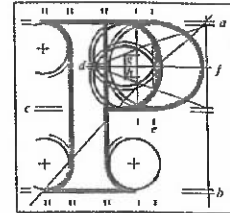


Our Case Number: ABP-314724-22

Your Reference: Hammerson ICAV



**An
Bord
Pleanála**

Stephen Little and Associates
26/27 Upper Pembroke Street
Dublin 2
D02 X361

Date: 09 December 2022

Re: Railway (Metrolink - Estuary to Charlemont via Dublin Airport) Order [2022]
Metrolink. Estuary through Swords, Dublin Airport, Ballymun, Glasnevin and City Centre to Charlemont,
Co. Dublin

Dear Sir / Madam,

An Bord Pleanála has received your recent submission and oral hearing request (including your fee of €50) in relation to the above-mentioned proposed Railway Order and will take it into consideration in its determination of the matter.

The Board will revert to you in due course with regard to the matter.

Please be advised, there is no fee for an affected landowner, listed on the schedule, to make an observation on this case, therefore, a refund of €50 will be made to the credit/debit card used to make the online observation.

The Board has absolute discretion to hold an oral hearing in respect of any application before it, in accordance with section 218 of the Planning and Development Act 2000, as amended. Accordingly, the Board will inform you on this matter in due course.

Please be advised that copies of all submissions/observations received in relation to the application will be made available for public inspection at the offices of the relevant County Council(s) and at the offices of An Bord Pleanála when they have been processed by the Board.

More detailed information in relation to strategic infrastructure development can be viewed on the Board's website: www.pleanala.ie.

If you have any queries in the meantime, please contact the undersigned. Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

Niamh Thornton
Executive Officer
Direct Line: 01-8737247

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An Bord
Pleanála
ABP-
NA29N.314724

‘Railway
(Metrolink –
Estuary to
Charlemont via
Dublin Airport)
Order 2022’
Application

Formal
Submission

Swords Pavilions,
Swords, Co Fingal.

On behalf of:

Hammerson ICAV

November 2022

Document Control: -

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1 INTRODUCTION

We, Stephen Little & Associates, Chartered Town Planning and Development Consultants, 26/27 Upper Pembroke Street, Dublin 2 are instructed by our client, Hammerson ICAV, Riverside, Sir John Rogersons Quay Dublin 2, to make this formal submission to An Bord Pleanála, 64 Marlborough Street, Dublin 1, D01 V902.

Hammerson ICAV (“Hammerson”) is a co-owner of the Swords Pavilions Shopping Centre and is sole owner of the ‘Pavilions Development Lands’, Malahide Road, Co. Dublin, subject of this submission.

This submission is in respect of the application by Transport Infrastructure Ireland (TII) for the “Railway (Metrolink - Estuary to Charlemont via Dublin Airport) Order 2022” and associated Compulsory Purchase Order (CPO). ABP-NA29N.314724 refers.

The submission follows up on pre-application consultation submissions made to Transport Infrastructure Ireland (TII) in May 2018 in respect of Metrolink and to Fingal County Council regarding the R132 Connectivity Project approved by An Bord Pleanála on 20 January 2022 (ABP JP06F.310145 refers).

We make this submission prior to expiry of the public consultation period on 25th November 2022. We can confirm that some of the submission lands owned by Hammerson ICAV are identified as being permanently and temporarily acquired to facilitate proposed Metrolink. Out of an abundance of caution the statutory fee of €50 accompanies this application, as it is not entirely clear whether the fee exemption applies also where lands are being acquired on a temporary basis.

Our Client is requesting that the Board convenes an **Oral Hearing** prior to making its decision. Further to telephone consultation with An Bord Pleanála, we were advised to and will make this request by email to sids@pleanala.ie. We understand that this request does not attract an additional fee.

2 EXECUTIVE SUMMARY

It is with grave concern that our Client welcomes the opportunity to make this submission. It raises issues of concern to Hammerson ICAV and Swords Pavilions relating to the impact of proposed Metrolink Railway Order and Compulsory Purchase Order on the ‘Pavilions Development Lands’ and on the operational Swords Pavilions Shopping Centre.

Hammerson and Swords Pavilions, as a key stakeholder, would welcome the opportunity to continue to consult with TII to ensure that the future development plans for the Pavilions lands, the existing and future operational success of Swords Pavilions shopping centre and the retention of safe and efficient access to Swords Pavilions for its customers, employees and the wider community are realised, in harmony with Metrolink.

2.1 ‘Pavilions Development Lands’

Hammerson can confirm that considerable resources and expenditure have been spent to date in preparation for the delivery of a residential scheme on the specific site which is the subject of the Metrolink CPO.

The executive committee of Hammerson plc have been extensively briefed and are committed to seeking the development of these lands for residential purposes in line with wider corporate strategy and to fulfil acute housing demand within Dublin.

