



An
Bord
Pleanála

Inspector's Report PL.06S246719

Development

Permission for an increase in the capacity of the conference centre to allow for up to 6,000 patrons (the conference centre is currently limited to 4,161 patrons under South Dublin County Council SDCC Reg. Ref SD07A/0294: An Bord Pleanála Ref PL06S227236 and for the provision of public concerts; modifications to the permitted layout of the overflow car park (SDCC Reg Ref SD10A/0150; ABP Ref PL06S238971) to accommodate an additional 171 no car parking spaces and taxi set down area; improvement works to the junction at Garters Lane and Fortunestown Lane. All associated site development, landscaping and boundary treatment works above and below ground.

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

SD15A/0381.

Applicant(s)

Cape Wrath Hotel Limited.

Type of Application	Permission.
Planning Authority Decision	Grant permission subject to conditions.
Appellant(s)	<ol style="list-style-type: none">1. Amphitheatre Ireland Limited.2. Tony Kearney.3. Ann Mansfield.
Observer(s)	None
Date of Site Inspection	15 th August 2016
Inspector	Brid Maxwell.

1.0 Site Location and Description

- 1.1 The appeal site forms part of the City West Hotel complex located in Saggart circa 14 kilometres to the south west of Dublin City Centre. The overall landholding comprises a hotel and conference centre building and associated golf course and golf hotel. The Citywest Hotel is reputedly the largest hotel in Ireland with 764 bedrooms. The appeal site has a stated area of 3.23 hectares and includes two separate land parcels comprising the IECC Convention Centre and adjacent car parking area and separately lands including the public road at the junction of Garters Lane and Fortunestown Lane.
- 1.2 The entrance to the hotel site is via a tree lined avenue off Garter's Lane to the east and the hotel and golf course grounds are bounded by the N7 to the north and west. Access to the site from the Naas Road N7 is gained via the Rathcoole Exit 6. The centre of Saggart Village is located circa .5km to the southwest of the site. Saggart Luas Stop is located circa 300m to the northeast of the hotel site entrance and there is a Dublin bus stop adjacent to the entrance on Garter's Lane.
- 1.3 Land use adjacent to the overall Citywest complex is of mixed use and a mix well established and more recent in character. The mix includes residential, educational and retail uses. Residential development in the vicinity comprises a mix of apartment developments and a number of one-off dwellings. There are a number of protected structures in the vicinity including RPS Ref 290 Saggart House - House and Gateway, RPS Ref 292 Tassagart Towerhouse, Walled Stable Yard, Outbuildings Gateways (RM), and RPS Ref 422 Garters Lane. Range of rubble stone outbuildings c1820.
- 1.4 The appeal site, context and locality is represented in the annotated photographs and maps included within the appendices accompanying this report.

2 Proposed Development

- 2.1 The application seeks permission for an increase in the capacity of the established conference centre to allow for up to 6,000 patrons. The conference centre is currently limited to 4,161 patrons under south Dublin County Council Reg. Ref SD07A/0294 An Bord Pleanála Ref PL06S227236. The proposal also seeks permission for the

provision of public concerts, modifications to the permitted layout of the overflow car park (SDCC Reg. Ref. SD10A/0150, ABP Ref PL06S238971) to accommodate an additional 171 no car parking spaces and taxi set down area, improvement works to the junction of Garters Lane and Fortunestown Lane, and all associated site development, landscaping and boundary treatment works.

3.0 Planning Authority Deliberations and Decision

3.1 Decision

By order dated 18th May 2016, South Dublin County Council decided to grant permission subject to 8 conditions which included the following of particular note:

- Condition 2. Design for the Garter Lane / Fortunestown lane signals to be agreed with the roads department prior to any concerts taking place. No concerts shall take place until all traffic management works have been completed. The two junctions shall be linked with ducting and new signals to be MOVA operated. Signal specification to be agreed in writing.
- Condition 3. Only one concert of a capacity in excess of 4,161 patrons shall be held in any one day in the venue. Bars and restaurants shall be open in advance of the concerts up to 2 hours and shall remain open for an hour after the concert. Opening times of the bars and restaurants shall be indicated on all tickets, passes or other communication. No concert shall commence before 8pm Monday-Friday.
- Condition 4. Details of the paid parking arrangements shall be shown on all tickets or passes for concerts and on the venues website. Tickets shall clearly state that only pre-paid parking is available and no non pre-booked parking is allowed. Details of Luas stop and Park and Ride arrangements also to be shown. Advance agreement of traffic management details.
- Conditions 5 & 6. Landscaping.

- Condition 7. Drainage infrastructure.
- Condition 8. Construction. Hours of operation.

