

AN BORD PLEANÁLA

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ABP- _____

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Planning Observation

ABP Ref. No. NA29S.314232

**DART+ West Railway Order - Dublin City to
Maynooth and M3 Parkway**

26th October 2022

SUBMITTED ON BEHALF OF:
Gowan Group Limited,
Mill Lane,
Ashtown Grove,
Navan Road,
Dublin 15

85 Merrion Square, Dublin 2, D02 FX60
+353 (0)1 539 0710
info@hpdc.ie
www.hpdc.ie

1.0 Introduction

Hughes Planning and Development Consultants, 85 Merrion Square, Dublin 2, have prepared this planning observation on behalf of our clients, Gowan Group Limited, Mill Lane, Ashtown Grove, Navan Road, Dublin 15, in respect of a submitted Railway Order Application submitted by Córas Iompair Éireann for the DART+ West – Dublin City – Maynooth and M3 Parkway. The details of the application are as follows:

ABP. Ref.	NA29S.314232
Applicant	Córas Iompair Éireann
Case Type	Railway Order Application
Description	DART+ West Railway Order - Dublin City to Maynooth and M3 Parkway

From the outset, this submission requests that An Bord Pleanála duly consider the negative implications arising on our clients' business. It is strongly contended that the proposed development has had no regard to the viability of our client's business at Navan Road. The required observation fee of €50.00 is enclosed and we would ask An Bord Pleanála to forward all correspondence relating to this submission to this office. The grounds of objection are set out in the following sections of this submission.

2.0 Site Description

The proposed development comprises rail line from Dublin City to Maynooth and M3 Parkway. The application site passes our client's premises at the Gowan Group, Mill Lane, Ashtown Grove, Navan Road, Dublin 15. The lands are currently accessible from Mill Lane to the north, off the Ashtown Road, and comprises a car showroom, associated offices, external car storage space and a car servicing area to the north. The site was acquired by Gowan Group in c. 2007 and underwent significant redevelopment to accommodate the Gowan Motor Retail Group establishment.

The Gowan Group, is a family owned holding company which controls many successful trading companies as well as significant property holdings and financial investments in public and private companies in Northern Ireland and the United Kingdom. Founded in 1969, the Group consists of a number of divisions as follows:

Motor Distribution: The Group is the exclusive importer and distributor of Peugeot (since 1969), Honda (since 1984), Opel (since 2019), DS (since 2020), Citroen (April 2021) and FCA Brands (Fiat, Jeep, Alfa Romeo, Fiat Professional) (since December 2021) in Ireland through a strong network of dealers through the country. On 1 December 2021, the Group were delighted to be appointed the exclusive importer and distributor of the FCA Brands for Ireland (Fiat, Fiat Professional, Jeep and Alfa Romeo). The transaction came in the wake of the merger of car manufacturers PSA and FCA in early 2021, which created Stellantis, one of the World's biggest car manufacturers with industrial operations in 30 countries and a commercial presence in 130 markets worldwide. Gowan now import a total of 8 Stellantis brands in Ireland.

Motor Retail: Motor retailing plays an important role in our continuing success story through our flagship state of the art premises at Gowan Navan Road, Dublin 15. Peugeot, Opel, KIA and DS cars and commercial vehicles are sold and serviced at Gowan Motors.

Kitchens: KAL Group is Ireland's leading distributor and supporter of globally renowned brands for Ireland's electrical and kitchen retail channels. Situated in state-of-the-art showrooms at Dublin's Citywest (the largest showroom of its kind in Europe) KAL have created the perfect space to showcase its kitchen and consumer appliance brands. These include the exclusive distribution of globally recognised brands De Dietrich, Nordmende, KitchenAid, Shark/Ninja, Franke, Sharp, Nilfisk and Whirlpool among others.

Window and Door Manufacturing: Senator Windows was established in 1985 and acquired by the Group in November 2006. Senator is the market leading Aluminium, Aluclad, Timber and PVC window and door manufacturer in Ireland. Senator offer a full range of energy and security rated windows, doors and conservatories. In 2016, Senator Windows became the first company in its industry to achieve the ISO9001:2015 standard demonstrating commitment to offering products and services of consistently good quality.

Property/Investment: The Group maintains a significant portfolio of Equity investments in Ireland, UK, Europe and Internationally as well as a separate Property Division.

