



An
Bord
Pleanála

Inspector's Report PL06D 249420

Development	Amendments to a permitted primary school, which include amendments to site's permitted boundary treatments, signage and permission to amend condition no. 14 of Reg. Ref. D16A/0542
Location	Belarmine Vale, Stepside, Dublin 18
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D17A/0678
Applicant(s)	Minister of Education and Skills
Type of Application	Permission
Planning Authority Decision	To Grant Permission subject to conditions
Type of Appeal	First Party
Appellant(s)	Minister of Education and Skills
Observer(s)	No observers
Date of Site Inspection	16 th January 2018
Inspector	Erika Casey

1.0 Site Location and Description

- 1.1. The subject site is located off Belarmine Vale in Stepside. A three storey primary school permitted under Planning Authority Reference D16A/0542 is currently under construction on the site. The site is bound to the north by Belarmine Vale. To the east is an existing primary school Gaelscoil Thaobh Na Coille. Residential development is under construction to the south. To the west, is established residential development.
- 1.2. Access to the subject site will be from an existing unnamed cul de sac off Belarmine Vale. This cul de sac is also the primary vehicular access to the residential development under construction to the south.

2.0 Proposed Development

- 2.1. The proposed development comprises the following elements:

- Revised boundary treatment to the south side of the site along Belarmine Drive to incorporate new stone cladding and revised openings.
- New external mounted signage to include school name and logo on the eastern elevation.
- Seeks amended wording of condition no. 14 of D16A/0542. Condition 14 stated:

“A shuttle bus service shall be provided to the new school building and be operational on the first day of opening to pupils. The provision and route of the shuttle bus service shall be agreed with the Planning Authority prior to the occupation of the school. The provision of same shall be reviewed every four years as part of the review of the travel plan.

Reason: In the interests of reducing car transport and the proper planning and sustainable development of the area.”

It is requested that this be amended to:

“The School Board of Management shall liaise with the Local Authority to determine whether or not there is a necessity to provide a shuttle bus service for the new school building as part of the review and update of the school’s

Travel Plan (Mobility Management Plan) every four years as per Condition No. 13 of Reg. Ref. D16A/0542.

Reason: In the interests of reducing car transport and the proper planning and sustainable development of the area.”

2.2 It is noted that condition 14 was amended in the decision of Dun Laoghaire Rathdown County Council issued on the 20th September 2017. The subject appeal relates solely to the wording of this condition now referred to as condition 4 – see section 3 below.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 To grant permission subject to conditions. Conditions of note include:

Condition 4:

“A shuttle bus service shall be provided to the new school building and be operational on the first day of opening to pupils. The provision and route of the shuttle bus service, including the starting location and the possibility of having intermediary pick up locations on the route, shall be agreed with the Planning Authority prior to the occupation of the school. The provision of same shall be reviewed on an annual basis during the school year.

Reason: In the interests of reducing car transport and the proper planning and sustainable development of the area.”

3.2. Planning Authority Reports

3.2.1. Planning Report (20.09.2017)

- The alteration from the permitted 2.4m high paladin fence to a stone wall and railing boundary matching the northern and eastern boundaries is acceptable.
- The additional signage proposed is not considered to be obtrusive or incongruous. It is considered to be acceptable.

- Notes that the Transportation Planning Department do not consider that the applicant has demonstrated that the Stepside ETNS can operate in the absence of the conditioned shuttle bus and in this context the imposition of a condition requiring same, albeit in a reworded format, is considered to be reasonable.

3.2.2. Other Technical Reports

Transportation Planning (18.09.2017):

- Condition 14 was not included on the basis that the majority of pupil's were considered to be coming from the locality of the temporary school, but rather pupils were coming from a wider extended area.
- Condition no. 14 does not require that the shuttle bus service shall be from the current temporary school site.
- It is not considered that the applicant has demonstrated that Stepside ETNS can operate in the absence of the conditioned shuttle bus service without resulting in unacceptable traffic congestion.

Parks and Landscape Service (12.09.2017): No comment.

Drainage Planning (07.09.2017): No objection subject to condition.

3.3. Prescribed Bodies

- No submissions.

3.4. Third Party Observations

Gaelscoil Thaobh na Coille

- Notes that there has been no meaningful engagement with Gaelscoil Thaobh na Coille with regard to the traffic management or plans.
- Removal of the shuttle bus service will further exacerbate traffic congestion at the two schools which will have a detrimental effect.

