



An
Bord
Pleanála

Inspector's Report

ABP-308750-20

Development	Permission for the demolition of existing structures and construction of a 459 bedroom hotel and commercial office development.
Location	Lands known as Junction 6, River Road, Castleknock, Dublin 15
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	FW20A/0142
Applicant(s)	Propotron Limited.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party v's Refusal
Appellant(s)	Propotron Limited.
Observer(s)	Frank Mc Donald. An Taisce. Cllr. John Walsh Ashleigh Residents Association Cllr. P.Conroy and R. O'Gorman

Date of Site Inspection

8th of June 2021.

Inspector

Stephanie Farrington

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1.0 Site Location and Description

- 1.1. The appeal site comprises lands known as Junction 6, River Road, Castleknock, Dublin 15. The site is bounded to the north & south by the Navan Road (N3 National Primary Route), the east by the M50 Junction 6 Motorway Interchange and to the west by River Road.
- 1.2. The site is currently occupied by a health and leisure centre (known as Total Fitness) which has a number of small commercial and retail units including a childcare facility, barber, estate agent, dance studio, kids play centre, insomnia coffee shop and hairdressers. The existing uses on site are served by a surface car park which accommodates c. 290 car parking spaces. The public notices refer to a site area of 1.62ha.
- 1.3. Access to the site is currently provided via River Road which forms the western boundary of the site. River Road also provides access to Connolly Hospital which is located c. 700m to the north-west of the site. The pattern of development to the south of the site at the opposite side of the N3 Navan Road is primarily residential. The site is located c.2km from Castleknock Village and Blanchardstown Centre.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of commercial buildings on site to facilitate the construction of a 459 bedroom 28 storey hotel (Block B) and 34,320 sq.m. of office floorspaces arranged in 3 no. blocks (Blocks A, C and D) ranging in height from 6 to 13 no. storeys. The 4 no. buildings are centred around an urban plaza. Access to the development is proposed via upgrades to the existing vehicular entrance from River Road. The development includes a basement car parking comprising 232 no. parking spaces. 710 no. cycle parking spaces are provided at basement and surface level.
- 2.2. The following provides a summary of individual blocks:
 - Block A comprises 10,770 sq.m of office floorspace and a 240 sq.m café in a 10 storey building (over basement) with roof terrace (130 sq.m);
 - Block B comprises 22,856sq.m. of hotel floorspace in a 2 to 28 storey building (over basement) with upper levels setback with roof terrace (585sq.m);

- Block C comprises 9,110sq.m of office floorspace in a 6 to 9 storey building with roof terrace (105sq.m); and
- Block D comprises 14,440sq.m of office floorspace in 8 to 13 storey building with roof terrace (310sq.m).

2.3. The development will also include ancillary staff services; refuse storage areas; internal roads; lighting; hard and soft landscaping; boundary treatments; pedestrian access and footpaths; changes in level; plant; an ESB substation (175sq.m.); attenuation works; piped infrastructure and ducting; and all site excavation and development works above and below ground.

2.4. The following documentation is submitted in conjunction with the application:

- Architectural Drawings prepared by John Fleming Architects.
- Engineering Drawings prepared by DBFL Consulting Engineers.
- Landscape Drawings prepared by Casey Planning and Landscape Consultancy.
- Planning Report prepared by Tom Phillips and Associates;
- Architectural Design Report prepared by John Fleming Architects;
- Photomontages prepared by Magnaparte;
- CGI's prepared by John Fleming Architects;
- Construction Management Plan, Infrastructure Design Report, Site Specific Flood Risk Assessment, Traffic and Transportation Assessment and Mobility Management Plan prepared by DBFL Consulting Engineers.
- Screening Report for Appropriate Assessment prepared by Openfield Ecological Services;
- Energy Statement prepared EDC Consulting Engineers;
- Landscape Specification prepared by Casey Planning and Landscape Consultancy;

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Fingal County Council issued a notification of decision to refuse permission for the proposed development in accordance with the following reasons and considerations:

1. The proposed development by virtue of the bulk, mass, height, scale, design and physical dominance, would result in an intensive overdevelopment of the site, would be overbearing and seriously injurious to the visual amenity of the area, and to the amenities of property in the vicinity and would be seriously out of character with the pattern of development in the area. The proposal would be contrary to the 'Urban Developments and Building Heights, Guidelines for Planning Authorities' (2018) which were issued to Planning Authorities under Section 28 of the Planning and Development Act 2000, as amended and DM31 of the Fingal Development Plan. The proposed development would, therefore, be contrary to the proper planning and development of the area.
2. The Planning Authority is not satisfied that the traffic impacts arising from the proposed development have been adequately identified and assessed. Therefore, based on information provided it is considered the proposed development would result in traffic congestion and would adversely affect the strategic function, efficiency and carrying capacity of surrounding national roads. The proposed development would contravene materially Objectives MT36 and MT42 of the Fingal Development Plan 2017-2023 and would be contrary to the 'Spatial Planning and National Roads Guidelines for Planning Authorities' (2012) which were issued to Planning Authorities under Section 28 of the Planning and Development Act 2000, as amended. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. The proposed development by virtue of the substandard level of car parking provided would be contrary to Table 12.8 Car Parking Standards and contravene materially Objective DM113 of the Fingal County Development 2017-2023, would give rise to traffic congestion in this area and endanger

public safety by reason of traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4. The proposed development which includes a high density of employment development in a location removed from high capacity public transport and substandard pedestrian and cycle connectivity would be contrary to the integration of land use and transport, would result in an unsustainable form of development, would contravene Objective MT05 of the Fingal County Development Plan 2017-2023 and would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planner's report reflects the decision of the planning authority. The following provides a summary of relevant points raised:

- Principle of Proposal – Proposed office use is permitted and while a hotel is neither a permitted or non-permitted use reference is made to the Local Objective for a hotel on the site (LO126). Proposed uses are acceptable in principle.
- Concerns are raised in relation to the intensity of development proposed at a location outside a city or town centre location.
- Height – Reference is made to the criteria for assessing height as set out within the Building Height Guidelines. Having regard to the criteria listed the following concerns are raised:
 - The proposal does not represent a large scale urban redevelopment opportunity.
 - The site is not well served by public transport and has poor pedestrian/cycle permeability and connectivity with surrounding areas.
 - The development which includes increased building height is not considered to integrate into/enhance the character of the area.

- The design is lacking in visual detail and would be perceived as a monolithic structure.
- The site is removed from Blanchardstown Town Centre where existing taller buildings are located and public transport connectivity are provided.
- No landscape and visual impact assessment is undertaken as recommended in the guidelines.
- The overall composition of the building together with the scale and massing provides for a monolithic vista with poor regard for the receiving environment.
- Proposed public space which is towered and enclosed by the proposed buildings becomes of limited value as an urban space.
- It is concluded that the proposal does not comply with the Urban Development and Building Height Guidelines for Planning Authorities.
- Connectivity and Accessibility: The proposal represents a high intensity of development for a site which has poor public transport and pedestrian/cyclist connectivity. Proposal would increase the reliance of private car which is contrary to the objectives of the Fingal County Development Plan which support the integration of land use and transportation planning.
- Design and Impact on Amenities:
 - The scheme is dense and close to complete site coverage.
 - The amenity value of the central open space is limited by its use by vehicles and the environmental effects of being surrounded by taller buildings. Micro-climate effects are concerning.
 - Concerns are raised in relation to the limited scope of the submitted Visual Impact Assessment.
 - The proposed development in its current format represents an overdevelopment of the site.
 - The proposal is excessive in terms of height, scale and form and the monolithic development would be overwhelming and out of scale with the character of the area.

- The proposal would have a detrimental visual impact on the area particularly the surrounding residential dwellings.
- Landscaping: Landscaping plan submitted is generally acceptable but lacks detail. Some elements of the proposal are unfeasible.
- Transportation:
 - Concern is raised in relation to significant under provision of car parking for an office development and potential for overspill to surrounding residential areas and Connolly Hospital. The location of the hotel parking is unclear.
 - Assumptions used within the Traffic and Transport Assessment and Mobility Management Plan are questioned. Preliminary Construction Management Plan should give an indication of proposed construction routes.
 - Accessibility of the site for pedestrians and cyclists is poor.
 - Proposed development is considered to contravene materially Objectives MT36 and MT42 of the Fingal County Development Plan and would be contrary to the Spatial Planning and National Road Guidelines for Planning Authorities.
- Site Services:

It has not been demonstrated that proposals for water and wastewater services are adequate.

3.2.2. Other Technical Reports

Water Services Planning Section: Report dated 19th of October 2020 recommends further information in relation to surface water proposals including the implementation of SUDS measures as opposed to a pipe network. A thorough SUDS evaluation is requested including the provision of above ground surface water storage where possible. Consideration for the use of green roofs is also recommended.

Flood Risk: No objection is raised within the report on flood risk grounds. Reference is made to the flood risk assessment prepared by DBFL and submitted in conjunction

with the application. The site is located within Flood Zone C (i.e. <0.1% AEP). Mitigation measures are incorporated in the design and further implementation of SUDS measures is recommended within the report.

Transportation Planning Section – A detailed report on the application was prepared by the Transportation Planning Section. The report outlines concern in relation to the following:

- The significant under provision of car parking for the predominate office land use: (22% of Development Plan Standards)
- Concerns are raised in relation to poor public transport and pedestrian/cycle connectivity. Cycle parking provision is welcomed.
- The modal share targets as set out within the Mobility Management Plan are questioned in particular in relation to cycling in light of the lack of existing and proposed future cycling infrastructure serving the site.
- Serious concerns are raised in relation to the assumptions set out within the Traffic Impact Assessment – 24 hour traffic surveys would be necessary, trips associated with the proposed development are considered to be underestimated on the basis of staff nos. for the proposal (535 for hotel – across 3 shifts and 1,710 for office). 5 junctions are located within the vicinity of the site and only 4 have been modelled and analysed, exclusion of M50 Junction 6 Roundabout, the TTA is considered to be incomplete without this analysis.
- Road Safety Audit should be submitted. The Construction Management Plan should give details of the proposed construction traffic routes.

The Transportation Planning Section does not support the proposed development in its current format. Outstanding issues cannot readily be addressed by means of condition. The report recommends a refusal of permission.

Parks and Green Infrastructure- Additional information recommended in relation a revised landscaping plan which addresses the following:

- Podium planting details in terms of planting pits (depths and rooting volumes) and structural soils details to clearly demonstrate that the planting will be viable into the future.

- A site-specific Landscape Maintenance Programme should be prepared to ensure that the proposed planting is maintained to a good standard and reaches establishment.

Architects Department: Report dated the 14th of October 2020 sets out the following comments in relation to the proposal:

- Scheme is dense and close to full site coverage. Individual buildings are close to the site boundary resulting in a narrow buffer zone.
- Individual buildings are homogeneous in expression and finish which is negative given the overall height, bulk and density of the scheme;
- The usability of the central space is questioned given its orientation and subsequent potential shading and wind effects;
- There is significant visual impact on residents to the south of the scheme;
- Design of the scheme is not without merit in a motorway context. Varying heights to break the scale of development is good device. However, the case for the quantum of development proposed is to be made.

Environmental Health and Noise Unit – No objection subject to condition.

3.3. **Prescribed Bodies**

DAA – No comment

Irish Aviation Authority – Submission dated the 12th of October 2020 recommends consultation with Dublin Airport, Weston Airport and the Department of Defence with regard to the potential impact of the proposed development on flight procedures at these aerodromes. Conditions are recommended in the instance of a grant of permission including agreement of appropriate obstacle lighting scheme for the permanent structure and consultation with Dublin Airport, Weston Airport and Department of Defence 30 days prior to crane operations on site.

National Transport Authority – 2 no. submissions were received

Submission dated 6th of October 2020

Outlines that based on the development description and the quantum of office based development that the development would be at variance with policy set out within

Section 27 of the DoECLG Spatial Planning and National Road Guidelines for Planning Authorities.

The submission outlines that the NTA have not had an opportunity to review the Traffic Assessment but concern is raised in relation to the likely impact of the proposal on the strategic road network.

The environment for pedestrians and cyclists would be hostile with long walking distances between crossing points on the N3 and no dedicated cycling infrastructure.

Submission dated 14th of October 2020

NTA has reviewed the Transport and Traffic Assessment and Mobility Management Plan which are available online.

The site is located over 2km from Blanchardstown Town Centre and pedestrian connections are weak. Given the scale of the proposed development, both public transport options as well as pedestrian and cycle networks to serve the development would require a highly connected town centre location in order to meet the mode share targets identified.

The proposed development is at variance with transport planning policy set out within the Transport Strategy for the Greater Dublin Area and the Spatial Planning and National Roads – Guidelines for Planning Authorities.

Transport Infrastructure Ireland

Submission dated 21st of September 2020

The proposal is at variance with policy in relation to the control of development on/affecting national roads including Section 2.7 of the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (January 2012). It is stated that the proposal would create an adverse impact on the national road and associated junction and would be at variance with national policy.

Insufficient information has been submitted with the application to demonstrate that the proposal 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 have not been provided with a Traffic and Transportation Impact Assessment.

Submission dated 21st of October 2020

The 2nd submission on the application outlines that TII have had an opportunity to review the TTA submitted in conjunction with the application. The following provides a summary of the points raised.

- Vehicle trips to the application site may be underestimated.
- The TTA assumes very optimistic modal split assumptions particularly in relation to car trips (10% for office space). The justification and evidence for such assumptions should be explained.
- Reference is made to the location of the site access c. 40m from the N3/River Road junction. The modelling indicates no problems or queuing at the site access junction in spite of queues being present at the N3/River Road junction. This appears to be a contradiction as it is likely that such queuing would interact with the site access junction and the development would be very dependent on the performance of the N3/River Road junction.
- As the development is heavily dependent on other modes including bus services, consideration should be given to the requirement to undertake an impact assessment of same.
- Pedestrian and cycle facilities to the site are poor, including pedestrian accessibility to public transport.
- The proposal, if approved, would create an adverse impact on the national road and associated junction and be at variance with national policy.

