



An  
Bord  
Pleanála

## Inspector's Report PL06S.249367.

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<b>Development</b>	Construction of main link street with access onto the Oldcourt Road at Gunny Hill to the east and Bohernabreena Road to the west.
<b>Location</b>	Oldcourt and Bohernabreena, Tallaght, Dublin 24.
<b>Planning Authority</b>	South Dublin County Council.
<b>Planning Authority Reg. Ref.</b>	SD17A/0041.
<b>Applicant</b>	HWBC Allsop and Capami Ltd.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Permission with conditions.
<b>Type of Appeal</b>	Third Party
<b>Appellants</b>	David and Anne Kennedy
<b>Observer(s)</b>	
<b>Date of Site Inspection</b>	12 <sup>th</sup> March 2018.
<b>Inspector</b>	Derek Daly.

## 1.0 Site Location and Description

- 1.1. The proposed development is located in the Oldcourt/Bohernabreena area of South County Dublin in the foothills of the Dublin Mountains on the fringe of the built up of the Greater Dublin urban area.
- 1.2. The site is open lands to the south of the built up area and consists of farmland with mature hedgerows and vegetation and a number of water courses. In general, the site forms part of lands where there is a fall in level northwards but given the long linear nature of the site over 1.5 kilometres in length there are variations and undulation in the levels of the ground in particular in the western section of the site. The site is also crossed by high voltage transmission lines.
- 1.3. The site at the eastern end accesses onto Oldcourt Road to the east of a residential development under construction and in an area characterised by recent residential development. The access to the west is onto a local road which in turn is located off the R114 Bohernabreena Road and is more rural in character with the actual access onto the road located between two dwellings.

## 2.0 Proposed Development

- 2.1. The proposed development as submitted to the planning authority on the 16<sup>th</sup> of February 2017 provided for the following;
  - The construction of the Main Street as shown in the Ballycullen-Oldcourt Local Area Plan with access onto Oldcourt Road at Gunny Hill to the east and Bohernabreena Road to the west.
  - The proposed roadway has a total length of approximately 1,516 metres with provision for a 7 metres wide carriageway with provision for footpaths, cycle paths, bus bays traffic calming measures public lighting and landscaping.
  - The proposal also provides for pipes and ducting for future services and provide for connections to future residential development in relation to access and services.

- The proposal makes provision for on-street parking and bus bays along the route.
- The proposal also provides for attenuation detention basins, a collector foul sewer along the northern side of the proposed roadway, culverts under the road where local watercourses are traversed and ducting for future service connections.
- The works proposed are within an area stated as approximately 7.7 hectares.
- The submission included drawings relating to the proposed development and also an infrastructure design report; a preliminary construction management plan, a site specific flood risk assessment; a traffic and transport assessment report, a planning report, an archaeological report and appropriate assessment and Natura Impact Statement.

2.2. Further information was submitted to the planning authority on the 13<sup>th</sup> of July 2017 including the following;

- Amendments to the Main Street including traffic calming, provision of pelican crossings storm water attenuation, clarification in relation to cut and fill and assimilation with current gradients.
- Revisions in relation to cycle tracks with the provision of raised entry treatments across junctions.
- The location and provision of bus stops.
- Clarification in relation to signalised junctions and the nature of the road which is designed for a design speed of 50kph.
- Clarification in relation to the level of cut and fill which is dictated by the existing constraints but that it has been kept to a minimum.
- The scheme is designed in the context of green infrastructure and the wider principles of the LAP but it is indicated that the proposal is for a road and proposals relating to this aspect of the development do provide for SUDS and other engineering aspects.

- In this regard detailed stormwater calculations were prepared and submitted for what is proposed and does not provide for future housing but there is provision for attenuation of run off and details are submitted.
- Clarification is submitted in relation to floodrisk identifying no risk identified in the flood risk assessment.
- A revised Natura Impact Assessment.
- Clarification in relation to hedgerows and ditches.
- Details relating to existing hedgerows and trees on the site, proposals for the protection of trees and a master landscape plan.
- Clarification that the works will be carried out in three phases.
- Clarification in relation to future piped services.
- Photomontages along the proposed route.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The decision of the planning authority was to grant planning permission subject to 26 conditions. I would refer to the following;

