



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319586-24

#### Development

Construction of an extension consisting of 3 classrooms, 2 SET rooms and a link corridor to connect to the existing school building, with internal alterations and all associated site works.

#### Location

Nun's Cross National School, Killiskey, Ashford, Co. Wicklow, A67 HK70

#### Planning Authority

Wicklow County Council

#### Planning Authority Reg. Ref.

2360202

#### Applicant(s)

Board of Management, Nun's Cross National School

#### Type of Application

Permission

#### Planning Authority Decision

Grant

#### Type of Appeal

Third Party

#### Appellant(s)

1. Lucy Tottenham
2. Nicola Neumann
3. T.M. Newsome

**Observer(s)**

None

**Date of Site Inspection**

07/08/2024.

**Inspector**

Paula Hanlon

## 1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 1.057ha, (hereafter referred to as “the site”) is the established grounds of Nun’s Cross National School located along the eastern side of the Killiskey Road (L-5063-0), c.1.4km on the western approach into the centre of Ashford. It is located c.150m north of the R763 (Annamoe Rd.)/L5063 (Killiskey Rd.) road junction.
- 1.2. An established school complex (stated area 616m<sup>2</sup>) comprising 3 separate and independently accessed buildings of single and two-storey form, which extend predominantly in an easterly direction (front to rear of site) is accommodated on this site, along with a grassed playing field (south) and surfaced ball court area (north). The site is substantially screened with a mix of mature trees and hedgerow coupled with a mix of fencing types along its boundaries. A boundary wall separates the school’s grassed sports pitch with the adjoining lands of Nun’s Church (south). A low, capped boundary wall aligns the site’s frontage.
- 1.3. Currently, the site is served by a pedestrian access only which is located off the Killiskey Road and there are no vehicular movements within the site. A school bus bay lies adjacent to the school’s front boundary. All drop-offs/pick-ups and car parking for both staff and pupils takes place outside of the site. The adjoining local road is served by street lighting located and a footpath extends along its eastern side between the school and the R763/ L5063 junction (south).
- 1.4. The site is bounded by a hardcore lane into adjoining farmland and residences (north), church and cemetery lands (south), agricultural lands (east) and local road with adjoining wooded area opposite the site (west).
- 1.5. A pattern of low-density, detached houses in linear form is established to the north of the site, however Ashford town and most of the school’s catchment area lies to the south/SE of the site.
- 1.6. The site’s topography slopes gently in a southerly direction, with a site level difference of 3 metres (approx.) across the site (north to south).
- 1.7. The site is located within the northwestern corner of the delineated settlement boundary for Ashford Town.

## 2.0 Proposed Development

2.1. The proposed development comprises a single storey extension (500m<sup>2</sup>) of varied mass and heights (max. height 5.73m) to the existing school building(s) which have a stated area of 616m<sup>2</sup>. The proposed extension is nestled between the existing 3 school buildings on the southern side and to the northeast and southeast of existing school buildings. A link corridor is also proposed along the site's central spine which would connect the 3 existing independently accessed school buildings on the site, resulting in a single overall school building. The link would form part of the front elevation of the school.

The purpose of the proposed development is to improve existing learning conditions by providing separate classrooms for individual classes, which to date have utilised shared rooms. The proposal would result in an overall increase from 7 classrooms (currently) to 9 classrooms.

No increase in the number of pupils or teaching staff capacity is proposed.

The proposed extension would accommodate 2 mainstream classrooms, 1 classroom special education unit, 2 SET Rooms and boiler house. Other works include secure external soft play area (northern side), minor internal alterations and elevational amendments and all ancillary site development works.

Clarification of Further Information lodged 05 March 2024 resulted in the inclusion of an on-site staff car park comprising 12(no) spaces to the north and west (front area) of the school and a new front boundary wall.

2.2. The application was accompanied by the following documentation of note -

- Engineering Drainage Report (Surface Water and Foul Sewer).
- Traffic Impact Assessment (Submitted in response to Further Information Request).

## **3.0 Planning Authority Decision**

### **3.1. Further Information**

The Planning Authority requested further information on 21 September 2023 and Clarification of Further Information on 23 January 2024 which was informed by, and reflects the recommendations of the Planning Officer, contained within the accompanying Planning Reports and as summarised in Section 3.3.1 below.

### **3.2. Decision**

By Order dated 28 March 2024, Wicklow County Council issued a Notification of decision to grant planning permission subject to 7 conditions. The conditions were mainly standard, and the following are of note:

- Condition 3: External finishes
- Condition 4: Required details on front boundary treatment.
- Condition 5: Revised staff parking layout (from 12 spaces to 10 spaces with required dimensions 5.0m x 2.5m).
- Condition 6: Construction Management Plan
- Condition 7: Requirements on Completion of Works to the L-5063-0 road as specified in the Traffic Impact Assessment.

