



An
Bord
Pleanála

Inspector's Report

ABP-321634-25

Development	Extension to side of school building and all associated site works.
Location	Church Hill National School, Cuffesgrange, Co. Kilkenny R65 T253
Planning Authority	Kilkenny County Council.
Planning Authority Reg. Ref.	24600030.
Applicant(s)	The Board of Management of Church Hill National School.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party.
Appellant(s)	Tony, Nessa, John and Joe Conny.
Observer(s)	None.
Date of Site Inspection	11 th March 2025.
Inspector	Kathy Tuck

1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of c.0.899ha, is located in Cuffesgrange, Co. Kilkenny and is situated c.6.6km to the south-west of Kilkenny. The subject site forms part of the curtilage of Church Hill National School.
- 1.2. The subject site is relatively flat in nature and is currently occupied by hard course playing grounds that are ancillary to the existing school on site. The northern boundary of the site is shared with mature trees, the western boundary is shared with an existing agricultural access route to the fields located further north, and the southern boundary is share with the Church Hill Road (L-1013). The subject site is served with car parking which is located along het Church Hill Road to the south of the site.
- 1.3. The original school building on site, which has previously been extended, is listed on the NIAH (Ref. 12402315). The east of the existing school is the Church of the Holy Cross and its associated cemetery which is a Protected Structure (RPS No. C269)

2.0 Proposed Development

- 2.1. This is an application for permission for the provision of a single storey extension to which projects from the western elevation of the existing Churchill School building which has a stated area of c.557sq.m. The proposed extension projects c.30.045m from the western elevation, has a width of c.23.096m and is finished with a mix of mono-pitch and flat roof profiling which has a maximum ridge level of c.7.55m.
- 2.2. The proposed extension will provide for 3 no. new classrooms, multi-sensory room, activity space, an office space, ancillary bathroom facilities and a sensory garden located outside of the building to the west. Permission is also sought for new staff and dedicated SEN parking area, new replacement ballcourt, temporary vehicular entrance for construction access via adjacent agricultural laneway, the removal of existing prefabricated buildings upon completion of the extension and all associated site development and ancillary works.
- 2.3. The proposed development remained unchanged through the assessment period.

3.0 Planning Authority Decision

3.1. Decision

Following a request for further information the Planning Authority issued a decision to grant planning permission on the 5th December 2024 subject to 12 no. conditions. Conditions of note are as follows:

- Condition 6:
 - a) Prior to the commencement of the proposed development the applicant shall agree in writing with the planning authority the set out, extents and scope of the proposed footpath widening to facilitate the upgrading of existing parking bays to the east of the site.
 - b) Prior to the commencement of the proposed development the applicant shall submit proposals for the written agreement of the planning authority to provide and implement additional traffic calming measures on the public road in the vicinity of the school. The applicant shall liaise with the Road Design Section of Kilkenny County Council in this regard.
 - c) The applicant has submitted a Construction and Environmental Management Plan (CEMP) for the proposed development. The preparation of a Traffic Management Plan (TMP) is referred to in the CEMP. The applicant shall be required to prepare and manage a TMP for the duration of the project for the construction phase. It is noted that the CEMP is a live working document and the applicant is required to prepare an updated environmental, construction and traffic management plan for the construction phase which shall be submitted to the Municipal District Office prior to commencement of development works for written agreement.
 - d) All works to achieve the proposed sight visibility splays shall be carried out prior to the commencement of the main development.

Reason: In the interests of general and traffic safety

- Condition no. 8:

School attendance numbers are not to exceed 250 pupils and staff.

Reason: In the interest of limiting environmental impact

3.2. Planning Authority Reports

3.2.1. Planning Reports

The first report of the Planning Authority notes the location of the subject site, the planning history, details of submissions received, all relevant planning policy and provides for a description of the proposed development.

The report notes concern over a number of issues and as such the following further information was requested on the 15th March 2024:

- Item 1

Clarify the existing and proposed number of staff and students attending the school, and to be accommodated with the proposed development.

- Item 2

Submit a traffic management plan - consideration should be given to the use of the church car-park with a pedestrian link between the church car-park and the school site through the church ground.

- Item 3

Submit:

a) a breakdown of the parking accommodation on site which accords with the County Development Plan.

b) clarify the depth of all parking spaces provided along the roadside boundary.

- Item 4:

Submit:

a) detailed survey drawing proposed sightlines at the proposed access to the construction compound, with particular regard to sightlines to the west.

b) a revised site layout plan showing the sightlines at the existing vehicular entrance to the school.

- Item 5:

Submit a Construction and Environmental Management Plan.

- Item 6:

Percolation area permitted as per application P.02/1561 does not conform to the layout as per the proposed plans submitted, and that the percolation area has as per the application form submitted been “located partially below the ball courts and soft play space adjoining the western boundary”. It is not permissible for hard-surfaces to be placed over the percolation area, please address this concern.

- Item 7:

- a) applicant refers reduced loading to the wastewater treatment system in link with updated guidance documentation; please submit a copy of the Department of Education & Skills (DoES) Guidance Note 1, Feb 2011, “Design of Wastewater Treatment Systems for use in Schools”.
- b) provide a population breakdown for the PE for the wastewater treatment system between staff and students.
- c) provide certification that the complete wastewater treatment system permitted has been installed in accordance with the permission granted and certification that the complete wastewater treatment system is working efficiently and not causing harm to human health and the environment.
- d) Having regard to reports of surface water ponding on surrounding lands, please demonstrate that the surface water management proposals are adequate to cater for the existing and proposed development.

- Item 8:

Submit proposals for protection of existing trees adjoining the site and along the access to the construction compound.

- Item 9:

Clarify the existing exemptions for the portacabin located on site, having regard to the size and nature of the structure.

- Item 10:

Clarify planning consents for any outdoor floodlighting, and hours of operation for same, including on timer.

A response to the request for further information was received from the applicant on the 9th August 2024 and was deemed to be significant. The response can be summarised as follows:

Item 1 – The applicant submitted the following details and states extension will accommodate the current students situated in the temporary prefabricated classroom. Therefore, there won't be any increase in student / staff numbers.

	School Numbers	Pre-School
Max Student Number	200	AM (9am-12pm) – 24 PM (12pm-3pm) - 18
Teachers	11	2
SNAs	6	-
Caretaker	1	-
Admin Staff	2	-
Sub-Total	200 No Pupils 20 No. Staff	24 No Pupils (based on AM Peak) 2 No. Staff
Total	224 No Pupils 22 No. Staff	

Item 2 – Traffic Management Plan submitted.

Item 3 – (a) refers to the engineers cover letter submitted which states there are 17 no. car parking spaces; (b) refers to drawing no. 221023-C-101 – Proposed Site Layout which indicates spaces vary from circa 4.41m to 4.8m when measured from the existing boundary wall to the existing road edge.

Item 4 – (a) & (b) refers to drawing no. 221023/C/102 – Proposed Construction Access & Sight Lines Layout – PL2.

Item 5 - Construction Environmental Management Plan submitted.

Item 6 – Refers to engineers cover letter and their drawing no. 221023/C/111 – Proposed Wastewater & Watermain Layout-Rev PL2.

Item 7– The applicant has submitted a suite of engineering documents and drawings in response.