3.2 Planning Authority Reports

3.2.1 Water Services and Parks reports indicate no objection subject to conditions.

3.2.2 Initial report of roads section sought additional information to include traffic analysis based on high growth rate predictions, demonstration of liaison with Luas operator in respect of co-ordinating services and provision for improvement of pedestrian linkage to the Luas stop. Final report of roads section report recommended the imposition of a condition limiting concert times to 8pm mid-week and linking of signals operating using MOVA (Microprocessor Optimised Vehicle Actuation) to manage traffic surges. Concern was expressed that traffic for such an event may detrimentally affect traffic on the N7 and the 8pm time restriction was based on analysis of TII traffic count on the N7 which demonstrates that the amount of traffic tails off significantly from 7pm. As the permission is dependent on successful co-operation between operators outside the applicants control (e.g. Luas) it is recommended that permission should be for a 5-year period and amount of concerts should be limited to 24 a year with no more than 3 in a row during a 7-day period.

3.2.3 The initial report of the area planner recommended the issues of a request for a number of items of additional information including a noise impact assessment particularly with reference to established residential amenity, traffic impact assessment to take account of existing and future development in the immediate area with a recommendation for utilisation of a high growth rate in modelling. Application to address the viability of the existing structure as a concert venue. Further information was also sought to explain works which had commenced on the proposed car parking sites. The final Planner's report recommends permission subject to conditions.

3.3 Other Technical Reports

- 3.3.1 Transport Infrastructure Ireland submission asserts that the development is at variance with official policy in relation to control of development on / affecting national roads as the proposed development by itself or by the precedent which a grant of permission for it would set would adversely affect the operation and safety of the national road network as insufficient data has been submitted with the application to demonstrate that the proposed development will not have a detrimental impact on the capacity, safety or operational efficiency of the national road network in the vicinity of the site.
- 3.3.2 Irish Water Submission requests a watermain and foul water layout.

3.4 Third Party Observations

- 3.4.1 Submission from Ann Mansfield, Tassagart House objects to the proposal and alleges that the structure on site was not constructed in accordance with the permission. Noise assessment is inadequate with regard to impact on dwelling. Proposal will have a significant negative impact on residential amenity. Past compliance with condition restricting number of patrons at the facility is questioned.
- 3.4.2 Submission by Paddy O Connor, 38 The Swift, Tassagard Green, asserts that his former company carried out the construction of the superstructure and part of the internal fit out and at the time the receiver took control of the building it had not been certified as being in compliance with building regulations or permission. Expresses concern that the building cannot accommodate 6,000 without a threat to public safety on fire safety grounds.
- 3.4.3 Adrienne Nolan, Spring Bank, Mill Road Saggart. Objects on grounds of traffic impact. Notes past reliance on use of an unauthorised exit connecting to the Rathcoole interchange.

- 3.4.4 Tony Kearney, 24 Saggart Lodge Court. Application should be deemed invalid or refused on grounds that the site area does not conform to earlier permission and extensive unauthorised works carried out.
- 3.4.5 Submission from John Spain Associates on behalf of Amphitheatre Ireland Limited owners and operators of the 3 Arena. Object to the proposal noting no material change in circumstances since previous decision of the Board. A permission would be seen as a justification for the entirely unacceptable approach to the development of the site in contravention of planning legislation. Use for public concerts is entirely inappropriate in the out of city, car dependent location. Negative impact on established concert venues in the city centre such as the 3Arena, Bord Gais Energy Theatre, Olympia and Gaiety. Noise and traffic congestion. Contrary to regional planning guidelines.

4. Planning History

- 4.1 There is an extensive and complex history relating to the convoluted incremental development of the Citywest Hotel and Conference Centre which includes the following of particular note:

PL06S205306 SD03A/0363. In 2004 following third party appeal of decision of South Dublin County Council, the Board refused permission for construction of a convention centre at the Citywest Hotel and Golf Course. The convention centre main hall with seating for up to 5,832 people. Reasons for refusal were as follows:

“Having regard to the scale of the proposed convention centre, stated to be of national/international importance, it is considered that such a major facility should be located in a core commercial area, such as city centre or major town centre, in order to avail of a range of public transport options and full access to supporting facilities (recreational, accommodation and cultural). Having regard to the location of the site outside any designated urban area, remote from public transport infrastructure and other complementary facilities, it is considered that the proposed development in this

location would lack ancillary supporting services and would be reliant primarily on private transport. Accordingly, it is considered that the proposed development would be inappropriately located, would contravene the policies as set out in the Strategic Planning Guidelines for the Greater Dublin Area to reduce the growth in demand for transport and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The site of the proposed development is located in an area zoned “F” in the South County Dublin Development Plan, 1998, where it is an objective of the planning authority to preserve and provide for open space and recreational amenity. This zoning objective is considered reasonable. Having regard to the nature and scale of the proposed development and notwithstanding the established uses on the site, it is considered that the proposed development would conflict with the zoning objective and thereby contravene materially a development objective indicated in the development plan for the zoning of land for the use solely or primarily of particular areas for particular purposes and would, therefore, be contrary to the proper planning and sustainable development of the area.”