- Condition no. 2 requires a road width of 6.5 metres
- Condition no. 3 requires that no retaining walls on any part of the development.
- Condition no. 4 relates to the submission of details relating to aspects of the road including public lighting, junction details and bus turning areas.
- Condition no. 5 relates to revised locations of streets off the main street.
- Condition no.6 relates to cycle lanes.
- Condition no. 8 relates to surface water drainage and attenuation.
- Condition no. 9 relates to a bond for the protection of hedgerows.
- Condition nos. 12, 14, 15 and 16 relates to landscaping.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The planning report dated the 5<sup>th</sup> of April 2017 refer to;

- The provisions of the county development plan and LAP.
- The planning history.
- An assessment under a number of issues identified.
- The principle of the development is accepted.
- There is an appraisal of the development in the context of the criteria set out in the LAP. The proposal it is considered would comply with the zoning objective as it will provide access for new residential communities. The report notes however that the proposal must also be considered in the context of the sensitivity of the site given the nature of the ground and changes in level and also other infrastructural requirements of the area.
- Amendments are required to comply with SCDP and LAP requirements and the road carriageway should be reduced to 6.5 metres.
- Issues are raised in the context of the level of cut and fill proposed.
- The need that the development forms part of an overall SUDS network and drainage should reflect this.
- Further information was required in relation to habitats and biodiversity.
- The need for clarity in relation to overall integration into the area and the formation of a street and in relation to phasing of the development.
- Further information was recommended on a large range of matters.

The planning report dated the 8<sup>th</sup> of September 2017 considered the proposal in the context of the further information;

- The report notes that the further information and submission of site sections.
- Notwithstanding the roads acceptance of a carriageway width of 7 metres a reduction to 6.5 metres is recommended to comply with LAP requirements.

- Amendments of the location to side streets is recommended to have them further from culverts and natural drainage features.
- Aspects of the overall drainage and SUDS proposals not submitted can be addressed by condition.
- Aspects of the information submitted relating to attenuation and other matters are not considered adequate but can be addressed by condition.
- Permission was recommended.

### 3.2.2. Other Technical Reports.

The environmental services report dated the 20<sup>th</sup> of March 2016(?) requests further information in relation to the treatment and disposal of waste arising from the proposed development.

The landscape open space and public realm report requests that a tree and hedgerow survey be carried out; proposals for the protection of trees and that a landscape plan be submitted.

The roads report dated the 31<sup>st</sup> of March 2017 indicates the road width could be reduced to a carriageway width of 6.8 metres; there is insufficient on street car parking, an absence of pedestrian crossings as per LAP requirements; a requirement for additional traffic calming measures as per DMURS and lack of clarity in relation to tying in with potential local street linkages and requests further information be submitted on a number of matters.

A subsequent report dated the 24<sup>th</sup> of August 2017 in relation to an assessment of the further information raises no objections.

### 3.3. Prescribed Bodies

The National Transport Authority in a submission dated the 22<sup>nd</sup> of March 2017 is supportive of the proposal but recommends that the proposal incorporate the National Cycle Manual; and clarity in relation to on-street parking and the proposed bus bays.

The DAU Archaeology in a submission dated the 23<sup>rd</sup> of March 2017 outline recommendations in relation to assessment of archaeology and procedures to be adopted.

A further DAU report dated the 15<sup>th</sup> of August 2018 in relation to further information submitted recommends conditions to be included in a decision to grant planning permission.

Irish Water in a submission requires further information in relation to connection to existing piped services.

Irish Water in a submission dated the 25<sup>th</sup> of August 2017 relating to the further information requests further clarification.

Fisheries Ireland in a submission outline a number of requirements in relation to the protection of watercourses.

### **3.4. Third Party Observations**

A number of submissions were received in relation to the initial submission and the further information submitted and reference is made to flood risk; impacts on residential amenities; impacts on soil stabilisation; additional traffic and impacts on wildlife and loss of traditional boundaries and vegetation.

## **4.0 Planning History**

The site has no planning history but there are a number of recent applications/ appeals for residential development on lands to the north of the site including ABP Ref. No. PL06S.249294 and ABP Ref. No. PL06S.244631.

## **5.0 Policy Context**

### **5.1. DMURS**

- 5.1.1. **Design Manual for Urban Roads and Streets (DMURS)** was prepared for the Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government and published in March 2013.

