



An
Bord
Pleanála

Inspector's Report

ABP-317147-23

Development	Construction of 600 no. pupil post-primary school
Location	Lands at Carrigaline Road, Ardarrig, Douglas, Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2241083
Applicant(s)	The Department of Education
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First and Third Party
Appellant(s)	The Department of Education Terry and Laura Ward
Observer(s)	Martin Petty AnnMarie Santry Paul Quane Yvonne O'Brien & Gerard Barter Marisa Geary Liz & Stuart Hales

Natalie Moore & Sam Jeffers
Kathryn Foskin
Mihai Gabriel Bran
Tamar Heffernan
Board of Management CETSS
Carol Butler & Family
Brid Carberry & Brain Dawson
Parents Council CETSS
Dr. John Collier
Student Council CETSS
Ellen Maie Hickey
Kieran McCarthy
Marian MacDonald

Date of Site Inspection

11 April 2024

Inspector

Gillian Kane

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1.0 Site Location and Description

- 1.1.1. The subject site is a greenfield site located to the south of the Carrigaline Road (R855) as it leaves Douglas Village through the 'Fingerpost Roundabout (R610)' in the south-east of Cork City. The site is located approx. 900m south of Douglas town centre and approx. 4km south of Cork City.
- 1.1.2. The Carrigaline Road forms the northern and western boundaries of the site, with three residential properties in the north-western corner and Maryborough Woods residential estate to the south. To the east is Maryborough Downs, Tirol and the Paddocks.
- 1.1.3. The site is irregular in shape and has a stated area of 3.97ha. It forms part of a larger landholding within the applicant's ownership, which has a stated area of 9.23ha. The defining feature of this heavily overgrown site is the topography. The site rises from Douglas village, southwards towards Maryborough with a c.40m difference in ground level. There is one gated access point to the site from within the adjoining Maryborough Wood estate. There is currently no access from Carrigaline Road. The site boundaries include a stone wall, timber fencing railings and hedgerow.
- 1.1.4. To the west of the site, over the Carrigaline Road is Ballybrack wood. Further south, just outside the village boundary is a new ET primary school (ABP-302924-18) and a large SHD site under construction (ABP-304367-19).

2.0 Proposed Development

- 2.1.1. On the 10th May 2022, planning permission was sought for the construction of a new three-storey secondary school (8,600sq.m.) to accommodate 600 no. pupils, new access via Carrigaline Road to the west, cycle & pedestrian access to the north also off Carrigaline Road and a standalone pedestrian access to the west, occasional fire tender and delivery access at The Dales, Maryborough Woods, all on a site of 4.08ha.
- 2.1.2. In addition to the required plans and particulars, the application was accompanied by the following:
 - Statement from Department of Education
 - AA Screening Statement

- Ecological Impact Assessment
- Arboricultural Report
- Verified Photomontages
- Engineering Assessment
- Flood Risk Assessment
- Outline Construction & Demolition Management Plan
- School Travel Plan
- Traffic & Transport Assessment
- Landscape Specifications and Maintenance Plan
- Mechanical & Electrical Services
- Sustainable Design Report
- Planning Cover Letter

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 24th of April 2023, the Planning Authority issued a notification of their intention to GRANT permission subject to 37 no. conditions. Conditions of note include:

- 4 Access at The Dales, Maryborough Woods is granted for pedestrian and cycle access only, with Emergency Vehicle Access permitted as necessary only. No permission is granted for any additional vehicle access through this entrance to the site.

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

- 7 The proposed 3-arm signalised school access junction on Carrigaline Road is to be fully operational prior to commencing work on the main development. All costs associated with the works shall be at the developers expense.

Reason: In the interest of Road safety.

- 8 No vegetation or structure shall exceed 1 metre in height within the site distance triangle. Any utility poles or other objects /structures within the site triangle which, as a result of compliance with this condition, will be in front of

the new road boundary shall be repositioned behind it, and any surface chambers or man holes in front of it shall be repositioned in a location or at a level to be agreed with the council's area engineer. The applicant shall be responsible for the costs of relocating these facilities, for notifying the relevant statutory undertakers for obtaining any necessary licences, and for notifying the planning authority of the revised locations of such utilities prior to commencement of development

Reason: To provide proper sight distance for emerging traffic in the interests of road safety.

- 19 The development access junction from the R609 Carrigaline Rd shall be designed and constructed as a signal controlled junction with provision made to allow the future upgrade of the junction to a four armed signal controlled junction. The design and construction of the junction shall be agreed in writing with the ITS department and the Infrastructure Development Directorate, prior to commencement of the development.

Reason: In the interests of Traffic Safety.

3.2. Planning Authority Reports

- 3.2.1. **Waste Management & Control:** No objection subject to conditions.
- 3.2.2. **Area Engineer Roads:** FI required regarding link in with Douglas East-West Bridge Link, footpath on western boundary, uncontrolled crossing in north-western corner of site to be replaced with a footpath, work required to achieve sightlines, road safety audits.
- 3.2.3. **Drainage:** Further Information required on stormwater sewer, difference in road levels in various documents and access to the stormwater sewer.
- 3.2.4. **Urban Roads & Street Design:** Further Information required on details of the drop off area, gap in the pedestrian network on the western side of the site boundary and a footpath on the western site boundary.
- 3.2.5. **Environment:** Further Information required on landscape management proposals
- 3.2.6. **Traffic: Regulation & Safety:** Further Information required: TTA does not provide sufficient information, public lighting and new signalised junction consultation required, car and cycle parking breakdown provision in line with draft development plan, location of bus stop in Maryborough Woods.

- 3.2.7. **Infrastructure Development:** Further Information required on Douglas East West Link Bridge, access ramp to Ballybrack Valley Cyclist and pedestrian route, active travel improvement works in Maryborough Woods.
- 3.2.8. **Planning Report:** Need and justification for school accepted. Site can accommodate proposed building due to design working with site contours. Visual impact and impact on sunlight and daylight of adjoining residential properties is acceptable. Further information required regarding proposed amenity lands. Notes Further Information request from transportation department, infrastructure department, traffic safety department and concurs with request. Recommendation to request Further Information.

3.3. **Prescribed Bodies**

- 3.3.1. **IFI:** It is proposed to dispose of treated effluent from the development to the public sewer. IFI ask that Irish Water signifies that there is sufficient capacity in existence so that it does not overload either hydraulically or organically, existing treatment facilities or result in polluting matters enter entering water. IFI ask to be informed when further information is submitted and when a decision is reached.

3.4. **Third Party Observations**

- 3.4.1. A large number of submissions notes that they did not object to the proposal for a school, only the significant traffic, parking, congestion, rat-running etc implications for the area. Other issues raised included:
- Loss of public open space,
 - Loss of tree cover & biodiversity,
 - Impact from artificial lighting
 - Lack of consultation,
 - lack of need – existing schools in area,
 - access to facilities

3.5. **Further Information**

- 3.5.1. On the 4th July 2022, the Planning Authority requested the applicant to address the eleven matters raised in the internal reports. The applicant requested and was granted a three-month time extension to respond to the request.

3.5.2. On the 26th January 2023, the applicant responded to the request with a cover letter, landscape drawings, a proposal to sell lands to Cork City Council for amenity use, an updated TTA, a stage 1/2 Road Safety Audit, drawings detailing the signalised junction of the school access will work with or without the Douglas East West Link Bridge and Bus Connects, drawings for the Maryborough drop-off points, details of relocation of Maryborough bus stop, details of compliance with draft development plan vehicle and cycle parking, engineering Response Report, Tree Removal and Mitigation Plan, updated Photomontages to reflect alteration of retaining structures on the western boundary of the site, details of footpath on Carrigaline Road, requested drainage details, public lighting details and surface water details.

3.6. Reports on File following Request for Further Information

3.6.1. **Environment Waste Management:** Response is satisfactory. No objection to grant.

3.6.2. **Urban Roads and Street Design:** Items addressed. No objection to grant of permission.

3.6.3. **Traffic Regulation and Safety:** No objection subject to 11 no. conditions.

3.6.4. **Drainage Report:** Significant concerns over proposal to connect to existing sewers passing through the site, over increasing storm flow through The Orchards housing estate. Further Information required.

3.6.5. **Area Engineer:** Applicants response to item 3 (development contribution towards construction of junction) is not wish of the Council. If permission is granted, condition requiring applicant to design, build, and pay for junction, prior to major construction on site to allow for heavy construction traffic to access the site. Concurs with drainage report. Further information required.

3.6.6. **Infrastructure Development:** Signalised 3-arm junction must be designed and delivered as part of this application and must be capable of being upgraded to a 4-arm junction. Proposed cycle lanes not acceptable. Must be segregated, raised cycle tracks. Clarification of Further Information required.

3.6.7. **Planning Report:** Notes the internal reports outlining no objections to grant. Notes the requests for clarification of further information regarding drainage & surface water sewers and proposed junction.

3.6.8. **SEP Planner:** Concurs with recommendation to seek clarification of Further Information.