06S215210 (SD05A/0086) In 2006, following first and third party appeal of decision of South Dublin County Council, the Board refused permission for retention and completion of convention centre incorporating a main hall with seating for up to 6,000 people. Refusal reason was as follows:

“Having regard to the scale of the proposed convention centre, stated to be of national/international importance, and notwithstanding the Local Zoning Objective 14 set out in the current development plan for the area, it is considered that such a major facility should be located in a core commercial area, such as city centre or major town centre, in order to avail of a range of public transport options and full access to supporting facilities (recreational, accommodation and cultural). Having regard to the location of the site outside any designated urban area, remote from public transport infrastructure and other complementary facilities, it is considered that the proposed development in this location would lack ancillary supporting services and would be reliant primarily on private transport. Accordingly, it is considered that the proposed development would be inappropriately located, would contravene the policies as set out in the Regional Planning Guidelines for the Greater Dublin Area 2004-2016 to

reduce the overall growth in demand for transport and would, therefore, be contrary to the proper planning and sustainable development of the area.”

PL06S.227236 SD07A/0294 In 2008 An Bord Pleanála granted permission for Retention and completion of convention centre / function room to be used in conjunction with the existing uses and facilities at the Citywest Hotel and Golf Course. The permission was subject to a number of conditions including the following of particular note

- Condition 2 required that the convention centre shall not open for business until works have commenced on the Belgard to Saggart Luas line extension as confirmed in writing by the planning authority.
- Condition 3. “The proposed convention centre shall be used solely as a convention centre / function room and shall not be used for public concerts. Reason: Such use did not form part of the development as applied for and as described in the public notice and the Board is not satisfied that such a use would be acceptable in terms of traffic management and residential amenity.”
- Condition 4. Restricts the maximum number of patrons within the complex to 4,161 persons. This to be subject to Section 47 Agreement. The stated reason was to ensure that the associated traffic movements associated with the events in the complex do not unduly impact on the carrying capacity of the road network in the area (including national roads) and that car parking is adequate.
- Condition 12 required prior agreement in respect of works to the site entrance.

PL06S238971 SD10A/0150 In 2011 An Bord Pleanála granted permission for retention of hardcore fill and permission for the development of the hardcored area as an overflow carpark consisting of 347 car parking spaces, 9 bus parking spaces, 2 bus set down / pick up spaces, vehicular access/ egress from private avenue leading to citywest hotel, footpaths landscaping drainage and all associated services on lands to the west of access avenue. Condition 3 requires that the layout be revised to eliminate reversing movements, bus parking spaces increased. Condition 1 requires agreement

in relation to management of traffic exiting car park. I note that the Board's Inspector in the case had recommended refusal on grounds that increase parking would discourage a modal split from the use of the private car to public transport contrary to Smarter Travel and sustainable transport patterns.

SD12A/0246 Retention permission granted on 3/1/2013 for modifications and proposed alterations to existing convention centre permitted under SD07A/0294.

SD13A/0150 Permission granted 3/4/2014 for retention of modifications to the hotel extension granted under SDCC reg. ref SD 06A/0962.

SD15A/0270 Permission granted November 2015 for demolition of pedestrian / buggy bridge.

5 Policy Context

Development Plan

The **South Dublin County Council Development Plan 2016-2022** refers. The Citywest Complex lands area zoned objective OS which seeks "To preserve and provide for open space and recreational amenities".

Relevant objectives include

ET8 Objective 4:

To support concerts or events at suitable locations within the County, such as parks, stadia, auditoriums, conference centres, subject to appropriate licensing arrangements.

ET8 Objective 5:

To support development that enhances the audience capacity of festivals, concerts, events or markets.

In note section 1.4.4 in regard to the Regional Planning Guidelines RPG Settlement Strategy. In the context of the settlement hierarchy under the Regional Planning Guidelines for the Greater Dublin Area GDA 2010-2022, Saggart / Citywest is not listed as a moderate sustainable growth town however it is so designated within the South Dublin County Development Plan 2016 on the basis that the emerging settlement exceeds the RPG population threshold for small town and is consistent with the characteristics of a moderate sustainable growth town.

Moderate Sustainable Growth towns are described as *“In the metropolitan area strong edge of metropolitan area district service centres with high quality linkages and increased densities at nodes on public transport corridors. They will continue to have a strong role as commuter locations within the fabric of continued consolidation of the metropolitan area. Growth should be strongly related to the capacity of high quality public transport connections and the capacity of social infrastructure.”*

6 Natural Heritage Designations

- 6.1 The Citywest Hotel and Conference Centre is located circa 5.7km to the northwest of the following Natura 2000 sites: Glenasmole Valley SAC (Site Code 001209) and Wicklow Mountains SAC (Site Code 002122). The Poulaphouca Reservoir SPA (Site Code 004063) is located circa 11.7km from the site.