The Gowan Group is a dynamic group always striving for success and a high level of achievement. Since its foundation, the Gowan Group has enjoyed consistent success. This is due not only to the quality of their products but also to the vitality and enthusiasm of our distributor network.

The success of the Gowan Group has been built on a policy of rigorous professionalism and attention to our stakeholders: customers, employees, suppliers, and shareholders. The Group is dedicated to each of our companies being recognised as a business of integrity, handling quality products and offering the best value to our customers and backed by the guarantee of one of Ireland's largest private Groups.



Figure 1.0 Images showing the bespoke Gowan Group premises within the Dublin Region



Figure 2.0 Aerial image demonstrating our client's premises (red outline), in the local context).

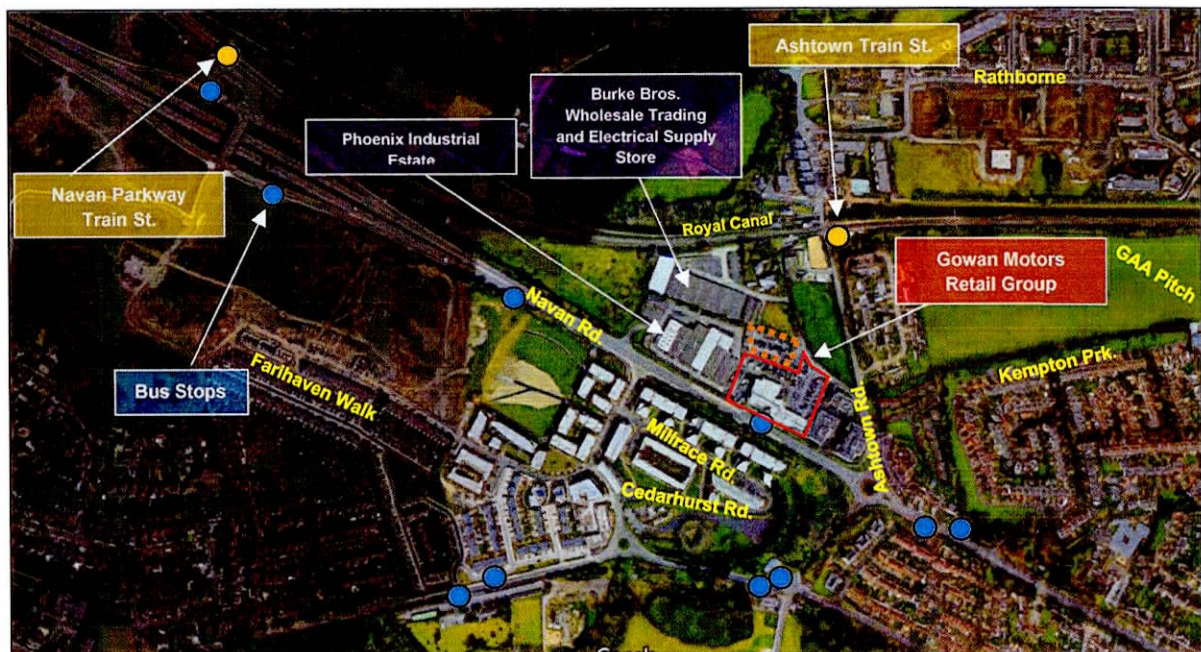


Figure 3.0 Aerial image indicating the submission lands (red outline) in the context of its immediate surrounds. The area outlined in orange above is currently leased by Gowan Group from the adjacent landowners, Burke Brothers.



Figure 4.0 Aerial view of the submission lands showing its surrounding context, the section of the lands outlined in orange subject to a lease agreement, being used by Gowan Group but within the ownership of Burke Brothers.



Figure 5.0 Street view image of the Gowan Motor Retail Group premises from Navan Road



Figure 6.0 Street view image of the existing access of Mill Road to the Gowan Motor Retail Group premises.



Figure 7.0 Street view image showing access road (left) off Ashtown Road.



Figure 8.0 Aerial image indicating the site area relating to the planning applications listed in Table 2.0 overleaf. These lands are within the ownership of Burke Brothers but are subject to a lease agreement with Gowan Group.

