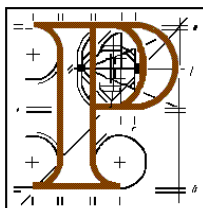


## An Bord Pleanála



## Inspector's Report

### DEVELOPMENT:

Permission for (1) demolition of two existing temporary schools. (2) Construction of two no two storey primary school buildings. School 1 comprises 16 classrooms, 2 classroom special needs unit, support teaching space and ancillary accommodation with a total floor area of 3,165 sq.m. School 2 comprises 16 classrooms, 2 classroom special needs unit, support teaching space and ancillary accommodation with total floor area of 3,050 sq.m The site works to the school grounds will consist of 2 no 15 sq.m external storage buildings, bin stores, playing pitch ball courts project gardens cycle storage landscaping and boundary treatment and all other associated site development works for each school. The works to the remainder of the site consist of the provision of 70 car parking spaces, drop off and pick up facilities.

### Location

Ballycullen Drive, Firhouse, Dublin 24.

## **PLANNING APPLICATION**

**Planning Authority:** South Dublin County Council

**Planning Authority Reg. No:** SD15A/0226

**Applicants:** Minister for Education and Skills.

**Application Type:** Permission

**Planning Authority Decision:** Permission with conditions.

## **APPEALS**

**Appellants:**

1. Paul Crossan.
2. Yvonne and Julian Glaney.

**Type of Appeal:** 1-3 Third Party v Grant

**Observers:**

1. Ronnie Smith
2. Mairead Flanagan
3. Denis Kiely
4. Tom Gurrie
5. Cumann na DTuistí, Gaelscoil na Giúise
6. Cllr John Lahart

**DATE OF SITE INSPECTION:** 22<sup>nd</sup> March 2016.

**INSPECTOR:** Bríd Maxwell.

## **1.0 SITE LOCATION AND DESCRIPTION.**

1.1 The appeal site has a stated area of 1.9 hectares is located on the southern side of Ballycullen Drive and to the north of Killinniny Road in Firhouse Dublin 24. The site is bounded to the west by a public footpath with Firhouse Community Centre located west of this. The western section of the site is occupied by recently constructed temporary single storey school with ancillary parking, access road, set down area and play areas and accessed off Ballycullen Drive. The eastern section of the site contains grassed playing pitches. The area is known as Carrigwood Green. There are remnants of historic hedgerows supplemented by new planting to the south east and south of the site.

1.2 Ground levels on site drop moderately in an easterly direction with ground level of 96 metres above OD along the western boundary of the site dropping to 87 metres above OS Datum along the eastern boundary. The southern boundary of the site adjacent to Killinniny Road is defined by a fence over a low rise wall c1.8m high with hedging inside. A gas and watermain wayleave runs along in an east / west direction to the south of the site. There is an existing gated set down / drop off area on Kilinniny Road which operates on a one way in - out system and provides 28 drop off spaces in total. Lands in the vicinity of the appeal site to the north and south are predominantly residential and suburban in character. Kilinniny Road is regional road R133 serving

## **2.0 PROPOSED DEVELOPMENT**

2.1 The proposal seeks permission for development involving:  
“(1) The demolition of two existing temporary schools.  
(2) The construction of 2 no 2 storey Primary School Buildings.

School 1 comprises 16 classrooms, 2 classroom Special Needs Unit, support teaching spaces and ancillary accommodation with a total floor area of 3,165 sq.m.

School 2 comprises 16 classrooms, 2 classroom special needs unit, support teaching spaces and ancillary accommodation with a total floor area of 3050 sq,m. The site works in the school grounds will consist of 2 no 15 sq.m external storage buildings, bin stores, playing pitch ball courts, project gardens, cycle storage, landscaping and boundary treatment and all other associated site development works for each school. The works to the remainder of the site consist of the provision of 70 car parking spaces, drop off and pick up facilities all on a site of c 1.9 hectares.

- 2.2 The proposed layout provides for construction of school No 1 generally over the footprint of the temporary schools to be demolished whilst proposed school 2 is located on the eastern section of the site on existing playing pitches. The two proposed schools are 64m apart and staff car parking (62 spaces) is provided in the intervening area.
- 2.3 School 1 is an L shaped building with its entrance centrally located at the inside corner return of the building, facing north. An entrance plaza and play area is provided to the front of the building with a hard / soft play area, junior play area and 2 no ballcourts to its western side. A covered bike storage area is provided to the front of the school adjacent to the set down area. The school features a cantilever pitched roof with brickwork façade at ground floor level and rendered finish at first floor level and metal cladding to roof. A projecting canopy provided over main entrance.
- 2.4 Proposed school no 2 is square in shape enclosing a courtyard. Its front entrance is provided to its north-western corner. Two ballcourts, a soft/hard play area and junior play area are provided to its eastern side. External store and bin store are provided to its northern side. Bike storage is provided adjacent to the north of the main entrance. The

school features a cantilever pitched roof with flat roofed elements. The elevation includes brickwork and rendered finish.

2.5 In terms of background to the application it is outlined that in 2013 these two new primary schools opened as a consequence of the significant demographic demand for additional school capacity emerging in the area. There is therefore an urgent need to provide a proper permanent building.

2.6 It is envisaged that Firhouse Educate together will accommodate 492 pupils, 33 teachers and 6 special needs assistants once there is full occupation of the school. Gaelscoil Teach Giúise will accommodate 492 pupils, 33 teachers and 6 special needs assistants. The phasing of the proposed development is set out as follows:

- Phase 1 Construction of the new educate together school to the eastern end of the site along with the central shared staff car park access roadway and site works associated with this school.
- Phase 2 Removal of two temporary schools from the western end of the site. Decanting of both temporary schools into the new educate together school building.
- Phase 3 Removal and decommissioning of existing site works at the temporary school site.
- Phase 4. Construction of the new Gael Scoil and associated site works. Decanting of Gael Scoil from the educate together school building into the new school.