Item 8 - The applicant has submitted a Arboriculturally Impact Assessment.

Item 9 - Drawing no. 2222-P-050 (Existing Prefab Building). which demonstrates compliance of the portacabin on site.

Item 10 – It is proposed that existing flood lights mounted on the existing school building are removed and replaced with new wall mounted lights. Each new wall mounted light fitting has integrated controls (photocell and motion sensor) which ensure that each individual light can only turn after dusk and if there is motion detected in the vicinity of the light fitting. These lights are need to provide 20 lux at the approaches to the building to comply with Part M.

Follow a review of eth additional information submitted the Second report of the planning Officer noted further concern and the following clarification of further information was sought on the 16th September 2024 and can be summarised as follows:

Item 1 - Concerns exist regarding the location of the proposed development within an outer source protection area for a private group water supply - required to carry out an analysis of the groundwater in the vicinity of the proposed development.

Item 2 - Re-open the trial hole to the indicated depth of 3m and to notify the Environment Section when this is available for inspection.

Item 3 – (a) provide clarity as to which arrangement the sand and soil polishing filters are to be installed. (b) submit a revised cross-sectional drawing to include for a minimum topsoil depth of 300mm and a minimum gravel protection layer depth of 150mm over the 25mm Ø Pipe. (c) Schematic of soil polishing filter included as part of drawing ref: 221023/C/302 does not clearly indicate the length of the distribution pipes however they appear to be greater than 10m which is not in compliance with the EPA's 2021 code of practice Domestic Wastewater Treatment Systems (Population Equivalent).

Item 4 – The existing waste water system is designed for 30PE however the required capacity for the site is 33PE. The applicant has given assurance that the system is capable of taking the extra load. The applicant shall provide confirmation of this from the proposed DWWTS supplier and shall provide the desludging frequency recommended by them with reference to this additional load exceeding the design capacity of the system.

Item 5 - Proposed wastewater design is not in accordance with the EPA's 2021 code of practice Domestic Wastewater Treatment Systems (Population Equivalent <10) -

As the PV range was found to be 33 – 37 this gives an area required per person of 7.5m² and given a PE of 33 the required size of the infiltration area is as follows: 33 x 7.5 = 247.5m². The applicant shall submit revised drawings and designs to account for a sand filter sizing of 247.5m².

The applicant submitted a response to the clarification of further information on the 8th November 2024 and can be summarised as follows:

Item 1 – The applicant states that the existing site is within the outer source protection area of the Cuffesgrange Water Supply Scheme.

Item 2 - The trial hole has been re-opened to a depth of 3.3m below existing ground level and we understand it was subsequently inspected by Shane Wall of Kilkenny County Council, on the 22nd October 2024.

Item 3 – refers to drawing no. 221023/C/111, Proposed Wastewater Layout – Rev PL3 and 24-074 Revised Site-Characterisation-Form.

Item 4 – Refers to the previous documentation submitted in response to further information.

Item 5 – Refers to response prepared by the project engineer.

The Third and final report of the Planning Officer concluded that the proposed development subject to the attached conditions, would not seriously injure the amenity of the area and would therefore, be in accordance with the proper planning and sustainable development of the area. A recommendation was made to grant permission in line with decision issued.

3.2.2. Other Technical Reports

Roads Engineer

Report dated 16th September 2024 - recommend a number of conditions to be included in the event of a grant of permission.

Environment

Report dated 13th September 2024 – Seeking the following further information:

- concerns exist regarding the location of the proposed development within an outer source protection area for a private group water supply. The applicant is required to carry out an analysis of the groundwater in the vicinity of the proposed development Report dated 29th Nov 2024 - Notes no objection to the proposal and recommends conditions to be included in the event of a grant of permission.
- reopen the trial hole to the indicated depth of 3m.
- provide clarity as to which arrangement the sand & soil polishing filters are to be installed.
- provide confirmation of this from the proposed DWWTS supplier and shall provide the desludging frequency recommended by them with reference to this additional load exceeding the design capacity of the system.
- redesign the percolation area in adherence to the EPA's 2021 code of practice Domestic Wastewater Treatment Systems (Population Equivalent).

Conservation Officer – Notes no objection to the proposal and recommends conditions to be included in the event of a grant of permission.

3.3. Prescribed Bodies

Department of Housing, Local Government and Heritage – Notes that the proposed development is partially within the zone of notification for the following recorded monuments that are subject to statutory protection in the Record of Monuments and Places (RMP) established under section 12 of the National Monuments (Amendment) Act 1930-2014: KK023-036001- : Church; KK023-036002- : Graveyard; KK023-036003- : Cross - Churchyard cross; KK023-036004- : Wall monument; KK023-036005- : Architectural feature. Report recommends that Archaeological Monitoring, as described below, should be required as a Condition of planning.

3.4. Third Party Observations

The Planning Authority received one number submission in relation to the works proposed. Concerns raised are summarised as follows:

- Consistent intensification of use over the years without the benefit of planning.

- Substantial increase in scale has placed pressure on the surrounding environment in terms of increased traffic.
- Increased traffic gives rise to Traffic Hazard.
- Not appropriate for a rural setting.
- Treatment Plant does not have the capacity to treat a school this size.
- Existing percolation area not fit for purpose and currently experiencing issues.
- School does not benefited from planning permission to serve 121 pupils.
- 14 outside flood lights causing light pollution.
- The temporary portacabin is not exempted development and does not comply with the conditions of the statutory instrument and is visually intrusive.
- Recommends that the development is refused and reduction in school numbers.

A second submission was received relating to the further information submission.

Concerns raised are as follows:

- Concern over the availability of further information submitted.
- Proposal for a school to serve 225 pupils is not warranted at this location – 2 other schools in the parish.
- Inadequate services and infrastructure to serve a school of this size at this location.
- Parking solution offered have no basis in reality.
- Inadequate sightlines representing a traffic hazard.
- No public transport option available.
- Percolation testing not reasonable indicator.
- Proposed construction compound/access will damage trees.
- No consent to locate building compound on adjoining lands.
- Location of portacabins on site do not comply with exemptions – visually obtrusive.

4.0 Planning History

PA Ref 13/193	Permission GRANTED to construct a single classroom extension, Exit Lobby and all associated site works.
PA Ref 02/1561	Permission GRANTED for alterations to existing premises layout and single storey extensions to the existing school including 5 no. classrooms, library, GP room, ancillary rooms; construction of new bus/car set down area, staff car parking area, play areas, new effluent treatment plant and percolation area and ancillary related site works; provision of temporary units for duration of construction period including 4 no. classrooms, administration/staff room, resource office, toilets and ancillary related temporary works.
PA Ref 01/783	Permission GRANTED for one No. temporary classroom unit and ancillary related works.
PA Ref 99/379	Permission GRANTED to erect a temporary pre-fabricated classroom on the grounds of the school, with related services, sewage, water and electricity.

5.0 Policy Context

5.1. Kilkenny City and County Development Plan 2021-2027.

Cuffesgrange is identified as a Rural Area within table 4.2 of the Kilkenny City and County Development Plan 2021-2027. Table 4.2 sets out the settlement hierarchy for the county within the Core Strategy of the city and county plan.

It is further noted under Table 4.3 that Cuffesgrange is identified as a rural node.

