



An
Bord
Pleanála

Inspector's Report

ABP-319290-24

Development

Retention permission and a continued temporary use for a period of five years of 248 no. car parking spaces within the existing car park at Holiday Inn Hotel, Clonsbaugh (permitted under Reg. Ref. : F17A/0748), for short-term and long-term passenger parking for Dublin Airport users.

Location

Holiday Inn Dublin Airport, Stockhole Lane, Clonsbaugh, Swords, Co. Dublin

Planning Authority

Fingal County Council

Planning Authority Reg. Ref.

F23A/0784

Applicant(s)

Carra Shore Hotel (Dublin) Ltd.

Type of Application

Permission & Retention

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

Carra Shore Hotel (Dublin) Ltd.

Observer(s)

None

Date of Site Inspection

4th July 2024

Inspector

Emma Nevin

1.0 Site Location and Description

- 1.1. The appeal site is located at the Holiday Inn Dublin Airport, Stockhole Lane, Clonshaugh, Swords, Co. Dublin. The M1 runs to the west of the site with Dublin Airport to the northwest.
- 1.2. The development relates to the car park which is located to the east and north of the existing hotel. The site is accessed via the roundabout to the east which also serves the Clayton Hotel and the Circle K Service Station.

2.0 Proposed Development

- 2.1. The proposed development comprises the retention permission and a continued temporary use for a period of five years of 248 no. car parking spaces within the existing car park at Holiday Inn Hotel, Clonshaugh (permitted under Reg. Ref.: F17A/0748), for short-term and long-term passenger parking for Dublin Airport users.
 - 182 no. spaces on lower deck are designated for park & fly long term parking customers.
 - 66 no. spaces on upper deck are designated for park & fly long term parking customers.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority refused permission on the 15th February 2024 for the following reasons:

“1. The development seeking retention permission and continued temporary use as a car park would by virtue of serving Dublin Airport rather than the existing hotel would be classed as 'Carpark- Non-Ancillary which would materially contravene the HT 'High Technology' Zoning Objective of the Fingal Development Plan 2023-2029 which seeks to Provide for office, research and development and high technology/high technology manufacturing type employment in a high quality built and landscaped environment and fails to accord with Objective EEO13 of the Fingal

Development Plan 2023-2029 which seeks to Encourage the development of corporate offices and knowledge based enterprise in the County on High Technology zoned lands and work with key stakeholders, relevant agencies and sectoral representatives to achieve such development.

2. Car parking to serve Dublin Airport is required to be managed in a comprehensive manner to ensure that sustainable transport modes are promoted above the requirements of the private car. The development would attract non hotel related private car-based traffic to the subject site which if permitted would be contrary to Section 28 Guidelines, Spatial Planning and National Roads, Guidelines for Planning Authorities and would materially contravene a condition attached to an existing permission for development. The development would be contrary to Objective DAO6 of the Fingal Development Plan 2023-2029 which seeks to Control the supply of car parking at the Airport so as to maximize as far as is practical the use of public transport and sustainable transport modes (walking / cycling) by workers and passengers and to secure the efficient use of land and safeguard the strategic function of the adjacent road network. The development would by itself or by the precedent which the grant of permission for it would set for other relevant development, would adversely affect the use of a national road or other major road by traffic”.

3.2. Planning Authority Reports

- 3.2.1. A planning Report dated 13th February 2024 has been provided.
- 3.2.2. The original planning report based the assessment on the zoning objective and the principle of the continued use and the reports of both the Transport Planning section and Transport Infrastructure Ireland (TII) and concluded that *“the development seeking retention permission and continued use would not be acceptable. It is recommended that permission be refused”*, and as such permission was refused for two reasons as noted in Section 3.1.1 above.
- 3.2.3. Other Technical Reports:
- Water Services: Report received stating no objection.
 - Transportation: Report received recommending refusal.

- Parks: Report received stating no objection.
- Environmental Health: No report received.
- Public Lighting: No report received.
- Archaeology: No report received.
- Heritage: No report received.
- Environment Department: Report received stating no objection.

3.3. **Prescribed Bodies**

3.3.1. The Planning Authority indicated that the following prescribed bodies were consulted.

- Uisce Eireann: Report received stating no objection subject to conditions.
- DAA: No objection, however further details required in respect of the operation of the proposed shuttle bus.
- TII: Detailed response, recommending refusal.
- Failte Eireann: No report received.
- IAA: No report received.
- NTA: No report received.

3.4. **Third Party Observations**

None received.

4.0 **Planning History**

4.1. There is an extensive planning history pertaining to this site. Additionally, the planners report details adjoining site history. For the purpose of my assessment, I consider that the following planning history to be of particular relevance:

- Ref: F19A/0534 – Planning permission granted by Fingal County Council on 13th January 2020 for the construction of a single storey office building (134sq.m.) located at ground floor level to the permitted decked car park.

Mechanical plant will be provided above at deck level of the car park and will be screened by a pergola. The proposed development also includes the construction of a single storey building housing an ESB substation and switch room located adjacent to a reconfigured stair and lift core for the decked car park; a single storey plant room; and reconfiguration of car parking spaces (to include provision of 8 no. additional disabled spaces and reduction of 65 no. spaces), and landscaping to facilitate relocated main lift and stair core. Ancillary landscaping and reconfigured car parking layout at ground and upper floor level of the decked car park is also included, alongside all associated infrastructure works, all relating to a permitted hotel under planning Reg. Ref. F08A/1305 (ABP Ref: PL06F.232704), as amended under Reg. Ref. F17A/0748.