3.7. Clarification of Further Information

- 3.7.1. On the 22nd February 2023, the applicant was requested to address four items of CFI.
- 3.7.2. The applicant responded on the 28th March 2023. The response included two letters; from Cork Educate Together Secondary School and Educate Together outlining the need for the school, an updated TTA to include modelling outputs for a 3-arm junction which allows future integration with the DEWLB, letter of consent for additional works to the Carrigaline Road access junction, 'Proposed Works Outside School Site' drawing and updated drainage layout.

3.8. Reports on file following submission of CFI

- 3.8.1. **Drainage:** No objection subject to conditions.
- 3.8.2. **Infrastructure Development:** No objection subject to conditions.
- 3.8.3. **Area Engineer:** Satisfied to recommend a grant.
- 3.8.4. **Planning Report:** Proposal is considered acceptable.
- 3.8.5. **SEP:** Concurs with the report and recommendation of the Area Planner.

4.0 Planning History

- 4.1.1. **ABP-304733-19:** Permission for the construction of Post Primary school building with physical education hall, support teaching spaces and ancillary accommodation. Cycle storage spaces, bin store/external store, ball courts, secure special play area, storage building with associated covered work area, landscaping and new entrance gates, car parking, boundary treatment and all other associated site development works was REFUSED by the Board for the following reasons:

- 1. Having regard to the location of this site adjoining the Carrigaline Road / the R855 and adjoining a draft Bus Connects corridor and to the reliance of the application documents on future infrastructure provision, including pedestrian, cycle and road links beyond the scope of the application and beyond the capability of the applicant to deliver, and to the lack of certainty regarding the delivery of future infrastructure appropriate consents etc, the Board is not satisfied that the proposed development would not endanger public safety by reason of traffic hazard as the site is located adjoining a heavily trafficked road where the cross-traffic movements likely to be generated by the proposed

development would interfere with the safety and free flow of traffic on the road. Furthermore the Board considered that the road network in the area, including within Maryborough Woods is inadequate to cater satisfactorily for the extra traffic movements likely to be generated by the proposed development and considered that the proposed development would endanger pedestrians and cyclists, would give rise to on-road parking and that the queuing and traffic movements likely to be generated would interfere with the free flow of traffic, would exacerbate traffic congestion and obstruct road users. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the internal road layout of the proposed development, the Board considered that it would give rise to serious pedestrian and vehicular conflict. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
3. Having regard to the location of this site within a larger area of land to which the specific zoning objective SE-O-15 applies, as designated in the Ballincollig Carrigaline District Local Area Plan 2017, within an area of land designated as active open space for informal public recreation to be landscaped and planted, the Board is not satisfied on the basis of the information submitted that the development of a school can be accommodated, as there is a lack of clarity regarding the access to, delivery of and future maintenance and responsibility for the active amenity space to the east of the school site, on land within the ownership of the applicant. Furthermore, the Board is not satisfied with entrance arrangements and traffic management issues to serve the school and accordingly, the proposed development would contravene the Objective SE-O-15 of the Local Area Plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

4.1.2. To the south of the site:

ABP 302924-18 (Reg. Ref. 18/5369): Permission was granted in 2019 for an 24-classroom, Educate Together National School with a gross floor area of 4,635sqm. the site is located approx. 700m south of the subject site. this development has been constructed and is in operation.

5.0 Policy Context

5.1. National Planning Framework

5.1.1. 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.

5.1.2. **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.

5.2. 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.

5.3. Cork City Development Plan 2022 -2028

5.3.1. Zoning Objective 12: To provide for schools and educational facilities and related development.

ZO 12.1 The main purpose of this zone is to provide for the wide range of education facilities, generally comprising primary and post primary schools and third-level education facilities. This zone accommodates all ancillary accommodation, facilities and development serving educational facilities, including sports facilities and playing fields and associated development.

5.3.2. **Section 3.70** of the plan refers to Schools, stating that the provision of suitable and adequate schools (primary and post-primary) is an essential element of any

community and this will become more important as Cork City accommodates unprecedented population and economic growth between now and 2040. The plan refers to a need for 26 new or expanded primary schools with Douglas identified as requiring 1 no. primary school and 1 secondary school.

- 5.3.3. **Section 3.77** In accordance with the “The Provision of Schools & the Planning System a Code of Practice for Planning Authorities” (2008), Cork City Council will continue to work closely with the Department of Education to plan for new schools or the expansion of existing school within the catchments of proposed growth.
- 5.3.4. **Section 11.169** The provision of suitable and adequate educational facilities is an essential element of any community. The following shall be taken into account in the assessment of educational facilities (not an exhaustive list): 1. Location, site suitability and effect on neighbouring amenity; 2. Design – urban typologies are encouraged in urbanised areas including the City Centre, City Docklands and Urban Town Centres; 3. Adequate traffic management, safe queuing and drop-off facilities including adequate staff car-parking; 4. Adequate cycle parking facilities; 5. A School Travel Plan; 6. Safe accessibility in terms of walking, cycling and public transport in the context of the Safe Routes to School initiative (see paragraph 4.42) and the potential for school environments to be made safer by adopting 30 km/h speed limits and the removal of on-street parking close to schools; 7. Adequate provision of indoor and outdoor amenity space i.e. for recreation and sports; 8. Adaptable design of communal buildings and indoor/outdoor amenity spaces to facilitate dual-use opportunities for other community uses upon completion of the project or in the future.
- 5.3.5. **Section 11.170** states that Cork City Council will consider school developments having regard to specific requirements of the Department of Education and guidance set out within ‘The Provision of Schools and the Planning System, A Code of Practice for Planning Authorities’ (2008).
- 5.3.6. **Section 10.313** of the 2022 plan refers to the Douglas Land Use and Transportation Study (DLUTS). The DLUTS aims to secure a successful vibrant urban centre with a more efficient transport network for Douglas, that provides an improved public realm,

reduces congestion, encourages greater levels of walking & cycling, and improves the quality of life for the community, thereby enabling sustainable future growth.

- 5.3.7. Referring to the City Suburbs (chapter 10), no. 11 is Douglas. **Objective 10.82** seeks to support sustainable transport, placemaking and public realm, **Objective 10.83** seeks to support the provision of new and enhanced community facilities including schools, a primary care centre, and recreational and open space facilities and Objective 10.86 relates to “Lands to facilitate the development of a post primary school and a Pocket Park. Site access and connectivity to be maximised for pedestrians and cyclists with existing and future residential areas. The school will occupy c.50% of the site and the remainder of the site shall provide for publicly accessible, passive open space. A landscaping audit shall be undertaken to inform the retention of mature trees, hedgerows and species of biodiversity value in any proposed development layout”.
- 5.3.8. In terms of parking, table 11.14 requires 1 cycle space per 4 no. students and table 11.13 requires 1 car parking space per two classrooms.

5.4. **Natural Heritage Designations**

- 5.4.1. The nearest Natura 2000 European Site to the appeal site is Cork Harbour SPA (Site Code: 004030)

5.5. **EIA**

- 5.5.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest 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. Refer to Appendix 1.

6.0 **The Appeal**

6.1. **Grounds of Third-party Appeal**

- 6.1.1. An agent has submitted a third-party appeal of the decision of the Planning Authority to grant permission, on behalf of Terry and Laura Wood, of 9 Hunters Vale,

Maryborough Woods and others. The appeal provides a general context of the site with photographs, planning history and a timeline of the subject application.

6.1.2. The appellant submits that the proposed development would be contrary to the proper planning and sustainable development of the area. The grounds of the appeal can be summarised as follows:

- The family are primarily focused on the negative impact of the proposed development on the safety, amenity and everyday experience of the residents of Maryborough Woods, residents in The Dales and road users in the estate.
- Traffic hazard will arise from proximity to a heavily trafficked road where cross-traffic movements generated by the set-down areas and one-way system will interfere with the free-flow of traffic.
- Proposed pedestrian / cycle and fire tender access through The Dales, not separated from residential parking and movements will pose a danger. Not clear if large mature trees will need to be removed or if avenue will need to be widened. A fire tender would have difficulty navigating the avenue, especially if on-street car parking occurs. Intensification of use of the avenue will lead to conflict between residents parking, vehicles, cyclists and pedestrians, posing a danger and a traffic hazard.
- The road network in Maryborough Woods is inadequate to cater for extra traffic movements. Applicants data for traffic study is out of date and does not take account of recent large housing developments, new ET primary, or likelihood of traffic between schools.
- Development will give rise to on-road parking, queuing and dangerous traffic movements that will interfere with the free-flow of traffic, exacerbate traffic congestion and obstruct road users.
- Cars transversing the Maryborough Road will lead to traffic hazard. The Planning Authority requested the applicant to address the need for a turning area for parents using the drop-off facility. The applicant proposed a one-way system which was accepted by the Planning Authority. It is submitted that in reality, parents will do u-turns across the road or enter into side estates to turn, increasing

hazard, congestion and conflicts with cyclists, pedestrians. Proposed development would endanger public safety.

