



An  
Bord  
Pleanála

## Inspector's Report

### ABP-321950-25

#### Development

Primary Care Centre building which will provide HSE Services such as general primary care, mental health, disability and older person services. SuDS drainage, PV panels at roof level, signage, landscaping, boundary treatment and all associated site works and services.

#### Location

Lands at Citywest Campus, Garters Lane, Saggart, Co. Dublin.

#### Planning Authority

South Dublin County Council

#### Planning Authority Reg. Ref.

SD24A/0187W

#### Applicant

MLPCC Development Company Limited

#### Type of Application

Planning Permission

#### Planning Authority Decision

Grant

#### Type of Appeal

Third Party

#### Appellant

Alan Fairman

**Date of Site Inspection**

Thursday 29<sup>th</sup> May 2025

**Inspector**

Conor Crowther

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## **1.0 Site Location and Description**

- 1.1.1. The appeal site is located within the wider Citywest Hotel & Conference Centre Campus approximately 326m to the northeast of Saggart and approximately 676m southeast of the N7. The site consists of brownfield lands which formerly functioned as a coach park and a golf course, associated with the Citywest Hotel & Conference Centre. The site is bordered by extensive fencing and vegetation on almost all sides, except for the northwest where an existing vehicular and pedestrian entrance remains unfinished and fenced off to prevent public access.
- 1.1.2. The site has a stated site area of approximately 1.66ha. The site is bounded by the Citywest Hotel & Conference Centre Campus access road and a mixture of existing single storey and two storey dwellings to the east, the car parking area associated with the Citywest Hotel & Conference Centre to the north and the former Citywest Hotel golf course to the west and south. The site is accessed from the east via Gartons Lane through an existing junction at the entrance to the Citywest Hotel & Conference Centre Campus. The wider area consists of a mixture of established low density residential dwellings and contemporary higher density residential development, with established commercial, healthcare, retail and service industry located within Saggart village to the south. The Saggart Red Line Luas stop lies approximately 290m to the east of the site and functions as a terminus. The Citywest Hotel itself is situated approximately 310m to the northwest of the site and currently functions as a facility for international protection accommodation.

## **2.0 Proposed Development**

- 2.1.1. The proposed development is for the construction of a 4-storey Primary Care Centre building (approx. 7,760m<sup>2</sup> GFA), which will provide HSE Services such as GP rooms, day care centre, pharmacy, treatment/consultation rooms, primary care administrative offices, as well as ancillary accommodation including staff and kitchen facilities, offices, meeting rooms, reception/waiting areas and plant rooms.
- 2.1.2. The development will be accessed via the existing main entrance to the Citywest Hotel & Conference Centre Campus from Gartons Lane and will include car and bicycle parking, signage, plant and PV panels at roof level, amenity space, service

yard, pumping station, landscaping, ESB substation, boundary treatment and all associated site works and services.

Further Information:

2.1.3. It should be noted that the proposal was altered at Further Information (FI) stage as follows:

- Relocation of the proposed day centre garden to the rear of the building.
- Addition of a central projection to the front façade.
- Re-design of the windows to include floor-to-ceiling windows interspersed by vertical louvres.
- Additional glazing at the main entrance and at the north-western corner of the building.
- Extension of the canopy to cover the entire footpath at the main entrance.
- Darker external finishes applied to the façade.
- Amendments to the internal floorplan to ensure a direct connection between the eastern part of the building and the rest of the building.
- Reduced number of car parking spaces (130) and vehicular entrances to the site.
- Inclusion of tree pits between car parking spaces.
- Provision of 90 cycle parking spaces.
- Increase in areas of planting and relocation of landscaped area.
- Provision of electrical ducting and termination points at all car parking spaces.
- Provision of a designated bus stop.

Information/Documentation:

2.1.4. Along with the standard drawings and information, the application was accompanied by:

- Site Selection Analysis & Justification Report.
- Landowner Consent.

- Traffic & Transport Assessment.
- Civil Engineering Infrastructure Report.
- Construction Environmental Management Plan.
- Appropriate Assessment (AA) Screening Report.
- Cover Letter.
- Energy & Sustainability Report.
- Mobility Management Plan.
- Site Specific Flood Risk Assessment.
- Archaeological Impact Assessment Report.
- Planning Context Report.
- Vehicle Tracking (FI).
- Tree Removal Plan (FI).
- Architectural Design Statement (FI).
- Ecological Impact Assessment (FI).
- Landscape Design Report (FI).
- Tree Protection Plan (FI).
- Site Lighting Report (FI).
- Green Infrastructure Strategy (FI).
- Combined Stage 1 & 2 Road Safety Audit (FI).
- Various Cover Letters from involved parties to the application (FI).
- Arboricultural Report incl. Arboricultural Method Statement (FI).
- Bat Survey (FI).

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. South Dublin County Council (The Planning Authority) issued a FURTHER INFORMATION request on the 17<sup>th</sup> September 2024 relating to the impact of the proposed development on existing healthcare services, the exclusion of site 13 from the site selection process, design, layout, green infrastructure, car and cycle parking, landscaping, site permeability, architectural form, signage, residential amenity, ecology and surface water management. The applicant responded by amending the floor plans, elevations and general layout of the proposed development to improve its massing and architectural interest. The applicant proposed a revision to the external finishes, fenestration, façade and general layout of the building to enhance visibility, identity and internal accessibility whilst allowing for more natural light penetration and harmonisation with its surroundings. In contrast, the applicant reduced the visibility of plant at the roof level by incorporating darker external finishes in this part of the proposed development. The applicant also outlined, in revised drawings, the 10m buffer from the top of the bank of the existing pond and the distance to the nearest existing residential property (36 metres). The applicant confirmed that existing evergreen trees neighbouring the residential dwellings to the east are within their ownership. The applicant revised the car parking layout, along with the landscaping and planting layout resulting in an improved Green Space Factor (GSF) score (0.46).
- 3.1.2. The Planning Authority subsequently issued a GRANT of planning permission, as a result of a Material Contravention process, for the above-described proposed development on the 13<sup>th</sup> February 2025, subject to 20 no. conditions. Conditions of note include:
- **Condition 2** requiring the submission of drawings relating to the provision of pedestrian/cycle link to the northeastern boundary of the site, a revised car parking layout for 110 no. spaces, a revised Mobility Management Plan and a revised Transport Assessment considering the effects of the proposed development on the Garters Lane/Mill Lane junction.