Housing and Community – Chapter 6

Section 6.12 notes that Community Facilities (including schools) are essential to the well-being and functioning of populated areas. This supports, being accessible to all sectors of the community and to facilitate multi-use functions through their design and layout.

Section 6.13 – Education & Childcare.

Section 6.13.2 to Primary and Post Primary Education.

Decisions on the future requirements for educational facilities are primarily a matter for the Educational Authorities. However, the 'Provision of Schools and the Planning System, A Code of Practice for Planning Authorities' outlines that the planning system plays a critical role in anticipating future development and co-coordinating the provision of the essential supporting infrastructure such as transport, water services, schools, amenity and community facilities. The Council will continue to liaise with the Department of Education and Skills, and all providers of education, to assist in the development of adequate education centres.

The Council will support the intensification of development and/or uses on existing school sites while maintaining sufficient space for required minimum standards of play and recreational facilities.

Objective 6M: To identify and facilitate the provision of suitable sites for new educational facilities as the need arises throughout the City and County.

Section 6.13.2.1 supports the Dual Use of School Buildings and notes that they can contribute to meeting the needs of the wider community. Where new schools or community facilities are proposed, opportunities will be sought to ensure that they are designed in such a way as to facilitate multi-use of the buildings.

Heritage, Culture and the Arts – Chapter 9

Section 9.2 refers to Natural Heritage and Biodiversity Section 9.2.1.1 to European Sites (Natura 2000). Figures 9.1 refers to Natural Heritage and Table 9.1 provides a list of SACs and SPAs.

As set out in Chapter 1, the Council will ensure that an Appropriate Assessment, in accordance with Articles 6(3) and Article 6(4) is carried out in respect of any plan or project not directly connected with or necessary to the management of the site, but likely to have a significant effect on a Natura 2000 site(s), either individually or in combination with other plans or projects, in view of the site's conservation objectives.

Section 9.3 refers to Built Heritage. This includes archaeological (Section 9.3.1) and architectural heritage (Section 9.3.2).

- Objectives 9C, 9D and 9E refer to the protection of archaeology and Recorded Monuments.

Section 9.3.2.1 refers to the Record of Protected Structures listed in Appendix 1 of the written statement.

Section 9.3.2.2 – National Inventory of Architectural Heritage. It is Council policy to ensure the protection of architectural heritage by including all structures considered to be of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest in the Record of Protected Structures. Development Management Requirements for both Archaeology and Architectural Heritage are included.

Appendix 1 of the Kilkenny CDP provides the Appendices. Appendix I – Record of Protected Structures – County Only. The following are on the site:

- Church of the Holy Cross - RPS No. C269.

Infrastructure & Environment – Chapter 10

Section 10.1 refers to Water Services.

- Objective 10A seeks: To facilitate Irish Water and to assist, subject to service level agreements, with the provision of water and wastewater infrastructure provision in accordance with the water services strategic plan, made in accordance with the Water Services Act 2007.

Section 10.1.4 to Water Supply and Treatment and states *“The Council will work with Irish Water to protect existing water and wastewater infrastructure in the City and County and facilitate the development of new infrastructure aligned with the Core strategies. Where public watermains are available or likely to be available and have sufficient capacity, the Council will require that new development proposals connect into the existing public water mains.”*

Section 10.1.6 refers to Waste water networks and treatment and states “The Council will require that development in all main settlements connect to public waste water treatment facilities, subject to sufficient capacity being available which does not interfere with the Council’s ability to meet the requirements of the Water Framework Directive and the Habitats Directive.”

Section 10.1.8 to Water Quality and to the Water Framework Directive.

- Objective 10B.

Section 10.2.6 refers to Flood risk and flood protection and management. Reference is had to the Planning System and Flood Risk Management – Guidelines and the Strategic Flood Risk Assessment accompanying this Plan. Section 10.2.7 to Surface Water Drainage and to the use of SUDs. Section 10.2.8 to Development Management Requirements.

Section 10.2.9 to Waste Management Requirements.

Movement and Mobility – Chapter 12

Section 12.2 refer to Significant Policy Documents and Guidance including the National Planning Framework (NPF), the Regional Spatial and Economic Strategy (RSES) for the Southern Region, The Climate Action Plan, The Design Manual for Urban Roads and Streets (DMURS).

Objectives 12A – 12D relate to all of the above.

Section 12.4 provides Modal share targets for County Kilkenny.

Table 12.1 provides the targets.

Objectives 12E – 12G relate to Modal Share.

Section 12.5 seeks to promote walking and cycling and refers to compact growth. Section 12.5.1 provides the Cycling Objectives.

Table 12.2 provides Bicycle parking requirements.

Section 12.5.2 refers to the Development Management Requirement for Workplace Travel Plans.

Section 12.7 refer to Public Transport

12.7.1 to bus-based public transport.

Section 12.14 to spaces (20%) for charging of Electric Vehicles.

Development Management Requirements – Chapter 13

Section 13.22.1 refers to Access and Sight lines.

5.2. Natural Heritage Designations

The subject site is not located within or adjacent to any natura 2000 sites. The subject site is located c.6.49 km to the north of the River Barrow and River Nore SAC (site code 002162) and the River Nore SPA (site code 004233).

6.0 EIA Screening

The scale of the proposed development does not exceed the thresholds set out by the Planning and Development Regulations 2000 (as amended) in Schedule 5, Part 2(10), and I do not consider that any characteristics or locational aspects (Schedule 7) apply. I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Appendix 1 of my report refers.

7.0 The Appeal

7.1. Grounds of Appeal

This is a third-party appeal against the decision of Kilkenny County Council to grant permission at Churchill National School. The appeal was submitted on behalf of the neighbouring landowner to the west of the subject site. The grounds can be summarised as follows:

1. Traffic issues:
 - Assessment undertaken by Dennis Brennan & Associates (civil/Structural Engineer) found infrastructure required for this level of expansion needs to be considered.
 - A large school on a restrictive site with dangerous traffic issues is not appropriate without major traffic risk reduction measures being carried out to improve road safety.
 - There is a lack of public transport catering to the school.
 - Difficult and restrictive sightlines.

- Limited set down/parking to the front of the school and in close proximity to live carriageways.
- Roadside recessed parking unsafe due to limited visibility.
- Review of Traffic Management Plan submitted found the following issues:
 - Proposal maintains provision granted in 2003 which are now out-dates due to increased pupils attending the school.
 - Lack of enforcement - potential for set down facilities becoming reverse parking resulting in traffic safety considerations.
 - Potential for senior school set down area within adjoining church resulting in traffic chaos.
- Sightline Issues:
 - Sightlines should accord with TII publications DN-GEO-0060 and DN-GEO-03031.
 - Eastern direction sightline should be measures to the nearside edge of the road due to overtaking conditions – the applicant submitted calculations based on the centre of the road.
 - Eastern sightlines not achievable due to wall and hedgerow interference.
 - Parked vehicles at drop off time restricts safe sightlines at parking spaces and set down spaces – reinforces that safe traffic sightline distances are not achievable.
 - Drawing no. 221023/C/102 PL2 does not achieve the required 70m (Y) sightline from a 2.4m setback (x).
- Parking and Drop-off Facility
 - provision of 10 no. car parking spaces is not adequate.
 - Reverse movements are required onto public road for drop off point.
 - Waiting vehicles turn in appellants private residents or park roadside – results in traffic chaos and endogenous road users.
 - Additional set down proposed for church car park is noted however sightlines at entrance to church are restrictive and dangerous.