- ABP-303879-19/Ref: F18A/0705 – Permission refused on appeal to An Bord Pleanála (Ref: ABP-303879-19) on 1st July 2019 for the construction of a single storey standalone cafe unit with a gross floor area of 170sq.m. (within the car park of the previously permitted hotel development under Reg. Ref. F17A/0748), including 12 no. car parking spaces, illuminated backlit signage for the cafe unit, associated outdoor seating area, bin store, landscaping and all associated site works including the relocation of the attenuation area previously permitted under Reg. Ref.F17A/0748.

Reason for refusal:

“The site is zoned for High Technology uses in the Fingal County Development Plan 2017- 2023. Under this zoning objective, café use to serve the local working population only, is permitted in principle. This objective is considered reasonable. Having regard to the scale and form of the proposed development, to the availability of existing restaurant/café services already in the immediate vicinity, to the absence to date of any local working population within the wider HT land area in the environs of the subject site, (beyond those working or due to be employed in the future, in the adjoining retail and hotel developments, and within which restaurant/café uses are provided) and to the remote distance between the subject site and existing employment development in the Dublin City Council area to the south, it is considered that the proposed development would be premature pending the existence of a local working population, as required under the provisions of the

development plan and would, therefore, contravene materially the land use zoning objective for the subject site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area”.

- F17A/0748 – Planning permission granted by Fingal County Council on 15th February 2018 for revisions to a 10 storey over basement 325 bedroom hotel (c. 31,757sq.m.), with associated spa and leisure facilities, meeting rooms, restaurant, bar, and function facilities as well as 571 no. car parking (basement and surface) permitted under Planning Reg. Ref. F08A/1305 (APB Ref. PL06F.232704) and extended under Planning Reg. Ref. F08A/1305/E1. The revised proposal will comprise the construction of a 10 storey 421 bedroom hotel development (including all associated ancillary floorspace to include meeting rooms, cafe/restaurant/bar, lighting, ESB substation/switchroom, storage) and the main revisions will consist of: a reduction in gross floor area to 16,059sq.m. approx. (with plant at roof level in place of previously permitted rooms on westerns side of proposal); increase in no. of bedroom spaces from 325 no. to 421 no. bedrooms; relocated coach parking area (3 no. spaces) and inclusion of 1 no. van/small bus bay; omission of basement and a reduction to 417 no. car parking spaces (259 no. surface level and 158 at deck level) including provision of 50 no. cycles spaces; omission of ground floor Ballroom, pre- function room/foyer; relocation and revised footprint of hotel within site (along with associated alterations to internal layout (including servicing area); reduction of site area from 1.76 hectares to 1.35 hectares and alterations to elevation treatment; revised access arrangement from the existing link road from the Stockhole roundabout; amended landscaping design (hard and soft), including boundary treatment and all associated ancillary site development works. The appeal to An Bord Pleanala was withdrawn.

The following condition (Condition 4) is of relevance:

“The developer shall comply with the following Transportation requirements:

- a) The maximum number of car parking spaces shall be 417.*
- b) Prior to first occupation of the hotel development, the developer shall submit a Mobility Management Plan for the written agreement of the Planning Authority*

detailing the proposed shuttle bus arrangements. The timetable for the shuttle bus services from the development to Clongriffin DART Station and to Dublin Airport shall be agreed with the Planning Authority. For clarity, the shuttle bus services may be shared with adjacent, existing or future developments. The services shall start operation at the same time as the first hotel. The timetable shall be reviewed annually for the first five years of operation in agreement with the Planning Authority;

c) All of the car parking spaces within the red line of the application site shall only be used only for hotel-related parking and shall not be used for short and long term parking by persons not using hotel facilities.

d) Details of the ramp to the deck car park and of the access shall be agreed with the Planning Authority prior to their construction.

REASON: In the interest of orderly development and proper planning and sustainable development”.

- PL06F.248338/F16A/0579 – Permission refused on appeal to An Bord Pleanála (Ref: PL06F.248338) for a development comprising the construction of a part 10 storey and part 7 storey, 427 bedroom hotel development incorporating 317 bedrooms and 110 suites with a gross floor area of 18,940 sq.m. The proposal included associated leisure facilities, meeting and conference rooms, café/restaurant, plant, outdoor terrace/patio areas, lighting and associated facilities. The provision of coach parking area and 461 no. of car parking spaces at surface level and within a two storey (total of 8.5 metres in height) car deck structure (three levels of parking, including surface and roof) with green walls. Access to the development is from the existing road from the Stockhole Lane roundabout. The proposed development includes landscaping (hard and soft), boundary treatment and all associated and ancillary works.

