



An
Bord
Pleanála

Inspector's Report ABP-309305-21

Development	Provision of Public Concert Use at Convention Centre
Location	Citywest Hotel and Convention Centre, Saggart, County Dublin
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD20A/0075
Applicant(s)	Cape Wrath Hotel Unlimited Company
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Cape Wrath Hotel Unlimited Company
Observer(s)	1.) Live Nation Ireland 2.) Transport Infrastructure Ireland
Date of Site Inspection	30 th September 2021
Inspector	Colm McLoughlin

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
4.0 Planning History.....	7
5.0 Policy and Context.....	8
6.0 The Appeal	10
6.1. Grounds of Appeal	10
6.2. Planning Authority Response	12
6.3. Observations	13
7.0 Assessment.....	13
7.1. Introduction	13
7.2. Zoning and Policy Objectives	14
7.3. Traffic and Transport.....	16
7.4. Residential Amenities.....	24
8.0 Appropriate Assessment.....	26
9.0 Recommendation.....	26
10.0 Reasons and Considerations	26

1.0 Site Location and Description

- 1.1.** The appeal site comprises an existing conference and convention centre that is located approximately 14km southwest of Dublin city centre and 570m north of Saggart village centre. It forms part of the Citywest hotel and leisure complex situated along the southern side of the N7 national road and at the western terminus of the Luas red line light-rail services. The complex features a hotel, suites, a health and leisure centre and the subject conference and convention centre. These facilities are all surrounded by a golf course that is currently not in use and is served by three expansive surface-level car parking areas. The conference and convention centre is attached to the east of the health and leisure centre and features three storeys and a stated floor area of 17,404sq.m. Pedestrian and vehicular access to the complex is from a controlled T-junction off Garters Lane, which connects Saggart village to junction 3a of the N7 national road. Internal vehicular access to the convention centre is from a three-arm mini-roundabout.

2.0 Proposed Development

- 2.1.** The proposed development would comprise the use of the conference and convention centre for public concert events. The applicant's Planning Report states that concerts would finish no later than 23:30 hours Sundays through Thursdays and, subject to licences, additional later operational hours would be sought for Fridays, Saturdays and Bank Holidays. Internal insulation measures and associated works would be undertaken within the convention centre to reduce the anticipated noise impacts.
- 2.2.** In addition to the standard planning application documentation and drawings, the application was accompanied by a Planning Report, a Traffic Assessment, a Concert Noise Impact Assessment and an Assessment of the Structural Implications of a Proposed Acoustic Upgrade. Following a request for further information (RFI) a Transportation Assessment Report & Response to RFI Matters, as well as additional correspondence was submitted by the applicant to the Planning Authority.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority issued a notification of a decision to refuse to grant permission for the proposed development for three reasons, which can be summarised as follows:

Reason no.1 – the development would be likely to be overly car dependent and would not be a suitable location for a concert use;

Reason no.2 – inadequate pedestrian access/egress infrastructure;

Reason no.3 – shortfall in bicycle parking space relative to standards.

3.2. Planning Authority Reports

3.2.1. Planning Report

The initial report of the Planning Officer (July 2020) noted the following:

- a concert use would fall under the definition of a cultural use, which is consistent with the 'open space' zoning provided for the site in the South Dublin County Development Plan 2016-2022;
- policy ET8 objective 4 supports the promotion of concert events at suitable sites, including an established convention centre site;
- the convention centre location is peripheral and does not form part of an urban centre;
- concerns arise with respect to the aspirational modal split for events, the capacity of the local road network and the car park to accommodate concert traffic, the likely car-dependency of the proposed use and the inadequacy of the supporting pedestrian and cycle infrastructures;
- the previous reason for refusal relating to noise impacts for the concert use and other associated development has been addressed;
- a stage two appropriate assessment would not be required;

- further information is required to confirm the adequacy of the supporting transport infrastructures to accommodate concert events, the availability of pedestrian and cycling facilities, the proposed parking arrangements, the capacity of Luas services to serve the use and the development compliance with respect to national roads policy.

The recommendation of the Planning Officer in their final report (December 2020) reflects the decision of the Planning Authority and noted the following:

- concerns relating to usage and parking requirements, as well as drop-off and pick-up only journeys have not been addressed;
- upgraded/additional pedestrian and cycle facilities would be necessary in advance of the operation of the proposed use;
- varying the car parking charge could address the modal split, which could be monitored and addressed by a condition with a temporary permission;
- the availability and capacity of late-night Luas services to cater for traffic is unclear;
- it is unclear whether the proposed concert use would have a greater impact on roads infrastructure when compared with the existing conference and convention centre use.

3.2.2. Other Technical Reports

- Water Services – no objection, subject to conditions;
- Public Realm Section – no comments;
- Roads Transportation and Public Safety – further information initially requested and subsequently objected to the proposals;
- Environmental Health Officers – acceptable, subject to conditions.