4.0 Planning History

Planning Authority Referenced D16A/0542

Permission granted by Dun Laoghaire Rathdown County Council on the 7th December 2016 for a development comprising 1 no. three storey primary school building with 25 no. classrooms, general purpose hall, 2 no. classroom special needs unit, support teaching spaces and ancillary accommodation. Site works to the school grounds will consist of the provision of cycle storage, bin store, external store, ball courts, project gardens, landscaping and boundary treatment and all other associated site development works including 48 no. car parking spaces and drop off and pick up facilities.

Condition 12 stated:

“The opening time of the new school building shall be a minimum of 20 minutes earlier than the neighbouring Gaelscoil Thaobh Na Coille and extended drop off time shall also be provided as per the further information response received by the Planning Authority on 11.11.2016.

Reason: In the interests of traffic and pedestrian safety and to avoid traffic congestion.”

Condition 13 stated:

“The following list of actions included in the Travel Plan (Mobility Management Plan) received by the Planning Authority on 11.11. 2016 shall be completed prior to the occupation of the new school building.

- *Liaise with Dun Laoghaire Rathdown County Council Traffic Section in respect of school transportation issues,*
- *Dissemination of information about public transport facilities and options,*
- *Promote use of public transport and cycling by staff by providing ‘Tax Saver’ incentives,*
- *Develop and promote initiatives to encourage car pooling for students travelling by car,*
- *Conduct walkability audits (including the two subjects below),*

- *Park and Stride,*
- *Walking Bus,*
- *Develop Drop off Management Plan to promote the use of the drop off area,*
- *Update the school website to include links to appropriate websites for staff and parents in respect of mobility management, the school travel plan and student travel pack,*
- *Carry out a Cycling Audit.”*

Reason: In the interests of reducing car transport and proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative Development Plan is the Dun Laoghaire Rathdown County Development Plan 2016 – 2022. Under the plan, the site is zoned Objective A: *To protect and/or improve residential amenity.* There is a specific objective to provide for a primary school on the subject site.

5.1.2 **Section 8.2.4.3 Travel Plans** addresses the requirements and content of such documents.

5.2. Natural Heritage Designations

5.2.1 The nearest Natura 2000 sites to the site are the Wicklow Mountains SAC and SPA located c. 5 km to the south west, South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA located 5 km to the north east.

6.0 The Appeal

6.1. Grounds of Appeal

- Condition no. 14 under Reg. Reg. D16A/0542 as amended by condition no. 4 in the decision of the Local Authority in relation to the current application, requires

that a shuttle bus service be operational on the School's first day of opening to pupils. The nature of such a condition is unprecedented. It is considered that such a condition is unacceptable and would place a substantial financial burden on the new school.

- It is requested that the wording of Condition no. 4 be amended to stipulate that the School Board of Management shall liaise with the Local Authority to determine whether or not there is a necessity to provide a shuttle bus service for the new school building as part of the review and update of the Schools Travel Plan (Mobility Management Plan) – as opposed to the current wording that requires a shuttle bus to be operational on the school's first day of opening.
- Under the parent permission, a detailed Mobility Management Plan was submitted to the Planning Authority as part of a Further Information Response. This noted that a potential initiative was a shuttle bus service but that the implementation of such a scheme would be based on demand and financial viability. The plan clearly stated that such a service would be considered in tandem with a number of sustainable travel modes. The necessity for such a service should be demonstrated by the school in a Mobility Management Plan which involves an ongoing review of transport modes with key stakeholders including parents, prior to the provision of same.
- To assess the feasibility of providing a shuttle bus service, an updated modal split study was undertaken to assess pupils mode of transport and travel distance to the new school site. 42% of pupils live within 1 km of the school site compared to 8% within 1 km of the current temporary school site on Ballyogan Road. It is envisaged that the majority of pupils will walk/cycle to the school (58%) with a further 4% using public transport.
- It is considered that the new school location is more accessible and that the modal split will further improve through the implementation of the Mobility Management Plan. It is estimated that by 2018, there will only be 23 peak time vehicular trips to the school which will increase to 39 peak time trips by 2021 as the school reaches full capacity.
- It would be the responsibility of the School Authority in conjunction with parents to fund such a shuttle service. The provision of a shuttle bus service does not

come within the terms of the School Transport Scheme which only serves children who reside remotely i.e. 3.2 km or more from their nearest school. Initial costings indicate that the cost of the service would range from €480 to €600 a week depending on the bus size. Based on these costs, the financial viability of such a service is questionable.

