

Proposed Amendment No. 1

Chief Executive's Report On Submissions Received March 2017



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1.0 Introduction

The purpose of this Chief Executive Officer's Report is to present the outcome of the consultation programme carried out on the Proposed Amendment No. 1 to the Ballycullen – Oldcourt Local Area Plan (2014), to respond to the submissions made during the consultation period and to make recommendations in relation to the Proposed Amendment No. 1 where appropriate.

2.0 Outline of the Public Consultation Programme

On the 15th December 2016, South Dublin County Council (SDCC) gave notice that it had prepared a Proposed Amendment No.1 to the Ballycullen – Oldcourt Local Area Plan (2014), pursuant to Section 20(3) of the Planning and Development Act 2000 (as amended). The proposed amendment comprises a series of changes to the phasing requirements of the Ballycullen – Oldcourt Local Area Plan (2014) and relate principally to Sections 6.3.1 and 6.3.2 of the Plan respectively.

The Public consultation period took place from the 15th December 2016 to the 9th February 2017 inclusive (a period of 8 weeks) during which time information on the Proposed Amendment No. 1 to the Ballycullen – Oldcourt Local Area Plan (2014) and environmental reports (Strategic Environmental Assessment Screening, Appropriate Assessment Screening and Flood Risk comment) were disseminated to the public and submissions were invited as follows;

- Notification of the preparation and display of the Proposed Amendment No. 1 to the Ballycullen – Oldcourt LAP (2014) report and Environmental Reports for the purpose of public consultation were placed in the *Irish Times*, *Tallaght Echo* and *Gazette* on the 15th of December 2016 together with information on the public consultation programme and an invitation for submissions.
- Letters that provided notification of the Proposed Amendment No. 1 to the Ballycullen – Oldcourt LAP (2014) consultation programme and an invitation for submissions were posted together with a report on the Proposed Amendment No. 1, a Strategic Environmental Assessment screening report, Appropriate Assessment screening report and Flood Risk comment report to, inter alia, the Minister for Housing, Planning, Community and Local Government, the Minister for Education and Skills and relevant prescribed authorities.
- Public information displays together with copies of the Proposed Amendment No. 1 to the Ballycullen – Oldcourt Local Area Plan (2014) and Environmental Reports were placed in County Hall Tallaght, County Library Tallaght, the Park Community Centre (Ballycragh Park), Whitechurch Library and Ballyboden and Ballyroan Library. The display material included hard copies of the Proposed Amendment No. 1 report, environmental reports, a copy of the newspaper notice, map and a copy of the original Ballycullen – Oldcourt Local Area Plan (2014).
- Council staff were made available to answer queries on a one to one basis at County Hall Tallaght every Wednesday afternoon during the proposed amendment consultation period.

3.0 Outcome of the Consultation Programme

The number of submissions that were received during the prescribed public consultation period came to 13.

A list of all the persons/bodies that made submissions within the prescribed public consultation period is provided in Table 1 below, together with a reference number that can be clicked as a link (on electronic copies of this Chief Executive Officer's Report) to a database containing scanned copies of each submission. For reasons of data protection, these links can only be accessed by Elected Members of South Dublin County Council.

Table 1: List of Persons / Bodies that made submissions

Person	Company (if applicable)	Body Represented (if applicable)	Ref
Louise Purcell			BOPA0001
Gary McGarrigle			BOPA0002
David Galvin	Environmental Protection Agency		BOPA0003
Elisa Goode	Forward Planning Section Department of Education & Skills		BOPA0004
Minister for Housing, Planning, Community and Local Government	Department of Housing, Planning, Community and Local Government		BOPA0005
Mairead Flanagan			BOPA0006
Cllr. Brian Lawlor			BOPA0007
Yvonne Glavey		Concerned Residents of Firhouse	BOPA0008
David & Anne Kennedy			BOPA0009
Tom Philips & Associates Town Planning Consultants	Jones Investments Ltd		BOPA0010
Cllr. Paula Donovan			BOPA0011
Cllr. Paula Donovan		Rathfarnham, Templeogue Terenure Area Committee	BOPA0012
Cllr. Paul Foley			BOPA0013

4.0 Summary of Issues Raised in Submissions

All 13 of the submissions received by the Council during the prescribed public consultation time period were read, summarised and analysed.

A total of **11** issues were identified during this process. An analysis found that **3** issues were raised which related directly to the Proposed Amendment No. 1 of the Ballycullen – Oldcourt LAP (2014). The

remaining **8** issues raised were found to not relate directly to the proposed amendment no. 1 of the Ballycullen – Oldcourt LAP (2014).

The summarised issues were therefore collated and categorised under the following headings

- a) Issues directly related to the proposed amendment, or
- b) Other Issues – not directly related to the proposed amendment.

In terms of the issues that were raised most frequently, the highest number (**7** times) related to Phasing and Implementation. The second highest proportion of issues raised (**3** times) related to Schools.

Table 2 below gives a breakdown of the issues raised in the submissions received with a breakdown of the number of times the topic was raised.

TABLE 2: Breakdown of issues raised in submissions received.

Issues	Number of times the issue was raised
Issues directly related to the Proposed Amendment	
Phasing & Implementation	7
Procedural Issues	1
Schools	3
Total	11
Other Issues – not directly related to the proposed amendment	
Community Facilities	1
Environment	1
ESB Pylons	1
Infrastructure	1
Other	1
Public Transport	1
Schools – Relocation of Primary School (PS) Local Objective	1
Transport network	2
Total	10
OVERALL TOTAL	20

Full summaries of each of the issues raised are organised under the aforementioned category headings and item numbers in Appendix 1, together with the corresponding opinions and recommendations of the Chief Executive Officer.

5.0 Proposed Alterations to the Proposed Amendment No. 1 to the Ballycullen – Oldcourt Local Area Plan (2014)

Further to public consultation and submissions received, the proposed alterations to the Proposed Amendment No. 1 to the Ballycullen – Oldcourt LAP (2014) are set out below in chronological order as they would appear in the Local Area Plan. Some of the proposed alterations would comprise a Material Alteration to the Proposed Amendment No. 1 and would therefore require public display for a period of not less than 4 weeks.

Text to be deleted is coloured in red. Additional text is coloured in green.

Appendix 2 comprises an Environmental Report with responses to environmental issues.

PROPOSED ALTERATIONS TO THE PROPOSED AMENDMENT NO. 1 TO THE BALLYCULLEN – OLDCOURT LOCAL AREA PLAN (2014)

Heading	Proposed Alteration
EXECUTIVE SUMMARY – Phasing (Page 4)	<ul style="list-style-type: none"> A primary school on the eastern section of the Local Area Plan lands and a primary school and / or post primary school on the western section of the Local Area Plan lands will be required to meet the existing and future population needs of the Plan Lands and its surrounding suburban hinterland.

6.3.1 Eastern Side of Plan Lands (page 38)

PHASE ONE*	
Key Development	260 dwellings (if all permitted developments are modified in accordance with this Local Area Plan) ^a
Key Outcomes Required before Next Phase	<ul style="list-style-type: none"> Knocklyon Park Extension to include link to existing parkland/playing pitches to the north-east, upgrade of roundabout junction to four arm junction and 1 x NEAP (see Appendix 2 of LAP) Commencement of construction of a school on the designated primary school site on the eastern side of the Plan Lands OR on the designated primary school site on the western side of the Plan Lands^b Site made available for the construction of a Primary School on the eastern side of the Plan lands or a Primary and/or Post-Primary School on the western side of the Plan Lands. Commencement of construction of Stocking Wood Neighbourhood and Community Centre to include at least 190 sq.m of community floorspace, at least 270 sq.m of childcare

	<p>floorspace, convenience shopping (not exceeding 1,500 sq.m gross) and a bus lay-by^c</p> <ul style="list-style-type: none"> • Demonstrate compliance with the provision of road improvements and traffic requirements as per the Local Area Plan Accessibility and Movement Strategy and all other relevant traffic related plans, guidelines and studies.
Rationale	<p>A substantial number of dwellings have been constructed on the eastern side of the Plan Lands with little or no public open space, local convenience shopping, bus stop facilities, community facilities, childcare facilities or play facilities. To provide primarily for the needs of existing residents, these amenities must be provided prior to or in tandem with the construction of any further housing in the area.</p> <p>A primary school is also required to meet the existing population needs of the Plan Lands and its surrounding suburban hinterland.</p>

****** Phase One on the eastern side of the Plan Lands includes development sites that are subject to existing permissions but is not exclusive to such lands.