### **3.3. Planning Authority Reports**

#### **3.3.1. Planning Report(s)**

Three Planning Reports are attached to the file dated 20 September 2023, 19 January 2023 and 21 March 2024.

#### **3.3.2. The initial planning report considered it necessary to seek further information on the following items;**

- existing / proposed parking (cars & bicycles)
- pupil & staff numbers
- traffic management (including the submission of a Traffic Impact Assessment)
- parking for additional staff/school drop-offs

- front of school treatment
- measures to address traffic volumes (staggered starting/finishing times).

3.3.3. Clarification of further information (CFI) was subsequently sought in respect of parking provision. The Planning Officer reverted to a previous decision on this site (Pl. Ref. 17/303) which included on-site car parking and sought that the shortfall in car parking & provision of cycle parking be addressed.

3.3.4. The Planner's Report concluded on receipt of the CFI that the further information sufficiently addressed all items under the further information requests and that the proposed extension is acceptable, subject to 7 conditions. In making this recommendation, the Planner's Report outlined that the 12(no) parking spaces did not meet the minimum size requirements set out within the Design Standards of the CDP and was satisfied that the matter could be addressed by condition. The shortfall in bicycle parking was considered to be justified and front boundary treatment was considered acceptable, subject to condition in regard to finishes.

### 3.3.5. **Other Technical Reports**

Municipal District Engineer (17/01/2024): No objection subject to conditions.

Fire Service (28/08/2023): Conditions recommended.

### 3.3.6. **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 details on front boundary treatment (Condition 4), revisions to on-site car-parking (Condition 5) and completion of works to L-5063-0 road as detailed in the Traffic Impact Assessment (Condition 7) are attached to the PA's decision. I will consider the appropriateness of these conditions within Section 7 of this report.

### 3.3.7. **Prescribed Bodies**

Transport Infrastructure Ireland (22/08/2023): No observations to make.

### 3.3.8. **Third Party Observations**

The Planning Authority received five third-party submissions during the course of their determination, all of which were from concerned residents in the area. The matters raised were predominantly based on road & traffic safety, car parking and drainage.

## 4.0 **Planning History**

Pl. Ref. 17/303: Permission was granted for a 2st. extension containing a mainstream classroom, resource room, together with associated toilets and circulation space and associated site works.

Pl. Ref. 14/1587: Permission was granted for a single storey building containing a mainstream classroom, office, and resource room, together with covered walkway between existing & proposed building and associated site works.

Pl. Ref. 10/2279: Permission was granted for a single classroom extension with office & toilet facilities.

Pl. Ref. 07/1262: Permission was granted for temporary classroom accommodation and associated facilities.

Pl. Ref. 98/9498: Permission was granted for a new classroom with ancillary toilets, staff room and toilet, library, medical room and boiler house.

Pl. Ref. 97/7113: Permission was granted and upheld on appeal for classroom, staff room, storeroom and boiler house.

Pl. Ref 90/5600: Permission was granted for school. (no further details available on the PA's online planning register).

Pl. Ref. 86/2259: Permission was granted for national school (no further details available on the PA's online planning register).

## 5.0 **Policy Context**

### 5.1. **Wicklow County Development Plan 2022-2028**

5.1.1. 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.

- 5.1.2. Ashford is identified as a Level 5 - Small Town (Type 1) settlement within the Core Strategy and Settlement Strategy for the county.
- 5.1.3. The site is zoned 'Community and Education' with an objective 'to provide for civic, community and educational facilities'.
- 5.1.4. The relevant chapters and policy objectives in the assessment of this case are Chapter 7 (Social and Community Development), Chapter 12 (Sustainable Transportation) and Appendix 1 Development and Design Standards.

### Roads and Transport

CPO 12.14: To facilitate the implementation of local projects which support pedestrian and cyclist permeability, safety and access to schools and public transport.

CPO 12.49 To continue to improve local roads to the appropriate standards (given the location), with particular cognisance to safety improvements for pedestrians and cyclists, consistent with predicted traffic flow and in accordance with Government policy and the Roads Programme adopted by the Council.

Goals which shall be at the core of all aspects of the transportation objectives include

- Facilitating modal shift to more sustainable transport options.
- Supporting the transition from existing fossil fuel vehicles to clean renewable vehicles.
- Facilitating the improvement of the existing road network, to enhance safety for all users, and to remove bottlenecks and hazards.

CPO 16.27 (Reduce the demand for vehicular travel and journey lengths).

### Car Parking

CPO 12.56 New/expanded developments shall be accompanied by appropriate car parking provision, including provision for electric vehicle charging points as set out in Objective CPO 12.8...

Appendix 1 Table 2.3 - Car parking standard is 1.2 parking spaces per classroom.  
Table 2.2 - Requires the installation of at least 1 car recharging point and ducting



infrastructure for at least 1 in 5 parking spaces. Table 2.1 - Parking Space dimensions requirements [5.0m x 2.5m perpendicular to the kerb].