3.3. Prescribed Bodies

- Irish Water – no objection, subject to conditions;
- Transport Infrastructure Ireland (TII) – objects to the development, as it would be at variance with national policy;

- Department of Defence – the area is already subject of a high level of noise associated with aircraft operating in the vicinity of Casement Aerodrome;
- National Transport Authority – no response on file.

3.4. Third-Party Observations

3.4.1. During consideration of the application, the Planning Authority received observations from a planning consultant based in Newbridge, approximately 26km to the southwest of the appeal site, and a local residents' association. The issues raised in these observations can be collectively summarised as follows:

- certain events held in the subject convention centre have caused traffic disruption in the area;
- variation in environmental conditions can have differing noise impacts for residents;
- the potential for anti-social behaviour needs to be considered;
- proposals represent an unsustainable piecemeal form of development;
- a material change in the condition of a previous permission has not been specifically applied for and the concert use relative to its residential context remains an inappropriate use;
- proposals would increase the capacity of the venue to 6,000 persons and the development description fails to refer to this;
- as operators of the Luas, TransDev would need to verify their support for the additional use;
- an over-aspirational modal split based on continental use of public transport, poor representation of patron origin and unrealistic car occupancy has been used in the applicant's transport assessment;
- the applicant's noise assessment concentrates on the noise associated with an actual event and fails to address noise impacts for neighbouring residents outside of event times;

- the proposed use would best fit into a nightclub-type use, as opposed to a cultural use, which would fail to comply with the site zoning objective to preserve the open space;
- robust justification for the proposed development from a business perspective should be provided;
- the applicant's acoustic consultants have failed to refer to the Environmental Noise Action Plan 2018-2023 for this area.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. Pre-planning discussions relating to the proposed development are stated to have been undertaken in April 2018 between representatives of the Planning Authority and the applicant under South Dublin County Council (SDCC) planning ref. PP173/18.
- 4.1.2. There is an extensive planning history relating to the Citywest hotel and leisure complex, including the subject conference and convention centre, as outlined in the Planning Officer's report. The following recent cases are of most relevance to the subject appeal:
- ABP ref. PL06S.227236 (SDCC Ref. SD07A/0294) – retention permission was granted by the Board in July 2008 for the convention centre/function room and its completion in conjunction with the hotel. Condition 3 of the retention permission stated that the convention centre shall be used solely as a convention centre/function room and shall not be used for public concerts, while condition 4 restricted the capacity of the facility to 4,161 persons;
 - ABP ref. PL06S.246719 (SDCC Ref. SD15A/0381) – permission was refused by the Board in January 2017 for an increase in the capacity of the convention centre to 6,000 persons, the use of the convention centre for public concerts, alterations to provide for an additional 171 car parking spaces, a taxi set-down area and road improvement works at the junction of Garters Lane and Fortunestown Lane. The reason for refusal to grant permission was based on

the significant negative impact that an increased capacity and concert use would have on the residential amenities of the area, by reason of traffic congestion and noise. The Board's decision also referred to concerns regarding the impact of the proposed development on the capacity, safety and operational efficiency of the national road network in the vicinity of the site;

- ABP ref. 300263-17 (SDCC Ref. SD17A/0126) – permission and retention permission was granted by the Board in April 2018 for an additional 80 car parking spaces, coach parking, taxi shelter, taxi set-down area and lighting within an area approximately 45m to the southwest of the subject conference and convention centre.

4.2. Surrounding Sites

- 4.2.1. Reflective of the surrounding urban context, permissions for development in the immediate area relate to a range of land uses, including numerous planning permissions for large-scale residential development on lands approximately 200m to the east of the site on Garters Lane and Fortunestown Lane.

5.0 Policy and Context

5.1. National Guidance

- 5.1.1. The following national guidance are considered relevant to this appeal:
- Design Manual for Urban Roads and Streets (2019);
 - Traffic and Transport Assessment Guidelines (2014);
 - Spatial Planning and National Roads, Guidelines for Planning Authorities (2012).

5.2. Local Planning Policy

- 5.2.1. The appeal site and the adjoining hotel and leisure complex have been assigned a land-use zoning 'OS' within the South Dublin County Development Plan 2016-2022, with an objective 'to preserve and provide for open space and recreational amenities'. Included within the Record of Protected Structures appended to the

Development Plan are Saggart House - House and Gateway (RPS ref. 290), Tassagart Towerhouse, Walled Stable Yard, Outbuildings and Gateways (RPS ref. 292) and 'Garters Lane range of rubble stone outbuildings' dating from c.1820 (RPS ref. 422), which are located over 150m to the southeast of the appeal site.