5.1.2. The Manual offers a holistic approach to the design of urban streets in cities, towns, suburbs and villages; to the application of principles and standards and a new perspective in assessing development in the urban context with emphasis on accessibility, permeability and design.

**5.2. The Planning System and Flood Risk Management Guidelines for Planning Authorities November 2009.**

5.2.1. These guidelines require the planning system at national, regional and local levels to:

- Avoid development in areas at risk of flooding, particularly floodplains, unless there are proven wider sustainability grounds that justify appropriate development and where the flood risk can be reduced or managed to an acceptable level without increasing flood risk elsewhere;
- Adopt a sequential approach to flood risk management when assessing the location for new development based on avoidance, reduction and mitigation of flood risk; and
- Incorporate flood risk assessment into the process of making decisions on planning applications and planning appeals.
- Carry out a site-specific flood risk assessment, as appropriate, and comply with the terms and conditions of any grant of planning permission with regard to the minimisation of flood risk.

The core objective of the Guidelines is to avoid inappropriate development in areas at risk of flooding.

5.2.2. The guidelines in requiring assessment of flood risk sets out a methodology in chapter 3 to examine proposals through a series of stages including where identified the need for a justification test where identifiable risks are outlined. Chapter 5 indicates guidance in relation to development management of applications for development.

**5.3. Transport Strategy for the Greater Dublin Area 2016-2035 National Transport Authority 2016.**



- 5.3.1. Chapter 3 refers to the various forms of transport in the Greater Dublin Area and section 3.4 to Patterns and Trends by Area. The site is located within Corridor E – N81 Settlements - South Tallaght – Rathfarnham – to Dublin City Centre and the strategy identifies that further development on Tallaght’s southern fringe, including Ballycullen and Oldcourt area, is constrained by the limited road network capacity.
- 5.3.2. Chapter 4. Refers to Development of the Strategy and section 4.2 to Options Appraisal by Corridor. In section 4.2.5 which directly refers to Corridor E it is indicated that two new roads are to be built within this corridor, a South Tallaght link road from Oldcourt Road to Kiltipper Road, and a public transport bridge over the Dodder to the east of Tallaght from Firhouse Road to the N81 to address localised access and congestion issues.
- 5.3.3. Chapter 5 refers to the 2035 Transport Network and section 5.8 refers to the road network and that *“the Greater Dublin Area has a large network of national, regional and local roads, which includes not only the roads themselves but also bridges and a tunnel, footpaths, signposting and markings, traffic signals and sophisticated traffic management systems. The first priority for road investment will be the expenditure required to maintain, renew, manage and operate that extensive infrastructure. It is also proposed to undertake a limited number of new projects, details of which are set out in the following sections”*.
- 5.3.4. There is no reference to the regional roads in the area in which the appeal site is located but there is reference to addressing localised traffic delay locations and implementing various junction improvements and local reconfigurations on the regional and local road network.

#### 5.4. **Development Plans**

- 5.4.1. The operative plan is the **South County Dublin Development Plan 2016-2022**.  
The site is located within an area zoned Res N with the objective “to provide for new residential communities in accordance with approved area plans”.
- 5.4.2. Chapter 6 of the plan refers to Transport and Mobility and section 6.4 to the road and street network with an overriding policy to improve and expand the County-wide strategic road and street network to support economic development and provide access to new communities and development.

5.4.3. Table 6.5 outlines a six-year road programme and as part of the programme there is reference to the Ballycullen-Oldcourt Street Network described as various streets within the Ballycullen-Oldcourt LAP lands with the function of the formation of a strategic street network providing access throughout the site.

5.4.4. The county development outlines policies and standards in relation to development including new residential development and for future sustainable communities. The plan also generally set out the requirements in relation to the provision of infrastructure and services and standards in relation to new development.

#### 5.5. **Ballycullen-Oldcourt Local Area Plan 2014**

5.5.1. The LAP covers an area to the south fringe of the existing built up area and covers an area of approximately 90 hectares. The LAP provides a framework for the development of lands within the LAP which are largely undeveloped and zoned for new residential development and the LAP provides for the provision of 1,600 new residential units in a phased manner as set out in chapter 6 of the LAP.