7.0 The Appeal

7.1 Grounds of First Third Party Appeal

6.1.1 The first third party appeal is submitted by John Spain Associates Planning and Development Consultants on behalf of Amphitheatre Ireland Limited, owners and operators of the 3 Arena. The appeal submission includes a number of appendices including a report by Byrne Environmental Consulting Ltd relating to noise impact and a submission by Waterman Moylan Engineering Consultants in respect of the traffic. Grounds of appeal are summarised as follows:

- Validity of the application is questioned on the basis that there is no reference to retention of unauthorised works on the site.
- No material change in circumstances since the previous decision of An Bord Pleanála. Principle of res judicata should apply.
- Implementation of the previous permission was explicitly tied to the Luas extension project.
- Proposal is a Material Contravention and in direct breach of Section 47 agreement imposed by the Board. Use of an area zoned Objective OS “to preserve and provide open space and recreational amenities” for a permanent public concert venue is a material contravention of the objective of this zoning. Policy is significantly less supportive of the proposal than at the date of the previous Board decision.
- Out of city location is inappropriate for public concerts and highly inconsistent with the overall character of the area which is typically residential and including local amenities and uses such as schools and convenience retail. Regional Planning Guidelines recognise the uniquely different characteristics between the city centre and surrounding area of Greater Dublin.
- Impact on Residential amenity arising from traffic congestion, traffic and noise.
- Noise assessment is inadequate. Disney on Ice event is not comparable to a music concert. No reference to predicted music noise level at either the site boundary source and receptor. Conditions imposed by South Dublin County Council only relate to construction noise and substantive issue of operational noise is not addressed.

- Noise report refers to the proposal not being a later night venue however condition imposed by South Dublin County Council requires that concerts start after 8pm.
- A comprehensive traffic impact assessment should have been provided. While the minor works proposed may marginally improve the situation at the junction of Garters Lane and Fortunestown Road there is no assessment showing that the increased traffic can be accommodated on the local road network.
- A grant of permission will be seen as a justification for this entirely unacceptable approach to development of the site in contravention of planning legislation.
- Location is entirely inappropriate out of city location which is highly car dependent and will detract from concert venue in the city thereby detracting from the overall vibrancy and vitality of the city centre.
- Increased capacity will place significant additional pressure on the already seriously congested local and strategic road network including the N7.
- Material contravention of the South Dublin County Development Plan 2016-2022 given that the site is zoned Open Space and there is no specific local objective in respect of further development of Citywest.
- Notably the roads department recommended that the permission be limited to 5 years and recommended a condition regarding number of concerts. No such condition was imposed in the decision.

7.2 Grounds of Second Third Party Appeal

7.2.1 The second third party appeal is submitted by Ann Mansfield, Tassagart House. Grounds of appeal are summarised as follows:

- The Board cannot contemplate granting permission as it would facilitate the consolidation of unauthorised development.

- Negative impact on residential amenity arising from noise and disturbance.
- Allegations are made that the section 47 Agreement is regularly breached.

7.3 Grounds of the third third party Appeal

7.3.1 The final third party appeal is submitted by Tony Kearney, 24 Saggart Lodge objects to the proposal on the following grounds:

- Concerts were specifically excluded by the Board in granting permission for the convention centre with traffic concerns being the key factor in this reasoning.
- Every time there is a large scale event in Citywest, there is traffic gridlock in Saggart and Fortunestown areas which periodically spills out onto the N7.
- In the context of there being 4 sets of traffic lights between Saggart Village and Fortunestown Lane there are significant traffic jams in the area on a daily basis.
- Notion that Luas use will be significant in operational terms is fanciful.
- Reiterate submission to the local authority questioning the validity of the application on grounds of unauthorised development and inadequate description.

7.4 Planning Authority Response

The Planning Authority confirms its decision.

7.5 First Party Response to third party appeals

I have summarised the response on behalf of the first party response to the appeals as follows:

- Submission refers to an anti-competitive agenda in terms of the appeal of Amphitheatre Ireland.
- Regional Planning Guidelines do not limit concert venues to the city centre area.
- Application is valid, works undertaken form part of the application.
- As regards a change in circumstances since the previous decision, it is noted that public concert use did not form part of the development as previously applied for. The frequency and capacity of the luas was not fully factored into the parent permission.
- It is intended that the luas will cater for 30 -34% of the expected crowd.
- No zoning objective in the plan includes public concert use and it is not indicated as permitted therefore it is appropriate to consider it on its merit.
- Review of the capacity of existing city centre venues demonstrates that the proposed venue is not in direct competition as there is no venue in Dublin or Leinster that accommodates events for capacity from 3,000 – 6,000 patrons.
 - a) 3 Arena 14,500
 - b) Olympia 1,200
 - c) Gaeity 800
 - d) Bord Gais Energy Theatre. 2100
 - e) Academy 800
 - f) Vicar Street 1,500
- In relation to noise there is no objection to the inclusion of a specific condition relating to operational noise.
- Disagree that the proposal is unduly reliant on cars. Additional parking is limited to 171 spaces.