The reason for refusal stated:

“The site is zoned for High Technology uses in the Fingal County Development Plan 2017-2023, with an objective to provide for office, research and development and high technology/high technology manufacturing type employment in a high quality built and landscaped environment and is also subject to an objective to carry out a strategic land use and transportation study (MT07) and an objective to prepare a

Masterplan for the area (ED90). These objectives are considered reasonable. Hotel uses are not permitted in principle within this zone but are encouraged under other land use zoning objectives of the Development Plan. Furthermore, the site is located in an isolated area that does not have the benefit of high capacity public transport. It is considered, therefore, that the proposed hotel use does not accord with the overall zoning objective and policies relevant to the area as set out in the Fingal County Development Plan 2017-2023 and that the proposed development would be contrary to the proper planning and sustainable development of the area”.

5.0 Policy Context

5.1. Fingal Development Plan 2023 – 2029

- 5.1.1. The subject site is zoned 'HT, 'High Technology in the Fingal Development Plan 2023-2029, the objective of which seeks to “Provide for office, research and development and high technology/high technology manufacturing type employment in a high quality built and landscaped environment”.

With a vision 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 corporate image and identity”.

- The site has a Landscape Character – low lying agricultural.
- The application site is located within the Outer Public Safety Zone associated with
- Dublin Airport and is located within Noise Zone B associated with Dublin Airport.

- 5.1.2. The following Development Plan Objectives are of particular relevance:

- Objective DAO6 - Supply of Car Parking at Dublin Airport - Control the supply of car parking at the Airport so as to maximize as far as is practical the use of

public transport and sustainable transport modes (walking / cycling) by workers and passengers and to secure the efficient use of land and safeguard the strategic function of the adjacent road network.

- Objective DAO8 - Surface Access Needs - Protect and enhance the transportation capacity required to provide for the surface access needs of the Airport.
- Policy CMP21 - Park and Ride - Support the provision of Park and Ride facilities in conjunction with supporting ancillary infrastructure to accommodate the transition to sustainable mobility modes at suitable locations in accordance with the large-scale transportation projects being delivered under the NTA Strategy.
- Policy CMP27 - Dublin Airport, Transportation, Surface Access and Freight - Support the continued protection of the core transport function of Dublin Airport including measures to enhance surface access, public transport connections and strategic freight movements.
- Objective EEO13 - High Technology Lands - Encourage the development of corporate offices and knowledge based enterprise in the County on High Technology zoned lands and work with key stakeholders, relevant agencies and sectoral representatives to achieve such development.

5.1.3. I note that the planners report details objectives of the Dublin Airport Local Area Plan (LAP), however, the site is located outside of the boundary of the LAP, and therefore I do not consider the LAP to be of relevance to the instant appeal.

5.2. National Planning Framework

5.2.1. The NPF provides an overarching policy and planning framework for the social, economic and culture development of the country.

5.2.2. I reference the following:

National Strategic Outcome 2 the National Planning Framework (NPF) states the following in relation to Enhanced Regional Accessibility:

- “Maintaining the strategic capacity and safety of the national roads network including planning for future capacity enhancements”.

National Strategic Outcome 6 of the National Planning Framework (NPF) states the following in relation to High-Quality International Connectivity:

- “The development of additional runway and terminal facilities such as the second runway for Dublin Airport for which planning permission has been approved;
- Enhancing land-side access, particularly in public transport terms, such as through the Metro Link project in Dublin; and
- Careful land-use management of land-side areas to focus on the current and future needs of the airports”.

5.3. Regional Spatial and Economic Strategy (RSES) - Eastern and Midland Regional Assembly (EMRA)

- 5.3.1. The RSES sets out the strategic framework for the economic and spatial development of the Eastern and Midland Region up to 2031. The primary objective of the RSES is to support more sustainable settlement patterns that focus on compact growth, makes the most efficient use of land and infrastructure, and takes an integrated approach to development that provides employment opportunities and improvements to services alongside population and residential growth.
- 5.3.2. RPO 4.31: Support Swords-Dublin Airport as a key location for airport related economic development and employment provision linked to the protection and enhancement of access to Dublin Airport lands including the delivery of Metrolink.
- 5.3.3. 5.3 Guiding Principles for the growth of the Dublin Metropolitan Area - Dublin as a Global Gateway – In recognition of the international role of Dublin, to support and facilitate the continued growth of Dublin Airport and Dublin Port, to protect and improve existing access and support related access improvements.
- 5.3.4. RPO 8.18: Improved access to Dublin Airport is supported, including Metrolink and improved bus services as part of BusConnects, connections from the road network from the west and north. Improve cycle access to Dublin Airport and surrounding

employment locations. Support appropriate levels of car parking and car hire parking.

5.4. Ministerial Guidelines

5.4.1. Section 28 Guidance

- Spatial Planning and National Roads Guidelines for Planning Authorities (Jan 2012).

5.5. Natural Heritage Designations

5.5.1. The subject site is not located within a designated European Site.

5.6. EIA Screening

5.6.1. I refer the Board to the completed Form 1 in Appendix 1. Having regard to the nature, size, and location of the development to be retained and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the development to be retained. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first party appeal has been received by the applicant's agent against the decision of Fingal County Council to refuse permission under Reg. Ref. F23A/0784. The appeal includes a detailed report on the local authority decision and can be summarised as follows:

- Holiday Inn Dublin Airport is currently operating as accommodation for protected permissions (exempt under Class 14(h) of the Planning and Development Regulations 2001-2023). The car parking spaces, subject of this application, are existing and not currently being used for hotel use.
- The development does not seek the construction of a new car park but utilising the existing car parking spaces on the subject site to operate as a

'Park and Fly' facility, providing passenger parking for Dublin Airport users, to ensure the Airport's continued operational efficiency.