- **Condition 4(b)** requiring the submission of revised plans/drawings showing a re-design of the proposed swales and tree pits.
- **Condition 4(c)** requiring the direction of surface water from roads above ground onto green spaces.
- **Condition 7(a)** prohibiting the installation of any further lighting within the site to the south (rear) of the permitted buildings without the written consent of the Planning Authority.
- **Condition 16** prohibiting any further development above roof parapet level without planning consent from the Planning Authority.
- **Condition 17** prohibiting the storage of goods or waste products externally.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

3.2.2. The first Planning Officer's Report requested FI in relation to the above (see Section 3.1.1).

3.2.3. The Second Planning Officer's Report recommended a GRANT of permission and concluded that:

- The proposed development materially contravenes the Development Plan by way of use and the size of the proposed office space (c. 1,355.9m<sup>2</sup>).
- The Development Plan generally supports Primary Care Centres, and the applicant has submitted the required information in accordance with the policy requirements.
- The criteria employed by the applicant in their site selection analysis and justification is satisfactory.
- Proposed boundary treatments and landscaping are considered acceptable, and the proposed development would not be highly visible.
- The overall height and scale of the proposed development is acceptable and does not negatively impact on the residential amenities of neighbouring dwellings.

- The applicant has identified that exceptional circumstances exist to support the proposed development.
- The design and layout of the proposed development is generally acceptable.
- The cycle parking provision is acceptable; however, the car parking provision must be reduced to 110 car parking spaces given the proposed sustainable travel mode share and the fact that public transport accessibility is an important element in the rationale for materially contravening the Development Plan.
- A pedestrian/cycle link towards the northeast of the site should be included as this would serve as a direct link to bus services and the Luas.
- A revised Transport Assessment should be submitted showing the impact of the proposed development on the Garter Lane/Mill Lane junction.
- The proposed drainage and SuDS measures are acceptable.
- Given that the applicant's bat survey identified activity on the southwest, southern and southeastern boundaries of the site, lighting should be restricted in this area of the site.
- It is appropriate to include a condition requiring further consideration of the Green Space Factor, in consultation with the Planning Authority's Public Realm Department.

#### 3.2.4. Other Technical Reports

- Water Services Department –
  - First Report stated no objection, subject to numerous conditions.
  - Subsequent Report stated no objection, subject to numerous conditions.
- Roads Department –
  - First Report requested additional information on cycle parking, permeability, EV charging, a future bus stop, a traffic and transport assessment of the Garters Lane/Mill Lane junction and car parking.

- Subsequent Report stated no objection, subject to numerous conditions.
- Parks Department –
  - First Report stated no objections, subject to 2 no. conditions.
  - Subsequent Report stated no objections, subject to conditions.
- Heritage Officer –
  - First Report requested additional information on the ecology of the pond and a detailed bat survey.
  - Subsequent Report stated no objection, subject to conditions.
- Forward Planning Department – No report received.
- Economic Development Department – No report received.
- Architectural Conservation Officer –
  - First Report requested additional information on design and the site context.
  - Subsequent Report stated no objection, subjection to 1 no. condition.
- Architects Department – No report received.
- Public Lighting Department – No objections.
- Housing Department – No report received.
- Environmental Health Officer – No objections, subject to numerous conditions.

### **3.3. Report from Elected Members**

- 3.3.1. On the 13<sup>th</sup> December 2024, a decision was made by the Planning Authority to initiate a Material Contravention Process in respect of the proposed development. A period of public consultation was undertaken up to 20<sup>th</sup> January 2025. 1 no. submission was received, and the Chief Executive's response was published and set out before a meeting of the Elected Members on the 10<sup>th</sup> February 2025. All 39 no. Elected Members present at the meeting voted in favour of granting permission for the proposed development by way of Material Contravention of the Development

Plan. The Planning Authority subsequently granted the proposed development, subject to conditions, as the relevant threshold of three-quarters of the elected members had been met. Thus, the elected members exercised their reserved function to materially contravene the Development Plan, allowing for a grant of permission for the proposed development.

### **3.4. Prescribed Bodies**

- Irish Water/Uisce Éireann – No objections, subject to conditions.
- Transport Infrastructure Ireland – No objections.
- National Transport Agency – No report received.
- Department of Defence – No objections.
- Department of Housing, Local Government & Heritage – No objection, subject to 4 no. conditions.

### **3.5. Third Party Observations**

3.5.1. Several 3<sup>rd</sup> party observations were received in response to the application submitted to the Planning Authority. The issues raised by observers are generally reflected in the 3<sup>rd</sup> party appeal and the Planning Authority decision submitted to the Board, and include the following concerns:

- Support for the concept of a Primary Care Centre in this area.
- The proposed development represents an improvement on the existing 4 Districts Day Care Centre which is at capacity.
- Tree removal will be excessive.
- Inadequate ecological surveys.
- No data to support the justification of the proposed development which may be oversized.
- The Arklow Primary Care Centre occupied a smaller area over 5 storeys.
- Retained trees are non-native and of lesser biodiversity value.

- Existing unused car parks within the Citywest Campus would be more appropriate locations for the proposed development.
- No assessment of the cumulative impact of traffic arising from recently granted developments in the vicinity.
- Concerns surrounding the relocation of a GP service from Citywest, which is already at capacity, to the proposed development.

## 4.0 Planning History

### Subject Site:

- 4.1.1. PP047/24 & PP034/24 - 2 no. pre-planning consultations related to the proposed development took place in 2024.
- 4.1.2. SD15A/0381 (ABP Ref. PL06S.246719) - Permission REFUSED by the Board in January 2017 for an increase in the capacity of the convention centre (to the north of the subject site) 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.

Reasons for refusal include 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. 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.

### Wider Citywest Campus:

- 4.1.3. SD22A/0457 (ABP Ref. ABP-317989-23) – Permission GRANTED by the Board in September 2024 for a cemetery including: 8,047 no. traditional burial plots; columbarium walls; 1 single storey reception building and all other associated site development works approximately 300m to the north of the site.
- 4.1.4. SD23A/0100 – Permission GRANTED in February 2024 for a photovoltaic solar development to the North of the Citywest hotel on lands formally in use as a golf course [comprising a change of use from former golf course to solar development],

Including the installation of solar photovoltaic (PV) panels on ground mounted frames/support structures, underground cabling and ducting, security fencing, CCTV cameras, temporary construction compound and an area of hardstanding for an electrical compound, drainage, landscaping, bio-diversity enhancement measures and all other associated site excavation, infrastructural and site development works above and below ground.

- 4.1.5. ABP-312501-22 – Permission GRANTED by the Board in August 2022 for demolition of an existing dwelling, construction of 274 no. residential units (51 no. houses, 223 no. apartments), creche and associated site works approximately 208m to the west of the site.
- 4.1.6. SD20A/0075 (ABP Ref. ABP-309305-21) – Permission REFUSED by the Board in November 2021 for provision of public concert use at the Convention Centre to the north of the subject site.