- Proposed development would contravene Objective SE-05 of the LAP in relation to entrance arrangements and traffic management issues, and Objective SE-0-15 of the LAP in relation to active open space.
- Lack of clarity regarding delivery and maintenance of active amenity space to the east of the school site, land within the ownership of the applicant. Unclear how parking associated with this space will be managed.
- Development does not overcome previous An Bord Pleanála reasons for refusal. The proposed development would still cause a traffic hazard, interfering with the free flow of traffic on a road network that is unsuitable to carry the volumes likely to be generated.
- Detrimental effect on public amenity, inappropriate loss of residential amenity for Maryborough Woods, Hunters Vale, the Dales and Ryecroft.
- Traffic and Transport Assessment is based on misleading data. Census data is six years old, does not include 2022 data. Using existing ET to extrapolate travel demands is misleading. Existing secondary schools should have been used.
- The RSA is inadequate, vague and assumes all users will park correctly. It does not address how a fire tender could access The Dales, an area that is often used for overflow parking. The RSA acknowledges that high gradients can increase collision risks and create problems for the mobility impaired. Maryborough Woods is steep, would be difficult to navigate especially during icy conditions. RSA was not updated to reflect the rejection of a roundabout by the Planning Authority. Given that the previous reason for refusal was traffic related, this is unacceptable.
- Traffic hazard from pedestrian & cycle access being at the brow of a hill at The Dales has not been addressed.
- The subsidy available for transport to the current school location will not be available to the new school, therefore more students will be driven. The proposed car parking provision is insufficient and will lead to overspill parking in the estate.

- School Travel Plan (STP) is not adequate, does not address road safety issues, traffic hazards or traffic control measures. It is not credible or realistic.
- Over reliance on conditions to address issues. Inadequate information on which to make a decision. 27 no. of the 37 no. conditions of the Planning Authority's decision require lengthy compliance, issues that were not addressed as part of the application. The applicant has had adequate opportunity to address these issues. It is submitted that questions remained in the final planning report regarding the set down areas, relocation of the bus stop, consultation with Bus Eireann and NTA. Vital elements of the school travel plan remain outstanding. This is concerning for residents who will have no say in the design of these features.
- The proposed entrance through The Dales does not comply with the Draft Development Plan due to traffic volumes, existing road layout and gradient, proximity of large primary school, sporting grounds in the area and the on-street parking it causes and the future use of the school which will generate all-day on-street parking. The proposed development does not comply with the criteria for educational facilities in the draft plan (section 11.169).
- Proposed development would have an overbearing visual impact on Maryborough Woods, particularly Hunters Vale, The Dales and Ryecroft. Would have a devastating impact on local community in terms of loss of residential amenity, traffic congestion, loss of public open space, noise and light pollution and disruption.
- Parks department acknowledged the extensive loss of tree and shrub cover would be damaging to local biodiversity. It is not clear how much space needs to be removed to facilitate the drop-down areas.
- There is potential for desire lines to be created across the green areas leading to damage and a negative impact on the surrounding houses.
- The location of the bin store at the rear of 44-45 Ryecroft is unacceptable.
- All construction and lighting details are to be dealt with by compliance. This is unacceptable.
- The Board is requested to refuse permission. 25 no. addresses (38 no. named individuals) attached as support for appeal.

6.2. Grounds of First Party Appeal

6.2.1. An agent for the applicant has appealed condition no.s 4, 7, 8 and 19 of the Planning Authority decision to grant. The grounds of the appeal can be summarised as follows:

Condition no. 4: “Access at The Dales, Maryborough Woods is granted for pedestrian and cycle access only, with Emergency Vehicle Access permitted as necessary only. No permission is granted for any additional vehicle access through this entrance to the site. Reason: In the interest of residential amenity and pedestrian and traffic safety.”

- This access point was added to increase pedestrian and cycle permeability and allow for emergency services access.
- This access point will also allow deliveries to the technical yard and store to the rear of the school.
- This was addressed in the Engineering report which highlighted the 8m ground difference between the front and rear of the school.
- The Board is requested to consider the practicalities of twice weekly deliveries, the topography of the site and the stepped access to the yard.
- The Board is requested to amend the condition to allow for deliveries through this gate. This can be managed with a lockable bollard or other secure access, ensuring no general access.

Condition no. 7 “The proposed 3-arm signalised school access junction on Carrigaline Road is to be fully operational prior to commencing work on the main development. All costs associated with the works shall be at the developers expense. Reason: In the interest of Road safety.”

- The Cork City Council area engineer stated that the new junction should be constructed prior to “major construction on site” in the two reports (20/02/2023 and 21/04/2023).
- It is submitted that there would be a serious programme implication for the delivery of the school if condition no. 7 was to be complied with in full.
- As a publicly funded project, the 12 month delay is excessive and onerous.

- It is submitted that the Planning Authority did not provide a rationale for this condition. It is noted that no such condition was attached to the ET school (ABP-302924-18) which is located less than 1km to the south on the same road into Douglas village.
- The Board decision (ABP-TA304367) for 472 no. residential units adjoining the ET primary school has no such condition attached. Cumulatively the two developments are far larger than the subject proposal.
- It is submitted that deliveries and construction traffic can be managed through the Construction Management Plan.
- The Board is requested to amend the condition to provide for the operation of the signalised junction prior to the wider construction of the school. The Board is requested to consider the letter from the school noting the impact of delays on pupils and staff.

Condition no.8 “No vegetation or structure shall exceed 1 metre in height within the site distance triangle. Any utility poles or other objects /structures within the site triangle which, as a result of compliance with this condition, will be in front of the new road boundary shall be repositioned behind it, and any surface chambers or man holes in front of it shall be repositioned in a location or at a level to be agreed with the council's area engineer. The applicant shall be responsible for the costs of relocating these facilities, for notifying the relevant statutory undertakers for obtaining any necessary licences, and for notifying the planning authority of the revised locations of such utilities prior to commencement of development. Reason: To provide proper sight distance for emerging traffic in the interests of road safety.”

- The Boards attention is drawn to the report and drawing from the Consulting Engineers stating that it is their intention that any chambers or manholes which may be located in the area of the sightlines / visibility triangle will be located at ground level, with its cover flush to the surface. As part of the subject proposal, there are no proposed objects such as manholes / chambers within the sightline envelope or on / within the close vicinity of the new road boundary.
- The Boards attention is drawn to the word ‘it’ in the condition. Clarity is requested on what ‘it’ refers to.

- The Board is requested to consider the wording of condition no. 8.

Condition no. 19 “The development access junction from the R609 Carrigaline Rd shall be designed and constructed as a signal controlled junction with provision made to allow the future upgrade of the junction to a four armed signal controlled junction. The design and construction of the junction shall be agreed in writing with the ITS department and the infrastructure development directorate, prior to commencement of the development. Reason: in the interests of Traffic Safety.

- Compliance with this condition would delay the school project should the applicant be forced to provide this junction in advance of the wider construction.
- The Board is requested to note that the applicant has been actively engaging with Cork City Council in an attempt to secure planning permission for a number of years. The Department will continue to engage throughout the compliance process.

6.3. First Party Response to Third-party Appeal

- 6.3.1. An agent for the applicant has submitted a response to the third-party appeal. The response refers to the letters from CETSS, outlining the difficulties being in temporary accommodation poses and the demand for a school within the legally defined catchment. The response to the planning issues raised in the appeal can be summarised as follows:

Traffic Hazard

- The submission that the proposed development will cause a traffic hazard is rejected. There was comprehensive pre-planning consultation with the Planning Authority, the NTA, engineers in the City Council and an independent RSA.
- The layout of the drop-off area has been audited as part of the RSA, with further audits in Stage 2 and Stage 3 to ensure safety.
- Maryborough Woods Road is an existing road. The submission that the majority of school drop-offs will occur at Maryborough Woods Road, with parents travelling from Rochestown to the north-east of the site is rejected as unsubstantiated.
- The school will be located in the catchment where the students actually live. A large proportion will walk or cycle to school. This is noted in the engineering report

which refers to the proximity of the school to large areas of housing, thereby promoting sustainable travel.

- As the new school becomes established in the community, as new housing is developed, new local students will enrol.
- The secondary access at The Dales is in addition to a further secondary access at Carrigaline Road, near the dry bridge. The primary drop-off will be via the main access on the Carrigaline Road to the east of the site.
- The set-down area at The Dales was required by the City Council during pre-planning.
- All relevant junctions serving the site have been assessed and shown to operate satisfactorily. School starter pack will advise of travel to school routes, noting that u-turns in Maryborough Woods will be forbidden.
- Cycle-tracks will be installed as part of the Active Travel Scheme, upgraded safe footpath and cycle track network allowing all pupils to travel safely.
- The issue of traffic hazard should be dismissed.

Access via The Dales

- No works are proposed on the access road in The Dales. The road is sufficiently wide and has footpaths on both side. The mature trees referred to by the appellant are behind the footpaths. There is no intention to remove or interfere with the trees.
- Fire trucks are able to access the road currently. An auto-track demonstrating access is submitted.
- Many residents park on footpaths outside their houses.
- The existing footpaths separate residential parking from cyclists and pedestrians. There is no conflict.
- Cyclists will dismount and walk through the school gate as advised in the school starter pack. A dismount sign can be erected if required.
- All issues regarding the secondary access through The Dales have been alleviated through consultation.