2.7 The schools would be served by existing set down area leading off Killininy Road with the provision of a proposed linking pedestrian entrance ramp and steps adjacent to the southern boundary of the site. Proposed boundary treatment includes 2.4m high paladin fencing to the southern western and western boundaries of the site. 2.4m high tubular steel bow topped fencing is proposed to the northern boundary. The initial application proposed access by way of the established

entrance to the site to the east of the roundabout. Following a request for additional information two additional alternative access proposals were set out including an access at the roundabout and a separate inbound access to the east of the existing entrance. The first party indicated that the established priority junction to the east of the roundabout is the preferred option.

### **3.0 PLANNING HISTORY**

- **Part 8 application SD 138/0003** – relates to provision of two temporary schools. Confirmed by South Dublin county Council 10<sup>th</sup> November 2014.

### **4.0 PLANNING POLICY**

**4.1 National Policy.** The Provision of Schools and the Planning System – A Code of Practice for Planning Authorities, Department of Education and Science and Department of the Environment Heritage and Local Government, July 2008. The document sets out best practice approaches to ensure the timely and cost effective roll out of school facilities. Detailed guidance is provided under the following broad headings:

- Forecasting Future Education Demand
- Planning for new schools through local authority development plans
- Location of schools planning considerations
- Site Development Standards
- School Development Proposals & The Development Management Process
- School site identification & acquisition.

## 4.1 Development Plan

4.1.1 The operative development plan is the South Dublin County Development Plan 2010-2016. The site is zoned 'Objective F' which seeks "To preserve and provide for Open Space and Recreational Amenities".

Section 1.3.19 School and College Sites.

Policy SCR12 School and College Sites.

Policy SCR13L Provision of School Sites.

Policy SCR 14: Cooperation with the Department of Education and Skills on a Rolling Schools Construction Programme.

Policy SCR15: Co-operation with existing schools and the Department of Education and Skills in the Sustainable Development of existing Schools and Educational Institution Sites.

Policy SCR 17: Review of the Need for Schools within the County.

Policy SCR 20: Sustainable Transport and Travel Plans for Schools.

Policy T14: Pedestrian and Cyclist Movement

Policy T18: Transport and Traffic Impact Statements

Policy T19: Mobility Management Plans

Policy T29: Road Safety School Users

4.1.2 The Draft County Development Plan 2016-2022 was published in July 2015. The public consultation on the proposed material alterations ran from 25<sup>th</sup> February 2016 to 29<sup>th</sup> March. The draft Plan maintains the current zoning approach with zoning OS "To preserve and provide for open space and recreational amenities". The proposal to provide for primary school is acknowledged on the zoning map. I note C9 Objective 10. *"That a secondary school be built in the Firhouse / Ballycullen area over the lifetime of this plan to cater for the school going children of that area. Having regard to the primary school developments on Carrigwood Green this objective should be met without further new school development on that site."*

## **5.0 PLANNING AUTHORITY'S DELIBERATIONS AND DECISION.**

### **5.1 Submissions.**

5.1.1 Numerous third party submissions to the local authority outline objection to the proposed development on a number of grounds summarised as follows:

- Original application was made on the basis of schools being temporary to be replaced by a playground. Objection to the proposal was thereby muted on the basis of future prospect of playground.
- Public notice inadequate. Council did not inform local residents.
- Negative visual impact.
- Parking inadequate / Parking excessive
- Impact on parkland and loss of playing pitches
- Health and safety Issues.
- Timing of application is questionable
- Need for additional schools is not established. Firhouse is demographically mature.
- Traffic congestion. Traffic survey (1 day) inadequate
- Set down area is outside boundaries of the site
- Campus model gives rise to danger of duplication. Excessive concentration of schools. 5 within a mile.
- Wildlife disturbance.
- Contrary to land zoning.
- Ballycullen Road – danger arising from camber of road. Note crash barrier.
- Inconsistency, inaccuracy and lack of clarity in site identification report.
- Loss of mature oak tree and historic hedgerow.
- Development will restrict common view of residents of Montpellier Mountain and the historic hell fire club.
- Flood risk.



5.1.2 Submission from a number of third parties in support of the application.

Their grounds of support are summarised as follows:

- Department of Education statistical analysis determined remit of schools in the vicinity.
- Site is accessible.
- Ample public amenity space, current users (Firhouse Carmel FC) will be accommodated.
- Site identified following extensive site selection process.
- Firhouse Educate Together and Gaelscoil na Giúise already exist and operate from temporary accommodation which is unsustainable.
- Firhouse has doubled in size in the last 20 years.
- Impact on traffic levels is mitigated by staggered start times.
- Site was identified under a MoU based partnership between the Department of Education and Local Authorities informed by Technical Guidance Document DG-025 “Identification and Suitability Assessment of Sites for Primary Schools”.
- Extensive open space in Firhouse. Proposed development consumes only 20% of the available open space in the immediate surroundings.
- Zoning specifically allows for residential use and therefore does not conflict with the development plan.
- The two schools were established in September 2013 because the Department of Education determined the need based on information collected through CSO census data

5.1.3 Note on file records a meeting of the Rathfarnham / Templeogue / Terenure Area Committee on Large applications on 8<sup>th</sup> September 2015 where the file was discussed and comments are Councillors C Brophy and R McMahon objected to the application. Councillors D Looney and S Holland supported the application and Councillors D Donovan and A.M. Dermody noted the application.