- Applicant notes that the parking statement is not working.
- Drop of in church car park cannot be enforced.
- Live road carriageway cannot be use for parking or turning manoeuvres.
- Poor traffic situation should have been the primary planning issue.
- Larger set down with one-way clockwise circulation should have been considered alongside a periodic speed limit.
- Construction Compound Access
 - Access does not have sightlines required.
 - Appellants existing stone boundary wall will impede upon sightlines to the west and hedging will do same to the east – Sightlines on Drawing no. 221023/C/102 PL2 is not achievable.
 - Only 6-7m sightlines currently available at the proposed construction access.
 - This will create passing traffic safety issues.
 - Soil removal along the proposed construction traffic access for HGV to pass will give rise to damage of existing tree roots and groundwater problems.
 - Condition no. 6 required advanced works to achieve visibility splays however no details of how these works will be achievable without consent from the appellant.

2. Impact on Rural Character: Scale.

- Not objecting to provision of SEN classroom accommodation or to the general educational role established on the site.
- Consideration needs to be given to the suitability of the expansion within the Cuffesgrange Rural Setting and the limited subject site area with regard to the protection of established rural residential amenities of appellants adjoining landholding.
- A large number of pupils originate from Kilkenny City and its environs - Cuffesgrange Rural Setting only has 51 children within the latest Census result (age 10-14).

- Scale and design of extension should complement the rural setting in which it is located – in compliance with TGD 25 (Department of Education).
- Future development of Cuffesgrange will not entail the provision of large residential developments – the City and County Plan identifies that the rural node should not expand by more than 10/12 dwellings.
- The proposal is located to the west of the existing school making it more visually dominant to appellants property.
- Scale of extension is out of character with rural area.
- The scale of the site, on foot of previous planning decisions, is now limited.
- The proposal represents a 45.96% increase in footprint. This is a large-scale development in terms of the rural setting.
- Primary School Site: Department of Education Technical Guidance Document 025, Rev 1 Sep 2019; Table 1 – proposal would not accord as no more area for future expansion.
- Primary & Post Primary School Specialist Accommodation for Pupils with Special Educational Needs: Department of Education Technical Guidance Document 026, Rev 1 May 2012: Section 3.6 (a) *“Appropriate separate provision for external play will normally be provided and this is set out in the Schedules of Accommodation in Section 2. The amount of area for secure external play is additional to the standard hard play allowance provided for the mainstream school element”* – application fails to comply.
- Principles of sustainable development require consideration of the building stock as proposed, the spatial site characteristics, and overall impact of rural area.

3. Impact on Rural Character: Landscape.

- The Kilkenny City and County Plan has reiterated and included strengthened policies to protect the rural landscape.
- Section 9.2.12 - the onus shall be on the developer to satisfactorily demonstrate that such new development can be adequately absorbed into

its surrounding landscape without significant adverse visual impacts to its overall landscape value.

- The introduction hardstanding areas and boundary fencing has reduced the rural feel of the area.
- Appropriate consideration of the extant rural area amenity is required as set down in the 2021 plan and Section 3.1(a)(xi) of Department of Education: Technical Guidance Document 25.
- It is requested that in the interest of rural area visual amenity that the existing urban style fencing is not replicated.
- Proposal will impact on quality of residential amenity currently available via overlooking.
- Applicant should be requested to demonstrate that the proposal can:
 - i. Assimilate into rural landscape.
 - ii. Will not be disproportionate or dominating visual impact on rural area.
 - iii. Establish and maintain adequate screening vegetation to assist visual absorption.
- Landscaping proposed considered to be insufficient to visually absorb the development.
- Suitable planning condition should be included by the Board to ensure boundary landscape treatment is provided that will absorb the proposal.

4. Impact Upon Sanitary Infrastructure: Percolation System Capacity.

- The extant percolation system – currently covered by 2 no. unauthorised hardstand ball courts – will remain in operation until such times that the proposed works are completed and the temporary school accommodation be removed to facilitate installation of ne sand filter area.
- Having regard to the lengthy DoE procurement process and lengthy Planning consent period – it is estimated that extant percolation area will be required to operate for a number of years.

- The cap of 250 pupil will place pressure on existing system – notwithstanding the applicant comments that the system is regularly examined by qualified persons.
- It is submitted that the covering of the existing percolation area is wholly unauthorised, and the continued use cannot be supported on the grounds of environmental and public health consideration.

5. Ecological Impacts: Established western treeline.

- Mitigation measure in arborist assessment failed to consider the impact of HGV movement and soil disturbance upon trees which line both sides of the temporary access lane.
- Tree line 2 identified within the Tree Protection Plan do not benefit from protection measure.
- HGV movement will impact the entire length of the 8.5m wide access track.
- Arborist report states that “*at least 50-60% of the rooting structure will be undisturbed*” – without consideration of all trees lining the temporary access route this statement cannot be verified.
- Other factors are known to cause tree frailer which have not been considered by the applicant such as wind exposure, heavy rain and waterlogging.
- Applicant has indicated that works if permitted will be undertaken in summer holiday period – this does not comply with Section 40 of the Wildlife Act 1976 which stipulates that it is an offence to destroy vegetation during 1st March – 31st August.
- Impacts arising from Treeline 1 and 2 from HGV traffic movements should have been expanded further to consider trees bounding appellants landholdings.
- If Board are minded to grant permission – a condition should be included to extend tree protection to trees on appellants boundary.
- Tree loss along construction compound has also been considered as a concern within engineer’s report submitted as part of this appeal.

The 3rd Party Appeal was accompanied by a report prepared by D.Brennan & Associates Civil & Structural Engineers, Property Surveyors and Planning Consultants.

7.2. Applicant Response

A response from the applicant was received on the 27th January 2025 and can be summarised as follows:

1. Traffic management

- Existing school, parking and set down arrangements are well established (permitted under PA Ref 02/10561 an PA Ref 13/193).
- Road signage in the vicinity provides advance warning to the location of the existing school – failed to be considered within 3rd Party Appeal.
- Existing school is not served by public transport, cycle lanes or interconnected footpaths – typical of most rural schools. Therefore, traffic must be managed and reduced where possible -Traffic Management Plan submitted proactively engaged with parents and students to mitigate potential issues.
- Traffic Management Plan provides for staggered set down periods between 08:40 and 09:00 while the church car park used for set down for older students. Whole school community has bought into this plan - stark contrast to stark assumptions made by appellant.
- The current traffic management plan is now a well established system.