Table 2.4 – Bicycle parking standard is 20% of pupil registration numbers/minimum of 10 spaces.

### Education

CPO 7.10 To facilitate the provision of schools, by zoning suitable and adequate land in local plans, capable of meeting the demands of the projected population...

CPO 7.18 To support and promote the continuation and expansion of rural/village primary schools.

## **5.2. Safe Routes to School (SRTS) Design Guide, NTA 2021 (updated 2022).**

Technical guidance is provided on design principles and considerations to create safer, calmer, more attractive routes to school and front of school environments.

## **5.3. 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 site is Devil's Glen pNHA (000718) located approx. 1.3km west of the site. The Murrough SPA (004186) [& pNHA (000730)] and The Murrough Wetlands SAC (002249) being the nearest Natura 2000 sites, are located in excess of 4 kilometres east of the site.

## **5.4. EIA Screening**

I refer the Board to completed Form 2 which is appended to this report. 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 6.1.2 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 Parties)

Three Third-Party appeals have been received in relation to the PA's decision to grant permission. All three appeals were made by concerned residents from the local area, notably Ms. Lucy Tottenham, Ms. Nicola Neumann and Ms. T.M. Newsome. The grounds of appeal are predominantly based on traffic and parking issues, site constraints & environmental risks and are summarised below.

### 6.1. Grounds of Appeal

6.1.1. The need for school extension is acknowledged, however given a number of site constraints, a more strategic approach providing a new school which is future proofed on an alternative site should be provided.

6.1.2. Traffic Safety concerns are raised in regard to:

- Traffic flow/Congestion
- Safety & disruption to local road users caused by school drop offs/collection
- Capacity issues associated with adjoining road (L-5063-0)
- Insufficient signage
- Lack of footpath provision towards Ballycurry or Killiskey
- Proposed new classrooms indicate a potential increase in students/cars
- Road user behaviour at drop off/pickup times.

6.1.3. Car parking concerns are raised in regard to:

- Informal parking within roadside verge in private ownership opposite the school
- Staff car park will erode the school site, will not accommodate current staff needs and will not alleviate existing problems of parking and pickup/drop-off issues outside the school.

6.1.4. Other matters raised regarding traffic and transport include:

- No provision made for public transport
- Validity of Traffic Impact Assessment in representing long-term issues

- Reference is made to the Road Traffic Acts and Department of Transport Guidelines on traffic management.

6.1.5. Environmental concerns are raised in respect of:

- Surface water drainage and pollution of waters
- Carbon emissions
- Provision of staff car will result in a loss of biodiversity features on the school grounds, denies the pupils recreation area and is not in context with the village
- Traffic Noise
- Impacts on adjoining residents enjoyment of the area's tranquil setting.

## 6.2. Applicant Response

6.2.1. A first party response to the appeal was received dated 20 May 2024, prepared by the applicant's agent. The applicant considers that there are no new grounds for appeal which could reasonably justify overturning the PA's decision.

6.2.2. The submission responds to the issues raised within the third party appeals as follows:

- The school is established and on suitably zoned lands, the required extension is justified and aligns with the Ashford Town Plan and CDP.
- No increase on the school's current capacity is proposed, the extension is to improve existing educational accommodation.
- There would be no impacts to any appellants amenities given separation distances.
- Traffic concerns relate to existing issues and would be addressed as part of this application, despite that the proposal is only for an extension to school.
- A detailed synopsis on the assessment process undertaken in regard to traffic, roads, parking issues is provided in tabular form.
- The Traffic Impact Assessment which includes measures in addressing traffic concerns has not been referenced in the appeal submissions.
- Road safety matters associated with staff traffic/off-site parking are addressed.

- Poor accessibility to the site by active travel is acknowledged, however it is an established site.
- Agreements have already been made on required works along L-5063-0 and school grounds so as to better manage traffic and parking.
- No evidence of road incidents/Recorded collision data.
- The TIA and MDEs report align with the legislation, regulations and guidelines.
- Construction stage impacts will be addressed in a construction management plan.
- Lands opposite the school are almost wholly screened by woodland.
- A Surface Water Drainage Report was provided which details required alterations to the existing drainage network, the site is served by the public sewer, there is no hydrological pathway to the Vartry river and relevant conditions attached by the PA address any possible concerns. Concerns regarding high vulnerability aquifer relate to new greenfield developments in rural areas.
- No additional traffic or parking demands arise; staff parking is consistent with CDP standards, subject to PA's condition.
- The lack of formalised car parking was addressed in the PA's assessment (Refer Tables 1-3 of applicant's submission to this appeal) and the TIA submitted
- The redline boundary does not encompass road verge opposite the school
- Purported impacts on other third-party road users are inadmissible
- It is not the school's responsibility to provide a public car park for residents/visitors.
- Proposed southern elevation is wholly sensitive to adjoining property
- Enforcement powers on road traffic laws and regulating the behaviour of individuals cannot be controlled by the school.