Irish Water – Report dated 16th of October 2020 requests further information in relation to pre-connection enquiry. Reference is also made to the location of the development over existing Irish Water Infrastructure. Any proposals for the applicant to build over or divert existing water or wastewater services are not permitted by Irish Water.

Inland Fisheries Ireland – (email correspondence attached to file dated 21st of October 2020).

The submission on the application outlines that information is required in relation to the collection, treatment and disposal of drainage from the basement car park area. Reference is made to the description of groundwater vulnerability as being high and extreme, but the application does not identify the likely interaction with groundwater

during construction or mitigation in the event that construction extends below the water table.

The submission advises that it is essential that local infrastructural capacity is available to cope with increased foul and storm water generated by the proposed development in order to protect the ecological integrity of any receiving aquatic environment. In this regard reference is made to the fact that Ringsend WWTP is overloaded.

A number of conditions are recommended in the instance of a grant of permission including the following:

- Comprehensive Surface Water Management Measures must be implemented at construction and operational stage to prevent any pollution of surface waters. A maintenance policy is recommended as a condition for the operational phase of the development.
- Construction should be in line with a Construction and Environmental Management Plan (CEMP).

3.4. Third Party Observations

49 no. submissions/observations were received during the statutory consultation period. The following provides a summary of the issues raised:

- The scale, height and bulk of the development represents an overdevelopment of the site.
- Concerns are raised in relation to the impact of the proposal on residential amenities of existing residential properties in the vicinity of the site. Such concerns relate to visual impact, loss of privacy and overlooking, noise pollution, overbearing, overshadowing and wind pollution.
- Impact on wildlife, hazard to birds.
- Inconsistency in site area 1.62 ha and 2.6ha cited in planning report. Mandatory EIAR required if site is over 2ha.
- Impact on Aviation Safety and Aircraft Collision risk
- The proposal would materially contravene the Fingal County Development Plan 2017-2023 and the residential zoning objective for the area. It does not

meet the vision for Fingal which seeks to ensure that any new development in existing areas would have a minimal impact on and enhance existing residential amenities.

- Proposal does not comply with zoning objective for the area which seeks to provide for office space for a high tech company with quality landscaping. No meaningful landscaping is provided or possible with the underground car parking.
- Submitted application documentation fails to address light spill associated with the proposed glass walled buildings and potential glare impact on adjoining road network.
- Concerns are raised in relation to the assumptions set out within the Traffic and Transportation Assessment and Mobility Management Plan.
- The impact of the proposal on the Architectural Conservation Area of Castleknock Village and existing protected structures including St. Brigid's parish are not addressed. Building heights within Castleknock village are generally in the range of 3-4 storeys.
- Insufficient justification for hotel and office development at scale proposed is provided in light of implications of Covid19.
- The proposal will have a negative impact on the skyline. The visual impact assessment does not address the impact of the proposal from surrounding residential areas to the south. The selective nature of the images presented convey an impression of little or limited visual impact on nearby surroundings and neighbourhoods.
- Height of the proposal is inappropriate for a residential area.
- Traffic impact, River Road is operating at capacity and unsuitable for any significant increase in traffic volume. Inadequate parking provision and overspill of parking onto surrounding residential areas, concerns relating to the use of "pay and display" parking in surrounding residential estates, poor pedestrian and cycle connections, existing traffic congestion on the surrounding road network, traffic congestion and impact on access to

Castleknock and Blanchardstown villages and emergency vehicles accessing/egressing Connolly Hospital.

- Proposal could result in an additional 6,000-7,000 people accessing the site on a daily basis.
- Existing public facilities and services on site are an asset to the area. No effort has been made to replace these as part of the proposed development.
- There is insufficient cycle infrastructure within the area. Provision of 700 cycle parking spaces within the development is irresponsible.
- The proposal is visually obtrusive and dominant in the context of local amenities including the Royal Canal Greenway, the Tolka River reserve and local green areas. Impact on high amenity zoned lands to the north of the site.
- Support the provision of a hotel in the area for meeting and training rooms for local businesses
- Concerns relating to the construction phase impacts of the development.

4.0 Planning History

The following planning history relates to the appeal site.

PA Ref F95A/0514 –permission granted in January 1996 for two storey health and fitness club of 5,090 sq.m. and car parking together with outline permission granted for a single storey restaurant of 300 sq. m. and for three storey sixty bedroom motel 2,000 sq.m. with ancillary accommodation and car parking. The decision of the planning authority was subject to 14 no. conditions. Condition no. 2 outlined that: The height of the proposed motel shall not exceed two storeys. Reason: To reduce the visual impact of the building in the interest of the amenities of the area.

PA Ref F96A/0451 planning permission granted in September 1996 for increase in floor area of 32 sq. metres together with five external illuminated signs, together with

two satellite dishes to previous approved Health and Fitness Recreational Centre, Reg. Ref. F95A/0514.

PA Ref F96A/0753 application submitted in October 1996 for construction of a 147 space car park on the site. A request for further information was issued by Fingal County Council in relation to the siting of the proposed car park in an area where outline permission was sought for a restaurant and motel under PA Ref. F95A/0514. No response to the FI request was received and the application was deemed withdrawn in April 2008.

PA Ref F96A/0786 planning permission refused in December 1996 for 2 no. external illuminated signs to previously approved health and fitness centre (Reg. Ref: F95A/0514). The reasons for refusal related to traffic hazard on grounds of distraction to drivers on the adjoining road network, obtrusive impact of the signage on the skyline and the amenities of the area and material contravention of conditions attached to parent permission pertaining to the development.

PA Ref F96A/0849, ABP Ref PL06F.101512 planning permission refused by An Bord Pleanála in June 1997 for 2 no. external illuminated signs to the east elevation of health and fitness centre on grounds of obtrusive impact on the surrounding road network, material contravention of condition attached to parent permission and impact on the amenities of the area.

PA Ref F97A/0158 planning permission granted in June 1997 for construction of a 2 storey 61 bedroom motel of 1,850 sq.m. and 182 no. car parking spaces.

PA Ref F97A/0239 planning permission refused in May 1997 for signage on the eastern and southern elevation of the health and fitness centre. Reasons for refusal related to traffic hazard on grounds of distraction to drivers on the adjoining road network and obtrusive impact of the signage on the amenities of the area.

PA Ref F98A/0169, ABP Ref 06F.106796 planning permission refused by An Bord Pleanála in April 1998 for a 65 space car park. The reasons for refusal related to the siting of the car park on an area reserved for car parking under previous applications

pertaining to the site and material contravention of conditions attached to F95A/0514.

PA Ref F98A/0170, ABP Ref PL06F/106797 planning permission granted by An Bord Pleanála in November 1998 for 2 no. 900mm high signs, comprising of individual lettering to replace existing panel signs to the main entrance tower. The decision of the Board to grant permission was subject to 2 no. conditions including a condition which stated that the proposed signs shall not be internally illuminated.

PA Ref F98A/0171 planning permission refused in April 1998 for 2 no. 900mm high signs, comprising of individual lettering to the south and east elevations. The reasons for refusal related to impact on the amenities of the area and distraction to drivers on the M50/N3 roundabout on the M50 resulting in traffic hazard.

PA Ref F98A/1221 planning permission granted in January 1999 for a single storey extension of 181 sq. m. consisting of extension to changing rooms to rear.

PA Ref F99A/07064 planning permission granted in August 1999 for construction of single storey, medical/sports medicine centre of 710 sq.m. The decision of the planning authority was subject to 8 no. conditions. Condition no. 2 of the permission outlined that: All the car parking spaces shown on drawing P-02A received on 24th, June 1999 shall be reserved for the medical centre and shall be marked out clearly on the site. Reason: In the interest of the proper planning and development of the area.

PA Ref F99A/1267 planning permission granted in January 2000 for relocation of 2 no. previously approved 900 mm high signs on coloured background, comprising of individual lettering to the main entrance tower, previously granted permission Reg. Ref. F98A/0170 and An Bord Pleanála Reg. Ref. P106F.106797.

PA Ref F00A/0188 planning permission granted in May 2000 for single storey extension of 500 sq.m. consisting of hydrotherapy extension to west side of Total Fitness Centre.

PA Ref F05A/0497: application submitted in April 2005 for the erection of a 61 bedroom 2 storey motel with ancillary accommodation and 182 no. surface

carparking spaces, landscaping and associated site works (previously granted approved Reg. Reference F97A/0158), with access of existing entrance to Total Fitness Centre, River Road. A request for further information was issued by Fingal County Council in relation to noise mitigation measures for the motel having regard to its location on the national road network, overprovision of car parking and submission of Traffic Impact Assessment, Road Safety Audit and revised drawings illustrating relationship of the proposal with the M50 Upgrading Scheme. No response to the request for further information was received and the application was deemed withdrawn in December 2005.

Relevant permissions within the vicinity

Extension to Travel lodge Hotel

PA Ref FW17A/0226 planning permission granted in March 2018 for the construction of a four-storey hotel extension (1,684 sq m gross floor area, approximately) to the southeast of the existing hotel building; demolition and reinstatement of existing hotel floorspace (38sq m) in order to facilitate the physical connection of the proposed extension; installation of plant room and store room at ground floor level; and hotel accommodation (55 no. new bedrooms) at ground, 1st, 2nd and 3rd floor levels, resulting in a combined overall total of 152 no. bedrooms (97 no. bedrooms existing).

5.0 Policy Context

5.1. Fingal County Development Plan 2017-2023

The site is located within the administrative boundary of Fingal County Council. The Fingal County Development Plan 2017-2023 is the operative Development Plan for the area.

5.1.1. Zoning and Specific Objective

The site is zoned HT – High Technology purposes with an objective “*to provide for office, research and development and high technology/ high technology manufacturing type employment in high quality built and landscaped environment*”. The vision for HT zoned lands, as set out within the Development Plan is “*to facilitate*”

opportunities for high technology, high technology and advanced manufacturing, major office and research and development based employment within high quality, highly accessible campus style settings. The HT zoning is aimed at providing a location for high end, high quality, value added businesses and corporate headquarters. An emphasis on exemplar sustainable design and aesthetic quality will be promoted to enhance the corporate image and identity”.

A variety of office uses including – office ≤ 100 sq.m., office >100 sq.m. and <1,000 sq.m. and office ≥1,000 sq.m. are listed as permitted in principle on lands zoned for HT purposes. Hotel is not listed as a use which is “permitted in principle” or “not permitted” on lands zoned for HT purposes. The Development Plan outlines that such uses “*will be assessed in terms of their contribution towards the achievement of the zoning objective and vision*”.

Specific Local Objective 126 relates to the site. This seeks to “*consider the provision of a hotel at a suitable location within the lands*”.

5.1.2. Urban Fingal

Chapter 4 of the Development relates to Urban Fingal. This outlines that Blanchardstown is the largest commercial and residential centre within the Metropolitan Area of Fingal and has strong links to the national road network. The development strategy for Blanchardstown as set out within the Plan is to support the planned and sustainable development of Blanchardstown.

5.1.3. Economic Development

Chapter 6 of the Development Plan relates to Economic Development. Section 6.13 of the Development Plan states that “*the HT zoning is one of the most important economic development zonings in Fingal with just over 685 ha of HT zoned lands located principally in Blanchardstown and Swords, supplemented with significant zonings at Dublin Airport and along the southern boundary of the County with Dublin City*”.

The Development Plan outlines that the selection of appropriate locations for employment uses within Fingal is determined by the principles of proper planning and sustainable development, which is a core component of the economic strategy for the County. The Plan’s policy and objectives associated with sustainable

economic development are outlined in Section 6.2 and include appropriately locating intensive employment uses adjacent to public transport networks, and where appropriate, residential developments; encouraging existing economic clusters and developing new clustering opportunities; and, regenerating inefficiently performing business and industrial parks, land, and buildings.

The following objectives are of relevance:

- Objective ED03 - Ensure that economic development zonings are logically and coherently located to maximise upon infrastructural provision, particularly in relation to locating high-employee generating enterprise and industry proximate to high capacity public transport networks and links thereby reducing reliance on private car transport.
- Objective ED04 – Prioritise locating quality employment and residential developments in proximity to each other in order to reduce the need to travel and ensure that suitable local accommodation is available to meet the needs of workers in the County.
- Objective ED05 - Support existing successful clusters in Fingal, such as those in the ICT, pharmaceutical, aviation and agri food sectors, and promote new and emerging clustering opportunities across all economic sectors within the County.
- Objective ED06 – Promote the regeneration of obsolete and/or underutilised buildings and lands that could yield economic benefits, with appropriate uses and subject to the proper planning and development of the area.
- Economic Objectives ED 10, 11, 12 and 13 seek to maximise the economic potential of Fingal arising from its location in the Dublin City Region, the Eastern and Midlands Regional Assembly area, the presence of key infrastructural assets including Dublin Airport and the motorway network and railway services, and the close proximity to Dublin City and Dublin Port.
- Objective ED58 promotes and facilitates tourism as a key economic pillar and supports the provision of necessary significant increase in facilities including hotels and aparthotels. Objective ED61 seeks to direct tourist related facilities

into town and village locations to support and strengthen the existing economic infrastructure of such centres.

The appeal site is located within the Metropolitan Area as identified within the RSES. (Dublin City and Suburbs Area). The following objectives are of relevance for this area:

- Objective ED84 Support economic growth within the Metropolitan Area through consolidating, strengthening and promoting the strategic importance of the major urban centres of Swords and Blanchardstown and of key employment locations such as Dublin Airport and Dublin 15.
- Objective ED85: Ensure that settlements and locations within the Metropolitan Area pursue development policies of consolidation, and maximise their economic strengths and competitive advantages such as tourism and marine sectoral activities in Malahide and Howth, while the lands within the southern part of the County maximise their economic potential through the strong functional linkages to the M50
- Objective ED95 seeks to encourage the development of corporate offices and knowledge based enterprise in the County on HT lands and work with key stakeholders, relevant agencies and sectoral representatives to achieve such development'.

