



An
Bord
Pleanála

Inspector's Report ABP-301719-18

Development	New left in - left out junction on the N7 and associated works
Location	Lands located to the east of Red Cow Luas Park & Ride Depot, Newlands Cross, Dublin 22.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD18A/0064
Applicant(s)	Hibernia Reit Limited
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Transport Infrastructure Ireland
Date of Site Inspection	10 th July 2018
Inspector	Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of of 3.5 hectares is located to the west of Dublin City. The appeal site is located on southern side of the N7 a short distance east of Newlands Cross. The site is made up of lands that include the slipway and junction off the N7 that links into the roundabout access with the L10190 that provides access to the Luas Park and Ride. The site includes lands to the south west of this junction and slipway, which includes vacant lands and a warehouse building. To the west of the site is an existing warehouse (JMC) and an access road with a left in and left out junction onto the N7 which serves the JMC premises, Heiton Steel to the south west and the warehouse to be demolished on the appeal site.

2.0 Proposed Development

2.1. Permission is sought for the provision of a new left in left out junction on the N7 for the Red Cow Luas Park and Ride (with provision of extension of cycle and pedestrian facilities), revised 'gateway' access (and provision of internal access point to adjoining lands, and the closure of the existing left in and left out junction serving the Luas Park and Ride on the N7. Permission is also sought for construction of new internal access roads and roundabout (with shared cyclist and pedestrian access) m.c. 447m in length to tie into existing roundabout on the L109 to serve the Luas Park and Ride, proposed new extended merge lane of c. 254m (to relevant standards), including extension to segregation island along southern side of N7 Naas Road, provision of relocated bus stop, revised access arrangements to Gas Networks Ireland installation (to be accessible at all times during construction and operational phases). Permission is also sought for demolition of former SDS warehouse building of c. 9,060sqm, site development works, landscaping. Lighting and drainage/attenuation works (including attenuation basin and surface water to lands located in adjacent Newlands Cross Cemetery).

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 21 conditions, of note are the following conditions...

Condition no. 3:

Roads Department requirements

No development shall take place under this permission until the applicant, owner or developer has lodged with the Planning Authority;

- (i) A revised layout plan detailing and providing for the requirements set out below.
- (ii) The written confirmation of the Council's Roads Section of their agreement to these revised plans.
- (iii) The written commitment to complete the development in accordance with the required revised plans.
- (iv) The written confirmation of the Planning Authority of their agreement to these revised plans.
- (v) The receipt of all these requirements has been acknowledged in writing by the Planning Authority.

The revised plans required to be lodged with the Planning Authority shall provide for the following:

- (i) Closure of the existing left in/left out junction providing the existing access to the Luas from the N7 westbound.
- (ii) Provision of the proposed left in/left out junction providing the existing access to the Luas from the N7 westbound.
- (iii) Road width shall be 7.0m throughout, with 1.5m cycle paths and 2.0m footpaths.
- (iv) All final road designs which impact on the national road network shall comply with standards outlined in TII publications and shall be agreed in writing with TII. All relevant licences/permissions for work on national routes shall be secured from TII prior to construction.

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

Condition no. 10:

Road Safety Audit

No development shall take place under this permission until the applicant, owner or developer has lodged with the Planning Authority;

(i) A revised Road Safety Audit detailing and providing the requirements set out below.

(ii) The written confirmation of the Council's Roads Section of their agreement to these revisions.

(iii) A written confirmation to complete the development in accordance with the required revisions, and;

(iv) The written confirmation of the Planning Authority of their agreement to these revisions.

(v) The receipt of all these requirements has been acknowledged in writing by the Planning Authority.

The revised documents required to be lodged with the Planning Authority shall provide for the following:

(i) A Road Safety Audit shall be provided for the final permitted layout.

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

3.2. Planning Authority Reports

3.2.1. Planning Reports

Parks & Landscape Services (27/03/18): Additional information required including a landscape design, rationale and a universal accessibility map.

TII (09/04/18): The proposal entails national policy considerations and should be addressed in a co-ordinated manner rendering the current proposal premature pending a strategic transport and traffic assessment and demonstration that the proposal would have no significant impact on capacity, safety or operational efficiency of the N7.

Roads department (11/04/18): Proposal represents an improvement on existing access and egress arrangement for the park and ride. No objection subject to conditions.

Irish Water (13/04/18): No objection.

Planning report (30/04/18): The proposal was considered to be consistent with Development Plan zoning policy and Policy ET1 Objective 6. It was considered that the proposal would be consistent with national policy and the views of the Roads Department were noted. A grant of permission was recommended subject to the conditions outlined above.