### 6.3. Planning Authority Response

None received.

## 7.0 Assessment

Having examined the application details and all other documentation on file, including the third-party appellant submissions (the subject matter of this appeal), site inspection and having regard to the relevant policies, objectives, and guidance, I am satisfied that the main issues to be considered are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise.

The main issues in determining this appeal are as follows:

- Principle of Proposed Development
- Road & Traffic Safety
- Traffic Noise
- Car Parking
- Sustainable Travel
- Drainage
- Amenities
- Other Matters.

### 7.1.1. Principle of Proposed Development

The site is zoned 'Community and Education' with an objective 'to provide for civic, community and educational facilities'. Its use for primary education purposes is long established. I note that each of the appellants are of the view that given site constraints, particularly in relation to traffic and the planned future growth in population for Ashford, that a new, alternative school location which is future proofed should be provided, as opposed to extending the established school. Based on information provided, I submit that the proposed extension is sought to address existing needs and space constraints experienced by existing pupil/staff numbers at Nun's Cross primary school [190 pupils and 12 staff] with a number of classes currently sharing classrooms. I am satisfied that no increase in pupil/student capacity is sought. As such, the principle of a proposed extension to an existing established school on

suitably zoned and serviced lands is acceptable in principle, subject to compliance with all other relevant Development Plan policy objectives and standards.

### 7.1.2. Road & Traffic Safety

#### Traffic Volume

The main concerns raised on appeal relate to the negative traffic impacts which are currently being experienced in this area due to school traffic and associated parking at peak times (and at other times when events take place at the school) and that the proposed development would further intensify existing problems and congestion. In the outset, whilst it is contended by third parties that the proposed new classrooms indicate a potential increase in students/cars, I wish to highlight that the proposed development is not envisaged to give rise to an increase in traffic volumes above the existing situation, as no increase in school capacity is sought. In my view, it is not unreasonable to expect that a level of traffic will be generated at peak school times. Given the extent of development to the north of the school along this road, I am satisfied that this road (outside of school times) generally serves low levels of locally generated traffic arising from low density, single houses in the area and agriculture. I note that the school has sought to alleviate traffic congestion through the inclusion of staggered start and finish times, with school beginning at 08:45hrs for early start classes (c.50-60 pupils) and at 09:10hrs for the remaining (c.130-140 pupils). School finishes at 13:50hrs for infant classes (c. 50 pupils) and at 14:50hrs for all remaining classes (c. 40 pupils).

In light of this and given the nature and scale of the development proposed, I am of the view that the traffic volume and congestion would not increase beyond current levels and that the school through the implementation of staggered start/finish times is active in addressing the traffic issue. I therefore do not accept that the issue of traffic volume and congestion associated with the proposed development site warrants a refusal on its own.

## Road Capacity and Traffic Movement

In relation to the expressed concerns on the capacity of the road network, traffic movements and perceived risk(s) to road users and driver behaviour(s) outside of the subject site, I consider that these matters are outside of the remit of the applicant under the instant appeal and that such works and activity fall outside of the Board's remit in deciding this application.

I note that Section 4.7 of the Traffic Impact Assessment (TIA) provides a number of measures to improve traffic safety in the school's vicinity, in line with the relevant best practice guidance documents (NTA Safe Routes to School Design Guidance) including reduced traffic speed to 30kph, indicated on approach by appropriate signage and road markings, speed humps and custom pavement painting and road markings to increase driver awareness of the school and potential pedestrian movements. Confirmation of the Municipal District Engineer's agreement to these measures is contained within documentation (dated 17/01/2024) attached to this case. The PA recommended that permission be granted, subject to the implementation of the stated measures to the adjoining road and attached a condition (condition 7) in this regard. In my view, for the purposes of certainty, I suggest that a similarly worded condition be attached to this case, should the Board decide to grant permission.

I note that the matter of insufficient signage as raised by a third party to guide traffic flow and ensure the safety of pedestrians and motorists is included as a measure within the TIA.

The school is accessed off a public road (4.5m wide) and a 1.5m wide (approx.) footpath extends along its eastern side over 150m between the school site and the R763/L-5036 road junction. There is no evidence of previous road collisions at this location and the future number of classes and pupils is envisaged to remain at the current level. The proposed new 6m wide vehicular access into the on-site staff car park as shown on site layout P002 (March 2024), with a pedestrian access at both ends of the site's frontage was accepted by the Municipal District Engineer. I note that sightlines have not been clearly delineated on the plans submitted. Notwithstanding, given the proposed development, road alignment and further measures to be carried out along the adjoining road (as considered in paragraph above), I consider that the

revised access arrangement will improve upon existing road and traffic conditions and will not pose a risk to traffic safety.