Reasons for refusal include the extent of car-borne traffic that would be generated, the capacity to cater for car parking demands alongside the existing hotel and the capacity of the local road network to accommodate the proposed development.

## 5.0 Policy Context

### 5.1. National Planning Framework – Project Ireland 2040

- 5.1.1. The National Planning Framework (NPF) was originally published in 2018 and recently revised in April 2025. The revised NPF is now in effect and represents the approved national planning policy approach. The following elements of the NPF are of relevance to the proposed development:
- Section 6.2 - Healthy Communities – *‘Sláintecare and a universal health and social care system is the overarching vision and policy direction for Ireland’s healthcare system’.*
  - National Strategic Outcome 10 - Access to Quality Childcare, Education & Health Services – *‘Expanding Community and Primary Care is at the heart of the Sláintecare vision. The development of Primary Care Centres (PCCs) is an important part of this vision. This will include the appropriate provision of*

*PCCs and accommodation based on local service and population needs.  
Expansion of primary care will involve refurbishments of existing buildings and  
where necessary new builds’.*

## **5.2. South Dublin County Development Plan 2022-2028**

5.2.1. The following are sections, policies and objectives of relevance to the proposed development from the South Dublin County Council Development Plan:

- Map 8 – Zoning Objective OS *‘To preserve and provide for open space and recreational amenities’.*
- The following protections apply to the site:
  - SMR Notification on site - R149385
  - Transport proposals within 100m - Cycleways-Rathcoole to Saggart
- Chapter 2 – Core & Settlement Strategy
  - CS6 Objective 5 – *‘To design future development in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe attractive, universally accessible street environment for pedestrians and cyclists, where adequate transport links are in place, or will be situated, close to new developments and to existing developments which need them’.*
- Chapter 3 – Natural, Cultural & Built Heritage
  - NCBH11 Objective 3 – *‘To protect and retain existing trees, hedgerows, and woodlands which are of amenity and / or biodiversity and / or carbon sequestration value and / or contribute to landscape character and ensure that proper provision is made for their protection and management taking into account Living with Trees: South Dublin County Council’s Tree Management Policy (2015-2020) or any superseding document and to ensure that where retention is not possible that a high value biodiversity provision is secured as part of the phasing of any development to protect the amenity of the area’.*

- Chapter 4 – Green Infrastructure (GI)
  - Policy GI2 – *‘Strengthen the existing Green Infrastructure (GI) network and ensure all new developments contribute towards GI’.*
  - GI5 Objective 4 – *‘To implement the Green Space Factor (GSF) for all qualifying development comprising 2 or more residential units and any development with a floor area in excess of 500 sq m. Developers will be required to demonstrate how they can achieve a minimum Green Space Factor (GSF) scoring requirement based on best international standards and the unique features of the County’s GI network’.*
- Chapter 7 – Sustainable Movement
  - SM1 Objective 4 – *‘To ensure that future development is planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe and attractive street environment for pedestrians and cyclists’.*
  - SM2 Objective 3 – *‘To ensure that connectivity for pedestrians and cyclists is maximised and walking and cycling distances are reduced by promoting compact growth and permeability in the design and layout of new development’.*
- Chapter 8 - Community Infrastructure & Open Space
  - Section 8.4.1 – Social/Community Infrastructure Audit – *‘Primary Care Centres – 1 centre per 7,000-10,000 population in accordance with Department of Health standards’.*
  - COS2 Objective 2 – *‘To continue to work closely with the Health Service Executive, Department of Education and the relevant public bodies and state agencies to meet the necessary provision of primary care centres’.*
  - COS6 Objective 1 – *‘To facilitate the development of community-based care including primary health care centres, hospitals, clinics, and facilities to cater for the specific needs of an ageing population in*



*appropriate urban areas in accordance with the Development Plan core and settlement strategy’.*

- COS6 Objective 3 – ‘*To support the provision of appropriately scaled healthcare facilities within existing settlements, in locations that are accessible by public transport and safe walking and cycling infrastructure’.*
- COS6 Objective 4 – ‘*To support the provision of primary care facilities with relevant agencies, in accordance with the standard of one facility per 7,000-10,000 population as identified by the Department of Health’.*

### **5.3. Natural Heritage Designations**

5.3.1. The closest site of natural heritage interest to the proposed development is the Slade of Saggart and Crooksling Glen proposed Natural Heritage Area (000211) which is located approximately 2km to the south of the proposed development. Other sites of relevance include:

- The Lugmore Glen proposed Natural Heritage Area (001212) located approximately 2.6km to the southeast of the proposed development.
- The Grand Canal proposed Natural Heritage Area (002104) located approximately 5.1km to the north of the proposed development.
- The Glenasmole Valley proposed Natural Heritage Area (001209) located approximately 5.4km to the southeast of the proposed development.
- The Glenasmole Valley Special Area of Conservation (001209) located approximately 5.4km to the southeast of the proposed development.
- The Dodder Valley proposed Natural Heritage Area (000991) located approximately 5.7km to the east of the proposed development.

### **5.4. EIA Screening**

5.4.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered

that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. A 3<sup>rd</sup> party appeal was submitted by Alan Fairman on the 24<sup>th</sup> February 2025 opposing the decision of the Planning Authority to GRANT permission. The grounds of appeal are summarised as follows:

- The Planning Authority's Material Contravention of its Development Plan used misleading wording as it is not clear that the lands can't be used for any other use or that the material contravention changes the zoning.
- General landownership and landowner consent concerns pertaining to the use of the site after the lease has expired.
- Any development on these lands should be accompanied by a 'taking in charge' map to detail lands, including roads and rights of way, within public ownership. The private road accessing the site should be made public.
- Loss of open space in an area identified as a 'key stepping stone' in the Green Infrastructure Plan within the County Development Plan.
- Conditions attached to the most recent grant of permission on Coldwater Common (Ref. S99A/0205) confirms the requirement for public involvement in the golf course amenity lands.
- The applicant's proposed Masterplan for the wider site should be subject to public consultation as part of an LAP and individual applications, not as part of a Material Contravention process. The Masterplan demonstrates the applicant's intention to further reduce the amount of open space on the wider site.
- No justification for the proposed development given the pre-existence of healthcare services in the general area and no analysis of the impact of the

proposed development on these existing healthcare services i.e. potential for increased dereliction and centralisation of healthcare facilities.