- The request for a 5 year temporary permission for the continuation of use on the subject site for passenger parking for Dublin Airport is considered to be acceptable in this particular instance given that the existing car parking facility is not used by hotel guests.
- The proposed development is consistent with Policy CMP21 of the Development Plan which supports the provision of park and ride facilities for the airport until public transport improvements are delivered and the subject proposal offers a suitable location to cater for such needs on a short-term basis without any unnecessary investment in new infrastructure as the parking is already in-situ.
- Given the temporary nature of the permission and use being sought, it is considered that the Development Plan is sufficiently flexible to allow the Board to grant permission for the existing hotel car park to be used as a commercial car park for the airport on a temporary basis.
- Should the Board consider that the proposal materially contravenes the Development Plan, this appeal includes a justification for a material contravention of the Development under Section 37(2)(b).
- Given the significant demand for airport parking and the passenger numbers, coupled with delays in delivering important planned public transport improvements (Metrolink under ABP Ref. 314724-22 and Swords to City Centre Bus Connects), there is a short term need for additional airport car parking in suitable locations such as the subject site.
- The location of Holiday Inn Dublin Airport strategically intercepts traffic from Dublin City and Suburbs and the M50, the facility offers a sustainable solution with bus transfers, managing congestion and alleviating pressure on primary access points.
- Parking at Holiday Inn Dublin Airport contributes to reduced congestion at the airport junction and significantly lessens the traffic generation by approximately 50% when compared to the permitted hotel use.

- The existing car parking facility at Holiday Inn Dublin Airport does not introduce new or additional vehicular trips.
- The proposal helps distribute the parking load experienced by the DAA and avoids putting undue strain on a single parking facility.
- Providing parking services at Holiday Inn Dublin Airport introduces healthy competition and choice for airport users.
- It is respectfully submitted that the provision of temporary passenger car parking for Dublin Airport users, is appropriate in this particular instance, given the temporary nature (for a period of 5 years), the exceptional circumstances that arise in respect of the hotel property.
- An Bord Pleanála is requested to overturn Fingal County Council's decision to refuse permission and issue a decision to grant based on that the parking spaces already exist, are not presently required for the original hotel purpose, there is a substantial demand for airport parking, increasing passenger numbers, and the ongoing delays in enhancing public transport services to the Airport.

6.2. The appeal response also includes a Transport Assessment report; which responds to the reason for Refusal 2 as follows:

- Exceptional Circumstances: A 5-year temporary permission is deemed acceptable due to exceptional circumstances, notably the temporary use of the hotel for accommodation for protected persons leading to the non-utilisation of existing parking spaces for hotel use.
- The study highlights the existing need and demand for additional airport parking.
- Parking at Holiday Inn Dublin Airport contributes to reduced congestion at the airport junction. By providing parking facilities at this location, it intercepts traffic from both Dublin city and M50, offering a sustainable park and ride facility with transfers to the airport by bus.

- The passenger parking at Holiday Inn Dublin Airport strategically intercepts traffic and reduces congestion at key junctions, and therefore it adheres to the National guidelines.
- Reduced Traffic Compared to Hotel Use.
- The proposed use as a park and ride facility, coupled with a bus transfer to the airport, represents a more sustainable transportation model.
- The development introduces healthy competition in the provision of airport parking services, offering travellers more options, and enhancing consumer choice in the market.
- The interim nature of the park and ride facility serves as a strategic response to current transportation needs, providing a solution until the delivery of the Metro project. This aligns with future infrastructure developments and changing mobility patterns.
- Planning challenges with New Car Park Application.
- Land Zoning: Although the 'High Technology - HT' zoning objective does not permit car parking, it is crucial to clarify that the current application exclusively pertains to the existing car parking spaces at the Holiday Inn, Dublin Airport. No new car park construction is sought under this proposal.
- The temporary continuation of use for passenger parking serving Dublin Airport over a 5-year period is considered acceptable in this specific context, with an emphasis on the distinction between the existing car parking facility and the parking used by hotel guests.
- The temporary continuation of use of the existing car park at Holiday Inn Dublin Airport for airport parking aligns with the objectives outlined in Policy CMP21 of the Development Plan. This policy advocates for the provision of park and ride facilities for the airport until the implementation of the anticipated public transport improvements.

6.3. Planning Authority Response

6.3.1. Report received 8th of April 2024 stating:

“The application was assessed against the policies and objectives of the Fingal Development Plan 2023-2029 and existing government policy and guidelines.

The development was assessed having regard to the development plan zoning objective, as well as the impact on adjoining neighbours and the character of the area.

Having regard to the nature of the use seeking permission and retention permission, i.e. a car park not being ancillary to the principal use of the hotel, the use of a 'Car Park Non Ancillary' is listed as not permitted in the HT Zoning Objective.

Furthermore, to permit the use seeking permission and retention permission would be contrary to Condition 4(c) of Reg. Ref. F17A/0748, the imposition of which sought to protect the strategic capacity and quality levels of the service of the adjacent national road network. As set out in the assessment it is considered that this condition remains valid and that the operating environment suggests a greater need to promote sustainable modes of transport and protect the strategic capacity of the road network.