An issue was raised on the adequacy of a 1-day observation of traffic conditions undertaken by appointed consultants. I am satisfied that the details provided are sufficient to allow for a full assessment in this case. Again, I note to the Board that no increase on existing traffic volumes will result from the development proposed.

Overall, in the context of the above considerations on road and traffic safety, it is my view that the proposed development would result in a satisfactory entry/exit road design and layout, which would be unlikely to result in any additional traffic congestion or endanger public safety by way of presenting as a traffic hazard. Conversely, subject to the implementation of traffic calming measures as outlined within Section 4.7. of the Traffic Impact Assessment, the proposed development would likely enhance the existing layout and be conducive to improved pedestrian safety.

#### 7.1.3. Traffic Noise

In regard to the matter of noise impact due to traffic (including associated turnaround movements in the driveway of houses within the school's vicinity), I submit that 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 predominantly road traffic. The noise generated from traffic movements associated with the school would be contained within daytime hours and during the school term. On this basis, given the nature and extent of the noise activity, I am satisfied that the noise levels would be below the threshold of 55dB  $L_{den}$  and that 45 dB  $L_{night}$  night levels would be achieved. Therefore, in my opinion, the residential amenities of properties located within this urban area would not be unduly impacted due to noise.



#### 7.1.4. Car Parking

In the outset, I note to the Board that the established school site is physically constrained and there is limited scope in achieving the minimum standards on car parking within its confines, given the site's configuration, footprint of the school building and established mature trees and planting. In my view, whilst the provision of staff car parking will somewhat erode existing open space areas within the school site, the proposed layout as shown on drawing P003 – Proposed Parking Area provides a logical response to addressing the shortfall in car parking associated with the school and the proposed extension. Existing play areas/outdoor space in the form of the school's main playing field within the south of the site and a ball court area along the northern area of the site will continue to accommodate the sport and leisure needs of pupils.

It is a policy objective of the CDP that expanded developments be accompanied by appropriate car parking provision (CPO 12.56). The proposed development provides a total of 12(no) car parking spaces as detailed on submitted site layout map P003 – Proposed Parking Area, which was submitted in response to the PA's request for clarification of further information.

In applying the appropriate car parking standard of 1.2 parking spaces per classroom, a minimum of 11 spaces based on the proposed 9-classroom school (rounded to the nearest whole number) is required. I note that the standards contained within the CDP relate solely to the required number of spaces, dimensions of spaces and EV charging provisions. The CDP standard(s) do not require a breakdown in terms of accommodation of staff parking and parking associated with pupils drop-off/pick-up. In this regard, subject to the provision of 11 car spaces on this site and to the required dimensions, I am satisfied that the proposal is consistent with the required standards of the CDP and that it would not pose a risk to traffic safety.

In this context, I suggest that condition 5 attached by the PA be reworded, should the Board be minded to grant permission which requires that a revised site layout plan which provides 11 (no) car parking spaces within the school grounds be provided, in accordance with the required standards and for the approval of the PA. I am satisfied that this suggested condition is viable and can be applied without compromising the development.

In regard to concerns raised by third parties on informal car parking which takes place outside of the site boundary, I wish to highlight that the associated road verge lies outside of the redline boundary for this case. I acknowledge that the Traffic Impact Assessment submitted with this application makes reference to the use of this verge opposite the school for parking at drop-off/pickup times. I am satisfied that the proposed development will not increase pupil numbers and therefore that there will be no additional demand for drop-off/pick-up parking over and above the existing demands. In this regard and in relation to the continued use of the verge for set down/parking as raised by third parties, the Board will note that the planning system is not designed as a mechanism for resolving disputes about title to land or rights over land, these are ultimately matters for resolution in the Courts and 34(13) of the Planning Act (as amended) makes clear that a person is not entitled solely by reason of a permission to carry out any development. In this context, I consider that the matter of the continued use for school parking along the subject verge along the western boundary of the adjoining road and opposite the school is outside of the remit of the applicant under the instant appeal and that such activity and associated matters raised in respect of the use of this verge falls outside of the Board's remit in deciding on this application.

#### 7.1.5. Sustainable Travel

In the outset, I submit that a modal shift from the private car to more sustainable modes of transport is sought at national, regional and local level. Third-party express concerns that no provisions are made for public transport and that actions in the provision of public transport and walking children to this school are required. The applicant contends that public transport provision as a basis to not permit an extension would stymie educational investment across Ireland.

The need to promote more sustainable travel measures is not refuted and similarly, I am of the view that due cognisance must also be given to the fact that this is an established school site and that the proposed development would not increase upon existing pupil/staff numbers. I note that a bus service which accommodates 17 pupils of this school is currently operational.