3.3. Third Party Observations

No third party observations.

3.4 Prescribed Bodies

Transport Infrastructure Ireland

- The proposal is premature pending strategic transport and traffic assessment by planning authority in consultation with the TII and NTA, The proposal is not accompanied by sufficient information to demonstrate future development facilitated will not have a detrimental impact on the capacity and efficiency of the N7.

4.0 Planning History

SD03A/0418: Permission granted for alterations north facing elevation to allow for new loading doors (An Post premises).

SD03A/0005: Permission granted for alterations to North (N7 facing) elevation comprising of 3 new loading doors.

S00A/0291: Permission granted for site fencing.

S98A/0269: Permission granted for a single-storey automated parcel sorting office and distribution facility.

S97A/0278: Permission granted for use of part warehouse to post sorting use and alterations to elevations of same.

93A/0500: Permission granted for alterations to existing facility including a two-storey loading lobby as enlargement of paved areas and car parking.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the South Dublin County Council Development Plan 2016-2022.

The appeal site is zoned 'EE' with a stated objective 'to provide for enterprise and employment related uses'.

Policy ET1 Objective 6

To direct people intensive enterprise and employment uses such as major office developments (>1,000sqm gross floor area) into lands zoned Town Centre and Regeneration Zones in Tallaght, lands zoned Town Centre in Clondalkin and also lands zoned District Centre and Enterprise and Employment, and Regeneration Zones subject to their location within 400 metres of a high capacity public transport node (Luas/Rail), quality bus service and/or within 800 metres walking distance of a Train or Luas station, the latter requiring demonstration if required walking distances of provision of a permeability project, in accordance with the Permeability Best Practice Guide (2013), to achieve same'.

5.2 National Policy

National Roads Guidelines for Planning Authorities (January 2012)

Section 2.5 Required Development Plan Policy on Access to National Routes

Lands adjoining National Roads to which speed limits greater than 60 kmh apply:

The policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 kmh apply. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.

5.3 Natural Heritage Designations

None in the vicinity.

6.0 The Appeal

6.1. Grounds of Appeal

A third party appeal has been lodged by Transport Infrastructure Ireland

- The appellants note that the N7 and location subject to development is part of national road network and there is a need to maintain the strategic capacity and safety of national roads network.
- The appellants are concerned that the grant of permission and in particular conditions no.s 3 and 10 require a full redesign of the proposal and a road safety audit which will result in works to the national road for which the impact of which are unknown and have not been assessed and to accommodate an unknown quantum of development.
- It is noted that redesign and fully Road Safety Audit done as compliance to a grant of permission is inappropriate in this case due to the alterations concerning access to national road network.
- The appellants note national policy under the Spatial Planning and National Roads Guidelines for Planning Authorities (2012). It is noted the provision of revised access to the N7 taken in conjunction with lack knowledge of traffic generation likely from the lands in the vicinity is contrary national policy.

- It is noted that the proposal is not consentient with local Development plan policy with reference to Section 6 of County development Plan. This taken fact taken in conjunction with lack of consideration of national policy is unacceptable.
- The appellant note that the preparation of a Road Safety Audit to affect as yet unknown redesign access to a national road to facilitate an unknown quantum of development is inappropriate and unacceptable having regard to potential impacts on national road infrastructure in the context of maintaining its efficiency and safety.
- It is noted this appeal is taken on the grounds of protecting public investment in the national road network.

6.2. Applicant Response

A response has been submitted by John Spain Associates on behalf of the applicant, Hibernia REIT Plc.

- The applicants have submitted a Traffic and Transport Assessment (TTA) and updated design to demonstrate how they can comply with the conditions set down by the Council.
- The applicants note the safety concerns with the existing access off the N7 in the relatively short distance available for west bound traffic to get to the lane allowing access to the park and ride and the fact the proposal will increase this distance. It is noted there was lengthy consultation period prior to lodging the application.
- In response to the appeal submission the design has been altered with widening of the proposed road from 6m to 7m. It is noted that the nature of conditions imposed would not constitute a material change to the basic design features of the proposal. It is notes that the updated design submitted to deal with the conditions (3, 4, 5 and 6). A Road Safety Audit has also been submitted that demonstrates there are no safety issues as well as noting that the proposal would improve safety due to moving the junction further west.

