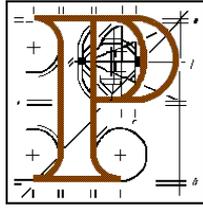


# An Bord Pleanála



## Inspector's Report

PL06S.243893

**DEVELOPMENT:-**

School, car parking, drop off facilities, internal access road, two ball courts, play area, landscaping, ESB substation, new boundary treatment, and associated site engineering works on lands adjacent to Hazelgrove Estate, Killinarden, Tallaght, Dublin 24.

**PLANNING APPLICATION**

**Planning Authority:** South Dublin County Council  
**Planning Authority Reg. Ref.:** SD14A/0147  
**Applicant:** Minister for Education and Skills  
**Application Type:** Permission  
**Planning Authority Decision:** Grant Permission

**APPEAL**

**Appellant:** Tony van der Krogt  
**Type of Appeal:** Third Party against Decision to Grant Permission

**DATE OF SITE INSPECTION:** 20<sup>th</sup> November, 2014.

**Inspector:** **Andrew Boyle**

## **1.0 THE SITE**

The site is located in a rural area immediately adjoining the built up area of Killinarden in Tallaght. It is approximately 2.5 kilometres southwest of Tallaght Town Centre and 13 kilometres southwest of Dublin City Centre.

The site is almost rectangular. It measures about 135 metres, measured north - south and 116 metres, measured east - west, approximating to the stated area of 1.6 hectares on the application form. It is part of an open field in rough grass, its uneven surface suggesting that it has been disturbed in recent years. On its east, south and west sides, it adjoins further agricultural lands, those on its east and west sides being similar to the appeal site itself in uncultivated grass. On its north side it adjoins the main access road of the Hazelgrove Estate, a development of 91 detached, semi-detached and terraced two storey houses dating from the late 1980s.

The site boundaries consist of a field hedgerow which is shown to be just inside the eastern boundary of the site. A densely overgrown field hedgerow forms the southern boundary of the site. To the west it is open to the remainder of the field of which it forms a part. The northern road boundary of the site consists of a low plinth wall surmounted by decorative painted steel railings. Apart from the mound mentioned previously, the site slopes gently upwards by about 2.5 metres from north to south.

Towards its northern boundary, the appeal site is traversed from east to west by a drainage overflow channel. This was dry on the date of site inspection. About midway back from its road boundary and to east of centre there is a mound rising by about 2.5 metres above the general site level. About 30 metres back from the road boundary an open drain flows from east to west out of the site over a distance of about 55 metres. About 75 metres back from the road boundary a 38kV overhead power line crosses the site from east to west.

## **2.0 THE PROPOSED DEVELOPMENT**

It is proposed to erect a two storey 16 (advertised as 18) classroom school building approximately centrally on the site, setback 51.5 metres from the road boundary of the site. The proposed building would be L-shaped in plan and would enclose a courtyard and junior play area to its north and west. There would be two vehicular accesses onto the

Hazelgrove estate road. These would have a one way in and out arrangement. A crescent shaped access road would have setdown areas on either side and would also give access to a 30 space visitor and staff car parking area immediately inside the northern boundary. On the east side of the school building there would be two ball courts and to the south of the building there would be a kickabout green.

The proposed school building would have walls consisting of a brick plinth surmounted by concrete blockwork finished in a darker self-coloured render at ground floor level and a lighter render at first floor level. There would be occasional panels of selected brick matching that of the plinth. The enclosing front (north) and west elevations would have standing seam metal cladding at the tops of the walls for about 800 millimetres below roof level. The roof would consist of a series of monopitches at an angle of about 12½ degrees. These would commence at different levels and would be of unequal length so as to allow the provision of clerestory windows to illuminate the central corridors at first floor level below. The roofs would be covered in a proprietary metal seamed roof cladding system.

The windows and doors would be selected proprietary aluminium double glazed types. The windows are shown generally, but not always, to be top hinged.