PHASE TWO	
Key Development	150 dwellings
Key Outcomes Required before Next Phase	<ul style="list-style-type: none"> • Completion of Neighbourhood and Community Centre to include at least 190 sq.m of community floorspace in addition to the minimum quantum set out under Phase One (at least 460 sq.m community floorspace total) and upgrade of roundabout junction to four arm junction with crossing facilities^c • Completion and operation of a primary school on either of the two designated primary school sites within the Plan Lands^b • Site made available for the construction of a Primary School on the eastern side of the Plan lands or a Primary and/or Post-Primary School on the western side of the Plan Lands. • Commencement of landscaping of Green Buffer with tracks and trails along southern boundary with mountains. • Demonstrate compliance with the provision of road improvements and traffic requirements as per the Local Area Plan Accessibility and Movement Strategy and all other relevant traffic related plans, guidelines and studies.

Rationale	Further community and neighbourhood facilities will be required to meet the needs of further residents on the eastern side of the Plan Lands as they continue to develop. A school will also need to be in place.
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PHASE THREE	
Key Development	Completion of balance of permissible residential development on eastern side of Plan Lands- approx. 210 dwellings 150 dwellings ^d
Key Outcome Required Before Completion of Phase	<ul style="list-style-type: none"> Site made available for construction of a second primary school on the remaining designated primary school on the eastern or western side of the Plan Lands^b Completion of landscaping of Green Buffer with tracks and trails along southern boundary with mountains Commencement of planning process for the provision of a school on the designated Primary School site on the eastern side of the Plan Lands OR on the designated Primary and/or Post-Primary school site on the western side of the Plan Lands. Demonstrate compliance with the provision of road improvements and traffic requirements as per the Local Area Plan Accessibility and Movement Strategy and all other relevant traffic related plans, guidelines and studies.
Rationale	<p>Two primary schools and parkland facilities will be required to meet the existing and future population needs of the Plan Lands and its surrounding suburban hinterland. Green buffers must be in place before the lands are fully developed particular the partially developed eastern side of the Plan Lands.</p> <p>Parkland facilities will be required to meet the existing and future population needs of the Plan Lands and its surrounding suburban hinterland. A Primary School is also required to meet the existing and new population needs of the Plan Lands and its surrounding suburban hinterland.</p>

PHASE FOUR	
Key Development	Completion of balance of permissible residential development on the eastern side of Plan Lands - approx. 60 dwellings ^d
Key Outcomes Required Before Next Phase	<ul style="list-style-type: none"> Commencement of construction of the designated Primary School on the eastern side of the Plan lands and the Primary School and/or Post-Primary School on the western side of the Plan Lands.

	<ul style="list-style-type: none"> • Demonstrate compliance with the provision of road improvements and traffic requirements as per the Local Area Plan Accessibility and Movement Strategy and all other relevant traffic related plans, guidelines and studies.
Rationale	A primary school on the eastern section of the LAP lands and a primary school and/or post primary school on the western section of the LAP lands will be required to meet the existing and new population needs of the Plan Lands and its surrounding suburban hinterland.

6.3.2 Western Side of Plan Lands

PHASE ONE	
Key Development	Option A (relocation of 220 kV lines) – 200 dwellings Option B (retention of existing 220 kV lines) – 150 dwellings
Key Outcomes Required Before Next Phase	<ul style="list-style-type: none"> • Commencement of works on Gunny Hill playing pitches including access • 1 x NEAP on western side of Plan Lands (see Appendix 2 of LAP) • Commencement of construction of a school on the designated primary school site on the eastern side of the Plan Lands OR on the designated primary school site on the western side of the Plan Lands^b • Site made available for the construction of a Primary School on the eastern side of the Plan lands or a Primary School and/or Post-Primary School on the western side of the Plan Lands. • Demonstrate compliance with the provision of road improvements and traffic requirements as per the Local Area Plan Accessibility and Movement Strategy and all other relevant traffic related plans, guidelines and studies.
Rationale	Public open space and children's play facilities will be required to serve new housing development on the western side of the Plan Lands. A primary school is also required to meet the existing population needs of the Plan Lands and its surrounding suburban hinterland.

PHASE TWO	
Key Development	Option A (relocation of 220 kV lines) – 300 dwellings Option B (retention of existing 220 kV lines) – 220 dwellings
Key Outcomes Required Before Next Phase	<ul style="list-style-type: none"> • Completion of Gunny Hill playing pitches including access • Completion and operation of a primary school on either of the two designated primary school sites within the Plan Lands^b

	<ul style="list-style-type: none"> • Site made available for the construction of a Primary School on the eastern side of the Plan lands or a Primary School and/or Post-Primary School on the western side of the Plan Lands. • Commencement of landscaping of Oldcourt Park with access and 1 additional NEAP for western side of Plan Lands • The provision of a minimum of 300 sq.m. of community floorspace. • Demonstrate compliance with the provision of road improvements and traffic requirements as per the Local Area Plan Accessibility and Movement Strategy and all other relevant traffic related plans, guidelines and studies.
Rationale	Public open space and children's play facilities will be required to serve new housing development on the western side of the Plan Lands.

PHASE THREE	
Key Development	<p>Completion of balance of permissible residential development on western side of Plan Lands:</p> <p>Option A (relocation of 220 kV lines) – approx. 460 dwellings 350 dwellings</p> <p>Option B (retention of existing 220 kV lines) – approx. 460 dwellings 350 dwellings</p>
Key Outcomes Required Before Next Phase	<p>• Site made available for construction of a second primary school on the remaining designated primary school on the eastern and western side of the Plan Lands</p> <ul style="list-style-type: none"> • Completion of Oldcourt Park • Commencement of planning process for the provision of a school on the designated Primary School site on the eastern side of the Plan Lands OR on the designated Primary School site and/or Post-Primary School site on the western side of the Plan Lands. • Demonstrate compliance with the provision of road improvements and traffic requirements as per the Local Area Plan Accessibility and Movement Strategy and all other relevant traffic related plans, guidelines and studies.
Rationale	<p>Two primary schools and parkland facilities will be required to meet the existing and future population needs of the Plan Lands and its surrounding suburban hinterland.</p> <p>Parkland facilities will be required to meet the existing and future population needs of the Plan Lands and its surrounding suburban hinterland. A Primary School and/or Post-Primary School is also required to meet the existing and new population needs of the Plan Lands and its surrounding suburban hinterland.</p>

PHASE FOUR	
Key Development	Completion of balance of permissible residential development on western side of Plan Lands: ^d Option A (relocation of 220 kV lines) – approx. 110 dwellings Option B (retention of existing 220 kV lines) – approx. 110 dwellings
Key Outcomes Required Before Next Phase	<ul style="list-style-type: none"> • Commencement of construction of the designated Primary School on the eastern side of the Plan lands and the Primary School and/or Post-Primary School on the western side of the Plan Lands. • Demonstrate compliance with the provision of road improvements and traffic requirements as per the Local Area Plan Accessibility and Movement Strategy and all other relevant traffic related plans, guidelines and studies.
Rationale	A primary school on the eastern section of the LAP lands and a primary school and/or post primary school on the western section of the LAP lands will be required to meet the existing and new population needs of the Plan Lands and its surrounding suburban hinterland.

^a Extant Planning Permissions

It is possible that 1,180* dwellings could be built on the eastern side of the Plan Lands if all extant permission for residential development were to be fully built or completed prior to their expiration. The densities, layouts and dwelling-types of these permitted developments are not in keeping with the objectives of this plan and would require extensive engineered solutions that would not be in accordance with SUDS principles. Some of these permissions are close to expiry. Furthermore, aspects of the permitted developments may no longer be viable under the current housing market and economic climate. New applications lodged for development on these sites would be looked upon favourably, provided that:

- They adhere to the density and housing mix requirements contained within the Plan
- They comply with the SUDS requirements of the Plan
- Applications for development includes for the Knocklyon Park Extension and a Neighbourhood and Community Facility.

*Figure includes recently expired permission on Ballycullen Partnership Site.