Sightlines

- Assessed against the Desing Manual for Urban Roads and Streets – this is applicable despite the comments of the 3rd party Appeal.
- Following is relevant from DMURs:
 - Section 1 – *“This Manual seeks to address street design within urban areas (i.e. cities, towns and villages).”*

- Section 1.3 - *The principles, approaches and standards set out in this Manual apply to the design of all urban roads and streets (that is streets and roads with a speed limit of 60 km/h or less),*
- Section 1.3 - *Local authorities shall facilitate the implementation of the principles, approaches and standards to road and street design set out in the Manual in carrying out their development planning functions under the Planning Code.*
- Reference to TII guidance is not relevant – 50Kmph speed limit warrants assessment against DMURS.
- DMURS allows for a 2m set back (x distance) in the instances of difficult circumstances where vehicle speeds are slow and flows on the minor arm are low.
- Access to staff parking was previously assessed and deemed acceptable under PA Ref: 02/1561 – only utilised out of peak set down times.

Parking & Drop Off Facility

- Appellant asserts 224 pupils will be attending/being dropped off at the school at any one time – this has discounted the staggered drop off times, the senior pupil drop off at the church all of which is confirmed in the Traffic Management Plan.
- Appellant contends that current traffic management system is not working – this is in contrast to the school assessment and the assessment of the Planning Authority.
- Appellant recommends a periodic speed limit and school ahead signage - these are already in place.

Construction Traffic Management & Access

- Appellant again applies TII standards – DMURS guidance is the relevant standards to be considered.
- The construction access is only a temporary access for the construction phase.
- Sightline assessment confirms works that are required for HGV access.

- Construction Environmental Management Plan sets out mitigation measures which appellant has failed to consider with regard to Trees flanking the entrance.

The response has been accompanied by a letter from the principal of Church Hill National School and states the following:

- The new classrooms are required for the most vulnerable students in the school – will provide for inclusivity, equality and ensuring every child has an opportunity to thrive. This will benefit the whole community.
- Proposal is supported by the 2021 Kilkenny County Council.
- Reference to lack of realistic enforcement of traffic management is unfounded – Traffic management is reiterated to parents on a regular basis.
- There is no overlap between the primary school and preschool collection times.
- Reference to 224 pupils is incorrect – never more than 209 pupils at one time in the school.
- At present 10% of current pupils originate from Kilkenny City.
- Staggered drop off times has worked – set down times are coordinated by surname with parents encouraged to drop and go.
- 3 no. taxis serve the children in the SEN rooms – reducing volume of traffic.

7.3. Planning Authority Response

A response from the Planning Authority was received on the 7th February 2025 and notes the following:

- Condition no. 8 of the grant of permission limits the number of pupils and staff to 250.
- Having regard to the proposal to upgrade the existing waste water treatment system, additional improvements to address traffic movements, the scale of the existing permitted development on site and that this application is seeking to cater for children with special education needs, it is considered that an increase of 23 students is not excessive.

- The L1013 is governed by a 50kmph speed limit and a 30kmph periodic speed limit – it is considered having regard to the context of the site, its surrounding environs, and the prevailing speed limits it is considered that the application should be assessed against the Design Manual for Urban Roads and Streets which permits visibility spays of 45m for 50kmph zones and 23m for 30Kmph zones.
- Traffic issues are acknowledged – the provision of the proposed development affords an opportunity to provide for additional parking in compliance with development plan standards, improvements to the existing car parking arrangements and footpaths and a provides for a set down area in the church car park which has off street pedestrian access to school grounds.
- Additional traffic calming measures are also to be submitted for the written agreement of the Planning Authority.

The submission concludes with a recommendation to An Board Pleanála to uphold its decision and include a number of conditions which relate to footpath widening; Additional traffic calming measures; and a Construction Environmental Management Plan and a Traffic Management Plan.

7.4. Observations

None received.

8.0 Assessment

Having examined the application details and all other documentation on file, including the appeal, and having inspected the site and having regard to the relevant local policy guidance, I consider the main issues in relation to this appeal are as follows:

- Traffic Issues.
- Visual Impact.
- Landscape/Ecological Impacts.
- Sanitary Infrastructure.
- Other Issues.

8.1. Traffic Issues

- 8.1.1. The main concern raised by the appellant relates to a number of issues relating to the current and future traffic management along the L1013. The appellant considers that the provision of a large school on a restrictive site which has existing traffic issues is not appropriate without major traffic risk reduction measures being carried out to improve road safety. It is stated that the lack of public transport, difficult and restrictive sightlines along the L1013, the limited set down/parking to the front of the school which is in close proximity to live carriageways and the limited visibility from the existing recessed roadside car parking all indicate that the subject site is not suitable for any further expansion.
- 8.1.2. The appellant notes a number of concerns regarding the Traffic Management Plan submitted to the Planning Authority and consider that measures set out are not enforceable and are significantly out-dated.
- 8.1.3. While I note that the applicant is seeking permission for an extension to the existing school which will provide for additional classrooms, the classrooms will serve students who are currently occupying the temporary accommodation on site which is also proposed to be removed. The applicant has stated that on foot of the provision of the Special Needs Accommodation the overall school population will increase by 23 students. While I note the scale of the accommodation which would be considered an intensification of use on site, notwithstanding the removal of the temporary accommodation, I do not consider that an increase of 23 students to be excessive.
- 8.1.4. I consider that the issues which need to be considered with regard to traffic are sightlines, parking, drop of facilities, the traffic management plan submitted and Construction Compound Access.

Sightlines

- 8.1.5. It is contended by the appellant that sightlines should be assessed against TII publications DN-GEO-0060 and DN-GEO-03031 having regard to the rural location of the subject site. The appellant accepts that sightlines based on speed limit of 50km should be provided, however the distances should accord with the TII standard as opposed to the Design Manual for Urban Roads and Streets (DMURS). The appellant notes that reference is made to a periodic speed limit of 30km/hr by the applicant

however clarity is required over whether this is in operation during school drop of and collection and where this has been approved by the Local Authority.

- 8.1.6. The response from the Planning Authority notes that the L1013 is governed by a 50kmph speed limit and a 30kmph periodic speed limit – it is considered having regard to the context of the site, its surrounding environs, and the prevailing speed limits it is considered that the application should be assessed against the Design Manual for Urban Roads and Streets which permits visibility splays of 45m for 50kmph zones and 23m for 30Kmph zones.
- 8.1.7. From undertaking a site visit I note that the village of Churchill is elongated in form and runs in a east-west direction along the L1013 to where it forms a junction with the N76. The subject site adjoins the Church grounds and I consider that the existing school together with the church ground forms an integral part of the village of Churchill. I consider it is important to establish the surrounding location of the site as being part of the village of Churchill in order to demonstrate what guidance the subject application should be assessed against in terms of sightlines. Section 1.1 of DMURS states that the Manual seeks to address street design within urban areas i.e. cities, towns and villages. Having regard to the above, I therefore consider that the sightlines should demonstrate compliance with requirements of DMURS.
- 8.1.8. The appellant has raised concerns over the availability of sightlines to the east of the existing entrance and considers that it should be measured to the nearside edge of the road due to consistent issues of overtaking of parked cars. It is contended that the applicant submitted calculations based on the centre of the road.
- 8.1.9. I note that the existing vehicular entrance is to remain unchanged and drawing no. P.221023/C/102/PI2 submitted to the Planning Authority on the 9th August 2024, demonstrates that sightlines of 45m in both directions, calculated from a 2m setback from the nearside edge of the road are available. Again, I note from undertaking a site visit and documentation available on file, I would concur with findings of the sightline drawing submitted and consider this to be acceptable and in accordance with the requirements of DMURS.
- 8.1.10. The appellant further contends that sightlines pertaining to the construction access are not achievable. It is stated that their existing stone boundary wall will impede upon sightlines to the west and hedging will do same to the east.

