



An
Bord
Pleanála

Inspector's Report ABP-301077-18.

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| Development | Construction of a new gated vehicular access onto the L5054 Ballygoran Local Road along the southern boundary of the existing business campus development and all associated site works. |
| Location | Moneycooly, Maynooth, Co. Kildare. |
| Planning Authority | Kildare County Council. |
| Planning Authority Reg. Ref. | 17/1370. |
| Applicant(s) | Maynooth Business Campu Owners Management Company Ltd, by Guarantee. |
| Type of Application | Permission. |
| Planning Authority Decision | Grant with conditions. |
| Type of Appeal | Third party against permission. |
| Appellant(s) | Justin Moran. |
| Observer(s) | None. |
| Date of Site Inspection | 19/06/2018. |
| Inspector | A. Considine. |

1.0 Site Location and Description

- 1.1. The site the subject of this appeal is located on the southern outskirts of Maynooth, Co. Kildare, and to the south east of M4 junction 7 approximately 2 km south of Maynooth town centre. The site comprises a small area of the southern boundary of the Maynooth Business Campus and fronting onto the L5054 Ballygoran Local Road. The sole access to the Business Campus is located off the existing five arm roundabout on the Straffan Road / M4 Westbound off ramp. The Campus has approximately 100 businesses operating with in excess of 1,600 employees. The campus is laid out in a number of blocks all of which provide for carparking.
- 1.2. The site the subject of this appeal has a stated area of 0.1283ha and includes a number of trees and roadside boundary hedges. The site is located to the south eastern area of the Business campus and approximately 0.5km to the east of the junction of the L5054 and the R406 Straffan Road. The five arm roundabout referred to above is located approximately 100m from this junction with the west bound ramp onto the M4 a further 100m to the north.
- 1.3. To the east of the proposed access, there is a telecommunications compound and a ribbon of five detached residential properties beyond. There is a junction with the L5054 and the R405, which travels on an overpass over the M4 which will bring traffic back towards Maynooth from the east approximately 1km from the proposed access on the local road. Ballygoran Waterworks is also located along this road to the east of the site. Directly across the road from the proposed entrance is a garage which includes car sales as well as servicing of vehicles. The wider area is generally agricultural in nature.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of a new gated vehicular access onto the L5054 Ballygoran Local Road along the southern boundary of the existing business campus development and all associated site works all at Moneycooly, Maynooth, Co. Kildare.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission for the proposed development subject to 7 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report formed the basis of the decision of the Planning Authority to grant permission for the proposed vehicular access. The report also includes AA.

3.2.2. Other Technical Reports:

Reports were submitted from the following internal departments of Kildare County Council:

Environment Section: No objection subject to conditions

Area Office: The report advises that the Maynooth Area Office would welcome the proposed development as it will have significant benefits to existing traffic congestion on the Straffan Road Roundabout. The report further notes that having a second entrance to the facility is a significant health and safety benefit.
No objection subject to conditions

Water Services: No objection subject to conditions

Transportation: No objection subject to conditions

Reports were submitted from the following Prescribed Bodies:

Irish Water: No objection

3.3. Third Party Observations

3.3.1. There are 11 submissions noted on the Planning Authority file in relation to the proposed development. The issues raised are summarised as follows:

- Issues with the location of the site notice.

- Safety risks for existing residents and businesses on Ballygoran Road have not been considered by the applicant.
- Impacts of increased traffic on animals at Derrinstown Stud and their movement between farms using the road.
- Inadequate road widths to accommodate additional traffic and the road is not fit for purpose.
- No Traffic Management Survey was carried out and the applicant has ignored the Maynooth Town Traffic Management Plan and LAP.
- There have been a number of incidents involving cars on the road.
- Residents would not be able to use the road for pedestrian or cycling activities and the proposal suits just the users of the Business Campus and no other businesses or residents.
- There is no reference as to how the development will impact on adjacent agricultural land.
- The development of the entrance is premature pending the overall upgrading of the road including the provision of footpaths, cycle paths and street lighting.

4.0 Planning History

PA ref 99/2073: Permission granted for the construction of an advanced Science and Technology Business Campus adjacent to the M4 Motorway Interchange Junction with the R406 (Maynooth / Straffan Road)

PA ref 01/1207: Permission granted on a previously permitted dev. ref. no. 99/2073 for building uses only to include the following: offices, science & technology & office based industry at any of the following blocks: A, B, C, D, & E inclusive Etc.

PA ref 03/1297: Permission granted for change of use of first floor ancillary office to woman's fitness facility centre area 132m² and ground floor entrance hall and toilets 24m².