A planting and landscaping plan has been lodged with the application. This mainly consists of rows of standard trees, including rows towards the southern and western boundaries of the site. Tree species would consist of scots pine, wild cherry, common alder, osier willow, sessile oak, downy birch and silver birch. At the south western corner of the site there would be a square of 16 orchard trees. There would be areas of beech hedge towards the front of the site.

The planning application includes a Stage 1 and 2 Road Safety Audit, a Mobility Management Plan, a Preliminary Traffic Impact Assessment, a Water Services report and a Preliminary Site Specific Flood Risk Assessment.

### **3.0 THE PLANNING AUTHORITY'S DECISION**

On 26<sup>th</sup> August 2014, South Dublin County Council decided to grant permission for this development subject to 11 conditions.

Condition 2 of the planning authority's decision requires that no development should take place until such time as written confirmation from ESB Networks of the arrangements for the phasing of the removal of the pylons and overhead wires affecting the site has been lodged with the planning authority.

Condition 3 of the planning authority's decision requires that no development should take place until such time as a Traffic Impact Assessment has been lodged with the planning authority including traffic counts on a typical working/school day, a PICADY analysis at the junction of Hazelgrove and Killinarden Road and at the junction of Killinarden Road and Killinarden Heights, together with a detailed appraisal of the traffic count and PICADY analysis. The condition includes specific requirements for road improvements outside the boundary of the site extending as far as Killinarden Heights.

Condition 4 of the planning authority's decision requires that no development should take place until such time as details of the connection of the gullies at the entrance and exit to the site to the existing 600 millimetre concrete surface water sewer has been agreed, together with other specified requirements.

Condition 6 of the planning authority's decision requires agreement with its Parks Department on a finalised landscape plan including details of the proposed play area, the proposed boundary treatments and proposals for the existing hedge along the eastern side of the site, including protective fencing.

Condition 11 of the planning authority's decision places noise limitations on the development. Although not specifically stated, these appear to relate to the construction phase.

#### **4.0 RELEVANT PLANNING HISTORY OF THE SITE**

I am unaware of any previous planning applications on this site and I note that the planning authority's planner's report states that there is no planning history recorded.

#### **5.0 DEVELOPMENT PLAN PROVISIONS**

The site lies within the functional area of South Dublin County Council. It is thus affected by the provisions of the South Dublin County Council

Development Plan, 2010-2016. Under this development plan, the site is zoned Objective EP2 – “to facilitate opportunities for Manufacturing Research and Development facilities, light industry and employment and enterprise related uses in industrial areas and business parks”. Under this zoning objective education is open for consideration. Specific Local Objective HE2 also applies. This refers to “enterprise lands – Killinarden”. It requires that the development of these lands should be sited and designed to respect the residential amenity of the dwellings along the northern boundary.

After an Introduction and Core Strategy, the development plan is divided into four themes as follows:

Theme 1: a Living Place,  
Theme 2: a Connected Place,  
Theme 3: a Busy Place,  
and  
Theme 4: a Protected Place.

The four themes are followed by Local Zoning Objectives, Specific Local Objectives, Schedules and Appendices.

Under Theme 1, at subsection 1.1 it is noted to be a core aim of the plan to enable improved access to education, healthcare, social activities and recreation for all those who live and work in the county.

Section 3 is entitled “Social Inclusion, Community Facilities and Recreation”.

Subsection 1.3.19 of Section 3, on School and College Sites, notes the importance of the assessment of the need for schools arising out of new developments and the provision of schools in tandem with such developments. The Council may require the phased provision of such facilities in accordance with the provisions of a Local Area Plan or other area plan or planning scheme or study.

Subsection 1.3.20 sets out Policy SCR12 on school and college sites which is to ensure that these are made available in accordance with the requirements of the relevant education authorities.

Policy SCR13, on provision of school sites, is to support and assist the Department of Education and Skills in ensuring the timely provision of school sites and to continue to co-ordinate with the Department in

accordance with the Provision of Schools and the Planning System, Code of Practice for Planning Authorities.

Policy SCR14 is to draw up a strategy to work with the Department of Education and Skills to ensure a rolling construction programme in the county on the basis of identified and evaluated community needs.

