



An
Bord
Pleanála

Inspector's Report PL06F.248347

Development	Construction of 162 surface car parking spaces on the northern side of the business campus
Location	Swords Business Campus, Balheary Road, Swords, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F17A/0038
Applicant	Statutory Receivers of Certain Assets of Island Associates Limited
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Statutory Receivers of Certain Assets of Island Associates Limited
Observer(s)	None
Date of Site Inspection	29 th June 2017
Inspector	Niall Haverty

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.3763 ha, is located within Swords Business Campus, which is located to the north of Swords Town Centre, to the east of the Balheary Road and to the west of the R132 Regional Road. The access to the Business Campus is via the Balheary Road.
- 1.2. Swords Business Campus comprises the former Motorola manufacturing plant and is situated on a site of c. 7.75 ha. The building has a stated floor area of c. 26,900 sq m and it has been internally subdivided to create separate units for a number of different businesses. There are existing car parking areas to all four sides of the Business Campus building, with a stated total of 804 surface car parking spaces currently.
- 1.3. The appeal site is located to the north of the main Business Campus building, and currently comprises a flat area of grass laid out as a football pitch. There is a line of trees along the southern boundary of the appeal site, dense mature trees to the north and car parking to east, south and west. The Broadmeadow River is located c. 40m to the north of the appeal site, and the Ward River is c. 80m to the south east. The two rivers merge at a point c. 280m east of the appeal site.
- 1.4. The route of the proposed Metro North line is along the western side of the R132, c. 180m east of the appeal site.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of 162 additional surface car parking spaces to the north of the existing northern car park at Swords Business Campus. The proposed parking spaces and associated circulation space would be constructed as a continuation of the existing car park in terms of alignment and configuration and would be hard surfaced. It is also proposed to provide a surface water attenuation system to accommodate the run-off from the additional paved area.
- 2.2. The application was accompanied by a Parking Justification Report, Mobility Management Plan, Engineering Services Report and Appropriate Assessment Screening Report.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Fingal County Council decided to refuse planning permission for one reason, as follows:

1. The proposed development provides for an additional 162 no. car parking spaces in addition to the 804 no. spaces currently existing on site to serve Swords Business Campus. Having regard to:
 - The location of the business campus on lands zoned Metro Economic Corridor under the Fingal Development Plan 2017-2023.
 - Its proximity to proposed Bus Rapid Transit and proposed Metro North and
 - The requirement to apply a 50% reduction in maximum car parking allowance to developments in proximity to such public transport, it is considered that the development as proposed would exceed car parking standards as stipulated in Table 12.8 Car Parking Standards of the Fingal Development Plan and would contravene materially Objective DM113 of the Development Plan which seeks to 'limit the number of car parking spaces at places of work and education so as to minimise car borne commuting. The number of car parking spaces at new developments will be in accordance with the standards set out in Table 12.8'.

The development as proposed would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. The Planning Officer's report can be summarised as follows:

- Car park is not listed within the ME zoning objective and is considered open for consideration. Proposed development does not conflict with ME zoning objective.
- Objective DM113 seeks to reduce the need for car parking where a site is in close proximity to public transport.

- Transportation Planning Section reports that 520 spaces would be applicable based on the location of the site within ME zoned lands. Since there are already 804 spaces, the additional 162 spaces would far exceed the maximum allowance.
- Car parking does not give rise to any negative visual impacts.
- Proposed development would result in the excessive provision of car parking spaces for which an insufficient justification has been provided.

3.3. Other Technical Reports

3.3.1. Transportation Planning:

- Parking justification report calculates maximum car parking allowance based on a rate of 1 space per 25 sq m GFA, and refers to a total development plan requirement of 1,045 spaces.
- Parking standards are maximums, not requirements. Their purpose is to limit car-borne commuting.
- Site is adjacent to proposed Bus Rapid Transit and proposed new Metro North, in ME zoned lands and within section 49 area for Metro North. 50% reduction in max. car parking allowance therefore applies.
- 50% reduction would result in max. allowance of 520 spaces. There are 804 existing spaces and the additional 162 spaces would be far in excess of the max. allowance.
- Application should be refused.