- The applicant for a neighbouring LRD development (Ref. ABP-305563-19) stated in their modified proposal that the existing healthcare services in the area could accommodate the proposed increase in apartments and that 5-no. commercial units within the permitted and proposed development could be suitable for healthcare services.
- The proposed development is non-compliant with government policy relating to compact settlements and small to medium sized towns.
- Additional traffic study required prior to grant of permission.
- Traffic levels experienced during the COVID pandemic when the wider Citywest campus was used as a vaccination centre show that major traffic delays arise when the site is operating at full capacity.
- No cycling infrastructure is provided in the area therefore conditioning the cycle parking serves no purpose.
- Lack of transparency in site selection criteria.

## **6.2. Applicant Response**

6.2.1. The response of the applicant to the grounds of appeal can be summarised as follows:

- All 39 elected Councillors voted to materially contravene the Development Plan. The appellant disagrees with this decision as a private individual.
- The appellant's concerns surrounding landownership, the precedence for future development of the wider site, loss of open space and lack of transparency were addressed in the Chief Executive's Report as part of the Material Contravention process.
- The need for a Primary Care Centre in this location has been long established by the HSE and is based on government policy and the HSE's analysis of need and shortage based on census and growth projections.

- The concept of Primary Care Centres is complimentary to existing local/neighbourhood facilities which are often overprescribed.
- The HSE have confirmed that Primary Care Centres improve the healthcare and range of facilities, they do not replace existing services.
- The appellant's description of the proposed development as an office block that can potentially be used for another purpose is misinformed and incorrect.
- The applicant has procured and developed several Primary Care Centre facilities on behalf of the HSE, one of which was subject to a Material Contravention procedure.
- The Material Contravention process does not rezone the land and will not facilitate the development of the wider site for other purposes.
- The applicant extensively engaged with the public over a period of 3 years prior to the submission of the planning application.
- The grant of permission and material contravention from the Planning Authority was informed by 2 no. pre-application meetings, the original planning submission and the further information submitted in response to the additional information request by the Planning Authority.
- The appellant's allegations have been given due consideration at every stage of the planning process.
- The appellant has presented no evidence to support his contention that Primary Care Centres create an unnecessary concentration of services to the detriment of local towns and existing services.
- The appellant is incorrect in referring to the existence of a Saggart Local Area Plan. There were previous Area Action Plans in place in the area, but they did not include the Citywest site.
- The applicant has a long history of involvement with the site and is therefore very knowledgeable about its historical use.
- The golf course referred to by the appellant is not within the appeal site or the wider Citywest campus nor is it affected by the proposed development (aerial imagery and mapping shown in support of this).

- It should be noted that the Rathcoole/Saggart area is not undersupplied with public open space and includes several existing and planned public open spaces.
- The proposed development is based on a government-led Sláintecare programme which is supported by policy in the Development Plan.
- The appellant's contention surrounding traffic levels at the Citywest site during COVID are not reflective of normal traffic patterns and should be treated as exceptional circumstances.
- The appellant acknowledges the proximity of the site to high frequency public transport Luas services.
- It is essential and in accordance with recent government statements that public infrastructure such as the proposed development be expediated through the planning process.
- The appellant's contentions are unsubstantiated and contain errors of fact and unsupported statements.

### **6.3. Planning Authority Response**

- 6.3.1. The Planning Authority confirms its decision and states that the issues raised in the appeal have been covered in the Chief Executive Order.

### **6.4. Observations**

- 6.4.1. None received.

## **7.0 Assessment**

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

- Principle of Proposed Development

- Justification for Proposed Development
- Traffic & Transport
- Design & Siting
- Tree Loss & Open Space
- Other Matters

## **7.2. Principle of Proposed Development**

- 7.2.1. The proposed development materially contravenes the zoning (Zoning Objective OS) for the site as Primary Care Centres and offices above 1,000m<sup>2</sup> are not permitted under the open space zoning in the County Development Plan. As such, the Planning Authority have sought to approve the proposed development by way of the material contravention process.
- 7.2.2. In this respect, I note that the proposed development is advanced as part of the Government's Sláintecare provision which is supported by NSO10 and Section 6.2 of the National Planning Framework and COS2 Objective 2 of the Development Plan. In particular, the provisions of the Development Plan (COS6 Objective 4 and Section 8.4.1) set out the need to provide Primary Care Centres for every 7,000-10,000 people and it is evident that the applicant has considered these population metrics in their assessment of the need for the proposed development. Notably, the applicant stated that the proposed development is the 7<sup>th</sup> most needed Primary Care Centre nationwide and that the population of the area it would serve amounts to above 30,000 persons. I am therefore satisfied that the proposed development has been brought forward by way of material contravention due to the population figures and projections for the catchment and government policy promoting Sláintecare, such as Primary Care, to improve primary care medical infrastructure as part of an integrated approach to care delivery.
- 7.2.3. I note that the material contravention of the Development Plan was approved by the elected members by way of a vote in the Council Chamber as part of their reserved function. This process involved a period of further public consultation allowing for further observations for consideration by the elected members prior to their vote. I note that the motion was unanimously approved by the elected members, and that the material contravention process appears to have been undertaken in compliance

with legislation. I note the appellant's contentions that the wording of the material contravention was misleading in that it was not clear who owns the lands in question and what benefits would arise to the landowner as a result of the material contravention. Having analysed the submitted material, including the landowner's consent, I am satisfied that the applicant has demonstrated that they have permission from the landowner to apply for planning permission.

- 7.2.4. Contrary to the appellant's concerns, the granting of permission for the proposed development via material contravention would not alter the zoning for the site and would not allow for residential development of any kind. I note the Chief Executive's response to appellant's submission, as detailed within pages 57-58 of the Local Authority planner's Report, which states that the zoning would not change as a result of the material contravention. This is reiterated by the applicant in their submitted material and in their response to the appeal. I am therefore satisfied that the material contravention process has been undertaken in accordance with the requirements of the Planning & Development Act, 2000 (as amended). I consider that the zoning of the site has not been altered by this material contravention and that any future application would be assessed against the zoning for the site as set out in the County Development Plan.

### **7.3. Justification for Proposed Development**

- 7.3.1. The justification for the proposed development has been informed by a Site Selection Analysis & Justification Report which the appellant contends was not transparent. The Planning Authority indicated that they were satisfied with the justification for the proposed development, following the applicant's further information response. Having analysed the applicant's Site Selection Analysis & Justification Report and the accompanying documentation supporting the justification for the proposed development, I am satisfied that sufficient justification has been demonstrated for the proposed development, including the assessment of alternative greenfield and brownfield sites as required by National Strategic Outcome 10 of the NPF. I consider the applicant's criteria encompassing zoning, location, site availability, site centrality, site size, available modes of transport and connectivity to be acceptable. I note that 18 no. sites were considered by the applicant, and I agree with the applicant's conclusion that the site of the proposed development

represented the most suitable site, taking account of the stated criteria against which sites were assessed.