- 8.1.11. The applicant in their response note that the construction access is only a temporary access for the construction phase and that the sightline assessment submitted to the Planning Authority confirms what works will be required to allow for HGV access. It is further stated that the Construction Environmental Management Plan sets out mitigation measures which the appellant has failed to consider with regard to trees flanking the entrance to allow for sightlines.
- 8.1.12. The sightline drawing submitted indicates that the proposed construction entrance can achieve sightline of 45m in each direction from a 2m setback which again accords with the requirements of Table 4.2 of DMURS. I note that the plan submitted makes reference to the works which need to be undertaken to either side of the existing entrance which includes for cutting back the existing foliage and the removal of the existing gate and pier which is to be reinstated post construction phase. It is noted that the pier and gate to be removed is not that refenced by the appellant but rather one serving the existing agricultural entrance. This is considered to be acceptable and clearly demonstrates that the temporary construction entrance will accord with the requirements of DMURS.

Parking/Drop Of Facilities

- 8.1.13. The appellant contends that the provision of 10 no. car parking spaces is not adequate to serve a school facility with 224 pupils. It is contended that the existing drop of facility which requires reverse movements onto the public road is not adequate and often required people to utilise private driveways to make turning movements. The appellant considers that the proposed use of the church carpark as a drop of facility cannot be enforced and that sightlines at the church entrance are restrictive and dangerous. It is contended that a larger set down with one-way clockwise circulation should have been considered alongside a periodic speed limit.
- 8.1.14. The applicant in their response refutes the comments made and considers that the existing traffic management system is currently operating very well. The response recognises that the existing school is not served by public transport, cycle lanes or interconnected footpaths, which they consider to be typical of most rural schools and as such, traffic must be managed and reduced where possible. It is further stated that the Traffic Management Plan submitted proactively engaged with parents and students to mitigate potential issues.

- 8.1.15. The Traffic Management Plan submitted to the Planning Authority on the 9th August 2024 has set out a number of additional measures, to those currently in operation, which all aim to provide for a safe and achievable management solution for drop of/collection times for the school. The plan has set out the existing situation and current operations which include car parking numbers and locations, details of signage within the areas and the set down times which are staggered and co-ordinated based upon surnames. All of the existing systems were agreed with the Board of Management and reminders are issued to parents on a 14 day basis.
- 8.1.16. The Traffic Management Plan has identified that going forward a 'Travel Plan Co-ordinator' who will promote, implement and monitor the Travel Plan and will act as a focal point for information for staff, students and visitors but would not necessarily be a full-time position and could be performed by a member of staff with other professional duties, will be put in place. The plan also provides for additional staff carparking (15 spaces) and 10 no. additional roadside parking spaces. The plan recognises that the surrounding road network does not support the option to cycle to or from school and as such it is proposed to provide for 10 no. cycle parking spaces. However it is stated that this is to be reviewed on an ongoing basis during the first year of occupation and bi-annually thereafter. Should additional parking be required, the provision of on-site dedicated cycle parking is to be expanded to meet the needs of the school.
- 8.1.17. Overall, having regard to the proposed development which will provide accommodation for 23 no. additional pupils on site which I do not considered to constitute a significant intensification of the permitted use on site, I consider that the traffic management plan submitted to the planning authority provides for obtainable solutions which when implemented will overcome the traffic issues highlighted by the appellant at this location.

Conclusion

- 8.1.18. As established above, the proposed extension will provide school accommodation for an additional 23 pupils on site which I do not consider to constitute a significant intensification of the permitted use. The application proposes to retain the existing vehicular entrance and to revise the parking area to accommodate additional parking spaces for the proposed SEN extension and provide safe drop of and collection for SEN students along with level access to the school building. A swept path analysis

has been submitted and demonstrates that access to the construction compound along the west site boundary is obtainable and complies with the requirements of DMURS. In conclusion and having regard to the foregoing, I do not consider that the proposed development will give rise to a traffic hazard or any traffic issue once the details of the Traffic Management Plan submitted are implemented.

8.2. Visual Impact

- 8.2.1. The appellant has raised concerns over the scale of the proposed extension having regard to the rural surrounding and proximity to their dwelling. It is asserted that the scale of the extension is out of character with its surroundings and would be visually dominant upon their dwelling. It is asserted that, having consideration of previous permissions granted on site the scale of the site for further level of development is limited and that this proposal represents a 45.96% increase in the footprint of the existing school which is excessive in a rural location.
- 8.2.2. I note that the appellant property is located c. 16.8m from the western boundary of the school site and c. 80.8m from the most western elevation of the proposed extension. In addition, the extension has been set back c.32m from the southern boundary of the subject site which is formed with the L1013. The ridge level of the proposed extension sits below that of the existing school building.
- 8.2.3. Having regard to the established and existing school building on site and the separation distances provided for, I do not consider that the proposed extension to the existing school building would be out of character with the surrounding rural area or visually dominant to any of the surrounding dwellings, with particular reference to the appellants property located to the west. The extension has been designed in a manner which replicates the scale and height of the existing buildings on site and would not be incongruous with the established streetscape which addresses, albeit set back from, the L1013.
- 8.2.4. Reference is made by the appellant to the Department of Education Technical Guidance Document (TGD) 025 which relates to “Identification and Suitability Assessment of Sites for Primary Schools.” The appellant contends that the proposal would not allow the school to accord with the following statements set out within the TGD 25:

- “an area adjoining the school building should be allocated for future expansion” and
- “Separation areas represent the total unused landscaped areas on the site. The Figure of 35% is based on a well arranged site located in a rural town environment.”

8.2.5. It is further asserted by the appellant that a school of this scale is not required given that the future development of the surrounding area will not entail the provision of large-scale residential developments. Reference is made to the latest census which indicated that there are only 51 children (aged 5-14) within the Cuffesgrange Rural Setting. It is further argued that a large number of children attending the school are travelling from Kilkenny City.

8.2.6. The applicant in their response has indicated that only 10% of the school population travel from Kilkenny City to attend the school. While I note the population of Cuffesgrange for school age is relatively low, the proposed extension is not seeking to provide classrooms for additional students, it is seeking to provide permanent classrooms for children currently occupying the temporary accommodation on site and SEN facilities for an additional 23 students. The Kilkenny City and County Development Plan states under Section 6.13.2 that “*The Council will support the intensification of development and/or uses on existing school sites while maintaining sufficient space for required minimum standards of play and recreational facilities*”. I consider that the proposed development is consistent with this statement and as such the extension is therefore acceptable.

8.2.7. I note that the Department of Education Technical Guidance Document (TGD) 025 relates solely to the identification and assessment of suitable sites for new Primary Schools as identified under section 1.1 Objective of the TGD. As such, I do not consider this guidance relevant in this instance as this is not an application for a new school but rather an extension to an existing and operational school.

8.2.8. Reference is further made to “Primary & Post Primary School Specialist Accommodation for Pupils with Special Educational Needs: Department of Education Technical Guidance Document (TGD) 026, Rev 1 May 2012” with a particular reference to Section 3.6 which refers to the requirement for dedicated outside play space which is to be provided in addition to the standard hard play allowance provided for the

mainstream school element. The appellant contends that the applicant has not demonstrated that the proposal has provided adequate hard play space.