The applicant proposes 10 (no) bicycle parking provisions to the north side of the site and argues that the limited extent of bicycle parking is justified given that the site has poor accessibility by active travel. I note that this arrangement is not disputed by the PA. However, 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, given the emphasis in promoting a modal shift to more sustainable travel modes, it is my view that the applicant should make suitable provisions for the sheltered parking of 38 bicycles, which is at a level consistent with the standard set out within the CDP. In my opinion, this matter can be satisfactorily addressed by condition in the event that the Board is minded to grant permission.

In relation to footpath provision, I note the comment raised within an appeal submission regarding the absence of a footpath towards Ballycurry or Killiskey area. I submit that an established footpath exists across the site's frontage and extends southwards along the eastern side of the local road to the R763 (Annamoe Rd.)/L5063 (Killiskey Rd.) road junction. I note that it is a policy objective of the Council to continue to improve local roads to the appropriate standards (given the location), with particular cognisance to safety improvements for pedestrians and cyclists, consistent with predicted traffic flow and in accordance with Government policy and the Roads Programme adopted by the Council (CPO 12.49). In this regard, I do not consider that the provision of additional footpaths or the need for a designated car park warrants the need for a refusal on its own given the nature and extent of the proposal on an established site and where no increase in capacity is sought. I acknowledge that the delivery of additional pedestrian infrastructure, where deemed necessary and appropriate is supported by Council's policy.

Reference is also made by an appellant to the need for carbon emissions to be reduced and that a policy of reducing individual cars per school child is essential. I am satisfied that the proposal will not increase car journeys to this school above those which already exist, and I acknowledge that the facilitation and promotion of a modal shift from car dependency will contribute to reducing carbon emissions. In my view, the development of a specific policy of reducing individual car per child lies outside of this appeal process.

#### 7.1.6. Drainage

In regard to matters raised regarding drainage, I am satisfied that a Surface Water Drainage Report which accompanies this application was provided which details the required alterations to the existing drainage network (soakpits) that currently serves this established school site which is overlain on a locally important aquifer of high vulnerability. The surface water drainage network has been designed in accordance with the requirements of IS EN 752: 2017 and the surface water drainage layout is shown on drawing P3167/01/01 with associated calculations contained with Appendix A of the Surface Water Drainage Report. I note that this report was undertaken prior to the inclusion of on-site car parking. In this regard, I see no reason to dispute the on-site drainage proposal put forward, subject to the provision of a class 1 petrol oil interceptor which will address any potential hydrocarbon spillage within the car park and afford sufficient protection to groundwaters. I consider it reasonable and suggest that this matter be appropriately addressed by condition in the event of permission being granted.

I further note that the proposed development site is connected to the public foul sewer. The site is not within a flood zone area (A/B) and I am satisfied that given the separation distance to the River Vartry that the development as described will not impact on water quality within this watercourse.

In regard to concerns expressed regarding potential pollution arising from traffic and “informal” parking, I reiterate that the existing public road and adjoining road verge to its western side, lie outside of the redline boundary and therefore the matter of potential pollution arising from vehicle use within this area fall outside of the Board’s remit in deciding on this case.

#### 7.1.7. Amenities

The subject site is located within Landscape Category Area 6 - Urban Area in the CDP. This area is considered an ‘urban’ area for the purpose of landscape classification and is deemed suitable for development (of the type allowed by the settlement strategy and the development standards of the CDP) and the impacts on the wider landscape of such development has already been deemed acceptable.

I have examined the plans and particulars submitted. In my view the proposed development which is low rise in its design and associated works will successfully integrate into this established school site without adversely impacting on the established character of the school and the character of the surrounding area.

Notwithstanding, I note that a detailed landscaping plan did not accompany this application. The loss of existing trees and planting (if any) so as to accommodate the development proposed is unclear within the documentation submitted and within the reports of the PA. This site is substantially screened along all boundaries, with the exception of boundary wall to its southern end. In the interests of visual amenity and the protection and enhancement of biodiversity, I suggest that a condition be attached to a permission if granted, which requires that all trees and hedging be retained except where its removal is necessitated to the satisfaction of the PA and that a condition on site landscaping also be attached, should the Board be of a view to permit the proposed development.

Furthermore, given the design approach and separation distance to nearest residents, I concur with the applicant that the proposal would not in any way adversely affect the amenities of residences in the area or adversely impact on the setting of Nun's Cross Church (a protected structure).

The applicant proposes to develop a new blockwork boundary wall with pedestrian and vehicular accesses as shown on site layout map (Dwg. No. P003) and accompanying proposed contextual elevation (submitted 05 March 2024). I note that details on material finishes are not shown and I therefore suggest that a condition be attached, similar to Condition 4 of the PA in its decision which requires approval on material finishes prior to the commencement of development.

#### 7.1.8. Other Matters

##### Existing Floor Area

I note as a point of detail that the stated floor area for the existing school development as 616m<sup>2</sup> on the submitted application form excludes 113m<sup>2</sup> floor space at first floor level, as shown on proposed section (drawing number P202) and existing floor plans (drawing number P100).