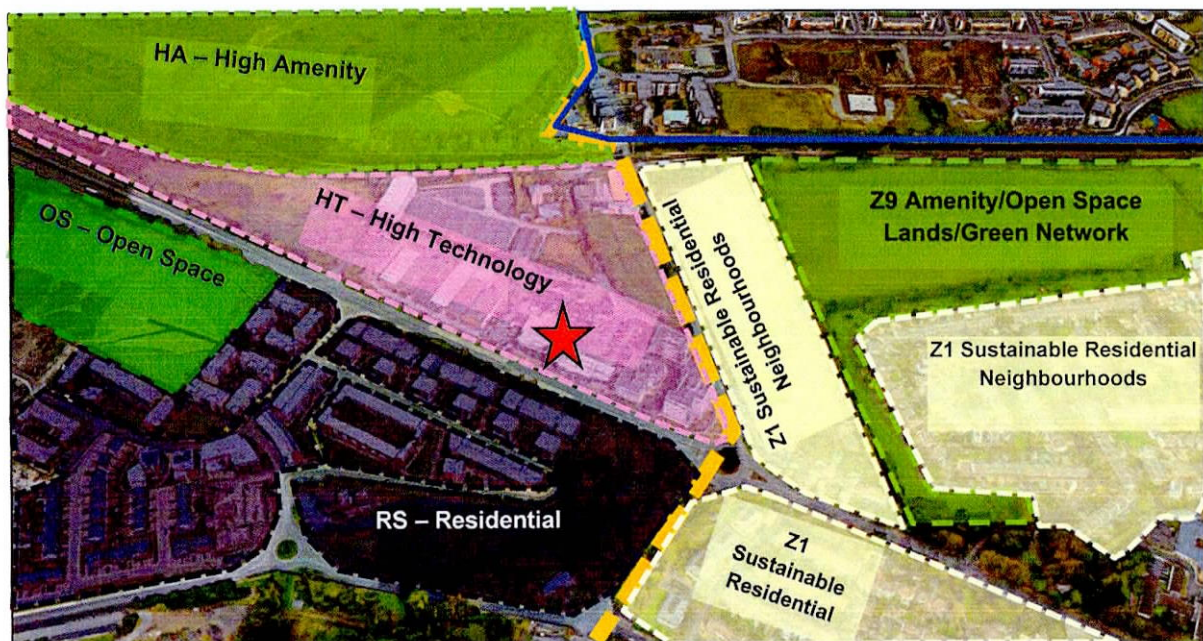


Figure 9.0 Aerial image showing our clients' lands zoned 'HT - High Technology' in the context of the adjacent 'RS - Residential Area' zoned lands. The orange dashed line indicates the separation between the Fingal County Council administrative boundary (left) and the Dublin City Council administrative boundary (right).

Our clients' are committed to its future in Fingal but are of the strong belief that an alternative location will have to be sourced for their enterprise should the Railway Order be approved and subsequently carried out. It is requested that An Bord Pleanála note that Gowan Group Ltd. has been part of the Fingal commercial community for fifteen years, generating employment and revenue for the Fingal Area and in turn supporting the region's growth and that the impacts on viability of this business are considered.

4.0 Previous Engagement with Consultation Process

Prior to the submission of the formal railway order application by CIE, our clients engaged in the consultation process on the preferred route published by the authority. Our client received a formal notification on 8th March 2022 from the CIE Property Group, in respect of the Dart + West Project. This letter invited submissions/observations from potentially impacted property owners including our clients on the revised Preferred Option up until 6th April 2022. On behalf of the Gowan Group, Hughes Planning and Development Consultants made a submission on the revised Preferred Option and outlined the primary concerns and observations in respect of same.

The below extract demonstrates the revised Ashtown Preferred Option (Option 10), as comprised within the Ashtown Revised Preferred Option Report, as included within the Dart + West Public Consultation documentation, published in March 2022. As part of this option, it was proposed to construct a roadway and cycleway along the existing Mill Lane, west of the existing mill and associated outbuildings to pass under the canal and railway. This proposed roadway would connect into Mill Lane, north of the Canal and is proposed to accommodate vehicular connectivity between Rathborne/Pellestown and the Navan Road/M50. Our clients' submission highlighted concerns that the proposed option located along Mill Lane, will have a significant impact on the current operation of the premises and will necessitate the loss of a proportion of existing car parking spaces which are critical to the successful operation of the Gowan Motors dealership.