5.1.4 National Transport Authority submission indicates full support for the development of permanent schools on the site. Concerns relate to

roundabouts on Kilinniny Road / Parklands Road and Ballycullen Drive which need to be examined with regard to safe crossing of pedestrians and cyclists on all arms of the junctions. Any improvements identified should be carried out in advance of schools opening. Significant trips will be generated along and across Kilinniny Road and it is recommended that an examination of speeds along this route be carried out. Mobility management plan is inadequate, makes reference to outdated guidance and schemes and needs to be written as a clear set of specific commitments rather than a list of general overarching measures with detail to be provided at some point in the future.

5.1.5 Irish Water - No objection.

## **5.2 Internal reports.**

5.2.1 Environment, Water and Climate Change report indicates no objection subject to conditions.

5.2.2 Water Services report indicates no objection subject to conditions.

5.2.3 Environmental Health Officer – No objection subject to conditions.

5.2.4 Parks and Landscape Services – No objection in principle. Developer should contribute to the development and enhancement of the remaining existing open space by way of new paths, new tree and hedge planting, possible mounding for visual interest and more. Oak tree of Category B status located under the footprint of the school to the west should be retained if possible. Area to the Southwest of the site should be revised so that the existing path route east west continues to run in a direct line as it currently does to avoid creating a detour for users of the open space and football pitches. Path to the south west of the site should not cut through the dense vegetation and instead should be re-routed to the north of this woodland planting to avoid unnecessary disturbance. Landscape plan should be further detailed. Accessibility to football pitches and to schools from the south-west to be addressed.

- 5.2.5 Roads Department Planning Report. Further detail required in relation to impact on public roads. Note entrance as constructed falls out onto Ballycullen Drive. Issues arise regarding potential back up of right turners onto the roundabout and a lot of turning movements in a small area with quite steep gradients. The applicant should consider an access at the roundabout which better facilitates turning movements. Alternatively an access further east for inbound traffic could be provided. The applicant should evaluate alternative options justifying their choice. A road safety audit should to be provided. FI required including A TIA that considers the traffic movements on the public road including an ARCADY analysis of the roundabout on Carriglea Walk and an ARCADY of the roundabout with Killinenny Road / Parklands Road to be provided.
- 5.2.6 Planner's initial report concludes that the development is acceptable in principle however further information is required with regard to arrangements in respect of access to Firhouse Football Club pitches to the east of the site, a revised Mobility Management Plan, landscaping, roads and traffic issues and requirements of environmental health officer.
- 5.2.7 Further information was requested on 22/9/2015 in relation to the following:
- (i) Provision for access via the site for Firhouse Football Club to pitches to the east of the site.
  - (ii) TIA to consider movements on the public road including ARCADY analysis of the roundabout on Carriglea Walk and ARCADY of the roundabout with Killinenny Road / Parklands Road. Evaluation of three alternative options in respect of the proposed access off Ballycullen Drive.
  - (iii) Revised layout of proposed pedestrian routes and landscaping proposals.
  - (iv) Revised Mobility management plan to include a clear set of specific commitments rather than a list of general overarching measures.

(v) Consultation with the Environmental Health Officer HSE to ascertain requirements.

5.2.8 Following submission of additional information roads department planning report outlines some concerns in regard to the methodology of the traffic assessment noting particularly the assumption that there will be 480 cars used by pupils with a 50% split between Killininy Road and Ballycullen Drive. They then assume that only 50% would use the drop off facility and the rest would drop off site. They do not count off site drop off trips as using the Ballycullen Drive and Killininy Road. Turning movements were also dispersed over the full hour for the PICADY analysis on the school entrance. This is incorrect as most traffic will arrive and leave within a 15 minute period. The concern is that right turning traffic from Ballycullen Drive has been under analysed and it is likely that this traffic will back up on Carriglea roundabout. In relation to access it is noted the applicant's proposed preferred option is a priority junction to the east of the roundabout. Ballycullen Drive is however steeply graded and there is currently a crash barrier on the north side of the road which was installed because of accidents. Option one shows all turning movements at one location where the road gradients are steep. This may cause problems where cars are more likely to skid on an icy or rainy day. Traffic may be blocked on Ballycullen Drive due to the number of right turning movements into the school. Pedestrian and cyclist movements are concentrated at this access and are more likely to cross this access point. A large section of the drop off (120 estimated) will take place outside the school. They too are likely to drop off adjacent to the access thereby increasing the hazard for pedestrians and cyclists. The Carrigela roundabout is level so cars will be turning into an out of a far flatter surface than Ballycullen Drive. Roundabouts facilitate turning movement and the roundabout movement may well discourage drop off around the immediate area of the access. While the edge of the proposed pitches may be affected these could be realigned. Some additional consideration could be given to vulnerable road users. A signalised pedestrian crossing should be located east of the roundabout. Raised pedestrian ramp should be

provided across the internal access road to facilitate children crossing to the school from the pedestrian gate. In the event of permission a number of conditions are recommended.

5.2.9 Planner's second report indicates satisfaction with the response to request for additional information items and recommends permission subject to conditions. Report notes that the proposed schools are non fee paying and therefore are exempt from development contributions under the South Dublin County Council Development Contribution Scheme 2010-2017.

### **5.3 Decision.**

5.3.1 The Planning Authority decided to grant planning permission for the development and 11 conditions were attached which included the following of particular note

- Condition 2 Revised plans to be submitted. Developer to provide signalised pedestrian crossing on Ballycullen Drive. Entrance to be located at the roundabout. Revised location / orientation of proposed pitches at western end of the site. Further detailed matters including road safety audit and construction traffic management plan.
- Condition 3 Landscape plan, Management Plan and long term maintenance.
- Conditions 5 & 6 Landscape Architect to be retained for the duration of the project. Certificate of effective completion.
- Condition 9. Prior to opening of school public lighting for the entirety of the public realm of the school to be provided in accordance with Council requirements.
- Condition 10 and 11. Construction dust and noise mitigation.