^b Primary School Provision

Two **primary** schools sites are designated under this LAP to cater for the existing population demands of the surrounding area and the future population demands of the Plan Lands. Further to a Material Alteration of the Local Area Plan, the Oldcourt/Gunny Hill School Site has been increased by 1.2 acres to allow for a third school site. The Phasing Strategy provides the option of constructing the first primary school on either of the two school sites initially designated to serve the Plan Lands be it on the eastern or western side of the Plan Lands. Development on the eastern and western sides of the Plan Lands shall

not enter into their ~~third-fourth~~ phases until ~~at least one primary school has been constructed and is fully operational.~~“the commencement of the planning process for the provision a school on the designated primary school site on the eastern side of the Plan Lands OR on the designated primary school site and/or post primary school site on the western side of the Plan Lands”.

^c Community Floorspace

Based on Option A (see tables presented overleaf), a total of 680 sq.m of community floorspace is required to serve the existing and future population needs of the Plan Lands. This includes for at least 190 sq.m of community floorspace to serve existing dwelling on the eastern side of the Plan Lands. The required floorspace quantum is calculated at a rate of 3 sq.m per 10 dwellings. Floorspace on the eastern side of the Plan Lands shall be provided within the planned Stocking Wood Neighbourhood/Community Centre. Floorspace on the western side shall be co-located with the permitted discount foodstore.

^d Residential Development

For the purposes of phasing assessment and in the interest of clarity, a residential unit will be defined as completed when a Certificate of Compliance on Completion (CCC), where required, has been submitted via the Building Control and Management System (BCMS), validated, and particulars entered on the Register.

Heading	Proposed Alteration
Objective LUD12: (page45)	Each of the two primary school sites designated under this Local Area Plan shall measure at least 1.8 hectares and shall each be set aside for the development of a primary school. The Post-primary School, if provided, shall comply with the minimum space requirements of the Dept. of Education and Skills.
Objective LUD15: (page 47)	A primary school and/or post primary school site of at least 1.8 hectares shall also be reserved on the ‘Objective B’ zoned lands located within the Plan Lands between Gunny Hill and Oldcourt Lane. Further to a Material Alteration of the Local Area Plan, the site has been increased by 1.2 acres to allow for two primary schools at this location. (Objective SSP15)
Objective LUD16: (page 47)	Playing pitches and any open green spaces developed as part of the primary school site and/or post-primary school site shall link with and integrate with the open space and sustainable urban drainage network detailed under the Green Infrastructure Strategy (Section 5.3).
Objective LUD17: (page 47)	Surface water on the primary school site and/or post-primary school site shall be intercepted by on-site SUDS features (i.e. green roofs, rainwater harvesters, soakaways and porous grass paviers for parking) and any run-off shall be discharged to the SUDS network envisaged for the Plan Lands.
Objective LUD18: (page 47)	Pedestrian and cyclist access to any primary and/or post-primary school development shall link with the pedestrian and cycle network detailed under the Accessibility & Movement Strategy (Section 5.2). Vehicular access shall be designed to include safe queuing and drop-off facilities.

Bicycle Parking Standards (page 52)	Primary School and/or Post Primary School	1 space per 10 pupils

Conclusion

It is recommended that the proposed alterations would comprise a Material Alteration to the Proposed Amendment No. 1 and would therefore require public display for a period of not less than 4 weeks.

Appendix 1: Submission Summaries, Chief Executive Officer's Opinion & Recommendations

This Appendix presents a summary of each of the issues raised (under the relevant category heading), the response of the Chief Executive Officer and recommendations in relation to alterations to the Proposed Amendment no. 1 to the Ballycullen – Oldcourt Local Area Plan (2014).

Each of the issues listed includes a reference that can be clicked as a link (on electronic copies of this Chief Executive Officer's Report) to a database containing scanned copies of each submission. For reasons of data protection, these links can only be accessed by Elected Members of South Dublin County Council.

The responses of the Chief Executive Officer have been framed taking account of the statutory obligations of the local authority, relevant Government and Ministerial guidelines and the proper planning and sustainable development of the area.

1.0 Issues Directly Related to the Proposed Amendment

1.1 Phasing & Implementation

Issues Raised

1. Submission queries the omission of the requirement for the completion of a school from phase 2 and its replacement with a "site made available", which may never lead to anything. The area needs schools, not space for schools. The existing phasing requirements should be kept as they are. ([BOPA0002, Gary McGarrigle](#))
2. The Department of Education and Skills notes the proposal to amend the Local Area Plan, following consultation with the Department, for the repositioning of the requirement for the first primary school from Phase 2 to Phase 3 of the plan's phasing strategy, as well as providing for a new phase 4, which will align the provision of the second primary school with a specific quantum of housing.

The Department of Education and Skills confirm its requirements for the reservation of two primary school sites. The Department has identified a projected demand for two primary schools in the area based on the number of housing units set out in the Local Area Plan. Should the development of these housing units and the associated demand for school places materialise, the Department will seek to proceed with the provision of the necessary school accommodation.

([BOPA0004, Elisa Goode, Forward Planning Section Department of Education & Skills](#))

3. The proposed amendment to the phasing section of the LAP, will effectively allow for 1,500 new housing units to be built without the requirement for even one new school to be in place. The initial plan specified that a maximum of 450 housing units could be built before construction must start on one of the schools in the LAP area. The new amendment means that there will be never be an obligation to build either of the schools. Submission states that the two primary school sites should now be completely removed from the Local Area Plan.

Submission provides a proposed phasing scheduling omitting reference to school facilities in the key outcome requirements of each phase. Phasing schedule submitted details text to be deleted coloured in red and additional text to be coloured in green. ([BOPA0006, Mairead Flanagan](#))

4. The Dept. Housing, Planning, Community and Local Government note the proposal to amend the Ballycullen - Oldcourt Local Area Plan (2014) with respect to the existing phasing arrangements (Section 6) included in the Local Area Plan whereby identified quantum of new housing developments are linked to the delivery of specified supporting infrastructure.

The Department notes that the proposed changes follow discussions between the Planning Authority and the Department of Education & Skills on the provision of the new primary school infrastructure for the area. The submission refers to the assessment of the Department of Education & Skills that an increased volume of housing is needed in order to support the provision of new schools.

The Department notes that the Council is therefore seeking to revise the Local Area Plan in order to ensure the timing of the delivery of new school infrastructure is in tandem with an appropriate scale of new housing development. This rationale approach by the Council, formulated in collaboration with the Department of Education and Skills, is considered by the Department to be in accordance with the relevant Local Area Plans Guidelines 2013 and is supported by the Department.

([BOPA0005, Minister for Housing, Planning, Community and Local Government, Department of Housing, Planning, Community and Local Government](#))

5. The Ballycullen Old Court LAP (2014) should be amended to include a requirement at Phase 2 to implement a program of traffic improvements and a review of further proposed improvements at Phase 3 and 4 of the LAP that arise from the recommendations of the comprehensive Area Based Transport Assessment for Forward Planning, (in line with the 2014 National Roads Authority Guidelines) the preparation of which was recently agreed to at a Rathfarnham Templeogue Terenure (RTT) Area Committee, with a view to ensuring sustainable transport planning in the immediate and surrounding area. ([BOPA0012, Cllr Paula Donovan, Rathfarnham, Templeogue Terenure Area Committee](#))
6. Submission states that the new Phase 4 in the proposed amendment indicates that the planning process for the zoned school sites must commence at that point in time, yet by the conclusion of the proposed Phase 3, a total of 560 units could be completed in the eastern plan lands with 850 units (Option A) or 720 units (Option B) completed in the western plan lands. Submission contends that by Phase 4, parents will have already chosen another school for their children. This choice will unfortunately require students in Ballycullen and Oldcourt to travel to school by car. ([BOPA0008, Yvonne Glavey, Concerned Residents of Firhouse](#))
7. A documented program of traffic flow/movement improvements should be introduced and incorporated into phase 2, 3 and 4 of the LAP that encompasses not just the immediate area governed by LAP but also the primary routes & junctions that serve existing communities in the wider area of Rathfarnham, Knocklyon, Firhouse, Old Court and Ballycullen. ([BOPA0011, Cllr Paula Donovan](#))

Response

The Chief Executive acknowledges the content of the submissions received. The requirement of the submissions would raise a number of issues, most notably:

1. The removal of the two primary schools from the phasing schedule.
 - The Chief Executive Officer is not proposing the removal of the two primary school requirements from the phasing schedule of the Local Area Plan.
 - The proposed removal of the two primary schools from the phasing schedule would be a material alteration to the proposed amendment.
 - The proposed material alteration would require a Variation of the Development Plan 2016 – 2022 by reason that the proposal would require the deletion of Specific Local Objectives to the subject sites within the LAP lands.
 - Further to notification to prescribed bodies of the proposed amendment, the Department of Education and Skills made a submission confirming its requirements for the reservation of the two designated two primary school sites on the LAP lands. The Department has identified a projected demand for two primary schools in the area based on the number of housing units set out in the Local Area Plan.
 - Any material alteration would require consultation and agreement with the Department of Education and Skills.
 - The proposed material alteration would require public display for a period of not less than 4 weeks.
2. The introduction of a requirement for a program of traffic improvements arising from the recommendations of a comprehensive Area Based Transport Assessment, to the phasing schedule.
 - The Chief Executive Officer is not proposing the introduction of a requirement for a program of traffic improvements arising from the recommendations of a comprehensive Area Based Transport Assessment, to the phasing schedule of the Local Area Plan.
 - The proposal to introduce recommendations from an Area Based Transport Assessment to the phasing schedule would be a material alteration to the proposed amendment.
 - An Area Based Transport Assessment has not been prepared by the NTA to date.
 - In the absence of an Area Based Transport Assessment, the proposed material alteration to the phasing schedule would prevent development from moving on to the next phase and would impede housing supply in the area.

Recommendation

It is recommended that a series of measures are examined, which will assist in addressing the traffic related concerns as raised. These will consist of the following:

- Road realignment works on the Killininny Road, proximate to the junction with the M50. This will assist in easing congestion and improving movement flows off the M50 interchange.
- Further to agreement with the NTA, ensure the provision of a bus turning circle in the area, which will create a platform to improve bus movement accessibility and an enhancement of the bus service to the area.
- Amend the wording within the 'Key Outcome Required before Next Phase' section within each phase of the LAP phasing strategy to include;

Demonstrate compliance with the provision of road improvements and traffic requirements as per the Local Area Plan Accessibility and Movement Strategy and all other relevant traffic related plans, guidelines and studies.

Note: The inclusion of such text would be considered non-material, thereby enabling such an alteration as part of the LAP amendment process.

1.2 Schools

Issues Raised

1. Submission states that the significant impasse described in the proposed amendment no. 1 document is a direct result of SDCC and the Dept. of Education and Skills (DoES) failure to adhere to the Ballycullen - Oldcourt Local Area Plan (2014) by refusing to accept that the 2 no. zoned primary school sites in the Local Area Plan lands could be considered as permanent homes for Firhouse Educate Together and Gaelscoil na Giúise. Instead these 2 school campuses were developed on the green area at Ballycullen Drive, despite overwhelming local opposition. Submission states that the proposed amendment would not be needed if SDCC had developed the zoned primary school sites in the LAP lands instead.

Submission states that with the 2 campus development on the Ballycullen Drive already under construction, there will soon be 5 primary schools in a 1km radius. Since the required classroom capacity of both new schools is double the requirement stated by the DoES initially (16 classrooms now increased to 32 classrooms), it is reasonable to conclude that the zoned primary school sites in the LAP will never be required. To include the zoned sites in the Local Area Plan lands would bring the total number of primary schools in the area to 7, an excessive amount by any standard.

[\(BOPA0008, Yvonne Glavey, Concerned Residents of Firhouse\)](#)

2. Submission sets out the requirement for two primary school sites in the LAP lands in the original Ballycullen - Oldcourt Local Area Plan (2014).

Submission set out how on advice from SDCC, a majority of local councillors voted to locate two new primary schools on the community green space in Firhouse. Submission asserts this set the seeds for the proposed amendment to the Ballycullen - Oldcourt LAP (2014). Details of capacity of the 2 schools in Firhouse are provided. Submission states that given the capacity of these schools and that all the local primary schools are already undersubscribed from their local area it would make no sense to build any more schools.

Submission states that the schools for Ballycullen/Oldcourt are being built on the Firhouse Community Green Space and therefore are no longer needed in the LAP area. As such the submission states that the two primary school sites should now be completely removed from the LAP and that the land should be re-allocated for much needed housing. Submission states that all reference to schools should be removed from the appendices of the plan and all maps etc. should be amended to remove any reference to primary schools.
[\(BOPA0006, Mairead Flanagan\)](#)

3. Submission requests the removal of the word 'Primary' from the Gunny Hill Site on the western lands and its replacement with 'Primary or Post Primary school' and to increase the site area from 1.8 Hectares to 4.75 Hectares on the western lands. [\(BOPA0007, Cllr Brian Lawlor\)](#)

Response

The Chief Executive acknowledges the contents of the submission received. The requirement of the submissions would raise a number of issues, most notably:

1. The removal of the two designated primary school sites from the Local Area Plan.
 - The Chief Executive Officer is not proposing the removal of the two designated primary school sites from the Local Area Plan lands.
 - Further to notification to prescribed bodies of the proposed amendment, the Department of Education and Skills confirms its requirements for the reservation of the two designated primary school sites on the LAP lands.
 - The proposal to omit the 2 designated school sites from the LAP lands would comprise a material alteration to the proposed amendment.
 - The proposed material alteration would require a Variation of the Development Plan 2016 – 2022 by reason that the proposal would require the omission of 2 no. specific objectives to provide proposed primary schools on the subject sites.
 - Any material alteration would require consultation and agreement with the Department of Education and Skills.
 - The proposed material alteration would require public display for a period of not less than 4 weeks.
2. Amend the wording of the LAP to allow a primary school or post primary school on the western section (Gunny Hill site) of the LAP lands and increase the site area from 1.8 Ha to 4.75 Ha.
 - The proposal would comprise a material alteration to the proposed amendment.
 - The proposal would require consultation and agreement with the Department of Education and Skills.
 - It is noted however that **Policy C9 Objective 2** of the Development Plan 2016 – 2022 (page 58) seeks ‘**To support and facilitate the provision of additional post primary schools in the ...Ballycullen / Firhouse/ Knocklyon area**’. While the proposal would be at variance with the requirements of the Ballycullen – Oldcourt Local Area Plan (2014) it is considered that the submission received provides the opportunity to facilitate the requirements of **Policy C9 Objective 2** of the Development Plan 2016 – 2022. As such the relevant text and phrasing strategy (Section 6.3.1) of the Local Area Plan should be amended to enable the provision of a post primary school on the western section of the LAP lands, in accordance with the requirements of Policy C9 Objective 2 of the Development Plan 2016 – 2022. The proposed amended wording is detailed further below.
 - It should be noted that the proposed amendment would comprise a material alteration, which would require public display for a period of not less than 4 weeks.
 - The proposal to increase the site area from 1.8 Hectares to 4.75 Hectares on the western lands is outside the remit of the Local Area Plan boundary and would therefore require a variation to the Development Plan 2016 – 2022.
 - It is noted that further to a material alteration of the Ballycullen – Oldcourt LAP (2014), the Gunny Hill School Site designated under this Plan was increased by 1.2 acres to allow for two primary schools (a third school on the Plan Lands) at this location. Furthermore, it should be noted that the lands to the south of are zoned Objective ‘RU’ where the use class ‘education’ is ‘open for consideration’ under this zoning objective (as detailed on page 291 of the Development Plan 2016 – 2022). Thus, it is considered that the Gunny Hill site on the western section of the Local Area Plan lands is an appropriate location to facilitate a post-primary school.

Recommendation

It is considered that proposed alterations would comprise a Material Alteration to the Proposed Amendment No. 1 and would therefore require public display for a period of not less than 4 weeks. The proposed alterations would require the following changes to the text of the Ballycullen – Oldcourt Local Area Plan (2014). The proposed alterations are set out below in chronological order as they would appear in the Local Area Plan. In the interest of clarity other proposed amendments to the phasing strategy, on foot of submissions received, are included. Text to be deleted is coloured in **red**. Additional text is coloured in **green**.

Heading	Proposed Alteration
EXECUTIVE SUMMARY – Phasing (Page 4)	<ul style="list-style-type: none"> A primary school on the eastern section of the Local Area Plan lands and a primary school and / or post primary school on the western section of the Local Area Plan lands will be required to meet the existing and future population needs of the Plan Lands and its surrounding suburban hinterland.