5.1.4. Movement and Infrastructure

Chapter 7 of the FCDP relates to Movement and Infrastructure. This outlines that the integration of land use and transport includes locating trip intensive land -uses (such as high density housing, offices and comparison retailing) near high capacity public transport (such as DART, Metro, Luas, and Bus Rapid Transit). The following objectives are of relevance:

- Objective MT05- Integrate land use with transportation by allowing higher density development along higher capacity public transport corridors.
- Objective MT36 - Maintain and protect the safety, capacity and efficiency of National roads and associated junctions in accordance with the Spatial Planning and National Roads Guidelines for Planning Authorities, DECLG,

(2012), the Trans-European Networks (TEN-T) Regulations and with regard to other policy documents, as required.

- Objective MT42 - Protect the strategic transport function of national roads, including motorways through the implementation of the DoECLG 'Spatial Planning and National Roads – Guidelines for Planning Authorities'.

5.1.5. Development Management

Development Management standards and guidelines are set out within Chapter 12 of the Development Plan. Section 12.9 relates to Enterprise and Employment uses and outlines that the Planning Authority encourages high quality design, materials and finishes and good quality landscaping for all commercial and industrial developments. In assessing planning applications, a number of considerations will be taken into account including the intensity and nature of proposed use, achievement of appropriate density and scale of development, provision of open space and high quality landscaping plans, high quality design and impact on amenities of adjoining areas.

Table 12.7 sets out design guidelines for Business Parks and Industrial Area. Objective DMS103 seeks to: Ensure that the design and siting of any new Business Parks and Industrial Areas conforms to the principles of Design Guidelines as outlined in Table 12.7.

Section 12.10 relates to Movement and Infrastructure Development Management Objectives. The Development Plans for each of the four Dublin Local Authorities currently include standards which limit the amount of car parking at new developments, especially places of work and education. Consequently, the car parking standards are split into Zone 1 which allows fewer car parking spaces and Zone 2 which allows a higher number of car parking spaces. Zone 1 applies to areas which are: within 1600m of DART, Metro, Luas or BRT, (existing or proposed), within 800m of a Quality Bus Corridor, zoned MC, Major Town Centre, or subject to a Section 49 scheme. Zone 2 applies to all other areas.

Table 12.8 sets out car parking standards. The following parking standards are set out:

- Hotel – 1 per bedroom – Norm

- Office – 1 per 30 sq.m. gross floor area – Reduce by 50% near Public transport, Metro Economic Corridor, Major Town Centre and Town Centre. Maximum.

The following objectives are of relevance:

- Objective DMS03 requires a detailed design statement for developments in excess of 300 sq.m. of retail/commercial/office development in urban areas. The design statement is required to address a range of criteria including explaining the design principles and design concept, demonstrating compliance with the twelve urban design criteria (as per the 'Urban Design Manual - A Best Practice Guide') and a detailed open space proposals.
- Objective DMS05: Public Art Requirements for large commercial/retail developments in excess of 2,000 sq.m.
- Objective DM113 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. Where demand can be managed by pricing, i.e. retail developments, the pricing should favour shoppers, who generally stay for shorter times, over employees, who generally stay for longer times”.*
- Objective DMS131 - Seek to provide building setbacks along National Roads and Motorways and their junctions, and along sub-standard Regional and Local Roads to allow for future improvement to enable the provision of a safe and efficient network of National, Regional and Local Roads.

5.2. National and Regional Policy

5.2.1. Spatial Planning and National Road Guidelines for Planning Authorities (2012)

The guidelines set out planning policy considerations relating to development affecting national primary and secondary roads, including motorways and associated junctions. Key principles of the guidelines include integration of land use and transportation to minimise the need to travel and safeguarding against a proliferation of developments accessing national roads.

Chapter 2, Section 2.7 addresses Development at National Road Interchanges or Junctions. This outlines that interchanges/junctions are especially important elements

of national roads infrastructure that development plans and local area plans must take account of and carefully manage. The following guidance is set out:

“Therefore, planning authorities must exercise particular care in their assessment of development/local area plan proposals relating to the development objectives and/or zoning of locations at or close to interchanges where such development could generate significant additional traffic with potential to impact on the national road. They must make sure that such development which is consistent with planning policies can be catered for by the design assumptions underpinning such junctions and interchanges, thereby avoiding potentially compromising the capacity and efficiency of the national road/associated junctions and possibly leading to the premature and unacceptable reduction in the level of service available to road users”.

Chapter 3 of the Guidelines deal with Development Management and Roads. Section 3.7 relates to Avoiding Adverse Impacts from Existing and Future Roads. This outlines that national roads can potentially produce significant adverse effects that extend beyond the roads concerned. Such effects are identified as traffic noise and vibration, vehicle generated emissions, lighting glare, dust and visual impact. In this regard it is stated that all proposals in respect of noise sensitive developments within the zone of influence of such existing or planned new roads should identify and implement mitigation measures in relation to noise and other potential impacts. The potential impact of lighting within developments which run parallel to national road networks are also identified. The Guidelines furthermore outline that inappropriate building design or materials can also reflect light in a manner that may result in adverse impacts on road safety. The use of highly reflective building surfaces, such as glass, in situations where they are likely to reflect car headlights can impair drivers' vision and cause distraction and thus create confusion and have adverse effects on road safety.

5.2.2. Transport Strategy for the Greater Dublin Area 2016-2035

This strategy provides a framework for the planning and delivery of transport infrastructure and services in the Greater Dublin Area (GDA) to 2035. The Strategy presents the transport requirements for the GDA based on principles of effective, efficient and sustainable travel.

Section 3.3 of the Strategy refers to Regional Patterns and Trends within the GDA. This outlines that the M50 and other parts of the national road network have acted as magnets for large-scale employment developments such as office parks, business parks and industrial estates. Examples cited in this context included the employment development between the M2 and N3 at Ballycoolin / Damastown to north of Blanchardstown. Much of this growth has occurred in sectors that are unsuited to more central locations due to their locational or operational requirements. However, a substantial quantum of office-type development has also occurred on peripheral locations, on standalone greenfield sites, which could have been accommodated, more appropriately, in the city centre, or in suburban locations served by public transport. The site is located within Corridor B Navan-Dunboyne- Blanchardstown to City Centre where car mode trips are 74% and public transport trips are 8%.

Section 5.9 sets out demand management tools to accommodate future growth in a balanced and managed way. Such measures include limiting the availability of workplace parking in urban centres to discourage car commuting where alternative transport options are available. Chapter 7 deals with Land Use Integration and Behavioural Change. The Principles of Land Use and Transport Integration outlined in Section 7.1.2 are to reduce the need to travel, reduce the distance travelled, reduce time taken to travel, promote walking and cycling and promote public transport use.

The Strategy outlines that *“high volume, trip intensive developments, such as offices and retail, should primarily be focused into Dublin City Centre and the larger Regional Planning Guidelines (RPG) higher order centres within the GDA”*.

“Except in limited circumstances, trip intensive developments or significant levels of development should not occur in locations not well served by existing or committed high capacity public transport”.

5.2.3. Urban Development and Building Heights; Guidelines for Planning Authorities, 2018.

Paragraph 1.9 of the Guidelines relates to the National Planning Framework objectives in relation to strategic growth and outlines that there is significant scope to accommodate population growth and development needs including employment by building up and consolidating the development of existing urban areas. The guidelines require that the scope to consider general building heights of three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, and which would include suburban areas, must be supported in principle at development plan and development management levels.

Section 3.0 relates to Building Height and the Development Management Process. The Guidelines outline a presumption in favour of buildings of increased height in town/city cores and in other urban locations with good public transport accessibility.

Section 3.2 of the Guidelines outlines that - In the event of making a planning application, the applicant shall demonstrate to the satisfaction of the Planning Authority/ An Bord Pleanála, that the proposed development satisfies a set of criteria. The criteria relate to the development's impact at the scale of the city/town, the district neighbourhood / street and the site / building. The specific criteria to be addressed at each level are detailed in the table below.

At the scale of the relevant city/ town
<ul style="list-style-type: none">• The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.
<ul style="list-style-type: none">• Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/ enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.

- On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.

At the scale of district/ neighbourhood/ street

- The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape.
- The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.
- The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).
- The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.
- The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.

At the scale of the site/ building

- The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.
- Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment’s ‘Site Layout Planning for Daylight and Sunlight’ (2nd edition) or BS 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting’.

- Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this has been clearly identified and a rationale for any alternative, compensatory design solutions has been set out, in respect of which the Board has applied its discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.

Specific Assessment

- To support proposals at some or all of these scales, specific assessments may be required and these may include: Specific impact assessment of the micro-climatic effects such as downdraft. Such assessments shall include measures to avoid/mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects where taller buildings are clustered.
- In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision.
- An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.
- An assessment that the proposal maintains safe air navigation.
- An urban design statement including, as appropriate, impact on the historic built environment.
- Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate.

SPPR 3 - It is a specific planning policy requirement that where:

- (A) 1. *an applicant for planning permission sets out how a development proposal complies with the criteria above, (Section 3.2); and 2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these*

guidelines; then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.

5.2.4. National Planning Framework

The following objectives as set out within the NPF seek to deliver compact urban growth:

- NPO 6 relates to increased residential population and employment in urban areas: *“Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area”.*
- NPO 13 outlines that *“In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.*

5.2.5. Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES-EMR)

The RSES is a strategic plan which identifies regional assets, opportunities and pressures and provides appropriate policy responses in the form of Regional Policy Objectives. The Growth Strategy for the Eastern and Midland Region supports the continued growth of Dublin as the national economic engine and seeks to deliver sustainable growth of the Metropolitan Area through the Dublin Metropolitan Area Strategic Plan (MASP).

The settlement hierarchy for the region is set out within Table 4.2. At the top of the hierarchy is Dublin City and Suburbs, followed by Regional Growth Centres, Key Towns, Self-Sustaining Growth Towns, Self-Sustaining Towns, Towns and Villages

and Rural areas. Fingal is identified in the RSES within the Dublin Region and partly within the MASP area, the area outside the MASP boundary is in the Core Region. The site lies within the Dublin Metropolitan Area (DMA) – The aim of the Dublin Metropolitan Area Strategic Plan is to deliver strategic development areas identified in the Dublin Metropolitan Area Strategic Plan (MASP) to ensure a steady supply of serviced development lands to support Dublin’s sustainable growth.

The RSES supports continued population and economic growth in Dublin City and suburbs, with high quality new housing promoted and a focus on the role of good urban design, brownfield redevelopment and urban renewal and regeneration. Section 4.4 of the Strategy relates to the Dublin City and Suburbs area and identifies the potential for *“significant re-intensification of employment within the M50 ring at Sandyford Business District and Cherrywood to complement the Docklands and City Centre Business District”*. Outside the M50, it is stated that the Dublin Enterprise Zone in Blanchardstown and Grange castle in south Dublin have significant capacity for high tech manufacturing, research and development in campus style settings.

Key Principles of the Metropolitan Area Strategic Plan include compact sustainable growth and accelerated housing delivery, integrated Transport and Land Use and alignment of Growth with enabling infrastructure.

- RPO 4.3 - Consolidation and Re-Intensification- seeks to support the consolidation and re-intensification of infill / brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

Section 5.3 sets out Guiding Principles for the growth of the Dublin Metropolitan Area which include the following:

- Integrated Transport and Land Use- To focus growth along existing and proposed high quality public transport corridors and nodes on the expanding public transport network to support the delivery and integration of “Bus

Connects”, DART expansion and LUAS extension programmes, and Metro Link, while maintaining the capacity and safety of strategic transport networks.

- Increased employment density in the right places – To plan for increased employment densities within Dublin City and suburbs and at other sustainable locations near high quality public transport nodes, near third level institutes and existing employment hubs, and to relocate less intensive employment uses outside the M50 ring and existing built up areas.

Section 5.8 outlines that outside the M50 ring there is potential to re-intensify older industrial estates such as Naas Road/Ballymount, brownfield lands in Tallaght/Cookstown and to provide for high tech and research and development employment at strategic employment hubs such as Dublin Enterprise Zone in Blanchardstown and Grangecastle Business Park, linked to improved bus connections.

Section 8.3 of the Strategy sets out guiding principles for the integration of land use and transportation. The following are of relevance:

- *Larger scale, trip intensive developments, such as high employee dense offices and retail, should in the first instance be focused into central urban locations.*
- *Within the Dublin Metropolitan Area, except in limited planned circumstances, trip intensive developments or significant levels of development should not occur in locations not well served by existing or proposed high capacity public transport.*
- *The strategic transport function of national roads and associated junctions should be maintained and protected.*
- *All non-residential development proposals should be subject to maximum parking standards.*

5.3. Natural Heritage Designations

No designations apply to the subject site.

5.4. EIA Screening

An Environmental Impact Assessment Screening report was not submitted with the application. Section 3.4 of the Planning Report prepared by Tom Phillips and Associates submitted in conjunction with the application includes a screening statement for EIA. I have had regard to the contents of same.

The proposed development falls within the category of 'Infrastructural Projects', and "Tourism and Leisure" under Schedule 5, Part 2 of the Planning and Development Regulations 2001-2020, where mandatory EIA is required in the following circumstances:

- 10 (b) (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. (*In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.*)
- 12 (c) Hotel complexes outside built up areas which would have an area of 20 hectares or more or an accommodation capacity exceeding 300 bedrooms. (*"Built up area" is defined within the Planning and Development Regulations as follows: "built-up area" means a city or town (where "city" and "town" have the meanings assigned to them by the Local Government Act, 2001) or an adjoining developed area*).

A detailed description of the proposal is set out within Section 2 of this report. In brief the proposal comprises demolition of existing buildings on site to facilitate the construction of a mixed use hotel and office development arranged in 4 no. blocks with a gross floor area of 57,591 and ranging in height from 2 to 28 no. storeys.

As detailed within the submissions on the application, while I note that there are anomalies in the reference to the site area throughout the application documentation i.e. 2.6 ha and 1.6ha, the site area is below the applicable 10 ha threshold under Section 10 (b) (iv). I also consider that the site is located within a "built up area" and in this regard consider the requirements under Schedule 12 (c) are not applicable in this instance.

