



An
Bord
Pleanála

Board Direction
BD-004584-19
ABP-303945-19

At a meeting held on 25/11/2019, the Board considered

- the submissions made in relation to the proposed development,
- the report of the Inspector, and
- the documents and submissions on file.

The Board decided to approve the proposed road development without modifications for the following reasons and considerations, and subject to the conditions set out below.

REASONS AND CONSIDERATIONS

In coming to its decision, the Board had regard to the following:

- (a) Directive 2014/52/EU amending Directive 2011/92/EU (EIA Directive) on the assessment of the effects of certain public and private projects on the environment,
- (b) Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives) which set out the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.
- (c) Section 175 of the Planning and Development Act 2000 (as amended) which sets out the provisions in relation to local authority projects which are subject to Environmental Impact Assessment (EIA).

- (d) Project Ireland 2040 - The National Planning Framework.
- (e) The Design Manual for Urban Roads and Streets, 2013.
- (f) Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area (Cities, Towns and Village) (2009).
- (g) The National Cycle Manual (NTA, 2011).
- (h) The Transport Strategy for the Greater Dublin Area 2016-2035.
- (i) Eastern & Midlands Regional Spatial & Economic Strategy, 2019-2031.
- (j) The Dún Laoghaire Rathdown County Development Plan 2016-2022.
- (k) The Kiltiernan/ Glenamuck Local Area Plan, 2013 (extended to Sept. 2023).
- (l) other relevant guidance documents,

- (m) the nature, scale and design of the proposed works as set out in the application for approval and the pattern of development in the vicinity,
- (n) the documentation and submissions of the Local Authority, including the environmental impact assessment report and associated documentation submitted with the application, and the range of mitigation and monitoring measures proposed,
- (o) the submissions and observations made to An Bord Pleanála in connection with the application, including those submitted at the Oral Hearing
- (p) the report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment screening and environmental impact assessment.

Appropriate Assessment

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on designated European sites. The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. The Board considered the nature, scale and location of the proposed development, the appropriate assessment screening report submitted with the application, the submissions on file and those made to the Oral Hearing and the report of the Inspector. In completing the screening exercise, the Board agreed with and adopted the screening assessment and conclusions carried out in the Inspector's report and concluded that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European sites, in view of the sites' conservation objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

Environmental Impact Assessment:

The Board completed an environmental impact assessment of the proposed development, taking into account:

- the nature, scale, location, and extent of the proposed development;
- the Environmental Impact Assessment Report and associated documentation submitted with the application;
- the submissions from the applicant and the prescribed bodies and third-party observers in the course of the application, including during the Oral Hearing, and;
- the Planning Inspector's report;

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant provided information which was reasonable and sufficient to allow the Board to carry out an environmental impact assessment and to reach a reasoned conclusion on the significant effects of the project on the environment. The Board is satisfied that the information and data

available and the reasoned conclusion is up to date at the time of taking the decision.

The Board agreed with the summary of the results of the consultations and information gathered in the course of the EIA, set out in the Inspector's report. The Board is satisfied the Inspector's report sets out how these various environmental issues were addressed in the examination and recommendation and are incorporated into the Board's decision (with the exception of the inspector's concerns in relation to Climate and Population & Human Health).

Reasoned Conclusion of the Significant Effects

Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and the submissions from prescribed bodies in the course of the application, the Board considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Positive long-term impacts on **population and human health** through facilitation of improved access and provision of enabling infrastructure for the development of new residential communities.
- The proposed development would have significant positive effects on **Population and Human Health** in terms of the increased benefits in terms of shorter journey times and a reduction in traffic hazard for pedestrians and cyclist and other road users. The reduction of through-traffic from Kiltiernan will improve connectivity, increase village cohesion, and an improve noise, air and overall amenity within settlements post construction.
- Adverse impacts on **material assets** through loss of land and severance experienced by affected landowners along the alignment of the proposed road. This will be adequately mitigated through provision of new accesses, replacement boundaries and monetary compensation.

- Adverse impacts on **population and human health** in terms of adjoining residential amenity during the construction phase from noise, vibration, dust, contaminated material, traffic and visual impact. This will be adequately mitigated through compliance with the Construction Management & Waste Management Plan and measures outlined with the waste management section of the EIAR.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures referred to above, including proposed monitoring as appropriate and subject to compliance with the conditions set out below, the effects on the environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting Inspector (with the exception of the inspector's concerns in relation to Climate and Population & Human Health).

In deciding not to accept the inspectors reasoned conclusions in their entirety, the Board considered that the proposed road would not have an adverse impact on population and human health associated with improved car journey times and did not consider that it would lead to increased car dependency or discourage the use of more sustainable transport modes, and on the contrary considered that the provision of the improved road network and accessibility to public transport modes actively support sustainable modes of transport and the development of high public quality transportation systems. Therefore, the proposed road scheme would enhance the quality of the local road network for all road users including cyclist and public transport modes as part of the proposal would, therefore, have a positive impact on population and human health.