The timeline from project commencement to delivery of residential accommodation is on average 3 to 7 years and Hammerson has already made substantial progress including:

- Appointment of architects and high level design of a scheme completed
- Appointment of planning consultants and site density assessment estimates completed
- Appointment of lawyers and legal due diligence of the site completed

- Appointment of property advisors and initial appraisals completed
- Engagement with potential joint venture partners

Hammerson is pursuing the feasibility of a new masterplan scheme comprising 786 residential units (c. 2,146 persons¹) and car parking amendments coupled with commercial development, both on and ancillary to the subject CPO lands. Architects have prepared a high level detailed scheme, which can provide up to **786 homes, offering** a diverse mix of 1, 2 and 3 bed units, on the wider Pavilions site. Assuming an average household size of 2.73², this could provide housing for 2,146 persons. It is paramount that the subject lands should **not be sterilized, in order** to ensure that these much needed homes could be delivered in the short to medium term (estimated delivery within 3 to 7 years).

The entirety of our Client's lands proposed to be acquisitioned by Metrolink are required by Hammerson to make its planned development scheme viable. It would not be plausible to relocate, reduce or limit the number of residential units planned as part of this scheme, as this would jeopardise the viability of the entire mixed use town centre masterplan. The lands to be acquisitioned must be the first phase of any residential development component for a number of legal and operational reasons.

2.2 Operational Pavilions Shopping Centre

It is of concern that, for 'major town centre' land that will be immediately adjacent to Metrolink's significant construction and operational works, and where direct land take and traffic impacts are inevitable, Swords Pavilions shopping centre receives no direct consideration in respect of the magnitude and duration of effect of the project on its existing operations and future development potential. The project shows no appreciation of the significant contribution of the current and ongoing success of Swords Pavilions within its community.

It is submitted that Metrolink should continue to support the role and function of the Swords Pavilions, and its future development ambitions, as part of the Major Town Centre of Swords, in its recognition that:

- Of critical importance to Swords Pavilions continued significant contribution to the growth of the local economy, employment and retail services provision, and its significant contribution to local rates at circa €2.2M, that Swords Pavilions must remain fully accessible by car, with uninterrupted access to its car parks, and no disruption or inconvenience to its customers, tenants and service vehicles. Otherwise this will critically damage a very successful business and major employer in Fingal.
- Access to Swords Pavilions is primarily via the R132 Swords Bypass and R106 Malahide Road, on which the main vehicular and pedestrian access points to the Centre are currently located, both of which are critical to the 11m customers and 2.85M vehicles that currently enjoy visits to the centre.
- Swords Pavilions is ideally located for further compact consolidation of town centre development, being well served along the R132 and Malahide Road, by car, existing bus services and pedestrian facilities.
- The long term sterilisation of its land, pending the commencement or completion of the construction of Metrolink, or due to poor road design, is not acceptable to Swords Pavilions.

¹ Assuming an average household size of 2.73 (Draft Fingal County Development Plan 2023-2029), 786no. dwellings could provide housing for 2,146 persons.

² Source: Draft Fingal County Development Plan 2023-2029

2.3 Compulsory Purchase Order

It is clear that the impact of the proposed CPO on Swords Pavilions and the Pavilions Development Lands, in terms of both the location of the proposed Metrolink construction compounds and their intended use (construction compounds accommodating substantial volumes of heavy construction and goods vehicles), has not been properly assessed or thought through.

The proposed CPO for both temporary and permanent land acquisition will most certainly severely, adversely impact the existing vehicular operations of Swords Pavillions Shopping Centre, which is estimated to accommodate c. 2.85M customer vehicles per annum (c. 15,600 per day entering and exiting the car park areas via the R132 and Malahide Road).

Swords Pavilions attracts c. 12M customers per annum. The proposed use of the Pavilions lands for the purpose of a construction compound and construction traffic management will inevitably have an adverse impact on customers, footflow and trade, impacting the overall viability of the Shopping Centre which is a significant employment hub. It is likely to raise construction nuisance effects, including noise, dust and health and safety concerns for customers, who may be put off visiting Swords Pavilions and with a consequent adverse impact on trade and viability over the estimated 5 year construction period for Metrolink Swords Central Station.

It is expected that the proposed CPO will prevent the delivery of c. 786 new homes (which, assuming an average household size of 2.73³ could house 2,146 persons) in Swords town centre, during the life of at least the next two County Development Plans. It will sterilize the use of the lands pending the Railway Order and CPO approval, contract and construction stages. It may also result in the permanent acquisition and sterilisation of lands at the north and eastern edges of the Pavilions Development Lands. These are all lands that are essential to properly construct and phase the overall Pavilions masterplan development. The viability of the planned development would be jeopardised by any restriction on the number of residential units planned, or where the 'buildability' of the scheme is hindered by the Metrolink CPO.

We therefore ask that the CPO of the Pavilions Development Lands be refused by An Bord Pleanála.