5.5.2. The overriding strategy is to ensure that development, at a wider level, is carried out in an integrated, coherent and universal design led manner that responds to the local context and also accords with relevant national guidelines including the *Design Manual for Urban Roads and Streets*. The strategy also provides for a phasing of development and the provision of the necessary infrastructure to serve the area. In this context there is reference to the need to address the challenges presented by the area of the LAP, which the LAP considers has a unique amenity value in terms of natural heritage.

5.5.3. As part of the implementation to the development of the LAP section 4 of the plan outlines an overall rationale for the area based on a sequence of interlinking principles applied to areas for development: green spaces, sustainable urban drainage systems, pedestrian and cyclist routes (tracks and trails), a street network and land use and density. Subsections of section 4 address these components individually including the provision of a green infrastructure and an integrated approach to SUDS.

5.5.4. Section 4.5 addresses Streets Rationale which seeks to open up the permeability of the Plan Lands by delineating a broad network of streets for vehicular, pedestrian and cyclist movement. This includes for the designation and reinforcement of

Stocking Avenue, Hunters Road and Oldcourt Road as streets for integrated movement across the Plan Lands and to areas outside the Plan Lands including towards the mountains. These existing upgraded streets it is indicated will be augmented by a Main Link Street between Oldcourt Road and Bohernabreena Road and this new Main Street is outlined in figure 4.5 of the LAP.

- 5.5.5. The appendix to the LAP outlines plan objectives under various headings including design, flood risk management, topography and contours, open space hierarchy and functions, dwelling density, and development management standards on a range of matters.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.2. **David and Anne Kennedy** in a submission dated the 5<sup>th</sup> of October 2017 refer to;

- The appellants refer to their initial submission to the planning authority.
- The adjoining road infrastructure is incapable of handling the increased traffic without improvements to the adjoining roads and the development of new relief roads and these should be progressed simultaneously with the proposed development.
- As a result, proper planning and sustainable development principles have been inappropriately compromised.
- The new Main Street is intended to be the principle spinal road running through the Ballycullen-Oldcourt LAP connecting two roads at capacity.
- The LAP entails provision for between 2,200 and 2,840 residential units and car parking capacity of up to 5,860 cars which will enter the existing road network leading to inevitable traffic chaos.
- The Bohernabreena Road is scarcely able of taking current traffic and the road network to the N81 is also at capacity.
- The TTA report submitted by the applicant is flawed in relation to traffic counts; assumptions in relation to exits points in particular Bohernabreena

and Oldcourt Roads are underestimated and the predicted use of the Hunter Road of 65% as an exit is implausible.

- The level of peak traffic generation is underestimated based on 750 residential units.
- The conclusions arrived at are therefore underestimated and erroneous.
- Many of the assumptions in relation to use of junctions cannot be supported and it is clear that the TTA report accentuates the positive and downplays the negative.
- The traffic implications were not properly assessed by the planning authority.
- The appellants contend that the development can only proceed with other road improvements and should if the development is granted be required by condition.
- The proposal is inconsistent with NTA objectives stated in the NTA Transport Strategy for the Greater Dublin Area and in this regard reference is made to the need for the South Tallaght Link Road over the River Dodder from Bohernabreena Road to Kiltipper Road. This road is in effect a linear extension of the proposed development and would enable traffic to enter and egress LAP lands without adding traffic to the current road network and a recognition of the problems for the current road network.
- The need for the Tallaght Link Road was not adopted by the elected members in spite of a recommendation from the manager to do so as the manager's report indicated its importance for the future road network.
- There is recognition of the congested nature of the current road network.
- The appellants contend that an independent assessment should have been carried out on behalf of the county council or the NTA and in the absence of such an assessment the proposal should be rejected.
- There are also consequences for adverse impact on the M50 where the Firhouse intersection is operating at full capacity.
- The appellants are supportive of the objective of accelerating residential development in the LAP and reference is made to the of Local Infrastructure

Housing Activation Fund (LIHAF) in this regard but this should be carried out along with upgrading the road network.

- The submission also includes the submission made to the planning authority on the 22<sup>nd</sup> of March 2017 and an extract of the manager's report on the Draft Development Plan.