5.2.2. Policies and objectives addressing economic development and tourism are contained within chapter 4 of the Development Plan and development management standards are provided within chapter 11, including section 11.4 addressing transport and mobility. Tourism and leisure policy objectives of the Development Plan that are of particular relevance to this appeal include:

- ET5 Objective 1 - to support the development of tourism infrastructure, attractions, activities and facilities at appropriate locations subject to sensitive design and environmental safeguards;
- ET5 Objective 2 - to direct tourist facilities into established centres, in particular town and village centres, where they can contribute to the wider economic vitality of urban centres;
- ET8 Objective 4 - to support concerts or events at suitable locations within the County, such as parks, stadia, auditoriums, conference centres, subject to appropriate licensing arrangements;
- ET8 Objective 5 - to support development that enhances the audience capacity of festivals, concerts, events or markets.

5.3. Natural Heritage Designations

5.3.1. The nearest natural heritage designated sites to the appeal site, including Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), comprise the following:

Table 1. Natural Heritage Designations

Site Code	Site Name	Distance	Direction
001209	Glenasmole Valley SAC	5.7km	southeast
002122	Wicklow Mountains SAC	6.9km	south
001398	Rye Water Valley / Carton SAC	9.1km	north

004040	Wicklow Mountains SPA	10.6km	south
000397	Red Bog, Kildare SAC	11.4km	southwest
004063	Poulaphouca Reservoir SPA	11.9km	southwest

5.4. Environmental Impact Assessment - Preliminary Examination

5.4.1. Having regard to the nature and scale of the development subject of this application and the location of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The first-party grounds of appeal, which were accompanied by additional comments from consulting engineers relating to traffic and transportation matters, can be summarised as follows:

Development Principles

- compared to other existing concert venues in Dublin, an older demographic of patrons would attend concert events at this venue and the mid-scale capacity of this venue would differ from that of the smaller and larger venues located elsewhere within the city;
- the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region support the strategic development of the emerging town of Saggart/Citywest and the area has been subject of rapid growth in development and population in recent years;
- the concert use would be in a facility that already successfully holds various conventions and conferences, and in complying with policy ET8 objective 4 of the Development Plan the Planning Authority considered the proposed use of the site for concerts to be suitable;

- the benefits of locating cultural events in the outer city should be recognised, including the existing limited range of venues for such events, the centralisation of concert uses in the city centre, the expanding suburban population in the southwest area of Dublin and the additional uses that would benefit from such events;

Traffic

- the primary driver for the previous reason for refusal of the concert use under ABP ref. PL06S.246719 was the increased capacity, which is not proposed as part of the subject development and the type of concert use envisaged for the venue is akin to events already permitted to take place on site, which do not have adverse traffic impacts;
- the event organisers would engage with TransDev in addressing the operation of the proposed use alongside Luas services;
- concerts would have a lower traffic impact than the existing conference and convention centre;
- extensive transport analysis has been provided as part of the previous application and this application, which uses worst-case scenarios for car journeys to and from the site, based on robust and comprehensive modelling;
- there is significant capacity in the Garters Lane / Fortunestown Lane junction, which is to be enhanced as a condition of a permission for a neighbouring strategic housing development;

Car Parking

- there is already a significant existing permitted quantum of car parking serving the hotel and leisure complex and the restriction of parking for concert events, as well as the implementation of parking charges would limit the traffic impact in favour of patrons using public transport options, including the neighbouring Luas services;
- the existing conference and convention centre use on site attracts a higher requirement for car parking than the proposed concert use based on the Development Plan car parking standards and the conference and convention

centre use generates a greater daily demand for car parking based on the attendees, peak journey times and lower car occupancy rates;

- the site currently features 1,769 permitted car parking spaces and a full concert would attract demand for 830 parking spaces assigned to a managed and defined area. This would allow for 939 parking spaces to remain available for the hotel and other elements of the overall complex;

Pedestrian Connectivity

- a safe and a direct connection from the convention centre to the Luas terminus is available following a route out the hotel and leisure complex access road onto Garters Lane, using two signal-controlled pedestrian crossings;
- pedestrian connectivity was not an issue for the previously refused proposal to provide for a concert use (ABP ref. PL06S.246719);

Bicycle Parking

- there are 60 existing bicycle parking spaces available opposite the main entrance to the conference and convention centre and this already addresses the actual bicycle parking demand;
- the additional 376 bicycle parking spaces required based on Development Plan standards could be provided as a condition in the event of a permission along an existing line of car parking spaces opposite the main entrance to the venue;

Noise

- previously cited concerns regarding noise impacts have been addressed via the proposals detailed within the applicant's Concert Noise Impact Assessment.

6.2. Planning Authority Response

- 6.2.1. In response to the grounds of appeal, the Planning Authority refer to the need to consider whether or not contributions or other planning conditions should be

attached in the event of a grant of planning permission for the proposed development.

6.3. Observations

6.3.1. An observation was received from TII, raising the following in response to the grounds of appeal:

- the proposal is at variance with policy with respect to the control of development on or affecting national roads, and, as such, could adversely affect the safety of the national road network.

