



An
Bord
Pleanála

Inspector's Report ABP-319418-24

Development	Demolition of 20th century school buildings including removal of link to the convent (a protected structure) and the construction of a school building and associated outdoor areas, fire access road, reinstatement of an historic pathway and all associated site works. The development is within the curtilage of Protected Structures.
Location	Loreto Secondary School, Vevay Road, Bray, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	2360266
Applicant(s)	Board of Management, Loreto School, Bray
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party

Appellant(s)	Edel Collins
Observer(s)	None
Date of Site Inspection	07/08/2024
Inspector	Paula Hanlon

1.0 Site Location and Description

- 1.1. The site (3.02ha) is the established school grounds of Loreto Bray, located along the eastern side of Vevay Road, on the southern approach into Bray's town centre. The northern/NW part of the delineated site is occupied by existing school buildings, which are late-20th century structures, that developed in piecemeal fashion, some of which are of prefabricated construction. The structures include Mary Ward Building, St. Joseph's Building (with link to adjoining convent), St. Anne's Building and sports hall. There is an internal circulation area, and on-site parking is located immediately south and west of the school buildings. A parkland area comprising a grassed area with clusters and standalone mature trees, some of which is overgrown in parts, lies to the east and its topography slopes significantly downwards in an east/SE direction.
- 1.2. The former wider school campus has been sub-divided into a number of different uses which are now separate to the school, notably the Convent Buildings (Protected Structures) (east) which is in residential use and has a separate, independent access off Sans Souci Wood and Bray Hockey Club (south) which shares the access and parking arrangement with the school.
- 1.3. The site fronts onto and utilises an established shared access off Vevay Road (R761) (west) and also fronts onto Sans Souci Wood, a two-storey residential scheme (north). Established residential development of varying forms with pedestrian access from the school grounds is established to the east and the site is bounded to the south by an all-weather hockey pitch/hockey club, Day Centre (SW) and adjoining residential (SE). A Tesco superstore (with surface car parking area to front) and a service station are sited on lands along the western side of Vevay Road, immediately opposite this site.
- 1.4. The site's topography slopes significantly downwards from west to east, with an overall 7m fall in site levels between the western (front) area and the rear boundary of this site (east). Site levels also slope gently downwards in a north-south direction.
- 1.5. There are existing designated cycle lanes and footpaths along both sides of the adjoining Vevay Road which provide vehicular/cycle connectivity to the site. A bus stop (either side of the road) is also located in proximity to the school. The speed limit is 50kph at the location of the school entrance. An existing traffic-light system on Vevay Road regulates traffic movements and provides a pedestrian crossing, approx. 72m to the west of the existing school entrance gates. A staggered crossroad junction on

Vevay Road that connects with Sans Souci Wood and Charnwood lies approx. 18m east of this traffic light system.

- 1.6. The delineated site is within the curtilage of protected structures (convent buildings and conservatory [RPS Reference B103 & B104]. It is also within the area of a protected view [Ref. No. 14], notably Loreto Convent from Fiddler Bridge on Bray Head.

2.0 Proposed Development

- 2.1. The proposed development is summarised as follows:

The demolition works sought, as stated within the public notices include existing school buildings (5,144m²), notably Mary Ward Building, St. Joseph's Building including the removal of the link to the convent (protected structure), St. Anne's (prefabricated) Building, Pacelli Bantile Building and the Sports Hall, all of which are of 20th century construction. [I note that the Pacelli Bantile Building and link to convent are outside of the redline boundary].

The proposed construction of a new post primary school building (10,563m²) which is contemporary in its design, to be located within the general area of the existing school buildings, within the northern area of the site is also sought. The design approach responds to the site's configuration in terms of its siting, with dual frontage onto Vevay Road and Sans Souci Wood and the site's topography in which its proposed height and massing vary from 2-storey (eastern wing) to 3-storeys with split level within its Main Block (northern elevation) and 3-storey (western wing). It also responds to its siting within the curtilage of protected structure(s).

Given the proposed split level design, the overall height along the northern elevation is stepped from 14.81m to 13.64m and faces onto Sans Souci Wood. A south facing courtyard area encompasses an amphitheatre space and SEN, horticulture & art garden spaces.

The school building would consist of general classrooms, specialist classrooms, multi-purpose hall, general purpose area including kitchen, library, 4 class base Special Educational Needs (SEN) Unit, technology classroom, store, welfare and administration space.

The external finishes include metal roof, brick, render (to selected colour) and glazing with PV panels and green roof installation, in part, also sought.

An external store (50m² with 30m² external canopy space), heat pumps, bins area (4.5m x 4.41m), hard and soft landscaping spaces, biodiverse water management and attenuation systems, replacement of existing ball court with a fenced hard ball court (608m²), reinstatement of an historic pathway/re-establish a pedestrian access to Loreto Grange, 88 car spaces, 200 cycle spaces, pedestrian routes, fire access road and works to existing trees & new planting are also sought.

- 2.2. Access into/out of the site is via an established access point off Vevay Road.
- 2.3. Further Information lodged 12 February 2024 resulted in the omission of a half-sized grass pitch and the omission of a temporary site access, which were initially sought as part of this application. It was also confirmed that no works would be carried out to the site's existing boundary walls or hedges. Further, a statement made by the Board of Management clarified that the capacity of the school would increase from 840 pupils to 1,000 pupils.
- 2.4. The proposed development would be delivered in phases over a 32 month period by way of repurposing of the existing school buildings in line with demolition and construction works, with no temporary school building(s) to be provided.
- 2.5. The application was accompanied by the following documentation of note:
 - Design Statement Report (June 2023)
 - Planning Report – [contains Foul and Storm Drainage Report, Site Specific Flood Risk Assessment, Road Safety Audit, Traffic and Transport Assessment and Mobility Management Plan] (Sept. 2023)
 - Visual Impact Assessment (Photomontages) & Sun Shadow Path Analysis (Sept. 2023)
 - Architectural Heritage Impact Assessment (August 2023)
 - Preliminary Construction Management Plan (May 2023)
 - Arboricultural Assessment Report (July 2023)
 - Biodiversity Assessment Report (March 2021) and Biodiversity Action Plan (August 2023)

- An Evaluation of the Potential Impacts of the Proposed Construction at Loreto, Bray, Co. Wicklow on the local bat fauna (May 2021)
- Appropriate Assessment Screening Report (March 2021)
- Archaeological Desktop Assessment Report (October 2020)

Other technical reports on lighting, noise intrusion, electrical services, asbestos management, operational waste management, civil & structural engineering planning report, ground investigation and utility mapping also accompany this application.

A number of the submitted reports/assessments were revised and updated at further information stage and additional reports provided in addressing the matters raised by the PA.

3.0 Planning Authority Decision

3.1. Further Information

The PA requested further information on 26 October 2023 with regard to a number of matters which are summarised as follows:

- Impacts on a number of features (mature trees / parkland setting / protected structure and on a protected view) connected to the site
- Impacts to adjoining residential amenity due to noise (heat pump) & odour (bins).
- Details on roads and parking infrastructure, lighting, boundary treatment, external finish and landscaping/planting.

3.2. Decision

By Order dated 6 March 2024, Wicklow County Council issued a Notification of decision to grant planning permission subject to 14(no) conditions. The conditions were mainly standard, and the following are of note:

- Condition 2: Construction & Demolition Works Requirements
- Condition 4: Reduce on-site car parking to a maximum of 77 spaces (inclusive of staff car parking and set down parking).