- 8.2.9. Appendix 6.3 of TGD 026 provides for a diagram of how a sensory play garden should appear. The diagram provides for an area of c.38 sq.m and includes both soft and hard surface with some plant however no specific requirements have been set out with regard to the provision for such.
- 8.2.10. As part of the proposed development the applicant has indicated the provision a 2 no. safe play space which provide for c.48 sq.m of play space and a sensory garden which provides for 25sq.m of play space. Both the proposed safe play space and sensory garden are separate to the main play space which serves the remainder of the school building.
- 8.2.11. While I note that the proposed extension is to be located on an area where there are currently ball courts, the site layout plan submitted indicates the location of a replacement ball court, where the prefabricated buildings were located. I consider that the provision of segregated play space and the replacement ball court would be in accordance with the requirements of “Primary & Post Primary School Specialist Accommodation for Pupils with Special Educational Needs: Department of Education Technical Guidance Document (TGD) 026, Rev 1 May 2012”.
- 8.2.12. Overall, I do not consider that the proposed development would represent an inappropriate level of development having regard to its rural location, the proposal would not negatively impact upon the visual amenities of the surrounding area, would accord with Section 6.13.2 of the Kildare City and County Development Plan 2021-2027 and would accord with the requirements of Technical Guidance Document (TGD) 026 issued by Department of Education.

8.3. Landscape/Ecological Impacts

- 8.3.1. The appellant makes reference to the Kilkenny City and County Plan 2021-2027 which provides for strengthened policies which seek to protect the rural landscape. Reference is made to section 9.2.12 of the City & County Plan which places onus on the developer to satisfactorily demonstrate that new developments can be adequately absorbed into its surrounding landscape without causing adverse visual impacts to the overall landscape value.

- 8.3.2. The appellant considers that the introduction of hardstanding areas and boundary fencing has reduced the rural feel of the area, and that the overall layout has failed to comply with Section 3.1(a)(xi) of Department of Education: Technical Guidance Document 025 - *"Identification and Suitability Assessment of Sites for Primary Schools."* It is contended that the landscape proposal submitted is insufficient and will not visually absorb the development. The appellant requests that in the event that the Board are minded to grant permission that a suitable condition be included that will provide for a suitable boundary treatment which considers that rural location of the site.
- 8.3.3. From undertaking a site visit I note that the southern boundary of the site which is formed with L1013 comprises of a mixed boundary treatments which includes for a boundary wall, with some parts having metal railings above and some mature planting. The green mesh fencing reference by the appellant is located internally of the site boundary and utilised to enclose the ball courts and hard play areas. I consider that the use of this fencing is acceptable and in keeping with the educational use established on the subject site. The applicant is not seeking permission to alter the existing boundary treatment.
- 8.3.4. I have already established within section 8.2.3 of my report, above, that the proposed extension is not visually dominant and is in keeping with the pattern of development established in the subject site. I once again reiterate that reference to the Department of Education: Technical Guidance Document 025 is not relevant in this instance.
- 8.3.5. As the applicant is not seeking permission to amend the existing boundary of the subject site, I do not consider it necessary to include for a condition relation to such.
- 8.3.6. With regard to the use of the fencing on site, I note that under section 3.6 of the Department of Education: Technical Guidance Document 026 which relates to the provision of Specialist Accommodation Provision For Pupils with Special Educational Needs, under point (e) it is states that *"the boundaries of dedicated play areas for pupils with special educational needs should be defined using suitable secure and visually attractive fencing at a height of 1.8m. The fence design should not encourage or facilitate climbing. Tamperproof gate latches should be used."* The site layout plan submitted references the inclusion of a boundary treatment which segregates the play area proposed to serve the SEN students from the rest of the outdoor play space. This

accord with the requirements as set out above and I therefore consider it to be acceptable.

- 8.3.7. The appellant considers that the works proposed may give rise to issues of overlooking concerns for school patron as their property, while maintaining an established landscaped boundary, would be inter visible to the area of where the extension is proposed to be located.
- 8.3.8. I do not accept that any issues of overlooking will arise from the proposed extension having regard to the separation distance provided which is in excess of c.80m and the location of the agricultural access which separates the appellants landholding from the subject site.
- 8.3.9. The appellant raises concerns over the HGV movements and the impacts they will have upon the tree lined temporary construction access route which is located to the east of the appellants property. It is contended that mitigation measures included within the arborist assessment failed to consider the impact of HGV movement and soil disturbance upon trees which line both sides of the temporary access lane - tree line 2 identified within the Tree Protection Plan do not benefit from protection measures.
- 8.3.10. The applicant in their response has set out that the construction access is only a temporary access and that the Construction Environmental Management Plan (CEMP) also provides for mitigation measures which the appellant has failed to consider.
- 8.3.11. The tree protection plan submitted as part of the planning application documentation concludes that there will be minor tree loss with no negative impact on the character and appearance of the immediate surrounding landscape. The assessment presents a number of mitigation measures and a tree protection plan which is to be implemented during the construction phase, and it places a particular reference upon the tree's located along the western boundary of the site which line the temporary construction access route. The report states that in total 4 no. trees will need to be removed in order to facilitate the development. Mitigation includes for the use of tree protective fencing and enclosures.
- 8.3.12. Section 6.2 of the CEMP references the Arboricultural Assessment and refers to the mitigating proposed. Overall, I consider that the mitigation measures set out within

both the Arboricultural Assessment and the CEMP are acceptable and will ensure that the exigent trees located on both sides of the temporary construction entrance will be protected.

8.4. Percolation Area.

- 8.4.1. The appellant notes that the existing percolation area is currently covered by 2 no. hardstand playing courts and will remain in operation until such times that the works proposed under this application will be undertaken and completed. Reference is made to the lengthy procurement process pertaining to the works and as such the appellant considers that the extant percolation area will be required to operate for a number of years.
- 8.4.2. It is further contended that the cap of 250 pupils, which was put in place by the planning authority, will place pressure on existing system – notwithstanding the applicants' comments that the system is regularly examined by qualified persons. The appellant considers that covering of the existing percolation area is wholly unauthorised and the continued use cannot be supported on the grounds of environmental and public health consideration.
- 8.4.3. I note that the Planning Authority raised concerns over the existing percolation area under the request for both Further Information and Clarification of Further Information. It was considered that the permitted percolation area (PA Ref 02/1561) does not conform to the layout as per the proposed plans submitted, and that the percolation area has been located partially below the ball courts and soft play space adjoining the western boundary. The applicant within their response acknowledged that the additional ball courts have partially covered the percolation area and stated that it was their intention to retain the 2 no. ballcourts and provide for a new sand polishing filter on site.
- 8.4.4. The applicant submitted an updated Site Suitability Assessment and system design. Drawing no. 221023-C-111 - Proposed Wastewater & Watermain Layout-Rev PL2, submitted to the Planning Authority on the 9th August 2024, indicates that the new sand polishing filter is to be located on the northwest section of site immediately adjacent to the existing system and under the footprint of the temporary accommodation which is to be removed.