5.0 Policy Context

5.1. Development Plan

5.1.1. The Kildare County Development Plan, 2017-2023 is the relevant CDP for Kildare. Chapter 6 of the plan deals with Movement and Transport and Section 6.6.4 of the plan deals with local roads. The plan describes local roads as ‘roads serving those areas of the county not served by the national, regional or motorway networks. They are largely unimproved “legacy” roads and a significant number carry a considerable volume of traffic.’

5.1.2. The following policies are considered relevant:

It is the policy of the Council to:

LR 1: Ensure that the safety and capacity of the local road network is maintained and improved where funding allows and to ensure that local streets and roads within the county are designed to a suitable standard to accommodate the future needs of the county. The design of these roads and streets should balance the needs of place and movement with providing a safe street environment for all road users.

LR 2: Seek to improve the quality of the pavement of local roads.

LR 3: Improve all county roads to an appropriate standard subject to availability of resources.

5.1.3. The following objective is also considered relevant:

It is an objective of the Council to:

LRO 1: Maintain and improve all local roads as per the annual Road Work Programme.

5.1.4. Section 6.9 of the plan deals with traffic and transportation management includes the following policies:

It is the policy of the Council to:

TM 1: Manage traffic in urban areas and prioritise the movement of pedestrians, cyclists and public transport particularly at key junctions.

TM 2: Manage traffic so as to minimise the impact of queues on the road network with priority as follows: motorways (highest), national roads, regional roads, local roads, entrances to developments (lowest).

TM 3: Effectively manage the flow of through traffic along the strategic road network and maximise the efficient use of existing resources.

5.2. Local Area Plan

The Maynooth Local Area Plan 2013-2019 is the current policy document pertaining to the site. The subject site is zoned H2: Office / light Industry & Warehousing and it is the stated zoning objective 'To provide for new and existing light industrial, office park and warehouse development.

High quality design, finish and landscaping of development will be particularly important on these lands, which are located on the approach roads to the town. The opportunity of developing offices within a landscaped setting will be encouraged. Other uses e.g. light industry and warehousing may be considered subject to amenity and other planning considerations. Residential or retail uses (including retail warehousing) will not be acceptable in this zoning. In particular uses such as intensive waste processing and recycling which are deemed incompatible with neighbouring residential areas will be prohibited and any existing incompatible uses will be encouraged to relocate.'

In terms of roads policies, the LAP identifies the section of road to the south of the Maynooth Business Campus for roads and street improvements, including footpath and cycling track if required.

5.3. Natural Heritage Designations

The site is not located within any designated site. The closest Natura 2000 site is the Rye Water Valley / Carton SAC (Site Code: 001398) which is located approximately 2.7km to the north east of the site.

6.0 The Appeal

6.1. Grounds of Appeal

This third party appeal against the decision of the PA to grant permission is submitted by Mr. Justin Moran and is made on behalf of the Moneycooley & Ballygoran Residents Committee and local residents. The grounds of appeal are summarised as follows:

- The local residents are concerned that the decision to grant permission has not duly considered road safety for all users on the local rural road.
- The decision is motivated by the need for Kildare County Council to solve a significant traffic issues on an adjacent primary road – Straffan Road.
- Neither the applicant or the Council make reference to the conclusions and recommendations arising from the Maynooth town Traffic Management Plan. The plan made no recommendations in respect of the L5054 or additional access points for the Business Campus.
- The local road has no markings and numerous blind spots. The Council failed to consider all road users. The planning report notes policy LR1.
- The following matters have not been properly addressed:
 - No assessment of road safety for all road users.
 - The road is not compatible with the impact of the proposed development to accommodate 1,600 employees.
 - While the Council conditions no right turns, there is no requirement to consider the design of the exit to ensure this condition is observed.
 - The proposal has not determined who will have priority given the location of the proposed entrance directly across from an existing business.
 - No road safety assessment has been performed by the applicant.
 - The proposal is not aligned to the Council plans to improve congestion issues.