Insufficient Car and Bicycle Parking

- The appellants submission regarding subsidisation of transport to the school is rejected as being without evidence. Many pupils live proximate to the school and may not require subsidised travel.
- The school is located on the proposed Bus Connects route.
- The level of parking proposed is in line with the Cork City Development Plan and in compliance with condition no. 15 of the Planning Authority decision. The Department will comply with this condition in full.
- Staff parking will be managed by the school with teachers who do not have allocated parking being advised they cannot park in the adjoining estate. The school is on a Bus Connects route, a Bus Éireann route 216 through the estate. Many staff will live locally and may not need to drive to work.
- The number of set-down places is to be agreed, in line with the development plan and compliance with the decision.
- The Board is asked to dismiss this item in full.

Inadequate road Capacity in Maryborough Woods.

- Reviewing documentation was updated as part of the TTA in September 2022. The traffic count was as up to date as possible.
- Expansion factors were used for future years modelling, as per industry standard.
- The Board is requested to dismiss this item in full.

Inadequate School Travel Plan (STP)

- The school travel plan has been prepared in line with national guidance. STP's prepared by the applicant have been successfully implemented across the country.
- A travel manager will be appointed, who will encourage and facilitate sustainable travel.
- A steering committee and a Mobility Manager will develop initiatives with the STP. A structure for a comprehensive initiative within the school is provided in the Engineering Response.

- The Board is requested to accept this item as resolved.

Inadequate Data

- Census night 2022 was 37 no. days before the application was lodged and so, not available in the preparation of the application. The detailed data used in the application was as up to date as possible.
- The appellants suggestions for other schools to compare, are based in an area with an older age profile. Many students in these areas travel to school by car. The school mentioned by the appellant has provision for children of past pupils, thereby increasing the catchment area from which children will travel.
- The Douglas and Lehenagh electoral area match the CETSS catchment area. No secondary school exists in the area, despite the presence of several very large primary schools.
- Virtually all secondary schools in proximity to the catchment area are single-sex.
- It is submitted that data from the 2022 census will strengthen the analysis of the 2016 census.
- It is manifestly logical that a school in walking distance of several large new housing estates will attract children on foot or bike.
- The Board is requested to dismiss this item in full.

Inadequate Road Safety Audit

- The RSA was completed by an independent engineering firm, whose recommendations to the project engineers were adopted in the design of the scheme.
- The set-down area in Maryborough Woods was explicitly requested by Cork City Council at pre-planning stage.
- An assessment of the interaction between cyclists and cars was submitted in the response to the request for clarification of Further Information. This drawing shows that cyclists are taken off the road with a 1m buffer to ensure car doors can open safely without conflict.
- Sightlines have been shown to work at all junctions without issue.

- The Board is requested to dismiss this item in full.

Topography of the Area

- No modifications are proposed to the existing road in Maryborough Woods, save for the installation of set-down areas.
- The road is already utilised by cyclists.
- Ice risk is mitigated in the usual way. Maintenance of the wider road network is not within the remit of the Department of Education.
- Should there be poor driving conditions, there are two vehicular access points to the estate.
- The route is part of the Local Authority active travel scheme and therefore is deemed an appropriate location to encourage further cycling. The applicant had regard to this through consultation with the Local Authority engineers.
- The Board is requested to dismiss this item in full.

Over reliance on compliance conditions

- The suggestion that the Local Authority has failed in its duty of care is rejected.
- Active consultation took place throughout the process, with the result that the Council were well informed and well equipped to assess the development in full.
- This was an iterative design process that will continue through the compliance process. The development cannot commence until these items are agreed in full, assessments of which will be publicly available.
- Agreeing certain elements through compliance is standard practice.
- The Board is requested to dismiss this item in full.

Non-compliance with policy

- The appellant refers to the Ballincollig Carrigaline LAP 2007. This was superseded by the Cork City Development Plan 2022-2028 which came into effect on 8th August 2022.

- Under the development plan, the majority of the site is zoned ZO 12-Educational, with the objective to provide for schools, educational facilities and related development.
- The proposed development complies with the development plan in full: paragraphs ZO12.1, ZO12.2 and sections 6.2 and 11.170 which refer to the zoning objective for the site, use of lands not required for the school, the provision of suitable and adequate educational facilities, and the requirements of the Department of Education.
- The Board is requested to dismiss this item in full.

Development Works outside the site

- The landscape strategy was informed by an Arboricultural Impact Assessment. this notes that 71 no. trees will be removed and that 234 no. new trees are proposed.
- The school has trees temporarily in bags and pots for transfer to the permanent site.
- The proposed bin store is 5m from the boundaries with no.s 49 and 50 Ryecroft, and 5m to 29m from no.s 44-51 Ryecroft.
- Between the proposed bin store and the rear boundaries of no.s 49 & 50 Ryecroft will be a low wall, a planting buffer of amenity grass and trees, a native hedgerow and the existing 2m high concrete post and panel fence.
- An existing group of trees at the side of no.s 44-46 Ryecroft will be retained.
- The distance between the houses and the proposed bin store is sufficient. However should the Board require, they can be moved 1-1.5m north of the currently proposed location.
- No trees will be felled to facilitate the Maryborough Woods Road set-down.
- The Department of Education has no intention of undertaking any development on amenity lands to the east of the school site at present. The Department propose that the land be sold to Cork City Council for nominal fee to allow a park.
- The submitted drawing 'Extended Site Plan' demonstrates how the school may tie in with adjoining lands. This high-level plan is indicative only.

- The subject planning application does not incorporate plans to develop this land or create pedestrian links into this amenity area from Yewlands or any housing estate. This was highlighted on the drawing.

Previous refusal by the Board

- The proposed development underwent a comprehensive pre-planning consultation, iterative design process with the Local Authority at Further Information stage and further detail will be agreed at compliance stage.
- In particular traffic items were comprehensively assessed and agreed with the City Council, ultimately being deemed acceptable.
- These items should be dismissed in full.

Construction Phase

- Leaving details of the construction phase to compliance is normal and reasonable as much construction management cannot be agreed until a contractor has been appointed.
- The appellants attention is drawn to the Outline Construction and Demolition Management Plan submitted with the planning application.
- The plan sets out typical measures to mitigate and minimise disruption, summarise the possible impacts and guide the contractor to implement the plan on site. This is used to guide the final construction management plan.
- This item can be dismissed in full.

Lighting Plans

- The site will not be lit after closure, save for low level security lighting. Site lighting will minimise light pollution.
- This item can be dismissed in full.
- The response is accompanied by an Engineering Response Report.
- In conclusion, the Board is requested to dismiss the appeal and grant permission subject to conditions.

6.4. Third-party Response to First Party Appeal

6.4.1. The third-party appellant have responded to the first party appeal. The response can be summarised as follows:

- Do not agree with first party appeal re. condition no. 4
 - Infrastructure of the road is not suitable for large vehicles. Pedestrian / cycle access will be a traffic hazard, competing uses by residents, deliveries and students.
 - The use of the Dales for delivery trucks will be in close proximity to the proposed set-down areas. Unfair burden on residents in a quiet cul-de-sac.
 - If deliveries only twice a week, then why not through main entrance at off-peak hours
- Do not agree with appeal re condition no. 7
 - 3-arm signalised junction prior to main development work is imperative to reduce traffic hazard.
 - This was the first reason for refusal in previous An Bord Pleanála decision – ETSS could not resolve the issue.
 - The provision of the junction is not an excessive and onerous burden on the school, notwithstanding that it was not required 1km up the road.
 - The two schools ETSS and ETNS will push more morning rush hour traffic towards Douglas, an already busy route used by 6 no. schools.

6.5. Planning Authority Response

6.5.1. None on file.

6.6. Observations

6.6.1. Seventeen observations on the subject appeal have been submitted to the Board. The following observers are in support of the proposal.

- 1 Marianne McDonald
- 2 Mihai Gabriel Bran
- 3 Ellen Marie Hickey
- 4 Student Council CETSS (243 student signatures)

- 5 Dr. John Collier
- 6 Parents Council CETSS (219 families signed)
- 7 Brid Carberry & Brian Dawson
- 8 Board of Management CETSS with 47 no. staff signatures
- 9 Tamar Heffernan
- 10 Carol, Peter, Laura, Michael Butler
- 11 Kathryn Foskin
- 12 Natalie Moore & Sam Jeffers
- 13 Liz & Stuart Hales
- 14 Marisa Geary
- 15 Paul Quane
- 16 Yvonne O'Brien & Gerard Barter

6.6.2. Those observations can be summarised as follows:

- Urgent need for a secondary school in the area. Catchment of 35,000 residents with area expected to grow significantly. A new school has been long promised.
- Pupils have been in temporary unsuitable accommodation for too long. This involves long days, inappropriate commutes, lack of sports facilities. Current building is not fit for purpose and students are being disadvantaged.
- Subject site is ideal due to large catchment. Shorter commutes reduce traffic hazards. Students are from the local community and the school is in their catchment.
- The subject location will reduce traffic in Douglas as students will not be commuting to other schools. Bus Connects is an entirely separate issue and should not be conflated with school traffic.
- The school is for teenagers, who will walk and cycle to school. The perceived traffic hazards will not occur. Most of the students live locally. Parking will not be a problem. The school is beside an ET primary, resulting in less journeys for families.
- Proposed school will have excellent sports and subject facilities, special educational needs resources .