7.3.2. Whilst I note that the proposed development would amount to one of the largest Primary Care Centres in the country, at the time of writing, I consider that sufficient justification has been demonstrated to support the proposed development including the need to address a growing local population base and the fact that this Primary Care Centre is identified as the 7<sup>th</sup> most urgently required Primary Care Centre nationwide. This is reinforced by the fact that COS6 Objective 1 of the Development Plan supports the development of community-based care such as the proposed development. Additionally, I agree with the applicant's approach of accounting for future growth in what is an expanding population base, as demonstrated in the applicant's Site Selection Analysis & Justification Report. Furthermore, in light of recent reports alluding to the state's acquisition of the Citywest Hotel for the continuation of the IPAS use, I consider it justifiable to account for future growth as it is stated by the applicant in their Site Selection Analysis & Justification Report that the proposed development has been brought forward on the understanding that the IPAS use would not continue at Citywest. I also note the applicant's response to the Further Information request which states that the proposed development allows for forecasted expansion, as standard practice. I therefore do not consider the proposed development to be oversized, as set out by 3<sup>rd</sup> party objectors, and to be compliant with COS6 Objective 3 of the Development Plan relating to appropriately scaled healthcare facilities.

7.3.3. Regarding the wider justification for the proposed development and the impact this may have on existing healthcare services in the catchment area of the proposed development, I note that the applicant stated in their response to the 3<sup>rd</sup> party appeal that the proposed development is intended to complement existing healthcare services and not to replace them. This is further reiterated by the HSE as part of the applicant's response. Additionally, I agree with the applicant that the appellant has not demonstrated that the proposed development would lead to an unnecessary concentration of services that would detract from existing similar services within adjacent towns and villages. I am therefore satisfied that the proposed development would not materially impact existing healthcare services in the catchment area, and I



note that the Planning Authority came to a similar conclusion on this matter in their assessment of the proposed development.

#### **7.4. Traffic & Transport**

- 7.4.1. The appellant has raised concerns with the ability of the existing local road network to accommodate the proposed development based on traffic issues experienced during previous largescale events associated with the Citywest Hotel & Conference Centre. Furthermore, I note previous refusals of planning permission in the vicinity of the site relating to the expansion of the existing Convention Centre, on the basis of traffic concerns and the capacity of the local road network. However, these applications and largescale events involved thousands of customers accessing the site at one time or were related to exceptional events such as the COVID pandemic which was supported by emergency legislation. I do not consider this to be comparable to the proposed development which would attract a lower amount of footfall over a wider period of time. In this respect, I note the proposed operational opening hours of the proposed development which would mimic that of a standard medical centre (i.e. Mon-Fri 9-5). I also note that the proposed development does not allow for overnight accommodation. Thus, the traffic associated with the proposed development would be confined to the opening hours. In addition, I note that the applicant's Traffic & Transport Assessment has identified capacity within the local road network and that this has been accepted by the Planning Authority. However, both the appellant and the Planning Authority have requested the applicant to assess the potential impact of the proposed development on the Garters Lane/Mill Lane junction to the south of the site, without explicitly referencing any reasoning for this. Whilst I observed this junction to be heavily trafficked on my site visit, which was undertaken midweek during the afternoon, neither the Planning Authority nor the appellant raised concerns surrounding the capacity of this junction which is a four-armed signalised junction. Nonetheless, the Planning Authority requested a revised Traffic & Transport Assessment to include this junction as part of Condition 2 of the grant of planning permission; however, I do not consider this to be an implementable condition, as such an assessment would normally be required to inform the determination.
- 7.4.2. Notwithstanding the above, the applicant has not provided a reasoning for the exclusion of the Garters Lane/Mill Lane junction from the Traffic & Transport

Assessment. However, upon analysis of the data associated with the assessment, I consider that the applicant has undertaken their assessment in accordance with the TII Traffic & Transport Assessment Guidelines (2014). These guidelines refer to advisory thresholds for existing traffic movements at junctions assessed in traffic and transport assessments. The applicant has applied the 10% and 5% threshold to the 2 no. junctions assessed and has concluded that one of the junctions exceeds the 5% threshold but that both junctions operate within capacity. Given that the most trafficked junction analysed (Junction 2) does not exceed either threshold, and that the Gartars Lane/Mill Lane junction is likely to be more trafficked than Junction 2, I consider it likely that neither threshold would be exceeded at the Gartars Lane/Mill Lane junction as the existing traffic movements at this junction are likely to be equal to or greater than Junction 2. I am therefore satisfied that the proposed development has been appropriately assessed in terms of its traffic and transport impact and that a further assessment of the Gartars Lane/Mill Lane junction would not be required.

- 7.4.3. The proposed development has been amended to include 130 no. car parking spaces and 90 no. cycle parking spaces. Given the size of the proposed development, its location adjacent to high frequency public transport and the projected staffing (150 full time staff and 20 part time staff) and visitor numbers (800 visitors), I consider the proposed car and cycle parking provision to be acceptable. Furthermore, I note that the provisions of the Development Plan in respect of both car and cycle parking are reflected in the proposed number of spaces and their design and fit out. I am of the view that the proposed cycle parking provision would serve to complement the proposed cycleway from Rathcoole to Saggart which is located within 100m of the proposed development and would help to facilitate sustainable travel patterns, as set out in SM1 Objective 4 and CS6 Objective 5 of the Development Plan. I therefore disagree with the appellant that the provision of cycle infrastructure as part of the proposed development would serve no purpose. I do not consider the material contravention of the Development Plan to be an acceptable justification for a further reduced number of car parking spaces as it does not relate to the transport demands of the proposed development and the location of the site adjacent to public transport. I therefore do not consider the Planning Authority's Condition 2 of their grant of planning permission requiring the provision of a reduced number of car parking spaces (110) to be justified.

- 7.4.4. I note that concerns were raised regarding the widening of an existing one-way section of road leading to the site. This section of road measures approximately 9m in width; I am therefore satisfied that the conversion of this section of road to accommodate two-way traffic could comfortably be achieved without requiring significant works. In addition, I note that the applicant's submitted material included a Road Safety Audit and that it is intended to implement the recommendations of this audit which would serve to improve the operation of the proposed development. I therefore consider the recommendations of the applicant's Road Safety Audit to be acceptable.
- 7.4.5. Condition 2 of the Local Authority grant of permission requires the provision of pedestrian/cycle link to the northeastern boundary of the site. This is proposed to improve the permeability of the site and to provide more direct access to sustainable modes of transport such as the bus and the Luas, as set out in SM2 Objective 3 of the Development Plan. I agree with the inclusion of this condition as it pre-empts future pedestrian desire lines that, in my opinion, would be likely to arise where there are gaps in vegetation in this area of the site. Thus, in the event that the Board decides to grant planning permission, I consider it necessary to include a condition requiring the provision of this pedestrian/cycle link.