#### 6.2.1. **Applicant Response**

6.2.2. The **applicant** c/o Fenton Associates in a response dated the 27<sup>th</sup> of October 2017 refers to;

- Reference is made to the planning context of the proposed development and to provisions of the County Development Plan in particular section 6.4 and table 6.5 which refer to the short and medium to long term development of the regional road network and also to the provisions of the Ballycullen-Oldcourt LAP in relation to the provision streets as part of the opening up of the area.
- The indicative street layout is outlined in figure 4.5 of the LAP for the area and the proposed development fully accords with the provisions of the LAP and the proper planning and sustainable development of the area.
- The Main Link Street must be delivered to implement the objectives of the LAP which was subject to statutory consultation.
- The proposed development not only complies with planning guidance but is based on the principles of DMURS in providing accessibility and permeability.
- Responding to matters raised in the grounds of appeal the proposal was not the subject of Local Infrastructure Housing Activation Fund (LIHAF) which is open to local authorities and not private developers. The rationale of this development is based on the objectives of the County Plan and LAP which provide for and require the delivery of the road.
- A Traffic and Transport Assessment was submitted and as part of the assessment two appropriate signalised junctions are to be provided onto Bohernabreena Road and the R113 Oldcourt Road which will operate within capacity peaks. The assessment was assessed by the planning authority and the roads department and the NTA commented on the application.

- A technical note is included in the response submission outlining a more detailed response in the relation to the TTA and how it was carried out.
- In relation to impact on the M50 and compliance with the NTA objectives, the application was referred to the NTA and the NTA did not object to the proposal or raise concerns in relation to impact on the wider road network.
- The Bohernabreena Road and the Oldcourt Road are regional roads with footpaths and are not rural roads.
- The applicant rejects the notion of a condition postponing delivery of the proposed road pending the construction of other roads in the area.
- The technical appendix A refers to the TTA outlining the surveys taken and that the assessment followed NRA guidance for forecasting.
- A logic based gravity model a long established and accepted process was used in determining trip distribution for the lands utilising the proposed Main Street
- The number of units used to estimate trip generation is based on the number of residential units which would directly access the road scheme and is based on the application of best practice and NRA guidance.
- The level of traffic and trip generation is based on the use of best practice and application of survey data and the levels of traffic referred to by the appellants do not operate in such conditions and are as a consequence an over estimation of trip generation.
- There is an assumption that the completion of the new proposed road will lead to a redistribution of traffic on the road network and the assumptions are outlined in the TTA

### **6.3. Planning Authority Response**

The planning authority in a response dated the 27<sup>th</sup> of October 2017 wishes the Board to confirm its decision and matters raised in the appeal are covered in the planner's report.

## 7.0 Assessment

- 7.1. The main issues which arise in relation to the appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issues primarily relate to the principle of the development and site specific matters relating to the appropriateness of constructing the proposed road/street pending the provision of other road infrastructure in the wider area to support the proposal, design and layout and compliance with standards as outlined in the LAP.
- 7.2. Principle of development.
- 7.2.1. The proposed development is located within the boundary of the Ballycullen-Oldcourt LAP which is largely open lands designated for development. The LAP encompasses a long narrow linear belt of land fringing the built up area extending from the M50 in the east to Bohernabreena Road to the west but not to the R114 Lower Bohernabreena Road.
- 7.2.2. The current County Development Plan for the area and the LAP identify the need for the construction of a road/street layout in the LAP area to facilitate future development. In chapter 6 of the county plan there is an overriding policy to improve and expand the countywide strategic road and street network to support economic development and provide access to new communities and development. Table 6.5 of the county development plan outlines a six-year road programme and as part of the programme there is reference to the Ballycullen-Oldcourt Street Network described as various streets within the Ballycullen-Oldcourt LAP lands with the function of the formation of a strategic street network providing access throughout the site.
- 7.2.3. The LAP in chapter 4 outlines guidance in relation to the implementation to the development of the LAP area and outlines an overall rationale for the future of the area based on a sequence of interlinking principles applied to areas for development including a street network and in section 4.5 outlines a streets rationale which seeks to open up the permeability of the Plan Lands by delineating a broad network of streets for vehicular, pedestrian and cyclist movement. As part of this future overall layout the LAP plan provides for streets and for integrated movement across the LAP lands and to areas outside the plan lands.