The site is located at an intersection on the national road network and currently occupied by a 2 storey commercial building. In principle, I consider that the redevelopment of the site to accommodate a mixed use commercial development will not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage. I refer to Section 7.7 of this report with addressed AA Screening. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other development in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Fingal County Council, upon which its effects would be marginal.

I refer to the planner's report which informs the decision of Fingal County Council to refuse permission for the proposal outlines the following in respect of the EIAR:

"The proposed development would not by virtue of size and scale represent a development for the purposes of Part 10 under Section 5 or fulfil the criteria under Schedule 7 of the Planning and Development Regulations 2011 (as amended) requiring an EIAR".

Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects and Class 12-Tourism and Leisure of the Planning and Development Regulations 2001 (as amended),
- The location of the site within a built up suburban area, served by public infrastructure, on lands that are zoned for 'HT' purposes and subject to a specific objective to provide a hotel on the site under the provisions of the Fingal County Development Plan 2017-2023, and the results of the strategic environmental assessment of the Fingal County Development Plan, undertaken in accordance with the SEA Directive (2001/42/EC),
- The location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of residential development in the vicinity,

- The location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended),
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development is not necessary in this case (See Preliminary Examination EIAR Screening Form).

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal was received by Tom Phillips and Associates on behalf of the applicant, Propotron Limited, against the notification of decision of Fingal County Council to refuse permission for the development. The appeal is accompanied by a Design Response Memo prepared by John Fleming Architects and a Technical Note prepared by DBFL Consulting Engineers. The following provides a summary of the issues raised:

- Requests an Oral Hearing on the basis that the application documentation was not submitted to TII or in a timely manner to the NTA.
- The proposal is supported by the policies and objectives of the Fingal County Development Plan 2017-2023 including Policies ED58 and ED60 relating to Tourism, and Policies ED03, ED04, ED06, ED11 and MT05 relating to Economic Development.
- A case is made that the proposed development is appropriate in terms of bulk, mass, height, scale and design. The proposed commercial office and hotel

complex is befitting of the site's physical and surrounding local context. It would improve the urban realm- on a local and regional scale – as well as delivering on the development potential of the site (zoned “High Technology”) without resulting in an unacceptable visual impact.

- The Design Response Memo prepared by John Fleming Architects sets out a rationale for the proposal on the basis of the strategic location of the site on a motorway intersection and the architectural merit of the proposal. Reference is made international precedents for gateway buildings at motorway junctions including La Defense- Paris.
- A case is made that impacts on adjoining residential areas are limited due to separation distances involved. It is stated that while the proposal may result in some level of impact i.e. visual the impact would be acceptable. The overall development is in compliance with the overarching objectives of the Development Plan.
- There is no Objective DM31 within the Fingal County Development Plan 2017-2023. It is considered that Objective DMS131 is the correct reference. Sufficient generous set-backs are proposed to be maintained from the roads encompassing the site in accordance with the requirements of DMS131 of the Fingal County Development Plan 2017-2023.
- Reason 2,3 and 4 of the planning authority's reason for refusal rely heavily on submission on the application from TII, NTA and the Transportation Planning Section of Fingal County Council. Issues raised within the submissions/reports could have been addressed via a request for further information. The Board is requested to consider the option of further information to facilitate engagement between the applicant and NTA and TII.
- The proposed development has been subject to a detailed and in-depth TTA which concluded that the proposed development would not result in unacceptable traffic congestion, or adversely affect the strategic function, efficiency or carrying capacity of the surrounding road network. The appeal is accompanied by a further technical note prepared by DBFL Consulting Engineers which addresses reasons nos. 2,3 and 4 of Fingal County Council's reason for refusal.

- The proposed level of car parking on site is considered to be optimum.
- The appeal site has excellent access to a number of public transport options including rail, bus, walking and cycling which justifies the car parking provision and quantum of development proposed.
- Reference is made to the three “perceived” grounds of material contravention cited within Fingal County Council’s notification of decision to refuse permission namely in relation to Objective MT36, MT42 and DM113 of the Fingal County Development Plan. A case is made that the proposal is in accordance with Development Plan objectives.
- Reason no. 4 cites contravention rather than material contravention of Objective MT05. The proposal is fully in accordance with the requirements of Objective MT05 which seeks to integrate land use with transportation by allowing higher density development along higher capacity public transport corridors.

6.2. Planning Authority Response

6.2.1. Fingal County Council have provided the following response to the grounds of appeal.

- The application was assessed against the policies and objectives of the Fingal Development Plan 2017-2023 and existing government policy and guidelines.
- The NTA and TII had access to the Traffic and Transport Assessment Report submitted with the application. It is considered that the proposal would create an adverse impact on the national road and associated junction and would be at variance with national policy including that set out in the DoECLG Spatial Planning and National Road Guidelines for Planning Authorities.
- The scale of the proposal extending to 28 storeys in height does not comply with the “Urban Development and Building Height Guidelines for Planning Authorities” in terms of the scale of the proposal on the subject site and the context of the wider area. The subject site is not located within any town or city centre and connectivity to the proposed site is poor in terms of public

transport for pedestrian/cycling. Furthermore, a full visual and landscape assessment has not been carried out.

- The proposed development is contrary to Objective MT36 and MT42 of the Fingal Development Plan 2017-2023 in respect of protecting the strategic function, efficiency, carrying capacity and safety of national roads.
- The Planning Authority remains of the opinion that the development, as proposed, in terms of height, scale and form is excessive and out of character for the area.
- The Board is requested to uphold the decision of the Planning Authority to refuse permission for the development.
- Condition relating to a Section 48 Contribution is requested to be applied in the instance of a grant of permission.

6.3. Observations

- 6.3.1. 5 no. observations were received in relation to the appeal. The following provides a summary of the issues raised within each observation.

Councillor Pamela Conroy and Roderick O' Gorman TD:

- The proposed development is an overdevelopment of the site. The proposal would dominate the skyline in Dublin West.
- There are no other buildings of such scale nearby. The development would have a negative impact on adjoining residential areas.
- There is inadequate car parking provision for the proposed hotel.
- Traffic congestion – existing issues with capacity of the road network. The development will exacerbate traffic problems in the area. The link road is the only access to Connolly Hospital and considerable consideration needs to be given to the impact of the development of the area.

Councillor John Walsh

- The height, scale and bulk of the development amounts to gross overdevelopment of 1.62 ha site.

- The development is visually incongruous and overbearing on existing residential development at opposite side of the N3.
- The development is inconsistent with the existing pattern of development within the area.
- The proposal would dominate the skyline of Dublin 15 and impinges directly on the Architectural Conservation Area of Castleknock village. Development within the Fingal Area is generally c. 3-4 storeys.
- Insufficient car parking in accordance with Development Plan Standards and proposal will result in displacement of parking to surrounding residential estates.
- Traffic impact – The road network in the vicinity of the site is currently congested. The introduction of a large scale development adjacent to M3 and N3 and in proximity to Connolly Hospital will have a devastating impact on traffic flows within the area. The scale of traffic congestion will have a detrimental impact on emergency vehicles particularly ambulances entering and existing Connolly Station.
- The development is entirely inappropriate in a suburban area.

Ashleigh Residents Association:

- Building Height and Scale: The development represents overdevelopment of the site and is excessive and inappropriate within the surrounding site context, which is suburban, low rise, mainly residential/leisure/mixed use location. The development would dominate the skyline of the area.
- A development of the scale proposed would be more appropriate for a city centre or large town centre location. Insufficient facilities in the area are provided in relation to shops/restaurants and other such amenities.
- Design: The height, bulk, mass, design and physical dominance of the buildings are considered to be monolithic and injurious to the visual amenity of the area.
- The Visual Impact Assessment excludes visual impacts from key areas including: Royal Canal Greenway, Talbot Downs/Court, Old Navan Road,

Cherangani, Castleknock Mews, Ashleigh Estate, Woodpark, Huntington, Green Valley Lane, Hawthorn, Castleknock Cross and River Road Blanchardstown.

- The proposed development would be contrary to the Building Height Guidelines and Fingal County Development Plan 2017-2023.
- Limited amenity space is proposed for the development. An inadequate central plaza is proposed with minimal landscaping. The orientation of the site will leave the amenity space in the central plaza shaded from sunlight for most of the day.
- No landscaping is proposed on the perimeters to shield from traffic/roads/nearby housing.
- Insufficient car parking provision would result in pressure on local communities for overflow parking.
- The site is an island type site with restricted access on a very busy distributor road through a yellow box access/exit at the junction with the Navan Road (N3). This will result in serious traffic congestion at a major junction which is adjacent to several other major junctions including Junction 6 of the M50 Motorway, N3 and access to Blanchardstown village. Constraints on emergency and fire vehicle access.
- The proposal contravenes Objectives MT36 and MT42 of the Fingal County Development Plan 2017-2023.
- Overreliance on cycling and public transport to meet parking deficits is questionable. Pedestrian access is hazardous. Train station is a 15/20 minute walk from the site through a narrow, poorly lit lane in the nearby Woodpark Estate to Castleknock Train Station.
- No parking or set down/pick up is available at Castleknock Station. West bound bus stops are over 8 minutes from the site. For eastbound buses towards the City Centre there are no buses. There is a bus stop near the site but most Bus Connects routes will bypass this stop.

- There is no direct access to cycle routes/Royal Canal Greenway other than through nearby residential estates.

An Taisce

- An Taisce is fully supportive of decision of planning authority to refuse permission for the development and endorses the 4 no. reasons for refusal.
- The proposal does not respond to the surrounding local context.
- The pollutant impact of car based transport development as the site is very poorly served by public transport infrastructure.
- The Environmental Impact of the proposal is not addressed within the application.

Frank Mc Donald:

- The proposal is a gross overdevelopment of the site. The gross floor area is over 11 times the gross floor area of the existing commercial buildings on the site.
- The assertion that the proposal reflects the existing character of development, and the Visual Assessment demonstrates that the proposal would be appropriate within the existing site context is not demonstrated. There are no tall buildings within the area apart from the Quinn Tower (12 stories) further north on the N3 and the 10 storey Crown Plaza Hotel in Blanchardstown town centre.
- The proposal is inconsistent with the HT-High Technology zoning objective pertaining to the site.
- Concerns relating to the urban plaza are raised. A case is made that this would be devoid of animation by provision of a single café of 240 sq.m. on ground floor of one of the office buildings.
- Demand for hotel is questioned in light of the impact of Covid 19.
- Concerns are raised in relation to the content of the Mobility Management Plan. In accordance with the assessment of Fingal County Council a case is made that traffic impact associated with the development has not been “adequately identified and addressed”.

6.4. Further Responses

None.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Design and Layout – Quantum of Development, Height and Visual Impact
- Impact on Residential Amenity
- Access and Transportation
- Other Issues
- Appropriate Assessment

7.2. Principle of Development

7.2.1. The appeal site is zoned for HT purposes with an objective *“to provide for office, research and development and high technology/ high technology manufacturing type employment in high quality built and landscaped environment”* within the Fingal County Development Plan 2017-2023.

7.2.2. Office is listed as a permitted use on lands zoned for HT purposes and while hotel is not listed as a permitted or non-permitted use the site is subject to a local objective which relates to the provision of a hotel on the site *“at a suitable location”* (Local Objective 126). The proposed uses are permitted in principle having regard to the zoning and specific objective pertaining to the site.

7.2.3. The appeal site is located within the Dublin Metropolitan Area as identified within the RSES within the area identified as the Dublin City and suburbs area. The objectives of National and Regional policy support compact growth within the area and provision of people intensive employment uses within existing urban centres and at high capacity public transport corridors. Such objectives are reflected within

Objectives ED03, ED05 and MT05 of the Fingal County Development Plan 2017-2023. I consider that the principle of the redevelopment of the site to accommodate employment generating uses is in accordance with national and local planning policy guidance.

7.2.4. The site is located within close proximity to Connolly Hospital which is recognised in Section 2.8 of the Fingal County Development Plan 2017-2023 as one of a number of large public sector employers in Blanchardstown. The development of employment uses on the site would facilitate opportunities for clustering of employment activities in the area.

7.2.5. Whilst the redevelopment of the site can be seen to accord with both national and regional policy and the zoning objectives pertaining to the site, the scale and height of the proposal and associated traffic and visual impacts are material factors in the assessment of the proposal, especially in the context of the Building Height Guidelines and the location of the site on the national road network and in a suburban area c.2km from Blanchardstown.

7.3. Design and Layout - Quantum of Development, Height and Visual Impact

7.3.1. The proposal comprises demolition of the existing commercial buildings on site to facilitate the construction of a 459 bedroom 28 storey hotel and 34,320 sq.m of office floorspace arranged in 3 no. blocks ranging in height from 6 to 13 storeys centred around a central urban plaza. The existing buildings on site are of no architectural merit and contribute little to the visual amenity of the area. I have no objection to their demolition to facilitate the redevelopment of the site.

7.3.2. Fingal County Council's first reason for refusal outlines that the proposed development by virtue of its bulk, mass, height, scale, design and physical dominance, would result in an intensive overdevelopment of the site, would be overbearing and seriously injurious to the visual amenity of the area, and to the amenities of property in the vicinity and would be seriously out of character with the pattern of development in the area. It is stated the proposal would be contrary to the Building Height Guidelines and Objective DM31 of the Fingal County Development Plan 2017-2023.

7.3.3. A case is made within the first party appeal that the proposed commercial office and hotel complex is befitting of the site's physical and surrounding local context. It would

improve the urban realm- on a local and regional scale – as well as delivering on the development potential of the site (zoned “High Technology”) without resulting in an unacceptable visual impact. A Design Response Memo prepared by John Fleming Architects is submitted in conjunction with the appeal. This sets out a rationale for the proposal on the basis of the strategic location of the site on a motorway intersection and the architectural merit of the proposal. Reference is made international precedents for gateway buildings at motorway junctions including La Defense- Paris.