- The Planning report failed to recognise concerns with the applicants Mobility Management Plan.
- Concerns raised regarding the location of the site notice.
- Issues raised in relation to the assessment by the Planning officer.
- The road is of inadequate width in places with no pedestrian or cyclist facilities or road markings. The development ignores the rural nature of the road and area.
- There have been two crashes on the road due to the height of the area and gradient of the road which means that it is subject to significant frost and ice in cold weather spells.
- Concerns are raised regarding the potential for increased traffic levels and the speed limit of 80Km/ph which is currently unsuitable due to the condition of the road and lack of warning signs.
- The proposal does not comply with planning strategy, guidelines, county and local area plans in terms of the promotion of integrating public transport links.
- The application focuses on tenants and employees rather than the local community. Issues arise at the site only at peak times and without issue at other times.
- The development, if permitted, would set a precedent for similar type developments and would bring the L5054 and the surroundings into the ambit of the Business Campus / Commercial Zoning.
- The Mobility Management Plan is flawed in that consultation included a survey of only 14% of total employees and did not survey visitors or local residents.
- The applicant has failed to establish the actual number of cars, and consequently traffic flows onto the local road.
- Concern is raised that the applicant is seeking a permission as a pre-condition for the implementation of a traffic management plan. In addition, the mobility plan fails to seek to reduce car use or provide alternatives.

It is requested that permission be refused for the proposed entrance.

6.2. Applicant Response

The first party submitted a response to the third party appeal. The response notes that KCC as the Roads Authority had no objection to the proposed development and provides a background to the Maynooth Business Campus. The Traffic & Transport Report demonstrated that the proposed entrance will have a minor impact on the existing Ballygoran Road, but will have a positive impact on the existing five arm roundabout on the Straffan Road / M4 Westbound Off Ramp, reducing traffic congestion on the national road junction thereby reducing driver frustration with a consequential improvement in road safety. The development does not generate traffic in its own right, and temporarily diverts existing traffic from an existing destination.

The response is summarised as follows:

- The Maynooth LAP acknowledges that the Business Campus is a major employer and includes a number of policies and objectives relating to sustainable travel. These objectives are reiterated in the Maynooth Traffic Management Plan (MTMP).
- Section 4.8 Recommendations of the MTMP it is noted that ‘the completion of either the western or eastern orbital routes will attract more traffic through the already congested M4/R406 Interchange.’ It is submitted that the proposed development accords with the MTMP and LAP objective to improve traffic capacity and safety at the M4 Interchange by providing an alternative and second access to the business campus.
- The proposed access has been designed to meet current road design standards. A speed survey established the 85th percentile speed at 70km/ph, and the RSA online collision data notes 2 minor accidents. There is no notable concentration of accidents along Ballygoran Road.
- The increase in traffic volumes associated with the second access, increasing PM peak two-way flows from 300+ PCUs to +400 PCUs are such that they will not materially change the characteristics of this road. The proposed junction and the existing Ballygoran Road / R406 Priority Junction both have adequate capacity to accommodate the worst case predicted traffic flows.

- It is not anticipated that HGVs will use the new proposed access.
- The Ballygoran Road has a carriageway of typically 5m or wider with no 90 degree bends or blind spots.
- The restrictions on right turning on exit will be satisfied by signage and details to be agreed with KCC if ABP deems it necessary to incorporate a splitter island in the access to discourage right turning on exit.
- The location and layout of the proposed access is such that it will avoid conflict with the access across the road.
- The Business Campus owners are committed to implementing the measures contained with the MMP.
- The site notice was inspected and validated. A second notice was placed at the existing entrance to the Business Campus.
- It is submitted that the proposed development will benefit all road users.

There are a number of enclosures with the response.

6.3. Planning Authority Response

The Planning Authority responded to the appeal as follows:

- The comments of the Kildare County Council Roads, Transportation and Public Safety Department are outlined in previous reports.
- Additional comments are submitted as follows:
 - A Mobility Management Plan was submitted by the applicant and a Mobility Manager will also be appointed to ensure that the MMP is used, operated and monitored. This is satisfactory.
 - The Business Campus has only one point of access where there are currently significant delays and is unsustainable.
 - The Kildare County Council Roads, Transportation and Public Safety Department is satisfied that the proposed second access will provide existing traffic with an alternative route to Celbridge, Straffan and Maynooth, will reduce traffic demand at the existing 5 arm roundabout on

the Straffan Road / M4 Westbound Off Ramp, will improve dispersion and permeability of traffic flows and will provide an alternative access for emergency vehicles in particular at peak times.

- The TTA submitted with the application concluded that the development will have a minor impact on the existing Ballygoran road but a positive impact on the existing 5 arm roundabout.
- The existing Ballygoran Road has an average width of 5.5m and caters for 2-way traffic including HGVs.
- The horizontal design / angle of the second access can be agreed with KCC to ensure no right turning movements as outlined in Condition 2 of the grant of permission.

6.4. Further Responses

The third party appellant submitted a response to both the PAs and the applicants responses to the appeal. The submission deals with all of the PA comments and restates the grounds of objections.

6.5. Observations

None.