6.3.2. An observation was received from Live Nation Ireland, who are stated to own and manage various Dublin venues, including the 3Arena, raising the following in response to the grounds of appeal:

- the observer would promote, manage and operate the subject concert venue, using their experience and expertise to limit disruption to local residents and stakeholders;
- the concert venue would provide an alternative mid-size venue for a wide range of acts and would host emerging and heritage acts aimed at an older demographic;
- engagement with TransDev would be continued to promote use of Luas services as a means to visit the venue;
- the observer had previously objected to an application for a larger concert use at the venue in 2016, but they now consider that issues raised under the previous proposals have been addressed as part of the subject proposals.

7.0 Assessment

7.1. Introduction

7.1.1. When initially permitting the retention of the subject conference and convention centre in July 2008, the Board inserted a condition that restricted the use of the facility for public concerts (ABP ref. PL06S.227236), as it was considered that such use did not form part of the development applied for, as described in the public

notices, and as the Board was not satisfied that a concert use in this location would be acceptable in terms of traffic management and the impacts on residential amenity. Following this in January 2017, an application was lodged to use the conference and convention centre for public concerts with an increased capacity for 6,000 persons and various improvements to supporting infrastructures (SDCC Ref. SD15A/0381). On appeal, the Board subsequently refused to grant permission for these proposals, including the concert use (ABP ref. PL06S.246719), due to the impact that an increased capacity and concert use would have on the residential amenities of the area, by reason of traffic congestion and noise. The Board's decision also referred to concerns regarding the impact of the proposed development on the capacity, safety and operational efficiency of the national road network in the vicinity of the subject hotel and leisure complex.

7.1.2. The appellant is again proposing to use the conference and convention centre for public concerts, with operational hours up to 23:30hours on weekdays and later hours at the weekend, as well as internal works to address noise impacts. Traffic assessments were submitted as part of the application clarifying how patrons would arrive and depart the facility alongside the operation of the other uses within the hotel and leisure complex. An increased venue capacity is not sought as part of the proposed development.

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

- Zoning and Policy Objectives;
- Traffic and Transport;
- Residential Amenities.

7.2. Zoning and Policy Objectives

7.2.1. The application site and the associated hotel and leisure complex have been assigned a zoning 'OS' within the South Dublin County Development Plan 2016-2022 for 'open space' land uses, with a stated objective 'to preserve and provide for open space and recreational amenities'. When previously refusing permission in

2017 for the concert use alongside an increased capacity and infrastructural works, concerns were not raised by the Board with regard to the 'OS' zoning assigned to the site (ABP ref. PL06S.246719). According to the Development Plan, uses permitted in principle on these lands comprise community, cultural, sporting and recreational type uses. Table 11.15 of the Development Plan outlines that a cultural use would be permitted in principle and I am satisfied that the proposed concert use would conform to a cultural category of use. Accordingly, the proposed use is permitted in principle based on the land-use zoning objectives contained in the Development Plan and I am satisfied that it would provide for a complementary mix of uses as part of the overall hotel and leisure complex. The Development Plan outlines that proposals for uses that are 'permitted in principle' must be subject to further assessment against other relevant policies, objectives and standards set out in the Development Plan.

7.2.2. The Development Plan provides specific economic development and tourism policy objectives supporting tourism infrastructure, heritage, culture and events tourism in the south Dublin area. I am satisfied that a concert venue would form a visitor attraction and therefore can be considered as 'tourism infrastructure'. Policy support cited in the Development Plan for tourism infrastructure is dependent on locations being appropriate and suitable. Policy ET5 objective 2 directs such tourism infrastructure into established centres, in particular town and village centres, where they can contribute to the wider economic vitality of urban centres. While the Citywest hotel and leisure complex is located within an urban area, it is not within a defined town, major retail, district, village or local centre based on the zoning objectives map accompanying the Development Plan. The proposed use of the site for concerts does not strictly comply with tourism infrastructure policy ET5 objective 2 of the Development Plan, however, it is supported by the heritage, culture and events tourism policy ET8 objective 4 of the Development Plan, which supports the use of existing conference centres for concerts, subject to appropriate licensing arrangements.

7.2.3. In conclusion, I am satisfied that the proposed concert use would be in accordance with the land-use zoning objectives for the site and would not contravene the economic development and tourism policy objectives set out in the Development Plan. The proposals must also be considered with respect to other relevant policies,

objectives and standards set out in the Development Plan, including those relating to traffic and residential amenities.

7.3. Traffic and Transport

- 7.3.1. Traffic congestion concerns relating to the safe and efficient operation of the road network in the vicinity were included in the Board's previous reason for refusal of planning permission for public concerts on this site (ABP ref. PL06S.246719), however, the appellant asserts that this was largely based on the fact that an increased venue capacity had been sought. In their decision to refuse to grant planning permission, the Planning Authority raised concerns regarding the extent of car-dependency for trips to and from the proposed concert venue, as well as concerns regarding the availability of suitable pedestrian infrastructure and bicycle parking provision. The grounds of appeal assert that there is sufficient evidence to demonstrate that the proposed concert use could operate in a manner that would sustainably harness public transport options in the vicinity, without undue impacts on the safe and efficient operation of the local road network.