Furthermore, the Board considered that the proposed road would not have an adverse impact on climate associated with improved car journey times or increased car dependency as the use of more sustainable transport modes is actively encouraged and facilitated through the proposed road which will also provide viable public transport alternatives in accordance with the Core Strategy set out in the Dún Laoghaire Rathdown County Development Plan 2016-2022 and in particular Policy

RES15 and Policy ST2, where the Council will "...actively support sustainable modes of transport and ensure that land use and zoning are fully integrated with the provision and development of high public quality transportation systems" the proposed road scheme would enhance the quality of the local road network for all road users including cyclist and public transport modes and would achieve the key six-year road objective set out in the Development Plan to provide the Glenamuck District Distributor Road and the Glenamuck Local Distributor Road (including the Ballycorus Link).

The Board also considered that the proposed road would not have an adverse impact on population and human health by way of community severance associated with the distributor road design and considered that it would lead to improved cohesion within the existing and future expanded settlements and provide plan led expansion opportunities for local communities and would in fact reduce traffic speeds at key locations thereby addressing safety concerns in the local community.

Finally, the Board considered that the proposed road would not have adverse impacts on climate and population and human health in the context of the cumulative effects arising from the proposed development and the development of adjoining local area plan lands having regard to the Core Strategy set out in the Dún Laoghaire Rathdown County Development Plan 2016-2022 and Policy RES15 which underpins the proposed road scheme and the plan-led approach adopted.

Proper Planning and Sustainable Development

The Board considered that the proposed road development would be in accordance with European, national, regional and local planning policy, would allow for greater community cohesion, for improved safety for pedestrians and cyclists and other road users, and for increased use of public transport services and therefore would be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the inspector's recommendation to refuse to approve the proposed road development the Board was satisfied that subject to the conditions as set out below and having regard to the Core Strategy set out in the Dún Laoghaire Rathdown County Development Plan 2016-2022 and in particular Policy RES15 and

Policy ST2, where the Council will "...actively support sustainable modes of transport and ensure that land use and zoning are fully integrated with the provision and development of high public quality transportation systems" the proposed road scheme would enhance the quality of the local road network for all road users including cyclist and public transport modes and would achieve the key six-year road objective set out in the Development Plan to provide the Glenamuck District Distributor Road and the Glenamuck Local Distributor Road (including the Ballycorus Link). Furthermore, the Board considers that the proposed Glenamuck District Road Scheme (GDRS) has been designed for ease of traffic flow and to maximise traffic capacity in order to address the current serious deficiencies in the local road network which constitute a serious traffic hazard for pedestrian and cyclists as well as for other road users

The Board considered that the proposed road would not adversely affect the emerging community and village structure alongside the proposed road scheme by way of severance and would in fact allow for greater spatial and community cohesion and would reduce risk of traffic speeding and improve conditions for pedestrians and cyclists especially on the Glenamuck Road.

The Board also considers, that the proposed road scheme would be not be premature and given its alignment with the Local Area Plan ensures a plan-led land-use and transportation integration and will support the development of sustainable communities. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The proposed development shall be carried out and completed in accordance with the plans and particulars, including the mitigation measures specified in the EIAR, submitted with the application to An Bord Pleanála on 15th day of March, 2019, and at the oral hearing held between the 10th and 13th days of September 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be prepared by the local authority, these details shall be placed on file prior to commencement of development and retained as part of the public record.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. All mitigation measures identified in the EIAR and the Schedule of Environmental Commitments submitted by the local authority to the oral hearing between the 10th and 13th days of September 2019, shall be implemented in full as part of the proposed road development or as may be required in order to comply with the following conditions. The local authority or any agent acting on its behalf shall appoint a person with appropriate ecological and construction expertise as an environmental manager to ensure that the mitigation measures identified in the EIAR are implemented in full.

Reason: In the interest of clarity and to protect the environment during the construction and operational phases of the development.

3. Prior to commencement of development, the local authority, or any agent acting on its behalf, shall prepare a Construction Management Plan (CMP) generally in accordance with the commitments set out in the EIAR and the Schedule of Environmental Commitments submitted by the local authority to the oral hearing between the 10th and 13th days of September 2019. The CMP shall include specific proposals as to how the CMP will be measured and monitored for effectiveness, and it shall be on file prior to the commencement of development and retained as part of the public record.

Reason: In the interest of the protection of the environment and the amenities of the surrounding area, and public health.

4. Prior to commencement of development, the local authority, or any agent acting on its behalf, shall prepare an Environmental Operating Plan (EOP) generally in accordance with the commitments set out in the EIAR and the Schedule of Environmental Commitments submitted by the local authority to the oral hearing between the 10th and 13th days of September 2019. The EOP shall include specific proposals as to how the EOP will be measured and monitored for effectiveness, and it shall be on file prior to the commencement of development and retained as part of the public record.

Reason: In the interest of protecting the environment and in the interest of public health.

Board Member:

Date: 26/11/2019

Paul Hyde