## Development Contributions

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

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 – Extension to existing school and associated works
- Location - Distance from nearest European site and lack of connections. [This is an established, serviced site within the settlement boundary of Ashford and is located in excess of 4km 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

I recommend that planning permission should be granted, subject to conditions, as set out below, for the following reasons and considerations.

## 10.0 Reasons and Considerations

Having regard to the current established use of the site as a school, the nature, scale and design of the proposed development, and pattern of development in the surrounding vicinity, it is considered that, subject to compliance with the conditions below, the proposed development would not seriously injure amenities of the area or of property in the vicinity, would be acceptable in terms of design and scale, would not give rise to traffic hazard and would not adversely impact on the environment. 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 19 day of December 2023 and the 05 day of March 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. Parking for the development shall be provided in accordance with a detailed parking layout which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The layout shall provide for:-

11 no. car parking spaces within the site. The location(s) and layout of these spaces shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

**Reason:** To ensure adequate off-road parking provision is available to serve the proposed development.

3. All trees and hedging 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.

(c) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by protective fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

**Reason:** In the interest of visual amenity and to protect trees and planting during the construction period.

4. Landscaping of the site shall be carried out in accordance with a landscaping scheme which shall include the retention of existing trees and hedging where possible and supplemented with native trees and plant species, which shall be submitted to and agreed in writing with planning authority prior to commencement of development.

**Reason:** In the interest of the visual amenities of the area.

5. Details of the materials, colours and textures of all the external finishes to the proposed school extension and front boundary wall shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

6. (a) The attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.



(b) Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site which includes the provision of a class 1 hydrocarbon interceptor associated with paved staff parking area for the written agreement of the planning authority.

(c) All foul sewage and soiled water shall be discharged to the public foul sewer.

(d) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system [soakpits].

**Reason:** In the interest of public health.

7. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

**Reason:** In the interest of environmental protection.

8. Prior to the occupation of the proposed extension to school, the measures proposed to the L-5063-0 shall be carried out as specified within the Traffic Impact Assessment lodged submitted on 19/12/2023 to the satisfaction of the Municipal District Engineer (Wicklow) and the written approval of Planning Authority.

**Reason:** In the interests of traffic and pedestrian safety.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) located outside buildings or not attached to buildings shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Details of the ducting shall be submitted to and agreed in writing by the planning authority prior to the commencement of development.

**Reason:** In the interest of visual amenity.

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

---

Paula Hanlon  
Planning Inspector

31 August 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

|   |  |                  |   |
|---|--|------------------|---|
| <b>An Bord Pleanála<br/>Case Reference</b>  | 319586   |                  |   |
| <b>Proposed Development<br/>Summary</b>   | Construction of an extension consisting of 3 classrooms, 2 SET rooms and a link corridor to connect to the existing school building with internal alterations and all associated site works. |                  |   |
| <b>Development Address</b>  | Nun's Cross National School, Killiskey, Ashford, Co. Wicklow, A67 HK70   |                  |   |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br>(that is involving construction works, demolition, or interventions in the natural surroundings)  | <b>Yes</b>   | X                |   |
|   | <b>No</b>  |                  |   |
| <b>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?</b>   |  |                  |   |
| <b>Yes</b>  |  | Class.....       | EIA Mandatory EIAR required                 |
| <b>No</b>   | X  |                  | Proceed to Q.3                              |
| <b>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]?</b> |  |                  |   |
|   |  | <b>Threshold</b> | <b>Comment<br/>(if relevant)</b>            |
|   |  |                  | <b>Conclusion</b>                           |
| <b>No</b>   |  | N/A              | No EIAR or Preliminary Examination required |
| <b>Yes</b>  | X  | P20              | Proceed to Q.4                              |

**4. Has Schedule 7A information been submitted?**

|            |   |   |
|------------|---|---|
| <b>No</b>  | X | <b>Preliminary Examination required</b> |
| <b>Yes</b> |   | <b>Screening Determination required</b> |

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Form 2**  
**EIA Preliminary Examination**

|   |   |                              |
|---|---|------------------------------|
| <b>An Bord Pleanála Case Reference</b>  | 319586  |                              |
| <b>Proposed Development Summary</b>   | Construction of an extension consisting of 3 classrooms, 2 SET rooms and a link corridor to connect to the existing school building with internal alterations and all associated site works.  |                              |
| <b>Development Address</b>  | Nun's Cross National School, Killiskey, Ashford, Co. Wicklow, A67 HK70  |                              |
| <p><b>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.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p> |   |                              |
|   | <b>Examination</b>  | <b>Yes/No/<br/>Uncertain</b> |
| <p><b>Nature of the Development.</b><br/>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><b>Size of the Development</b><br/>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 1.057ha.</p> <p>There are no other developments under construction adjoining the site. All other developments are established uses.</p>   | No                           |
| <p><b>Location of the Development</b><br/>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 in excess of 4 kilometres from the nearest European sites, notably; The Murrough SPA (004186) and The Murrough Wetlands SAC (002249).</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>No. The proposal will connect to existing public services. The site is located on adjacent lands to the north of protected structure;</p> <p>RPS Reference 18-05. All development works are setback and contained within the site and will not encroach upon the protected structure.</p> <p>The site is located c. 120m east of the Vartry River. There are no other environmental sensitivities in the immediate vicinity of relevance.</p> |  |
| <b>Conclusion</b>   |  |  |
| <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 school extension (500m<sup>2</sup>) and all associated site works in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