- 7.2.4. Central to the future pattern of development is a Main Link Street between Oldcourt Road and Bohernabreena Road and this new Main Street is outlined in figure 4.5 of the LAP. This main Street is located in the western section of the overall LAP and does not extend across the LAP but it is an important and integral part of the infrastructure for the future development of the western area of the LAP. The current proposal under appeal follows the indicative route of the Main Street and therefore is an integral component of securing the overall objectives of the LAP.
- 7.2.5. The current proposal is consistent with the objectives set out in the County Development Plan and the LAP and the overall provisions of the County plan and the LAP are I consider reasonable and consistent with the proper planning and sustainable development of the area. The principle of the proposed development is, I consider, reasonable.
- 7.3. Site specific matters.
- 7.4. Prematurity of the proposed road.
- 7.4.1. The primary matter raised in the grounds of appeal is that the adjoining road infrastructure is incapable of handling the increased traffic without improvements to the adjoining roads and the development of new relief roads and these should be progressed simultaneously with the proposed development and that the new Main Street is intended to be the principle spinal road running through the Ballycullen-Oldcourt LAP connecting two roads at capacity.
- 7.4.2. In support of this contention it is argued that the basis of the case for the road is a TTA report submitted by the applicant which the appellants consider is flawed in relation to traffic counts; assumptions in relation to exits points in particular Bohernabreena and Oldcourt Roads are underestimated and the predicted use of the Hunter Road of 65% as an exit is implausible and the level of peak traffic generation is underestimated based on 750 residential units. As a consequence, the conclusions arrived at are therefore underestimated and erroneous.
- 7.4.3. It is also contended that the proposal is inconsistent with NTA objectives stated in the NTA Transport Strategy for the Greater Dublin Area and in this regard reference is made to the need for the South Tallaght Link Road over the River Dodder from Bohernabreena Road to Kiltipper Road. This road is in effect a linear extension of the proposed development and would enable traffic to enter and egress LAP lands



without adding traffic to the current road network and a recognition of the problems for the current road network.

- 7.4.4. In the response to the grounds of appeal the applicant contends that the Main Link Street must be delivered to implement the objectives of the LAP which was subject to statutory consultation; that the street in question is referred to in the county development plan and the LAP; the robustness of the TTA is defended and as part of the assessment two appropriate signalised junctions are to be provided onto Bohernabreena Road and the R113 Oldcourt Road which will operate within capacity peaks. It is also indicated that the assessment was assessed by the planning authority roads department and the NTA also commented on the application and that in relation to impact on the M50 and the wider road network the NTA did not object to the proposal, raise any issue of prematurity or raise concerns in relation to impact on the wider road network.
- 7.4.5. The TTA it is contended was based on NRA guidance in relation to modelling and junction analysis and based on a logic based model and applies assumptions to the use of proposed road which are not correct and that are related to actual/likely trip generation arising from the proposed road.
- 7.4.6. In relation to the issue of prematurity the appellants refer to the National Transport Authority's publication *Transport Strategy for the Greater Dublin Area 2016-2035* which I have referred to in section 5.3 of this report. The strategy does identify analysis problems within Corridor E – N81 Settlements - South Tallaght – Rathfarnham – to Dublin City Centre and the strategy identifies that further development on Tallaght's southern fringe, including Ballycullen and Oldcourt area, is constrained by the limited road network capacity. It also in section 4.2.5 in relation to options for Corridor E indicates that two new roads are to be built within this corridor, a South Tallaght link road from Oldcourt Road to Kiltipper Road, and a public transport bridge over the Dodder to the east of Tallaght from Firhouse Road to the N81 to address localised access and congestion issues.
- 7.4.7. The South Tallaght link road from Oldcourt Road to Kiltipper Road would represent an extension westwards of the Main Street link but in relation to the strategy which extends to 2035 that the first priority for road investment will be the expenditure required to maintain, renew, manage and operate that extensive infrastructure. A

limited number of new projects are envisaged but there is defined timescale for implementing new projects at regional road level but there is reference to addressing localised traffic delay locations and implementing various junction improvements and local reconfigurations on the regional and local road network.