- 7.3.4. The appeal site is located in a suburban area at a motorway intersection c. 2km from Blanchardstown and Castleknock and is currently occupied by a 2 storey commercial block. The prevailing height context in the vicinity of the site is illustrated within the submitted design statement prepared by John Fleming Architects. To the south, at the opposite side of the Navan Road existing residential development is c. 2 storey’s in height and existing buildings at Connolly Hospital to the north-west of the site increase extend to 5 storeys. Within the wider Blanchardstown area existing tall buildings include the Liberty Centre.
- 7.3.5. The proposal includes the introduction of a cluster of tall buildings in a low rise context. The proposed development comprises 4 no. blocks which range in height from 2 to 28 storeys arranged around a central urban plaza. Block A is a 10 storey building, Block B ranges in height from 2 to 28 storeys, Block C is a 6 to 9 storey building and Block D is an 8 to 13 storey building. The proposed development therefore represents a significant increase in height to the existing site context.
- 7.3.6. Fingal County Council’s first reason for refusal outlines that the proposal would be contrary to the Section 28 Urban Development and Building Height Guidelines for Planning Authorities (2018). The provisions of the Urban Development and Building Height Guidelines for Planning Authorities (2018) therefore constitute a material planning consideration for the purpose of the assessment of the appeal.
- 7.3.7. The Building Heights Guidelines provide clear criteria to be applied when assessing applications for increased height and outline that there is a presumption in favour of buildings of increased height in town/city cores and in other urban locations with good public transport accessibility. In this context, I note that the site is located within

a suburban area to the east of Blanchardstown and while the area is served by public transport pedestrian and cycle connections to the site are poor.

- 7.3.8. Section 3.2 of the Guidelines identifies criteria which relate to the development's impact at three levels namely: the scale of the city/town, the district neighbourhood / street and the site / building.
- 7.3.9. An assessment of the proposal against the criteria set out within Section 3.2 of the Guidelines is provided within the planning report which informs the decision of Fingal County Council to refuse permission for the development. The assessment concludes that the proposed development extending to up to 28 storey's in height does not comply with the "Urban Development and Building Height Guidelines for Planning Authorities" in terms of the scale of the proposal on the subject site and the context of the wider area. In this regard concerns are raised in relation to the location of the site outside any town or city centre where connectivity to the site is poor in terms of public transport and pedestrian/cycling connectivity.
- 7.3.10. The following provides an assessment of the development against the criteria set out under Section 3.2.

At the scale of the relevant city/town

- 7.3.11. At the scale of the city/town, the first criterion relates to the accessibility of the site by public transport. The planner's report which informs the decision of Fingal County Council to refuse permission for the development outlines that the site is removed from Blanchardstown Town Centre where existing taller buildings are located and public transport connectivity are provided. It is stated that the site is not well served by public transport and has poor pedestrian/cycle permeability and connectivity with surrounding areas.
- 7.3.12. A case is made within the first party appeal that the site is well served by existing and proposed public transport connections. It is stated that the Building Height Guidelines express a presumption in favour of buildings of increased height in urban locations with good public transport accessibility, which secure NPF objectives to deliver compact growth of new commercial development, economic growth and regeneration.

- 7.3.13. The appeal site is served by public transport and falls within Parking Zone 1 as defined within the Fingal County Development Plan 2017-2023 where reduced parking standards apply on the basis of proximity to public transport. Public transport connections to the site are detailed in the following sections of the report. The site is located c.1km from Castleknock Rail Station and a number of bus stops operate in the vicinity.
- 7.3.14. Notwithstanding the above, I note that the site has a high degree of disconnect from its surroundings and crossing points across the N3 are limited in the vicinity of the site. I consider that the proposed development does little to address this. Access to the site is proposed via a single entrance from River Road. A shared footpath and cycleway is provided at one side of the access road and the periphery of the site is dominated by an internal service road. While I note the reference on the application drawings to a potential future pedestrian bridge connection to the south of the site subject to agreement with the NTA and Fingal County Council there is no meaningful effort made within the application to deliver such a connection. On an overall basis, I do not consider that the proposal makes a positive contribution to the area in terms of place making, streetscape and connectivity.
- 7.3.15. The second criterion relates to the character of the area in which the development is located. At the outset, I note that the appeal site is not located within a sensitive landscape or within a conservation area. However having regard to the scale and height of the proposal it is clear that it would form a dominant feature in the surrounding landscape.
- 7.3.16. A rationale for the proposal is set out within the design statement submitted in conjunction with the application. In this regard, a case is made that the junction between the M3 and the M50 is one of the most prominent and important intersections in Dublin but has little architectural prominence with no clear visual identifier proportional to the scale and significance of the junction. In design terms it is stated that the proposal would frame an important vista along the M50 and not only signal the entrance into Blanchardstown and Castleknock as a landmark development but also Dublin City and mark an important transport interchange to the benefit of legibility, appearance and improve the character of the site and its surrounding vicinity.

- 7.3.17. In the wider site context, it is stated that there are some identifiers within the wider Blanchardstown area including Blanchardstown Hospital and the Liberty Building there is no highly perceivable identifier at important junctions. The appeal response prepared by John Fleming Architects outlines that the approach to height and design on a site which is off a main orbital route is common in all major cities and the proposed urban plaza will provide a significant planning gain to the area.
- 7.3.18. Concerns relating to the principle of the development at a suburban location removed from any designated centre within Fingal are raised within the local authority's decision and within observations on the appeal. It is stated that the development which includes increased building heights are not considered to integrate into/enhance the character of the area. The proposed plaza surrounded by a cluster of tall buildings and microclimatic impacts are not addressed within the application documentation. I share the concerns raised by Fingal County Council in this regard.
- 7.3.19. The site is located at an intersection of national roads. The existing pattern of development within the vicinity of the site is suburban in nature and includes residential development to the south of the site and Connolly Hospital to the north-west. Existing building heights range from 1 to 5 storeys. The proposal represents a significant increase in height from the surrounding site context.
- 7.3.20. In relation to visual impact, a series of 13 photomontages prepared by Magnaparte have been submitted in conjunction with the application. Concerns relating to the limited scope of the assessment are raised by the planning authority and within the observations on the appeal particularly in relation to views from surrounding residential areas. It is stated that a development of the height and scale proposed should be informed by a full visual impact assessment. Having regard to the scale and height of the proposal in the context of the receiving environment, I share the concerns of the planning authority and the observers in this regard.
- 7.3.21. The first party appeal outlines that the viewpoints chosen to represent the key views of the site and surrounding area, including from along the M50, the Navan Road, the Phoenix Park and surrounding residential estates in Castleknock to the south and east and north of the site. The appeal outlines that the photomontages together with the detailed design report prepared by John Fleming Architects provide sufficient

visual and textual material to facilitate visual assessment. It is stated that the proposal will be visually prominent from certain locations such as the M50 (View 5), some residential estates (Views 6 and 7) this will not detract from the site, its setting or receiving environment. A case is made within the appeal that while the proposal will result in a visual impact, that visual impact will not be undue.

7.3.22. Notwithstanding the above, in my view it is clear that the proposed development will read as the dominant element in local views (including views 7 and 8) and that the character of the area will be significantly altered. I consider the transition in height to be significant and the associated visual impact to be high particularly from surrounding residential areas. On an overall basis I consider the proposal would represent a significant increase in built form relative to the wider streetscape and consider that the proposal would be an incongruous insertion in this suburban location.

At the scale of the district/neighbourhood/street

7.3.23. At the scale of the district/neighbourhood/street, the proposal results in the removal of the existing commercial building and car parking, resulting a change of character of the site. The existing commercial development on site is of no particular architectural merit and the site presently contributes little to the character of the area. I consider the redevelopment of the site to be welcomed.

7.3.24. A case is made within the first party appeal that the proposed development will result in a significant planning gain in the form of a centra plaza. It is stated that the proposed plaza will significantly improve the current scenario which consists of a commercial building and surface car parking. The plaza which has been designed as a city streetscape with green relief areas and active ground floor uses including the gym, restaurant and coffee shop will greatly enhance the local environment of the site. In terms of the quality of the space it is stated that the buildings have been located at the extremities of the site to allow maximum light into the inner courtyard spaces.

7.3.25. I share the view expressed within the Fingal County Architects report that individual buildings are homogenous in expression and finish and result in a negative visual impact given the height, scale and bulk of the scheme. I consider that this is particularly evident in photomontage View no. 7 and the CGI's submitted in

conjunction with the application. I consider that the design is lacking in visual detail and would be perceived as a monolithic structure. The overall composition of the building together with the scale and massing provides for a monolithic vista with poor regard for the receiving environment.

7.3.26. The proposed development would read as the dominant element in local views and that the character of the area would be significantly altered. The site is currently occupied by a 2 storey commercial low-rise development and therefore any development is likely to result in a significant change for the surrounding properties. I have concerns in relation to the relationship of the site to the surrounding site context, the site is effectively an island at the intersection of national roads and the proposal incorporates little permeability with the adjoining streetscape as earlier detailed in this report. I consider legibility through the site and its connections with the wider area to be limited.

7.3.27. In terms of the proposed mix of uses, I note the concerns raised within the submissions on the application and observations on the appeal in relation to the loss of existing uses on the site including the gym and creche. Notwithstanding such concerns I consider that the proposed mix of uses including a hotel and office with active ground floor uses including a café would contribute to the overall mix of uses in the area.

At the scale of the site/building

7.3.28. At the scale of the site/building, the Guidelines outline that the form, massing and height of the proposed development should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The design statement submitted in support of the application outlines that the four building zones are corner pillars to the site. Their form and massing are designed to maximise natural daylight, ventilation and views into the open space at the centre of the site. However, no evidence is submitted in support of the application to demonstrate this. The application is not accompanied by a Daylight and Sunlight Assessment. I share the concerns raised by Fingal County Council in relation to the microclimatic impact of a cluster of tall buildings on the quality of the central plaza.

7.3.29. In relation to visual impact, a large number of submissions on the application and observations on the appeal have raised concerns in relation to the scale of the proposal and the visual impact of same, and it is stated that the photomontages are inadequate. Such concerns are echoed within the planner's report which informs the decision of Fingal County Council to refuse permission for the development. I share the concerns in relation to the scope of photomontages and consider that they are not representative of the full visual impact of the scheme particularly from adjoining residential areas.

Specific Assessments

7.3.30. I consider that the onus is on the applicant to demonstrate that a proposal is in compliance with the requirements of the Building Height Guidelines. I consider the scope of the application and appeal documentation to be limited particularly in respect of visual impact, Daylight and Sunlight Assessment and the microclimatic effects of a cluster of tall buildings on the proposed central plaza.

Objective DM31 - Setback from National Road and Motorway

7.3.31. I note the reference to Objective DM31 included within the Fingal County Development Plan 2017-2023 within the planning authority's reason for refusal. I consider the reference to non-compliance with this Objective to be an error in the planning authority's decision. This point is addressed by the applicant within the 1st party appeal. Having reviewed the contents of the planner's report which informs the decision of Fingal County Council to refuse permission for the development I consider that the correct reference is DMS131 of the County Development Plan as cited below:

Objective DMS131: "Seek to provide building setbacks along National Roads and Motorways and their junctions, and along sub-standard Regional and Local Roads to allow for future improvement to enable the provision of a safe and efficient network of National, Regional and Local Roads".

7.3.32. The report on the file from the Transportation Planning Section in Fingal County Council outlines that it is not clear if a setback is required but the future Core Bus Connects project indicates that some acquisition may be required in proximity to the proposed development site and a case is made that this should be discussed and agreed between FCC, the NTA and TII.

- 7.3.33. In response to the above, a case is made within the 1st party appeal that sufficient, generous set-backs are proposed to be maintained from the roads encompassing the site. It is stated that the siting of the blocks do not undermine the safe functioning or efficiency of the surrounding road network.
- 7.3.34. On review of the proposed layout, I note that limited set back is provided from the appeal site boundaries. However, the site is separated from the adjoining road network with existing planted undeveloped land which provides a buffer between the site and the adjoining road network. I refer the Board to the attached presentation documents which illustrate current draft Core Bus Connects layouts in the vicinity of the site. On the basis of the current layouts I do not see evidence of a requirement for set-backs within the site. I note that no specific reference to a set-back is made within the submissions on file from the NTA. In this regard I do not see evidence to refuse permission for the proposal on grounds of the proposal being contrary to Objective DMS131 of the Fingal County Development Plan.

Conclusion

- 7.3.35. On an overall basis whilst I acknowledge that the need to secure more compact growth in urban areas is articulated at both national and local policy level and increased building height is identified as a measure to achieve this, I do not consider that there is adequate justification for the provision of the scale and height of development proposed at a location which is removed from a designated centre within Fingal.
- 7.3.36. The proposal, in my opinion, by reason of the bulk, scale, massing when viewed from all approaches, would represent a significant increase in built form relative to the wider streetscape and constitutes an overdevelopment of the site. In my view the proposed development would be an incongruous insertion at this location. Having regard to the above reasons and considerations set out above, I consider the proposal to be contrary to Building Height Guidelines and recommend that permission is refused for the proposal broadly in accordance with Fingal County Council's first reason for refusal.

7.4. Impact on Residential Amenity

- 7.4.1. Fingal County Council's first reason for refusal outlines that the proposed development would impact on the residential amenity of existing properties in the

vicinity of the site. The observations on the appeal raise concern in relation to the impact of the proposal on existing residential properties in the vicinity of the site. Concerns raised relate to overshadowing, overlooking, overbearing, visual impact, noise, loss of light and wind.

- 7.4.2. A case is made within the first party appeal that impacts on adjoining residential areas are limited due to separation distances involved and the nature of intervening development. The Design Rationale prepared by John Fleming Architects outlines that neighbouring residential areas to the south are currently shielded from the N3 by high hedges and heavy tree lines. It is stated that the nearest residence to the proposal is over 64m away and is separated from the appeal site by roads and extensive screen planting. The proposed 28 storey hotel is located over 150m from the nearest residential property.
- 7.4.3. In terms of impacts of overshadowing and loss of light, I note that no Sunlight and Daylight Assessment has been submitted in support of the application. As earlier detailed, having regard to the scale and height of the proposal I consider that the scope of the application is deficient in this regard. Notwithstanding this, I note that the appeal site is located to the north of existing residential properties. The nearest residential area to the south of the site at Talbot Court is currently screened from the N3 by extensive screen planting as illustrated in the attached presentation document. Having regard to separation distances from the site to adjacent residential areas, and the location of the site to the north of these areas I do not envisage that overshadowing impacts arise.
- 7.4.4. The ambient noise environment in the vicinity of the site is traffic from the adjacent road network. I do not consider noise impacts on adjoining residential areas to arise in the context of the proposal. While construction related activities on site would result in an increase in the baseline noise levels, such activities could be controlled via conditions in the instance of a grant of permission. I furthermore do not consider impacts on overlooking or wind to arise having regard to the separation distances involved.
- 7.4.5. A case is made within the application documentation that views from the surrounding residential areas are improved through the creation of a properly modulated island structure and sculptural buildings. It is stated that while the proposal may result in

some level of visual impact the impact would be acceptable. In my view this has not been demonstrated within the application.