Figure 10.0 Drawing extract indicating the Revised Preferred Option for Ashtown (Option 10)

Further to the above, and following an initial consultation between representatives of Gowan Motors and the Dart + West Project, it was anticipated that the revised Preferred Option (Option 10) would necessitate the removal of a significant quantum of car parking spaces located within the north-eastern of the site which was concerning given the nature of use of the subject lands as a car dealership/motor salesroom and that large car transporter vehicles require safe access and egress from the lands as part of the operation of the facility.

The drawing extract presented below, indicates the total quantum of lands under the control of our clients, Gowan Group Limited, and within the control of the Burke Brothers who operate the Ashtown Wholesale Trading and Electrical Supply store immediately north-west of the Gowan Motor Retail Group premises.

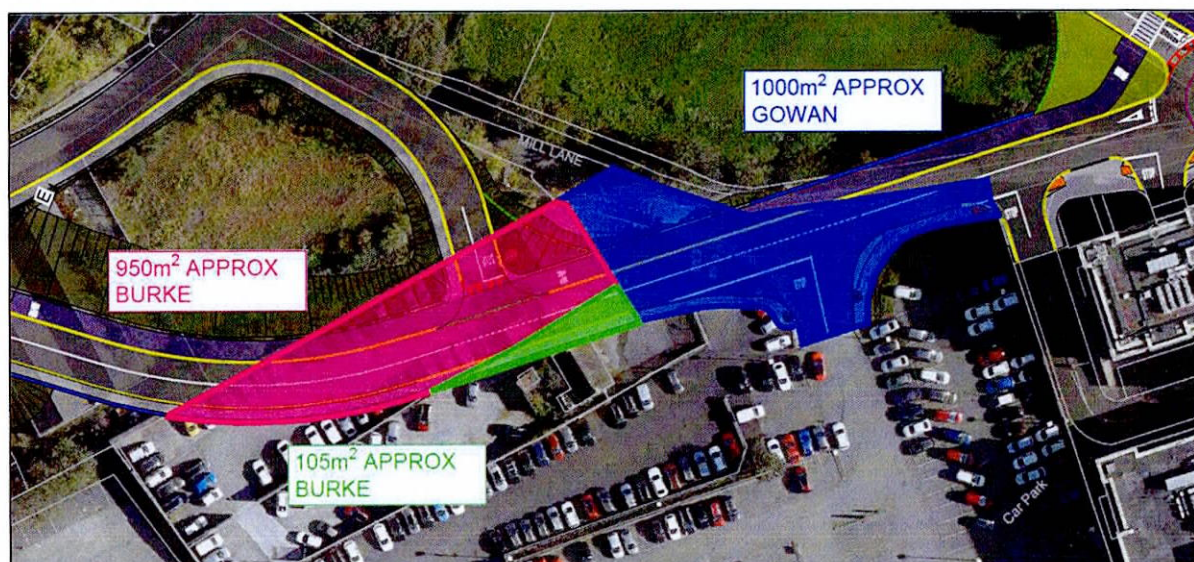


Figure 11.0 Drawing extract indicating the approximate loss of lands resultant from the revised Preferred Option.

The Preferred Option (Option 10) would have necessitated the loss of c. 2,055 sq. m of lands under the control of our clients and the adjacent landholders. It is evident from the above that the vehicular entrance and car parking/car storage area would have been severely impacted by the amendments proposed as part of the revised Preferred Option, with in the order of approximately 80 no. car parking spaces either requiring removal or being substantially impacted and as such rendered unusable. This would have represented a considerable reduction and which would have had a notably negative impact on the function of our clients' car dealership and sales showroom.

Despite these serious concerns, the proposal as lodged to An Bord Pleanála has not been satisfactorily revised to prevent disruption to our clients' premises which will be discussed under the Grounds of Submission section.

4.0 Proposed Railway Order

A Railway Order Application was submitted by Córas Iompair Éireann to An Bord Pleanála on 29th July 2022 for the Dart+ West Dublin City to Maynooth and M3 Parkway. The route of the proposal is shown in the below drawing extract