### **6.0 APPEAL SUBMISSIONS.**

## 6.1 FIRST THIRD PARTY APPEAL

6.1.1 The first third party appeal is submitted by Hendrik W van der Kamp, Town Planner on behalf of *Concerned Firhouse Residents*. I have summarised the grounds of appeal as follows:

- The development is in conflict with the development plan zoning objective. Proposed use is not a permitted use under the zoning matrix. Rather it is “open for consideration”. The large buildings result in reduced access to the open space and loss of recreational amenities currently available to residents in the area. Therefore the development is materially in conflict with the zoning objective of the development plan. Question of material conflict with the zoning objective was not considered in the planner’s report. Education use is a permitted use in six of the twelve zoning categories identified in the development plan.
- There is no demand for primary school facilities in the immediate catchment area. The site is within a mature residential area. Modal split of temporary schools demonstrates this point with 73% of journeys by car, 27% walking and 0% by bicycle for one school and 100% by car and none by walking or cycling for the other. This confirms that the demand for the proposed schools arises from a larger catchment area.
- There appears to be a demand for primary school places arising from more recent housing developments to the south of Kilmenny Road and north of Oldcourt Road and around Stocking Avenue as identified in the Ballycullen Oldcourt Local Area Plan and land has been zoned for the purpose and is still available. The proposed schools would compete directly with existing schools including Scoil Carmel and Scoil Treasa which are within one kilometre of the site. Dispute the Departments assertion that the projected demand for existing pupil places could not be catered for by the three existing schools in the Firhouse area.
- The location does not encourage walking and cycling trips given distance to source of demand. Code of practice document for the provision of schools states that schools, particularly primary schools should be located in close proximity to the housing that they serve.

Proposed location is not in proximity to the housing area that it would serve and is also separated from it by a busy regional road.

- Ballycullen Oldcourt Local Area Plan makes provision for school sites south of Stocking Lane and Oldcourt /Gunny Hill. The adopted local area plan links the provision of these schools to the phasing of the residential development. It is excessive to construct five primary schools in the area.
- Mobility management plan is aspirational and lacks credibility to achieve the targets set. Much of the work in the mobility management plan is assigned to a mobility manager. Objectives to achieve a change in the modal split are very modest, not distinguished by staff and pupils and not supported by the provision of car parking which allows for 100% car use by staff.
- The proposed drop off point with direct access from the regional road R133 will result in traffic hazard as a result of the congested nature of this road during the morning peak hour. Southern drop off point at the Killininy Road is outside the site curtilage. The drop off point is formed by two entrances where the western entrance is closely situated to a roundabout on the regional road and traffic in both directions will need to use this entrance. There will need to be a box junction provided which will be very closely situated to the roundabout. The other point will act as point of egress and a box junction will need to be provided to allow these cars to enter the traffic stream on the regional road. Killininy Road is a busy regional road which in the mornings in particular acts as a feeder road to the M50 motorway junction 12. It is extremely congested in the morning peak which is not mentioned in traffic and transport report. This may result in parents allowing children to disembark without entering the drop off point leading to hazardous conflict. A similar pattern likely at northern drop off on Ballycullen Drive.
- The proposed construction of two schools is likely to prevent much needed residential development to proceed under the phasing requirements of the Local Area Plan.

## 6.2 SECOND THIRD PARTY APPEAL

6.2.1 The second third party appeal is submitted by Yvonne and Julian Glavey of 103 Woodlawn Park.

- Successive Development plans and local area plans show zoned primary school sites in the area and phasing requirements in Ballycullen Oldourt LAP require the development of school sites.
- Proposal will result in a concentration of schools and force students from Ballycullen to leave their area to meet their educational need necessitating car journeys.
- Disruption to Firhouse Carmel Football Club. Access from clubhouse to pitches impeded by the temporary schools.
- A large campus of two 16 classroom schools of this size greatly exceeds the demand for school spaces within a reasonable 20 minute walking distance of 1.5km and the assumed high modal share of 65% for car transport highlights the unsustainability of the proposal contrary to Government Policy.
- Drop off capacity will likely be exceeded by a factor of four giving rise to chaotic traffic conditions on the public roads surrounding the site
- Staggered drop off and collection times at four schools could give rise to immense disruption to other road users. Numerical results in traffic report are incorrect by a large factor.
- Stand alone oak tree identified in the arboricultural report may be part of a historical field boundary. Hedgerow and trees to be lost to the community forever.
- Bat survey was not provided in relation to the application.
- Residents are concerned that these proposals have been driven primarily for financial reasons. The impartiality of the Council is questioned on basis that the council will gain from the sale of the site.
- The *“Firhouse School Site Identification and Acquisition Process Report”* of October 2014 which was given to councillors ahead of their vote on the Part 8 proposals is flawed and based on inaccurate and misleading information.



- Despite 111 objections to the Part 8 process there was lack of communication with residents and the planning application was submitted before construction was complete on the temporary schools. Premature to submit an application before fully examining the effects of the temporary schools on the area.
- Light pollution was an initial issue that was only resolved after intervention from South Dublin County Council. Parking at drop off and collection times is a problem with parents parking on the roundabout at Ballycullen Drive.
- Request that An Bord Pleanála thoroughly assess and examine the information in this application. Concern arises that education projects are a foregone conclusion no matter how flawed.
- Zoned sites should be developed and utilised in any area before community green spaces are sold for profit.

