

The Secretary
An Bord Pleanála
64, Marlborough Street
Dublin 1

35, Friarsland Road
Goatstown
Dublin 14
D14Y01

29th October 2018

Re: Appeal against Decision of Dun Laoghaire-Rathdown County Council to Grant Planning Permission dated 04th October 2018– Register Reference D18A/0387, Jesus and Mary College, Our Lady’s Grove, Goatstown Road, Dublin 14, D14AK75.

Development: Permission for development of its sports ground.

Dear Sirs,

I wish to appeal the decision of Dun Laoghaire-Rathdown County Council to grant permission for the above development, dated 4th October 2018 and enclose a copy of the decision as well as a Receipt for Submission/Observation from DLR County Council, dated 6th June 2018.

Whilst I am fully supportive of the provision of a state of the art hockey pitch for the school on its current site, my appeal is against the proposal to relocate the pitch onto existing secondary school development land, consequent on the sale of 50% of the current pitch and other land and buildings totalling 2.34 ha. (5.78 acres) in 2017 to a third party.

Many of the grounds of appeal relate specifically to the relocation of the hockey pitch and the consequent reduction in the school (Primary and Secondary) campus.

It is noted that the applicants have confirmed that the sale of these lands are conditional on the purchaser providing an all weather hockey pitch, (subject to planning permission), within the school site. The sale (2017) therefore, was prior to the application for planning permission made on 30th April 2018.

Background

As part of this Appeal, I enclose letter dated 26th April 2006 from Religious of Jesus and Mary, Provincialate, Our Lady’s Grove, Goatstown, Dublin 14. This was sent to local residents. A Master Plan was included for the school campus (Primary and Secondary) and was prepared by O’Mahony Pike, Architects. In addition it was agreed that 8 acres (3.24 ha) of land was donated by the Order for school use. In the Planning Application D18A/0387 to which this appeal relates, the school land has been reduced by 2.32 Acres (0.94 ha) following the sale of Institutional lands in 2017.

The Master Plan deals with the long term evolution of the primary and secondary schools.

- Allows for new primary school (Completed)

- Extension of secondary school
 - Modern 2 storey extensions
 - Study – Library
 - Art rooms
 - 3 Laboratories
 - 4 General Classrooms

- New recreational facilities and improved access.
- New Sports Hall/Sports Courts/ Spectator Viewing/ Changing Facilities
- Upgrade existing Hockey Pitch and new Tennis Court

The attached Map clearly shows a significant increase in facilities.

The map also shows a new boundary line (Dotted Red) and an all weather Hockey Pitch on the existing site.

It will be impossible to provide many of the above facilities unless this appeal is successful

Letter Dated 26th April 2006 and Master Plan (O'Mahony Pike Architects) attached.

Grounds of Appeal

Reasons:

1. Orientation of proposed Hockey Pitch

- The orientation of the existing Hockey Pitch is located on a North South Axis. This is recommended by the International Hockey Federation, Hockey Ireland, and indeed all Hockey Organisations worldwide.

- Player safety is of paramount importance and glare from low sun levels is eliminated by a North South orientation or if the site does not permit 15%+/- North South axis.

- The orientation of the proposed Hockey Pitch is East West Axis. This orientation would make the pitch unplayable at low morning/afternoon/early evening periods and represent a major Health and Safety risk for students.

- It is understood that the pitch will be used by Secondary as well as 4th/6th class Primary children.

- The orientation proposed East West would virtually rule out competitive matches or use by a local Hockey club.
- Up to 2017 (sale of 50%) of Hockey pitch it was always proposed to upgrade the existing North South pitch with an all-weather surface. This site has been in use for almost 30 years and DLR County Council (Request for Further Information) queried the reason for the change as the original Planning Application made no mention of the sale of 2.34 ha (5.78 Acres) in 2017, including 50% of the current Hockey pitch.
- There is no valid planning reason for re-locating the pitch to an East West Axis.
- In my objection/observations submitted 6th June 2018 to D18A/0387 I requested details of the sale agreement insofar as it related to existing school facilities including the Hockey pitch. While the applicants have confirmed that the sale of these lands are conditional on the purchaser providing an all weather hockey pitch, (subject to planning permission), within the school site, no further information was furnished as to what would occur should planning permission be refused, or amended to the current North South Site.