- 7.4.8. In relation to the current proposal the TTA does present an analysis of the current and future trip patterns in the area with junction capacity analysis and determining trip distribution for the lands utilising the proposed Main Street. It does not envisage all traffic and all of the future residential units in the area transferring to the new proposed road, or abandonment of the existing road network and that changes in trip patterns will not arise. It is also important to indicate that although areas cannot be considered in isolation from surrounding area the proposed main street is limited to the western area of the LAP and that not all traffic movement will necessarily use the proposed road but will continue to utilise the existing road network. Assumptions in trip generation therefore have to be based not on the overall LAP and its overall future number of residential units but the immediate area serviced by the proposed road with some level of interaction with the wider road network.
- 7.4.9. In effect future traffic will use the existing road network and the proposed road and therefore traffic generation has been modelled to anticipate future levels and to design for the signalised junctions at both ends of the proposed road based on anticipated trip patterns and flows in particular peak flows.
- 7.4.10. It is reasonable to therefore assume that the completion of the new proposed road will lead to a redistribution of traffic on the road network and that the assumptions as outlined in the TTA follow a logic based assumption of traffic patterns and there is nothing to suggest that the information base for the modelling is not therefore robust.
- 7.4.11. I do not doubt that a future provision of the South Tallaght Link Road is likely to be required at some point in the future but I would note that the NTA were requested to comment on the proposed development and have not raised issues of prematurity pending the provision of additional road infrastructure.

## 7.5. Design

- 7.5.1. In relation to the design and layout of the route the LAP has indicated an indicative route for the Main Street and the route indicated has followed in the current application. The nature of the terrain with a general fall to the north and undulations

in particular in the west presents challenges in relation to minimising intrusion in the receiving landscape and avoidance of cut and fill. There are also other challenges arising from the relative proscriptive nature of the LAP on a wide range of matters identified to provide for a green infrastructure which in principle I would agree with.

- 7.5.2. I would agree with the overall approach in relation to location of minor streets off the proposed Main Street in relation to distance from landmark features such as watercourses but I would also be conscious of what the actual proposed development as applied for is. The proposal is for a street/road over virgin lands and intended to open these lands for development and provide future access to, from and across LAP lands and is limited to the lands as outlined in the planning application. It is an integral part of the infrastructure of the LAP and not a masterplan for the overall LAP.
- 7.5.3. The LAP sets out requirements in particular in relation to uses, density, green infrastructure, open spaces, surface water drainage and SUDS related matters which in part affect the road but also the wider area. The LAP has outlined an envisaged overview of many of these matters and many of these should be addressed in any subsequent planning applications within the respective lands and developments applied for and applying the overall objectives as outlined in the LAP.
- 7.5.4. I would have no objection to the reduction of the carriageway width to 6.5 metres. The design does provide for the successful implementation of DMURS and has been designed to provide for this.
- 7.6. Flooding/Drainage
- 7.6.1. A site specific flood risk assessment was submitted as part of the proposed development concluding that the main street is suitable in the context of flood risk though there is recognition of the requirement of the management of surface water and for attenuation not just in the context of the proposed road but also the wider LAP area. In this context proposals for attenuation include detention basins with controlled flows via swales prior to discharge to existing streams and watercourses.
- 7.6.2. I note that the planning authority consider that the level of attenuation provided is not considered sufficient in relation to the area of 23.55 hectares of the applicant's landholding which covers a wider area than that to which the proposed development relates. The issue in this regard is that the road cannot be viewed in isolation and

run-off from the road and its immediate area must be part of an overall management of run-off. In this context a requirement indicating how surface water forms part of an overall surface water management/ flood risk is management is reasonable and can be addressed by condition.

## 7.7. Services

- 7.7.1. I note the matters raised by Irish Water in their submissions. I would however consider that the proposed development has made provision for future site services including the provision of sewers and watermains within the design of the road/street. It is therefore proposed that the proposed development will make provision for the laying of piped services to facilitate the future development of the area.
- 7.7.2. I note that Irish Water have expressed concerns in relation to the provision of these services but this matter can I consider be addressed by condition and by agreement as the applicant has indicated that a distributor watermain can be provided along the proposed road and connected to the Boherboy Line F as required by Irish Water for the future servicing of lands north and south of the proposed road. Issues in relation to Foul Drainage can also be addressed by condition.

## 7.8. Other matters

- 7.8.1. The applicant has submitted landscaping proposals for the section of road and for integration to adjoining areas as part of a wider provision of a green environment for the LAP area. I consider a condition in relation to landscaping and implementation will address any outstanding matters in this regard. The implementation would be related to the phasing of the development.
- 7.8.2. An archaeology assessment was submitted and I note the requirements of DAU in relation to the inclusion of a condition in relation to monitoring.