## **7.5. Design & Siting**

- 7.5.1. I note that the fenestration of the proposed development is proposed to incorporate vertical louvres for ventilation ducting and several different rendered finishes are proposed. Squandrel panels are also proposed between the fenestration and the canopy cover to the front of the building has been extended to cover the entire footpath at the main entrance. Additionally, some louvres may be omitted at compliance stage where the rooms are to be mechanically ventilated. I consider this to represent an acceptable design which serves to improve the massing and architectural interest of the proposed development whilst respecting its existing surroundings.
- 7.5.2. I note the applicant's Design Statement refers to the positive nature of the setback of the proposed development from the treelined boundary to the northeast which abuts the pedestrian and cycle access to the wider Citywest Hotel Campus. I consider this to be a positive design feature which serves to minimise the visual impact of the

proposed development by limiting its prominence and adjacency to what is the main entrance to the Citywest Hotel Campus. I also note that the height of the proposed development has been restricted to the height of the surrounding mature trees proposed to be retained. I consider this to be a further positive design feature that would limit the projection of the proposed development, thereby reducing any perceived overbearance which I consider to be negligible. I also consider that this would serve to negate any impact on the residential amenity of neighbouring dwellings which I note are located at a minimum of 36 metres from the proposed development. In addition, I note that the tallest plant equipment at roof level is proposed to be positioned centrally within the roof plan in order to limit its visual impact which I also consider to be negligible. I am therefore satisfied that the design and siting of the proposed development would screen the building from view to the extent that any visual impact would be negligible. In this respect, I note that the Planning Authority have recommended the imposition of a condition prohibiting any further development above roof parapet level without planning consent. However, I consider such a condition to be unwarranted and unreasonably prohibitive as I am of the view that the height and projection of the proposed development could not be materially altered by any further development above roof parapet level, without requiring planning permission.

## **7.6. Tree Loss & Open Space**

- 7.6.1. I note that the proposed development would lead to the loss of 7 Category B trees, however, this represents a fraction of the 63-no. trees proposed to be removed, the remaining of which are category C or lower. In addition to this, the most prominent trees along the northern boundary of the site are proposed to be retained, 123 no. trees are proposed to be planted (80% native) and the trees proposed to be removed are either of a semi-mature or early mature age. Thus, I consider the value of trees proposed to be removed compared to those proposed to be retained or planted to be negligible. I therefore do not agree with the 3<sup>rd</sup> party observations regarding the biodiversity value of retained trees as I consider the trees proposed to be retained and planted to be of overall greater biodiversity value due to the increase in the number of trees and the fact that 80% of planted trees would be native. Thus, I consider the proposed development to be compliant with NCBH11 Objective 3 of the Development Plan requiring high biodiversity value for planted trees.

Notwithstanding this, I note that the proposed development would result in the loss of canopy cover across the site, however, I am satisfied that this would be appropriately mitigated by the proposed tree planting, as detailed in the applicant's Arboricultural Impact Assessment and landscape drawings. I am therefore satisfied that the proposed development would not result in excessive tree loss, as suggested by 3<sup>rd</sup> party observers.

- 7.6.2. Regarding the loss of open space, I note that the existing lands are not actively used for open space purposes, are located on privately owned land and are inaccessible to the public. Notwithstanding this, I note the open space zoning for the site and the need to avoid the loss of open space. However, as mentioned previously, I consider that a material contravention would be justified and the loss of this open space would therefore be permissible. In any case, I agree with the applicant that ample open space is provided within the surrounding area and that the loss of this unused, inaccessible and privately owned open space would not be significantly detrimental to the wider open space offering in the surrounding area. Notwithstanding this, I am of the view that the applicant has maximised the amount of green infrastructure proposed to be provided onsite, in line with Policy GI2 of the Development Plan, with the provision of a landscaped open space associated with the Day Care Centre and a detention basin. I therefore consider that the proposed development would not result in the loss of a significant amount of open space. I also do not consider that the Citywest-Saggart Link (L7) within the Green Infrastructure Strategy set out in Appendix 4 of the Development Plan would be compromised by the proposed development as I am of the view that the proposed development would not significantly interrupt this green infrastructure link, as evidenced by the applicant's submitted Green Infrastructure Strategy. I therefore disagree with the appellant on the matter of loss of open space by way of the impact of the proposed development on the Planning Authority's Green Infrastructure Plan. Additionally, I note the appellant's contention that a condition attached to a previous grant of planning permission confirms the requirement for public involvement in the golf course amenity lands. However, I agree with the applicant in their response on this matter that the planning permission referenced by the appellant relates to a different site and therefore does not apply to the site of the proposed development.

- 7.6.3. Regarding the proposed development's compliance with the Planning Authority's Green Space Factor (GSF), I note that the proposed development would not achieve a satisfactory GSF score, as required by GI5 Objective 4 of the Development Plan, despite the maximisation of green infrastructure onsite. However, I am satisfied that this could be addressed by way of condition requiring further deliberations with the Planning Authority, in the event that the Board decides to grant planning permission.

## **7.7. Other Matters**

### Drainage:

- 7.7.1. I note that Uisce Éireann/Irish Water have provided a confirmation of feasibility regarding the proposed drainage associated with the site. Given that Uisce Éireann have not raised any concerns in this regard and that the drainage regime includes extensive SuDS measures and utilises existing foul water drainage infrastructure within the Citywest Hotel & Conference Campus, I am satisfied that the proposed surface water and foul water drainage associated with the proposed development would not unduly impact the existing drainage network.
- 7.7.2. I note that the Planning Authority recommended the imposition of a planning condition relating to the redirection of surface water from roads above ground onto green spaces. Having analysed the applicant's submitted Surface Water Drainage Layout, I am satisfied that the proposed development would be appropriately drained as the surface water would be directed towards the drainage basin to the rear of the site. I therefore do not consider the need to condition this aspect of the proposed development, in the event that the Board decides to grant planning permission.
- 7.7.3. I note the Planning Authority's Water Services Section commentary about the design of the SuDS elements of the proposed development and the need to comply with the Planning Authority's design requirements by way of condition. Having analysed the applicant's submitted SuDS details, I consider it necessary to include such a condition, in the event that the Board decides to grant planning permission. In respect of the drainage associated with the site draining to the existing pond onsite and ultimately to the Camac River – a water body subject to the provisions of the Water Framework Directive (WFD), I note that the applicant proposes to install a headwall within the onsite pond to control the surface water drainage to the pond. I consider that this, along with the re-designed SuDS measures, would serve to

adequately protect the water quality of the pond and the Camac River during the operational period. I note that the Planning Authority has raised concerns about the impact on water quality during the construction phase, however, I agree with the Planning Authority that this could be addressed by way of condition requiring the submission of a CEMP to include increased measures to protect water quality, in the event that the Board decides to grant planning permission. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

Art Installation:

- 7.7.4. As the applicant has confirmed that the proposed development is not a commercial development, I do not consider the Development Plan requirement for a public art installation to be applicable.