- 8.4.5. The applicant further states that it is proposed to retain the existing treatment system until the completion of the construction works of the extension, which will allow the removal of the temporary accommodation. Following this and prior to handover of the extension, the existing temporary accommodation is to be removed in its entirety to allow for the installation of the new Sand Polishing filter and associated connections.
- 8.4.6. The amended site characteristic form submitted indicates that 3 no. test holes were dug on site to a depth of 800m and were pre-soaked on the 1st July 2024 three times at 5 minute intervals. The percolation test was then undertaken on 3rd July 2024 and generated a T value 37 and a Subsurface Percolation Value of 36.61. As such the applicant has demonstrated that the use of a sand polishing filter is acceptable.
- 8.4.7. While I note that the applicant has accepted that part of the existing percolation area have been covered in the recent past, I consider that the introduction of the sand polishing filter has been demonstrated to be an acceptable alternative and I consider, having regard to the nature of the use on site, that the proposed timeline set out by the applicant for the installation of the Sand Polishing Filter to be acceptable.

8.5. Other Issues

8.5.1. Pupil Cap

Condition no. 8 of the Planning Authorities grant of permission provides that the maximum number of pupils at the school shall be 250, and that no increase in enrolment numbers in excess of 250 is permitted.

I consider that such an approach is overly restrictive and intimates that it would prevent siblings of existing pupils enrolled at the school from attending in the future. I note that the numbers of pupils attending the school is affected by a number of factors, including pupil teacher ratios and the number of classrooms, and that expansion at the school is self-limiting to a degree in this regard. Pupil numbers tend to fluctuate year to year and that imposing a cap of 250 no. pupils would effectively result in siblings of existing pupils having to attend different schools, thereby negating any benefits which accrue from linked trips and as such would be contrary to the principle of sustainable development.

Additionally, I note that a condition of this nature could raise issues in terms of children who do not currently attend the school but who may have their names on enrolment

lists for the coming year(s), and also for children who may repeat a year, and therefore the enforceability of such a condition attached to a proposal for an extension to an existing school is questionable. I submit to the Board that should they be minded to grant permission for the proposed development that such a condition is not attached.

8.5.2. *Development Contribution Scheme*

The adopted Kilkenny County Council Development Contribution Scheme provides for a 50% discount from the standard development charge where a planning permission relates to a school development. The Planning Authority in their assessment included a condition requiring a Financial Contribution which, if the Board are minded to grant permission, should be included.

8.5.3. *Compliance with Conditions*

The appellants allege that the applicant has not complied with conditions which were attached to previous permissions relating the appeal site. I note that these conditions relate to the provision of ball courts, the percolation area, and landscaping. I note that compliance with the conditions of previous permissions is an issue for the enforcement section of the Planning Authority and I submit to the Board that this issue is therefore outside the remit of this appeal.

9.0 **AA Screening**

I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended. The subject site is not located within or adjacent to any European Site. The subject site is located c.6.49 km to the north of the River Barrow and River Nore SAC (site code 002162) and the River Nore SPA (site code 004233).

- 9.1. The proposed development comprises of the provision of a single storey extension to the existing Churchill Primary School at Cuffesgrange, Co. Kilkenny. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:

- The proposed works are limited in scale.

- Due to the distance of the site and intervening land uses from any SAC and SPA, no impacts/ effects are predicted in this regard.
- There are no identifiable hydrological/ecological connector pathways between the application and the SAC or SPA.

9.2. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

10.0 Recommendation

Having regard to the above it is recommended that retention and permission is granted based on the following reasons and considerations and subject to the attached conditions.

11.0 Reasons and Considerations

Having regard to:

- (a) The design, scale and layout of the proposed development,
- (b) Noting that the proposed extension replaces existing temporary accommodation and does not provide for a significant expansion of the school in terms of pupil numbers over and above the number currently enrolled,
- (c) The provisions of the Kilkenny City and County Development Plan 2021-2027,

it is considered that subject to compliance with the conditions set out below, the proposed development would not result in a traffic hazard or seriously injure the residential or visual amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1.	The development shall be carried out and retained 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 9rd day of August 2024, and the 8th Day of November 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.	(a) The developer shall engage a suitably qualified archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks and/or dredging associated with the development. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. (b) Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with this Department, regarding appropriate mitigation [preservation in-situ/excavation]. (c) The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority,(following consultation with the National Monuments Service), shall be complied with by the developer. (d) Following the completion of all archaeological work on site and any necessary post excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

	Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.
3.	The applicant shall ensure that all protective measures and recommendations as per the Arboricultural Impact Assessment submitted as further information on 9th August 2024 are implemented in full. Reason: In the interests of protection of the environment.
4.	The external lighting on site shall be carried out in accordance with the further information submitted on 9th August 2024 as further information. Reason: In the interests of protection of the environment and residential amenity.
5.	(a) The applicant shall submit for the written agreement of the Planning Authority a Construction Traffic Management Plan prior to the commencement of development. (b) All works to achieve the proposed sight visibility splays shall be carried out prior to the commencement of the main development. (c) Prior to the commencement of the proposed development the applicant shall agree in writing with the planning authority the set out, extents and scope of the proposed footpath widening to facilitate the upgrading of existing parking bays to the east of the site Reason: In the interests of general and traffic safety.
6.	Details of the materials, colours and textures of all the external finishes shall be as submitted with the application, unless otherwise agreed in writing with the Planning Authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination. Reason: In the interest of visual amenity.
7.	The works hereby permitted to the wastewater treatment system and percolation area shall be completed and operational upon the extension becoming operational. Reason: In the interest of public health.

8.	The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including: (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse; (b) Location of areas for construction site offices and staff facilities; (c) Details of site security fencing and hoardings; (d) Details of on-site car parking facilities for site workers during the course of construction; (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; (f) Measures to obviate queuing of construction traffic on the adjoining road network; (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network; (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works; (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels; (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater; (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
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	(l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the Planning Authority. Reason: In the interest of amenities, public health and safety.
9.	Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the detailed requirements of the Planning Authority for such works and services. Reason: In the interest of public health.
10.	All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Reason: In the interests of amenity.
11.	Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority. Reason: In order to safeguard the amenities of property in the vicinity.
12.	The developer shall pay to the planning authority a financial contribution of in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning

	authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine. Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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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.

. Kathy Tuck
Planning Inspector

27th March 2025.

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-321634-25		
Proposed Development Summary	Extension to side of school building and all associated site works.		
Development Address	Church Hill National School, Cuffesgrange, Co. Kilkenny R65 T253		
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	
		No	X
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			Proceed to Q3.
No	X		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes			Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?

No	X	Screening determination remains as above (Q1 to Q4)
Yes	Tick/or leave blank	Screening Determination required

Inspector: _____ **Date:** _____

Appendix 2
Appropriate Assessment Screening

I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is not located within or adjacent to any European Site. The subject site is located c.6.49 km to the north of the River Barrow and River Nore SAC (site code 002162) and the River Nore SPA (site code 004233).

The proposed development comprises of the provision of a single storey extension to the existing Churchill Primary School at Cuffesgrange, Co. Kilkenny. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:

- Nature of works and the limited scale of what is being proposed.
- The location of the site from nearest European site and lack of connections.

I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

Inspector: _____ **Date:** _____