## **7.0 OBSERVERS**

- 7.1 Submission from Cllr John Lahart supports the third party appeals against permission.
- 7.2 Submission from Ronnie Smith, 18 Carriglea Court, supports the third party appeals. Ballycullen Drive has a history of road accidents and is inherently unsafe. Numerous accidents occur on this road due to combination of adverse camber, vehicles breaking speed and the weather. 18 month survey shows 186 accidents over 482 days of which 27 were serious. Crash barrier and skid resistant tarmacadam and speed ramps reduced the number of accidents however have not solved the problem of adverse camber. Proposal to remove part of the crash barrier and install pedestrian crossing is highly questionable. Roads department satisfies itself that the road is safe at a design speed of 50kph yet when the council did a speed check the mean speed was 58kph and 85 percentile level was 67kph. Speeding traffic should be factored in. Speeder coming over blind hill driving through

roundabout to then see raised signalised pedestrian crossing 10m away.

7.3 Tom Gurrie, 26 Carriglea Walk supports the two third party appeal and considers that as a local resident he will be severely negatively impacted by the development. Objections based on the following:

- Over 900 submissions were made against the Part 8 and 8 in favour.
- No demonstrated justification for the schools.
- Traffic report is flawed and should not be relied upon. Number of trips has been underestimated by 50%. Reduced number of trips were fed into traffic southwards for an hour when in fact the bulk of congestion will occur in a shorter period.
- Traffic volumes on Kilinniny Road during peak hours can cause a tailback past Parklands roundabout as far as Firhouse Road. Easy access will not be possible to the school set down area from Killinniny Road and more school traffic will divert onto Ballycullen Drive, using residential estates for parking and as rat runs.
- Siting of entrance on roundabout is extremely dangerous. Pedestrian lights could potentially cause more harm than good.
- Parking is insufficient.
- Bus services are of little use.
- Negative impact on football club and the environment. Direct access to pitches not provided for.
- Design inappropriate not in accordance with technical guidance which recommends that for an 18 classroom school should be 1.5hectares.
- No purpose built drop off facility for special needs children and carers. Significant pedestrian vehicular conflict.
- Loss of amenity.
- Negative visual impact.
- Confined size of the site and shortage of play area. North south orientation provides that solar or passive heating not as good.
- Lack of Bat survey

7.4 Observations from Cumann na dTuistí, Gaelscoil na Giúise outlines support for the proposed development and makes the following points.

- At heart of both appeals is a false premise that Firhouse should be divided into two distinct recognised and separate areas, a mature area to the north and newer area to the south.
- Loss of 5 acres of a larger 25 acre continuous open space is not significant. No established activity will be prevented following construction of the schools.
- Schools are a fundamental part of any residential community. Firhouse has been the fastest growing urban area in South County Dublin between 1995 and 2014.
- The fact that no development plan made specific allowance for additional schools during that time is a glaring omission. South Dublin Draft Plan 2015-2022 confirms the intention to use the land for education.
- Gaelscoil na Giúise and Firhouse Educate together are required to service the existing residential population.
- Issue of current modal split cannot be relied upon given that that is refers to 4 and 5 year old children and is based on a statistically irrelevant and flawed data set.
- No threat to existing schools.
- Schools referenced within the Ballycullen Oldcourt LAP relate to future development of 1,600 homes.
- Issues regarding mobility management plan can be addressed by condition. Allegations raised in relation to set down area are not backed up.
- Traffic congestion may occur for narrow time period in the morning but is not an issue in the afternoon.
- Mount Carmel Football club will not lose facilities. Condition of S183 land disposal agreement is that the pitch relocation works be carried out prior to any construction activity. Direct access is provided for.

- Vast majority of hedgerow will be maintained.
- Planning process and part 8 process observed all proper notifications and consultation procedures. Schools already existing and have over 100 children attending after only 2 years even in the absence of a permanent building.

7.5 Observation from Denis Keily, 84 Carrigwood which includes a traffic review report prepared by Roughan and O Donovan, Consulting Engineers and is summarised as follows:

- Note roads department report expression of concern regarding the methodology of the traffic and transport assessment.
- Traffic report has numerous shortcomings.
- No catchment analysis and site selection and alternative locations not addressed.
- Traffic analysis is based on a 1 hour peak period in the morning when typically it should be compressed into a 20 minute period.
- High car based modal share of 65% is assumed indicating a wide catchment.
- In section 5 of the traffic report the number of cars bringing pupils is estimated at 480 but then a 50% factor is applied to reduce this number to 240. This is not explained and has no basis. This result in underestimation of the volume of traffic.
- On the basis of the assumed 65% modal split and an occupancy factor of 1.3 the total volume of car traffic that will be generated by the schools is likely to be  $480 \text{ pupil trips} \times 2 = 960 + 60 \text{ arrivals for staff} = 1020 \text{ total}$ .
- The concentrated arrival over a 20 minute period will accentuate the traffic pressure by a factor of 3. Number of vehicles per minute will be  $1020/20 = 51$  and not  $538/60 = 9$ .
- Each drop off will typically take 5 minutes for a driver to enter the drop off area and let our their children and join the queue to depart. On this basis there will be  $51 \times 5 = 255$  vehicles in the school simultaneously.