Ecology:

- 7.7.5. Concerns were raised about the potential impact of the proposed development on potential bat roosts to the south of the site. I note that the applicant's Site Lighting Report shows minimal light spillage to the rear (south) of the site. I am therefore satisfied that the proposed development would not materially impact any potential bat roosts to the south of the site. I note that the Planning Authority included a condition (Condition 7(a)) in their grant of permission which precludes any further lighting within the site to the south (rear) of the permitted buildings without the written consent of the Planning Authority. Given the lack of established bat roosts and foraging habitat to the south of the site, as identified in the applicant's Bat Survey, I consider this condition to be onerous and unwarranted. Thus, in the event that the Board decides to grant planning permission, I do not consider it necessary to impose this condition.
- 7.7.6. Despite 3<sup>rd</sup> party observations alluding to the contrary, I am satisfied that the applicant has undertaken appropriate ecological surveys. This is particularly demonstrated in the applicant's response to the request for Further Information which includes a bat survey and an amended Ecological Impact Assessment.

Planning Policy:

- 7.7.7. I note the appellant's reference to a Saggart LAP in their appeal; however, I agree with the applicant's response which states that there is no LAP covering the Saggart area and that there was an Area Action Plan covering an area to the west of the site which expired in 2010. I note that there are no LAPs or Area Action Plans covering the site of the proposed development at present. Thus, I consider the County Development Plan to be the primary vehicle for the implementation of local planning policy in this area. The appellant has also referred to the fact that the applicant's masterplan for the wider Citywest Hotel & Conference Campus should be subject to public consultation as part of a wider LAP. I do not consider this to be a matter for consideration as part of this planning appeal as it is a planning policy consideration for the Planning Authority and not within the remit of the Board.
- 7.7.8. Regarding the compliance of the proposed development with national planning policy, the appellant contends that the proposed development does not comply with the policy approach of the government's Compact Settlement Guidelines published in 2024. I am of the view that these guidelines apply to residential development and are not specifically targeted at development such as that proposed. I therefore do not consider the Compact Settlement Guidelines to be of relevance to this assessment.

Storage:

- 7.7.9. Condition 17 of the Planning Authority's grant of planning permission prohibits the storage of goods or waste products externally. The proposed Site Plan shows a services yard to the east and the bin lorry tracking submitted at FI stage shows the bin lorry accessing the services yard. It is therefore reasonable to presume that waste will be stored and collected from this services yard, which I consider to be acceptable. I also note that various storerooms are identified throughout the floor plans which would facilitate internal storage of goods. I am therefore satisfied that goods and waste products would be appropriately stored within the site and that a condition prohibiting the external storage of such is unwarranted. Thus, in the event that the Board decides to grant planning permission, I do not consider it necessary to include such a condition.

Construction:



- 7.7.10. I note that Section 5.1 of the submitted CEMP refers to the demolition of 2 no. existing buildings onsite. No existing buildings have been identified onsite. I therefore consider this to be an error within the applicant's documentation.
- 7.7.11. I note that the site is slightly undulating and would therefore require excavation and infilling to level the site. The applicant's AA Screening and CEMP refers to the use of roughly the same amount of soil to level the site as is proposed to be excavated with excavated soil being reused, where possible. I consider this to be a positive aspect of the proposed development as it reduces the amount of soil required to be transported to site thereby reducing any climate impacts associated with the proposed development.

Archaeology:

- 7.7.12. The site of the proposed development is located within the Sites & Monuments Record (SMR) notification zone of several sites and monuments located within Saggart village. The applicant has submitted an archaeological impact assessment report in support of the proposed development which includes mitigation measures to avoid impacting any unrecorded sub-surface archaeological features, which I consider to be acceptable. I therefore do not consider that the proposed development would negatively impact identified archaeological features, subject to conditions.

## **8.0 AA Screening**

- 8.1.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening (see Appendix 1 of this report), I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on South Dublin Bay Special Area of Conservation (000210), North Dublin Bay Special Area of Conservation (000206), North Bull Island Special Protection Area (004006) and South Dublin Bay and River Tolka Estuary Special Protection Area (004024) in view of the conservation objectives of these sites and are therefore excluded from further consideration. Appropriate Assessment is not required.
- 8.1.2. This determination is based on:

- Scientific information provided and referenced in the appellant's Screening report.
- Distance from and weak indirect connections to the European sites.
- No ex-situ impacts on wintering birds.
- Possible impacts identified would not be significant in terms of site-specific conservation objectives for the South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), North Bull Island SPA (004006) and South Dublin Bay and River Tolka Estuary SPA (004024) and would not undermine the maintenance of favourable conservation condition or delay or undermine the achievement of restoring favourable conservation status for those qualifying interest features of unfavourable conservation status.

8.1.3. No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

## 9.0 Recommendation

I recommend that planning permission be GRANTED for the proposed development for the reasons and considerations as set out below.

## 10.0 Reasons and Considerations

Having regard to the material contravention notice approved by the Elected Members to grant planning permission, the provisions of the South Dublin County Development Plan 2022-2028 and the National Planning Framework 2025, the demonstrated need for the proposed development and its design, scale, nature and siting, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of property in the vicinity, would be acceptable in terms of scale, mass and design, traffic and pedestrian safety and visual amenity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 22<sup>nd</sup> day of November 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** in the interest of clarity.

2. Revised drawings showing a pedestrian /cycle link from the Primary Care Centre to the north-east boundary of the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of sustainable transport.

3. A minimum 10m setback distance from the nearby pond shall be maintained free from lights, seating or hardstanding.

**Reason:** In the interests of biodiversity and water quality.

4. Prior to the occupation of the development, a revised Mobility Management Plan (MMP) shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling and walking by staff employed in the development. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

**Reason:** In the interest of encouraging the use of sustainable modes of transport.

5. Prior to commencement of development, the applicant shall submit to, and agree in writing with, the planning authority, additional Green Infrastructure interventions to be provided in the development.