Policy SCR20 is to target schools for priority action on sustainable transport and travel plans with scope for significant improvements to be made in conjunction with the VEC, school boards of management, principals, teachers, parents/guardians and pupils.

Policy SCR21 is to require applications for new and extended primary and secondary schools to provide details of safe queuing and drop-off facilities, including the establishment of safety protocols.

Under Theme 2 a Connected Place, Table 2.2.4 sets out general car parking standards related to land use. For primary and post primary schools the requirement is one parking space per classroom.

Subsection 2.2.31 sets out policy in relation to road safety. Policy T29 on the road safety of school users is to prioritise the safety of all those using schools in the county, particularly school going children.

## **6.0 THE APPEAL**

This is a third party appeal against the planning authority's decision to grant permission for this development. The appellant lives at 61 Hazelgrove, the end of one of the Hazelgrove stub cul-de-sacs remote from the appeal site, but states that he represents the residents of the estate in opposing the proposed development.

The appeal states that the entrance to the school is being proposed through a quiet residential estate which is already situated adjoining a dangerous road. The proposed development would cause an increase in traffic and litter and would have no regard for the welfare, safety and quality of life of the residents in the estate, particularly those on the front road of the estate "who already have to deal with horrific traffic and dangerous speeds".

The Traffic Plan lodged with the application deals only with traffic at school times. There is no discussion over traffic exiting the estate or the out-of-hours use of the school.

The Preliminary Traffic Impact Assessment (PTIA) Report was carried out at a time when there was little or no school traffic in the area. Cameras were in place from 24<sup>th</sup> June 2014 to 26<sup>th</sup> June 2014, when the secondary school term was already over. The report fails to deal with the issue of traffic exiting onto Horan's Lane (Killinarden Road) or Killinarden Heights. Visibility is extremely restricted to the right when exiting onto Horan's Lane. This is dangerous. There would be conflict between traffic entering Hazelgrove and traffic exiting the estate to go to work or to bring children to school.

The appellant puts forward an alternative access route to the school. This is shown in map form and takes a new route through the adjoining undeveloped land to the east, across Killinarden Road and the open space opposite onto Killinarden Heights.

The designed traffic flow for drop off and parking is likely to be unrealistic. The proposal is for a Gael Scoil with attached preschool and after school care. This would have a much wider catchment than a normal primary school and consequently a higher percentage of children arriving by car. There would be a likelihood of parking on the grass verges and on the green area adjacent to the school entrance. The difficulties at the junction with Killinarden Road would be exacerbated.

The appeal concludes by stating that should development proceed, that at the very least, construction vehicles should not use the Hazelgrove estate road. The appellant's understanding is that at the pre-planning meeting with the planning authority, a temporary access road was to be put in place and no construction traffic was to be routed through the estate. However, no such provision is included in the planning authority's decision. The appeal also asks that the construction hours be restricted and that the permission include conditions in relation to road cleaning and window cleaning. The appeal notes that operating hours were not enforced during the construction period of another school project and asks that any condition restricting construction hours should be strictly enforced.

## **7.0 RESPONSE OF THE APPLICANT**

The applicant has responded to the grounds of appeal.

On the issue of the entrance to the school being through a quiet residential estate adjoining a dangerous road, it is pointed out that the control of driving behaviour is a matter for the local authority and An Garda Síochána. However, it is considered that cars arriving to drop off or collect children at school are not the main cause of speeding, but that this arises from cars travelling through the estate at other times.

In relation to the alleged failure of the Preliminary Traffic Impact Assessment failing to address traffic exiting the estate or the out-of-hours use of the school, it is noted that the PTIA calculated the number of vehicles which would be generated by the proposed development and that only the peak traffic during the hours of school opening and closing was considered. Traffic count information from June 2014 was not used in the report. While no reference may be made to traffic exiting onto Horan's Lane, condition 3(a)(iii) of the planning authority's decision requires the submission of a drawing showing any works proposed to the roadside boundary to the right (while exiting) at the junction of Hazelgrove and Killinarden Road to improve visibility.