Attachments regarding orientation from International Hockey Federation/Sport England.

2. Master Plan

- A Master Plan was not submitted, in accordance with Section 8.2.3.4(xi) DLR County Development Plan.
- The RFI notification by DLR on 21st June 2018 requested a Master Plan for the entire 6.4 ha Site of the Institutional Lands.
- The Applicant, following legal advice claims that the RFI in this regard is *Ultra Vires* and submitted a partial Master Plan for the reduced Secondary School site only. This was provided on a “without prejudice” basis and does not accord with the County Development Plan 2016-2022. The drawings submitted with the Plan do not include the Primary School Lands/parking/facilities. It cannot be seen as acceptable and does not address the Request for Further Information issued by DLR on 21st. June 2018. Furthermore the drawing accompanying the Master Plan submitted is not in accordance with the planning permission, in so far as the roadway for the emergency services is concerned.
- The “Master Plan” submitted does not demonstrate in accordance with RES 5 (Institutional Lands) how the need for future expansion has been taken into account. For example, approval has been given by the Department of Education and Science, for three classrooms (including 2 support) and it appears that part of the site of the Primary School has been sold. It is unclear where any expansion can take place. The

Minister for Education has also announced (13th April 2018) a new 16 class primary school for Goatstown/Stillorgan and an 800 pupil for Goatstown/Stillorgan. It is quite clear that Our Lady's Grove will accommodate some of this expansion.

- The DLR County Development Plan 2016-2022 considerably strengthened the policy for the requirement of a comprehensive Master Plan, particularly applying to schools where a portion of the site has been disposed of, but a school remains on the residual part of the site. Should any proposed development deviate from the agreed Master Plan, then a revised Master Plan should be agreed.
- If the refusal to submit a Master Plan in accordance with Section 8.2.3.4 (xi) County Development Plan was accepted by An Bord Pleanála, this would have the effect of completely nullifying a requirement for a Master Plan, by simply transferring/selling Institutional Lands to a third party.

3. Tree removal and Planning Proposals outside the site boundary

- Total Tree losses to be 17 of 31 (54.8%). It is noted that all trees on Roebuck Downs Nos 27/34 + shrubs 1 & 2 (that presently act as a screen to residents on Roebuck Downs) are proposed to be removed. However trees numbers 37 to 43 (that act as a screen to the Secondary School) are proposed for retention. The Tree File Consulting Arborists Report 30/04/2018 shows at appendix 1 – Tree data table that many of the trees to be removed are in similar condition to those retained.
- Tree numbers 37-43 are outside the site boundary and yet have been included in the planning application.
- The planning application also includes the retention of the fencing and surface of the sold 50% of the hockey pitch. Again the applicant has been asked to clarify the purchase agreement in so far as it refers to school buildings, trees, and hockey pitch 50% etc.
- Policy RES 5 (2.1.3.5) DLR County Development Plan 2016-2022 relating to open space provision states "This provision must be sufficient to maintain the open character of the site with development proposals structured around existing features and layout, particularly by reference to retention of trees, boundary walls and other features as considered necessary by the Council (refer also to Section 8.2.3.4 (xi) and 8.2.8)".

4. Specimen Tree Removal

- The proposed placement of the hockey pitch on the East West Axis will necessitate the removal of one of the major specimen trees (No. 26, Beech) on the campus. There is a tree symbol on this Institutional site. This indicates an objective "To protect

and preserve trees and woodlands". The removal of this specimen tree would not be in accordance with this objective.