7.0 Assessment

7.1. Having regard to the nature of the proposed development, together with the information presented in support of the proposed development, as well as the third party appeal, I consider it appropriate to assess the proposal under the following headings:

- Principle of the proposed development, compliance with the Development Plan
- Roads & Traffic Issues
- Development Contribution
- Appropriate Assessment

7.2. Principle of the proposed development, compliance with the Development Plan.

7.2.1. The proposed development seeks to provide a second entrance to the existing Maynooth Business Campus which is located to the south of the M4 and off junction 7. The existing access is located off a 5 arm roundabout which serves the wider area and it is submitted that this roundabout suffers from significant congestions during peak times. The purpose of the new gated access on the Ballygoran Road is to relieve traffic delays at the existing entrance and will provide an alternative exit point for traffic, including emergency vehicles. The application includes a Traffic & Transport Assessment.

7.2.2. In terms of compliance with the County Development Plan, the Kildare County Development Plan, 2017-2023 is the relevant CDP and Chapter 6 of the plan deals with Movement and Transport. Section 6.6.4 of the plan deals with local roads. Section 6.9 of the plan deals with traffic and transportation management and it is the policy of the Council to:

TM 2: Manage traffic so as to minimise the impact of queues on the road network with priority as follows: motorways (highest), national roads, regional roads, local roads, entrances to developments (lowest).

TM 3: Effectively manage the flow of through traffic along the strategic road network and maximise the efficient use of existing resources.

7.2.3. In terms of the proposed development, and having regard to the findings of the TTA together with the comments of the Councils Engineer, it would appear that a grant of permission in this instance would accord with the stated policy requirements. The development, if permitted, would reduce queuing on the strategic road network in the vicinity of the Business Campus.

7.2.4. In terms of compliance with the Maynooth Local Area Plan 2013-2019, the Board will note that the subject site is zoned H2: Office / light Industry & Warehousing and it is the stated zoning objective 'To provide for new and existing light industrial, office park and warehouse development. In principle, I consider that the development is acceptable.

7.3. Roads & Traffic

7.3.1. In terms of compliance with policy, the Board will note that the third party appellant considers that the development does not have due regard to all users of the public road and that the Ballygoran Road is not suitable to accommodate the level of traffic potential arising should permission be granted in this instance. The Board will note that the existing road does not have any road markings and has widths of approximately 5.5m in places. In particular, concerns are raised in relation to the safety of all road users on the local road. It is submitted that no assessment of impact has been carried out in relation to all other road users and that a Road Safety Audit should be prepared for the entrance.

7.3.2. The TTA submitted in support of the proposed development sought to address the potential traffic issues arising in relation to the proposed entrance. The assessment was supported by data collected to establish the commuting patterns of employees in the Business Campus. This data was then used to establish the distributed traffic to the local road network following the opening of the second access. The TTA confirms that there will be beneficial effects associated with the second access in terms of relieving stress points on the surrounding roads, with a net reduction in traffic through the key existing roundabout at the R406 during both commuter peak periods.

7.3.3. The report notes that the R406 Straffan Road is moderately-highly trafficked with a weekday AM peak hour 2-way traffic flow of 1,260 Passenger Car Units and a weekday PM Peak Hour 2-way traffic flow of 1,536 PCUs. In terms of the Ballygoran Road, the report notes that this road is lightly trafficked with a weekday AM peak hour 2-way traffic flow of 336 PCUs and a weekday PM Peak Hour 2-way traffic flow of 292 PCUs. In terms of trip reassignment, the TTA sought to stress test the impact of the new access and conducted a Travel Survey of employees. Of the 1,600 employees at the Business Campus, 226 responded to the survey. Based on this survey, it was found that 20 employees leave work via the Ballygoran Local Road with a further 65 use the M4 eastbound and 52 southbound on the Straffan Road.

7.3.4. The assessment assumed that 100% of employees surveyed who use the Ballygoran Road will use the new entrance along with all those who use the Straffan Road. 50% of the eastbound via the M4 traffic is also assumed to divert to the new

access and travel in the Celbridge direction. The TTA also conducted a classified interval turning movement survey of the affected junctions and roads. The conclusion of the TTA is that the second entrance will have a 12% reduction in total traffic volume using the roundabout during the AM peak hour and an 8% reduction during the PM peak hour. The PICADY assessment of ratio of flow to capacity and queue length concludes that at the proposed entrance the max RFC will be 0.15 in the AM peak hour and 0.37 in the PM peak hour in the opening year of 2019. These figures are estimated to remain consistent in the year 2034. The submitted assessment indicates that the Ballygoran Road has adequate capacity to accommodate the proposed second entrance as proposed.