- There are no substantial differences in layout and finish to the permitted building and no unauthorised development has taken place with regard to the convention centre. The existing Section 47 agreement does not preclude the proposed development.
- Note that the decision of the Board allowed for operation prior to the opening of the luas extension and the current owners are strongly committed to the delivery of a high quality operational traffic management plan.
- The proposed managed and pre-paid parking system (with limit of 1,258 car parking spaces) would accommodate an improved modal split which could also result in less traffic generated for an event of 6,000 persons than the existing / historic uncontrolled system operating with an event of 4,141 patrons.
- Proposed development will not lead to undue traffic congestion or hazard on the road network serving the development.
- In relation to noise the noise survey was undertaken whilst a fully operational music PA system configured to a sound level representative of a rock concert. A suite of recommended measures is required to control music noise breakout from the building are set out within the application.
- Should permission be granted for the venue to operate as a music venue a detailed acoustic analysis of the building will be undertaken to determine measures required with adopted music noise criteria.
- Patron noise will be controlled by on site management and security.

7.6 Further Responses to cross circulation of third party appeals.

The further responses to cross-circulation of third party appeals are generally supportive of the respective appeals.

8.0 Assessment

8.1 The issues raised in the appeal submissions can be dealt with under the following headings:

- Procedural Matters
- Principle of Development
- Traffic and Transport
- Noise and impacts on the residential and other amenities of the area.
- Appropriate Assessment

8.2 Procedural Matters

8.2.1 As regards procedural matters, I note that the first party has questioned the motives of two of the third party appellants. The first party notes that Amphitehatre Ireland Limited are operators of the 3 arena whilst Mrs Mansfield's family historically owned the site. The question is raised as to whether the appeals are based on an anti-competitive agenda. In this regard I note that the validity of the appeals is a matter for the Board to determine. In my view the appellants have appropriately exercised their right to appeal and have clearly stated the numerous planning grounds on which those appeals are based.

8.2.2 I note that the third party appellants have questioned the validity of the application on the basis of works carried out on the site in particular within the proposed northern car park extension area. I note that this issue was raised in the Council's request for additional information and the applicant in response clearly acknowledged that works were carried out within the car park extension area, the retention of which now form part of the application. It noted use of an area within the southern car park extension area as a construction compound during recent works in compliance with permission

PL06S238971 (SD10~A/0150). Furthermore submissions by the Mrs Mansfield and a number of the third party observers to the local authority alleging that the convention centre is not constructed in accordance with the permission, and that the limit on number of patrons attending events (as required by permission ref: PL06S227236) has been exceeded at past events and thereby asserting that the Board is precluded from considering a permission on the basis that it would facilitate the consolidation of unauthorised development.

8.2.3 I have noted the unique complex and convoluted evolution and planning history of the appeal site and context, including the grant of permission reference SD12A/0246 for retention of modifications and alterations to existing convention centre. I consider that enforcement matters are beyond the remit of the Board and allegations of unauthorised development are outside the scope of the current appeal. On this basis I consider it appropriate to consider the appeal at hand in the context of its planning merits.

8.3 Principle of Development.

8.3.1 The proposed scheme seeks to increase capacity of the conference centre for up to 6,000 patrons at an event and allow for public concerts to be held. As part of the development, 171 additional ancillary car parking spaces will be provided on the site and works are proposed to upgrade the junction at Garters Lane and Fortunestown Lane. On the question of the principle of development in the context of the previous decision of the Board, the first party makes the case that the limitation on numbers placed on the convention centre was due to a lack of public transport in place at the time of permission. It is asserted that the site is now well served by high quality public transport, in particular the LUAS red line and that the capacity and frequency of the Luas was not entirely factored into the Board's earlier decision. Notably Condition 2 of the parent permission required that "the convention centre shall not be open for business until works have commenced on the Belgard to Saggart Luas line extension is confirmed in writing by the planning authority." On this basis it is asserted that whilst the convention centre was linked to the provision of public transport

infrastructure, the permission allowed for operation of the facility prior to completion of the Luas to Saggart red line.