3.3.2. Water Services:

- No objection subject to conditions.

3.3.3. Heritage Officer:

- No adverse impacts whether alone or in combination with other plans and projects to Natura 2000 sites, subject to meeting surface water management requirements of Development Plan and best practice in relation to construction management.

- Condition requiring Construction Management Plan recommended, including measures to prevent pollution of Broadmeadow River and Ward River.

3.4. Prescribed Bodies

3.4.1. Irish Water:

- No objection.

3.5. Third Party Observations

- None.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. **Reg. Ref. F00A/1314:** Permission granted in 2001 for construction of two three storey buildings over basement car park. The stated use of the buildings was to accommodate call centre/ direct marketing facility/ data processing/ information technology/ software development/ science and technology/ research and development office units. This permission was not implemented.
- 4.1.2. **Reg. Ref. F06A/1830:** Permission refused in 2007 for construction of five office blocks, comprising three four storey buildings and two three storey buildings, 221 car parking spaces in a four storey over basement building and 118 surface car parking spaces. Permission was refused for four reasons, which can be summarised as follows:
1. Development would materially contravene GI zoning objective.
 2. Premature pending preparation of Urban Centre Strategy.
 3. Development would interfere with the character of the landscape.
 4. Insufficient information submitted with regard to foul sewer and surface water drainage arrangement.

4.2. Surrounding Area

- 4.2.1. Swords Business Campus has an extensive planning history, with the majority of the planning applications relating to sub-division and/or changes of use of parts of the original light industrial/office building.

5.0 Policy Context

5.1. Fingal Development Plan 2017-2023

- 5.1.1. The site is governed by the policies and provisions contained in the Fingal Development Plan 2017-2023.
- 5.1.2. The appeal site is zoned 'ME', Metro Economic Corridor. This Zoning Objective seeks to facilitate opportunities for high density mixed use employment generating activity and commercial development, and support the provision of an appropriate quantum of residential development within the Metro Economic Corridor.
- 5.1.3. The site is also located within Masterplan area MP8.B, referred to as Estuary Central. Objectives SWORDS 27, ED90 and ED98 seek to prepare and/implement this Masterplan (among others) during the lifetime of the Development Plan.
- 5.1.4. The proposed Metro North route is located to the east of the appeal site, along the western edge of the R132.
- 5.1.5. Relevant Objectives include:
- **ED99:** Protect the integrity of the Metro Economic corridor from inappropriate forms of development and optimise development potential in a sustainable and phased manner.
 - **ED100:** Ensure high quality urban design proposals within the Metro Economic zoning, incorporating exemplary public spaces, contemporary architecture and sustainable places within a green landscape setting.
 - **DM113:** Limit the number of car parking spaces at places of work and education so as to minimise car-borne commuting. The number of car parking spaces at new developments will be in accordance with the standards set out in Table 12.8.

5.1.6. The car parking standards set out in Table 12.8 for 'offices – general' and 'offices – call centre' are 1 space per 30 sq m GFA, and for 'offices – Science and Technology' are 1 space per 40 sq m GFA. In all cases the Table states that these are maximum figures, and should be reduced by 50% in the Metro Economic Corridor or near public transport.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first party appeal was made on behalf of the applicant and the grounds of appeal can be summarised as follows:

- Car parking is provided at the rate of 1 space per 32.4 sq m of floor space. A third of the floor area is currently vacant, with the occupied units allocated 641 spaces. The proposed development would result in 966 spaces, or 1 space per 27 sq m. This is below Development Plan maximum parking standards.
- Application was lodged under Fingal Development Plan 2011-2017, and determined under Fingal Development Plan 2017-2023. Section 34(2)(a) of the PDA does not specify which Development Plan the Planning Authority must consider.
- There is an inherent unfairness to the applicants, who made an application in good faith under the provisions of the Development Plan in force at that time.
- Planning Authority decision has had insufficient regard to the wider policies and objectives in the Development Plan which seek to support economic development, job creation and strengthening areas such as Swords.
- Available car parking spaces at the campus to serve vacant floor space would not meet the market requirements for suburban office development in North Dublin.
- If additional car parking is not provided, only 50% of the existing office space could be successfully let. This will significantly reduce the viability of the campus as a whole.