- Provision of 60 spaces to cater for a demand of 255 vehicles gives an overload factor of 4.25. There will be major problems with cars queuing and chaotic car drop off.
- It would be more appropriate to provide car access from Killinniny road only rather than encourage external traffic into the residential neighbourhood of Ballycullen Drive. Safety concerns arise regarding the drop off area on Killinniny Road side as it provides spaces to the left and right along a one way traffic aisle.
- Conclusion is that the traffic report does not properly assess the likely severe traffic impacts of such a large school campus for which the drop off capacity will likely be exceeded by a factor of more than four. This will lead to chaotic traffic conditions on the public roads surrounding the site.
- A large 32 classroom school will greatly exceed the demand for school spaces within a reasonable 20 minute walking distance of 1.5km.
- Assumed 65% high modal share for car transport highlights the unsustainability of the proposal.
- Ballycullen Drive already quite busy servicing the function for local access with a two way peak hour flow of about 700 vehicles. Traffic signals are provided at the Firhouse road junction and there is a priority control junction at Ballycullen Road. The development of two large primary schools will add over 500 vehicles per hour to the existing traffic, an increase of over 70% which is a significant impact.
- No analysis of the capacity of the junctions at either end of Ballycullen Drive which are most unlikely to be able to cope with the greatly increased traffic volumes.
- Existing severe problems at the two main junctions at either end of the Killinniny Road at Oldcourt and Ballycullen have not been addressed. These junctions are major nodes on strategic routes from the entire area of Firhouse, Ballycullen, Woodstown and Oldcourt towards the M50 motorway to the east and towards Tallaght to the West.
- The proposed schools will attract over 1000 additional car trips in the peak hour onto a main road network that is already saturated. This will

seriously exacerbate the already difficult traffic conditions on the regional road network as a result of unnecessary local car trips that will arise. Local car trips should be suppressed by provision of suitably sized 2 stream schools located centrally within the catchment areas to be served so that walking and cycling are the more convenient.

- Land use zoning makes no provision for a school on site. Material contravention is required.

#### 7.6 Observation of Mairead Flanagan, 2 Parklands Drive.

- Ballycullen Oldcourt Local Area Plan 2015 designates two primary school sites and the phasing strategy requires construction of the schools prior to proceeding to next phase.
- The Ballycullen Oldcourt Local Area Plan 2015 requires in its phasing strategy that the construction of a primary school must have commenced before proceeding to next phase.
- Councillors who voted in favour of disposal of the open space site for the schools were unaware of the phasing restrictions imposed by the Ballycullen Oldcourt Local Area Plan 2014.
- If permission is granted it will result in blocking of further housing development in the LAP area for many years to come.

## **8.0 RESPONSES TO GROUNDS OF APPEAL**

### **8.1 First Party Response to Third Party Appeals**

8.1.1 The First Party responses to both third party appeals are submitted by O Mahony Pike Architects Ltd. I have summarised responses as follows:

- Under the zoning objective F the use class “Education” is open for consideration.

- Extensive discussions have taken place between the Department of Education and Skills and South Dublin County Council in relation to identification of a site for the school.
- The two schools are currently accommodated on part of the site in temporary schools permitted under Part 8 application SD 138/0003. Granted by south Dublin county Council 10<sup>th</sup> November 2014.
- Schools were opened to cater for the entire school planning feeder area of Firhouse Oldbawn.
- Department uses GIS to identify pressure area for school places using information from CSO, OSI, Department of Social Protection. Local Authorities and the Department's own databases on school enrolments.
- The two Schools (Firhouse Educate Together National School and Gaelscoil na Giúise) have a current enrolment for the 2015 / 2016 school year of 66 and 52 respectively. There has been a significant increase growth in primary age school population in recent years and the trend is set to continue.
- The new schools are intended to grow incrementally from junior infant level therefore not impacting on existing schools.
- The existing need required an accommodation solution that would not impact on the separate requirement for adequate provision for the future population in the Ballycullen Oldcourt Local Area Plan lands.
- The needs of the Ballycullen Oldcourt Local Area Plan area are considered to be discrete and separate from the wider area.
- In relation to walking and cycling, 200 cycle parking spaces are provided between the two schools. Further measures to increase cycling are provided, with playgrounds including areas for cycle training and as part of the mobility plan other measures such as initiatives to encourage cycling to school. Walking will also be actively promoted.
- Updated modal split information for the schools operating on site show that c20% are walking or cycling to the ETNS and c40% are walking or cycling to Gaelsoil na Giúise. As the schools contain pupils up to first

class at present it would be expected that the modal split towards sustainable modes will improve as the children get older.

- Additional infrastructure including dedicated pedestrian crossing on Kilninniny Road will ensure that children can walk and cycle safely to school.
- Mobility Management Plan includes separate modal split data for staff and pupils, a commitment to implement the plan, the appointment of a mobility manager and modal split targets and measures to increase cycling. A management plan for car drop off is included.
- Pupils from the south of the catchment accessing via the Kilninniny Road can utilise this public car park as a drop-off car park without the need to access the school off Ballycullen Drive. This is in line with the current “park and stride” objectives for schools which seek to have multiple access points to schools which are not necessarily school car parks. This car park is constructed and includes a dedicated right turn pocket on the Kilninniny Road in order to allow the through flow of traffic on this roadway. The access and egress to the staff and drop off car parks as well as all critical junctions The area have been modelled as part of the detailed TTA. All junctions operate effectively up to the design year of 2032 with little or no queue formation. This TTA was based on accurate onsite traffic counts carried out in March 2015 at agreed locations, including the Kilninniny Road.
- The development represents a sustainable development and meets planning policies and guidelines
- Extensive discussions have taken place between the Firhouse Carmels Football Club and South Dublin County Council. Relocation and reinstatement of the pitch has been carried out and access is provided to the south of the school site.
- External access gate and ramp provided in the western boundary adjacent to the football club house to facilitate the provision of out of hours access to the schools ball court for possible winter training.