**Reason:** in the interest of green infrastructure and biodiversity.

6. A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. The schedule shall cover a period of at least [three] years and shall include details of the arrangements for its implementation.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of visual amenity.

7. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

**Reason:** To prevent flooding and in the interest of sustainable drainage.

8. Prior to commencement of development, the developer shall enter into a connection agreement with Uisce Eireann to provide for a service connection to the public water supply and/or wastewater collection network.

**Reason:** in the interest of public health and to ensure adequate water/wastewater facilities.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

**Reason:** in the interest of visual and residential amenity.

10. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity.

11. The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development.

Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the NMS as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation [preservation in-situ/excavation].

The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

**Reason:** To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.

12. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

**Reason:** In the interest of sustainable transport and safety.

13. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, water quality protection measures during construction, on-site road construction, and environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the

construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

**Reason:** In the interest of environmental protection.

14. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the amenities of property in the vicinity.

15. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** it is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.

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Conor Crowther  
Planning Inspector

27<sup>th</sup> June 2025

### Appendix 1 - Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ABP-321950-25
<b>Proposed Development Summary</b>	Primary Care Centre building which will provide HSE Services such as general primary care, mental health, disability and older person services. SuDS drainage, PV panels at roof level, signage, landscaping, boundary treatment and all associated site works and services.
<b>Development Address</b>	Lands at Citywest Campus, Garters Lane, Saggart, Co. Dublin
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="checked" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.  <input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="checked" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	

<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.  <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	<b>State the Class and state the relevant threshold</b>  Class 10(b)(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.  Threshold = 10 ha Site Area = 1.66ha

<b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>	
<b>Yes</b> <input type="checkbox"/>	<b>Screening Determination required (Complete Form 3)</b>
<b>No</b> <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

**Inspector:** Conor Crowther **Date:** 27<sup>th</sup> June 2025



## Appendix 2 - Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	ABP-321950-25
<b>Proposed Development Summary</b>	Primary Care Centre building which will provide HSE Services such as general primary care, mental health, disability and older person services. SuDS drainage, PV panels at roof level, signage, landscaping, boundary treatment and all associated site works and services.
<b>Development Address</b>	Lands at Citywest Campus, Garters Lane, Saggart, Co. Dublin
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<b>The development has a footprint proportionate to other buildings on the Citywest Hotel Campus, comes forward as a standalone project, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</b>
<b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<b>The development is situated adjoining a suburban area on a disused part of the existing Citywest Hotel Campus zoned for open space in the County Development Plan. The development is removed from sensitive natural habitats, designated sites and landscapes of identified significance in the County Development Plan.</b>
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact,	<b>Having regard to the scale and nature of the proposed development proportionate to existing buildings on the Citywest Hotel Campus, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for</b>

transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	<b>significant effects on the environmental factors listed in section 171A of the Act.</b>
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

## Appendix 3 – Screening for Appropriate Assessment

Screening for Appropriate Assessment Test for likely significant effects	
<b>Step 1: Description of the project and local site characteristics</b>	
<b>Brief description of project</b>	3 <sup>rd</sup> Party Appeal against Primary Care Centre facility (refer to Section 2.0 of this report)
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>Construction of a 4 storey Primary Care Centre facility (7,760m<sup>2</sup>) including 90 no. cycle parking spaces and 130 car parking spaces over an estimated 18-month construction period. Works will require ground levelling of the site including the transportation of inert soil to the site and the excavation of topsoil and material. A construction and environment management plan (CEMP) accompanies the application.</p> <p>The proposed development will be connected to a public water, surface water and foul sewer network. Attenuated surface water will outfall from the proposed development to the Camac River which is located to the west of the development site.</p> <p>This river is described by the Ecologist as mainly achieving a water quality status of between Q3(poor) and Q4 (Good) in recent years. The Camac flows for approximately 13km in a northeast direction until it joins the Liffey in the centre of Dublin. Continuing for approximately 9km to the east, the Liffey discharges into the sea to the east of Dublin.</p> <p>The application site was surveyed by ecologists with habitat and bat surveys undertaken at the appropriate time of year and in accordance with standard methodologies. No invasive plant species were recorded on the site.</p> <p>The application site is characterised by brownfield land consisting of a disused coach park and part of a defunct golf course. The site includes extensive vegetation and a network of woodland and hedgerows. Existing manufactured ponds that formerly functioned as part of the golf course were recorded onsite and adjacent to the site. There are no direct or indirect connections to designated sites.</p>

	SuDS measures are proposed as part of the proposed development. The applicant submitted an AA Screening which was undertaken by said ecologist.
<b>Screening report</b>	Yes (prepared by Panther Ecology Ltd.)
<b>Natura Impact Statement</b>	No
<b>Relevant submissions</b>	N/A

## Step 2. Identification of relevant European sites using the Source-pathway-receptor model

Four European sites are potentially within a zone of influence of the proposed development. I note that the screening report considered a further nine sites including the Glenasmole Valley SPA, Wicklow Mountains SPA, Poulaphouca Reservoir SPA, North-West Irish Sea SPA, Dalkey Islands SPA, Rockabill to Dalkey Island SAC, Rye Water Valley/Carton SAC, Red Bog, Kildare SAC and Wicklow Mountains SAC but rules these out for further examination due to distance and lack of/ weak ecological connections. I am satisfied that these sites can be excluded from further consideration.

European Site (code)	Qualifying interests <sup>1</sup> Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections <sup>2</sup>	Consider further in screening <sup>3</sup> Y/N
South Dublin Bay SAC (000210)	<a href="#">South Dublin Bay SAC   National Parks &amp; Wildlife Service</a>	16.3	Tentative – Hydrological distance of 22.3km	N
North Dublin Bay SAC (000206)	<a href="#">North Dublin Bay SAC   National Parks &amp; Wildlife Service</a>	19.3	Tentative – Hydrological distance of 22.3km	N
North Bull Island SPA (004006)	<a href="#">North Bull Island SPA   National Parks &amp; Wildlife Service</a>	19.3	Tentative – Hydrological distance of 22.3km	N
South Dublin Bay and River Tolka Estuary SPA (004024)	<a href="#">South Dublin Bay and River Tolka Estuary SPA   National Parks &amp; Wildlife Service</a>	16.3	Tentative – Hydrological distance of 22.3km	N

## Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

### AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects

**Step 4 Conclude if the proposed development could result in likely significant effects on a European site**

I conclude that the proposed development (alone or in combination with other plans and projects) would not result in likely significant effects on European sites. No further assessment is required for the project.

No mitigation measures are required to come to these conclusions.