Modal Split

- 7.3.2. The final report of the Roads Department in the Planning Authority concludes that the expected trips by car that would be made to the concert venue have not been sufficiently addressed in the application. The grounds of appeal assert that extensive information was provided at various stages of the application process to address this issue with absolute worst-case scenario information on hourly expected car journeys the day of a concert presented. In initially addressing the expected modal split of visitors to the site, the appellant relied on traffic data relating to concert venues in the United Kingdom and Belgium, as well as festivals in the Netherlands, highlighting that between 27% and 69% travelled to events by car. Results provided in the appellant's initial Transport Assessment addressing the operation of the subject conference and convention centre event in June 2018 indicated that 94% of the patrons at a national Irish dancing competition travelled to the site by car and 2% travelled by taxi. Considering the context for the appeal site relative to the city centre, the motorway network and public transport, as well as traffic data relating to modal share for trips to theatres in Ireland and the United Kingdom, the appellant assumed that 55% of trips to the subject proposed concert venue would be by car.

The Roads Department subsequently raised concerns regarding the appropriateness of using this data in identifying a realistic modal share of patrons to the subject proposed concert venue and in response to a further information request, the appellant asserted that a modal share of 84% car journeys to the proposed concert venue would be realistic based on traffic data relating to an events centre in Cork Docklands. In reviewing this response, the Roads Department in the Planning Authority was satisfied that this anticipated modal share of car journeys to the site would be realistic and I am satisfied that based on the information presented throughout the application and appeal documentation that this would be a reasonable approach to take.

Car Parking

- 7.3.3. Given the expected number of car journeys, the Roads Department concluded that it had not been demonstrated that there would be sufficient capacity within the overall hotel and leisure complex car parks to serve concert patrons, as well as those working in and visiting the other facilities within the complex. The Roads Department conclusions appear to be based on concerns regarding limited consideration of the impact of drop-off and pick-up journeys to the concert venue, the accuracy of the timing for car journeys to and from the complex, particularly with regard to the number of patrons that would both stay in the hotel and attend the concert venue, as well as the appellant's reference to a potential future vehicular access to the west of the hotel and leisure complex. In response, the grounds of appeal assert that there would be sufficient capacity within the existing car parks to ensure parking would be available for a full capacity concert event, as well as the simultaneous operation of all other facilities within the complex.
- 7.3.4. The existing hotel and leisure complex is stated to be served by 1,759 car parking spaces, generally contained within five surface-level allotments. The largest parking allotments in the complex contain 393 and 760 car parking spaces and these are stated to currently serve the conference and convention centre. A drawing (no.NRB-SK-001) was submitted by the appellant in response to a further information request to identify the location of 837 car parking spaces that would be cordoned off on event days to solely serve patrons attending the proposed concert venue.

- 7.3.5. Based on the anticipated modal split, should 84% of the patrons attend a full capacity concert event by car, this would amount to 3,495 persons. Assuming an occupancy of 2.1 persons per car, which was used by the appellant based on survey data, this would entail approximately 1,664 cars travelling to and from the venue. According to the appellant, based on the Development Plan standards and the quantum of development, a maximum of 832 spaces would be permissible for the 4,160 person concert venue (1 space per five seats), which would be the same as the maximum parking permissible for the existing conference and convention centre. It is also asserted that approximately 830 car parking spaces would be required based on the maximum daily parking demand for a full concert event. As noted by the Roads Department this car parking demand figure of 830 spaces for a concert event does not align with the anticipated 1,664 cars travelling to and from the concert venue. The balance of car journeys (834) would have to be accounted for by drop-off and pick-up journeys, as well as car journeys by concert patrons who would stay at the hotel within the complex following an event.
- 7.3.6. The appellant asserts that the expected proportion of concert patrons staying at the hotel within the complex would be approximately 28%, which is based on figures garnered for the 3Arena in Dublin city. The figures presented with respect to the 3Arena are not directly applicable, as they appear to refer to concert patrons not just using a single hotel, but potentially using a multitude of city centre and other hotels. Notwithstanding this, should 28% of patrons attending a full capacity concert on the site also stay at the hotel within this complex, and assuming all these patrons visit by cars occupied by 2.1 persons, this would potentially require a further 554 car parking spaces from within the complex. When excluding the 830 concert venue parking spaces, the appellant asserts that 939 parking spaces would be available for the other facilities within the complex, including the hotel and the leisure centre.
- 7.3.7. Based on the assumed maximum daily parking demand for a full concert event (830 spaces), as well as the estimated parking associated with the proportion of concert patrons staying in the hotel within the complex (554), the remaining balance of car journeys would appear to comprise approximately 280 set-down and pick-up trips. In addressing the likely extent of car journeys to and from the complex during the day or a full capacity concert event at the site, the appellant asserts that patrons would journey to the event site from 8am to midnight. While the distribution would no doubt

be influenced by cross-visitation of concert patrons using the hotel within the complex, the suggested daily distribution of arrival and departure times for a full capacity concert event appears to be significantly at odds with information provided by the appellant in the Transport Assessment (page 18) initially submitted with the planning application. This information demonstrated much narrower windows of arrival and departure for patrons attending concerts and I am satisfied that this would appear to provide a more realistic portrayal of the likely travel pattern of patrons using the subject proposed concert venue.