- Mobility management plan as submitted and updated in the additional information submission sets out a clear strategy to assist in achieving a commitment to sustainable modes of travel.
- With regard to the loss of the oak tree, various master planning options regarding the school buildings and the overall site layout were reviewed, however due to spatial constraints it was not possible to retain this tree.
- Proposal provides for the least damage to the hedgerow in minimising access points. Proposed planting seeks to mitigate impact and trees selected for seasonal interest and biodiversity. Selected size at planting is Advanced Heavy Standard 16-18cmh and semi mature 20-25cmg so as to produce immediate visual impact whilst allowing for a size for successful establishment of the trees on the site. Notably the native 'pin oak' is within the selected tree list.
- Planning requirements for site notices and newspaper advertisements regarding the application were fully complied with.
- There were no issues with the timing of the application. Lighting and traffic concerns noted with the temporary schools have been dealt with directly by the schools and would not be an issue with the proposed development.

## **8.2 Planning Authority Response.**

8.2.1 The Planning Authority standard response asserts that the planning authority confirms its decision and the issues raised in the appeal have been covered in the planner's report.

## **9.0 ASSESSMENT**

9.1 The Board's consideration of the appeals can be considered under the following broad headings.

- Development Plan Policy and Considerations.
- Layout and Design.
- Traffic
- Other Matters

## 9.2 DEVELOPMENT PLAN POLICY AND CONSIDERATIONS.

9.2.1 The site is zoned F the objective is “To preserve and provide for Open Space and Recreational Amenities”. Educational use is “*Open for Consideration*” within this use zone in accordance with the zoning matrix. The category ‘*Open for Consideration*’ includes uses which may or may not be acceptable depending on the size of extent of the proposal and to 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 if they are consistent with the proper planning and sustainable development of the particular area. I note reference within the first third party appeal to an alleged conflict with the zoning objective on the basis that the buildings result in reduced access to open space and loss of recreational amenities currently available to residents in the area. Having regard to the extent of public open space immediately available and within the wider area, I consider that the portion of green space lost is not materially significant. I further note that provision is made within the proposal for out of hours access to school recreational facilities for Firhouse Football Club, and notwithstanding the loss of green space I accept that no existing recreational activity would be prevented as a result of the proposed development. The issue of material contravention of the development plan zoning does not therefore arise in my view.

9.2.2 Other relevant objectives and policies of the South Dublin County Development Plan 2010-2016 include Policy SCR:12 the policy to *ensure that school and college sites are made available in accordance with the requirements of the relevant education authorities* and SCR13 Provision of School Sites, the policy to support and assist the Department of Education and Skills in ensuring the timely provision of school sites and to contribute to co-ordinate with the Department in accordance with the Provision of Schools and the Planning System, a Code of Practice for Planning Authorities (2008). The County Development Plan is therefore generally supportive of the provision of school facilities within the County.

9.2.3 The Third party appellants and observers contend that the site is unsuitable for the development proposed and question the need for two primary schools at this location referring also to the zoned sites for educational purposes within the Ballyclullen Oldcourt Local Area Plan 2014 and relevant phasing requirements which restrict the further development of housing lands pending the advance of the zoned school sites. A common issue raised by Third Party appellants and observers objecting to the application relates to concern that the use of the proposed school would represent an unsustainable form of development as it is asserted that students attending the school do not come from within the immediate local area which is presented as characteristically demographically more aged. It is therefore argued that development will give to significant commuter traffic.

9.2.4 On the question of need for the development, notably the two schools proposed to be accommodated on the site already exist (both were established in September 2013) and operate from the existing temporary buildings on the western part of the site. Furthermore, whilst I cannot dispute the assertion that the immediate area is a relatively mature residential area, the housing market is fluid and the provision of appropriately designed educational facilities to meet ever evolving needs is an appropriate approach to proper planning and sustainable

development. The third party appellants do not provide any evidence to dispute the assertions of the Department of Education in respect of the projected demand. In this regard, I believe that arguments in relation to wider issue of school provision and roll out are matters which fall beyond the remit of the Board in considering the planning merits of the development. I note the engagement of the local community in the planning process both in terms of objections and support for the application. It is unfortunate that the Part 8 process for the temporary schools did indicate that the Stage 1 development of temporary schools was envisaged for a period of 4 years and that the subsequent stage 2 development would involve the provision a public playground in this area. The extent of public disquiet at the altered prospect is evidenced in the extent of local objection. However on this basis of the relevant planning policies and objectives as set out in the South Dublin County Development Plan 2010-2016 in considering the development as proposed on its merit in this context, I conclude that the principle of development is acceptable.

### **9.3 LAYOUT AND DESIGN.**

9.3.1 The proposed schools designs introduce mixed finishes and stepped forms. The visual impact is represented within the 3D Design Bureau Visual Impact Assessment which presents a number of Photomontage Viewpoint Locations of the proposal. In my view the building forms are unimposing and are acceptable in design terms. Given the current open nature of the site within a wider public open space context, I consider that the implementation of the landscaping scheme on the site will be crucial to mitigate the transformation of the site, aid the screening of the buildings, boundary fencing and paved areas and integrate the proposal into the landscape. As regards the loss of existing trees and hedging I consider that this can be appropriately mitigated by new landscaping. I note that the stated aim of the proposed landscaping scheme is to provide an immediate impact

through the use of semi mature trees with a firm focus on seasonal interest and biodiversity. This will address both the visual and ecological impact. On the question of the internal site layout I consider this generally to be appropriate.

9.3.2 On the issue of impact on established residential dwellings, given the distance involved overlooking and overshadowing of adjacent dwellings is not an issue and the development will not give rise to any undue loss of residential amenity. As regards impact on Firhouse Carmel FC, I note that the proposal provides an accommodation in respect of new pitches and access. On the basis of my assessment I consider that the proposed development is acceptable in terms of design and layout.