- 7.4.6. Based on the views submitted I consider that the proposal would be visually overbearing and by reason of scale, bulk and height would have a negative visual impact on adjoining residential properties.

7.5. Access and Transportation

- 7.5.1. The site forms an island at the intersection of a number of roads. The site is bound to the north and south by the N3, to the east by the M50 and to the west by River Road and to the south-east by Junction 6 on the M50. Access to the appeal site is currently provided via River Road off the N3 Navan Road. The proposed development will be served by the existing access from River Road as illustrated in Drawing no C-1001 prepared by DBFL Consulting Engineers. Vehicular, pedestrian and cycle access is proposed via this entrance point.
- 7.5.2. Sightlines of at the entrance from River Road of 2.4m x 49m and 2.4m x 40 m are illustrated on Drawing no. C-1001. The proposed access road is 8m in width at the proposed junction with a 3.5m wide shared pedestrian/cycle footpath along the southern carriageway. The proposal includes set down/pick up bays for the proposed "Airport" and "Castleknock Railway Station" shuttle bus services. The internal vehicular route leading to/from the western site entrance will enable vehicle drivers to access/egress the podiums levels plaza area and access to the basement car park. The proposed layout includes an indicative layout for a pedestrian bridge connecting the site to the Navan Road subject to agreement of the NTA and the roads authority. A case is made that the bridge can provide convenient access to the bus stop on Navan Road.
- 7.5.3. Fingal County Council's 2nd, 3rd and 4th reasons for refusal relate to transportation related concerns including traffic impact, insufficient car parking and inadequate public transport connections. The issues raised are considered in turn as follows.

Reason for Refusal no. 2 – Traffic Impact

- 7.5.4. Fingal County Council's second reason for refusal raises concerns in relation to traffic impact associated with the proposed development. It is stated that the Planning Authority is not satisfied that the traffic impacts arising from the proposed

development have been adequately identified and assessed within the TTA. Therefore, based on information provided it is considered the proposed development would result in traffic congestion and would adversely affect the strategic function, efficiency and carrying capacity of surrounding national roads and would contravene materially Objectives MT36 and MT42 of the Fingal Development Plan 2017-2023 and would be contrary to the 'Spatial Planning and National Roads Guidelines for Planning Authorities' (2012) which were issued to Planning Authorities under Section 28 of the Planning and Development Act 2000, as amended.

- 7.5.5. A Traffic and Transportation Assessment prepared by DBFL Consulting Engineers was submitted in conjunction with the application. The TTA concludes that the proposed development would not result in unacceptable traffic congestion, or adversely affect the strategic function, efficiency or carrying capacity of the surrounding road network. A case is made that the proposed development would not be a significant generator of additional car based trips.
- 7.5.6. Baseline traffic studies were undertaken between the hours of 07:00-10:00 and 16:00 and 19:00 on the 28th of February 2019. The survey identifies that the AM and PM peak on the local road network occurs between 08:00-09:00 and 16:30-17:30 respectively. The survey identifies that the adjoining road network experiences its most critical level of demand during the PM peak in terms of resulting vehicle queues and delays.
- 7.5.7. Table 6.1 of the TTA sets out the proposed development vehicle trip rates. The following assumptions are applied within the study:
- The office generated vehicle trips have been discounted by a factor of 0.67 to account for the subject site modal split and the restrained parking on the site.
 - The hotel generated vehicle trips have been discounted by a factor of 0.40.
- 7.5.8. Table 6.2 of the study summarises the proposed weekday AM and PM vehicle trips generated by the proposed development.
- AM Peak Hour: Office 103 arrivals and 4 departures. Hotel 36 arrivals and 54 departures.
 - PM Peak Hour: Office 9 arrivals and 91 departures. Hotel 34 arrivals and 34 departures.

7.5.9. Tables 6.3 to 6.6 of the TTA set out assumptions for modal split for the proposed office and hotel development during the AM and PM peak which I have summarised in the Table below:

Table 1: Assumed Modal Split for Development				
	Office		Hotel	
	AM Peak	PM Peak	AM Peak	PM Peak
Walking	8.2% (102)	7.8% (102)	2.4% (5)	2.5% (5)
Cycling	21.8% (270)	21.1% (271)	1.2% (7)	3.5% (7)
Public Transport	56.6% (702)	58% (747)	50.85% (128)	52.5% (107)
Car	3.8% (47)	3.8% (49)	36.6% (93 people, 51 vehicles)	28% (56 people, 30 vehicles)
Car Pool	8.1% (101 people, 31 trips)	7.9% (101 people, 31 trips)	0%	0%
Motorcycle	1.3% (16)	1.2% (16)	0.4% (1)	0.5% (1)
Taxi	0%	0%	7.9% (20 people, 15 vehicles)	12% (24 persons, 17 vehicles)
Goods Vehicle	0.1% (1)	0%	1.6% (4)	1% (2)

7.5.10. The impact of the proposal on the adjoining road network is identified in Section 7 of the TTA at the design year (2022), 2027 and 2037. Development scenarios of “do minimum” and “do something” are presented. The following junctions are addressed within the TTA:

- Junction 1: Signalised Junction – Connolly Hospital Access Junction;
- Junction 2: Priority Control – Site Access Junction;
- Junction 3: Signalised Junction – Navan Road (Site Connection);

- Junction 4: Signalised Junction – Navan Road (Blanchardstown Connection); and;
- Junction 5: Signalised Junction – M50 Junction 6 Roundabout;

7.5.11. Table 7.1 presents the traffic impact on the basis of the do something scenario. The impact assessment details impacts of over 5% at the site access junction during the AM and PM peak at 2022, 2027 and 2037 (2022 – 23.89% AM, 19.46% PM, 2027- 22.05% AM, 17.96% PM and 2037 20.5% AM and 16.7% PM). Impacts on the Navan Road signalised junction during the AM peak in 2022,2027 and 2037 are also identified (2022-6.53%, 2027-6.02% and 2037-5.06%). All other junctions operate at levels of less than 5%. Further analysis is carried out on junctions 1-4 within the TTA.

7.5.12. The impact assessment concludes that in 2022 (AM and PM) and 2027 (AM) all junctions operate efficiently as anticipated with little queuing experienced in the Do Nothing and Do Something Scenarios. However, in the PM peak of the horizon year of 2027, queuing begins to build up particularly westbound from the M50 interchange to the N3. Under the Do Nothing Scenario congestion is experienced during the 2037 PM peak resulting in traffic backing up along River Road and onto Connolly Hospital. The main issue in the Do Something scenario is the PM peak scenarios in 2027 and 2037. Junction 3 is identified as having particularly heavy congestion issues. All other junctions are found to operate within capacity.

7.5.13. Section 8.7 of the TTA sets out suggestive remedial measures to improve the operation of Junction 3. Such measures include:

- A right turn flare at the approach arm of River Road to allow traffic to split and use different exit lanes for access the N3 and Blanchardstown;
- Extending the left turn slipway lane accessing Blanchardstown into the landscaping and hatching between Junction 3 and Junction 4;
- Reconfiguring the offset and signal timings at Junction 4;
- Reconfiguring the signal timings in response to AM and PM traffic profiles;

7.5.14. The TTA outlines that queuing at Junction 3 is significantly reduced with the implementation of the above measures as illustrated within Table 8.26. It is

concluded that the proposal will generate a modest increase in vehicle traffic compared to the existing uses on site.

- 7.5.15. Concerns in relation to the assumptions set out within the Traffic Transportation Assessment and Mobility Management Plan are raised by Fingal County Council and the observations on the application. A case is made that the submitted TTA does not represent a robust and evidential assessment of the impact of the proposal. Traffic impact is considered to be understated on the basis of the underestimation of employee numbers and the ambitious modal split assumed for the proposal. Such concerns are echoed within the submissions on file by the NTA and TII.
- 7.5.16. Concerns relating to traffic impact associated with the proposal at both operational and construction phase are also raised within the observations on the appeal. In this regard a case is made that at present the road network in the vicinity of the site is congested and has limited capacity to accommodate a development of the nature and scale of development proposed. I note the references in the submissions on the application to existing traffic congestion associated with the existing uses on site.
- 7.5.17. The first party appeal outlines that the proposal will not represent a significant generator of additional trips over and above that already generated by the existing development on site. It is stated that the proposed mobility strategy and suggested mitigation measures would address fully the impact on the key Navan Road/N3/River Road junction thereby safeguarding the operational performance of the strategic road network as per the objectives in the DoECLG Spatial Planning and National Guidelines for Planning Authorities (2012).
- 7.5.18. Reference is made to the suggested mitigation measures detailed within Section 8.7 of the TTA, as summarised above, and it is stated that with the suggested mitigation measures in place the operational performance of the adjoining road network is found to operate more efficiently than the existing baseline scenario. The 1st party appeal outlines that such measures could be implemented by the applicant in the instance of a grant of permission.
- 7.5.19. Notwithstanding the case made by the applicant, I note that the appeal does not specifically address the concerns raised within the Transportation Planning Sections report on the file and submissions on file from the NTA and TII in relation to the underlying assumptions informing the traffic impact assessment in particular in

relation to the underestimation of employee numbers for the proposed office use and the ambitious modal split targets. I furthermore note that no detailed analysis is carried out of Junction 5.

7.5.20. Employment density assumptions of 5 persons per 100 sq.m. are set out within the TTA. The report on file from the Transportation Planning Department outlines that high technology offices can attract a density of 10 persons per 100sq.m. I agree with the planning authority that such assumptions are understated. I note the guidance set out within the Employment Density Guidance, Homes and Communities UK 2015 identifies densities in the range of 10-13 persons per 100sq.m.

7.5.21. With reference to the modal split, I note that while the site is served by public transport the pedestrian and cycling environment in the vicinity of the site is poor. I consider that no meaningful effort is made within the application to address this. I furthermore refer to the Mobility Management Plan which identifies the modal split within the area based on the 2016 census results (Graph 4.1) as detailed below. I consider the assumptions on modal split for the proposed development to be ambitious in this regard.

- 66% Car, 1% Train, Dart, Luas, 2% Cycle, 13% on foot, 17% Bus, 1% Van.

7.5.22. As detailed within the submission on file from the NTA the modal split identified is more akin to a highly accessible town/city centre location which is well served by public transport. I concur with the comments of the NTA in this regard. While I note that the area is served by public transport pedestrian and cycle connections to the site are poor.

7.5.23. Having reviewed the submitted TTA and the information submitted in conjunction with the 1st party appeal I concur with conclusions of Fingal County Council that traffic impacts associated with the development have not been appropriately identified or addressed. While I note that a comprehensive TTA has been carried out I have concerns in relation to the underlying assumptions which inform the study and resulting underestimation of traffic impact. These points were raised within the report on the application by the Transportation Planning Department in FCC and submissions on file from the NTA and TII. No effort has been made by the application to address the specific concerns raised within the appeal.

Material Contravention

7.5.24. I note the reference within the reason for refusal to material contravention of Objectives MT36 and MT42 of the Fingal Development Plan 2017-2023. These objectives are cited below:

- *Objective MT36 - Maintain and protect the safety, capacity and efficiency of National roads and associated junctions in accordance with the Spatial Planning and National Roads Guidelines for Planning Authorities, DECLG, (2012), the Trans-European Networks (TEN-T) Regulations and with regard to other policy documents, as required.*
- *Objective MT42 - Protect the strategic transport function of national roads, including motorways through the implementation of the DoECLG ‘Spatial Planning and National Roads – Guidelines for Planning Authorities’.*

7.5.25. Both of the above objectives seek to protect the safety, efficiency and capacity of the strategic road network in accordance with the requirements of national policy set out within the DoECLG policy document ‘*Spatial Planning and National Roads – Guidelines for Planning Authorities*’. Concerns relation to the compatibility of the proposal with the above objectives of the Development Plan are raised within the submissions on file by the NTA and TII. The submission on file from the NTA specifically states that the proposal would be contrary to the guidance set out within Section 2.7 of the Guidelines as follows:

“Therefore, planning authorities must exercise particular care in their assessment of development/local area plan proposals relating to the development objectives and/or zoning of locations at or close to interchanges where such development could generate significant additional traffic with potential to impact on the national road. They must make sure that such development which is consistent with planning policies can be catered for by the design assumptions underpinning such junctions and interchanges, thereby avoiding potentially compromising the capacity and efficiency of the national road/associated junctions and possibly leading to the premature and unacceptable reduction in the level of service available to road users”.

7.5.26. At the outset in considering compatibility of the proposal with the guidance set out in section 2.7 of the Guidelines, I note that the site is zoned for employment generating uses and subject to a specific local objective for a hotel use within the Fingal County

Development Plan 2017-2023. The site is located within the Dublin City and suburbs area within the RSES. National policy supports high density employment uses in such areas. I note the proximity of the site to Connolly Hospital which is recognised in Section 2.8 of the Fingal County Development Plan 2017-2023 as one of a number of large public sector employers in Blanchardstown. In principle the development of employment uses on the site would facilitate opportunities for clustering of employment activities in the area. The site is also located within Parking Zone 1 which relates to areas which are served by public transport.