- Condition 8: Archaeology
- Condition 9: External Lighting
- Condition 11: Boundary Treatment
- Condition 12: Noise Levels
- Condition 14: Supervision of works to protected structure.

3.3. Planning Authority Reports

3.3.1. Planning Reports

Two Planning Reports are attached to the file. The first report completed on 23/10/2023 indicates that the Planning Officer is generally satisfied with the principle of the development proposed on lands which were suitably zoned. However, further information was deemed necessary on a number of matters, as summarised in Section 3.1 above.

A second planning report completed 27/02/2024 forms the basis for the decision by Wicklow County Council to grant permission.

3.3.2. Other Technical Reports

- Road Section: Further Information Sought
- Environment Section: No objection
- Waste Management Section: Preliminary Details are satisfactory.
- Fire Service: Conditions Recommended.

3.3.3. Conditions

I am generally satisfied that all conditions attached by the PA in its decision to grant permission are standard conditions insofar as they relate to development works of a school. Specific conditions which require a reduction in car-parking initially sought in this case (Condition 4), details on boundary treatment (Condition 11), noise levels (Condition 12) and regarding the supervision of works to a protected structure (Condition 14) are attached to the PA's decision. I will consider the appropriateness of these conditions within Section 7 of this report.

3.4. Prescribed Bodies

Transport Infrastructure Ireland: No Observations

Irish Water: No Objection, Recommends Condition.

3.5. Third Party Observations

The PA received one third-party submission, from Ms. Edel Collins [on behalf of the residents Sans Souci Wood Estate] during the course of their determination. The matters raised are included in the appeal submission received (summarised in Section 6.1 below).

4.0 Planning History

The following is considered to be the relevant planning history:

Subject Site:

PI. Ref. 05/630260: Permission was granted to the Board of Management, Loreto Bray for a sports hall, changing rooms and associated works.

PI. Ref. 00/630017: Permission was granted to the Board of Management, Loreto Bray for changing rooms, re-surfacing of all-weather hockey pitch and flood lights.

Adjoining Sports Ground:

PI. Ref. 06/630065: Permission was granted to Loreto Bray Community Sports Project for a sports boundary net, south of the all-weather pitch.

PI. Ref. 06/630010: Permission was granted to Loreto Bray Community Sports Project for a changing room facility and associated site works south of the all-weather pitch.

5.0 Policy Context

5.1. Bray Municipal District Local Area Plan (now expired)

The Bray Municipal District LAP 2018-2024 was effective at the time of the decision of Wicklow County Council, however it is now expired. I note that the subject lands were

zoned 'Community & Education' with the objective 'to provide for civic, community and educational facilities' within the now expired LAP.

5.2. Wicklow County Development Plan 2022-2028

The Wicklow County Development Plan 2022-2028 (CDP) which came into effect 23 October 2022 is the operative Development Plan for the county. This plan provides the policy framework, objectives and development standards for the County in its entirety (including Bray). Bray is identified as a Level 1 settlement (Metropolitan Area /Key Town) within the Settlement Strategy for the county, which is contained within Chapter 3 of the plan.

5.2.1. Relevant designations contained within the CDP include:

A Tree Preservation Order (Ref. Number TPO B6) and other adjoining tree stands as shown within Map No. 17.05B entitled 'Trees and Woodlands with Existing Preservation Orders in Bray' are sited within the delineated site boundary.

A Protected view (Ref. No. BTC14) from Fiddler Bridge on Bray Head of Loreto Convent and the spire of Christ Church is listed in the plan.

5.2.2. The relevant chapters and policy objectives in the assessment of this case are:

Chapter 7 (Social and Community Development), Chapter 8 (Built Heritage), Chapter 12 (Sustainable Transportation) and Chapter 17 (Natural Heritage and Biodiversity).

Transport & Parking

CPO 7.11 (accessibility - pedestrian, cycle and public transport friendly locations).

CPO 12.13 (facilitate pedestrian and cycle linkages/ improve permeability and provide shorter, more direct routes to schools, public transport, local services and amenities..).

CPO 16.31: EV charging points in new non-residential buildings with more than 10 parking spaces within its property boundary requires the installation of at least 1 recharging point and ducting infrastructure for at least 1 in 5 parking spaces and CPO 16.27 (Reduce the demand for vehicular travel and journey lengths).

Volume 3, Appendix 1: Development and Design Standards

Table 2.3 Car Parking standards including - School (secondary) requires 2 spaces per classroom (maximum in this case).

Natural Heritage:

CPO 17.4 (Protection of designated ecological sites and compliance with relevant EU Environmental Directives and applicable national legislation, policies, plans and guidelines....).

Protection of Trees & Protected View(s):

CPO 17.18 & CPO 17.22 (preservation and enhancement of trees, groups of trees)

CPO17.20 & CPO17.21: (felling of mature trees of environmental/amenity value)

CPO 17.38: (protect listed views and prospects).

Noise

CPO 15.14 To regulate and control activities likely to give rise to excessive noise (other than those activities which are regulated by the EPA).

CPO 15.15 To require proposals for new developments with the potential to create excessive noise to prepare a construction and/or operation management plans to control such emissions.

CPO 15.16 To require activities likely to give rise to excessive noise to install noise mitigation measures to undertake noise monitoring and to provide an annual monitoring audit.

Light Pollution

CPO 15.17 To ensure that all external lighting whether free standing or attached to a building shall be designed and constructed so as not to cause excessive light spillage, glare, or dazzle motorists, and thereby limiting light pollution into the surrounding environment and protecting the amenities of nearby properties, traffic and wildlife.

CPO 15.18 To require proposals for new developments with the potential to create light pollution or light impacts on adjacent residences to mitigate impacts, in accordance with the Development & Design Standards set out in this plan.

CPO 15.19 To promote the use of low energy LED (or equivalent) lighting.

5.3. Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES)

It is a key principle of the strategy to promote people's quality of life through the creation of healthy and attractive places to live, work, visit and study in. The RSES identifies Bray as a 'key town' in the Eastern and Midland region.

Regional Policy Objective 9.14: Local authorities shall seek to support the planned provision of easily accessible social, community, cultural and recreational facilities and ensure that all communities have access to a range of facilities that meet the needs of the communities they serve.

5.4. National Planning Framework

The National Planning Framework outlines that strategic planning of, and investment in education is central in reinforcing the delivery of sustainable communities, promoting inclusion and offering choice and accessibility to a high standard of education and employment.

National Strategic Outcome 10: ... Provide additional investment in the schools sector to keep pace with demographic demand and to manage increasing building and site costs so that new and refurbished schools on well located sites within or close to existing built-up areas, can meet demographic growth and the diverse needs of local populations.

5.5. National Guidelines

The Provision of Schools & the Planning System - A code of Practice for Planning Authorities, the Department of Education & Science and the Department of the Environment, Heritage and Local Government (July 2008).

5.6. Natural Heritage Designations

The site is not located on or within proximity to any designated Natura 2000 site(s) or Natural Heritage Area/pNHA. The nearest designated sites are Bray Head SAC

(000714) and pNHA, located approximately 800m southeast of the appeal site and Ballyman Glen SAC (000713), located approximately 2.3km NW of the site.

5.7. EIA Screening

See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, or an EIA determination therefore is not required.