The proposal would be at variance with this aim and the policies at national and local level which seek to ensure same including Objective DA06 of the Fingal Development Plan 2023-2029.

The development seeking permission and retention permission is not acceptable or consistent with the proper planning and sustainable development of the area”

The Planning Authority requests that An Bord Pleanála upholds the decision to refuse permission and retention permission.

6.3.2. In the event that this appeal is successful, provision should be made in the determination for applying the following:

- A financial contribution and/or Bond in accordance with Fingal County Council's Section 48 Development Contribution Scheme.

6.4. Observations

None received.

6.5. Further Responses

None received.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the first party appellant's submission (the subject matter of this appeal), site inspection and having regard to the relevant policies, objectives, and guidance, I am satisfied that the main issues to be considered are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The main issues in determining this appeal relate to the three reasons for refusal as follows:

- I. Zoning Objective and Development Plan Compliance
- II. Planning History
- III. Traffic and Transportation Issues
- IV. Material Contravention
- V. Appropriate Assessment, and
- VI. Other Matters.

7.2. Zoning Objective and Development Plan Compliance

- 7.2.1. The first reason for refusal states that the development to retain the temporary use of the car park for Dublin Airport rather than the existing hotel would materially contravene the 'HT' zoning objective of the Development Plan and would also fail to accord with Objective EEO13 of the Development Plan, which seeks to *"Encourage the development of corporate offices and knowledge based enterprise in the County on High Technology zoned lands and work with key stakeholders, relevant agencies and sectoral representatives to achieve such development"*.
- 7.2.2. The appellant states that that the car parking spaces are existing spaces and are currently not being used by the hotel as the hotel is operating as accommodation for protected persons. The existing spaces will operate as a 'Park and Fly' for Dublin airport to allow for its continued operational efficiency, will reduce congestion and will lesson the traffic generation, and is consistent with Policy CMP21 of the

Development Plan relating to park and ride facilities. It is also argued that the permission is temporary in nature, relates to existing car parking at this location and that there is flexibility in the Plan to allow a grant of permission.

- 7.2.3. As referenced above the zoning objective for these lands is HT “High Technology”, under which the Development Plan lists the uses classes related to the zoning objective which are permitted in principle and not permitted. As per the Development Plan, I note that carpark – non – ancillary is a use class which is not permitted under the zoning objective.
- 7.2.4. The planners report notes the definition of Car Park Non-Ancillary as per Appendix 7 Technical Guidance of the Development Plan as “A building or land for the purposes of stand-alone car parking e.g. long term car parking. Such use would not include a public road used for the parking of vehicles or use of a car park which is ancillary to the principal use”.
- 7.2.5. The principal use of the building on site is that of a hotel providing services, including parking to residents. I acknowledge that the appellant states that the hotel is currently providing emergency accommodation for protected persons. However, I am not satisfied that the current use would warrant the provision non-ancillary parking at the hotel for use as a commercial car park associated with Dublin Airport. Furthermore, no details of any parking requirement associated with the current temporary use have been provided.
- 7.2.6. The appellant references Policy CMP21 of the Plan, which refers to Park and Ride and states that it is a policy of the Council to “*Support the provision of Park and Ride facilities in conjunction with supporting ancillary infrastructure to accommodate the transition to sustainable mobility modes at suitable locations in accordance with the large-scale transportation projects being delivered under the NTA Strategy*”.
- 7.2.7. I reference the Greater Dublin Area Transport Strategy 2022 – 2029, Section 9.5.1 in respect to Park and Ride states “*Appropriately located and designed Park & Ride facilities can enable these people to access public transport and enhance their options to reach a wide range of destinations in a sustainable manner and increase the usage of public transport, thereby maximising the value of investment in existing and new schemes*”. Measure INT4 – Park and Ride of the Strategy states “*It is the intention of the NTA to secure the development of a network of regional level bus*

and rail based Park and Ride facilities in the GDA at appropriate locations where the national road network meets, or is in close proximity to, high capacity bus and rail services”.

- 7.2.8. Having regard to the aforementioned policies, I consider that these primarily relate to a more sustainable pattern of transport infrastructure linking public transport routes, including the delivery of Metrolink and other high quality public transport links. I do not agree with the case put forward by the appellant in respect to Policy CMP21 to support the provision of park and ride facilities for the airport, which will be served by a private shuttle bus to and from the airport from the site, until public transport improvements are delivered. I also note that presently there are no public transport routes in the vicinity of the site.
- 7.2.9. In relation to the case regarding the provision of the parking spaces to maintain an established car parking resource vital for the airport's efficient operation, I am not convinced that that attracting non-hotel related parking to the site, would improve the efficient operation of the airport given the location and existing hotel use associated with the appeal site.

Conclusion

- 7.2.10. Notwithstanding the temporary nature of the development, I consider that the retention and continued use of the hotel car park for parking associated with customers of Dublin Airport, would not be considered as ancillary car parking to the principal use of the hotel and is therefore contrary to the zoning objective of the site. Accordingly, I concur with the planning authority and recommend that permission be refused in this instance.