- 8.3.2 The appellants raise the question of the application of the principle of *res judicata*, and propose that the Board is precluded from arriving at a favourable decision in light of the governing permission. I note that the circumstances of the current appeal vary from those of the previous proposal and the question of public concert use did not form part of the previous application. I note condition 3 of PL06S227236 (“The proposed convention centre shall be used solely as a convention centre / function room and shall not be used for public concerts”) and the stated reason for same. (“Reason: Such use did not form part of the development as applied for and as described in the public notice and the Board is not satisfied that such a use would be acceptable in terms of traffic management and residential amenity.”)
- 8.3.3 As regards the contention that the proposal represents a material contravention of the development plan I note that as public concert use is a *sui generis* use, it is appropriate that the proposed development be considered on its merit. As regards the zoning of the site and lands OS which seeks “To preserve and provide for open space and recreational amenities” and on the basis of the established use on the site, I consider that there is no principled objection to the proposed development.
- 8.3.4 I refer to the settlement hierarchy and the designation of Saggart /Citywest as a moderate sustainable growth town within the South Dublin County Development Plan 2016-2022. Core Strategy (CS) Policy 3 is the policy of the council to support the sustainable long term growth of Moderate Sustainable Growth Towns / Emerging Moderate Sustainable Growth Towns based on the capacity of public transport connections and the capacity of social infrastructure. Economic and Tourism Policy ET8 Objective 4 is the policy to support concerts or events at suitable locations within the County such as parks, stadia, auditoriums, conference centres, subject to appropriate licensing arrangements. I consider that the principle of provision for public concerts at the established convention centre is appropriate in terms of the planning policy context subject to detailed matters and the development according with the general principles of proper planning and sustainable development. In this context the principle matters of concern relate to traffic and transport and noise impacts.

8.4 Traffic and Transport

- 8.4.1 I note the Traffic Impact Assessment and Event Traffic Management Plan by Stephen Reid Consulting, dated December 2015 which in reference to the previous decision of the Board asserts that the previous capacity cap was based on the transportation infrastructure in Saggart at the time of the assessment by An Bord Pleanála in 2008. The Luas red line extension opened on the spur from Belgard to Saggart in 2011. The submission notes a number of improvements to the access and parking arrangements which have been progressed following compliance submission SD10A/0150 ABP Ref 06S238971 including a revised internal layout which serves to direct and manage event traffic in a rational fashion. Externally minor widening of the Garters and carriageway to and widening of the site access and provision of traffic signals serves to provide flexibility of capacity on each movement for different times of the day and different events along with controlled pedestrian crossing provision.
- 8.4.2 The proposed development includes a proposal to increase capacity of the Fortunestown lane junction by widening Garters Lane along its eastern side to provide a section of 9m width through the junction and facilitate a separate northbound right turn lane with 40 metres of storage space. To the north of the junction the applicant has ownership of lands to the east of Garters Lane allowing a section of the road to be widened to facilitate the development of a tapering hatch for traffic approaching the junction from the north. (Proposed upgrades are illustrated on drawing SRC-0010-101).
- 8.4.3 Within the site it is proposed to extend the IECC Overflow at both ends to serve the proposed increased level of 6,000 attendees increasing capacity from 1,097 no car spaces and 17 coach spaces (per SD10A/0150) ABP PL06S238971 compliance layout to 1,268 no car spaces and 17 coach spaces. The pedestrian access route from the extended overflow car park will be relocated to line up across the Avenue to the IECC building entrance and a new taxi rank area located on the opposite side of the roadway from the hotel entrance.

- 8.4.4 A key element of the traffic strategy is to set a limit on the parking supply available on site for event goers with the remainder of the existing on-site parking reserved for non-event uses. It is asserted that with the operation of a limited supply of pre-allocated car parking passes for event goers combined with off-site park and ride and improved pedestrian accessibility from the Luas to the site, the traffic impacts can be lessened.
- 8.4.5 I note the submission of TII dated 25th January 2016 which considers the application at variance with official policy in relation to the control of development on/affecting national roads and asserting that insufficient data has been submitted to demonstrate that the proposed development will not have a detrimental impact on the capacity, safety or operational efficiency of the national road network in the vicinity of the site. TII did not comment on the additional information submission.
- 8.4.6 I note the submission by Waterman Moylan Engineering consultants accompanying appeal and submissions on behalf of Amphitheatre Ireland Limited. The issue of prior Section 47 Agreement required in the previous decision of the Board in respect of the cap on the number of patrons is raised. The submission is critical of the Traffic Impact Assessment in terms of its format, methodology and assumptions. It is asserted that the use of the LINSIG tool in traffic modelling is inappropriate on the basis that it was developed for standalone junctions. Furthermore, it is asserted that the pedestrian phase incorporated into the model is inappropriate and underestimates the actual call frequency. It is asserted that the application to increase capacity of the conference centre for major concerts on foot of minor and limited junction improvements are totally inadequate to support additional vehicular and pedestrian movements that the proposal will give rise to increased congestion in the wider area and delays for patrons and users on the N7.
- 8.4.7 I note the submission of the First Party in response to the appeal which notes that the use of the Section 47 Agreement approach on the basis of the historic approach to planning and development by the previous developer and operator which was characterised by retrospective planning applications. The transport submissions on behalf of the First Party acknowledge historic issues with queuing during events prior to recent upgrades. It is acknowledged (within traffic response to the request to additional information Stephen Reid Consulting received by the Planning Authority 22

April 2016) that the limited capacity of the local junctions and lack of formal controls required heavy levels of traffic management including temporary prohibition of certain right turns at junctions with a clearly detrimental impact on network capacity and as a result queue lengths had previously extended from citywest access and occasionally onto the N7 between the J3 merge and J3a diverge.