Parking on one side of the main estate road would not obstruct traffic, as the road, measured from the topographical survey, is 7.4 metres in width. However, the parking areas proposed should be sufficient to ensure that all staff and visitor parking can be accommodated in the school grounds. There are ample set down parking areas within the grounds so that there should be no need to park on the neighbouring streets. Ensuring that cars do not park on street would be the responsibility of the school's Board of Management and this should be addressed in the school's Mobility Management Plan.

In relation to the alternative access route suggested in the appeal, it is pointed out that the location of the proposed road would be on land which is not under the ownership of the Department of Education and would be outside the control of the applicant. The proposed road would be parallel to the estate road at a distance of just 50 metres and it is submitted that the provision of two roads in such close proximity would not represent an efficient use of the local area road network.

In relation to the allegation that the arrangements for set down areas and car parking rarely work, it is noted that no evidence is submitted to support this claim. Several schools have been built recently with a similar set down arrangement including Gael Scoil Eiscir Riada in Lucan, Esker Educate Together National School, also in Lucan, and Skerries Educate Together National School. The traffic flows in these schools operates effectively. It is recognised that the proposed Gael

Scoil would have a larger catchment area than would normally be expected and, accordingly, the PTIA was based on the catchment area of the existing school. The number of children arriving by vehicle is therefore fully and correctly addressed.

In relation to the increased danger to children in Hazelgrove estate arising from school traffic it is pointed out that efforts have been made to minimise the effect that such traffic would have on local residents. Again, the ample car parking and set down arrangements within the proposed school grounds is noted. A Mobility Management Plan would be implemented to encourage the adoption of alternative modes of transport such as walking or cycling. The recommendation in the planner's report, that the person responsible for implementing and co-ordinating this Plan should liaise with local residents, is welcomed.

In relation to the possibility that there would be parking on the verges and on the open space, the response again points to the ample car parking and drop-off space which would be provided within the site.

In relation to the appellant's concluding request, it is stated that the applicant is currently in discussions with the planning authority on the use of a temporary construction access which would link the school directly to Horan's Lane to the east. This would remove the requirement for construction traffic to travel through the Hazelgrove Estate. It is confirmed that the permitted working hours, outlined in condition 11 of the planning authority's decision, would be adhered to during the construction phase.

The response concludes by asking that the Board note that the proposed development is compliant with the current development plan, that it meets an urgent need to provide educational facilities in the area and that the planning authority have carefully and comprehensively assessed the proposal. It is submitted that there are no planning obstacles to the Board confirming the positive decision of the planning authority.

## **8.0 RESPONSE OF THE PLANNING AUTHORITY**

The planning authority has responded to the grounds of appeal. It confirms its decision. It states that the issues raised in the appeal have been covered in its planner's report.

## **9.0 LETTERS TO THE PLANNING AUTHORITY**

Letters to the planning authority from 46 addresses in the Hazelgrove Estate have been forwarded to the Board. These take the form of three standard type letters as well as an original letter from the present appellant and two immediate neighbours on much the same lines as the appeal. The other letters variously object on the basis that

- The residents had previously to fight for the construction of a boundary wall as it was held by the planning authority that no buildings or structures could be constructed within 8 metres of “a watermain of this nature” (i.e. the existing 1.2 metre diameter watermain at the front of the site). A 4 metre separation between the wall and the watermain was ultimately agreed. In 2011, a portion of this boundary wall collapsed due to flooding. The letters question how it can be that when construction of this wall in 2004 was of such concern, the construction of two roads, namely the entrance and exit from the appeal site, can now be contemplated.
- The proposed development would bring excessive levels of traffic into what is now a quiet residential estate.
- The additional traffic would particularly endanger the many children living in the estate.
- The proposed development would bring additional traffic onto the already dangerous Horan’s Lane/Killinarden Road.
- If the planning authority would agree to return to their original plan for Horan’s Lane/Killinarden Road, by making the road in front of Hazelgrove into a cul-de-sac and creating a new road through the “field adjacent”, then this road would be acceptable and eliminate the current danger.