- A further survey was undertaken to determine interest in the use of the shuttle service and only 1 pupil stated their willingness to avail of a private bus service. Those who use private car to travel to school are unlikely to use such a service due to issues such as more direct access by car; unwillingness to send young children unsupervised on a shuttle bus; time constraints; cost and that use of car is part of an onward trip. The use of such a service in the afternoon is unpractical due to staggered finishing times of pupils leaving school and the potential for young children to be dropped off at unsupervised areas.
- The area is well served by public transport including a number of Dublin Bus routes. Proposed road upgrades will further improve accessibility. It is considered that DLRCC did not have full regard to the various sustainable travel initiatives proposed in the updated Mobility Management Plan. The imposition of the condition is onerous and too restrictive.

6.2. Planning Authority Response

- When the site of the school was identified, it was expected that it would have a far greater level of vehicular and pedestrian permeability/connectivity to the surrounding area. In particular, it was expected that Belarmine Vale would be extended to connect with Kilgobbin Road providing a link between the Belarmine Avenue/Village Road Roundabout and Kilgobbin Road, providing 4 access routes to the school. This degree of connectivity has not occurred and there is only 1 vehicular and 2 pedestrian/cyclist access routes to the school.
- It was also envisaged that the site would accommodate a secondary school. The change to a primary school aggravates traffic demand as more secondary pupils walk or cycle to school than primary pupils.
- Belarmine is subject to a very heavy morning peak hour traffic congestion. The provision of a new school will exacerbate this congestion. It is in this context

that the provision of the shuttle bus service to the new school, operational on the date of opening, was conditioned in order to reduce car transport to the school and associated congestion.

- It is clear from the applicant's submission that the investigation into the potential demand for the shuttle bus service only considered the provision of the shuttle bus service direct from the current temporary school site. Condition 14 however, was worded to allow the optimum starting location and route to the school to be determined and agreed with the Planning Authority. It is clear that the applicant has not considered the provision of a shuttle bus service from other locations nor the possibility of intermediary pick up locations en route to the school.
- While acknowledging that the applicant's further investigations into the origins of pupils trips to school show and increased number of pupils living within 1km of the new school location, this in itself is unlikely to result in the same level of modal shift from car to walking/cycling and may just predominantly result in shorter car journeys.
- The Transportation Section does not consider that the applicant has demonstrated that Stepside ETNS can operate in the absence of the shuttle bus service without resulting in unacceptable traffic impacts. Alternative mobility management measures such as the walking bus have only be trialled once and there is no formalisation of the park and stride strategy.
- The imposition of the shuttle bus condition was a result of a site specific assessment which took account of the location of the school beside another primary school and the low level of connectivity to the site. It, therefore, will not set an unfair precedent to other schools. It is considered that having a shuttle bus in operation on the opening of the school establishes good practice in sustainable transport from the start. The Travel Plan would take considerable time to have positive effects.
- As noted by the appellant, almost all of the primary school catchment is located within 3.2 km of the school and therefore the National School Transport Scheme does not apply.

- In terms of the operation of the shuttle service, the Transportation Department is only concerned with a morning run. Such a service would cost €3.20 per pupil per week. This is not considered a substantial financial burden.
- The Transportation Planning Section consider the suggested modal splits for the new school are highly dubious and based on incomplete applicant/school controlled survey/results. The suggested vehicular no.s in the year of opening of 23 vehicles is totally unrepresentative of what is currently observed at primary schools throughout Dublin. A more accurate representation of the likely nos. is that presented for the adjacent Gaelscoil (which has 500 pupils) which attracts 143 no. private car trips.
- The subject site is not well served by Dublin Bus. Only Route 47 offers a viable bus service due to the lack of bus stops and linkages to the school from Kilgobbin Road.

6.3. Observations

- No observations.

6.4. Further Responses

Tom Philips and Associates on behalf of the Minister for Education and Skills.

- Reiterate that there is no requirement for a shuttle bus service to be provided and that the relocation of the school from the Ballyogan Road to the subject site is the most significant influencing factor in promoting sustainable travel for pupils.
- State that the Local Authority played a critical role in the selection of the subject site for a primary school. Correspondence from Dun Laoghaire Rathdown County Council (2011) submitted which stated that the Local Authority were of the view that the site has obvious potential as a possible temporary/permanent site for a primary school. It is evident, therefore, that the local authority were of the view site that site was appropriate for the development of a primary rather than secondary school.