8.4.8 The First Party asserts that traffic modelling as set out has taken a reasonably robust approach with worst case 90-minute arrival window 17.00 -17.30 co-inciding with network pm peak commuter traffic. It is predicted that the operation of MOVA queuing detection and optimisation at the Citywest Access / Garter's Lane junction and Fortunestown Way / Garter's Lane junction will yield improved results on the ground than those modelled. Furthermore, as noted within the first party appeal response the imposition by conditions 2 and 3 of the Council's conditions for a requirement for 18:00 opening and earliest 20:00 showtime for mid-week concerts (based on the fact that N7 counters demonstrate a significant dissipation after 19:00 hours) coupled with the use of the MOVA system will ensure better dispersal of traffic. It is asserted that the managed and pre-paid parking system will result in a significantly improved modal split.

8.4.9 I consider that the first party has provided a reasonable case that the proposed local road improvements, junction upgrades and parking management proposals will combine to ensure that the proposed development will not lead to undue traffic congestion or hazard on the road network serving the development. I note that the South Dublin County Council roads report suggested a 5-year permission on the basis that the permission is dependent on successful co-operation between operators outside the applicant's control however I consider that this is unnecessary.

8.4.10 I note that any future application for an event licence would address detailed traffic related matters and such considerations would allow for event specific detailed arrangements and issues of cumulative impact in the event of concurrent activities and events. I consider that clearly some level of disamenity would arise in terms of event traffic and restrictions on mobility and parking however having regard to the location of the site, the good transport infrastructure links and the established use the proposed development is acceptable from a traffic and transport perspective.

8.5 Noise

- 8.5.1 The application was accompanied by a technical note by AWN Consulting which provides an overview of operational noise criteria. A noise survey was conducted at the conference centre to determine typical operational noise levels associated with a music concert. Results found that whilst music was being played in line with a typical rock concert within the building the level of music breakout from the building was well in excess of the recommended levels at the nearest noise sensitive building. On this basis it was recommended that enhancements be carried out to the building to address sound insulation. In particular, the use of enhanced doors and glazing to the southern façade to contain music noise breakout were recommended. It is proposed that in the event of permission a detailed design and acoustic analysis of the building be carried out to ensure compliance with the adopted music noise criterion at all noise sensitive locations in proximity.
- 8.5.2 Submission by AWN Consulting in response to the request for additional information asserts that the noise limit as set out in condition 17 of original permission will be adhered to and notes that operational hours of any music events will be restricted to day and evening periods up to 23:30 hours. It is asserted that noise monitoring predictions are robust and provide worst case for the analysis undertaken. It is asserted that specific measures to the building will ensure that the strict music noise criteria are not exceeded during any music concert event.
- 8.5.3 I have noted the third party submissions with regard to noise including the submission of Byrne Environmental Consulting Ltd. attached to the third party appeal on behalf of Amphiteatre Ireland Ltd. which asserts that insufficient information has been submitted to demonstrate that the proposed development will not have an adverse noise impact on the closest residential developments to the appeal site and notes no specific condition relating to the requirement to retrospectively acoustically insulate the building prior to operation as a major concert venue. It is asserted that the it has not been demonstrated that the structure of the conference centre would sufficiently attenuate noise levels including low frequency noise to ensure that local residential

amenity would not be adversely impacted either during the day time or night time periods.

8.5.4 In response by AWN consulting it is outlined that music noise breakout from the building will be controlled through upgrading the building construction. It is intended that a detailed acoustic analysis of the building will be undertaken at detailed design stage, to review proposed measures and advise if further or alternative measures are required. It is asserted that determination on measures will ensure that strict music noise criteria is not exceeded during any music concert event. I consider that the first party has made a reasonable case and this is acceptable and consider that appropriate noise condition regarding noise limits and acoustic analysis should apply.

8.5.5 As regards other impacts on established residential amenity, I note that clearly there will be some level of disamenity in terms of traffic, noise and general disturbance however I consider that subject to standard good practice in terms of operational management and security there should be no significant negative impact arising in terms of the established residential amenities of the area.

8.6 Appropriate Assessment

8.6.1 The application includes a Screening Assessment by Ecology Ireland dated June 2015 which identifies six Natura 2000 sites within 14km of the development site, namely:

- Glanasmole Valley SAC (001209)
- Wicklow Mountains SAC (002122)
- Wicklow Mountains SPA (004040)
- Rye Valley / Carton SAC (001398)
- Red Bog, Kildare SAC (000397)

- Poulaphouca Reservoir SPA (004063)

8.6.2 The site lies within the River Liffey catchment (Camac sub catchment) which drains to the east and discharges at Dublin Bay. There are no hydrological links between the site and any of the Natura 2000 sites within 15km. On this basis it is asserted that there is no pathway by which any works at the car park can impact on the habitats of the relevant Natura 2000 sites.