6.0 The Appeal (Third Party)

1 Third-Party appeal, from Ms. Edel Collins (an adjoining resident) has been received in relation to the PA's decision to grant permission. I note that the third-party submission made to the PA at application stage was made by Ms. Edel Collins, acting in her capacity as a point of contact for the residents of Sans Souci Wood at the time of application, however, the appeal submission is made on Ms. Collins' own behalf. I also note that a number of additional concerns have been raised within the appeal which were not raised at application stage. A summary of the grounds submitted within the appeal submission is provided below.

6.1. Grounds of Appeal

- Overlooking and loss of privacy to adjoining residents, overshadowing of open space area that adjoins the site and sunlight requirements are not addressed.
- The orientation & design of the school building is inappropriate.
- The development should not be permitted until a new Bray LAP is in place, as the current plan is due to expire.
- Sustainable transport objectives in the LAP are likely to be incongruent with those in the CDP, given its adoption date.
- Bat Survey submitted is out-of-date and therefore invalid, with concerns compounded given that bats were recorded in the survey.

- The AA Screening assessment submitted is insufficient, an Environmental Impact Assessment is required and other environmental reports including a Natura Impact Statement, Ecological Report and a more recent Biodiversity Action Plan are considered necessary.
- Procedural matters are raised on the validity of Site Notice(s), further information process, anomalies contained within the various documentation and drawings submitted. The Mobility Management Plan, Traffic & Transport Assessment and details provided on proposed tree removal are considered to be insufficient.
- Further impacts to adjoining residential amenity due to car parking (insufficient), heat pumps (noise), luminaires (light pollution) and lack of details on CCTV location.
- Elements of the proposal are not fully compliant with Technical Guidance Documents, General Design Guidelines for Schools and BRE 'Site Layout Planning for Daylight and Sunlight' guidelines.
- Other issues raised on drainage, surface treatment for "shared road" and on mitigation measure set out in the archaeology desktop assessment.

6.2. Applicant Response

- A validity issue is raised on the submitted appeal.
- The status of the Bray LAP 2018-2024 at the time of decision is confirmed.
- Reference is made to separation distances in regard to visual impact on adjoining residents.
- The orientation and design of school building meets particular classroom needs and students gain access to varying sources of light throughout the day.
- There is no overlooking issue due to the configuration of adjoining residences and separation distances provided with school building.
- There is no requirement for a full Daylight and Sunlight Report
- Concerns on overshadowing of an adjoining strip of open space should be dismissed for a number of stated reasons.
- An increase in the quantum of car parking would be acceptable to the applicant.

- The Mobility Management Plan primarily targets behavioural changes for student travel and the challenges in staff utilising alternative modes of transport are outlined.
- Clarity provided on proposed on-site drainage, which was accepted by the PA.
- Clarity provided on documentation already submitted in regard to tree removal and the extent of felling works, planting proposals, and that no alteration to drainage capacity or potential for flood risk will occur.
- Details on LED luminaires and 'out of hours area' (southern side of the school) are provided and a suggested condition to further control the direction of light is put forward.
- The status of Department of Education & Skills technical guidance documents is stated as being guidance only and it is confirmed that the Department were in approval of the design at Stage 1/Stage 2a approval stage.
- Details on heat pumps and confirmation on the treatment of access road to the heat pumps is provided.
- The pre-construction phase mitigation measure on archaeology is a standard measure.
- Reference to a delay in the submission of the application due to Covid-19 pandemic is made in addressing the matter raised on the timeframe of assessments/surveys provided. An additional Bat Survey can be carried out under a Section 131/132, if deemed necessary.
- There is no requirement for a Natura Impact Statement. Clarity is given on the consideration of cumulative effects and on the AA Screening report undertaken.
- The requirement for EclA and EIA are dismissed based on statutory and policy requirements.
- Clarity is provided on procedural issues/issues raised.

6.3. Planning Authority Response

None Received.

7.0 Assessment

7.1. Context

7.1.1 The Bray Municipal District Local Area Plan 2018 - 2024 was effective at the time of decision by the PA on this application (6 March 2024), however it has since expired. I note that the statutory process in the review of the LAP has not yet commenced. The Wicklow County Development Plan 2022-2028 (CDP) which came into effect 23 October 2022 is the operative Development Plan for the county in its entirety, including Bray. It is therefore the relevant plan in the assessment of this case.

Chapter 7 of the CDP sets out that the Council will endeavour to facilitate the provision of the best possible educational facilities, on suitably zoned lands, in conjunction with government departments. The site was previously zoned 'Community & Education' under the Bray LAP (now expired), supporting a continuance of its suitability for said use. The proposal will provide for the redevelopment of a school on an established educational site. I further note that the principle of the demolition of existing school buildings is not disputed by any party. I am therefore satisfied that the proposal is acceptable in principle, subject to compliance with normal planning considerations, including design and environmental considerations. In this context and given the statutory provisions of the CDP, I do not concur with the appellant regarding the prematurity of the proposed development, pending the formulation and implementation of a new LAP.

7.1.2 Having examined the application details and all other documentation on file, including the submissions received in relation to this third-party appeal, the report of the local authority, having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this third-party appeal to be considered are as follows:

- Design & Layout
- Residential Amenities
- Transport & Parking
- Drainage
- Ecology
- Archaeology
- Procedural Matters

7.2. Design & Layout

7.2.1 Visual Impact & Character of Area

In considering the concerns raised on the appropriateness of the overall design approach and siting of the new school building, I note that an accompanying Design Statement Report, prepared by appointed architects, provides the design rationale in the context of the site's overall configuration and its surroundings.

In the outset, whilst I do not consider that the proposed development is required to replicate the scale and massing of adjoining development in this built area, I submit that it must comply with normal planning standards and respond in a positive and proportionate way to the receiving context through site responsive design. In this context, while I accept that there will be a change of outlook from adjoining residences in Sans Souci Wood (i.e. numbers 1-16), I do not consider that it will unduly impact on the visual amenity or character of the area for a number of reasons.

Firstly, I acknowledge that the proposed school building is significantly larger in terms of scale, height and massing relative to the existing established structures on this site. However, I consider that its northern elevation provides a simple, contemporary design approach in split level 3-storey form, with a complementary mix of external finishes, setback a minimum distance of 11.6m from northern boundary wall (to remain in-situ) which collectively, provide for its effective integration, such that it will not visually overbear the adjoining street and associated houses within San Souci Wood. The site contours along the northern extent associated with the footprint of the new school building show a level difference of approximately 3.5m, which falls in an easterly direction. These contours, as shown, are consistent with the adjoining lands to the north (Sans Souci Wood). Given the site levels proposed and the separation distance between the proposed school and adjoining residents, there would be no loss of residential amenity due to site levels.

Secondly, in terms of site context, I note that a minimum of 23m separation distance exists between the footprint of the nearest adjoining house in Sans Souci Wood and the party boundary with the subject site. The adjoining street serving Sans Souci Wood

is aligned on both sides with grass verges, street trees and footpaths. The proposed development will not encroach upon this public domain, which in my view, would provide an appropriate buffer area between the school lands and adjoining houses along the northern side of the street.

Thirdly, the northern boundary wall and established street trees along the neighbouring side provides sufficient screening and visually enhances the existing streetscape. The applicant proposes to undertake additional tree planting on the inner face of the boundary wall which, in my view, will provide further screening of the school building from adjoining residents and further enhance its setting and visual attractiveness, in this urban area.

Furthermore, in regard to the proposed development's frontage onto Vevay Road, I am of the view that the proposed new school building, will provide a strong urban edge along the eastern side of Vevay Road, in an area where the built environment is otherwise comprised of a mix of uses with a varied building line.