5. Major Non Compliance with Previous Planning Permission D07A/1504 (Bicycle stand provision and CCTV/ Luminaire

- Planning Permission D07A/1504 – Permission dated 8th May 2008- was principally for the construction of a two storey primary school building, on an overall site of 1.27ha, to the east of the secondary school, fronting onto Goatstown Road. The permission also included retention and amendment of previous parking etc. permission under D06A/0858.
- During the course of the planning (D07A/1504) consideration by DLR and the Planner's Report, a request for further information RFI was issued on 19th December 2007 (Order No. P/5598/07), requesting information under 13 headings.
- A new site notice was required and this was published 11th April 2008. Response was submitted on 5th April 2008 by Scott and MacNeill Architects.
- RFI item 2 relates to the provision of 130 bicycle parking spaces on the site (30 No. for the proposed new Primary School and 100 No. for the existing Secondary School. A new site layout plan, drawing No. 300 Rev8 (Scott and MacNeill Architects) (attached) was submitted, and this clearly shows the provision of 100 bicycle spaces to the west of the Secondary School. 80 of these are shown in the drawing No 300 Rev8 between the Convent (now After School Service) and the West gable of Secondary School.
- The site boundary for Planning Application D07A/1504 (Primary School and Parking) was revised to incorporate the Secondary School bicycle parking area. A letter from the owner of the site (The Religious of Jesus and Mary) dated 10th April 2008 (attached) confirm agreement and permission to extend the boundary within the Planning Application D07A/1504.
- RFI item 3 relates to provision of CCTV cameras for coverage of the proposed bicycle parking areas. Revised site drawings 300 Rev8 and 300 Rev2 (Scott MacNeill Architects).
- RFI item 4 relates to provision of Public Lighting at the proposed bicycle parking areas in the Secondary and Primary School. Revised plans show under-canopy luminaires on the ground floor plan drawing 301 Rev2 (Primary School). Public lighting to the Secondary School to be provided by column mounted luminaires, which will form an extension to the proposed public lighting system for the car parking area drawing 300 Rev8.

- Planning Permission D07A/1504 was granted on 8th May 2008 (Decision) and Final Grant 12th June 2008 (Order P/1850/08). This contained 12 conditions, and condition 4 specifically relates to the 100 bicycle parking spaces for the Secondary School. “Details shall be submitted to and agreed in writing, with the Planning Authority, prior to the commencement of development on site.”
- **Planning Condition 4 as set out above, has not been complied with. I have confirmed this with the Local Authority. The current planning application (D18A/0387) to which this appeal relates did not amend the earlier permission (D07A/1504) insofar as it provides for 100 bicycle spaces, CCTV and Lighting at the Secondary School site. Instead the current application seeks to utilise the same area to provide access to the proposed hockey pitch, including access for emergency services.**

Attachments provided –Permission D07A/1504 12th June 2008 - RFI request and response 11th April 2008 (Scott and MacNeill Architects) – Site Notice of Further Information/Revised Plans 11th April 2008 – Letter of Agreement from Religious of Jesus and Mary dated 10th April 2008 (Agreement to revision of site boundaries)- Drawings 300 Rev 8 (Scott and MacNeill Architects).

6. Non Compliance – Provision of outdoor Basketball Court

- Planning Application D07A/1504 was granted final approval 12th June 2008. The application was prepared by Scott and MacNeill Architects and in the letter of application dated 23rd October 2007, under Site Description, “The school site slopes downwards from South to North with a change in level of 3m between the South and Northern Boundaries. Currently there is an outdoor basketball court on the site, used by the secondary school. Alternative space for this facility is to be provided on school grounds west of the Secondary School.”
- This outdoor basketball court has not been provided to date and the current planning application D18A/0387 including the re-location of the existing hockey pitch to an East West axis together with the reduction in site area will not allow for the provision of this facility.

7. Fire and Emergency Vehicle Access (Primary and Secondary School)

- As part of the Planning Permission D07A/1504 (Construction of two Story Primary School, and parking/bicycle spaces - Secondary School) a fire safety certificate had to be provided. In addition, Condition 11 required the services of a landscape consultant and a completion certificate in line with the submitted landscape drawings.
- The final agreed drawings for the site layout Secondary School (bicycle spaces/CCTV/Lighting) and Primary School (Fire Brigade access) were provided by Scott and MacNeill Architects and received by DLR County Council on 11th April 2008. The drawing reference is 300 Rev8 (already attached at item 5 above).