- The subject site attracts anti-social behaviour. The proposed development will address this.
- A very small amount of green space in Maryborough Woods will be given over to the development. There will be no loss of space, only a reduction.
- Emergency services will be able to access the school, the same way they access houses on The Dale. The narrowness of the Dale is a pre-existing issue, unrelated to the proposed school. No trees on The Dale are to be removed.
- The previous permission is not relevant to the subject proposal.
- Schools should be at the heart of a community. Ethos of ETSS is to be sustainable and non-vehicular travel. Proposed school is non-religious and co-educational.
- The school travel plan is adequate.
- The 37 no. Planning Authority conditions are reasonable and generic. There is no failure on behalf of the Planning Authority.
- The Board is requested to grant permission.

6.6.3. One observation from Cllr. Kieran McCarthy states that he welcomes the progression of creating a permanent site for the ETSS but that he is not convinced that the school will not create a large and unsustainable traffic bottle neck or that sufficient transport mobility measures have been proposed. He states that the lack of consultation with the residents of Maryborough Woods is regrettable and asks that their concerns be addressed.

6.7. Further Responses

6.7.1. Third-party Response to First Party Response

- The appellants are not the only persons objecting to the application. One of many households in Maryborough Woods who are concerned.
- Following a meeting with a local elected representative, advice was given that one named person should appeal with other listed on the appeal. It was not possible to find a suitably qualified person to prepare the appeal in the time provided.

- Due to time constraints it was not possible to include all residents in the third-party appeal. It is understood that all objections will be considered by the Board.
- The persons listed are equally involved in and paid for the third-party appeal (39 names).
- It is incorrect to insinuate that the 'lone appellants' property is not impacted as it does not directly adjoin the site. The applicant has chosen to ignore the appellant residents of The Dales, Ryecroft and Hunters Way, being directly impacted by the proposed set-down areas.
- Other residents throughout the estate contributed to the appeal based on the negative impact of traffic in Maryborough Woods.
- Image showing the location of some of the residents who contributed to the appeal. This demonstrates the boundary of the ETSS and the set-down areas in relation to their dwellings.
- Most of the residents in Maryborough Woods did not object to the 2019 application. The bulk of objections in 2022 relate to the new proposal for set-down areas within the estate, access through The Dales and the resulting traffic hazards.
- An Bord Pleanála found in the 2019 application that the development posed a traffic hazard.
- The Council's engineering report refers to the danger of cross-traffic movement and requests proposals to mitigate against the practice. The applicant proposed a roundabout which was subsequently deleted and the issue was ignored by the City Council.
- That the applicant requires a school starter pack to advise that u-turns will be forbidden is an acknowledgement that there is a strong likelihood of traffic hazards, including u-turns. The appellant wonders how this forbidden practice will be enforced.
- It is incorrect to assume that students will be local and therefore will travel by foot or bicycle.
- The road is taken-in-charge, yet is often impassable during cold spells.

- Given the non-denominational nature of the school, pupils will come from all parts of the city. Pupils from Passage West, Cobh, Monkstown etc. will not access the school by foot or bike. Traffic chaos is caused at Rochestown College by pupils commuting from outside the area.
- The access in The Dales may not be the primary access but it appears to be the main access route for bikes and pedestrians.
- That the applicant suggests a dismount sign at the gate, acknowledges that there is a conflict between pedestrian, cyclist and vehicles. It is unrealistic that all cyclists will dismount.
- The assumption that staff will live locally is not based on facts. The suggestion that staff not park in the estate is not enforceable.
- There is a concern that senior students will drive to school and park in Maryborough Woods. This has not been addressed by the Department.
- In stating that there are no single-sex schools, the applicant ignores Rochestown College, Regina Mundi, Douglas Community School and Christ the King Secondary School. There are very few objections to the principle of the school, most focus on the traffic hazard caused by the proposed set-downs and access through The Dales.
- The token compromise of 1-1.5m movement of the bin stores will not mitigate against the negative impact of bin storage.
- 25 no. out of the 37 no. conditions require compliance. A number of these are outside the control of the applicant. This is not different from the previous application which was refused on this ground.
- The Board is requested to consider the appellants concerns and if granting permission, to remove the secondary access and set-down points in Maryborough Woods.

7.0 **Assessment**

- 7.1.1. I have examined the file including all reports of the Planning Authority, and the planning history, considered national and local policies and guidance, the submissions of all parties and inspected the site. I have assessed the proposed

development and I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of development
- Traffic
- Car Parking
- Access The Dales
- Set-Down Areas
- Other Issues
- Condition no. 4
- Condition no. 7
- Condition no. 8
- Condition no. 19

7.2. Principle of Development

- 7.2.1. The subject site is zoned for education, with the stated objective to provide for schools and educational facilities and related development.
- 7.2.2. I note the large number of submissions from parents, staff and patrons of the school regarding the need for a permanent location for the school. The school site is located in a well-established residential area, within walking distance of the village of Douglas. The no. 216 bus route runs through Maryborough Woods, providing access to the southern side of the site. The school travel plan submitted with the application states (section 2.5.3 refers) that 40% of the existing student population live within 4km of the subject site. As the school grows it will likely be further populated by local pupils and staff. This will remove a proportion of the car journeys currently made to facilitate local students commuting to other schools in the city. The location of a school in an established suburb, particularly one with a large residential catchment (existing and proposed) and one that is within walking distance of the village, makes optimum use of zoned land. There is no requirement for a justification for the proposed development on the subject site.
- 7.2.3. The third-party appellant objects to the applicants description of their appeal as being “only one”. I note that the appeal contains multiple names and addresses and

am satisfied with the statement of the third-party appellant that they were advised to lodge under one name.

- 7.2.4. The proposed development is acceptable in principle, subject to other planning considerations.

7.3. Traffic

- 7.3.1. The third-party appellant submits that the proposed development does not address the Board's reasons for refusal in 2019 (ABP-304733-19). The Board will note that the first reason for refusal referred to the wider issue of future infrastructure provision and how the development could cope should such development not occur, given that it was outside the remit of the applicant to deliver. Within the subject application, the report of the Cork City Council planner notes that four infrastructure projects are within close proximity of the subject site: BusConnects Cork, Douglas East West Link Bridge, Ballybrack Valley Cycle and Pedestrian route and the Maryborough Woods, Active Travel Improvement Works. Between the internal reports of the area engineer, the infrastructure department and Traffic: Regulation and Safety department and the three planning reports, how the proposed development impacts the four projects is comprehensively assessed. Through the response to the request for further information and the response to the subsequent request for clarification, the compatibility of the proposed development with the infrastructure projects is deemed acceptable. I am satisfied that the competent authority, those with the most in-depth understanding of the infrastructure projects, have accepted the proposed development, (as amended throughout the process) as being acceptable. I am satisfied that the reason the Board refused permission in 2019 has been satisfactorily addressed.
- 7.3.2. The issue of the extra traffic the proposed development will generate is raised in two forms in the third-party appeal – the cross-traffic movements at the proposed new junction with Carrigaline road and the extra traffic that will travel through the Maryborough Woods estate to access the southern section of the site. In terms of the proposed new junction at Carrigaline Road, the issue the first party raises is dealt with in section 7.10 and 7.12 below.
- 7.3.3. The third-party appellant raises the concern that the cross-traffic movements will create a traffic hazard. The third-party appellant submits that the use of Maryborough

Woods Road by parents dropping their children to school will create congestion and traffic hazard. In response the applicant states that the TTA (as updated) shows that the wider road network and the Maryborough Woods Road have capacity to accommodate the traffic that will be generated by the school.

- 7.3.4. The third-party appellant calls in to question the accuracy and veracity of the TTA and the RSA. Both documents have been carried out by independent experts (albeit at the behest of the Applicant) in accordance with best practice. I am satisfied that both can be confidently used by the Board in the assessment of this appeal.
- 7.3.5. A traffic and transport assessment (TTA) was submitted with the application (dated April 2022). This was updated in response to the request for Further Information in January 2023 and again in response to the clarification for Further Information in March 2023.
- 7.3.6. The final TTA states that traffic counts were carried out on four junctions on the Carrigaline Road and Maryborough Woods / Hill. Travel (2019) and traffic surveys (2022) were undertaken and a trip distribution model was created. The model is based on the existing road network, without the proposed Douglas East-West Link bridge (DEWLB) and the proposed four-arm signalised junction providing access to the school site but including committed residential development to the south. Further modelling included the proposed school access junction. The study predicts that 80% of new car trips to the school will come to/from the north along Carrigaline Road towards the fingerpost roundabout (junction 1) and 20% to/from the south along the Carrigaline Road towards junction 2. The proposed school location has a total of 161 no. trips (Further Information Response Report, page 4) of which 32 are by car, giving a car usage percentage of 19.9%. The access to the school via The Dales is the secondary traffic access point and therefore should experience fewer car trips.
- 7.3.7. The results of the cumulative impact assessment is that junction 1 will expects a 7% increase in AM traffic, 4% at junction 2, 13% at junction 3 and junction 4 at 1%. Up to the operational year of 2039, junctions 1, 2 and 3 are shown to operate within capacity. Junction 4 was not further assessed due to the impact being less than 5%.
- 7.3.8. In terms of traffic travelling through Maryborough Woods Road, the applicant was advised at Further Information stage that this access must be included in the traffic

counts (item 2(c)). The updated junction modelling was accepted by the Traffic: Regulation and Safety Department. I am satisfied that it has been satisfactorily demonstrated that the wider road network had capacity to absorb the traffic generated by the proposed development, without causing traffic hazard, congestion or bottle necks.