The streetscape is not protected in conservation terms. In examining the photomontages submitted at further information stage, I am satisfied that the proposal will not obstruct or form an obtrusive or incongruous feature in the protected view area (Ref. No. 14) which extends across from Fiddlers Bridge, and I note that this matter is not refuted by any party. In regard to the siting and design of the proposed development, within the curtilage of protected structures (convent buildings), I submit that an Architectural Heritage Impact Assessment Report accompanies this application. The proposed development is contained within an established educational campus which was subdivided into different uses over the years (including – convent building now in residential use, Bray hockey club and local social day care services). The proposed development provides a separation distance of 16m between the footprint of the new school building and the adjoining protected structures, and its general layout contained within the northern and NW area of the site, holds an alignment with the convent building. The proposal will improve upon the existing vista achieved within the site. It will also reinstate an historical pathway onto Loreto Grove. Having examined the plans and particulars submitted, I am of the view that the

proposed development is sympathetic to the character and setting of the protected structures which lie immediately east of the proposed school building.

In light of the above, it is my view that the proposed design approach in this case, within an urban area, is satisfactory. The proposed development will transform the established school lands and contribute to the overall streetscape over and above that which currently exists along Vevay Road and Sans Souci Wood, at this location, and will not detract from the visual amenity of the area.

7.2.2 Orientation and Layout

The orientation of the school building is informed by the site's irregular shape and configuration, with dual frontage, in an urban area. I submit that the north facing orientation of the main block of the proposed school building does not conflict with Department of Education technical guidance documents and does not conflict with any policy or standards set out within the Development Plan. While I acknowledge the advantages generally attributed to a southern aspect in terms of natural light and heat provision, I wish to highlight that a southern aspect can give rise to other issues within a school environment in terms of glare and over-heating, where high ICT is relevant to individual classroom settings. I further accept the applicant's argument regarding typical student's class intervals/classroom changes throughout the school day and associated access to varying levels of light throughout the school day. It is clear, that the proposed design and layout is informed by, and in response to a number of site challenges in terms of its topography, existing building context and architectural heritage and in this regard, I see no reason to raise concern regarding the orientation as proposed which in my view is satisfactory.

The appellant highlights that the layout of individual elements of the proposed development, most notably the layout of the stores, plant room and physical education hall are also not in full compliance with DoE technical guidance documents. I submit that these guidelines are relevant to all post-primary construction projects funded in part or in total by the DoE and I note that the applicant confirms that the proposed school development has received approval from the DoE at Stage 1/Stage 2a approval stage. Given this, and that the design and layout overall, and in respect of these

individual elements which form part of the proposed development do not conflict with any policies or standards contained within the County Development Plan, I consider that the proposed development is satisfactory and that the matter raised regarding compliance with the relevant technical guidance documents does not warrant refusal on its own.

7.3. Residential Amenity

In examining the design and layout proposed and the grounds of appeal, I am satisfied that the issue of potential impacts on residential amenity pertains solely to Sans Souci Wood which is a low-density development comprising 2-storey semi-detached housing, north of the subject site.

7.3.1 Overlooking/Loss of Privacy

The concerns raised are primarily premised on the proximity of the proposed school building and its overall design, scale, height, levels and nature of use (including specific internal uses/activities) relative to the adjoining two-storey houses in Sans Souci Wood. Whilst I also note the appellant's concerns in regard to anomalies shown within documentation submitted, particularly in relation to stated separation distance(s) between the school building and Sans Souci Wood, I submit that my assessment is based on the details provided within the submitted planning drawings. In this regard, I do not consider that the anomalies contained within accompanying documentation are material such that they would warrant refusal on their own and I am satisfied that the information provided is sufficient to allow for a full assessment of this case. The proposed development does not breach any statutory guidelines or standards within the Development Plan on overlooking. The Compact Guidelines (2024) outline that separation distances should be determined based on considerations of privacy and amenity, informed by the layout, design and site characteristics of the specific proposed development (Section 5.3.1). In this context, while I can appreciate the perception of overlooking, given the siting and extent of fenestration proposed along the northern elevation of the school building, I am of the view that no overlooking issue on habitable rooms or private amenity space(s) will arise. I note that the separation distances between the proposed school building and

adjoining houses along Sans Souci Wood range between 36m and 40m, as clearly shown within figure 3.1. of the applicant's submission in response to this appeal.

The linear pattern and orientation of existing houses which adjoin the site is such that they face south, towards the northern elevation of the proposed school building. Therefore, the proposal by virtue of its siting, on lands which lie on an adjoining site and opposite these houses, which is typical to an urban setting, will not give rise to overlooking of private gardens (located to the rear of these houses). I wish to also highlight that the configuration of the front gardens of these properties does not constitute private amenity space, in terms of planning, and I note the extent to which these open garden spaces are already passively overlooked given their layout, with no front boundary treatment along the public footpath/roadside.

In regard to potential overlooking of habitable rooms, I am satisfied that sufficient separation distance would be achieved (in excess of 35 metres) between opposing windows on the school building and the first-floor windows of adjoining residences so as to prevent any overlooking. I also note to the Board that the incorporation of planting (existing and proposed trees) along both sides of the party boundary will provide sufficient screening and further enhance the protection of residential amenities and that the line of sight into the school building from adjoining residences is such that it would not negatively impact on teachers/students within the school environment.

In regard to concerns expressed regarding the location of CCTV and its potential impact(s) on the privacy of residents, I note that CCTV is not included within the development description of the public notices and in my view, this matter lies outside of this appeal process.

7.3.2 Overshadowing

The matter of overshadowing raised by the appellant relates solely to a linear strip of public open space within Sans Souci Wood which adjoins the site's northern boundary. In examining the matter, I submit that the purpose of this space is not to accommodate the functional needs of residents in terms of being a usable public open space (POS), but rather, it provides a passive buffer space along the adjoining road. I note that the POS area within this adjoining estate is at a distance removed, to the NE of the proposed development and therefore, given its siting, that no overshadowing will occur. Also, I acknowledge and generally accept that in an urban context and in accordance with guidelines, it must be borne in mind that nearly all structures will create areas of new shadow, and some degree of transient overshadowing of a space is to be expected. In this regard and in noting the extent of overshadowing that will result from the proposed development onto an adjoining linear buffer space, as detailed within Sun Shadow Path Analysis which accompanies this application, I am satisfied that perceived impacts (if any) due to overshadowing will remain at imperceptible on adjoining residential amenities.

7.3.3 Daylight/Sunlight

Whilst Section 3.2.7 of Appendix 1, Development & Design Standards of the CDP refers that layouts shall ensure adequate sunlight and daylight, in accordance with "Site layout planning for daylight and sunlight: a guide to best practice", (BRE 1991), I note that the CDP does not contain a specific policy or standard in relation to the undertaking of a detailed technical assessment on daylight performance. The Compact Guidelines (2024) are implicit in stating that such an assessment is not required in all cases and that a level of discretion may apply in this regard.