6.3.1 Eastern Side of Plan Lands (page 38)

PHASE ONE*	
Key Development	260 dwellings (if all permitted developments are modified in accordance with this Local Area Plan) ^a
Key Outcomes Required before Next Phase	<ul style="list-style-type: none"> Knocklyon Park Extension to include link to existing parkland/playing pitches to the north-east, upgrade of roundabout junction to four arm junction and 1 x NEAP (see Appendix 2 of LAP) Commencement of construction of a school on the designated primary school site on the eastern side of the Plan Lands OR on the designated primary school site on the western side of the Plan Lands^b Site made available for the construction of a Primary School on the eastern side of the Plan lands or a Primary and/or Post-Primary School on the western side of the Plan Lands. Commencement of construction of Stocking Wood Neighbourhood and Community Centre to include at least 190 sq.m of community floorspace, at least 270 sq.m of childcare floorspace, convenience shopping (not exceeding 1,500 sq.m gross) and a bus lay-by^c Demonstrate compliance with the provision of road improvements and traffic requirements as per the Local Area Plan Accessibility and Movement Strategy and all other relevant traffic related plans, guidelines and studies.

Rationale	<p>A substantial number of dwellings have been constructed on the eastern side of the Plan Lands with little or no public open space, local convenience shopping, bus stop facilities, community facilities, childcare facilities or play facilities. To provide primarily for the needs of existing residents, these amenities must be provided prior to or in tandem with the construction of any further housing in the area.</p> <p>A primary school is also required to meet the existing population needs of the Plan Lands and its surrounding suburban hinterland.</p>
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** Phase One on the eastern side of the Plan Lands includes development sites that are subject to existing permissions but is not exclusive to such lands.

PHASE TWO	
Key Development	150 dwellings
Key Outcomes Required before Next Phase	<ul style="list-style-type: none"> • Completion of Neighbourhood and Community Centre to include at least 190 sq.m of community floorspace in addition to the minimum quantum set out under Phase One (at least 460 sq.m community floorspace total) and upgrade of roundabout junction to four arm junction with crossing facilities^c • Completion and operation of a primary school on either of the two designated primary school sites within the Plan Lands^b • Site made available for the construction of a Primary School on the eastern side of the Plan lands or a Primary and/or Post-Primary School on the western side of the Plan Lands. • Commencement of landscaping of Green Buffer with tracks and trails along southern boundary with mountains. • Demonstrate compliance with the provision of road improvements and traffic requirements as per the Local Area Plan Accessibility and Movement Strategy and all other relevant traffic related plans, guidelines and studies.
Rationale	<p>Further community and neighbourhood facilities will be required to meet the needs of further residents on the eastern side of the Plan Lands as they continue to develop. A school will also need to be in place.</p>

PHASE THREE	
Key Development	Completion of balance of permissible residential development on eastern side of Plan Lands- approx. 210 dwellings 150 dwellings ^d

Key Outcome Required Before Completion of Phase	<ul style="list-style-type: none"> Site made available for construction of a second primary school on the remaining designated primary school on the eastern or western side of the Plan Lands^b Completion of landscaping of Green Buffer with tracks and trails along southern boundary with mountains Commencement of planning process for the provision of a school on the designated Primary School site on the eastern side of the Plan Lands OR on the designated Primary and/or Post-Primary school site on the western side of the Plan Lands. Demonstrate compliance with the provision of road improvements and traffic requirements as per the Local Area Plan Accessibility and Movement Strategy and all other relevant traffic related plans, guidelines and studies.
Rationale	<p>Two primary schools and parkland facilities will be required to meet the existing and future population needs of the Plan Lands and its surrounding suburban hinterland. Green buffers must be in place before the lands are fully developed particular the partially developed eastern side of the Plan Lands.</p> <p>Parkland facilities will be required to meet the existing and future population needs of the Plan Lands and its surrounding suburban hinterland. A Primary School is also required to meet the existing and new population needs of the Plan Lands and its surrounding suburban hinterland.</p>

PHASE FOUR	
Key Development	Completion of balance of permissible residential development on the eastern side of Plan Lands - approx. 60 dwellings ^d
Key Outcomes Required Before Next Phase	<ul style="list-style-type: none"> Commencement of construction of the designated Primary School on the eastern side of the Plan lands and the Primary School and/or Post-Primary School on the western side of the Plan Lands. Demonstrate compliance with the provision of road improvements and traffic requirements as per the Local Area Plan Accessibility and Movement Strategy and all other relevant traffic related plans, guidelines and studies.
Rationale	A primary school on the eastern section of the LAP lands and a primary school and/or post primary school on the western section of the LAP lands will be required to meet the existing and new population needs of the Plan Lands and its surrounding suburban hinterland.

6.3.2 Western Side of Plan Lands

PHASE ONE	
Key Development	Option A (relocation of 220 kV lines) – 200 dwellings Option B (retention of existing 220 kV lines) – 150 dwellings
Key Outcomes Required Before Next Phase	<ul style="list-style-type: none"> • Commencement of works on Gunny Hill playing pitches including access • 1 x NEAP on western side of Plan Lands (see Appendix 2 of LAP) • Commencement of construction of a school on the designated primary school site on the eastern side of the Plan Lands OR on the designated primary school site on the western side of the Plan Lands^b • Site made available for the construction of a Primary School on the eastern side of the Plan lands or a Primary School and/or Post-Primary School on the western side of the Plan Lands. • Demonstrate compliance with the provision of road improvements and traffic requirements as per the Local Area Plan Accessibility and Movement Strategy and all other relevant traffic related plans, guidelines and studies.
Rationale	Public open space and children's play facilities will be required to serve new housing development on the western side of the Plan Lands. A primary school is also required to meet the existing population needs of the Plan Lands and its surrounding suburban hinterland.

PHASE TWO	
Key Development	Option A (relocation of 220 kV lines) – 300 dwellings Option B (retention of existing 220 kV lines) – 220 dwellings
Key Outcomes Required Before Next Phase	<ul style="list-style-type: none"> • Completion of Gunny Hill playing pitches including access • Completion and operation of a primary school on either of the two designated primary school sites within the Plan Lands^b • Site made available for the construction of a Primary School on the eastern side of the Plan lands or a Primary School and/or Post-Primary School on the western side of the Plan Lands. • Commencement of landscaping of Oldcourt Park with access and 1 additional NEAP for western side of Plan Lands • The provision of a minimum of 300 sq.m. of community floorspace. • Demonstrate compliance with the provision of road improvements and traffic requirements as per the Local Area Plan Accessibility and Movement Strategy and all other relevant traffic related plans, guidelines and studies.
Rationale	Public open space and children's play facilities will be required to serve new housing development on the western side of the Plan Lands.

PHASE THREE	
Key Development	<p>Completion of balance of permissible residential development on western side of Plan Lands:</p> <p>Option A (relocation of 220 kV lines) – approx. 460 dwellings 350 dwellings</p> <p>Option B (retention of existing 220 kV lines) – approx. 460 dwellings 350 dwellings</p>
Key Outcomes Required Before Next Phase	<ul style="list-style-type: none"> Site made available for construction of a second primary school on the remaining designated primary school on the eastern and western side of the Plan Lands Completion of Oldcourt Park Commencement of planning process for the provision of a school on the designated Primary School site on the eastern side of the Plan Lands OR on the designated Primary School site and/or Post-Primary School site on the western side of the Plan Lands. Demonstrate compliance with the provision of road improvements and traffic requirements as per the Local Area Plan Accessibility and Movement Strategy and all other relevant traffic related plans, guidelines and studies.
Rationale	<p>Two primary schools and parkland facilities will be required to meet the existing and future population needs of the Plan Lands and its surrounding suburban hinterland.</p> <p>Parkland facilities will be required to meet the existing and future population needs of the Plan Lands and its surrounding suburban hinterland. A Primary School and/or Post-Primary School is also required to meet the existing and new population needs of the Plan Lands and its surrounding suburban hinterland.</p>

PHASE FOUR	
Key Development	<p>Completion of balance of permissible residential development on western side of Plan Lands:^d</p> <p>Option A (relocation of 220 kV lines) – approx. 110 dwellings</p> <p>Option B (retention of existing 220 kV lines) – approx. 110 dwellings</p>
Key Outcomes Required Before Next Phase	<ul style="list-style-type: none"> Commencement of construction of the designated Primary School on the eastern side of the Plan lands and the Primary School and/or Post-Primary School on the western side of the Plan Lands. Demonstrate compliance with the provision of road improvements and traffic requirements as per the Local Area Plan Accessibility and Movement Strategy and all other relevant traffic related plans, guidelines and studies.