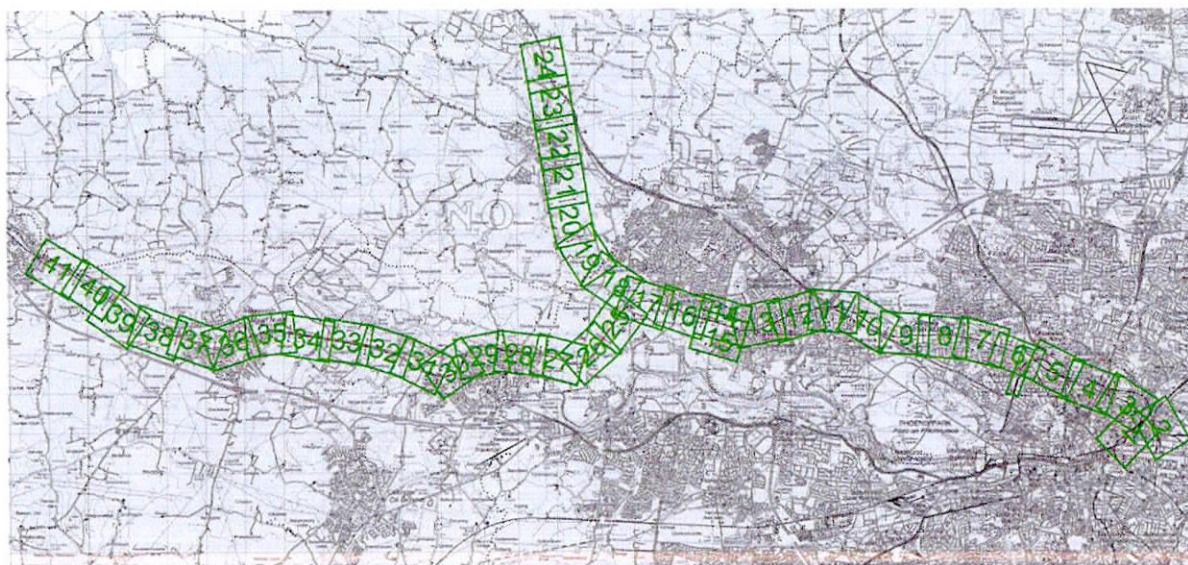


Figure 13.0 Strip map showing the proposal Dart West route.