I have considered the content of the plans and particulars submitted in relation to both the potential for poor daylight performance in the case of the internal layout of the school building and in regard to potential impact(s) on neighbouring property within Sans Souci Wood. I also note the appellant's concern regarding discrepancies in relation to the actual proposed separation distance between the school building and adjoining residents in terms of the separation distance stated within the Sun Shadow Path Analysis (Sept. 2023) submitted with this application. Whilst not reliant on the

content of the Sun Shadow Path Analysis submitted, I am of the view that there is good separation distance in all cases, with the closest established dwelling house on adjoining lands a distance more than 35 metres from the proposed school building. Therefore, given the height of the proposed development and the extent of separation distance from adjacent two-storey residential development in Sans Souci Wood, I am satisfied that the need to undertake a detailed technical assessment in relation to daylight performance is not required in this instance. I concur with the applicant that acceptable levels of daylight provision will continue to be obtained within adjoining residences, and that undue impact therefore will not arise.

7.3.4 Light Pollution

The matter of light pollution is raised within the appeal in the context of adjoining residential amenities. In my view, it is reasonable to accept that a level of lighting is necessary and permissible on this urban site. Similarly, existing street lighting is established along the access road within Sans Souci Wood. The PA sought to address outstanding matters of detail in respect of lighting by way of condition, notably - that all external lighting shall comply with the Guidance Notes for the Reduction of Light Pollution: Institute of Lighting Engineers 2000 and that confirmation details be provided to the PA's approval. I also note that the applicant in their response to this appeal suggests that they would be acceptable to a further condition which requires the installation of cowls to further control the direction of light. Given the location of the proposed development, within the built area of Bray and the proposed inclusion of LED luminaires which are of a warm luminance, and in noting that any 'out of hours' activity is to be carried out within the southern side of the school building, I am generally satisfied that the proposal will not unduly impact on the residential amenities of adjoining residences due to light pollution. Should the Board be minded to grant permission, I suggest that a condition be attached which clearly states that all external lighting be directed (and cowled) onto the school site and away from adjacent housing and roads so as to reduce, as far as possible, the light scatter over adjacent houses and roads.

7.3.5 Noise

The appellant's expressed concerns relate specifically to noise impact associated with proposed heat pumps. Based on the information provided, I am generally satisfied that the siting of the heat pumps shown has been appropriately justified. In examining the matter of noise impact, I submit there are no national mandatory noise limits relating to development projects. Most environmental noise guidance documents issued across Europe derive limits from guidance issued by the World Health Organisation (WHO). The time, place, nature of the sound and people affected by noise generated, requires consideration in determining likely impacts as a result of environmental noise. In this context and in assessing the development proposed, it is relevant to note that the local noise environment in this case is urban in character with the predominant noise source being road traffic predominantly on Vevay Road, and student activity within the subject site. The results of an assessment of the external ambient noise environment carried out at the site and during the school term identified that noise levels were typically of the order of 50 dB LAeq,30min at a central point along the northern boundary of the site. The noise levels generated from the proposed air/water heat pumps do not exceed 60 LwA [dB(A)], based on data contained within Test Report 39-11586 A/H/2. Given the location of the proposed heat pumps within an acoustic enclosure, that a separation distance in excess of 23m would be achieved (being the distance between the northern boundary and the nearest house(s) to the site) and that a solid barrier adjoins the northern boundary, I am satisfied that the proposal would be below the threshold of 55dB L_{den} and 45 dB L_{night} and that night levels would be achieved and that therefore, the residential amenities of adjoining properties within Sans Souci Wood would not be unduly impacted.

Separately, in terms of noise at demolition & construction stage, which is short-term & temporary, I am satisfied that this matter can be managed through the implementation of a Construction Environmental Management Plan (CEMP) in the normal manner.

Overall, given the nature and scale of the development proposed, the findings of Technical Note - Assessment of Noise Intrusion and that noise impact at construction stage can be satisfactorily addressed within a CEMP, I do not consider that condition 14 which sets out parameters on noise levels arising from this development as attached by the PA in its decision to grant permission is warranted.

7.3.6 Access Road

Whilst the appellant in its submission outlines that a conflict exists in detail provided within various plans submitted on the surfacing of access road serving heat pumps, I note that the applicant confirms in their response to the appeal that an open cellular permeable surface finish will be employed, which in my view is appropriate.

7.4. Transport & Parking

7.4.1 Transport

The matters of concern in relation to transport relate to the sufficiency of the documentation provided with this application, in particular the adequacy of the Traffic and Transport Assessment and the adequacy of the Mobility Management Plan. In the outset, I note that the proposed redevelopment of this school site would increase capacity from 840 pupils to 1,000 pupils.

There is a desirability that the siting of a school be within a serviced urban site. Furthermore, I wish to highlight that a modal shift from the private car to more sustainable modes of transport is sought at national, regional and local level. It is adopted policy in the CDP to reduce the demand for vehicular travel and journey lengths through coordinated land-use and transport planning (CPO 16.27) and to facilitate the implementation of local projects which support pedestrian and cyclist permeability, safety and access to schools and public transport (CPO 12.14). Accordingly, and given the scale of the proposed development and projected increased pupil numbers on this established school site, coupled with the emphasis in promoting a modal shift to more sustainable travel modes, I consider that any shortfalls in the TTA submitted would not warrant refusal on their own and I am satisfied that sufficient details are provided to facilitate a full assessment of the proposed development.

In regard to the traffic counts used within the Traffic & Transport Assessment submitted, I acknowledge that the Covid-19 pandemic and associated travel restrictions is the reason that representative 2020 traffic counts could not be obtained at the school junction and that traffic count data obtained in 2018 used to assess the

background traffic flows in the surrounding road network was considered acceptable to the PA. I see no reason to dispute this.

The applicant in their response to the appeal submission regarding the contention that the Mobility Management Plan (MMP) is insufficient provides clarity in regard to staff numbers and outlines that the majority of staff are reliant on the private car as a mode of transport. The MMP states that the majority of students live within cycling or walking distance of the school or within 1km of a bus service and outlines that active travel should be encouraged by suitable school policy, whenever possible. I am generally satisfied that the data obtained from the MMP and applicant's response to the appeal submission is relevant to identifying key areas where alternative, more sustainable modes of transport can be encouraged, and I am therefore satisfied that these details are sufficient in informing the assessment of this application.

Overall, I note from the content of the PA's Planner's Report that the applicant sought to engage with the Local Authority in regard to a "planned future travel plan" for Vevay Road, however there is no certainty given in regard to the progress or status of this proposed plan. I acknowledge that the proposed development may result in additional traffic movements on the surrounding road network, however, owing to its urban location, the findings of the Road Safety Audit (Stage 1 / Stage 2) and Traffic and Transport Assessment submitted, which indicates that all arms of the school junction onto Vevay Road will operate at less than 50% of available capacity in 2037 with the traffic associated with the redeveloped 1,000-pupil school added, I consider that there is capacity in the road network to accommodate the additional traffic movements associated with the redevelopment of this site. Further to this, given the location of this site, the incorporation of significant cycle parking and pedestrian connectivity within this proposed development, with existing, established cycle and pedestrian connectivity in the immediate area and subject to car parking being consistent with the standard set out within the Development Plan, I am generally satisfied that the proposal is consistent with adopted policy in regard to promoting a modal shift from the private car to more sustainable modes. The focus, therefore, in my view, should be on prioritising sustainable travel modes as opposed to accommodating demands for the private car.