- The TTA submitted deals with issues such as assessment of the potential future traffic profile of the area and the zoned lands in the vicinity with a future design horizon of 2035 taken into account.
- It is noted that the proposal is consistent with National policy with the improved safety aspect highlighted in the context of maintaining efficiency of the national road network. It is noted that proposal relates only to the road infrastructure and no floor space is proposed with the proposal solely to improve access arrangements.
- It is noted that proposal is consistent with development Plan policy objectives regarding transport and road infrastructure.

6.3. Planning Authority Response

Response by South Dublin County Council.

- It is noted that the proposal is for new infrastructure and does not include any elements that will result in an increase the number of existing traffic movements.
- The Council reiterate the contents of the Roads Department report including the improvements in terms traffic safety.
- It is considered that the proposal is consistent with European and National policy as well as consistent with Development Plan policy.
- It is noted that the potential Local Area Plan for the area is at an early stage and does not have a definitive boundary. The Council consider that the provision of an LAP for the area to be important.
- It is noted that the TII's submission was not noted in the Planning report and that such was clerical area.
- The Council disagree that condition no. 3 and 10 would result in a new, unseen and potentially materially different piece of infrastructure being permitted.

6.4. Further Responses

Response by the appellants Transport Infrastructure Ireland.

- The appellants reiterate their concerns that the Planning Authority failed to take account of their original submission and includes conditions that require the redesign of the proposal including a new Road Safety Audit.
- It is noted that the proposal is deficient in the context TII publications, in particular guidance for Roads Safety Audits. It is noted the lack of consultation with the TII with a number technical issues that would need to be agreed with the TII that are out of the control of the Local Authority or the applicant.
- The appellants highlight road safety concerns regarding the submitted Road Safety Audit and highlight a number of issues that have not been dealt with. It is noted that the proposal is premature and an integrated planning approach to the area is needed.
- The proposal is premature pending the preparation of a statutory strategy for development. It is noted there has been a lack consultation and that there is indication of an intention to carry out a Local Area Plan for the area.

7.0 Assessment

7.1. Having inspected the site and the associate documentation, the following are the relevant issues concerning this appeal.

Principle of the proposed development/development plan policy

Traffic safety/national policy/co-ordinated development

Appropriate Assessment

7.2 Principle of the proposed development/development plan policy:

7.2.1 Permission is sought for the provision of a new left in left out junction on the N7 for the Red Cow Luas Park and Ride (with provision of an extension of cycle and pedestrian facilities), revised 'gateway' access (and provision of internal access point

to adjoining lands, and the closure of the existing left in and left out junction serving the Luas Park and Ride on the N7. Permission is also sought for construction of new internal access roads and roundabout (with shared cyclist and pedestrian access) m.c. 447m in length to tie into existing roundabout on the L109 to serve the Luas Park and Ride, proposed new extended merge lane of c. 254m (to relevant standards), including extension to segregation island along southern side of N7 Naas Road, provision of relocated bus stop, revised access arrangements to Gas Networks Ireland installation (to be accessible at all times during construction and operational phases). Permission is also sought for demolition of former SDS warehouse building of c. 9,060sqm, site development works, landscaping. Lighting and drainage/attenuation works (including attenuation basin and surface water to lands located in adjacent Newlands Cross Cemetery).

7.2.2 The proposal replaces an existing junction off the N7 and relocates it further to the west. The purpose of the revised junction and access road is to provide better access to zoned lands in the vicinity with the applicants also noting that the new junction is located further west allowing traffic more time to merge left before the junction than is the case currently and would be an improvement in terms of traffic safety. The lands that make up the appeal site and adjoining lands in the vicinity are zoned EE' 'with a stated objective 'to provide for enterprise and employment related uses'. The Council also highlight Policy ET1 Objective 6, which states 'to direct people intensive enterprise and employment uses such as major office developments (>1,000sqm gross floor area) into lands zoned Town Centre and Regeneration Zones in Tallaght, lands zoned Town Centre in Clondalkin and also lands zoned District Centre and Enterprise and Employment, and Regeneration Zones subject to their location within 400 metres of a high capacity public transport node (Luas/Rail), quality bus service and/or within 800 metres walking distance of a Train or Luas station, the latter requiring demonstration if required walking distances of provision of a permeability project, in accordance with the Permeability Best Practice Guide (2013), to achieve same' as a factor in granting permission'.