- The current programme for delivery of Metro North is 2026/2027. There is a degree of uncertainty in the interim as to when it will be delivered to Swords.
- The restriction of car parking in locations adjacent to the indicative alignment in anticipation of Metro North has a significant effect on the future viability of existing commercial development.
- There is considerable uncertainty as to whether a Bus Rapid Transit system of any form will be forthcoming and thus it is considered that its inclusion in Development Plan policy in relation to the application of reduced car parking provision is inappropriate and irrelevant.

6.2. Planning Authority Response

6.2.1. The Planning Authority's response can be summarised as follows:

- Appellant has made no points that were not considered in the assessment of the application.
- Parking standards are clearly set out in the Development Plan. Parking Zones 1 and 2 are related to Public Transport Accessibility Levels, in accordance with the principles of sustainability.
- It is a fundamental part of the planning process to consider both the current and future situation.
- It would be contrary to proper planning to ignore the proposed new Metro North and Bus Rapid Transit which are included in national, regional and County transport policies.
- Appellant's underlying assumption that the existing development is not viable without additional car parking spaces is not accepted.

6.3. Observations

- None.

7.0 Assessment

7.1. I consider that the key issues in determining the appeals are as follows:

- Principle of development.
- Car Parking Provision.
- Flood Risk.
- Appropriate Assessment.

7.2. Principle of Development

- 7.2.1. At the time that the planning application was lodged, the Development Plan in place was the Fingal Development Plan 2011-2017. However, prior to the Planning Authority making its decision, the Fingal Development Plan 2017-2023 was adopted and came into effect. While the zoning objective did not change under the new Development Plan, the maximum car parking provision was reduced for office development, and further reduced on ME zoned lands and lands near public transport. The applicant contends that this is inherently unfair and that planning legislation does not specify which Development Plan the Planning Authority must have regard to in such circumstances.
- 7.2.2. It is established planning practice in my opinion that the Development Plan in force on the date of the decision is applicable, rather than the Development Plan in place at the time the planning application was made. I therefore consider that the provisions of the Fingal Development Plan 2017-2023, including the car parking standards therein, are those to which the Board should have regard.
- 7.2.3. The applicant also contends that the Planning Authority has relied exclusively on car parking standards and Objective DM113, and has not had regard to other policies and objectives which seek to support economic development and employment growth. I do not consider that there is any conflict in this regard. As outlined in Section 7.3 below, I consider that the business campus is located within reasonable walking or cycling distance of a large residential catchment, and is well served by both existing and proposed public transport infrastructure. In my opinion there is a balance to be struck between supporting economic development and promoting sustainable development, and having regard to the existing provision of car parking at the business campus relative to its floor area, I do not consider that the proposed

development is necessary to support the viability of the business campus as a whole.

7.3. Car Parking Provision

- 7.3.1. Swords Business Campus has a stated floor space of 26,060 sq m and is currently served by 804 car parking spaces, equating to a rate of 1 space per 32.4 sq m.
- 7.3.2. Under the car parking standards set out in Table 12.8 of the new Fingal Development Plan 2017-2023, the maximum rate of car parking for office is 1 space per 30 sq m, subject to a 50% reduction in the Metro Economic Corridor or near to public transport. Applying these rates to the existing campus indicates a maximum parking provision of 869 spaces before applying the 50% reduction, and a maximum of 434 spaces after applying the 50% reduction.
- 7.3.3. The proposed development would result in a total provision of 966 car parking spaces, equating to a rate of 1 space per 27 sq m.
- 7.3.4. The applicant contends that 641 of the existing 804 spaces (i.e. c. 80% of the existing spaces) are allocated to current occupiers of the campus, and that the currently vacant floor space within the campus, which is stated to be c. 32% of the total floor space, is therefore underprovided with car parking.
- 7.3.5. In my opinion, it is clear from the figures above that the business campus is currently significantly overprovided with car parking, when considered against the car parking standards set out in Table 12.8 of the Development Plan for office use in the Metro Economic Corridor. If the applicant has chosen to allocate 80% of this car parking to 68% of the floor space, I do not consider that this is a valid planning rationale for providing additional car parking. I consider that the remaining car parking spaces which are allocated for the currently vacant floor area are sufficient to comply with the Development Plan standards for car parking in the Metro Economic Corridor. In this regard I note that the vacant floor area is 8,624 sq m, so the allocation of 163 car parking spaces would equate to a rate of 1 space per 53 sq m.
- 7.3.6. It is Government policy to promote a modal shift towards more sustainable modes of transport, and this is reflected in Objective DM113 of the Development Plan, which seeks to limit the number of car parking spaces at places of work so as to minimise car-borne commuting. I note that a Mobility Management Plan was submitted with