- Belarmine Grove cited by DLRCC as being fundamental to the schools operation will be completed in advance of the proposed school being completed. This will provide a circulation route through Belarmine removing the current cul de sac arrangement to the school site and improving pedestrian/cycle access. The pedestrian/cycle link to Kilgobbin Road may follow in the short term. However, the reliance on this link is greatly reduced as the Belarmine Grove link includes a pedestrian/cycle link via Belarmine Walk back to Kilgobbin Road/Kilgobbin Lane junction which now provides the most direct pedestrian/cycle route to Stepside Village. It is not practical to have all these roads in place in advance of the school being delivered.
- The Local Authority cites traffic congestion within Belarmine. The provision of a primary school at the heart of the development will reverse this trend, result in a significant shift to sustainable transport modes and greatly reduce congestion. It is anticipated that there will be a reduction on car trips from 76% to 38% as a result of the relocation.
- In terms of the shuttle bus, no route was outlined to participants when the survey was undertaken. The survey questioned the willingness to utilise such a service should it become available.
- The local authority sets out reasons to provide a shuttle bus service. However, these reasons are not justified on the basis that the opening hours of the 2 schools are staggered to prevent cumulative vehicular impact; the Belarmine Grove link will provide improved access and connectivity to the site and the new location of the school will promote more sustainable travel modes.
- In relation to the local authority comparison with the adjacent Gaelscoil it is noted that these schools by their nature serve much wider catchments and hence attract greater vehicular traffic. The modal split used for the subject school is appropriate and in line with the County figure of 37% set out in the census.
- The target car trips of 27 vehicles during peak time will be achieved through the implementation of the school travel plan. A number of the school travel plan initiatives are being progressed.

7.0 Assessment

7.1.1. The first party has appealed Condition no.4 only. Having regard to the minor nature of the other elements of the development including signage proposals and revised boundary treatment, I am satisfied that the consideration of the proposed development 'de novo' by An Bord Pleanála would not be warranted in this case. Accordingly, I recommend the Board should use its discretionary powers under Section 139 of the Planning and Development Act 2000 (as amended), and issue the Planning Authority directions to retain, remove or amend the Condition no.4. I set out my considerations of Condition No.4 accordingly.

7.2 Condition No. 4

7.2.1 The subject appeal relates specifically to the wording of condition 4 and the requirement that a shuttle bus service be operational on the school's first day of opening. It is contended by the applicant that the imposition of this condition is unnecessary and onerous and in this context, it is requested that the condition is reworded to stipulate that the School Board of Management shall liaise with the Local Authority to determine whether or not there is a necessity to provide such a shuttle service as part of the review and update of the School's Travel Plan.

7.2.2 In response, the Local Authority have stated that they are of the view that the imposition of this condition is necessary in order to prevent significant traffic congestion at the school. They note that regard has been had to the specific locational characteristics of the school in that it is located in immediate proximity to an existing primary school, in an area that has poor connectivity and is poorly served by public transport.

7.2.3 In support of their case for the amended condition, the applicants have submitted an updated Mobility Management Plan. It is noted that the condition requiring the operation of the shuttle bus service was imposed on foot of a Mobility Management Plan that was submitted at Further Information Stage under the parent permission. As noted by the applicants however, the Mobility Management Plan did not specifically identify this as a measure, but rather stated that it was an option as part of a wide range of possible initiatives that could be implemented to encourage less dependence on private vehicular transport.

- 7.2.4 The updated Mobility Management Plan is based on the modal split of pupils to the new school site at Belarmine. It is stated that a far greater percentage of students live in close proximity to the new school site than the current temporary accommodation at Ballyogan Road. It is contended that this proximity will significantly influence travel patterns to the school and that a far greater percentage of children are likely to walk or cycle as a result.
- 7.2.5 In response, the Planning Authority have stated that they are of the view that this in itself is very unlikely to result in the same level of modal shift from car to walking/cycling and may just predominantly result in shorter car journeys. I would not concur with this view of the Planning Authority and I am satisfied that pupils who live in close proximity to the school are far more likely to walk or cycle than drive. In this regard, the prediction that 58% of pupils are likely to walk/cycle or scooter to school does not appear unreasonable.
- 7.2.6 The applicants also note that they have carried out a survey to determine the likely interest and demand for such a shuttle bus service and note that only 1 respondent stated their preference for private bus as their preferred way to travel to the new school site. The Planning Authority are of the view that the survey is not robust. It is stated that the survey did not for example seek to determine what the demand for the shuttle bus service would be if the bus picked up closer to the home of the pupil.
- 7.2.7 I would concur with the Planning Authority, that some aspects of the survey undertaken are lacking. Participants were asked to identify their preferred mode of transport to the new school however, it is evident that no clear information was presented regarding the private shuttle bus service. To ascertain the need and demand for such a service I am of the view that parents would need to be presented with a full suite of information regarding such a service including potential routes, pick up locations, times of operation and cost.
- 7.2.8 I also note the information presented in the Mobility Management Plan regarding future modal split and that it is anticipated that in the year of opening that there will be 23 no. peak time trips by car and that by 2021 that this will increase to just 39 trips. I consider these figure to be somewhat aspirational.
- 7.2.9 Notwithstanding this, it must be considered if it is reasonable to impose a condition requiring the shuttle bus service to be operational on the first day of opening. In this