- 7.3.8. The grounds of appeal assert that the appellants have demonstrated that there would be sufficient capacity to serve all staff and visitors to the hotel and leisure complex during a full capacity event at the concert venue, however, I am not satisfied that this has been sufficiently demonstrated as part of the application and appeal. The subject hotel and leisure complex is understood to contain a 764-bedroom hotel, a leisure centre and hotel suites, while the golf course is currently closed. In this regard, I note that should 830 parking spaces be required solely for a full event concert and a further 554 spaces be required for concert patrons that would also be using the hotel within the complex, this would place considerable demands on the remaining 375 car parking spaces within the overall complex to serve other visitors and staff to this complex. Furthermore, there remains potential for the golf course to be reopened in the future and impact further on this parking demand. A sizeable proportion of the car trips would involve drop-off, pick-up and taxiing, and sufficient details of how this would be facilitated have not been provided, while the timing of the drop-off, pick-up and taxiing does not appear realistic. The appellant has failed to sufficiently demonstrate how the estimated 1,664 cars travelling to and from the concert venue could be safely and efficiently accommodated. Failure to comprehensively accommodate the expected car-borne journeys to and from the site in an efficient manner would impact on the safe and convenient operation of the immediate local road network prior to and after concert events.

Access to Public Transport

- 7.3.9. Red line Luas services operate with high frequency from the Saggart Luas terminus on Fortunestown Lane, less than 400m to the southeast of the site. The appellant's Transport Assessment Report and Response to RFI Matters provides some details

of the public bus services available in the environs of the site, including the 69 Dublin bus route operating hourly services along Garters Lane fronting the subject hotel and leisure complex, connecting the Rathcoole area to the west of the site with the city centre. The 77A bus route also connects the Citywest area with the city centre via services operating every ten minutes during peak times from a stop 1.2km to the east of the site along Citywest Road. Under the Bus Connects future connectivity proposals for the area, three bus services would operate along Garters Lane, comprising the 58 'other city bound' route, X58 peak time route and W6 orbital route. Based on the information available, I am satisfied that the site has reasonable access to public transport services. The modal split that was presented by the appellant and accepted by the Roads Department to be satisfactory, assumed that 10% or 416 of patrons at a full capacity concert on site would use public transport, the majority of which would be likely to utilise the existing neighbouring high frequency Luas services.

7.3.10. With respect to the proposed concert use, the appellant has provided correspondence from TransDev, who are the current operators of Luas services. This correspondence refers to the need for engagement with TranDev in relation to concert events, while also referring to potential scope to provide additional services to serve the concert venue, if required and requested, albeit potentially subject to a charge. TransDev currently operate and manage Luas services under contract from TII and the National Transport Authority (NTA). These organisations have been consulted regarding the application. The NTA has not commented on the proposals and while they have not specifically addressed public transport, TII consider that the proposals are at variance with policy with respect to the control of development on or affecting national roads, and, as such, could adversely affect the safety of the national road network.

7.3.11. The Planning Authority's decision includes a reason for refusal referring to the inadequacy of pedestrian infrastructure connecting the proposed concert venue with Luas services. The concerns of the Planning Authority appear to relate to the fact that the pedestrian desire line between the main building entrance serving the concert venue and the Saggart Luas stop on Fortunestown Lane would be via the car park allotments and the main vehicular access to the hotel and leisure complex on Garters Lane. The grounds of appeal identify various means of upgrading the

existing pedestrian and cycle infrastructure that would be separate from the car park allotments along the main spine road serving the site. A two-way cycleway and a footpath segregated from this is proposed by the appellant, with raised tables and tactile paving at crossings leading into the public footpath along Garters Lane (drawing no. NRB-SK-002). This would further reduce the potential for conflict between pedestrian, cyclist and vehicular movements and would appear to draw from the advice contained in the Design Manual for Urban Roads and Streets (DMURS). There are existing signal-controlled, pedestrian crossings at the junction with Fortunestown Lane leading towards the Luas terminus. Given the expected maximum number of concert patrons travelling by foot, bicycle and public transport (458), the scope to safely and efficiently manage this number of patrons and the proposed upgrade of pedestrian infrastructures, which would need to be subject of a condition requiring completion of these works prior to the operation of the proposed concert use, I am satisfied that the concert venue would be served by an appropriate provision of pedestrian infrastructure and the proposed development should not be refused permission for this reason.