the application. The MMP notes that the campus is linked to Dublin City by key strategic transport routes, incorporating bus lanes, cycle lanes and footpaths which facilitate good connectivity to surrounding urban and suburban areas. The MMP's targets for modal split, which are based on existing transport infrastructure, are 30% for single occupancy cars and 70% for other modes (10% walking + 10% cycling + 25% public transport + 25% car sharing). Once Metro North is delivered I consider it likely that the modal split will further shift away from single occupancy cars.

7.3.7. I consider that the MMP does not support the Applicant's contention regarding the requirement for the additional car parking spaces, and I consider it likely that if the entire campus was to comply with the MMP targets, the existing provision of car parking spaces would be more than adequate.

7.3.8. With regard to the timeframe for delivery of Metro North and Bus Rapid Transit, I note that the applicant has not sought a temporary permission for the car parking spaces. It is Government Policy to deliver Metro North, and it is the Policy of the Planning Authority to support this delivery and to facilitate high intensity/density development on the ME zoned lands in the vicinity of the proposed Metro route. I consider that the provision of 162 additional surface car parking spaces, resulting in a total car parking provision that is significantly in excess of the maximum car parking standards set out in Table 12.8 of the Development Plan, would represent underutilisation and inefficient use of serviced and zoned lands in the vicinity of the proposed Metro North and would be contrary to Objective DM113.

7.4. Flood Risk

7.4.1. The Broadmeadow River is located c. 40m to the north of the appeal site and the Ward River, which is a tributary of the Broadmeadow River, is located c. 80m to the south east. The two rivers join at a point c. 280m east of the appeal site.

7.4.2. The Engineering Services Report submitted with the application includes a Flood Risk Assessment. Based on the Planning Authority's Strategic Flood Risk Assessment and OPW flood mapping, the southern half of the appeal site is located within the 0.1% AEP fluvial floodplain, and can be considered to be within Flood Zone B (moderate probability of flooding). The northern half of the site is outside of the fluvial floodplain for the 0.1%AEP, and can be considered to be within Flood

Zone C (low probability of flooding). I consider that the proposed development, which consists of an extension to a surface car park and associated development, can be considered to be a less vulnerable land use, and is acceptable within Flood Zone B.

7.4.3. With regard to the potential impact on flood risk elsewhere as a result of the proposed development, I note that an attenuation storage system with a flow control system is proposed, which has been sized for a 1-in-100 year storm event and which will reduce surface water discharge from the appeal site to greenfield run-off rates. This discharge will connect, via an oil interceptor to the existing surface water system, which ultimately discharges to the Broadmeadow River. Having regard to these measures, I am satisfied that the proposed development will not increase the likelihood of flooding in off-site areas.

7.5. **Appropriate Assessment**

7.5.1. The appeal site is not located within or immediately adjacent to any Natura 2000 sites. There are however seven Natura 2000 sites within 10km of the appeal site. These sites and their distance from the appeal site are as follows:

- Malahide Estuary SAC (000205): 0.33km.
- Malahide Estuary SPA (004025): 0.75km.
- Rogerstown Estuary SAC (000208): 3.54km.
- Rogerstown Estuary SPA (004015): 3.8km.
- Baldoyle Bay SAC (000199): 7.39km.
- Baldoyle Bay SPC (004016): 7.39km.
- Rockabill to Dalkey Island SAC (003000): 9.54km.