regard, I would concur with the applicants that the imposition of such a condition is somewhat onerous.

7.2.10 It is noted that condition 13 of the parent permission set out a wide range of mobility management measures and initiatives to be implemented in order to reduce car trips to the school including a walking bus and park and stride. As the school is not currently operational, it has not been possible to fully test the efficacy of such measures. It is feasible that, with the proper implementation of such measures, car trips to the school could be significantly reduced thus negating the need to implement a shuttle bus service.

7.2.11 Furthermore, for such a shuttle service to be successful parents must be fully satisfied that such a service is run by a reputable firm, is safe, cost effective and efficient. Research will need to be carried out in conjunction with parents and other key stakeholders as to the optimal route of such a service and the real demand and cost for such a service. There may also be potential for the shuttle bus to serve the adjacent Gaelscoil thus potentially reducing/sharing costs and ensuring its viability.

7.2.12 In this context, it is considered that the imposition of the requirement to have a shuttle bus operational from day 1 is likely to be unrealistic and unfeasible. Whilst such a measure may be desirable, I am not satisfied that there is necessarily a demand or need for such a service. I am of the view that further survey and analysis would be required once the school becomes operational. Furthermore, I am of the view that all of the other mitigation measures outlined in condition 13 need to be fully implemented and interrogated as alternative means to reduce car dependency before the introduction of a costly private bus service that may pose an unnecessary financial burden on the school.

7.2.13 In this regard, I recommend the rewording of the condition. However, I am of the view that the possibility of requiring the shuttle bus should be reviewed after 1 year. This would allow an appropriate 'bedding down' period for the operation of the new school so that travel patterns can become established and potential alternative mobility management measures can be fully implemented and tested to ensure that the stated modal split targets can be achieved. The applicant should be required to fully demonstrate whether the shuttle bus service is required through a full comprehensive travel survey of pupils of the school. They should also demonstrate

that the alternative mitigation and mobility management measures are being implemented successfully and as a result that the modal split targets set out in the mobility management plan are being achieved.

7.3 **Appropriate Assessment**

- 7.3.1 Having regard to the nature and scale of development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

- 8.1. It is recommended that based on the reasons and considerations set out below, that the Planning Authority are directed under subsection (1) of section 139 of the Planning and Development Act, 2000, as amended to **AMEND** condition number 4 for the reason set out.

9.0 **Reasons and Considerations**

- 9.1 Having regard to the nature and location of the proposed development it is considered that the imposition of a condition requiring the operation of a shuttle bus service to be operational on the first day of opening of the school places an onerous burden on the applicant. It is considered that it has not been proven that there is necessarily a demand for such a service pending the implementation of the full suite of mobility management measures as set out by condition no. 13 of the parent permission Reg. Ref. D16A/0542.
- 9.2 It is considered however, that condition 4 as amended requiring the necessity for such a shuttle service to be reviewed after 1 year is reasonable. It is considered that the proposed development including condition no. 4 as amended would therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Condition

Condition 4

“Within one year of opening, the School Board of Management shall liaise with the Local Authority to determine whether there is a necessity to provide a shuttle bus service for the new school building. The necessity and demand for such a service shall be determined based on a full travel survey, the successful implementation of the Travel Plan and whether the development is in accordance with the modal split targets set out in the Mobility Management Plan for the year of opening submitted to the Planning Authority on the 28th day of July 2017. The provision of same shall be part of the reviews and update of the schools Travel Plan (Mobility Management Plan) every four years as per condition no. 13 of Reg. Ref. D16A/0542”.

Reason: In the interests of reducing car transport and the proper planning and sustainable development of the area.”

Erika Casey
Senior Planning Inspector

17th January 2018