## **10.0 ASSESSMENT**

As noted earlier in this report, the site lies within an area zoned Objective EP2 – “to facilitate opportunities for manufacturing, research and development facilities, light industry and employment and enterprise related uses in industrial areas and business parks” under the current development plan for South County Dublin. This zoning at this location is also governed by Specific Local Objective 82 which refers to “enterprise lands – Killinarden”. This requires that the

development of these lands should be sited and designed to respect the residential amenity of the dwellings along the northern boundary.

Under the zoning objective, education is open for consideration. As in many development plans, the category “open for consideration” is explained (subsection 0.5.4) as including uses which may or may not be acceptable, depending on the size or extent of the proposal and on the particular site location. Proposals in this category will be considered on their individual merits and may be permitted only if not materially in conflict with the policies and objectives of the development plan and if they are consistent with the proper planning and sustainable development of the particular area.

The planning authority’s planner’s report refers to a pre-planning consultation which took place with the Area Planner on 22<sup>nd</sup> May, 2014. The applicant was advised to submit a covering letter stating, inter alia, the rationale for the proposed development. A covering letter was submitted. It is explained that the existing Scoil Chaitlin Maude Primary School is located on a campus with two other schools, Knockmore Junior School and Knockmore Senior School. The existing Scoil Chaitlin Maude Primary School uses spare classrooms in the Knockmore schools as well as a number of temporary prefabricated buildings. The Knockmore schools now need the permanent classrooms for their own use. There is insufficient space at the Knockmore site for a third school. The proposed development meets an urgent need to provide additional school places in the area.

Nowhere in either the planning application submissions or in the reports from the various sections of the planning authority is the rationale set out for adopting this site, approximately 170 metres from the main road network (Killinarden Road/Horan’s Lane) and with an access solely from the main estate road of the Hazelgrove cul-de-sac housing development. It is not indicated whether this was the choice of the applicant or whether it was effectively imposed on the applicant by the landowner, South Dublin County Council. I note that Killinarden Community School at a distance of about 130 metres to the north of the appeal site and immediately north of the Hazelgrove Estate, albeit on a much more extensive site, has its own independent access directly onto the distributor road, Killinarden Heights.

Under the zoning objective, education is open for consideration. In this regard, the planning authority’s planner’s report states only that “as such the proposed new school shall be addressed in accordance with the relevant policies, standards and requirements of the development

plan 2010-2016 which are addressed below accordingly". The planner's report takes "the relevant policies, standards and requirements" to include Special Local Objective 82 and Impact on Residential Amenity. It notes that SLO 82 refers to "enterprise lands – Killinarden" and requires that "the development of these lands shall be sited and designed to respect the residential amenity of dwellings along the northern boundary". The planner considered that given the distance of the proposed school at 51 metres from the roadside edge of the Hazelgrove Estate road, the proposed development would not impact on the residential amenity of adjacent residential dwellings by way of overlooking, overshadowing or loss of outlook. In my view, the traffic and parking impact of the proposed development should also have been taken into consideration in terms of respecting the residential amenity of dwellings along the northern boundary.

The Preliminary Traffic Impact Assessment, lodged with the application, refers in its introduction to the proposed school as having 16 classrooms and a capacity of about 480 pupils. Based on the travel patterns to and from the existing school, in the case of pupils, and the population census of 2011, in the case of teachers, it was estimated that there would be 230 vehicle arrivals and 218 departures in the morning peak and 264 vehicle arrivals and 280 departures in the afternoon peak. Taking the proposed 30 space visitor and staff car parking area together with the setdown area of about 120 metres I estimate the capacity of these two areas together would be about 50 car spaces. The Preliminary Traffic Impact Assessment identifies the peak hours for traffic in the locality as 08.15 to 09.15 and 14.30 to 15.30, but in terms of arrivals and departures from the proposed school, this ignores the reality that these would take place over a very short period before and after school opening hours.