7.4.2 Car Parking

In regard to the quantum of car parking proposed, I note that conflicting numbers are provided within various documentation submitted and that parking within the proposed set down area is not included within the overall parking figures stated within the public notices. It appears that a proposal was sought for 88 car spaces along with provision for an additional 20 spaces within set down area. The PA approved permission on the condition that a maximum of 77(no) car parking spaces be provided on this site (including the standard car parking spaces and the set down parking area) which appears to be based on existing on-site car parking provision, and that proposed by the applicant in response to the PA's request for further information. The appellant is concerned that insufficient car parking is provided and that it will have a negative impact on adjoining residents, and I note that the applicant in their response to the appeal submission is agreeable to an increase in parking, if approved by the Board. The development management standard set out within Table 2.3; Appendix 1 of the CDP sets out that a maximum of 2 car parking spaces per classroom be provided for a secondary school at this location.

The applicant in responding to the PA's request for further information provides a breakdown on the number of classrooms within the proposed school as follows: 43 total classrooms (39 + 4 SEN Unit). In applying the standard, I consider that the maximum number of spaces permissible in this case is 86 (no) car spaces. The car parking proposed on this site following a response to further information sought, is below the maximum permissible, when the set down parking area is excluded. Whilst I note the current staff demand for parking, I wish to reiterate that adopted policy at national, regional and local level aims to prioritise and support a modal shift from the private car to more sustainable travel modes, through various measures including demand management and behavioural change measures. On a wider level, the proposed development would fulfil and promote many objectives espoused in the National Planning Framework in the developing of a site within an existing built-up area, and encourage more sustainable transportation patterns through walking, cycling and use of public transport as opposed to the private car. Therefore, and given that this site is served by public transport and cycle and pedestrian connectivity in this urban area, I consider that the PA has appropriately applied the car parking standard

set out within the CDP and I see no reason to dispute the number of spaces to be provided (i.e. 77 spaces). I suggest that a condition be attached which requires that a revised site plan be provided which clearly demonstrates the provision of 77(no) car spaces on this site in total, in the event that the Board is minded to grant permission.

7.5. Drainage

The appellant raises poor on-site drainage as an issue; however, I note that no evidence has been provided to support this contention. I see no reason to dispute the content of the documentation submitted as set out within Section 3.0 of the HHP Planning Report and Drawing No. 19KK036-C-020 and note that the design of the stormwater attenuation and SuDs are not reliant on any discharge at source. I note that the volume of storage tanks are consistent with the Greater Dublin Strategic Dublin Study and I am satisfied that the attenuation of the new car parking area will provide a reduction on existing peak flows to the existing stormwater drainage network. In light of this, it is my view that the proposed drainage measures will improve upon existing measures serving this site and I am satisfied that there are no outstanding matters in regard to on-site drainage.

7.6. Ecology

- 7.6.1. Whilst the appellant contends that an Ecological Report should have been provided given the size of the site, I submit that there is no statutory requirement requiring the undertaking of an EcIA. I note that it is the policy of Wicklow County Council that an EcIA be carried out where the proposed development is likely to have a significant impact on locally important natural habitats, species or wildlife corridors (CPO 17.12). I also note that a Biodiversity Action Plan (updated at further information stage) is attached to this application.

In my view, there will be no significant loss of local biodiversity or ecological devaluation in this case. The site is not located within a designated European Site or Natural Heritage Area. The extent of construction works would be predominantly contained within an area classified as buildings and artificial surfaces (BL3, Fossitt). The parkland area and perimeter wall and hedging will be largely retained and the

development incorporates a number of measures to increase biodiversity as set out in the accompanying Biodiversity Action Plan for this site (Rep-A-022).

7.6.2. In regard to the removal of trees and the extent of tree loss, I am satisfied that the revised Arboricultural Assessment (Jan 2024) and Landscape Plan show that all trees with a TPO will be retained and protected, with 8(no) trees out of 61 trees surveyed proposed to be felled to accommodate the development. The survey submitted classifies the trees for removal as being either required to be removed due to their condition or of grade C 'low quality', with one tree of moderate quality. It is my view that their removal is justified so as to facilitate the efficient use of this serviced site and will not have a significant impact on the environment. I also note that additional tree planting is also proposed within the site as part of this development.

7.6.3. The appellant is concerned that the Bat Survey which accompanies this application is invalid as it was carried out in 2021, with further concerns expressed given the presence of bats on this site. I note in the outset to the Board, that the matter was not raised within the third-party submission at application stage, and I also note that the PA in its assessment raised no issue in regard to potential impacts on bats.

I submit that I have examined the content of the Bat Survey undertaken by a suitably qualified person and the findings and mitigation measures proposed, as set out within report entitled 'An Evaluation of the Potential Impacts of the Proposed Construction at Loreto, Bray, Co. Wicklow on the local bat fauna'.

The survey found that there were no bat roosts within the buildings and trees which are the subject of this application and that there were low levels of bat activity (feeding and commuting) within this site.

All bats are protected species under national and EU legislation.

There is no evidence provided to support the case that the proposed development will negatively impact on bat species. Furthermore, there is a separate process which the applicant is required to undertake with the NPWS which requires that a derogation license be issued, should any change in circumstance arise in relation to bat roosting on this site or where any works undertaken would capture or kill, or disturb bats at important parts of their life cycle.

I also note that the applicant proposes to carry out mitigation measures at demolition stage (i.e. removal of fascia by hand) and operational stage (i.e. lighting control measures and planting regime) so as to mitigate any potential impact on bats, as stated within the submitted report, notwithstanding the findings that there is no roosting activity within the site. The Preliminary Construction Management Plan (in particular Section 1.4) however makes no reference to this and the need for the inclusion of measures in the protection of bats (or any wildlife) at demolition and construction stage. In my opinion, given the information available, I consider that this matter requires redress in the interest of clarity and in ensuring the protection of bats in advance of demolition and construction works. I consider that this matter can be satisfactorily addressed by way of condition in the event that the Board is of a view to grant permission. I suggest that such a condition should outline that a Construction Environmental Management Plan be undertaken, incorporating necessary details (including the mitigation measures in the protection of bats) for the PA's approval, prior to the commencement of any works on this site.

In examining the expressed concern of the appellant in regard to the submitted survey being invalid as it was carried out in 2021, I submit that I am satisfied that an appropriate methodology was employed and that the survey was undertaken by a suitably qualified person. The findings of this survey are robust and there is no evidence to contradict these findings. No change has been carried out to the site and its existing structures since the survey was undertaken which would be considered likely to give rise to any significant change in circumstances and I am satisfied that appropriate mitigation measures are incorporated into the proposed development.

In light of the above, and subject to the appropriate implementation of mitigation measures as stated, it is my view that the proposed development would not have a negative impact on bat species and there is no likelihood of significant effects on the environment.

- 7.6.4. Overall, I am satisfied that the proposal will not result in any loss of local biodiversity or ecological devaluation which may arise and will positively contribute to the efficacy of the wider ecological network at this location.

7.7. Archaeology

I have reviewed an issue raised regarding pre-construction phase mitigation measures on archaeology. I submit that having reviewed the National Monuments Service Sites and Monuments Record (SMR) along with the Archaeological Desktop Assessment (2020) which accompanies this application, that the subject site contains no known archaeological monument. The nearest RMP site is located approx. 300m west of this site (WI004-001008 - font). I am therefore satisfied that the proposed development will not directly impact any known archaeological site(s) and I acknowledge that as the development works will be substantially contained within an area which has already been extensively development, that no archaeological impacts are envisaged. In this regard, it is my view that the standard condition attached by the PA to its decision is generally acceptable so as to address any potential impact(s) arising from unknown subsurface archaeology, in accordance with policy guidelines and statutory provisions for the protection of archaeology. I suggest that a similarly worded condition be attached should the Board be of a view to grant permission.