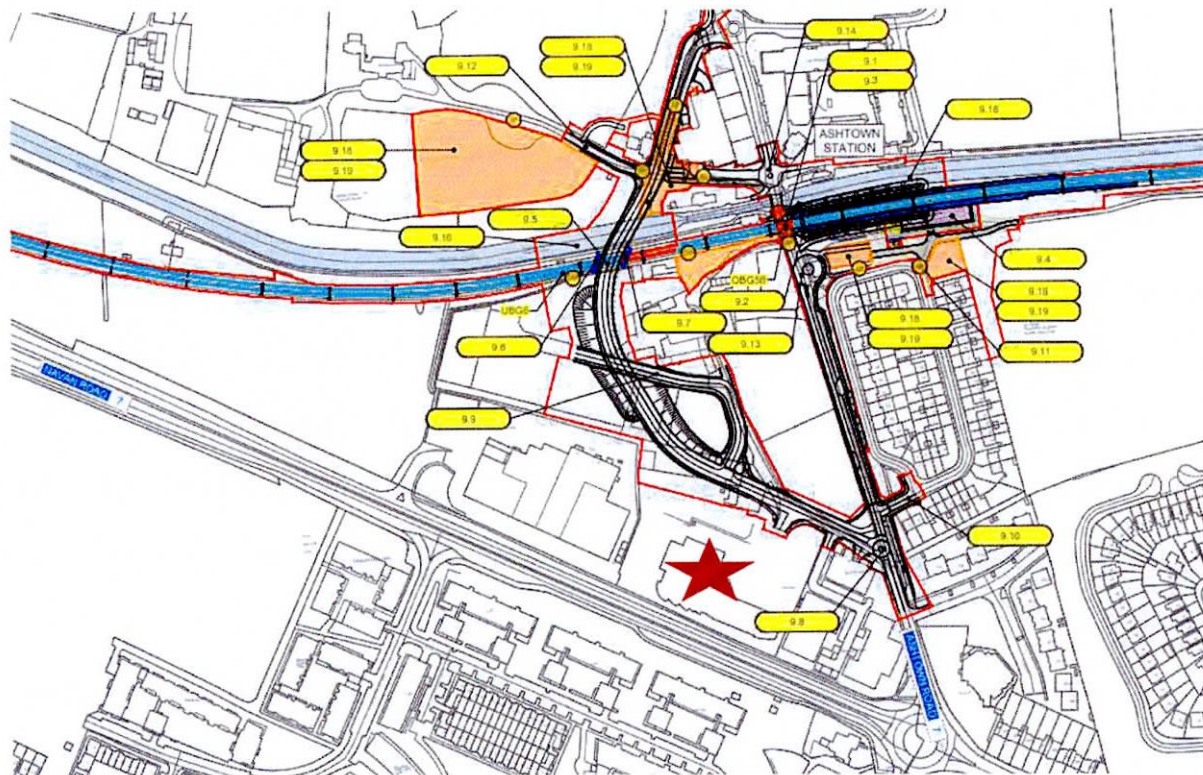


Figure 14.0 Extract of proposed site plan relating to our clients' premises.

As indicated above the proposal directly interferes with our clients' premises and operational requirements.

5.0 Planning Policy

The following section will provide a brief overview of the key planning policy relating to our clients' property, particularly the Fingal County Development Plan 2017-2023 and the draft Fingal County Development Plan 2023-2029.

5.1 Fingal County Development Plan 2017 – 2023

The relevant development plan against which any planning application at our client's premises would be assessed against is the Fingal Council Development Plan 2017-2023.

5.1.1 Zoning

We note, as per the provisions of the Fingal County Development Plan 2017-2023, that the subject site is subject to the '*HT - High Technology*' zoning objective. The purpose of which is to 'Provide for office, research and development and high technology/high technology manufacturing type employment in a high quality built and landscaped environment'

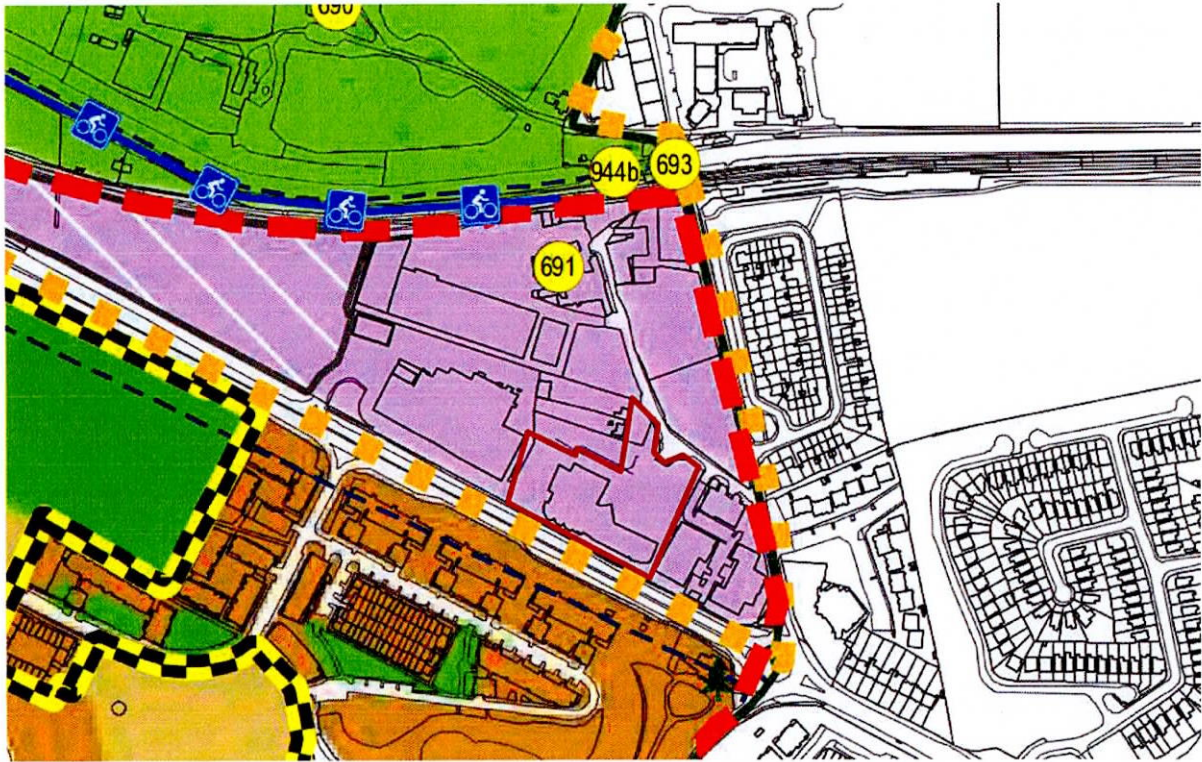


Figure 15.0 Extract from Zoning Map Sheet 13 (Blanchardstown South) of the Fingal County Development Plan 2017-2023, showing the subject site (red outline) subject to the HT zoning objective.