The response to the appeal claims that other schools with similar parking and access arrangements function satisfactorily and cites three examples from suburban locations in County Dublin. An indication of the nature of the timing of school arrivals can be found in advisory notes to parents from one of these schools, Gael Scoil Eiscir Riada. These show that this school starts at 08.50 and that the school gates open at 08.40. Parents are urged not to queue to enter before 08.40 as "this causes havoc with the traffic outside and prevents staff from getting into the school". There is thus a 10 minute window to deliver children to school. Parents who wish to come in with their child are directed to park in a car park across the road or "safely outside on the road". In my view, despite the availability of room for about 50 cars in the parking and set down areas, there is a strong likelihood of on-street

parking on the estate road and queuing to exit onto Killinarden Road/Horan's Lane. This would be the case whether the school reaches its capacity of 480 pupils (30 per classroom) as indicated in the Preliminary Traffic Impact Assessment or remains at 320 pupils (20 pupils per classroom) as indicated in unsolicited additional information received by the planning authority.

The report from the planning authority's Roads Department noted the submission of the Preliminary Traffic Impact Assessment, but that a full traffic analysis was not submitted. The Roads Department noted that there had been a large number of objections and considered that the applicant should demonstrate with a full analysis that there would be adequate road capacity in the existing network. Traffic analysis should be undertaken to determine the impact at the entrance to the site and at the entrance onto Killinarden Road. Traffic counts for the proposed analysis should be done during term time to take into account the adjacent school off Killinarden Road. The applicant should complete the analysis along with any recommendations. Despite the foregoing, the Roads Department went on to recommend a condition requiring the submission of a Traffic Impact Assessment, as reflected in condition 3 of the planning authority's decision.

At the time of its construction, it appears (boundaries were ill-defined) that the Hazelgrove Estate was located in an area zoned Objective A1 "to provide for new residential communities in accordance with approved action area plans", under the Dublin County Development Plan, 1983. It appears that the appeal site was part of an area zoned Objective B "To protect and improve Rural Amenity and provide for the development of Agriculture". It seems that no action area plan had been adopted by the time of the construction of the Hazelgrove Estate. Under the agricultural zoning objective, education was open for consideration. This category had a stronger and more negative connotation at this time. It indicated that the type of use was not acceptable in principle. It might only be permitted in special circumstances provided it did not conflict with the general objectives for the zone. The same zoning objectives applied under the Dublin County Development Plan, 1993. Again education was open for consideration, but by this time, the definition had changed to that in use in the present development plan.

Under the South Dublin County Council Development Plan, 1998, the zoning of the lands to the south of the Hazelgrove Estate had changed to Objective A1 "to provide for new residential communities in

accordance with approved Action Area Plans". Education was a permitted use.

A Killinarden – Kiltipper Action Area Plan was adopted in September, 2000. A strategy map showed an overall concept for the area which included a central road parallel to the Hazelbrook Estate road and a further parallel road towards the southern boundary of the zoned area. Three roads led off the south side of the Hazelbrook Estate road and the estate road, itself, continued along the western boundary of the zoned area. A concept block layout plan showed buildings fronting onto the Hazelbrook Estate road. A Building Height Map showed that these could be up to 3 storeys in height.

The A1 zoning objective continued to apply to the lands to the south of the Hazelgrove Estate in the South Dublin County Council Development Plan, 2004 – 2010. Specific Local Objective 110 applied. This restricted the construction of high density, high rise development on the A1 zoned lands in the vicinity of the Dublin Mountains and in permitting new housing development was to have due regard to the high amenity value and close proximity of the mountains. It was only in the present development plan that the industrial zoning objective and Specific Local Objective 82 were adopted.

Having regard to the zoning history of the lands on which the appeal site is located and notwithstanding the acceptability of educational use under the 1998 and 2004 development plans, it is my view that the original purchasers of the Hazelgrove houses and those living in these houses in the subsequent years would have had a reasonable expectation that the lands on the south side of the main estate road would have continued in agricultural use or would have been developed for low rise residential units. On the basis of the Concept Block Layout Plan in the Killinarden – Kiltipper Action Area Plan, they might have expected that the estate road would be perceived by drivers as the most convenient and logical access for up to about a quarter of the residential units on these lands. I do not consider that the Board can be satisfied that the proposed development would not give rise to traffic and on-street car parking to such an extent that it would fail to meet the requirement in Specific Local Objective 82 to respect the residential amenities of dwellings along the northern boundary.