7.8. Procedural Matters

A number of issues were raised in the third-party appeal with respect to procedural matters.

- 7.8.1. I wish to firstly highlight that the application submitted was validated by Wicklow County Council and note that the Planner's Report indicates that the Site Notice(s) were erected in accordance with legislative requirements.

In reviewing the plans and particulars submitted in accordance with the content of the public notices, I note that conflicts exist in respect of the submitted details. The description of development in the public notices refers to the proposed demolition of the Pacelli Building, which is sited in close proximity to the convent building. However, I note that this building lies outside of the delineated redline boundary. All documentation which accompanies the application, including the AHIA and proposed site layout map is clear in denoting that the Pacelli Building will remain on the convent site. Separately, I note that an established linked structure which connects St. Joseph's Building to the convent building (protected structure) lies outside of the delineated redline boundary. The proposed 'removal of the link to the convent' is

included within the public notices. The link structure is shown on Proposed Site Layout as being demolished. I note that this single storey link structure abuts a 3-storey extension (date unknown) which accommodates a fire escape staircase to the west gable of the Convent Building (protected structure). I am satisfied that no third party was inhibited from participation in the process due to said issue in regard to works outside of redline boundary. For the purposes of clarity, I suggest that a condition be attached which provides certainty that the permission granted pertains solely to works proposed within the delineated red line boundary, should the Board be minded to grant permission. I am satisfied that this suggested condition is viable and can be applied without compromising the development.

- 7.8.2. The PA attached a pre-commencement condition which requires that all boundary treatment be agreed for the entire development. The applicant in their response to the further information request stated that all existing boundary treatment would be retained. In my view, given the site's characteristics and challenges associated with this site, should any deviation to the existing boundary treatment be sought, it should be subject to a separate planning application. I therefore consider that the PA's inclusion of condition 11 is not relevant and should not be included in any grant of permission.
- 7.8.3. Whilst there are some anomalies contained within the documentation submitted, I am satisfied that the applicant has satisfactorily addressed the required points of detail and I note to the Board, that I have addressed these anomalies where I have considered it pertinent to the assessment of this case, within the relevant section(s) of this report. Furthermore, I also note that whilst a referenced delay in the making of this application resulted in the submission of some surveys undertaken in 2021, I am generally satisfied that the surveys submitted, and accompanying documentation is sufficient in facilitating a full assessment of the proposed development.
- 7.8.4. I wish to highlight that the determining of significant further information, requiring further public notice is a matter for the PA at application stage. Therefore, it is my view that this matter, as raised by the appellant falls outside of the Board's remit in deciding this application.
- 7.8.5. Given the findings of an Architectural Heritage Impact Assessment Report in regard to the development proposed and in noting the design and siting of the eastern wing

of the new school building, setback a distance in excess of 16m from the convent gable wall (protected structure) and that all trees of significance within the site's parkland area and setting of the protected structure will be retained as detailed within the updated Arboricultural Assessment (Jan. 2024) submitted, I am satisfied that no works are proposed or will be carried out to Conservatory and Loreto Convent, and Loreto Convent (Main Building), being the adjoining structures which are included on the Council's register of protected structures. However, given that the proposed development is within the curtilage of these protected structures, I am of the view that a similarly worded condition to Condition 14 which was attached by the PA in its decision to grant and which requires the supervision of works by a suitably qualified professional with specialist conservation expertise should be attached to any grant of permission.

- 7.8.6. I note to the Board that the appellant contends that this site is within the "business district" of Bray and accordingly due to its site area and location, that an EIA is required. However, I do not concur with the appellant's contention, and I refer the Board to completed Form 1 (EIA Pre-Screening) and Form 2 (EIA Preliminary Examination) on file and the assessment therein in relation to this matter.
- 7.8.7. In regard to matters raised on Appropriate Assessment, I note that the issues raised relate to the proximity of this site to Bray Head SAC & Ballyman Glen SAC, the presence of asbestos within existing buildings, that the proposal fails to fully consider the in-combination effects given existing & permitted development which lies in the vicinity of the proposed development and that the AA Screening Report (March 2021) is out-of-date. In examining the matters raised in the context of the conservation objectives attached to Bray Head SAC & Ballyman Glen SAC and given the siting and separation distances of the proposed development to these European sites and on serviced lands, I do not concur with the applicant that a Natura Impact Statement is required. In my view, the information provided by the applicant along with publicly available information in relation to the European sites, provides a sufficient level of objective scientific information to allow the Board, being the competent authority, to make its determination on screening for Appropriate Assessment. I refer the Board to Section 8 of this report below.

This assessment represents my de novo consideration of all planning issues material to the proposed development.

- 7.8.8. Wicklow County Council's Development Contribution Scheme (updated 2021) provides an exemption on contributions in this case, as per Table 5.1 – facilities provided by organisations which are considered exempt from planning fees as outlined in Art. 157 (1)(a) - (c) of the Planning and Development Regulations 2001 (as amended).

8.0 AA Screening Determination

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Nature of works - Demolition of school buildings and construction of new school and associated works
- Location - Distance from nearest European site and lack of connections. [This is an established, serviced site within an urban area and is located c.800m from the nearest European site].
- Taking into account screening determination by the PA.

[Refer: Template 2 Screening the need for Appropriate Assessment Finding of no likely significant effects report form attached to this assessment].

9.0 Recommendation

It is recommended that permission be granted subject to conditions.

10.0 Reasons and Considerations

Having regard to the provisions of the Wicklow County Development Plan 2022-2028, and in particular to policy objective CPO 17.1 'to protect, sustainably manage and enhance the natural heritage, biodiversity, geological heritage, landscape and environment of County Wicklow in recognition of its importance for nature conservation and biodiversity and as a non-renewable resource' and CPO 16.27 which seeks 'to reduce the demand for vehicular travel and journey lengths through coordinated land-use and transport planning', and to the nature, scale, siting and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely affect the residential or visual amenities of the area, or detract from the setting of a protected structure nor would it give rise to the creation of a traffic hazard in the vicinity and would not have any significant effects on ecology of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 12 February 2024, 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. This permission pertains solely to development works stated within the development description contained within the public notices which are delineated within the redline boundary on the plans and particulars submitted.

Reason: In the interest of clarity.

3. All mitigation measures detailed in relation to the protection of bats as set out in the 'An Evaluation of the Potential Impacts of the Proposed Construction at Loreto, Bray, Co. Wicklow on the local bat fauna' report, lodged with the application on 07 September 2023 shall be implemented in full as part of the development.

Reason: In the interest of wildlife protection.

4. Prior to the commencement of development, the developer shall submit a revised site layout plan which clearly denotes a total quantum of 77(no) car parking spaces on the site in its entirety to the Planning Authority for written approval. The revised site layout plan to include dimensions of the circulation aisles and car parking spaces along with required EV charging points and ducting infrastructure.

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

5. External lighting shall be directed onto the school site and away from adjacent housing and roads. The lighting shall be directed and cowled such as to reduce, as far as possible, the light scatter over adjacent houses and roads.

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

6. Prior to the commencement of development, the applicant/developer shall submit for the written agreement of the planning authority confirmation that the development will be monitored by a suitably qualified architect with conservation expertise and accreditation.

Reason: In the interest of the protection of architectural heritage (in accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities).