5.1.2 Relevant Policies

The following relevant policies contained within the development plan are of note:

- | | |
|-----------------------|--|
| Objective SS13 | <i>Facilitate the provision of sufficient employment, retail, community and cultural facilities to serve the growing residential communities of Swords and Blanchardstown.</i> |
| Objective SS14 | <i>Promote the continued sustainable development of Swords and Blanchardstown as core economic areas for enterprise in partnership with relevant State agencies.</i> |
| Objective SS15 | <i>Strengthen and consolidate existing urban areas adjoining Dublin City through infill and appropriate brownfield redevelopment in order to maximise the efficient use of existing infrastructure and services.</i> |

The proposal is considered to put our clients' existing business at risk due to uncertainty arising on functionality. This is not considered to be justifiable.

5.2 Draft Fingal County Development Plan 2023 – 2029

The draft Fingal County Development Plan 2023-2029 is in the later stages of preparation. The following section provides an overview of relevant provisions of the draft plan.

5.2.1 Zoning

Under the draft Fingal County Development Plan 2023-2029, our client's premises remains subject to the HT – High Technology zoning objective.



Figure 16.0 Extract from draft Zoning Map Sheet 13 (Blanchardstown South) of the Fingal County Development Plan 2017-2023, showing the subject site (red outline) subject to the HT zoning objective.

5.2.2 Relevant Policies

The following policies contained within the draft plan are of note.

Policy CSP11 Lands for Employment

Ensure that sufficient serviced lands continue to be available in the right place for employment generation over the lifetime of the Development Plan.

Objective CSO11 – High Intensity Employment Uses

Focus high intensity employment generating uses around high-capacity public transport nodes.

As noted, our clients' premises comprises an existing business which functions as the flagship store for the Group. The proposed railway would significantly impact the operation of the business and may unfairly result in the closure of the premises and relocation.

6.0 Concerns on Submitted Application

As stated throughout this submission, the principal concern of our clients arising from the proposed railway order application relates to functionality and viability of our clients' premises. The application as submitted, negatively affects the existing quantum of car parking/car storage space available at our client's premises and is more considerate of the vehicular movements of larger car transporter vehicles that is required on a daily basis to facilitate the effective operation of the Gowan Motor Retail Group.