7.3. Planning History

- 7.3.1. I consider that the planning history to be of particular relevance to this appeal and the planners report contains a detailed planning history, with the pertinent planning history referenced in Section 4 above. The second reason for refusal references the development would materially contravene a condition attached to the development permitted under Ref: F17A/0784.

- 7.3.2. Under F17A/0748 permission was granted for revisions to the hotel permitted under F08A/1305 (ABP Ref. PL06F.232704) on the subject lands. A condition was attached (Condition 4) in respect to Transportation requirements, particular reference is had to Condition 4 (c) which states “*All of the car parking spaces within the red line of the application site shall only be used only for hotel-related parking and shall not be used for short and long term parking by persons not using hotel facilities*”. The instant application seeks to further amend the development permitted in terms of the retention of the use of the car parking for Dublin Airport users.
- 7.3.3. Having regard to the fact that car parking non-ancillary is not a permitted use within the ‘HT’ zoning objective and given the hotel use of the building, notwithstanding the current temporary use of the hotel for emergency accommodation, and the appellants rationale for the development as presented in the appeal, I consider that the development as proposed would contravene Condition No. 4 (c) of Ref: F17A/0784 of P.A. Reg. Ref. No. 94/1258/ABP Ref. No. PL17.096766, which relates to the use of the car parking spaces as hotel-related parking only.

Conclusion

- 7.3.4. Notwithstanding the temporary nature of the development, I consider that the retention and continued use of the hotel car park for parking associated with customers of Dublin Airport, would not be considered as ancillary hotel-related parking and would be facilitating short and long term parking by persons not using hotel facilities, and as such would be contrary to Condition No. 4 (c) of Ref: F17A/0784.
- 7.3.5. Permitting the subject development, as proposed, would set an undesirable precedent in terms of non-compliance with planning conditions of previous planning permissions and would therefore be contrary to the proper planning and sustainable development of the area. Accordingly, I concur with the planning authority and recommend that permission be refused in this instance.

7.4. Traffic and Transportation Issues

- 7.4.1. The second reason for refusal relates to the management of the car parking at Dublin airport and the concern that the development would attract non hotel related private car based traffic to the subject site, which if permitted would be contrary to

Section 28 Guidelines, Spatial Planning and National Roads, Guidelines for Planning Authorities, and would materially contravene a condition attached to an existing permission for development. It was also considered that the development would be contrary to Objective DAO6 of the Fingal Development Plan 2023-2029, which seeks to Control the supply of car parking at the Airport so as to maximize as far as is practical the use of public transport and sustainable transport modes (walking / cycling) by workers and passengers and to secure the efficient use of land and safeguard the strategic function of the adjacent road network.

- 7.4.2. As part of the appeal a Transport Assessment Report has been submitted which reiterates the exceptional circumstances for this temporary permission, and states that there is a need and demand for airport parking and the hotel contributes to reduced congestion at Dublin Airport and a more sustainable transport model and serves as a strategic response to current transportation needs. The report states that there is no new car parking sought under the proposal and will result in reduced traffic compared to the hotel use.
- 7.4.3. I note the report received from Transportation Planning and the report from Transport Infrastructure Ireland. I concur with the concerns raised in relation to the development being at variance with Condition No. 4 associated with Reg. Ref. F17A/0748, as noted in Section 7.3 above.
- 7.4.4. Reference is made in the planners assessment and the reason for refusal in relation to the development contravening Objective DAO6, which states in relation to the "Supply of Car Parking at Dublin Airport" that it is an objective of the Council to *"Control the supply of car parking at the Airport so as to maximize as far as is practical the use of public transport and sustainable transport modes (walking / cycling) by workers and passengers and to secure the efficient use of land and safeguard the strategic function of the adjacent road network"*. While I welcome the ethos of this objective, and the use of more sustainable modes of transport associated with Dublin Airport overall, I consider that this objective relates to Dublin Airport specifically, and as the site is not located within the airport or within the boundary of the Dublin Airport Local Area Plan, I do not consider that this objective is relevant to the instant appeal, notwithstanding the use of the car park for airport passengers.

- 7.4.5. In relation to the increase in traffic, the report received from Transport Infrastructure Ireland is noted. Section 2.7 of the of the Spatial Planning and National Roads Guidelines for Planning Authorities, as referenced relates to the ‘Development at National Road Interchanges or Junctions’, and the National Strategic Outcome 2 of the National Planning Framework, as referenced, relates to maintaining the strategic capacity and safety of the national roads network.
- 7.4.6. The development to be retained relates to the use of the car park for purposes associated with the passages of Dublin Airport. The appeal states that the development is not for a new car park and that a shuttle bus service provides access to the airport to meet the needs of the users, which operates twice hourly. I also note that users use an online booking system to avail of the car park for airport use.
- 7.4.7. The Transport Assessment report (submitted with the first party appeal) provides an assessment of the existing traffic flows to the hotel, the traffic counters for the M1/M50 motorways and a trip generation comparison between the hotel use and the temporary use for Dublin Airport (based of booking details spanning 11 months) and the potential traffic impact on neighbouring junctions.
- 7.4.8. The report references that the “*Traffic and Transport Assessment Guidelines (2014). The TII Publication PE-PDV-02045 Traffic and Transport Assessment Guidelines, published in May 2014, recommends that junction modelling should be carried out where new traffic exceeds 5% of existing flows if congestion already exists and if traffic generated by the development exceeds 10% where no traffic congestion is present*”.
- 7.4.9. The report indicated that the predicted traffic from airport parking at the existing hotel is below the 5% threshold when considering the impact on neighbouring junctions relative to the existing Holiday Inn site. I also note the shuttle bus service provides access to/from the appeal site to/from the airport, which ensures that the traffic will not enter the airport campus thus creating additional congestion at this location.
- 7.4.10. While I acknowledge that a more sustainable transport option should be considered for the airport campus as a whole to protect the strategic capacity of the existing road network, based on the information submitted, the instant planning application and following site visit, I am satisfied that the retention of the car park for use associated with non-hotel related private car based traffic to the site would not