Rationale	A primary school on the eastern section of the LAP lands and a primary school and/or post primary school on the western section of the LAP lands will be required to meet the existing and new population needs of the Plan Lands and its surrounding suburban hinterland.
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^a Extant Planning Permissions

It is possible that 1,180* dwellings could be built on the eastern side of the Plan Lands if all extant permission for residential development were to be fully built or completed prior to their expiration. The densities, layouts and dwelling-types of these permitted developments are not in keeping with the objectives of this plan and would require extensive engineered solutions that would not be in accordance with SUDS principles. Some of these permissions are close to expiry. Furthermore, aspects of the permitted developments may no longer be viable under the current housing market and economic climate. New applications lodged for development on these sites would be looked upon favourably, provided that:

- They adhere to the density and housing mix requirements contained within the Plan
- They comply with the SUDS requirements of the Plan
- Applications for development includes for the Knocklyon Park Extension and a Neighbourhood and Community Facility.

*Figure includes recently expired permission on Ballycullen Partnership Site.

^b Primary School Provision

Two ~~primary~~ schools sites are designated under this LAP to cater for the existing population demands of the surrounding area and the future population demands of the Plan Lands. Further to a Material Alteration of the Local Area Plan, the Oldcourt/Gunny Hill School Site has been increased by 1.2 acres to allow for a third school site. The Phasing Strategy provides the option of constructing the first primary school on either of the two school sites initially designated to serve the Plan Lands be it on the eastern or western side of the Plan Lands. Development on the eastern and western sides of the Plan Lands shall not enter into their ~~third-fourth phases~~ until ~~at least one primary school has been constructed and is fully operational.~~ “the commencement of the planning process for the provision a school on the designated primary school site on the eastern side of the Plan Lands OR on the designated primary school site and/or post primary school site on the western side of the Plan Lands”.

^c Community Floorspace

Based on Option A (see tables presented overleaf), a total of 680 sq.m of community floorspace is required to serve the existing and future population needs of the Plan Lands. This includes for at least 190 sq.m of community floorspace to serve existing dwelling on the eastern side of the Plan Lands. The required floorspace quantum is calculated at a rate of 3 sq.m per 10 dwellings. Floorspace on the eastern side of the Plan Lands shall be provided within the planned Stocking Wood Neighbourhood/Community Centre. Floorspace on the western side shall be co-located with the permitted discount foodstore.

^d Residential Development

For the purposes of phasing assessment and in the interest of clarity, a residential unit will be defined as completed when a Certificate of Compliance on Completion (CCC), where required, has been submitted via the Building Control and Management System (BCMS), validated, and particulars entered on the Register.

Heading	Proposed Alteration	
Objective LUD12: (page 45)	Each of the two primary school sites designated under this Local Area Plan shall measure at least 1.8 hectares and shall each be set aside for the development of a primary school. The Post-primary School, if provided, shall comply with the minimum space requirements of the Dept. of Education and Skills.	
Objective LUD15: (page 47)	A primary school and/or post primary school site of at least 1.8 hectares shall also be reserved on the 'Objective B' zoned lands located within the Plan Lands between Gunny Hill and Oldcourt Lane. Further to a Material Alteration of the Local Area Plan, the site has been increased by 1.2 acres to allow for two primary schools at this location. (Objective SSP15)	
Objective LUD16: (page 47)	Playing pitches and any open green spaces developed as part of the primary school site and/or post-primary school site shall link with and integrate with the open space and sustainable urban drainage network detailed under the Green Infrastructure Strategy (Section 5.3).	
Objective LUD17: (page 47)	Surface water on the primary school site and/or post-primary school site shall be intercepted by on-site SUDS features (i.e. green roofs, rainwater harvesters, soakaways and porous grass paviers for parking) and any run-off shall be discharged to the SUDS network envisaged for the Plan Lands.	
Objective LUD18: (page 47)	Pedestrian and cyclist access to any primary and/or post-primary school development shall link with the pedestrian and cycle network detailed under the Accessibility & Movement Strategy (Section 5.2). Vehicular access shall be designed to include safe queuing and drop-off facilities.	
Bicycle Parking Standards (page 52)	Primary School and/or Post Primary School	1 space per 10 pupils

1.3 Procedural Issues

Issues Raised

1. Submission expresses concern that information given to the public regarding the proposed amendment was incorrect and misleading.

Submission refers to the website and the Introduction section of the proposed amendment report, where it is stated that the proposed amendment is to re-position "the requirement for the first primary school from Phase 2 to Phase 3 of the plan's phasing strategy". Yet this is not what is actually shown in the proposed alterations to the phasing tables for both the eastern and western side of the plan lands. Instead, the "commencement of construction of a primary school" as a key outcome has been moved from Phase 1 to Phase 4 on both the eastern and western sides of the plan lands, repositioning any requirement for the first primary school from Phase 2 to beyond Phase 4.

Submission states that a further inconsistency in the proposed amendment report is on page 16 under the Primary School Provision section where the proposed amendment states that "Development on the eastern and western sides of the Plan Lands shall not enter into their third phases until the commencement of the planning process for a school on the designated primary school site on the eastern side of the Plan Lands OR on the designated primary school site on the western side of the Plan Lands." According to the actual phasing tables provided in the amendment, developments on both sides can quite happily enter into their third phase without any planning process commencing.

Submission contends that this proposed amendment is incorrect, inconsistent and confusing. The public should not have been invited to make submissions on an inaccurate document.

([BOPA0006](#), [Mairead Flanagan](#))

Response

The Chief Executive acknowledges the content of the submission received. The amendment on display indicates the nature and extent of each phase of the proposed amendments, which are identified as follows:

- Proposed alterations involving additional text are shown in **green**.
- Proposed alterations involving deletion of text are shown in **red-strikethrough**.

The proposed amendment primarily relates to the phasing strategy of the Ballycullen Local Area Plan (2014). With this in mind, there is a requirement under Phase 3 of the Local Area Plan for the *"Commencement of planning process for the provision of a school on the designated Primary School site on the eastern side of the Plan Lands OR on the designated Primary School site and/or Post-Primary School site on the western side of the Plan Lands"*. In this regard, the requirement for the principle of first primary school is established in Phase 3. The proposed amendment to the phasing of the Ballycullen Oldcourt Local Area Plan (2014) has been undertaken following engagement with the Department of Education and Skills, which has served to inform the anticipated need for a school in the area and the sequencing of development to facilitate same.

Further to the submission received, it is acknowledged that text stated in footnote 'b' is an anomaly and should be corrected to accurately reflect the wording of the proposed amendment, as detailed in the phasing strategy. Footnote 'b' should be corrected to detail the following deleted / additional text;

Development on the eastern and western sides of the Plan Lands shall not enter into their ~~third~~ phases until ~~at least one primary school has been constructed and is fully operational~~.

Text should be replaced with;

Development on the eastern and western sides of the Plan Lands shall not enter into their fourth phases until the commencement of planning process for the provision of a school on the designated Primary School site on the eastern side of the Plan Lands OR on the designated Primary School site and/or Post-Primary School site on the western side of the Plan Lands.

Note: The inclusion of such text would comprise a Material Alteration to the Proposed Amendment No. 1 and would therefore require public display for a period of not less than 4 weeks.

Recommendation

The proposed amendment would comprise a Material Alteration to the Proposed Amendment No. 1 and would therefore require public display for a period of not less than 4 weeks. The proposed amendment would require the following changes to the text of the Ballycullen – Oldcourt Local Area Plan (2014). Text to be deleted is coloured in red. Additional text is coloured in green.

Amend footnote 'b' (page 39 of the Local Area Plan) with the following text changes;

Development on the eastern and western sides of the Plan Lands shall not enter into their third phases until ~~at least one primary school has been constructed and is fully operational.~~

Text should be replaced with;

Development on the eastern and western sides of the Plan Lands shall not enter into their fourth phases until the commencement of the planning process for the provision of a school on the designated primary school site on the eastern side of the Plan Lands OR on the designated primary school site on the western side of the Plan Lands'.