The applicant's willingness, in response to the appeal, to contemplate a temporary construction access across the adjoining lands to the east to Killinarden Road/Horan's Lane, land registry maps and the land

ownership map in the Killinarden – Kiltipper Action Area Plan, all suggest that the lands intervening between the appeal site and Killinarden Road/Horan's Lane are in the ownership of South Dublin County Council. Although Killinarden Road/Horan's Lane is effectively a country road, lacking footpaths and public lighting, there would seem a possibility that it could be widened to a sufficient extent to allow on-street car parking and that it could provide a direct access to a school site immediately beside it avoiding the use of what is, at present, the exclusive access road to a quiet residential estate.

In relation to the risk of flooding, a Preliminary Site Specific Flood Risk Assessment was submitted with the application. An extract from the Preliminary Flood Risk Assessment (PFRA) maps from the Catchment Flood Risk Assessment and Management (CFRAM) draft issue for the Tallaght area is included in this report. This shows that no fluvial data is available for the area to which the proposed site is located. However, the PFRA indicates no risk of pluvial flooding to the site. The OPW flood maps also do not indicate previous recorded flood events at or in the immediate vicinity of the appeal site.

The appeal site is noted to slope downwards from south to north from about 124 metres OD to 121.5 metres OD. This is based on a topographical survey which included stream cross sections. The floor level of the proposed development, 124 metres OD was chosen to reduce any risk of potential flood waters reaching the building, requiring parts of the site to be raised above existing levels.

The report notes the existence of a 46 metres long swale traversing the site. This has the purpose of redirecting surface water or overland flows away from the Hazelgrove Estate into the nearby Tallaght Stream. It continues for about 100 metres outside the site boundary. Within the site, this swale would be replaced with a new 200 metre long artificial swale. This would tie into the existing swale continuing to the west of the appeal site and would have a similar profile at this point. It would extend along the entire southern boundary of the site and most of the western boundary. It is claimed that it would act to improve the existing flood defences for the adjacent Hazelgrove Housing Estate.

On the date of site inspection, there was a considerable east - west flow in the stream immediately to the east of the appeal site. At the appeal site, this is joined by a drainage ditch along the eastern boundary of the site and the two flows then enter a 400 millimetre diameter concrete culvert which, according to the Existing Site Plan Layout, drawing 1402.05-PP-03 joins a 600 millimetre diameter east -

west surface water sewer at a distance of about 25 metres. The entrance to the culvert is protected by a screen. On the date of site inspection there was a considerable build-up of substantial debris against this screen. It would appear that the overflow channel which leads off to the west from the entry to the culvert would provide some protection on the Hazelgrove Housing Estate in the event of the screen becoming totally blocked. The proposed site layout plan, drawing 1402.05-PP-04 shows this overflow channel being abandoned to make way for the access road and parking area. The confluence of the stream and the drainage ditch along the eastern boundary of the site is now shown to be largely within the area of the appeal site. In my view, should it be decided to grant permission for this development, it should be a condition that the applicant be responsible for the regular removal of debris at this location. Otherwise, having regard to the foregoing and to the proposed drainage details, including the attenuation tank shown on the Proposed Drainage Layout drawing 102, I consider that the proposed development would be unlikely to give rise to an increased risk of flooding in the area.

As noted earlier, the building of the entrance roadway and car parking area at the front of the site at the position of the existing 1.2 metre diameter watermain was raised as an issue in many of the letters received by the planning authority. The position of this watermain is shown in Section A-A in Malone O'Regan section drawing 104. It is 2 metres below ground level and is centred about 5 metres south of the road boundary of the site. The drawing does not show how this watermain will be bridged over and is primarily concerned with the provision of a 150 millimetre watermain and 150 millimetre foul drain crossing above it at right angles with a minimum clearance of 1 metre. Despite this lack of detail, the report from Irish Water requires, in this regard, that the applicant should sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement. This would include protection measures for the 1.2 metre diameter watermain crossing the site. This is repeated in condition 5 of the planning authority's decision. In my view, while the concerns of the objectors, having regard to the history of the boundary of the site is understandable, it appears that this issue is well capable of a satisfactory resolution.