- 7.5.27. Notwithstanding the above, as earlier detailed I do not consider that the TTA submitted in conjunction with the application fully identifies or addresses traffic impact associated with the proposed development. On this basis I do not consider that the applicant has demonstrated that a development of the intensity proposed would not impact on the safety, capacity and efficiency of national roads. I consider the proposal to be contrary to Objectives MT36 and MT42 of the Fingal County Development Plan in this regard.
- 7.5.28. I also note the guidance set out within the Spatial Planning and National Road Guidelines for Planning Authorities which relate to potential safety impacts of proposals on the national road network. Potential traffic hazards associated with building materials which may reflect headlights and impair drivers' vision and light spillage etc. are identified in this context. The Guidelines specifically identify that the *"use of highly reflective building surfaces, such as glass, in situations where they are likely to reflect car headlights can impair drivers' vision and cause distraction and thus create confusion and have adverse effects on road safety"*.
- 7.5.29. The appeal site is highly visible from the surrounding road network. I refer to the planning history of the site, detailed within Section 4 of this report, wherein planning permission has been refused for signage on the site by both Fingal County Council and An Bord Pleanála on grounds of traffic hazard and distraction to drivers. Having regard to the scale and height of the proposal, its limited set back from site boundaries and proposed finishes which include extensive curtain wall glazing and aluminium fins I do not consider that potential traffic hazard has been addressed within the application. I consider that potential safety impacts associated with the proposal are not appropriately identified or addressed within the application. The

requirement for a Road Safety Audit is raised by Fingal County Council and this has not been addressed within the appeal.

7.5.30. I note the reference in the grounds of appeal to the potential for a request for further information to facilitate further consultation with the NTA and TII. I do not consider the points raised by the planning authority have been addressed within the appeal and having regard to other substantive concerns in relation to the design of the proposal, I do not consider a request for further information to be warranted. I recommend that permission is refused for the proposal broadly in line with Fingal County Council's second reason for refusal.

Reason for refusal no. 3 – Insufficient Car Parking

7.5.31. Fingal County Council's 3rd reason for refusal outlines that the proposed development by virtue of the substandard level of car parking provided would be contrary to Table 12.8 Car Parking Standards and contravene materially Objective DM113 of the Fingal County Development 2017-2023, would give rise to traffic congestion in this area and endanger public safety by reason of traffic hazard.

7.5.32. Objective DM113 of the Fingal County Development Plan 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. Where demand can be managed by pricing, i.e., retail developments, the pricing should favour shoppers, who generally stay for shorter times, over employees, who generally stay for longer times”*.

7.5.33. Car parking is provided at basement level of the development. A total of 232 no. car parking spaces are provided. Drawing no. P-OD-001 entitled “Basement General Arrangement” illustrates that 210 no. spaces will be allocated to the proposed office use and 22 no. spaces will be allocated to the hotel use. 24 no. motorcycle spaces are provided at basement level and 668 no. bicycle parking spaces are provided. On review of the layout, I consider that a number of the parking spaces are inaccessible due to the placement of pillars. I recommend a revised basement parking layout in this context in the instance that the Board is minded to grant permission for the development.

- 7.5.34. Parking standards are set out within Table 12.8 of the Fingal County Development Plan. The following standards are identified: Hotel – 1 per bedroom – Norm, Café – 1 per 15sq.m., Office – 1 per 30 sq.m. gross floor area – Reduce by 50% near public transport, Metro Economic Corridor, Major Town Centre and Town Centre. Maximum.
- 7.5.35. The County is split into Zone 1 (close to public transport) and Zone 2 (all other areas) for the purposes of parking requirements. Proximity to public transport is defined within the Development Plan as being development within 800m of a QBC or high quality bus service, or 1,600m of an existing or planned Luas/Dart/Metro/ Rail Station. On the basis of the above criteria, I consider that the appeal site falls within the definition of Zone 1 where a reduced parking standard applies. The classification of the appeal site within Zone 1 is accepted by Fingal County Council.
- 7.5.36. On application of the above standards a total of 1,047 no. spaces could be provided to serve the development including 459 spaces to serve the hotel, 572 spaces to serve the office development and 16 no. spaces to serve the proposed café. The proposed development includes the provision of 232 no. car parking spaces, a rate of 22% of Development Plan standards. 22 no. spaces are allocated to the hotel and the remainder of spaces are allocated to office use.
- 7.5.37. The application documentation provides a justification for the proposed parking provision on the basis of existing public transport available and the proposed future BusConnects project, DART electrification scheme and the promotion of sustainable modes of transport such as cycling and walking through a mobility management plan. Shuttle bus services to the City Centre, Dublin Airport and Castleknock station are also proposed. The report on file from the Transportation Planning Section outlines that while all of these measures are welcomed no evidence or source data has been provided as part of the proposal. Particular concerns are raised in respect of the undersupply of car parking to serve the proposed office use.
- 7.5.38. I note the reference to material contravention of Objective DM113 of the Fingal County Development Plan within the planning authority's reason for refusal. I refer to the wording of this objective which seeks to limit car parking at places of work in order to minimise car based commuting. Such an approach to the restriction of parking at destination is a demand management tool advocated through national

policy and reflected within the Development Plan. The guidance set out under Section 7.1 of the Fingal County Development Plan outlines that commuters will use more sustainable modes of transport if they do not have car parking at their place of work and this is cited as an effective form of development management. It is furthermore stated that employment based developments which are close to public transport need fewer car parking spaces.

7.5.39. In terms of parking requirements, the appeal site is located within Zone 1 where reduced car parking standards apply on the basis of its proximity to public transport. The Development Plan outlines that parking requirement for offices can be reduced by 50% within Zone 1.

7.5.40. Having regard to the wording of Objective DM113, the guidance set out within the Development Plan in relation to the car parking standards which seeks to limit the number of car parking spaces at places of work, the location of the appeal site within Zone 1 where reduced parking standards applies and the classification of office parking standards as maximum within Table 12.8 of the Fingal County Development Plan 2017-2023, I do not consider that deviation from the parking standards detailed in Table 12.8 of the Fingal County Development Plan parking could be classified as a material contravention of Objective DM113 of the Fingal County Development Plan 2017-2023. It is in my view, that deviation from the standards would not justify the use of the term “materially contravene” in terms of normal planning practice. I consider the reference to material contravention to be misplaced in this instance. The Board should not, therefore, consider itself constrained by Section 37(2) of the Planning and Development Act.

7.5.41. As a separate consideration to the issue of material contravention of car parking standards, the question arises as to whether the quantum of parking proposed is sufficient to cater for the parking requirements of the proposal.

7.5.42. The report on file from the Transportation Planning Section details that the transport planning section would welcome a reduced rate of car parking at this location, but concerns are raised in relation to the significant under provision of car parking in particular in relation to the proposed office based land use. It is stated that parking provision is not suitable for a development of the scale and predominant office land-use. Concerns are raised in relation to the overspill of car parking in nearby

residential areas and Connolly Hospital and such concerns are raised within observations on the appeal. The Transportation Planning section report identifies that significant overspill of parking currently occurs on the Old Navan Road and further overspill would result in potential safety issues.

7.5.43. On-site inspection I note that there is no capacity within the immediate vicinity of the site to accommodate any potential parking overspill. I consider that the proposed development should be self-sufficient in terms of catering for its parking demand.

7.5.44. I consider that the existing pay and display and clamping system at Connolly Hospital to the north of the site would negate against overspill from the development at this location. In terms of impact on existing residential areas to the south of the site I note the reference within the appeal to Objective MT09 of the Fingal County Development Plan which seeks to *“consider the implementation of parking demand strategies in housing estates in close proximity to public transport facilities experiencing parking and congestion issues, where deemed appropriate”*.

7.5.45. A case is made within the appeal that consideration of such measures may be required as part of the NTA’s Core Bus Connects proposals thereby ensuring that access and parking in residential streets is limited to only appropriate users and not commuters. It is furthermore stated that the implementation of parking demand management measures across neighbouring areas where overspill may otherwise be generated will comprehensively address the concerns relating to overspill of parking from the development.

7.5.46. As earlier detailed, the Mobility Management Plan for the proposed office use submitted in conjunction with the application sets out ambitious targets for modal split for the proposed office use. I note the comments on file from the Transportation Planning Section in Fingal County Council in relation to the ambitious nature of targets identified for a site which is not served by high quality public transport and outside of any designated centre. Such comments are reflected in the submission on the application by the NTA and within observations on the appeal. The planning authority requested precedent cases for developments where similar targets have been achieved and this has not been addressed by the applicant within the appeal response. In addition, I agree that employee numbers are underestimated/unjustified within the appeal.

7.5.47. Having regard to the above reasons and considerations while I do not consider that there is justification for the refusal of the proposal on the basis of material contravention of Objective DM113 of the Fingal County Development Plan 2017-2023 I consider that the case has not been sufficiently demonstrated within the application or the appeal that the proposal will not result in parking overspill on the adjacent road network and associated traffic hazard. I consider this to be covered within the scope of the planning authority's second reason for refusal.

Reason for Refusal no. 4 – Insufficient Public Transport and Pedestrian and Cycle connections

7.5.48. Fingal County Council's 4th reason for refusal outlines that the proposed development which includes a high density of employment development in a location removed from high capacity public transport and substandard pedestrian and cycle connectivity would be contrary to the integration of land use and transport, would result in an unsustainable form of development, would contravene Objective MT05 of the Fingal County Development Plan 2017-2023. Objective MT05 of the Fingal County Development Plan 2017-2023 seeks to: *"integrate land use with transportation by allowing higher density development along higher capacity public transport corridors"*.

7.5.49. A case is made within the first party appeal that the subject site is one of the most accessible sites within the Fingal in terms of existing, emerging and potential sustainable accessibility levels. It is stated that the planning authority's reason for refusal is unjustified and contrary to the existing, emerging and potential sustainable accessibility of the site.

7.5.50. At the outset in considering the planning authority's reason for refusal I note that the site is zoned for HT related development within the Fingal County Development Plan 2017-2023. The precedent of high density employment uses at this location is established within Connolly Hospital, which is identified as a key employment hub within the Fingal County Development Plan 2017-2023. The site is located within the Dublin City and suburbs area, as identified within the RSES, where high density employment developments are promoted. Fingal County Council have furthermore accepted that the site is located within an area served by public transport in the classification of the site within Zone 1 for car parking standards.

- 7.5.51. The site is c.1km from Castleknock Train Station. This is not a Dart or Luas but it is considered a high capacity service. Castleknock Station is served by the Maynooth to City Centre (Connolly/Docklands/Pearse) commuter service. There is a frequent train service at this station with a frequency of up to 4 to 6 services per hour each way during peak times. Information on the Irish Rail website details a number of investment programmes designed to increase capacity in the rail network. Of relevance to this line is the Dart+ West project which will provide an electrified and more frequent rail service, improving capacity on Maynooth and M3 Parkway to city centre rail corridor, with capacity increases from the current 7 trains per hour per direction up to 15 trains per hour per direction subject to demand. Passenger capacity will increase from 4,500 in 2019 to 13,750 passengers in 2025. This project is currently at public consultation stage and it is expected that a Railway Order application will be made to An Bord Pleanála in mid-2021.
- 7.5.52. Dublin Bus Routes 38a,39 and Go-Ahead 76a are approx. 300m from the site (stop 7374) on the Navan Road and provide links to and from Dublin City Centre. To the west the nearest bus stop is over 1km.
- 7.5.53. On the basis of the above, I consider the site to be accessible by public transport and in this regard do not consider the proposal to be contrary to Objective MT05 of the Fingal County Development Plan 2017-2023. I consider that the key concerns underpinning the planning authority's reason for refusal relates to the intensity of development proposed and limitations of local pedestrian and cycle connections to the site.
- 7.5.54. The modal split identified within the Mobility Management Plan submitted in conjunction with the application assumes that a high proportion of employees to the development will arrive via public transport (58%), walking (7.8%) and on bicycle (21%) (PM peak). The planner's report which informs the decision of Fingal County Council to refuse permission for the proposed development outlines that pedestrian and cycle connections to the site are poor. I concur with the conclusions of Fingal County Council in relation to the poor pedestrian and cycle connections to the site and consider that the development as proposed does little to enhance such connections.

- 7.5.55. Vehicular and pedestrian/cycle connectivity is provided via one single point at the access from the proposed development onto River Road as illustrated in Drawing no C-1001 prepared by DBFL Consulting Engineers. Vehicular, pedestrian and cycle access is proposed via this entrance point. The proposed access road is 8m in width at the proposed junction with a 3.5m wide shared pedestrian/cycle footpath along the southern carriageway. There is currently no dedicated cycle infrastructure along River Road or Navan Road. Cycle connectivity to Blanchardstown and Castleknock is poor and no improvements are proposed as part of Bus Connects proposals. No connection is provided to Royal Canal Greenway or Tolka Greenway. I consider pedestrian connectivity to east bound bus stops on the N3 is satisfactory however the west bound connection is poor.
- 7.5.56. Access to the site from the surrounding residential areas and Castleknock Train Station to the south involves crossing of multiple junctions and busy roads. The route to cross the N3 to the site is circuitous as there is a lack of pedestrian crossings at key desire lines to the site. I consider that the development, as proposed does little to address this.
- 7.5.57. I note the reference in the first party appeal to the provision of a staggered pedestrian crossing across the Navan Road in the vicinity of the site and consider the provision of such would enhance the accessibility of the site. I furthermore note the reference on the application drawings to a potential future pedestrian bridge connection to the south of the site subject to agreement with the NTA and Fingal County Council. While the provision of such connection is welcome and would clearly enhance the accessibility of the site, I note that there is no meaningful effort made within the application to deliver such a connection. On an overall basis, I do not consider that the proposal makes a positive contribution to the area in terms of connectivity to the adjoining street network.
- 7.5.58. I note that no cycle infrastructure is proposed in the vicinity of the site is proposed under Core Bus Connects. Drawing no. 190039-DBFL-TR-SP-DR-C-1003 submitted in conjunction with the first party appeal illustrates potential enhancements to the pedestrian/cycle environment in the vicinity of the site. The drawing illustrates a connection between the site and the NTA's off site Primary, Secondary and Greenway cycle routes. It is stated within the appeal that the applicant was not afforded the opportunity to engage with the NTA and TII through the statutory

planning process as no request for further information was issued. I consider that there is clear potential to enhance and improve the baseline pedestrian and cycle environment in the vicinity of the site through consultation with Fingal County Council, the NTA and TII. However, I consider the development as currently proposed does little to enhance the connectivity of the site. Having regard to other substantive reasons for refusal in particular in relation to the design of the proposal I consider that this would be best addressed via a revised proposal.