Note: The inclusion of such text would comprise a Material Alteration to the Proposed Amendment No. 1 and would therefore require public display for a period of not less than 4 weeks.

2.0 Other Issues – not directly related to the proposed amendment

2.1 Transport network

Issues Raised

1. The plan does not adequately provide for the additional traffic that will be generated by this development. Traffic is already a major problem in the area. The proposed amendment will make things much worse.

No provision is made for traffic safety with particular regard to Beechdale Avenue, Beechdale Road, Oakland Parks and Parkland Road, which will likely see significantly increased levels of traffic. The area is heavily populated by children. Adding extra traffic without any remediation is bound to lead to accidents. ([BOPA0002](#), [Gary McGarrigle](#))

2. Concerns expressed with regard the capacity of the Bohernabreena Road to facilitate any increase in traffic to be expected from entry and egress from the Local Area Plan lands to the Bohernabreena road. The junctions at the Old Bawn Bridge and the road network from there

to the N81 are already at full capacity and are not in a position to absorb the additional traffic that would result from the development of the LAP lands ahead of appropriate upgrading of the surrounding road network.

Submission requests appropriate safeguards are incorporated into the revised LAP to ensure that any additional residential units to be developed in the LAP area, beyond the levels provided for in the original Local Area Plan, will only be delivered following the completion by the NTA of an appropriate 'Area Based Traffic Assessment' covering the traffic implications arising from the development of the LAP lands, including, in particular, the Bohernabreena road, and the subsequent implementation of all recommendations contained therein.

Submission refers to The NTA Strategy for the Greater Dublin Area, which details the need for a South Tallaght Link Road over the Dodder from Oldcourt road to Kiltipper Road. This road is being targeted specifically to relieve the additional pressures that will be placed on the local road network through the development of lands within the LAP area. To date, the need for this road, or at least for alternative measures have not been embraced by SDCC.

Submission states that it is becomingly increasingly apparent that the exclusion of the link road identified by the NTA must lead to the conclusion that entry and egress from the Local Area Plan lands should either;

- (i) No longer be allowed at all, or
- (ii) Be severely curtailed pending alternative improvements to the to the relevant road infrastructure.

Submission refers to Section 11(1A) of the Planning and Development Act 2000 (as amended), which requires each Local Authority to ensure that its development plans, including any local area plans enshrined therein, are consistent with the NTA's strategy for their area. In this context, it is observed that the extent that the Local Area Plan as revised allows for acceleration of additional residential units ahead of the upgrading of the surrounding roads as envisaged by the NTA strategy that would, at a minimum call the legal standing of the Local Area Plan, as revised, into question and open to challenge. This could be addressed by incorporating reasonable timelines for surrounding road improvements into the delivery milestones in the LAP.

To deal with the above concerns, the submission suggests that the following additional requirements be incorporated into the revised Local Area Plan;

- (i) That the NTA be requested to undertake a full Area Based Traffic Assessment within a specified period.
- (ii) That any accelerated residential delivery milestones within the Local Area Plan be set by reference to the full implementation of the recommendations of the said NTA Assessment.
- (iii) That no entry or exit from the Local Area Plan lands to the Bohernabreena road be permitted until such time as adequate road enhancements in that area are completed to mitigate any further congestion in the areas mentioned above. It is acknowledged that provision could be made for bus traffic only to be permitted entry or egress off the Bohernabreena Road.
- (iv) That full regard to the objectives of the NTA Strategy be incorporated into the revised Local Area Plan at this stage.

([BOPA0009](#), [David & Anne Kennedy](#))

Response

The Chief Executive acknowledges the contents of the submission received. The requirement of the submission would raise a number of issues, most notably:

1. The requirement for an Area Based Transport Assessment, to be prepared by NTA, for the future development of the Local Area Plan

- The submission received is not directly related to the proposed amendment.
- The proposal to seek the NTA to undertake a full Area Based Traffic Assessment is outside the remit of the proposed amendment to the Local Area Plan.
- The proposal to introduce recommendations from an Area Based Transport Assessment to the phasing schedule would be a material alteration to the proposed amendment.
- An Area Based Transport Assessment has not been prepared by the NTA to date.
- In the absence of an Area Based Transport Assessment, the proposed material alteration to the phasing schedule would prevent development from moving on to the next phase and would impede housing supply in the area.

2. The removal of vehicular access / egress from the LAP lands to the Bohernabreena Road

- The submission received is not directly related to the proposed amendment.
- The proposal to remove vehicular access / egress from the LAP lands to the Bohernabreena Road would be a material alteration to the proposed amendment.
- The proposal would be contrary to the Accessibility and Movement Strategy in the LAP which seeks the provision of a choice of multi-directional connections to existing and planned local facilities and services.
- The removal of the vehicular access/ egress along the Bohernabreena Road would adversely impact on traffic permeability within the western section of the LAP lands and connectivity with the surrounding area and the national road network.
- The removal of the vehicular access / egress along the Bohernabreena Road would restrict access for emergency vehicles.
- The removal of the vehicular access / egress along the Bohernabreena Road proposal would create increased traffic congestion at the vehicular access / egress points serving the LAP lands along the Oldcourt road.

Further to the above, it should be noted that the Accessibility and Movement Strategy (Section 5.2, page 23) in the Local Area Plan addresses issues raised in the submission with regard traffic safety, vehicular movement and the provision of an integrated street network, providing a choice of multi-directional connections to existing and planned local facilities and services. Omitting the access /egress point along the Bohernabreena Road would be contrary to the proper planning and sustainable development of the Local Area Plan lands.

Recommendation

It is recommended that a series of measures are examined, which will assist in addressing the traffic related concerns as raised. These will consist of the following:

- Road realignment works on the Killinenny Road, proximate to the junction with the M50. This will assist in easing congestion and improving movement flows off the M50 interchange.
- Further to agreement with the NTA, provide a bus turning circle in the area, which will create the platform to improve bus movement accessibility and an enhancement of the bus service to the area.
- SDCC have engaged with the NTA with regard to the preparation of an Area Based Transport Assessment.
- It is recommended that the following wording is included within each phase of the Local Area Plan phasing strategy:

Demonstrate compliance with the provision of road improvements and traffic requirements as per the Local Area Plan Accessibility and Movement Strategy and all other relevant traffic related plans, guidelines and studies.

Note: The inclusion of such text would be considered non-material, thereby enabling such an alteration as part of the LAP amendment process.

2.2 Schools – Relocation of Primary School (PS) Local Objective

Issues Raised

1. Jones Investments Ltd. seeks that the existing Primary School (PS) local objective, which applies to their lands at 'Site A' at Stocking Avenue be re-assigned to neighbouring lands in its ownership at 'Site B' at Ballycullen Road and Gunny Hill as part of the phasing amendments being proposed to the Ballycullen-Oldcourt LAP 2014. Submission states that the re-assignment of this local objective would release valuable, residentially zoned lands at Site A, which in turn would serve to increase housing supply in this area at a time of acute housing shortage.

Site A, which comprises 1.9 hectares and is zoned Objective RES-N which seeks 'to provide for new residential communities in accordance with approved area plans'.

Site B is located at Ballycullen Road and Gunny Hill and comprises 8.04 hectares and is split-zoned Objective RES-N, which aims 'to provide for new residential communities in accordance with approved area plans' and Objective RU, which aims 'to protect and improve rural amenity and to provide for the development of agriculture'.

Submission states that the Department of Education and Skills (DoES) has recently advised the Planning Authority that the requirement for a primary school within the LAP lands is premature, pending the delivery of further housing at this location. Jones Investment Ltd. consider it highly unlikely that demand for two primary schools will arise within the lifetime of the LAP, which will remain in force until 2020 under the provisions of Section 19(1)(c) of the Planning and Development Act, 2000 (as amended) unless otherwise extended under Section 19(1)(d).

Jones Investment Ltd. submit that the effective sterilisation of Site A, which is zoned for residential purposes, is at odds with the proper planning and sustainable development of this area in the face of acute existing housing demand.

Jones Investment Ltd. provides details on the suitability of proposed Site B in terms of access, walking distance from existing / future residential catchments and the DoES's School Guidelines.