#### **9.4 TRAFFIC**

9.4.1 Traffic and road safety are key issues in the appeal. The internal report of the Council's roads section expressed safety concerns with regard to the existing entrance on the basis of steep gradients of the access as well as the graded nature of Ballycullen Drive. The third parties raise further safety concerns noting the camber of Ballycullen Drive and a history of accidents as evidenced by the existence of a crash barrier on the northern side of the road to the east of the appeal site entrance. I note further concerns expressed with regard to the methodology of the traffic assessment in particular assumptions with regard to off site drop off and elimination of this traffic from Ballycullen Drive and Kilinniny Road analysis. The dispersion of traffic turning movements at the site entrance / drop off over the full hour for the PICADY analysis is clearly not logical given that by its nature the drop off will be more concentrated to a 15/20 minute period. The third party appellants and observers assert that the level of traffic is significantly underestimated within the application and that the proposal will give rise to serious traffic congestion and disorderly drop off.

9.4.2 The third party appellants further point to the modal split information provided with the application asserting that the high car based modal share indicates a wide catchment and demonstrates the unsustainability of the proposal. The first party in response to the appeal notes with regard to modal split information submitted with the application, that it is statistically irrelevant and flawed as it is based on limited junior classes. Updated modal split information indicates that c20% are walking or cycling to the Educate Together National School and c40% are walking or cycling to the Gealscoil na Giúise. It is anticipated that as the schools contain pupils up to first class at present it is to be expected that move to more sustainable modes will improve as children get older. The mobility management plan provides for measures to encourage sustainable modes with provision for covered cycle spaces, cycle training and the first party outlines a commitment in this regard. Ultimately I consider that convenience will strongly influence travel patterns and choices, and on balance I accept the first party's assertion that traffic can be appropriately managed and that it will not have a significant negative impact on the network. I consider that issues arising are more appropriately addressed as part of the wider traffic and transport management strategy.

9.4.3 As regards the immediate site context, I would concur with the view of the local authority that the option for the entrance off the roundabout is the most appropriate access. I consider that road signage and traffic calming is appropriate in terms of addressing the issue of speeding in the vicinity. I consider that the completion of a Stage 1/2 road safety audit is a matter which can be appropriately dealt with by condition.

## **9.5 Other Matters**

9.5.1 As regards servicing, technical reports on file raised no specific concerns in terms of public sewer capacity and public water supply.

9.5.2 As regards the issue of appropriate assessment having regard to the nature and scale of the proposed development and the receiving environment and the distance to Natura 2000 sites no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have significant effect individually or in combination with other plans or projects on a European Site.

## **9.6 CONCLUSION AND RECOMMENDATION**

9.6.1 The principle of development is acceptable in accordance with the policies and objectives of the South Dublin County Development Plan 2010-2016. I consider that the proposed layout and design is appropriate and the proposed development would not endanger safety by reason of traffic hazard.

### **9.6.2 Recommendation.**

9.6.2.1 Having considered the contents of the application, the decision of the planning authority, the provisions of the Development Plan, the grounds of the appeals and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be granted for the reasons and considerations, and subject to the conditions, set out hereunder:

#### **Reasons and Considerations**

Having regard to the location of the site, it is considered that the proposed development, subject to compliance with the conditions set out in the schedule hereto, would not give rise to traffic hazard or injury to visual or residential amenity and would accord with the provisions of the South Dublin

County Council Development Plan 2010-2016 and with the proper planning and sustainable development of the area.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and by further plans and particulars submitted on 9<sup>th</sup> November 2015, 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. The proposed development shall be amended as follows:
  - (a) A single vehicular entrance shall be provided on Ballycullen Drive to be located at the roundabout "Entrance Road Option 1".
  - (b) Pitches at the western end of the site shall be relocated / reorientated to accommodate the vehicular entrance,
  - (c) The developer shall install a signalised pedestrian crossing to the standards and specifications of the Planning Authority and at a position to be agreed with them on Ballycullen Drive.

Revised drawings showing compliance with these requirements shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

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

3. A road safety audit shall be completed and details including mitigatory measures and schedule for implementation shall be submitted to the



Planning Authority for the written agreement of the planning authority prior to commencement of development.

**Reason:** In the interest of traffic safety and orderly development.

4. The road works associated with the proposed development including the setting out of the entrance, paving and surface finishes, roadmarking and signage shall be carried out and completed in accordance with the requirements of the planning authority.

**Reason:** In the interest of traffic safety and orderly development.

5. School opening times shall be staggered by a minimum of 30 minutes.

**Reason:** In the interest of traffic safety and orderly development.

6. Details of the materials, colours and textures of all the external finishes of the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

7. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. This scheme shall include the following:
  - (a) details of all proposed hard surface finishes including samples of proposed paving slabs / materials for footpaths, kerbing and road surfaces within the development.
  - (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;

(c) details of proposed street furniture including bollards, lighting fixtures and seating;

(d) details of proposed boundary treatments at the perimeter of the site, including heights materials and finishes

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

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

8. Water supply and drainage arrangements (including surface water disposal) shall accord with the requirements of the planning authority for such services and works.

**Reason:** To ensure the proper drainage of the proposed development.

9. 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 areas 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.

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 residential amenities, public health and safety.

10. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

11. Prior to commencement of development, proposals for the location and form of all public lighting shall be submitted for the written agreement of

the Planning Authority. This shall include details of design of individual lamp standards, details of the likely intensity of lighting.

**Reason:** In the interest of orderly development.

7. All service cables associated with the proposed development (such as electrical, television, telephone and public lighting cables) shall be run underground within the site.

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

---

Bríd Maxwell  
Planning Inspector  
14<sup>th</sup> April 2016