- The drawings 300 Rev8 clearly show provision for access to the site towards the Northern boundary and provision for turning as provided for in the relevant regulations. Condition No 11 of planning permission D07A/1504 relates to a landscape report and maintenance standards. This Report was provided by Brady Shipman Martin Landscape Architects and received by DLR on 11th April 2008. Section 2.2 refers to the maintenance standards of **Ritter Reinforced Grass for Fire Access**.
- The current Planning Permission D18A/0387, to which this appeal relates, makes mention of an access road for emergency vehicles to the proposed hockey pitch. As already stated at Item 5 above (Major Non Compliance with Previous Planning Permission D07A/1504 (Bicycle stand provision and CCTV/ Luminaire) this occupies the same space as the non compliance condition.
- The Master Plan submitted on a “Without Prejudice” basis, prepared by O’Mahony Pike Architects, on behalf of the applicants, clearly shows that **part of the Primary School site, including the Fire Brigade Access has now been transferred to a third party**.
- The access for the Fire Brigade was available for access to the rear of the Secondary School as well as the front of the Primary School. This represents an extremely serious non compliance with fire regulations and has not been addressed in the Planning Application (D18A/0387) subject to this appeal to An Bord Pleanala.
- It is also noted that part of the Secondary School site adjoining the fire access has been fenced off. More importantly this part of the Secondary School Site has also been transferred to a third party.
- If these changes are not reversed under appeal there will be no access for the Fire Brigade and other emergency services to the rear of the Secondary School (North) and front of the Primary School (East).

Attachments Brady Shipman Martin Report April 2008 and Scott and MacNeill final drawing 300 Rev8 (11th April 2008).

8. Notification of Request for Further Information 21st June 2018

- A request for further information was made by DLR County Council in respect of D18A/0387- Permission for Construction of all weather pitch on an East West axis. The further information related to 4 main areas:
- Submission of Master Plan.

- Demonstrate how proposed redevelopment of hockey pitch fits into the Master plan for these Institutional Lands.
- Clarify why the hockey pitch is being relocated and why the school site is being reduced.
- Demonstrate how the reduction in the school site accords with the zoning objective, which is to protect and/or improve residential amenity.
- Demonstrate in accordance with RES5 (Institutional Lands) how the need for the future expansion of the school has been taken into account.
- Use by Local Hockey Club and Community.
 - Clarify Name of Local Hockey Club
 - Submit an undertaking that the proposed hockey pitch will be made available for the local community.
- Pedestrian/cyclist connectivity to Roebuck Downs and Friarsland Road.
 - Detailed plan and elevation drawings
 - Undertaking that the existing car parking spaces will be available after hours and at the weekend.
- Protection of tree line at the end of Friarsland Road(DLR Land)
 - Confirmation that the tree line will survive given the required extent of the overhanging foliage to be trimmed back.

Given the extent of the RFI detailed above it is considered that a new Public Notice should have been requested in order to allow residents to make observations/objections, particularly with respect to pedestrian/cyclist connectivity. In a similar Planning Application D11A/0468 Clonkeen College, the Council requested a new Public Notice and many submissions were made concerning a proposal to create a new cycle/pedestrian route at Meadow Park Road. In the event, the school authority and the residents raised considerable objection to the proposal for the pedestrian/cycle route and it was rejected. Also, the requirement for a Master Plan

(not complied with), the reduction in school site and facilities should also have been subject to further Public Notice.

The Assessment of the applicant's responses to the RFI and the final conditions in the grant of Planning Permission dated 4th October 2018 have virtually no relationship with the original RFI requirements and are inadequate.

As of Friday 26th October 2018, the Assessment of the RFI and Planner's Report has not been published on DLR online planning system. Had a revised Public Notice been required each objector would have received copies of the applicants and DLR assessment of the RFI. Because it was not done, the detail for this appeal made it necessary for me to examine the planning files, without which I would not be aware of the decisions/reasons for the Planning Permission granted.