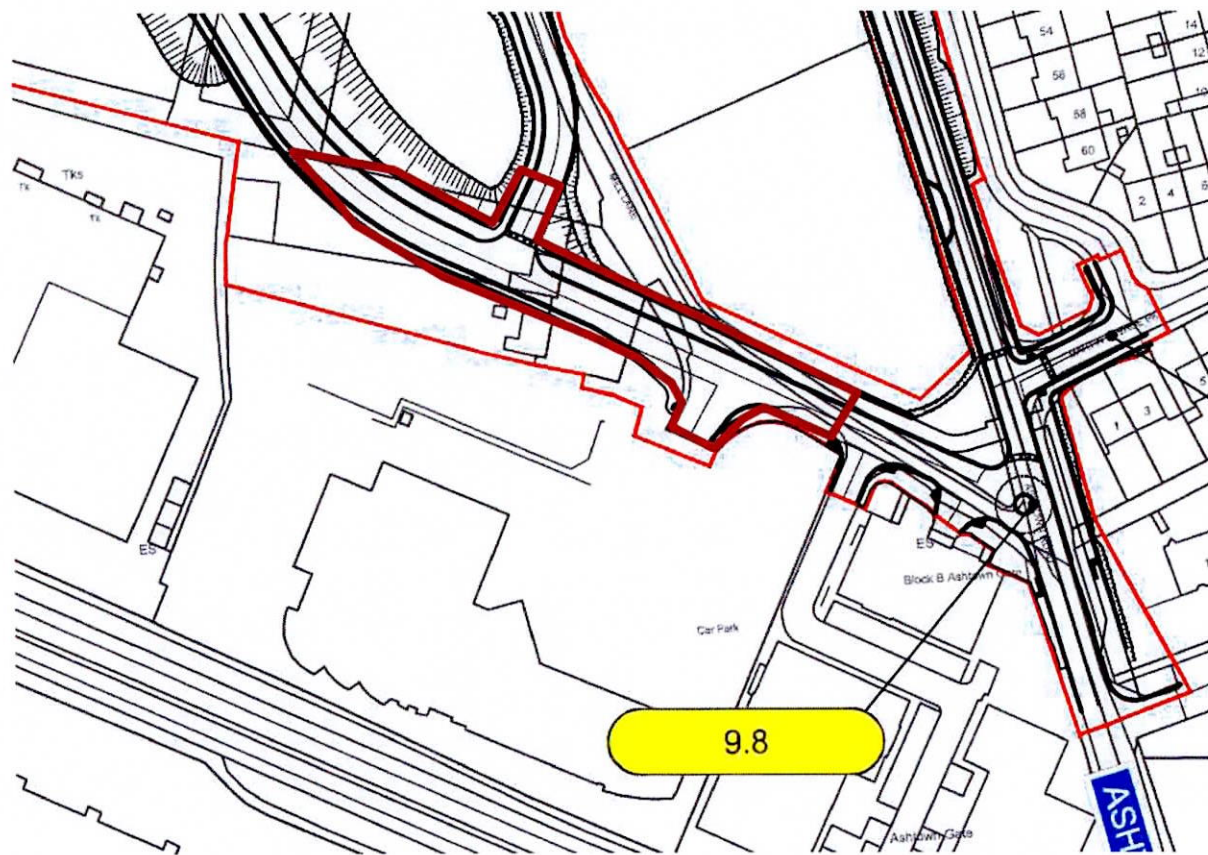


Figure 17.0 Extract of proposed route showing our clients' business premises being impacts upon by the proposal.

The full impact of the proposal on our clients' premises has not been adequately demonstrated in the submitted documentation as it does not include an aerial overlay of the scheme. Such a drawing would have made it more evident to An Bord Pleanála that the scheme directly interferes with the operations of the business. The submitted drawings do not make this clear. The railway and associated works will unduly impact a number of land parcels associated with the Gowan premises.

As acknowledged in the Planning Report submitted with the Railway Order Application, our clients' premises will be subject of both acquisition and temporary acquisition. This includes a 587sq.m parcel of land; a 171sq.m parcel of land; and a 135sq.m parcel of land which may be permanently acquired and a 74sq.m and 157sq.m parcel of land which may be temporarily acquired. Each of these will reduce the car parking, car storage/display areas which are highly depended upon by the business. The loss of these areas would greatly impact the Gowan Group and would potentially result in closure of the business and relocation elsewhere, despite the group having been active in the area for a number of years. Most noted is the parcel of land which acts as a car store area for c. 60 vehicles which is critical for the dealership's operation. Its loss would have significant impacts on the business. This is further impacted by the loss of c. 15 car parking spaces located near the entrance to the premises.

An additional concern is that the proposed road works will result in significant traffic generation along Mill Lane due to the increased capacity of the road. Due to this, the car display area would be at risk and may require relocation, leading to a potential loss of sales. The premises currently facilitate a high level of car entries and exits onto Mill Lane, both by staff and customers. The additional cars arising from the proposal would result in potentially hazardous conditions for road users. This is also considered

to be the instance during the construction stage. It is considered that the proposal has not included sufficient mechanisms to ensure our clients' business may operate during the construction of the railway scheme, if approved. We request An Bord Pleanála to consider this in their assessment.

7.0 Conclusion

The proposed railway has been designed without due regard to the existing businesses located along the route, including that of our clients, the Gowan Group at Mill Lane, Ashtown Grove, Navan Road, Dublin 15. The proposal, as per the submitted drawings, is considered to give rise to a loss of space associated with our clients' business premises. The space which will be lost is currently in active use for car parking and car sale displaying and it is a significant source of sales and income generation. The loss of these lands would be detrimental to the viability of the Gowan Group and would raise uncertainty of the group's capability of functioning at the site.

We trust that on the assessment of this application and its impacts detrimental impact on existing businesses including the Gowan Group, along the potential traffic hazard and risk to public safety, that An Bord Pleanála will see fit to either refuse the railway order.

We look forward to the decision of the Board on this application.



Kevin Hughes MIPI MRTPI
Director for HPDC Ltd.