7.3.5. The third party appellant has raised concerns regarding the robustness of the TTA submitted and considers that that a Road Safety Audit should be required in order to assess the impact of the proposed second entrance to the Business Campus on the wider area and all road users. It is submitted that the Ballygoran Road will be taking in excess of 400+ cars, including HGVs, without any assessment to assess this fundamental change in the use of the road. It is further considered that the assertions made lack any specific data or reasoned analysis.

7.3.6. I have considered all of the above concerns and information very carefully. While I accept the concerns of the appellant, and would agree that the proposed second access to the Maynooth Business Campus has the potential to impact on the Ballygoran Road, I would note that the proposed development is not one that will generate any additional traffic to or from the Business Campus. The Ballygoran Road is a public road which is currently lightly trafficked, and which has been shown, in my opinion, to have available capacity. In terms of the commentary regarding 400+ cars using the road, the Board will note that the traffic survey results indicate that the existing AM Peak Hour 2-way traffic flow is in the order of 336 PCUs and PM Peak Hour flow of 292 PCUs. While I note the numbers of responders to the staff survey, I also acknowledge that a traffic movement survey was carried out and as such, I am satisfied that the figures presented are robust.

7.3.7. In practical terms, the second access is likely to generate an additional 100 PCUs in the Peak Hours, and given that condition 2 of the Planning Authority's decision to grant permission prohibits right hand turns on exit, this figure is likely to be lower. I would agree that the assessment submitted in support of the proposed

second entrance concentrates on the impacts on the primary junctions and roundabouts on the Straffan Road, but consider that the proposal is acceptable overall. I further consider that that should the Board be minded to grant permission in this instance, the Planning Authority's condition 2, which excludes right turns on exit, should be included, in the interests of traffic safety.

7.4. Development Contribution

7.4.1. While the Planning Authority did not discuss the matter of development contribution, having regard to the nature of the proposed works, together with the roads objectives contained within the Maynooth Local Area Plan, I consider it appropriate to address the issue. The LAP identifies the southern boundary of the Business Campus for roads and street improvements, including footpath and cycling track if required. Given the nature of the proposed works, together with the objective of the LAP, it is considered reasonable that the applicant contribute to the realisation of this public infrastructure objective which will benefit the wider Business Campus and local area.

7.4.2. The Development Kildare County Council Contribution Scheme 2015-2022 identifies classes of public infrastructure and facilities for which development contributions are payable. Section 6(4) deals with roads infrastructure and includes, at subsection (c), the refurbishment and upgrading of roads. Section 8 of the scheme deals with the level of general contributions. The proposed development comprises the opening of a second gated access to the Business Campus and will not include a building. Section 8(xiv) relates to miscellaneous development with 'Open' development defined as development not included in the categories set out above and which involves the carrying out of works on, in, over or under any land or the making of any material change in the use of land. The rate of contribution in this case is €15,000 per hectare. The area of the subject site is 0.1283ha and therefore a development contribution of €1924.50 is payable.

7.5. Appropriate Assessment

The site does not lie within or immediately adjacent to any Natura 2000 site. However, the Rye Water Valley / Carton SAC (Site Code: 001398) is located approximately 2.7km to the north east of the site.

Having regard to the nature and scale of the proposed development and the nature of the wider environment, 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 permission be granted for the proposed development for the following reasons and considerations and subject to the following stated conditions.

9.0 Reasons and Considerations

Having regard to the provisions of the current Kildare County Development Plan, 2017-2023, and to the information submitted as part of the planning application together with the information submitted in the appeal, the Board is satisfied that the proposed development, generally accords with the policy requirements of the Development Plan, and if permitted, would not seriously injure the general, visual or residential amenities of the area, would not represent a traffic hazard and would therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. There shall be no right turn exiting the hereby permitted gated access. Prior to the commencement of any development on site, full details of the layout of the access, including signage to prevent right turns on exit, shall be submitted for the written agreement of the Planning Authority.

Reason: In the interest of traffic safety.

3. The landscaping scheme shown on drg no. NRP-PA-003, as submitted to the planning authority on the 5th day of December, 2017 shall be carried out within the first planting season following the commencement of the development works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

4. Prior to the commencement of any development on site, full details and specifications of public lighting system to serve the development shall be submitted for the written agreement of the Planning Authority. The access shall not be used until the approved lighting system has been fully implemented and is functioning to the satisfaction of the Planning Authority.

Reason: In the interests of proper planning and sustainable development.

5. The developer shall pay to the planning authority a financial contribution of €1,924.50 (one thousand, nine hundred and twenty four euro, and fifty cent) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

A. Considine
Planning Inspector

17th July, 2018