Cycle Parking

- 7.3.12. A total of 60 cycle parking spaces are provided for the hotel and leisure complex and these are located opposite the main entrance to the conference and convention centre. The Planning Authority assert that this existing cycle parking provision does not comply with the minimum cycle parking provisions of the Development Plan, which require one space per five staff and one space per ten seats in an auditorium. An additional 376 cycle parking spaces are required to serve the proposed development according to the Planning Authority. The grounds of appeal assert that the existing limited demand for cycle parking associated with the conference and convention centre, demonstrates that there is no need to increase the provision of cycle parking on site for public concert uses. Notwithstanding this, if deemed necessary the appellant is satisfied that a condition could be attached to increase the provision of cycle parking on site in the event of a grant of permission for the proposed development.
- 7.3.13. The modal split of those currently attending the conference and convention centre events indicates that patrons do not travel by bicycle to the venue and the modal split for the proposed concert venue, which the Planning Authority considers to be

realistic, identified that 1% of those travelling to concerts would do so by cycling or walking only. Assuming an even split of those walking and cycling, this would suggest that 20 cycle spaces would be required. While I am cognisant of the need to encourage an increased proportion of sustainable transport options to serve the proposed facility, I am satisfied that given the nature of the facility, the availability of existing cycle parking infrastructures fronting the venue, current travel patterns associated with events at this location and the anticipated modal split, based on the information available there would not appear to be merit in requesting the provision of additional bicycle parking facilities or refusing permission for the development in the absence of such additional facilities.

Traffic

- 7.3.14. While the capacity of the proposed venue relative to other Dublin venues is within the mid-size range, it would have the potential to draw substantive crowds to the area and it is essential that the roads and transportation network have sufficient capacity to cater for such crowds. As noted above, the appellant is relying on various modes to accommodate the concert venue patrons, with the vast proportion of patrons likely to journey to and from the venue by car.
- 7.3.15. Based on the modelling used, the additional trips associated with the operational proposed development exiting onto the main hotel and leisure complex junction at Garters Lane during the morning peak hour (08:00 – 09:00) and the evening peak hour (17:00 – 18:00) would increase by 5.7% and 18.9% respectively during these peak hours. The appellant states that this signal-controlled junction would continue to be actively managed in conjunction with South Dublin County Council and An Garda Síochána for large events and that future plans for new access would alleviate pressure. An operational year increase in movements of 11.7% is also identified by the appellant for the Garters Lane / Fortunestown Lane junction during the evening peak hour, which is above the 5% ‘further assessment’ threshold required in the TII Traffic and Transport Assessment Guidelines (2014). The appellant asserts that this junction is to be upgraded as a condition for a strategic housing development in the area. The annual average daily traffic (AADT) at both these junctions would exceed the 5% threshold, but in each case the appellant asserts that this increase is based on existing low traffic flows. The AADT for Bianconi Avenue / Garters Lane junction is calculated as 15% for the operational

year, however, the appellant asserts that the permitted strategic housing developments would allow for improvements to the local road network.

- 7.3.16. Much of the appellants assertions with respect to the suitability of the site to cater for parking of cars during events is based on the lower traffic impact that a public concert would have when compared with the existing conference and convention centre. Page 6 of the Transport Assessment initially submitted with the planning application lists various events held in the conference and convention centre during 2018. I note that the events differ in nature to public concerts and that the largest of these events accommodated visitor numbers of over 2,000 and these related to wedding expos, dance competitions and religious events that were held over a number of days, and therefore, were unlikely to attract the maximum permitted capacity at any stage during the events (4,161 persons). Consequently, I do not accept that the existing operational capacity and management of the car park for conference and convention centre events can be solely relied upon to demonstrate that a capacity concert crowd can be catered for at the hotel and leisure complex without negatively impact on traffic on the neighbouring road network.
- 7.3.17. An aspirational reliance on upgrades associated with other permissions, including strategic housing developments, that may or may not be undertaken, as well as vehicular access serving the hotel and leisure complex that do not currently exist forms part of the appellant's rationale for allowing the anticipated increases in traffic associated with the proposed concert use. The appellant's Traffic and Transport Assessment fails to adequately address how junctions would operate within capacity in interim or design years with the concert venue in operation. Furthermore, I have highlighted concerns with respect to the hourly distribution of trips to and from the proposed concert venue, which appears to contradict traffic data submitted and associated with concert events located elsewhere. I am satisfied that based on the information provided in the Traffic and Transport Assessment, a reasonable approach to modelling future traffic scenarios on the local road network with the development in place has not been set out and substantive impacts on traffic cannot be excluded, particularly when considering the anticipated modal split.
- 7.3.18. In summary, I am satisfied that the information presented and available does not provide a realistic means in assessing the potential for the local road network to adequately cater for the traffic increase associated with the proposed development

and that there remains significant potential for the development to overwhelm the neighbouring road network with car-borne traffic associated with concert events, including via drop-off and pick-up journeys. I recognise that various mitigation measures are cited by the appellant throughout the application and appeal documentation to reduce and manage car journeys to and from concert events, including limiting and monitoring of car parking with a fee charged for car parking, promotion of public transport and cycling, addressing the demographics of attendees and influencing times of arrival. Notwithstanding this, I am not satisfied that these measures would be likely to substantively address the significant traffic and parking concerns I have raised.