Jones Investment Ltd. states that they have been in recent discussions with the DoES, following which Jones Investment Ltd. understand that the need for a post primary school (rather than two primary schools) may arise within the LAP boundary. As such, Jones Investment Ltd. suggest that Site B is ideally suited to accommodate a post-primary school and that the release of Site A for residential development would be appropriate in light of the current demand for housing in this area.

([BOPA0010, Tom Philips & Associates Town Planning Consultants, Jones Investments Ltd](#))

Response

The Chief Executive acknowledges the contents of the submission received.

The requirement of the submission would raise a number of issues, most notably:

- The submission received is not directly related to the proposed amendment.
- The relocation of the primary school objective would comprise a material alteration to the proposed amendment.
- The proposed material alteration would require a Variation of the Development Plan 2016 – 2022 by reason that the proposal would require the re-assignment of a Specific Local Objective to lands outside the boundary of the LAP lands.
- Further to notification to prescribed bodies of the proposed amendment, the Department of Education and Skills confirms its requirements for the reservation of the two designated two primary school sites on the LAP lands.
- Any material alteration would require consultation and agreement with the Department of Education and Skills.
- The proposed new school site B contains 2 no. designated Protected Structures as follows;
No. 360: a Stone Cross dated 1868, and
No. 362: St. Colmcille's Holy Well.

Any material alteration would require consultation and agreement with the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, the Heritage Council and other relevant prescribed bodies.

- Screening for Strategic Environmental Assessment, Appropriate Assessment and Flood Risk Assessment would be required for any proposed material alteration.
- The proposed material alteration would require public display for a period of not less than 4 weeks.

It should be noted that the lands of proposed 'Site B' are zoned Objective 'RU' where the use class 'education' is 'open for consideration' under this zoning objective (as detailed on page 291 of the Development Plan 2016 – 2022).

Recommendation

No alteration(s) to the proposed amendment no. 1 to the Ballycullen – Oldcourt Local Area Plan (2014).

2.3 ESB Pylons

Issues Raised

1. The Council should seek to get the pylons in the area covered by this LAP buried underground. Private enterprise has already committed to paying to move the pylons and the Council should endeavour to get state bodies (ESB Networks, the relevant Government Department and the local authority itself) to supplement these monies so that when the pylons are moved - they are moved underground.

The undergrounding of the pylons would enhance tourism in the area and quality of life for people living in the new estates of Ballycullen/ Oldcourt.

([BOPA0013](#), Cllr Paul Foley)

Response

The Chief Executive acknowledges the contents of the submission received. The proposal would raise a number of issues, most notably:

- The submission received is not directly related to the proposed amendment.
- The undergrounding of the ESB transmission lines involves going from sub-station to substation. In this case, the nearest substation is located in Stepside, which is c11km away from the LAP lands. The estimated cost for undergrounding ESB lines is approx. €1m per KM, hence it would cost €11m for the undergrounding works. Allied to this, there would also be a requirement to provide an additional substation at Ballycullen, which would incur an estimated cost of €1m. In total, the proposed undergrounding of the ESB Transmission lines would result in an overall cost of €12m.
- The proposed works would involve carrying out excavation in the Dublin Mountains, an area that is of significant environmental sensitivity. This is likely to result in such a proposal requiring the preparation of an EIS, SEA and AA, which would give rise to increased time delays with the delivery of this development, culminating in the delayed supply of housing provision.
- The undergrounding of the ESB transmission lines would necessitate legal consent to undertake these works being obtained from multiple landowners. This would be a time-intensive process, with resultant legal and compensation challenges quite likely.

Recommendation

It is recommended that the ESB transmission lines are relocated as originally planned for the following reasons:

- At a cost of €1.8m, it will be a more cost effective solution.
- The land where the ESB transmission lines are to be relocated is within the ownership of the relevant developer, thereby negating the potential emergence of legal and compensation issues.
- Initial engagement has already commenced with ESB Networks in relation to the project.
- The relocation of the ESB transmission lines is the most advantageous in terms of the avoidance of extended time delays, which will serve to ensure the expeditious delivery of much needed housing supply in a high demand area.

2.4 Infrastructure

Issues Raised

1. Submission from the EPA states that adequate and appropriate infrastructure should be put in place, to serve any permitted development during the lifetime of the LAP.

([BOPA0003, David Galvin, Environmental Protection Agency](#))

Response

The Chief Executive acknowledges the submission from the EPA and recognises the importance that adequate and appropriate infrastructure should be put in place, to serve any permitted development during the lifetime of the LAP. Section 6.3 of the LAP sets out the Phasing Strategy, which seeks to ensure that the Plan Lands are developed to help create a sustainable community by linking residential development to the delivery of infrastructure, amenities and community facilities. Each phase specifies a quantum of residential development and prescribed key pieces of physical and social infrastructure including community facilities that must be provided prior to the next phase of development. This will help to ensure that key pieces of infrastructure are delivered in a sequential manner as development progresses.

Recommendation

No alteration(s) to the proposed amendment no. 1 to the Ballycullen – Oldcourt Local Area Plan (2014).

2.5 Public Transport

Issues Raised

1. Concerns expressed with regard the poor level of public transport and traffic congestion in the area. Submission suggests that a feeder bus to the Square Shopping Centre would alleviate traffic congestion.

Submission suggests that bus stops and turning circles should be conditioned / incorporated into any new developments.

([BOPA0001, Louise Purcell](#))

Response

The Chief Executive acknowledges the contents of the submission received.

The provision of bus services are outside the remit of the Local Area Plan and the functions of the Planning Authority.

SDCC are in discussions with Dublin Bus with regard to the provision of a bus turning circle in the area, which will create the platform to improve bus movement accessibility and an enhancement of the bus service to the area.

Recommendation

No alteration(s) to the proposed amendment no. 1 to the Ballycullen – Oldcourt Local Area Plan (2014).

2.6 Community Facilities

Issues Raised

1. Submitted that the LAP seems to plan for housing rather than planning a community. There is no community / village feel from these plans. A community needs shops, parks, meeting points and sports facilities within walking distances of homes.

([BOPA0001, Louise Purcell](#))

Response

The Chief Executive acknowledges the contents of the submission received.

The Phasing Strategy in the Local Area Plan sets out to ensure that the Plan Lands are developed to help create a sustainable community by linking residential development to the delivery of infrastructure, amenities and community facilities.

The purpose of phasing is to avoid a shortage of community facilities and amenities for residential communities and to ensure that such facilities and amenities are provided in a timely manner either prior to or in tandem with residential development rather than at the latter stages of residential development or after such development has taken place.

Recommendation

No alteration(s) to the Proposed Amendment No. 1 to the Ballycullen – Oldcourt Local Area Plan (2014).

2.7 Environment

1. Submission received from the Environmental protection Agency (EPA).

The EPA state that SDCC should determine whether or not any future proposed Amendment/Variation would be likely to have significant effects on the environment. This assessment should take account of the SEA Regulations Schedule 2A Criteria (S.I. No. 436 of 2004) or Schedule 1 (S.I. No. 435 of 2004).

([BOPA0003, David Galvin, Environmental Protection Agency](#))

Response

The Chief Executive acknowledges the submission received from the EPA. The Chief Executive confirms that any future amendment will comply with the requirements of the SEA Directive and transposing SEA Regulations.

Recommendation

No alteration(s) to the proposed amendment no. 1 to the Ballycullen – Oldcourt Local Area Plan (2014).

2.8 Other

1. Submission from the EPA refers the Planning Authority to the SEA Regulations (S.I. No. 436 of 2004) whereby notice should be given (where relevant) to the;
 - Minister for Housing, Planning, Community and Local Government.
 - Minister for Communications, Climate Action and Environment
 - Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs, and
 - Any adjoining planning authority whose area is continuous to the area of the planning authority which prepared a local area plan.

[\(BOPA0003, David Galvin, Environmental Protection Agency\)](#)

Response

The Chief Executive acknowledges the submission received from the EPA. The Chief Executive confirms that all relevant Government Ministers and relevant prescribed authorities were notified of the Proposed Amendment No. 1 to the Ballycullen – Oldcourt Local Area Plan (2014).

Recommendation

No alteration(s) to the proposed amendment no. 1 to the Ballycullen – Oldcourt Local Area Plan (2014).