7.3.9. The third-party appellant submits that parents dropping off at Maryborough Road will not operate on a one-way system (as suggested by the applicant) but will do a u-turn and drive back the way they came. The third-party appellant submits that this will cause a traffic hazard.

7.3.10. In their response to this, the applicant submits that the majority of students will walk / cycle to the school, parents will be requested to operate a one-way system in the estate and that The Dales drop-off is a secondary rather than a main access. I accept the bona fides of those points with the exception of prohibiting u-turns and requesting parents to travel one-way. This simply cannot be enforced by the school, no matter how politely it is requested. What will restrict u-turns naturally however, is the volume and flow of traffic on the road.

7.3.11. The Maryborough Woods Road is a wide road, leading to a number of residential areas and commercial sections within the overall estate. It is likely already used as an access route for those travelling south on the Carrigaline Road. Given the predicted traffic volumes using The Dales and the capacity at both junctions, I am satisfied that no traffic hazard will arise.

7.4. Car and cycle parking

7.4.1. The third-party appellant submits that insufficient car and cycle parking has been proposed, stating that this will lead to senior students and staff car parking in the estate. In response, the applicant states that the development complies with the requirements of the current development plan for parking provision – both car and cycle.

7.4.2. The appellant is correct that it will be difficult to restrict school parking in the wider estate. That is also the case, however for those commuting from the wider area who seek access to Douglas Village or one of the bus routes in the area and decide to park in the closest housing estate to the village. As above, however, given that the

school will sit in the catchment it serves and noting the provision of car-parking at the front of the site, I am satisfied that the Maryborough Woods estate will not experience a large increase in non-resident car parking.

- 7.4.3. The application is accompanied by a School Travel Plan. The STP is based on NTA Guidance and seeks to identify measures that will reduce transportation demand and encourage a modal shift towards sustainable transport. The STP notes that in the event that a secondary school is not provided on site, pupils from the local area will be forced to continue commuting with the resultant impact on the surrounding road network. In terms of site / project specific initiatives, the STP proposes a school travel manager, on-site pedestrian and cycle facilities, staff and student initiatives and a green flag Action Plan. The aim of these initiatives is to increase the modal shift for pupils and staff towards walking and cycling. These initiatives will be facilitated by the Ballybrack Greenway and 27 no. drop-off spaces. The applicant submits that all families of pupils in the school will be provided with the school travel plan as part of the school starter pack. In areas where car-parking levels are reduced, studies show that people are more likely to walk, cycle, or choose public transport for daily travel and therefore car parking ratios should be reduced at urban locations, and should be minimised, substantially reduced or wholly eliminated at locations that have good access to urban services and to public transport.

7.5. Access at The Dales

- 7.5.1. It is proposed to provide an access to the southern section of the school site via an existing gate at the northern end of a cul-de-sac in Maryborough Woods called The Dales. The Dales comprises 14 no. dwellings in two terraces, arranged around a vehicular cul-de-sac. There is a pedestrian path to the adjoining cul-de-sac Ryecroft.
- 7.5.2. The third-party appellant submits that this access point is not acceptable as it will bring traffic from the Maryborough Woods Road through the Dales, leading to a conflict between residents parking, vehicles, cyclists and pedestrians.
- 7.5.3. The development as proposed by the applicant provides for pedestrian and cyclist access only, through the gate at The Dales. The applicants first-party request for other use of the gate is addressed in section 7.8 below. Students coming to the school site from the south will either be dropped off by bus or car on Maryborough Woods road and walk or cycle through The Dales, through the school gate and on to

a shared surface path that divides right towards a cycle parking area, school garden, playing grounds and the rear of the school and left to a path that steps down to the main entrance road and the front of the school.

- 7.5.4. Resident parking at the Dales is outside the two terraces, leaving a wide road with footpaths on either side. No works are proposed to the road, the paths or the green areas / trees on either side. I am satisfied that the use of the cul-de-sac by pupils walking and cycling will not create a traffic hazard, different to that of normal use of the road. This is notwithstanding that in theory, each of the 600 no. pupils could choose to access the site via this entrance, unlikely as that is.
- 7.5.5. The road is currently wide enough to provide access for emergency services vehicles. As no parking will arise from the pedestrian and cyclist access, access will not be hindered. I note the auto-track drawing (drawing no. 19-037-31) submitted to the Board as part of a response to the third-party appeal.
- 7.5.6. The change in the use of the cul-de-sac from only residents to cyclists and pedestrians is acknowledged, however it is not an uncommon change in use, only an intensification.
- 7.5.7. I am satisfied that the access gate at the Dales will not cause a traffic hazard, nor injure the residential amenity of the dwellings in the cul-de-sac.

7.6. Set-Down Areas

- 7.6.1. It is proposed to create two set-down areas off the Maryborough Woods Road, to facilitate parents dropping students to the Dales pedestrian entrance to the school. The use of drop-off areas away from the pedestrian entrance will avoid vehicular traffic through the Dales cul-de-sac and allow pupils to safely walk to school through a residential area.
- 7.6.2. The proposed set-down areas require the relocation of an existing bus-stop (see drawing no. P196revB), and the creation of a footpath and cycle track on existing open space (at the entrance to the Dales and between no.s 1 Hunters Vale and no. 1 Hunters Way). The relocation of the bus-stop has been agreed with NTA / Bus Eireann (see drawing no. 19-037-31-P198 and Further Information Response Report January 2023, Correspondence item 5).

- 7.6.3. The extent of open space to be removed is not significant, given the large areas of open space in the overall Maryborough Woods estate. The gain achieved from creating a safe pedestrian and cycle route through the Dales is outweighed by the relatively small areas of land taken. No one house is directly impacted. I am satisfied that there will not be an undue impact on the residential amenity of the estate.

7.7. Other Issues

- 7.7.1. The third-party appellant submits that the proposed development would cause an **overbearing visual impact**. The topography of the site is such that little of the development will be visible from Maryborough Woods (south). The visual impact from Douglas Village and from the Carrigaline Road to the west is in keeping with the pattern of commercial and residential development in the village.
- 7.7.2. The Applicant has confirmed that the **amenity space** to the east of the subject site, although within their land holding, is not part of the subject application.
- 7.7.3. The third-party appellant submits that **desire lines** will be created across the green areas, leading to a negative impact. This is entirely likely to occur. However, I do not accept that it will create a negative impact. It is normal human behaviour to seek the shortest route to a destination. That will be the case for students using the drop-off area, as it is currently the case for existing residents getting the bus in the estate.
- 7.7.4. The proposed **bin stores** are to be located approx. 5m from the southern boundary of the site. This matter was addressed at Further Information stage (item no. 1) wherein, revisions provided for the retention of trees by the relocation of the steps further north. I draw the Boards attention to the landscaping plan (drawing no. 142-DPP-PD-01) which shows approx. 14 no. new trees and a hedge of native hedgerow mix plus the existing boundary walls of the terrace of dwellings. I am satisfied that this is more than sufficient to ameliorate any noise or odours that may arise from the bin stores.
- 7.7.5. With regard to the third-party submission re impact on biodiversity occurring through the **removal of trees** and overall land works, this landscape plan also shows the extent of existing trees to be retained and proposed new planting on the subject site. An arboricultural report, a tree removal and mitigation plan is also submitted with

the application, I am satisfied that that there shall be a net increase in the planting on the site, from which the overall area shall benefit.

- 7.7.6. The third-party applicant submits that as a **bus subsidy** will not be available to the proposed school, it is likely that more students will be driven to school. Noting the submission of the applicant and the school body that a large portion of the students of the school live in the immediate catchment, I do not accept that this scenario will transpire.
- 7.7.7. That many of the Planning Authority conditions require **compliance submissions** is raised as a concern by the third-party appellant. The subject application before the Board is assessed de novo, as per section 37(1)(b) of the Act. Should the Board decide to grant permission, conditions are attached as required. The use of compliance conditions to finalise minor issues, post decision and pre-construction is standard practice, allowing site-specific construction management plans and public lighting plans for example.
- 7.7.8. The proposed development does not alter the existing Maryborough Woods **road layout or gradient**. Issues raised by the third-party appellant regarding maintenance, icy conditions, visibility etc. are not within the scope of the subject appeal.
- 7.7.9. The third-party appellant states that the use of out-of-date **Census figures and traffic volume figures** in support of the proposed development is not acceptable given the length of time that has elapsed. The applicant responded stating that 2022 census figures were not available at the time of the lodgement of the application. To that end, I note that the applicants TTA refers to 2011 census data in calculating vehicle trip generation rather than the 2016 data. This data is the baseline for commuting patterns and as such is not used to predict modal split and trip rates, however. A travel survey was undertaken by the applicant (June 2019) and traffic surveys were undertaken in September 2022. The updated TTA takes account of the committed residential development to the south of the site on the Carrigaline Road.
- 7.8. **Condition no. 4**
- 7.8.1. Condition no. 4 of the Planning Authority's decision restricts use of the access at The Dales to pedestrian and cyclists, with emergency vehicle access permitted as

necessary. The condition states that “no permission is granted for any additional vehicle access through this entrance to the site”.