negatively impact the M1/M50 junction interchange, and would not negatively impact on the operation of the adjacent national road network, including the M1/M50 junction. As such I do not consider that the development to be retained would adversely affect the use of a national road or other major road by traffic and this should not be included as part of the reason for refusal.

- 7.4.11. I note the various references to Dublin Airport and the parking associated with the Airport within both the planner's assessment and the first party appeal, in particular the reference to the shortfall of parking spaces available and the necessary requirements and adjustments to accommodate the existing and future demands in tandem with the Airports operational needs and overall strategy. However, I am not convinced that the granting of retention for a non-ancillary parking use at this location, temporary or otherwise, is warranted in the context of the overall provision of car parking pertaining to Dublin Airport. I consider that the development to be retained is piecemeal and ad-hoc in the context of the wider development and strategy for the provision of parking associated with Dublin Airport campus.

Conclusion

- 7.4.12. Notwithstanding my consideration in relation to the traffic and transportation issues relating to the use of the car park at this location as noted in foregoing assessment, the main consideration is the use of the parking spaces, which are not ancillary to the hotel use, and that the development to be retained would contravene a condition attached to a permission pertaining to the site, in relation to the car park use. As such, permission should be refused in this regard.

7.5. Material Contravention

- 7.5.1. The appellant states that the proposal does not result in a material contravention and has provided justification which will be referenced in the below test.
- 7.5.2. As per my assessment outlined above, I consider that the development to be retained and the continued use of the car park as a park and ride facility associated with Dublin Airport would be a material contravention of the Development Plan. Therefore, one or more of the criteria as set out in Section 37(2)(b) of the Planning and Development Act 2000, as amended (hereafter referred to as 'the Act'), must be

met in the event that the Board was minded to grant permission in this instance.

Section 37(2)(a) and (b) of the Act state the following:

(2) (a) Subject to paragraph (b), the Board may in determining an appeal under this section decide to grant a permission even if the proposed development contravenes materially the development plan relating to the area of the planning authority to whose decision the appeal relates.

(b) Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that— (i) the proposed development is of strategic or national importance, (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or (iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.”

7.5.3. The criteria set out under Section 37(2)(b) are assessed as follows:

(i) ***the proposed development is of strategic or national importance,***

The grounds of appeal include that the development is of strategic and national importance and noting the delays in delivering adequate public transport improvements (i.e. Metro Link and Swords to City Bus Connects) there is a short term need for additional airport car parking to support the continued successful operation of Dublin Airport. Reference is also made to National Planning Framework in respect of the national strategic outcome of ‘High Quality International Connectivity, and National Strategic Outcome 4’ and the strategic role of the airport and the short term need for additional airport parking in suitable locations such as the appeal site. The appellant therefore considers that supports the airports present demand and as such is of strategic and national importance.

Having regard to the nature and scale of the subject development, which pertains to the retention of car parking associated with an existing established hotel, for use associated with the airport, and the location of the appeal site outside the boundary of the Dublin Airport LAP, this development is not considered to be of strategic or national importance and is not within the boundary of Dublin Airport.

(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned,

The grounds of appeal include that Section 37(2)(b)(ii) applies as Policy CMP21 supports the provision of park and ride facilities and that this objective is conflicting with the High Technology Zoning Objective as there is a short term need for additional airport parking which can be delivered by the development. Additionally, the appellant considers that Policy CMP25 conflicts with Objective EEO13 of the Fingal Development Plan 2023-2029, as referenced in the reason for refusal, as the Holiday Inn car park is a key operational asset which assists to meet the immediate parking demands associated with the airport and responds to the short term need for additional airport car parking in suitable locations such as the subject site. The Dublin Airport LAP is referenced, and it is suggested that the development is consistent with Chapter 8 of the LAP.

In this regard I note that:

- Policy CMP21 – Park and Ride – “Support the provision of Park and Ride facilities in conjunction with supporting ancillary infrastructure to accommodate the transition to sustainable mobility modes at suitable locations in accordance with the large-scale transportation projects being delivered under the NTA Strategy”.

The implementation of this policy aligns with the delivery of the National Transport Authority Strategy. As noted in Section 7.2.6 above, this objective primarily relates to a more sustainable pattern of transport infrastructure linking public transport routes, including the delivery of Metrolink and other high quality public transport links. I do not agree with the case put forward by the appellant in respect to Policy CMP21 to support the provision of park and ride facilities for the airport. Therefore, I consider that there is no ambiguity in the Development Plan with regard to Policy CMP21.