## 8.0 **Appropriate Assessment**

- 8.1. The applicant submitted a stage 1 screening report.
- 8.1.1. The site is not located within a Natura 2000 site. No habitat is directly impacted by the proposed development and there is therefore no loss of habitat.

- 8.2. In stage 1 Natura 2000 sites within 15 kilometres are identified which included the Glenasmole Valley SAC site code 001209; Wicklow Mountains SAC site code 002122; South Dublin Bay SAC site code 0040124 and Knocksink Woodlands SAC site code 000725. No source pathway receptor link was identified between the appeal site and the Natura 2000 site. The screening identified the development poses a potential risk to bat species a protected species.
- 8.3. The stage 2 report assesses potential impacts on the bat species and a number of mitigation measures are outlined largely relating to buffer areas around retention of hedgerows, retention of drainage ditches, minimising lighting and the nature of future planting. The report restates that no impacts on Natura sites will arise.
- 8.3.1. I note the nature of the development and its location is at the fringe of the urban area and there is an absence of connections with regard to source pathway receptor. In relation to on qualifying species identified as bats I note that mitigation measures are outlined within the documentation to address any potential risk from the proposed development in the construction phase and post construction phase.
- 8.4. It is reasonable to conclude on the basis of the information on the file which I consider is reasonable to issue a determination that the development, individually or in combination with other plans and projects would not be likely to have a significant effect on any European site, in view of the sites' conservation objectives.

## 9.0 Recommendation

- 9.1. In view of the above assessment permission for the proposed development is recommended.

## 10.0 Reasons and Considerations

- 11.0 Having regard to the provisions of the South County Dublin Development Plan 2016-2022 and the Ballycullen-Oldcourt Local Area Plan 2014 including specific provision for the proposed street as an objective of the Local Area Plan, the location of the site and the pattern of existing development in the area; the zoning of the site; the nature, scale and design of the proposed development and the availability in the area of infrastructure, it is considered that, subject to compliance with the conditions

set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of traffic and pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 16<sup>th</sup> of February 2017 and the 13<sup>th</sup> of July 2017, 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 interests of clarity

2. The road carriageway width shall be reduced to a maximum of 6.5 metres. Revised details complying with this requirement shall be submitted to and agreed with the planning authority prior to the commencement of development. The construction of the proposed road shall be carried out in a phased manner to be agreed with the planning authority

**Reason:** In the interest of orderly development and to comply with the requirements as set out in the Ballycullen/Oldcourt Local Area Plan

3. Details relating to exact locations of the junction of roads and other streets off the proposed street shall be agreed with the planning authority and comply with their requirements in relation to distance from natural features traversing the proposed street. Other details relating to the proposed development in relation to cycle paths, bus stops and lay byes, pedestrian crossings, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

- 4 Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority.

**Reason:** In the interest of pedestrian safety

- 5 All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

- 6 A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to 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 relating to the protection of existing trees as required by the planning authority

The landscaping shall be carried out in accordance with the agreed scheme and shall include a timescale for implementation.

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

- 7 Water supply and drainage arrangements, including the attenuation and disposal of surface water and the sizing of attenuation ponds, shall comply with the requirements of the planning authority for such works and services. Proposals in relation to attenuation shall provide for measures that form part of an overall integrated approach for the management of surface water and attenuation with adjoining lands which will for part of lands for future development.

**Reason:** In the interest of public health and orderly development

- 8 The applicant shall consult with and agree with Irish Water details in relation to the provision of piped services along the route of the proposed street and shall comply with the requirements of the Irish Water for such works and services

**Reason:** In the interest of public health and orderly development

- .9 Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

- .10 Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management

- .11 Public lighting shall be provided in accordance with a scheme, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of amenity and public safety.



- . 12 The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
  - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

- . 13 The mitigation measures outlined in Appropriate Assessment Screening and NIS report submitted to the planning authority shall be carried out in accordance with measures outlined and in agreement with the planning authority in particular in relation to a timescale of implementation.

**Reason:** In order to conserve the natural heritage of the site.

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. Derek Daly  
Planning Inspector

14<sup>th</sup> March 2018