7.2.3 The proposed development is to provide better access to zoned lands at this location. At present the warehouse building on site to be demolished is accessed off an existing access road and junction to the west of the JMC building (west of the structure to be demolished). The junction allows for traffic travelling westbound to turn left off the N7 and traffic exiting to turn left and travel westbound on the N7. The existing junction to be replaced is located to the east of the site and has slipway that emanates from an existing roundabout that provides access to the Luas Park and Ride and Deport as well as access to an overpass (L10190) on the N7. The applicants/appellants note that proposed development would improve access to zoned lands and be an improvement in traffic safety as it moves the current junction off the N7 further west allowing more time for traffic to merge to the left. The nature of the proposed development would be consistent with the EE zoning objective and would also be consistent with Policy ET1 Objective 6 set down under the County Development Plan. I would consider that the principle of the proposed development is acceptable, however such is contingent on the basis of the proposal being satisfactory in the context of traffic safety and national policy in relation to the national road network. In addition there is the question whether the proposal has adequate regard to the development and access to zoned lands at this location and is sufficiently co-ordinated approach considering the implications for the national road network.

7.3 Traffic safety/national policy/co-ordinated development:

7.3.1 The main issues raised in the appeal by TII are concerns that the proposal would have an impact on the national road network. Specifically the TII are concerned regarding condition no.s 3 and 10, which require the final design to be agreed prior to the commencement of development as well as the carrying out of Road Safety Audit of the final design. The appellants also express concern that permission has been granted for a proposal with no final design and for a quantum of development that is unknown and therefore they have concerns regarding potential impact on the national road network.

7.3.2 The proposal provides for a new left in left out junction on the southern side of the N7 and a new internal access roads providing better access to zoned lands at this location. The new junction replaces a similar left in and left out junction located further east, which is to be closed off as part of the proposal. As part of the application documents a Transport and Traffic Assessment (TTA) was submitted. The TTA includes a description of the existing road network arrangement, the proposed development and relevant Development Plan policy. The TTA indicates details of traffic surveys carried out to establish existing traffic flows and a road safety analysis. The TTA notes that there are existing traffic safety issues concerning the junction on the N7 as a result of weaving manoeuvres over a short distance for traffic on the N7 wishes to exist at the existing junction. The TTA outlines all aspects of the proposal and notes that it design to provide existing and future traffic volumes. The TTA includes a traffic analysis including details of trip generation, notes that the proposal would improve traffic safety due to increased distance for traffic merging left and existing the N7 and a junction analysis. The junction analysis was carried out on the the proposed new junction onto the N7 (Junction 1), the new roundabout south of the junction onto the N7 (Junction 2) and the existing N7/industrial Estate junction located west of the proposed junction (Junction 3). It is concluded that all would operate within capacity for the years 2020, 2025 and 2035. The TTA also includes a traffic analysis of future potential development based on the lands zoned EE at this location that will be served by the proposed roads infrastructure. There is estimate of quantum and type development that could be catered for on these land and subsequent estimation of trip generation and a junction analysis of 5 junctions based on such information (the 3 junctions examined earlier in addition to the existing roundabout junction serving the L10190 and Luas Park and Ride and Monastery Road roundabout (north side of N7). The analysis also concludes that such junctions would operate within capacity for the years 2020, 2025 and 2035. The TTA concludes that the proposal would have benefits in terms of traffic safety and improve efficiency and traffic flow along the N7 due to relocating the junction the N7 further west and providing for traffic entering the N7 onto a segregated westbound lane. In addition to the TTA the proposal includes a Stage 1 Road Safety Audit.

7.3.3 In response to the appeal a few alterations were made and such were on basis of the condition no. 3 and the Roads Department requirement. The specific changes requested by this condition have implemented and a revised layout submitted (change of carriageway width from 6m to 7m and provision of a segregated footpath and cycle path instead of a shared surface. A revised Road Safety Audit was submitted. The applicants are of the view that sufficient information is provided to allow the development and that the extent of any revisions necessary could be agreed at a later stage. The appellants is of the opposite view noting that the proposal has significant implication for the National Road network, that adequate consultation is need with them and adequate detail before permission can be granted. The appellants have also noted in their response that there are potential road safety issues concerning existing heavy goods vehicles using the Heiton Steel left in left out junction on the N7 due to extension of the narrow splitter Island. The appellants also note that there is an opportunity for a more co-ordinated approach to access to the lands that takes into account the two existing junctions onto the N7 with the possibility of only one junction.

7.3.4 The site (existing warehouse to be demolished) currently appears to be accessed from an existing left in left out junction located further west of the N7. The applicants are proposing a new junction that is to provide access to the applicant's lands between the existing junction to the west and an existing junction to the west that provides access to the Luas Park and Ride. The junction is to service the applicants zoned lands and the Luas Park and Ride with the existing junction to the east closed up. It would be beneficial if consultation had taken place between the applicants and the appellants. It appears some consultation happened before the application was lodged, with the appellants claiming that insufficient consultation was carried out. The applicants are of the view that the aspects conditioned can be dealt with by way of such conditions with later agreement on the final design and Road Safety Audit. I note that the applicant has submitted TTA and has submitted revised proposals that do take into account the requirements of the road section, I would however consider that there a few aspects of the proposal that are unsatisfactory.

