest</i>	Kingfisher (<i>Alcedo atthis</i>) [A229]

- 7.7.8. The proposed development has no potential source pathway receptor connections to any other European Sites.

Consideration of the Impacts

- 7.7.9. It is considered that there is nothing unique or particularly challenging about the proposed development, either at construction or operational phase. There are no rivers or streams within the vicinity of the site and there is no connectivity to any European sites. There are no surface water features within the site. During the operational stage surface water from the proposed development would be collected on site and discharged via 3 no. soakaways. The nearest European site to the proposed development site is the River Nanny Estuary and Shore SPA (004158), located c. 1.6km km downstream of the site.
- 7.7.10. During the construction phase standard pollution control measures would be put in place. Pollution control measures during both construction and operational phases are standard practices and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed, I remain satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites can be excluded given the distance and lack of a hydrological connection to the Natura 2000 sites.
- 7.7.11. The effluent generated within the site would be treated within the site by way of a wastewater treatment system and sand polishing filter. However, it would appear that there is potential to connect to the public foul water network.
- 7.7.12. All waste from the construction phase would be disposed of by a registered facility.
- 7.7.13. The site has not been identified as an ex-situ site for qualifying interests of a designated site and I am satisfied that the potential for impacts on wintering birds, due to increased human activity, can be excluded due to the separation distances between the European sites and the proposed development site, the absence of relevant qualifying interests in the vicinity of the works and the absence of ecological or hydrological pathway.

7.7.14. Having regard to the above, I am satisfied that the potential for impacts on the designated sites can be excluded at the preliminary stage due to the separation distance between the European site and the proposed development site, the nature and scale of the proposed development, the absence of a hydrological link, the subject site provides no ex-situ habitat for any of the waterbird/seabird species and an absence of relevant qualifying interests in the vicinity of the works and to the conservation objectives of the designated sites.

AA Screening Conclusion

7.7.15. In reaching my screening assessment conclusion, no account was taken of measures that could in any way be considered to be mitigation measures intended to avoid or reduce potentially harmful effects of the project on any European Site. In this project, no measures have been especially designed to protect any European Site and even if they had been, which they have not, European Sites located downstream are so far removed from the subject lands and when combined with the interplay of a dilution affect such potential impacts would be insignificant. I am satisfied that no mitigation measures have been included in the development proposal specifically because of any potential impact to a Natura 2000 site.

7.7.16. It is reasonable to conclude that on the basis of the information on 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 European site, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

7.7.17. It is noted that the planners report also concluded that the proposed development by itself or in combination with other plans and developments in the vicinity , would not be likely to have a significant effect on European Site(s) and an NIS is no required in this instance.

8.0 Recommendation

It is recommended that permission be granted subject to conditions.

9.0 Reasons and Considerations

Having regard to the zoning objective of the subject site, its location within an existing urban area of Gormanston and to the nature and scale of the proposed development it is considered that subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of built heritage and 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. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 21st July 2022 as amended by the further plans and particulars submitted on the 3rd March 2023 , 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. Mitigation and monitoring measures outlined in the plans and particulars, including the Ecological Impact Assessment Report, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

3. Prior to commencement of development the applicant shall submit for the written agreement of the planning authority a detailed design to signalise the junction of Gormanston Road / Flemington Road / Martins Road and to upgrade works along the sites boundary with Gormanston Road, including road widths, footpaths, grass

verges, cycleways, street lighting, drainage, line markings, boundary treatments and traffic control measures.

Reason: In the interest of traffic and pedestrian safety.

4. Prior to commencement of development the applicant shall submit a detailed design of the on-site wastewater treatment system for the written agreement of the planning authority or having regard to the provisions of the Stamullen Waste Water Upgrade Scheme the developer shall enter into a waste water connection agreement with Uisce Eireann.

Reason: In the interest of public health

5. Prior to commencement of development the final detail of the bicycle parking shall be submitted for the written agreement of the planning authority. Electric charging facilities shall also be provided for bicycle parking within the scheme.

Reason: In the interest of sustainable travel.

6. The boundary planting and public open spaces shall be landscaped in accordance with the landscape scheme submitted with this application, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

7. A schedule of all materials to be used in the external treatment of the development to include a variety of high-quality finishes, such as brick and stone, roofing materials, windows and doors shall be submitted to and agreed in writing with, the

planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

8. Details of signage relating to the educational use shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

9. Prior to commencement of development the applicant shall agree in writing with the Planning Authority the requirement for a piece of public art within the site. All works shall be at the applicant's expense.

Reason: In the interest of place making and visual amenity

10. The internal road network serving the proposed development, including the turning area, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works, and shall comply, in all respects, with the standards set out in the Design Manual for Urban Roads and Streets (DMURS).

Reason: In the interest of amenity and of traffic and pedestrian safety.

11. A Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

Reason: In the interest of encouraging the use of sustainable modes of transport.

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

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

- b) All ground reduction should be subject to a programme of archaeological monitoring, under licence, by a suitably qualified archaeologist.
- c) where archaeological material is shown to be present, avoidance, preservation in situ, or preservation by record (excavation) may be required. Works may be halted pending receipt of advice from the National Monuments Service, Department of Housing, Local Government and Heritage who will advise the applicant / developer with regard to these matters.
- d) on completion of monitoring of ground reduction and any archaeological excavations arising, the archaeologist shall submit a written report to the planning authority and to the Department of Housing, Local Government and Heritage for consideration.
- e) In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

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

13. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of electric vehicles

14. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Public Lighting Report, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

15. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless agreed in writing with the planning authority.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

16. All service cables associated with the proposed development such as electrical, telecommunications and communal television 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.

17. The developer shall enter into water connection agreement with Uisce Eireann, prior to commencement of development.

Reason: In the interest of public health.

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

Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed

and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

19. 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.

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

20. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials 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.

21. 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.

Reason: In the interest of sustainable waste management.

22. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Elaine Power

Senior Planning Inspector

17th July 2023