In relation to Appropriate Assessment, the planning authority's planner's report notes that the eastern boundary of the site adjoins a stream. It states that it is a requirement of the planning authority that any development within 100 metres of a stream is screened for

Appropriate Assessment. No screening report for Appropriate Assessment was submitted. The planner states that a verbal report from the Heritage Officer confirms that given that the foul and surface water drainage serving the proposed school would be connected to existing public foul and surface water drains, the proposal would not adversely impact on any Natura 2000 sites downstream of the site in Dublin Bay.

I note that the nearest European site to the appeal site is the Glenasmole Valley Special Area of Conservation (Site Code 001209). This is at a shortest distance of about 2.8 kilometres to the southeast. However, there is no obvious conduit between the two locations. As noted in the planning authority's planner's report, the nearest European sites downstream of the appeal site are those in Dublin Bay, namely the South Dublin Bay and River Liffey Special Protection Area (Site Code 004024) and the South Dublin Bay Special Area of Conservation (Site Code 000210). These are at a straight line distance of about 15 kilometres to the northeast of the appeal site. I concur with the view expressed in the planning authority's planner's report that having regard to the connection of the site to the existing public foul and surface water drains, and, in addition, the very considerable distance of the site from the European sites in Dublin Bay, that no Appropriate Assessment issues arise. I therefore conclude that having regard to the nature and scale of the proposed development and the nature of the receiving environment and the proximity to the nearest European sites, no Appropriate Assessment issues arise and I do not consider that the proposed development would be likely to have a significant effect, individually, or in combination with other plans and projects on a European site.

## **11.0 CONCLUSION**

In conclusion, I consider that the Board cannot be satisfied that the proposed development would not give rise to serious issues in relation to on-street car parking and traffic generation at school opening and closing times onto what is at present a quiet residential cul-de-sac development. This would undermine the residential amenity of the dwellings along the northern boundary, contrary to Specific Local Objective 82. It would also mean that the proposed development would fail to meet a requirement for the granting of permission for a development which is only open for consideration under the zoning objective. Having regard to the latest zoning of these lands, it may be appropriate to consider the abandonment of any road connections to

the Hazelgrove Estate road, which at 8 metres in carriageway width, appears to have been designed to cater for further development. It would also seem that it might be preferable to consider a different site directly at Killinarden Road/Horan's Lane with an access off this road or off a new road leading off this road and passing to the south of such a relocated school site.

## **12.0 RECOMMENDATION**

Having regard to the foregoing, I recommend that the planning authority's decision be reversed in this instance and that permission be refused for this development for the reasons and considerations set out below.

### **REASONS AND CONSIDERATIONS**

The proposed development would be located in an area zoned Objective EP2 "To facilitate opportunities for Manufacturing Research and Development facilities, light industry and employment and enterprise related uses in industrial areas and business parks" and which is subject to Special Local Objective 82 which requires that the development of these lands should be sited and designed to respect the residential amenity of dwellings along the northern boundary, under the South Dublin County Council Development Plan, 2010-2016. The Board is not satisfied on the basis of the submissions in the planning application and the appeal that the proposed development would not give rise to on-street parking and traffic congestion on the Hazelgrove Estate road. The proposed development would therefore, endanger public safety by reason of a traffic hazard and the obstruction of road users and would seriously injure the amenities of the houses in this quiet residential estate. Furthermore it would thereby contravene the zoning objective and fail to meet the requirements of Specific Local Objective 82. The proposed development would, accordingly, be contrary to the proper planning and sustainable development of the area.

---

**Andrew C. Boyle,**  
**Senior Planning Inspector.**

**28<sup>th</sup> November, 2014.**

**sg**