The 'HT' High Technology land use zoning on which the site is located states that this objective will 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, and states that Park and Ride Facilities are not permitted within this zoning objective. Accordingly, car parking non-ancillary is not considered permissible on the subject site.

- Policy CMP25 – Car Parking Management Implement applies to a balanced approach to the provision of car parking with the aim of using parking as a demand management measure to promote a transition towards more sustainable forms of transportation, while meeting the needs of businesses and communities.
- Policy Objective EEO13 – High Technology Lands states “Encourage the development of corporate offices and knowledge based enterprise in the County on High Technology zoned lands and work with key stakeholders, relevant agencies and sectoral representatives to achieve such development”.

Objective HT: High Technology Lands land use zoning is a more environmentally sensitive zone, nor that development on these adjoining lands would be unduly impacted by the subject development, The requirement set out in Objective EEO13 relates specifically to the development of these zones, i.e. 'HT'.

Policy CMP25 is an objective which would have county-wide application, as relevant, and focuses on car parking as a demand management tool and a driver for behavioural change. Based on the information on file, and the provisions of the Development Plan, I consider that Policy CMP25 and Policy Objective EEO13 are not conflicting objectives. I consider it adequate to conclude that the assessment of the subject development with reference to Policy CMP21 or Policy CMP25 would not by itself be grounds to warrant a grant of permission for the retention of the subject development.

The Dublin Airport Local Area Plan (LAP), and the various objectives therein have been referenced, however, the site is not located within the boundary of the LAP, and therefore, I do not consider this to be relevant.

Accordingly, I consider that the subject development does not meet the criteria set out under Section 37(2)(b)(ii) of the Planning and Development Act 2000, as amended.

(iii) Permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or

I do not consider that there are grounds under which permission for the subject development should be granted having regard to strategies, guidelines, policies, or statutory obligations outlined above.

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

The applicant has not provided examples of the pattern of development, and permissions granted, in the area since the making of the development plan, to demonstrate how Section 37(2)(b)(iv) of the Planning and Development Act 2000, as amended, is applicable in this case.

Fingal Development Plan 2023-2028 came into effect on 5th April 2023. With regard to permissions granted in the area since the making of the Development Plan, an online planning search on the planning authority's website (viewed on 29th January 2024) do not indicate any planning permissions granted in the immediate area since the making of the Development Plan. Accordingly, I consider that it has not been demonstrated that the subject development meets the criteria set out under Section 37(2)(b)(iv) of the Act.

- 7.5.4. Having considered the file, and the provisions of the Development Plan, I do not consider that any one or more of the criteria set out under Section 37(2)(b) of the Act are met, and I therefore conclude that there are no grounds for the Board to grant permission in accordance with Section 37(2)(a) when the refusal is on the grounds of it being a material contravention of the Development Plan.

7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and scale of the development proposed to be retained and continued temporary use of an existing car park within the Holiday Inn hotel, the nature of the receiving environment within an established commercial premises and the separation from 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.

7.7. Other Matters

7.7.1. Competition

The use of the car parking for Dublin Airport and the reference to the introduction healthy competition in the provision of airport parking services within the appeal, is not a planning consideration and is not a matter for the Board in the assessment of this appeal.

8.0 Recommendation

I recommend that planning permission should be refused for the retention and continued use of the development for the reason and considerations set out below.

9.0 Reason and Considerations

- 9.1. Having regard to the provisions of the Fingal Development Plan 2023 - 2029, the retention and continued temporary use of the parking spaces within the existing car park at the Holiday Inn Hotel for short-term and long-term private car based passenger parking for Dublin Airport and not hotel use, would be classified as 'Carpark- Non-Ancillary', which is listed as not permitted as a use class related to the zoning objective for the site and would, therefore, materially contravene the 'HT' 'High Technology' Zoning Objective of the Fingal Development Plan 2023-2029 which seeks to *"Provide for office, research and development and high technology/high technology manufacturing type employment in a high quality built*

and landscaped environment" and would thereby be contrary to the proper planning and sustainable development of the area.

- 9.2. The car parking associated with the development relates to lands which were to be preserved as car parking for hotel related parking only and as such it is considered that should the development be approved that it would contravene Condition No. 4 (c) of Reg. Ref. F17A/0748 which required that, "*All of the car parking spaces within the red line of the application site shall only be used only for hotel-related parking and shall not be used for short and long term parking by persons not using hotel facilities*". Permitting the subject development, as proposed, would set an undesirable precedent in terms of non-compliance with planning conditions of previous planning permissions and would therefore be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Emma Nevin
Planning Inspector

31st January 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	319290-24			
Proposed Development Summary	Retention permission and a continued temporary use for a period of five years of 248 no. car parking spaces within the existing car park at Holiday Inn Hotel, Clonshaugh (permitted under Reg. Ref. : F17A/0748), for short-term and long-term passenger parking for Dublin Airport users.			
Development Address	Holiday Inn Dublin Airport, Stockhole Lane, Clonshaugh, Swords, Co. Dublin			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X	
		No		
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes				
No	X			Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No	X	N/A	Development is not a project of type listed in Schedule 5, Part 2	No EIAR or Preliminary Examination required
Yes				

4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes		Screening Determination required