- 7.8.2. The applicant has requested the Board to allow the use of the access for deliveries to the technical yard at the rear of the site. The applicant submits that the 8m site difference between the front and the rear of the site is such that deliveries to the rear of the site would need to be by hand. The applicant has suggested a lockable bollard or other secure access which would be opened twice weekly to facilitate deliveries to the yard. The third-party appellant objects to the use of the Dales access for deliveries, stating that it is an unfair burden on residents in a quiet cul-de-sac.
- 7.8.3. The topography of the subject site is particularly challenging. The extent of sweeping access road from Carrigaline Road highlights the level of engineering required to provide vehicular access to the front of the school. Providing an extension of that road to the rear of the site appears unlikely, in the current proposal. The result being that deliveries to the rear must be by hand, up the steps proposed to the side and rear of the school building. The question is whether the impact of hand delivering via stairs is greater than the impact imposed on the cul-de-sac in The Dales. It is likely that deliveries will occur during school hours, at a time when traffic on the Dales cul-de-sac will be at its lowest.
- 7.8.4. Noting the assessment that the access point at The Dales (section 7.4 above), is acceptable for pedestrians and cyclists I am satisfied that the use of the access point for twice-weekly deliveries to the rear of the site is acceptable. I note that the public notices for the proposed development state “...with occasional fire tender and delivery access at The Dales, Maryborough Woods....”. Should the Board decide to grant permission, a condition requiring the approval of the Planning Authority for a mechanism to restrict access to twice weekly deliveries during school hours, prior to the commencement of development should be attached.

7.9. **Condition no. 7**

- 7.9.1. Condition no. 7 of the Planning Authority decision requires that the proposed 3-arm junction be ‘fully operational prior to commencing work on the main development’. the reason given for this condition is ‘in the interest of road safety’.

- 7.9.2. The applicant requests the Board to amend the condition to state ‘prior to the occupation of the proposed school development’. In support of this request, the applicant refers to the Cork City Council engineers reports of April and May of 2023 which request the roundabout to be constructed *prior to major construction* on site.
- 7.9.3. The third-party appellant, responding to this first party appeal state that having the junction in place prior to the development of the site is imperative as the infrastructure of the road is not suitable for large vehicles and this was reason for refusal in the previous Board decision.
- 7.9.4. I note the discussion of the junction through the various stages of the planning application. In response to the submission of Further Information request the Traffic Regulation and Safety Reports of the city council refer to the junction and its need to be constructed prior to the major construction on site ‘to ensure that the heavy traffic associated with the build phase of the project can safely access and egress the site (report dated Feb 2023). The Infrastructure Department report also in Feb 2023 also refers to the junction, noting that “it is imperativethat the signalised 3 arm junction is operational prior to the first occupation of the school”. A clarification of Further Information request was issued in Feb 2023 wherein the junction was discussed in item 1. Item 1b states that the junction is to be constructed prior to the major construction on site.
- 7.9.5. The Infrastructure Department (20/04/2023) stated that the applicants response to item 1(b) was satisfactory, yet condition no. 2 of the report recommends that the junction be “fully operational prior to commencing work on the development.” The area engineers report (21/04/2023) states that the junction should be constructed prior to major construction on site. The subsequent planners report refers to the area engineers suggested condition only (ie prior to major construction), but states that the two reports concur.
- 7.9.6. The decision that issued from the Planning Authority uses the suggested wording of the Infrastructure Department rather than the Area Engineer, and requires that the junction be ‘fully operational’ prior to commencing work on the main development.
- 7.9.7. There is no reasoning provided in any of the reports, explaining the change from requiring that the junction be fully operational prior to occupation, to prior to major work commencing and ultimately to prior to any work commences on site.

7.9.8. The applicant submits that requiring the junction to be fully operational prior to any work commencing on site would delay the proposed school project by a further 15 months. It is standard practice to provide a construction access to a site, to facilitate the heavy construction traffic that needs to enter the site. The finishes required on such an access are far less than those required for ordinary vehicular and pedestrian access to the final operational building. Construction access to a site does not require a fully functional 3-arm junction. Noting the applicants Outline Construction and Demolition Management Plan and their traffic management plans, I find no reason that road safety would be hindered by the 3-arm junction being fully operational after major construction has occurred on site. Should the Board be minded to grant permission, it is recommended that condition no. 7 be amended as follows:

“The proposed 3-arm signalised school access junction on Carrigaline Road is to be fully operational prior to the occupation of the subject school development. All costs associated with the works shall be at the developers expense. Reason: In the interest of Road safety.”

7.10. Condition no. 8

7.10.1. Condition no 8 of the Planning Authority’s decision refers to the new road boundary, the site distance triangle and keeping the sight distances clear in the interest of road safety.

7.10.2. The applicant states that the word ‘it’ in the sentence “*any surface chambers or man holes in front of it shall be repositioned in a location or at a level to be agreed with the council's area engineer*” is unclear, that they do not know what ‘it’ refers to. It is my reading of the condition, that the word ‘it’, in the condition refers to the “new road boundary” as that is the subject immediately preceding the pronoun.

7.10.3. The applicant confirms in the appeal that any chambers or manholes located in the visibility triangle will be at ground level, with a cover flush to the ground. This is acceptable and in compliance with the condition. Should the Board decide to grant permission, I am satisfied that the condition is reasonable, understandable and enforceable.

7.11. Condition no. 19

- 7.11.1. Condition no. 19 of the Planning Authority decision requires the applicant to agree the design and construction of the junction with the ITS department and the Infrastructure Development Directorate prior to the commencement of development.
- 7.11.2. The applicant states in their appeal, that they have concerns about the potential delay that may occur should the phasing be forced to provide this in advance of wider construction.
- 7.11.3. The condition does not require that the junction be constructed prior to the commencement of development, only that the design and construction be agreed. Given the extensive consultation between the applicant and the City Council from pre-planning to application, further information and clarification of Further Information, it is not unreasonable to assume that the design of the junction is at a detailed stage. It is not unreasonable to request Planning Authority approval of that design prior to the commencement of development. Should the Board decide to grant permission, the wording of condition no. 19 is considered reasonable.

8.0 AA Screening

- 8.1.1. An AA Screening statement was submitted with the application. The statement describes the receiving environment, stating that there are no direct hydrological connections to any European sites but that 50m to the west is the Moneygurney River which subsequently flows into the sea near the South Ring Road City Bypass (1km downstream). This section of the bay is within the Cork Harbour SPA. The report concludes having considered any potential effects which might arise during the construction and operational phases of the proposed development, taking account of the distance to any European Sites, that there are no ecological pathways between the subject path and any European Sites, that there are no likely significant adverse effects on the qualifying interests, special conservation interest or the conservation objectives of any designated European site. The report identifies development in the wider area and concludes that the proposed development will not give rise to any significant adverse effects on any designated European sites, alone or in combination with other plans or projects. Therefore a stage 2 AA is not required.

Compliance with Article 6(3) of the Habitats Directive

- 8.1.2. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).
- 8.1.3. The applicant has submitted a Screening Report for Appropriate Assessment and an Ecological Impact Assessment. The Reports provides a description of the proposed development, identifies and provides a brief description of European Sites, an assessment of the potential impacts arising from the development and an assessment of potential in-combination effects.
- 8.1.4. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section. 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

- 8.1.5. 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.

8.1.6. Details of qualifying interests and special conservation interests for neighbouring European Sites are as follows:

Cork Harbour SPA (Site Code: 0040310)	
Qualifying Interests	<p>Little Grebe (<i>Tachybaptus ruficollis</i>) [A004] Great Crested Grebe (<i>Podiceps cristatus</i>) [A005] Cormorant (<i>Phalacrocorax carbo</i>) [A017] Grey Heron (<i>Ardea cinerea</i>) [A028] Shelduck (<i>Tadorna tadorna</i>) [A048] Wigeon (<i>Anas penelope</i>) [A050] Teal (<i>Anas crecca</i>) [A052] Mallard (<i>Anas platyrhynchos</i>) Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Red-breasted Merganser (<i>Mergus serrator</i>) [A069] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Lapwing (<i>Vanellus vanellus</i>) [A142] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Greenshank (<i>Tringa nebularia</i>) Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Common Gull (<i>Larus canus</i>) [A182] Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] Common Tern (<i>Sterna hirundo</i>) [A193] Wetland and Waterbirds [A999]</p>
Conservation Objectives	<p>(1) To maintain the favourable conservation condition of Little Grebe in Cork Harbour SPA</p> <p>(2) To maintain the favourable conservation condition of Great Crested Grebe in Cork Harbour SPA</p>