7. The demolition and construction works shall be managed in accordance with a Construction Environmental 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 consultation with the relevant statutory agencies and incorporate all mitigation measures indicated within plans and particulars submitted

with this application and demonstration of proposals to adhere to best practice and protocols.

Reason: In the interests of public safety, residential amenity and the protection of protected species.

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

Reason: In the interest of visual amenity.

9. 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.

- 10.(a) The developer shall appoint and retain the services of a qualified Landscape Architect as a Landscape Consultant throughout the life of the construction works and shall notify the Planning Authority of that appointment in writing prior to the commencement of development. A practical completion certificate shall be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the Planning Authority and in accordance with the permitted landscape proposals.

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

Reason: In the interest of residential and visual amenity and to ensure full and verifiable implementation of the approved landscape design.

11. With the exception of existing trees indicated for removal on the Arboricultural Assessment Report and drawing submitted on the 12th day of February 2024, all trees identified for retention shall be retained in their entirety and shall be maintained to form a feature within the parkland area of the proposed development. The critical root zone of trees, treelines and hedgerows to be retained will be identified by a tree specialist and fenced off before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. No trenches, embankments or pipe runs shall be sited within 7m of the trunks of the trees to be retained.

Reason: To protect the integrity of trees and woodland habitat within the site.

12. If, during the course of site works any archaeological material is discovered, the Planning Authority shall be notified immediately. The developer is further advised that in this event that under the National Monuments Act, the National Monuments Service, Department of Housing, Heritage and Local Government and the National Museum of Ireland require notification.

Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

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

Reason: In the interests of visual and residential amenity.

14. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

15. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times

will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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

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

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.

Paula Hanlon
Planning
Inspector

29 August 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP- 319418-24		
Proposed Development Summary	Demolition of 20th century school buildings and the construction of a school building and associated outdoor areas, fire access road, reinstatement of an historic pathway and all associated site works.		
Development Address	Loreto Secondary School, Vevay Road, Bray, Co. Wicklow		
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	X
		No	
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?			
Yes			EIA Mandatory EIAR required
No	X		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 (if relevant)
No			No EIAR or Preliminary Examination required
Yes	X	Class 10(b) (iv) Infrastructure Projects Whilst the proposed development is classed as urban development, it	Proceed to Q.4

		would involve an area of (3.02ha) which is less than the relevant area (10ha) for mandatory EIA, as it is located outside the business district of Bray and is within an area defined as 'other parts of a built-up area' on the southern approach into Bray. The predominant landuse in this area is residential, with some retail and commercial use on the western side of Vevay Road (opposite this site) and recreational and services (south).		
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4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP- 319418-24	
Proposed Development Summary	Demolition of 20th century school buildings and the construction of a school building and associated outdoor areas, fire access road, reinstatement of an historic pathway and all associated site works.	
Development Address	Loreto Secondary School, Vevay Road, Bray, Co. Wicklow	
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development. Is the nature of the proposed development exceptional in the context of the existing environment.</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The site is located in an urban area and on serviced lands. The proposed development is not exceptional in the context of existing environment.</p> <p>The proposed development will not result in the production of any significant waste, emissions or pollutants.</p>	No
<p>Size of the Development Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>	<p>No. The site area is 3.02ha.</p> <p>There are no other developments under construction adjoining the site. All other developments are established uses.</p>	No
<p>Location of the Development Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p>	<p>No. The appeal site is not located on or within proximity to any designated Natura 2000 site(s). It is located a distance of c.800m NW of Bray Head SAC (000714)</p>	No

<p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p>	<p>and c.2.3km SE of Ballyman Glen SAC (000713).</p> <p>No. The proposal will connect to existing public services. The site is located within the curtilage of protected structures;</p> <p>RPS Reference B103 & B104 – Conservatory and Loreto Convent, and Loreto Convent (Main Building), however no works are proposed to the protected structures. The new school building will be setback a distance of 16m from the protected structure and all trees of significance within the parkland setting will be retained.</p> <p>There are no other environmental sensitivities in the immediate vicinity of relevance.</p>	
<p align="center">Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>		

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)

Template 2: Screening the need for Appropriate Assessment Finding of no likely significant effects

Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the proposed development which comprises the demolition of 20th century school buildings, including removal of link to the convent (a protected structure) and the construction of a school building and associated works in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The proposed development comprises:

- Demolition works of existing school buildings (5,144m²)
- Construction of a new post primary school building (10,563m²) and associated works including store, heat pumps, bins area, landscaping, biodiverse water management and attenuation systems, replacement ball court, re-establish historic pathway, car parking & cycle spaces, fire access road, works to existing trees & new planting and all associated works.

The site is an established, serviced site within a built, urban area which is in use for educational purposes. Its topography slopes significantly downwards from west to east, with an overall 7m fall in site levels between the western (front) area and the rear boundary of this site (east). Site levels also slope gently downwards in a north-south direction. There are no protected habitats on the proposed development site and the majority of habitats present are typical of a school site, notably Buildings and Artificial Surfaces, Amenity grassland, Treelines and scattered trees and parkland.

No issues were raised by prescribed bodies during the consultation process.

The appellant raised concerns on nature conservation in the planning appeal and considers that a Natura Impact Statement should have been provided.

The PA determined that the proposed development is not likely to give rise to significant effect on a Natura 2000 site.

European Sites

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation or Special Protection Area (SPA).

- Bray Head SAC (000714)

The boundary of the nearest European Site is within c.800m, being Bray Head SAC (000714) which is located NW of this site. The qualifying interests for Bray Head SAC include vegetated sea cliffs and European dry heaths and its conservation objective is to maintain its favourable conservation condition.

- Ballyman Glen SAC (000713)

Ballyman Glen SAC (000713) is located c.2.3km SE of the site.

The qualifying interests for Ballyman Glen SAC include Petrifying springs with tufa formation and alkaline fens and its conservation objective is to restore their favourable conservation condition, which is defined by a list of attributes and targets.

There is no direct or indirect physical, hydrological or ecological linkage connecting the project site to any European site (including Bray Head SAC and Ballyman Glen SAC).

Likely impacts of the project (alone or in combination)

The proposed development works will be contained within an already developed site. Wastewater generated on site to be discharged and treated within the public wastewater network and surface water to be attenuated on site and to drainage network. The nearest watercourse is located in excess of 500 metres west of the site. The proposed works will be carried out on a phased basis over a 32-month period. No changes are proposed to the ecological function of the site and no disturbance impacts or habitat loss are identified.

Given the nature, siting and scale of the development, at both construction and operation stage, within an urban area and on serviced lands, coupled with separation

distance to the nearest European Site (Bray Head) and in examining the qualifying interests of this site, which include vegetated sea cliffs and European dry heaths, its conservation objective of which is to maintain its favourable conservation condition, the proposed development is not likely to impact either directly or indirectly on this European site as no physical, hydrological or ecological linkage exists between the project site and this European site.

Furthermore, in examining the qualifying interests of Ballyman SAC which include Petrifying springs with tufa formation and alkaline fens, the proposed development is not likely to impact either directly or indirectly on this European Site, its conservation objective of which is to restore their favourable conservation condition, which is defined by a list of attributes and targets as there is no physical, hydrological or ecological linkage connecting the project site to this European site.

No ex-situ effects are likely having regard to the characteristics of the site which consists of an established built site. The proposed new school building is to be located within the general area of the existing school buildings. The established parkland area within the grounds of the site is to be retained and the site is surrounded by established urban development on serviced lands between the site and Bray Head SAC and Ballyman Glen SAC.