Conclusion

- 7.3.19. It is incumbent on the appellant to comprehensively demonstrate the adequacy of their proposals with respect to traffic and transportation matters. In conclusion, it has not been demonstrated that the proposed development would feature an appropriate provision of car parking to serve the development, as well as safe and efficient means of facilitating drop-off, collection and taxiing journeys, alongside other uses within the subject hotel and leisure complex, which would have significant potential to lead to traffic congestion in the area prior to, during and after public concert events, and, accordingly would have a negative impact on the safe and efficient operation of the local roads network. Permission for the proposed development should be refused to be granted for this reason.

7.4. Residential Amenities

- 7.4.1. The nearest residential properties to the appeal site are Tassagard house and Tassagard mews apartments, which are located approximately 150m to the east of the conference and convention centre. There are other existing residential apartments and estates in the vicinity, including those located along Church Road south of the main entrance to the hotel and leisure complex, as well as permitted housing that has not yet been constructed, for example, a strategic housing development along Garters Lane to the northeast of the site (ABP ref. 308088-20). As highlighted above, the Board previously refused to grant permission for development including an increased capacity and concert use for the subject conference and convention centre, due to the noise impacts for local residents (ABP

ref. PL06S.246719). The Board's reason for refusal on noise grounds would appear to be either based on the fact that the potential for music noise breakout from the building had not been conclusively dealt with or there would be undue impacts associated with ancillary elements of the use, possibly with reference to concert patrons travelling to and from the venue.

- 7.4.2. With respect to music noise breakout it was previously intended that a detailed acoustic analysis of the building would be undertaken at detailed design stage to review the proposed noise abatement measures and to advise if further or alternative measures are required (ABP ref. PL06S.246719). The appellant has submitted a Concert Noise Impact Assessment as part of the planning application that considers the noise impacts, including the effects from low frequency bandwidths, relative to the stated industry standards, including BS 7445-2:1991 - 'Description and Measurement of Environmental Noise - Guide to Acquisition of Data Pertinent to Land Use', the background noise levels at the nearest sensitive receptors and the typical design of a sound system that would serve the proposed concert venue. The assessment concludes that significant measures would be required to control low frequency noise associated with concerts.
- 7.4.3. Measures to address this low-frequency noise impact are outlined in the appellant's Concert Noise Impact Assessment, which would involve operational restraints by sound engineers and sound insulation to create a 'box in a box' solution. An assessment of the structural implications for the proposed acoustic upgrade works is included with the application to address measures that would be required as part of the upgrade. The Environmental Health Officer from the Planning Authority considered that the measures set out would be acceptable in addressing the concert noise impacts and that conditions relating to the control of noise should be attached in the event of a grant of planning permission. I am satisfied that the measures presented would appear practical and necessary and that with the attachment of the conditions suggested by the Planning Authority, the potential levels of breakout concert noise associated with the proposed development would not have undue impacts on neighbouring residential amenities.
- 7.4.4. Observations to the Planning Authority raised concerns regarding the fact that the noise impact assessment submitted with the application did not address the potential noise arising from patrons visiting the concert venue. While I would accept that the

timing of events and patrons to the concert venue may differ from those using the existing conference and convention centre, it has been asserted that the vast majority of patrons would continue to arrive and leave the venue by car. I also note that the identified pedestrian route between the Saggart Luas stop and the main venue entrance would be for a limited distance of approximately 350m along Garters Lane and Fortunestown Lane, where there is extensive physical buffers between the footpaths and residential buildings. Accordingly, I am satisfied that there would be very limited scope for noise and disturbance from concert patrons travelling to and from the proposed venue to have significant undue impacts on neighbouring residential amenities.

- 7.4.5. In conclusion, I am satisfied that the proposed development would not have significant undue impacts on the residential amenities of the area arising from noise and permission should not be refused for the proposed development for this reason.

8.0 Appropriate Assessment

- 8.1. Having regard to nature and scale of the project consisting only of internal works only and an additional use, the location of the site in an established urban area and the separation distance to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

- 9.1. I recommend that permission should be refused to be granted for the proposed development for the reasons and considerations set out below.

10.0 Reasons and Considerations

1. Having regard to the nature of the proposed development, including the extent of car-borne traffic that would be generated, the details with respect to drop-off, collection and taxi traffic, the capacity to cater for car parking alongside the hotel and leisure complex, and the capacity of the local roads network to

accommodate the traffic associated with the proposed development, the Board is not satisfied, on the basis of the information submitted, that the proposed development would not give rise to potential detrimental impacts on the capacity, safety and operational efficiency of the local road network in the vicinity of the site. The proposed development would not, therefore, be in accordance with the proper planning and sustainable development of the area.

Colm McLoughlin
Senior Planning Inspector

30th September 2021