8.6.3 As regards potential for disturbance of Avian species the Wicklow Mountains SPA is located circa 10km from citywest and designated for protection of Merlin *Falco columbarius* and Peregrine Falcon *Falco peregrinus* which breed in the area. There are no suitable habitats for these species at or in the vicinity of the site and based on distance from the SPA there is no potential for disturbance impacts on the conservation interests of the Wicklow Mountains SPA.

8.6.4 The Poulaphouca Reservoir SPA is located circa 11.7km from the site and is designated for protection of Greylag Goose, *Anser anser* and lesser Black backed Gull, *Larus fuscus*. The reservoir site provides the main roost for Greylag Geese with feeding occurring mostly on improved grassland outside the site. Further consideration of the proposed works to the car park and taxi rank in relation to this Natura 2000 site is given based on the fact that the Citywest golf course could potentially be an attractive foraging area for this species albeit a considerable distance from roost site. The works will require the removal of some trees which overlap the proposed car park adjacent to the bend in the main entrance avenue. It is asserted that based on the small scale of the proposed car park extensions, the nature and duration of the proposed works and the already disturbed and artificial nature of the development site is not considered likely that there will be any significant disturbance impacts on Greylag Geese (or any qualifying features of the SPA) foraging in Citywest Golf Course, as a result of the development. On this basis it is asserted that there will be no impacts on the key relationships that define the structure or function of Poulaphouca Reservoir SPA as a result of the proposed car park extensions and taxi rank. It is concluded that there will be no significant impacts on the Poulaphouca Reservoir.

8.6.5 Having reviewed the screening report and by using the source pathway receptor principle of risk assessment it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Poulaphouca Reservoir SPA or any European Site, in view of the sites' conservation objectives and a stage 2 appropriate assessment and submission of a Natura Impact Statement is not therefore required.

9.0 Recommendation

9.1 I recommend that permission be granted subject to the conditions and reasons and considerations set out below and subject to the attached conditions.

Reasons and Considerations

Having regard to the land use zoning for the site and to the existing permitted development on the overall site it is considered that subject to the conditions as set out below, would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would not, therefore be contrary to the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 22nd day of April 2016 except as may otherwise required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of

development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The roadworks proposed as part of the development including signal specification at the Citywest entrance and the Garter's Lane / Fortunestown Lane shall comply with the detailed standards of the planning authority for such works. All traffic management works shall be completed to the satisfaction of the planning authority prior to any concerts taking place.

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

3. Water supply and drainage arrangements, including the attenuation of surface water shall comply with the requirements of the planning authority for such works and services. Details shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of public health.

4. No concert shall commence before 8pm Monday-Friday. The use of the conference centre for public concerts shall cease at or before 23:00 hours.

Reason: To protect the amenities of properties in the vicinity and in the interest of clarity.

5. (a) Amplified music or other specific entertainment noise emissions from the premises shall not exceed the background noise level by more than 3dB(A) during the period 08:00 to 22:00 hours and by more than 1dB(A) at any other time, when measured at any external position adjoining an

occupied dwelling in the vicinity. The background noise level shall be taken as L_{90} and the specific noise shall be measured at L_{AeqT} .

(b) The octave band centre frequencies of noise emissions at 63 Hz and at 125 Hz shall be subject to the same locational and decibel exceedance criteria in relation to background noise levels as set out in (a) above. The background noise levels shall be measured at L_{AeqT} .

(c) The background noise levels shall be measured in the absence of the specific noise on days and at times when the specific noise source would normally be operating; either

- (i) During a temporary shutdown of the specific noise source, or
- (ii) During a period immediately before or after the specific noise source operated.

(d) when measuring the specific noise, the time (T) shall be any 5-minute period during which the sound emission from the premises is at its maximum level.

(e) Any measuring instrument shall be precision grade.

Detailed plans and particulars indicating sound-proofing or other measures to ensure compliance with this condition shall be submitted to, and agreed in writing with, the planning authority prior to use of the premise, An acoustical analysis shall be included with this submission to the planning authority,

Reason: In order to protect the amenities of residential property in the vicinity having particular regard to the nuisance potential of low frequency sound emissions during night-time hours.

6. All entrance doors in the external envelope shall be tightly fitting and self-closing,

All windows and roof lights shall be double glazed and tightly fitting.

Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes.

Details indicating the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity.

7. The landscaping scheme shown on drawing Br 08-DR-2-3-204 Revision A as submitted to the planning authority on 22 April 2016 shall be carried out within the first planting season following completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

Bríd Maxwell
Planning Inspector

26th October 2016