	<p>(3) To maintain the favourable conservation condition of Cormorant in Cork Harbour SPA</p> <p>(4) To maintain the favourable conservation condition of Grey Heron in Cork Harbour SPA</p> <p>(5) To maintain the favourable conservation condition of Shelduck in Cork Harbour SPA</p> <p>(6) To maintain the favourable conservation condition of Wigeon in Cork Harbour SPA</p> <p>(7) To maintain the favourable conservation condition of Teal in Cork Harbour SPA</p> <p>(8) To maintain the favourable conservation condition of Mallard in Cork Harbour SPA</p> <p>(9) To maintain the favourable conservation condition of Pintail in Cork Harbour SPA</p> <p>(10) To maintain the favourable conservation condition of Shoveler in Cork Harbour SPA</p> <p>(11) To maintain the favourable conservation condition of Red-breasted Merganser in Cork Harbour SPA</p> <p>(12) To maintain the favourable conservation condition of Oystercatcher in Cork Harbour SPA</p> <p>(13) To maintain the favourable conservation condition of Golden Plover in Cork Harbour SPA</p> <p>(14) To maintain the favourable conservation condition of Grey Plover in Cork Harbour SPA</p> <p>(15) To maintain the favourable conservation condition of Lapwing in Cork Harbour SPA</p> <p>(16) To maintain the favourable conservation condition of Dunlin in Cork Harbour SPA</p> <p>(17) To maintain the favourable conservation condition of Black-tailed Godwit in Cork Harbour SPA</p> <p>(18) To maintain the favourable conservation condition of Bar-tailed Godwit in Cork Harbour SPA</p> <p>(19) To maintain the favourable conservation condition of Curlew in Cork Harbour SPA</p>
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	<p>(20) To maintain the favourable conservation condition of Redshank in Cork Harbour SPA</p> <p>(22) To maintain favourable conservation condition of Greenshank in Cork Harbour SPA</p> <p>(23) To maintain the favourable conservation condition of Black-headed Gull in Cork Harbour SPA</p> <p>(24) To maintain the favourable conservation condition of Common Gull in Cork Harbour SPA</p> <p>(25) To maintain the favourable conservation condition of Lesser Black-backed Gull in Cork Harbour SPA</p> <p>(26) To maintain the favourable conservation condition of Common Tern in Cork Harbour SPA</p> <p>(27) To maintain the favourable conservation condition of the wetland habitat in Cork Harbour SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.</p>
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Great Channel Island SAC (Site Code: 001058)	
Qualifying Interests	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p>
Conservation Objectives	<p>(1) To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in Great Island Channel SAC</p> <p>(2) To restore the favourable conservation condition of Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) in Great Island Channel SAC</p>

8.1.9. I have reviewed the AA screening reports of the applicant and the Planning Authority, both of which conclude that an AA of the proposed development is not required. The subject site is not located within or directly adjacent to any European site, and as such, there is no potential for direct impacts to occur. The proposed development is not an ex-situ site for Qualifying Interest/Special Conservation Interest (SCI) populations of any European sites.

- 8.1.10. The closest European site to the appeal site is Cork Harbour SPA (site code: 0040310) which is located approx. 0.6 km to the north at its closest point. Great Channel Island SAC (site code: 001058) is located approx. 7 km to the east at its closest point. The qualifying interests and conservation objectives for these sites are set out above.
- 8.1.11. Having regard to the nature of the proposed development, its location within a built-up area, and the intervening distance between the site and Great Channel Island SAC, I consider that there is no potential for indirect impacts to occur to this site.
- 8.1.12. EPA mapping confirms that the Moneygurney River (a tributary of the Douglas River) is located approx. 40 m to the west of the western boundary of the appeal site. This river ultimately discharges into Cork Harbour SPA. In considering the potential for indirect impacts to occur to this site, and in applying the source-path-receptor concept, I note that no noise or disturbance impacts, such as disturbance or displacement of species of conservation interest for the site, will arise during the construction phase, given the separation distances arising. During the construction phase, surface water will be retained on site in settlement ponds where it will discharge to ground or to the public sewer following settlement. It is not likely that any contaminated surface water will reach the Douglas River. The site is separated from the Moneygurney River / Douglas by a large/ busy public road and the heavily landscaped Ballybrack Woods.
- 8.1.13. Once completed, the proposed development will connect to the existing public surface and foul water system. Therefore, I consider that the proposed development would not be likely to have a significant indirect effect on this European site. Having regard to the foregoing, the potential for in-combination impacts on Cork Harbour SPA can also be excluded. As such, I am satisfied that the requirement for an AA does not arise in this instance.

9.0 Recommendation

- 9.1.1. I recommend permission be GRANTED for the following reasons and considerations and subject to the following conditions:

10.0 Reasons and Considerations

- 10.1.1. Having regard to the provisions of the Cork City Council Development Plan 2022-2028, within which the subject site is zoned ZO12, which has the stated objective 'To provide for schools and educational facilities and related development', to the design and scale of the proposed development, to the proximity to existing and proposed residential areas and to the village of Douglas, and to the tie-in with proposed and future sustainable travel infrastructure projects such as Bus Connects, the Ballybrack Valley Cycle and Pedestrian route, the Douglas East West Link Bridge, and the Maryborough Woods, Active Travel Improvement Works, and to the location of the site within a school catchment area that is under-represented at post-primary level, it is considered that the proposed development would not adversely affect the residential or visual amenities of the area nor would it give rise to the creation of a traffic hazard in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 26th day of January, 2023 and the 28th day of 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 Access at The Dales, Maryborough Woods is granted for pedestrian and cycle access, with Emergency Vehicle Access permitted as necessary. Deliveries to the rear of the school grounds through this access shall be permitted twice-weekly, during school hours and through a lockable mechanism that shall be the subject of written approval by the Planning Authority prior to the

commencement of development. No permission is granted for any additional vehicle access through this entrance to the site.

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

- 3 The proposed 3-arm signalised school access junction from the R609 Carrigaline Rd shall be designed and constructed as a signal controlled junction with provision made to allow the future upgrade of the junction to a 4-armed signal controlled junction. The design and construction of the junction shall be agreed in writing with the ITS department and the Infrastructure Development Directorate. The junction shall be fully operational prior to occupation of the school. All costs associated with the works shall be at the developers expense.

Reason: In the interests of Road and Traffic Safety.

- 4 No vegetation or structure shall exceed 1 metre in height within the site distance triangle. Any utility poles or other objects /structures within the site triangle which, as a result of compliance with this condition, will be in front of the new road boundary shall be repositioned behind the new road boundary, and any surface chambers or man holes in front of it shall be repositioned in a location or at a level to be agreed with the council's area engineer. The applicant shall be responsible for the costs of relocating these facilities, for notifying the relevant statutory undertakers for obtaining any necessary licences, and for notifying the planning authority of the revised locations of such utilities prior to commencement of development

Reason: To provide proper sight distance for emerging traffic in the interests of road safety.

- 5 Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes, 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 unit.

Reason: In the interests of amenity and public safety.

- 6 Details (including samples) of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

- 7 Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. The developer shall coordinate with the Drainage Department of the Council during the detailed design and construction of the development.

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

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

- 8 All trees within and on the boundaries of the site shall be retained and maintained, with the exception of the following:

(a) Specific trees, the removal of which is authorised in writing by the planning authority to facilitate the development.

(b) Trees which are agreed in writing by the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.

Retained trees shall be protected from damage during construction works.

Within a period of six months following the substantial completion of the proposed development, any planting which is damaged or dies shall be

replaced with others of similar size and species, together with replacement planting required under paragraph (b) of this condition.

No trench, embankment or pipe run shall be located within three metres of any trees which are to be retained on the site.

Reason: To prevent damage to the root systems of trees and in the interest of visual amenity.

9. All planting/landscaping required to comply with the specification of the landscaping scheme submitted to the planning authority shall be maintained, and if any tree or plant dies or is otherwise lost within a period of five years, it shall be replaced by a plant of the same species, variety and size within the planting season following such loss.

Reason: In the interest of visual amenity.

- 10 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.

11. A detailed workplace travel plan shall be carried out, submitted to and agreed in writing with the planning authority, prior to commencement of development.

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

- 12 A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular,

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

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

- 13 The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- a) Location of the site and materials compounds including areas identified for the storage of construction refuse.
 - b) Location of areas for construction site offices and staff facilities.
 - c) Details of site security fencing and hoardings.
 - d) Details of on-site car parking facilities for site workers during construction.
 - e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.
 - f) Measures to obviate queuing of construction traffic on the adjoining road network.
 - g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
 - h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.
 - i) Details of appropriate mitigation measures for noise, dust and vibration, and the location and frequency of monitoring of such levels.

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

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

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

m) Measure to fully remediate the site in accordance with a Construction Stage Invasive Plant Species Management plan, in advance of the commencement of construction activities.

Reason: In the interest of amenities, public health and safety.

- 14 Construction and demolition waste shall be managed in accordance with a finalised Construction and Demolition Waste 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. The plan shall include details of waste to be generated during site clearance and construction phases, including contaminated materials, and details of the methods and locations to be employed for the prevention, minimisation, handling, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated. Full project waste disposal records shall be maintained and be available for inspection by the planning authority.

Reason: In the interest of sustainable waste management.

- 15 Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other

security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

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.

Gillian Kane
Senior Planning Inspector

30 April 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference			
Proposed Development Summary	Secondary School		
Development Address	Carrigaline Road, Douglas, Cork.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)			Yes
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
No			Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
	Threshold	Comment	Conclusion
No	Part2, schedule 5: class 10 (iv) 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	Not greater than 10ha	No EIAR or Preliminary Examination required
4. Has Schedule 7A information been submitted?			
No			

Inspector: _____ **Date:** _____