9. Reduction in Our Lady's Grove School Site (Campus).

- The Master Plan submitted by the Religious of Jesus and Mary to the residents on 26th April 2006 (referred to above) shows the full extent of the total Institutional Land 6.4ha site. Of this the Order donated 8 acres (3.24ha) of land for school use. The map shows a dotted red line broadly from the new entrance on Goatstown Road, to the South end of the existing hockey pitch.
- The Master Plan (Without Prejudice) submitted by the applicant as a response to the RFI, also prepared by O'Mahony Pike Architects show the site as approx 5.68 acres (2.30ha), as confirmed by DLR in the RFI. This means that the school site and facilities (50% of hockey pitch, Convent in use as After School Service, and other smaller buildings) totalling 1.92 acres (0.78ha) have been transferred/sold. In addition the site to the North East totalling 0.4 acres (0.16ha) has also been transferred to a third party.
- **Total reduction of Our Lady's Grove School Campus is therefore 2.32 acres (0.94ha).**

In the RFI Assessment page 12b it is stated that the Department of Education has raised no objection to the reduction in the school campus- both Primary and Secondary, despite there being a need for a secondary school in the area as identified by the Department of Education and Skills. The response is noted. However this is extraordinary in light of the announcements made in respect of a new Primary and Secondary school announced in 2018. Was the Department of Education and Skills made aware by DLR of the reduction in the school site?

10. Minimum Open Space

- Minimum Open Space (at least 25%) of site area not provided for in accordance with DLR County Development Plan 8.2.3.4 (xi) and 2.1.3.5. Policy RES 5 Institutional Land.

11. Public /Communal Open Space

- Public/Communal Open Space not addressed in accordance with DLR County Development Plan 8.2.8.2.

12. Proposed Synthetic Hockey Pitch - Unsuitability of Site

- Fence -To be 3 meters high (Higher than existing) and will be only 300mm (12 inches) from boundary at Friarsland Road – neither Fence, Boundary, Wall or Trees can be maintained in future. Part of this Boundary wall is in property owned by DLR Council and maintained by The Parks Division. This was raised in the RFI item 4 referred to above. The response in my view is inadequate as a 12 inch gap between the fence and the boundary wall on Friarsland does not provide adequate provision for caring for these trees that are now part of a recently developed bee friendly area. The application states at 2.1 (Page 8) that a gate is to be provided at the Northern Boundary to allow for maintenance. No such allowance is made on Friarsland Road.
 - Note that existing Hockey Pitch fence has considerable space (at least 2M) from Boundary Wall on Friarsland Road.
 - Also a serious Health and Safety concern is that children and young adults cross over wall at Green space (Council Land) as shortcut to Goatstown Road. A 300M gap proposed in fence to boundary wall constitutes serious trap for people or animals (foxes etc) that also regularly cross this boundary wall.

13. Drainage.

- The Land at rear of Roebuck Downs is lower than the Hockey Pitch level – See Drawing 1612-OMP-HP-OO-DR –A-XX-31005 (9 of 10). This drawing shows that the garden of 32 Roebuck Downs is significantly lower than the proposed Hockey Pitch. Because of significant run-off there is a danger of flooding into gardens along Nos. 24/25/26/27/28/29/30/31/32/33/34/35. Condition 5 of Planning Permission D18A/0387 provides that surface water generated by the development shall not be discharged to the sewer but shall be infiltrated locally.

Conclusion

This proposal seems to have been planned on a totally ad hoc basis by sacrificing the planned needs of the school in order to maximise a financial return.

- No pre-consultation with DLR planning took place

- There is no good planning reason for siting the hockey pitch away from the existing 30+ years site
- Access to the school and facilities is compromised.
- Community access will be difficult after school hours.
- After school Service buildings on site are sold with no written proposals as to future.
- No open space has been provided for, and in fact further land was sold i.e. 50% Hockey Pitch, Old Convent and after School Service.
- Part of the Primary School and Secondary school site adjacent to the Fire Brigade Access has been sold.
- The Master Plan was submitted on a "Without Prejudice" basis for the Secondary School site only and not the total school campus. Planning application D18A/0387 has not provided any assurance that future school development can be maintained. No mention has been made of pupil numbers, future requirements, student recreational needs, health strategy etc.
- The planning application D18A/0387 should be refused on the above grounds alone.

I would be happy to clarify any of the observations above. I can be contacted by phone 086 8150851 or email michaelredmond@compuserve.com.

Yours Faithfully,

Michael P. Redmond

35, Friarsland Road,

Goatstown, Dublin D14YH01