7.5.2. An Appropriate Assessment Screening Report was submitted with the planning application. The Report considered that, having regard to the nature and scale of the proposed development, site distance, and lack of hydraulic connectivity, the Rogerstown Estuary, Baldoyle Bay and Rockabill to Dalkey Island Natura 2000 sites can be scoped out without further consideration. I consider this conclusion to be reasonable and acceptable.

7.5.3. With regard to the Malahide Estuary SAC and SPA, these sites are within 1km of the appeal site, and are hydraulically linked via the proposed surface water management system. The qualifying interests of the SAC and SPA are as follows:

- **Malahide Estuary SAC:**

- Mudflats and sandflats not covered by seawater at low tide
- Salicornia and other annuals colonising mud and sand
- Spartina swards (*Spartinion maritimae*)
- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)
- Mediterranean salt meadows (*Juncetalia maritimi*)
- Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes)
- Fixed coastal dunes with herbaceous vegetation (grey dunes)

- **Malahide Estuary SPA:**

- Great Crested Grebe (*Podiceps cristatus*)
- Light-bellied Brent Goose (*Branta bernicla hrota*)
- Shelduck (*Tadorna tadorna*)
- Pintail (*Anas acuta*)
- Goldeneye (*Bucephala clangula*)
- Red-breasted Merganser (*Mergus serrator*)
- Oystercatcher (*Haematopus ostralegus*)
- Golden Plover (*Pluvialis apricaria*)
- Grey Plover (*Pluvialis squatarola*)
- Knot (*Calidris canutus*)
- Dunlin (*Calidris alpina*)
- Black-tailed Godwit (*Limosa limosa*)
- Bar-tailed Godwit (*Limosa lapponica*)
- Redshank (*Tringa totanus*)
- Wetland and Waterbirds

- 7.5.4. The Conservation Objectives for both the SAC and SPA are to maintain or restore the favourable conservation condition of the various qualifying interests for which the SAC/SPA has been selected.
- 7.5.5. Having regard to the nature of the proposed development and receiving environment, I consider that the potential impacts on the SAC and SPA are primarily related to impairment of water quality during construction or operation. I do not consider that any loss of, or disturbance to, habitats or species are likely to occur, having regard to the nature of the appeal site, which currently comprises amenity grassland adjacent to a large commercial building and car park, and the presence of the R132 Regional Road and M1 Motorway between the appeal site and the SPA/SAC.
- 7.5.6. The AA Screening Report states that a Construction Environmental Management Plan will be developed, which will incorporate best practice measures in terms of controlling surface water emissions in accordance with CIRIA guidance (C532 – Control of Water Pollution from Construction). As the appeal site is at least 30m from the nearest watercourse and has a gentle fall from north to south, away from the watercourse, I concur with the applicant's ecologist that the undertaking of construction in accordance with best practice measures for such works, would ensure that the construction phase is not likely to result in any impacts to the designated sites. With regard to operation phase impacts, I consider that the drainage arrangements including the petrol/oil interceptor which forms part of the development proposal will be sufficient to ensure that surface water discharging from the development to the existing collection infrastructure does not significantly impact the water quality within the Ward River.
- 7.5.7. In conclusion, 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 Malahide Estuary SAC (Site No. 000205), Malahide Estuary SPA (Site No. 004025), or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

- 8.1. I recommend that planning permission should be REFUSED for the reasons set out below.

9.0 Reasons and Considerations

The proposed development is located in an area zoned 'ME' in the Fingal Development Plan 2017-2023 for which the objective is to facilitate opportunities for high density mixed use employment generating activity and commercial development within the Metro Economic Corridor. This objective is considered reasonable. Having regard to the level of existing car parking provision at Swords Business Campus, the proximity of the site to the proposed Metro North route, and the requirement under Table 12.8 of the Development Plan to apply a 50% reduction in maximum car parking allowances for development near public transport or on Metro Economic Corridor zoned lands, it is considered that the proposed development would represent the underutilisation and inefficient use of serviced and zoned lands and would be contrary to Objective DM113 of the Development Plan which seeks to 'limit the number of car parking spaces at places of work and education so as to minimise car borne commuting. The number of car parking spaces at new developments will be in accordance with the standards set out in Table 12.8'. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

Niall Haverty
Planning Inspector

12th July 2017