A screening report for Appropriate Assessment was not submitted with this planning appeal case. However, in the Local Authority assessment of the proposed development, Appropriate Assessment Screening was undertaken by Wicklow County Council as part of their planning assessment and a finding of no likely significant effects on a European Site was determined. Wicklow County Council concluded that having regard to the nature of the development, the distance from and lack of a direct hydrological link to any European sites, that the proposed development would be unlikely to give rise to any significant adverse impacts on the qualifying interests or conservation objectives of any Natura site. Therefore, the proposed development would not necessitate the carrying out of an Appropriate Assessment in accordance with the requirements of Article 6(3) of the EU Habitats Directive and Appropriate Assessment was not carried out.

The proposed development comprises a single storey extension (500m<sup>2</sup>) of varied mass and heights (max. height 5.73m) to the existing school building(s) and associated works. The site is an established built site with school buildings, with mature trees and planting along its existing boundaries. The site's topography slopes gently in a southerly direction, with a site level difference of 3 metres (approx.) across the site (north to south). The nearest watercourse is the Vartry River which traverses lands, a distance in excess of 120m west of this site.

No submission(s) from prescribed bodies was received on this application.

**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 (SAC) or Special Protection Area (SPA).

The boundary of the nearest European Sites are in excess of 4km of the proposed development. These are:

- The Murrough SPA (004186)
- The Murrough Wetlands SAC (002249)

| The Murrough SPA (004186) | Qualifying Interests  | Conservation Objective  |
|---------------------------|---|---|
|                           | Red-throated Diver (Gavia stellata) [A001]<br>Greylag Goose (Anser anser) [A043]<br>Light-bellied Brent Goose (Branta bernicla hrota) [A046]<br>Wigeon (Anas penelope) [A050]<br>Teal (Anas crecca) [A052]<br>Black-headed Gull (Chroicocephalus ridibundus) [A179]<br>Herring Gull (Larus argentatus) [A184]<br>Little Tern (Sterna albifrons) [A195]<br>Wetland and Waterbirds [A999] | To maintain or restore the favourable conservation condition of the wetland habitat at The Murrough SPA as a resource for the regularly-occurring migratory waterbirds that utilise it. |



| The Murrrough Wetlands SAC (002249) | Qualifying Interests   | Conservation Objective  |
|-------------------------------------|--|---|
|                                     | Annual vegetation of drift lines [1210]<br>Perennial vegetation of stony banks [1220]<br>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]<br>Mediterranean salt meadows (Juncetalia maritimi) [1410]<br>Calcareous fens with Cladium mariscus and species of the Caricion davallianae [7210]<br>Alkaline fens [7230] | To restore the favourable conservation condition of the following in The Murrrough Wetlands SAC <ul style="list-style-type: none"> <li>• Annual vegetation of drift lines</li> <li>• Perennial vegetation of stony banks</li> <li>• Atlantic salt meadows (Glauco-Puccinellietalia maritimae)</li> <li>• Mediterranean salt meadows (Juncetalia maritimi)</li> <li>• Calcareous fens with Cladium mariscus and species of the Caricion davallianae*</li> <li>• Alkaline fens</li> </ul> |

There is no direct or indirect physical, hydrological or ecological linkage connecting the project site to any European site (including The Murrrough SPA (004186) and The Murrrough Wetlands SAC (002249).

**Likely impacts of the project (alone or in combination)**

The proposed development works will be within an existing developed school site. Wastewater generated on site is discharged and treated within the public wastewater network and surface water to be attenuated on site and to drainage network. The nearest watercourse (Vartry River) is located in excess of 120m west of the site. 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 the settlement boundary of Ashford and on serviced lands,

coupled with separation distance to the nearest European Site (The Murrough SPA (004186) and The Murrough Wetlands SAC (002249) in excess of 4km and in examining the qualifying interests of these site, their conservation objective of which is to maintain or restore the favourable conservation condition of the wetland habitat at The Murrough SPA as a resource for the regularly-occurring migratory waterbirds that utilise it and to restore the favourable conservation condition of QI's within The Murrough Wetlands SAC, the proposed development is not likely to impact either directly or indirectly on these European sites as no physical, hydrological or ecological linkage exists between the project site and these European sites.

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 extension will be nestled in among the 3 existing buildings on this site.