7.5.59. Having regard to the above reasons and considerations, I consider the site to be accessible to public transport and in this regard do not consider the proposal to be contrary to Objective MT05 of the Fingal County Development Plan 2017-2023 as set out within Fingal County Council's final reason for refusal. I consider that while the existing cycle and pedestrian environment in the vicinity of the site is restricted, there is potential for improvements to enhance the accessibility of the site. Having regard to other substantive reasons for refusal I consider that enhancements to the pedestrian and cycle environment in the vicinity of the site be addressed as part of a revised design.

7.6. Other Issues

Irish Water Infrastructure

- 7.6.1. I note the contents of the submission on the file from Irish Water and associated request for additional information in relation to the location of the proposed development over existing Irish Water Infrastructure. The submission outlines that *“any proposals by the applicant to build over or divert existing water or wastewater services are not permitted by Irish Water”* and a request for further information is recommended. It is stated that the applicant shall engage with Irish Waters diversions section to assess feasibility of build over and/or diversion.
- 7.6.2. Drawing no. 170037-DBFL illustrates the existing Waterman Layout in the vicinity of the proposed internal service road. A notation is indicated on the drawing that the location of the watermain is to be confirmed by a GPR survey.
- 7.6.3. A case is made in the first party appeal that the points raised could be addressed via a request for further information from the Board or via condition. On review of the content of the submission I do not consider that the points raised could be addressed via condition. Further consultation with Irish Water would be required to ascertain

their requirements and inform the layout of a proposal on the site. Furthermore, based on the information submitted it is not clear that proposals for Water and Wastewater are adequate.

Groundwater

- 7.6.4. The groundwater vulnerability is identified as high and extreme. I refer to the submission on the application from Inland Fisheries which relates to potential interaction groundwater during the construction including mitigation in the event that the construction extends below the water table. It is stated that comprehensive surface water management measures must be implemented at the construction and operational phase to prevent any pollution of surface waters.
- 7.6.5. The submission furthermore outlines that it is essential that local infrastructural capacity is available to cope with increased foul and storm water generated by the proposed development in order to protect the ecological integrity of any receiving aquatic environment. Reference is made to the capacity issues with the Ringsend Wastewater Treatment Plant. This point is not addressed within the appeal.
- 7.6.6. The Report from the Water Services Department in Fingal County Council recommends a request for further information in relation to a SUDS evaluation for the site as opposed to the pipe network and underground attenuation and other measures proposed. The appeal does not address the issues raised in this context.

Noise Impacts

- 7.6.7. I refer to the reference within the guidance relating to noise sensitive developments within the Spatial Planning and National Roads Guidelines for Planning Authorities and implementation of mitigation measures in order to negate against such impacts. I would consider the proposed hotel use a noise sensitive use. Local Objective 126 which seeks to provide a hotel at “a suitable location” on the site. No justification is provided within the application in relation to the proposed siting of the hotel. Noise impacts/mitigation measures are not detailed or addressed within the application.

7.7. Appropriate Assessment

- 7.7.1. An Appropriate Assessment Screening Report prepared by Openfield Ecological Services is submitted in conjunction with the application. This outlines that the appeal site is not located within or directly adjacent to any Natura 2000 site. The

existing nature of development in the vicinity of the site is urban in nature. The River Tolka is located 200m to the north of the site at the opposite side of the N3 carriageway.

- 7.7.2. The report identifies that surface water and wastewater pathways ultimately lead to the Tolka Estuary and Dublin Bay respectively and these are subject to a number of designations including the South Dublin Bay and River Tolka Estuary SPA (site code 4024), the South Dublin Bay SAC (0210), the North Dublin Bay SAC (0206) and the North Bull Island SPA (4006). Foul wastewater from the proposed development will discharge to the wastewater treatment plant in Ringsend and reference is furthermore made to the Poulaphouca Reservoir SPA (4063) from which drinking water will originate.
- 7.7.3. The Screening statement concludes the following: *“it can be concluded that the possibility of any significant impacts on any European sites, whether arising from the project itself or in combination with other plans or projects, can be excluded beyond a reasonable scientific doubt on the basis of the best scientific knowledge available”*.

Project Description

- 7.7.4. A detailed description of the proposal is set out within Section 2 of this report. In brief the proposal comprises demolition of existing buildings on site to facilitate the construction of a mixed use hotel and office development arranged in 4 no. blocks with a gross floor area of 57,591 and ranging in height from 2 to 28 no. storeys.

The European Sites Likely to be Affected - Stage I Screening

- 7.7.5. The development site is not within or directly adjacent to any Natura 2000 site. This site lies within an urban area and current land uses in the vicinity are predominantly residential and commercial in nature along with transport arteries. There are no watercourses either within the site. The River Tolka is located c. 200m to the north of the site and is separated from the site by the N3.
- 7.7.6. In determining the Natura 2000 sites that have the potential to be impacted by the proposal, I have had regard to the contents of the screening report and the characteristics of the proposed development.
- 7.7.7. The closest Natura 2000 site is the Rye Water Valley/Cartron SAC (site code 001398) which is approximately 8.8km from the site at its closest point. Given the distance of

the Rye Water Valley/Carton SAC from the application site, and the lack of any apparent connection to same, hydrological or otherwise, potential likely significant effects on this site can be ruled out. Likely significant effects on non-coastal Natura 2000 sites at a greater distance than the Rye Water Valley/Carton SAC from the site can be ruled out for the same reasons.

7.7.8. The closest coastal Natura 2000 sites are those SACs/SPAs located within Dublin Bay which area as follows:

- (i) South Dublin Bay and River Tolka Estuary SPA (004024); 9.5km
- (ii) South Dublin Bay SAC (000210) 11.4km
- (iii) North Bull Island SPA (004006) 13km
- (iv) North Dublin Bay SAC (000206) 13km
- (v) Malahide Estuary SAC (000205) – 14.9km from site
- (vi) Broadmeadow/Swords Estuary SPA (004025) – 14.9km from site

7.7.9. There are no apparent hydrological connections between the application site and Malahide Estuary SAC or the Broadmeadow/Swords Estuary SPA and as such the likely significant effects on these Natura 2000 sites can be ruled out.

7.7.10. There are hydrological connections between the application site and the remaining 4 no. sites listed above, arise as a result of surface water discharge from the development, which ultimately lead to Dublin Bay via the surface water network, and as a result of wastewater pathways ultimately leading to Dublin Bay via the Ringsend WWTP, with potential impacts on these sites. As detailed within the Screening Statement, the Poulaphouca Reservoir provides a drinking water source for the development. The qualifying interests of these sites are listed below:

Site (Site Code)	Distance from Site	Qualifying Interest
South Dublin Bay and River Tolka Estuary SPA (004024)	9.5km	Light-bellied Brent Goose (Branta bernicla hrota) [A046]

		<p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>
South Dublin Bay SAC (000210)	11.4km	<p>Mudflats and sandflats not covered by seawater at low tide [1140].</p> <p>Annual vegetation of drift lines [1210]</p>

		Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]
North Bull Island SPA (004006)	13km	Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Teal (Anas crecca) [A052] Pintail (Anas acuta) [A054] Shoveler (Anas clypeata) [A056] Oystercatcher (Haematopus ostralegus) [A130] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144] Dunlin (Calidris alpina) [A149] Black-tailed Godwit (Limosa limosa) [A156] Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162]

		<p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>
North Dublin Bay SAC (000206)	13km	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>

Poulaphouca Reservoir SPA (004063)	25km	Greylag Goose (<i>Anser anser</i>) [A043] Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]
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Potential Effects of Designated Sites

- 7.7.52. Whether any of these SACs or SPAs is likely to be significantly affected must be measured against their ‘conservation objectives’. Specific conservation objectives have been set for all of these areas.
- 7.7.53. Specific conservation objectives have been set for mudflats in the South Dublin Bay SAC (NPWS, 2013). The objectives relate to habitat area, community extent, community structure and community distribution within the qualifying interest. For the North Dublin Bay SAC, specific conservation objectives have been set for the habitats of qualifying interest and they relate to habitat area, community extent, community structure, community distribution, physical structure, vegetation structure and vegetation composition within the qualifying interest (NPWS, 2013).
- 7.7.54. For the South Dublin Bay & Tolka Estuary SPA and the North Bull Island SPA the conservations objectives for each bird species relates to maintaining a population trend that is stable or increasing and maintaining the current distribution in time and space (NPWS, 2015a & b). A generic objective applies to the Poulaphouca Reservoir SPA which seeks *“to maintain and restore the favourable conservation condition of the Annexed species for which the SPA has been selected”*.
- 7.7.55. At its closest point the site is over 9.5km away (as the crow flies) from the boundary of the Natura 2000 areas within Dublin Bay. In reality however, this distance is greater as hydrological pathways follow the course of the drainage network to Dublin Bay. Due to the significant distance separating the two areas there is no pathway for loss or disturbance of habitats associated with any SAC or other semi-natural habitats that may act as ecological corridors associated with the qualifying interests of the Natura 2000 sites.
- 7.7.56. Potential impacts associated with pollution from wastewater and pollution from surface water are identified within the AA Screening statement. In terms of pollution,

reference is made to the pathway from the site via surface wastewater flows to Dublin Bay via the River Tolka and Ringsend wastewater treatment plant respectively.

- Surface water: A case is made that due to the fact that the site is already developed and primarily composed of hard surfaces there can be little negative effect to the pattern of surface water run-off. It is stated that the integration of SUDS into the project design will ensure no changes will occur to the quantity or quality of surface water run-off.
- Wastewater: Additional loading to the wastewater treatment plant arising from the operation phase of the proposed development are not considered to be significant as there is no evidence that pollution through nutrient input is affecting the conservation objectives of the South Dublin Bay and River Tolka Estuary SPA.

Inland Fisheries Ireland Submission

7.7.57. Construction related impacts are not considered to be significant due to the temporary nature of this phase and given the distance to Natura 2000 sites. I refer to the submission on the application from Inland Fisheries which relates to the groundwater vulnerability as being high and extreme. Reference is made to the potential for interaction with groundwater during the construction stage of development including mitigation in the event that the construction extends below the water table. It is stated that comprehensive surface water management measures must be implemented at the construction and operational phase to prevent any pollution of surface waters.

7.7.58. In relation to the construction phases, potential pollutants include silt and hydrocarbons/chemicals, given that construction works typically generate fine sediments and could also generate result in accidental spills of oils and other toxic chemicals. Standard construction measures, including those set out in the Construction Management Plan, are designed to prevent such occurrences. These are not measures to avoid or reduce an effect on any Natura 2000 site.

7.7.59. However, should these pollutants enter the surface water network, before finally discharging into Dublin Bay, it is likely that such pollutants would be significantly diluted by the point of discharge into Dublin Bay, given the distance involved and the

volume of water relative to the volume of likely pollutants, and therefore likely significant effects on the coastal sites listed above can be ruled out.

- 7.7.60. During the operational phase of the development, the main potential impacts relate to surface water run-off and foul water drainage. In relation to surface water, attenuation and SuDS are incorporated into the scheme to ensure no negative impact to the quality or quantity of run off to the surface water drainage network. These installations have not been introduced to avoid or reduce an effect on any Natura 2000 site. In terms of pollution arising from wastewater discharge, it is considered that the additional loading to the Ringsend Wastewater Treatment Plant arising from the development is not considered to be significant, having regard to the fact that there is no evidence that pollution through nutrient input is affecting the conservation objectives of the Dublin Bay Natura 2000 sites, and furthermore, that the upgrading works at the plant will address future capacity.

In Combination or Cumulative Effects

- 7.7.61. This project is taking place within the context of greater levels of built development in the Dublin area. The site is zoned for development within the Fingal County Development Plan 2017-2023. This has been subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas.
- 7.7.62. In relation to the cumulative impacts of foul water discharge, I note upgrade works have commenced on the Ringsend Wastewater Treatment works extension permitted under ABP – PL.29N.YA0010 and that the facility is subject to EPA licencing and associated Appropriate Assessment Screening. As detailed within the Screening Statement the completion and upgrade of Ringsend WWTP will see greater compliance with quality standards of effluent and so an expected improvement in water quality in Dublin Bay. Taking into consideration the average effluent discharge from the proposed development, the impacts arising from the cumulative effect of discharges to the Ringsend WWTP generally, and the considerations discussed above, I am satisfied that there are no projects or plans which can act in combination with this development that could give rise to any significant effect to Natura 2000 Sites within the zone of influence of the proposed development.

AA Screening Conclusion

7.7.63. In conclusion, therefore, having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area and the distances to the nearest European sites, 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 any European sites, 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 permission is refused for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. The proposed development by virtue of the scale, bulk, mass, height, design and physical dominance, would result in an intensive overdevelopment of the site. The development would be overbearing and seriously injurious to the visual amenity of the area, and to the amenities of property in the vicinity and would be seriously out of character with the pattern of development in the area. The proposal would be contrary to the 'Urban Developments and Building Heights, Guidelines for Planning Authorities' (2018) which were issued to Planning Authorities under Section 28 of the Planning and Development Act 2000, as amended. The proposed development would, therefore, be contrary to the proper planning and development of the area.
2. Having regard to the nature and scale of the proposed development, the sites' location in a suburban location in close proximity to the strategic junction of the N3/M50 and the poor pedestrian and cycling environment in the vicinity of the site, it is considered that the development as proposed would adversely affect the strategic function, efficiency and carrying capacity of surrounding national roads and endanger public safety by reason of traffic hazard. The

proposed development would contravene materially Objectives MT36 and MT42 of the Fingal Development Plan 2017-2023 and would be contrary to the 'Spatial Planning and National Roads Guidelines for Planning Authorities' (2012) which were issued to Planning Authorities under Section 28 of the Planning and Development Act 2000, as amended. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Stephanie Farrington
Senior Planning Inspector

9th of July 2021