7.3.5 The applicants' lands and the existing warehouse on site are accessed through the existing junction on the N7 to the west, which also serves Heiton Steel and JMC (west of the appeal site). The applicants are looking for a new junction and access to provide better access to their lands and improve traffic safety by replacing an existing junction onto the N7 further to the east. As noted earlier the provision of better access to zoned lands and improvement of traffic safety standards would be a positive factor in favour of the proposed development. The proposed new junction is further west along the N7 providing greater distance for merging traffic, but is also closer in proximity to the existing junction onto the N7 that currently serves the warehouse on the applicants' lands and Heiton Steel and JMC. The proposed new junction does not consolidate access for the applicants' lands and the existing uses served by the junction to the west and focuses solely on the applicants' lands. There are potential safety implications by the provision of the new junction in closer proximity to the existing junction to the west and such have been highlighted by the appellants in their response to the appeal submission, with potential for conflict between traffic exiting the proposed junction and traffic exiting the existing junction to the west. I would note the provision of a new junction access onto the N7 has significant potential to impact on the national road networks in terms of traffic movements, efficiency and road safety and in this case the proposal is not a sufficiently co-ordinated approach to development or access to lands at this location and that any proposal at this location should seek to provide for a single junction access to replace the existing two junctions. I would consider given the status of the N7 as one of busiest national routes of significant strategic importance, any proposal for such new access in the context of unlocking the potential of zoned lands should be a well-planned, co-ordinated approach with sufficient consultation of the relevant stakeholders and should rationalise access for as much of the zoned lands as possible. I would consider that in this case this approach has not been taken and what is proposed is a piecemeal approach that has the potential to impact on the operation and efficiency of a national route while at the same time having the potential for an adverse impact on traffic safety as well as failing to address sufficiently access arrangements for zoned lands. There is mention of a potential Local Area Plan, however the Local Authority acknowledge that such plans are not at an advanced stage. The lack of a Local Area Plan does not prevent a comprehensive or co-ordinated approach taking place.

7.3.6 The applicants have failed to demonstrate that the proposal would not have an adverse impact on the operation and efficiency of a national route or would not result in a conflict with turning movements at the existing junction onto the N7 to the west. The proposed development would be contrary policy as set out under The Spatial Planning and National Roads Guidelines for Planning Authorities, January 2012 to maintain and protect the safety, capacity and efficiency of national roads and associated junctions. The proposed development would, therefore, by itself and the precedent it would set for similar such development, would be contrary to the proper planning and sustainable development of the area.

7.4 Appropriate Assessment:

7.4.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, 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. I recommend refusal based on the following reasons...

9.0 **Reasons and Considerations**

1. The applicants have failed to demonstrate that the proposal would not have an adverse impact on the operation and efficiency of a national route of high strategic importance or would not result in a conflict with turning movements at the existing junction onto the N7 to the west. The proposed development would be contrary policy as set out under The Spatial Planning and National Roads Guidelines for Planning Authorities, January 2012 to maintain and protect the safety, capacity and efficiency of national roads and associated junctions. The proposed development would, therefore, by itself and the precedent it would set for similar such

development, would be contrary to the proper planning and sustainable development of the area.

2. The proposal fails to take a co-ordinated approach to accessing zoned lands at this location and has the potential to result in the provision of a new junction in too close proximity to an existing junction onto the N7. Given the status of the N7 as one of busiest national routes of significant strategic importance, any proposal for such new access in the context of unlocking the potential of zoned lands should be a well-planned, co-ordinated approach with sufficient consultation of the relevant stakeholders and should rationalise access for as much of the zoned lands as possible. In this case such approach has not been taken or achieved and what is proposed is a piecemeal approach that has the potential to have an adverse impact on the operation and efficiency of a national route while at the same time having the potential to adversely impact on traffic safety as well as failing to address sufficiently access arrangements for zoned lands at this location. The proposed development would be contrary policy as set out under The Spatial Planning and National Roads Guidelines for Planning Authorities, January 2012 to maintain and protect the safety, capacity and efficiency of national roads and associated junctions. The proposed development would, therefore, by itself and the precedent it would set for similar such development, would be contrary to the proper planning and sustainable development of the area.

Colin McBride
Planning Inspector