3 CLIENT & SUBMISSION LANDHOLDING

3.1 Pavilions Lands

Hammerson ICAV co-own the lands that currently accommodate the existing and operational Swords Pavilions (Phases 1 & 2), including the shopping centre and associated car parking areas (both permanent and temporary). Hammerson is the sole owner of the Pavilions undeveloped lands (also known as the '5 acres').

³ Source: Draft Fingal County Development Plan 2023-2029



Figure 1: Aerial Photograph of Swords Pavilions with lands outlined in red

3.2 Pavilions as Part of Swords Major Town Centre

Swords Pavilions, as part of the Major Town Centre of Swords, displays the following key attributes:

- Swords Pavilions is one of the largest and busiest shopping and entertainment centres nationwide, playing a significant role in local (Swords and Environs) and regional economic growth and employment.
- It currently comprises approximately c.44,000 sq m of premium convenience (food) and comparison retail space, with over 90no. retail and retail service units.
- It is anchored by Dunnes Stores and Supervalu convenience retail units. It also accommodates many well known high street fashion retailers, including TK Maxx, Next, River Island, Boots and many more smaller comparison retail units, restaurants, cafes, an 11-screen multiplex cinema and other leisure event spaces.
- Ancillary facilities include surface (989no. spaces) and multi storey car park (1,011no. spaces), handling 2.85M cars annually and 3no. service areas.
- It attracts a customer base from Swords and the wider catchment area, with annual 11M footfall and 2.85M vehicles entering its car parking areas.
- Approximately 30% of existing customers come from Swords western suburbs. A significant number arrive from the southern suburbs and North Dublin City. They also travel from North County Dublin, Meath and Louth.
- The existing centre employs c.1,800 people directly and indirectly.

3.3 Pavilions Access

Pedestrians and cyclists can access the Swords Pavilions via entrances at the R132, Malahide Road and via Swords Central (Penneys complex) at Dublin Road. There is an existing footbridge over the R132 which connects the Malahide Road to lands east of the R132. This bridge encroaches the western corner of the Pavilions lands.

As previously noted, the Pavilions car park areas (c.2,000 no. spaces) handle c.2.85M cars p.a. Vehicular access (customers and service vehicles) to existing Swords Pavilions car park areas and service areas, is currently via two points: the R106 Malahide Road entrance and the R132 left-in left-out access road.

The R132 connects with the R106 Malahide Road at the existing Malahide Road Roundabout to the north east of the Pavilions lands. This junction facilitates vehicular movement westwards along the Malahide Road to the Swords Pavilions entrance and to connect with Swords Main Street/Dublin Road.

F20A/0180 is a temporary 5 year permission granted 25 August 2020, as the latest in a series of rolling temporary permissions sustaining the Pavilions R132 left-in left-out access road, which has existed in a permanent capacity for nearly 20 years. From this point cars exiting Swords Pavilions and wishing to travel south may merge freely with northbound traffic on the R132 and exit onto the southbound carriage of the R132 at the Malahide Road Roundabout. There is also an existing emergency gate at the southern end of the Pavilions lands which provides access to the R132.

Over 80% of vehicular traffic to Swords Pavilions access via the R132. In 2019, a traffic survey commissioned by Swords Pavilions was undertaken by Tracsis on behalf of Systra on Friday 6th December and Saturday 7th December. Survey results indicated a Friday PM Peak Period of 16:45 - 17:45 and the following key considerations for this period are noted as:

- 4,392 vehicles passed through the R132/R106 Malahide Road Roundabout junction.
- 3,412 vehicles passed through the Pinnock Hill Roundabout Junction.
- Traffic to/from Swords and M1, via R125 Holywell Road, contributes to traffic volumes along R132 Corridor. Thus, north of Pinnock Hill Junction the R132 acts as a confluence of two major traffic streams.
- **Approximately 300 vehicles access and egress Swords Pavilions via the R132 Left In / Left Out Junction, highlighting the importance of this junction to Swords Pavilions operations.**
- **Via R132/R106 Malahide Road Roundabout junction, 333 vehicles access and 421 vehicles egress Swords Pavilions, again highlighting the importance of the R132 corridor to Swords Pavilions.**
- 81 vehicles U-Turn at R132/R106 Malahide Road Roundabout junction. A high proportion of these vehicles exited Pavilions R132 Left-Out Junction and used the roundabout to return southbound on R132.
- Average daily vehicle handle per day in 2019 was 7,800no. vehicles (or 15,600 vehicle journeys on the R132 / R106).

'Objective Swords 9' of the current Development Plan seeks to "*Maintain the operational capacity of the R132*".

It is recognised by the Fingal County Council Draft Sustainable Swords Strategy that Pavilions has been a significant positive contributor to the growth of Swords as a dynamic strategic town. While the Draft Strategy seeks to prioritise walking and cycling for short trips and maximise investment in transformational public transport such as BusConnects and Metrolink, the modelling assessment of its 'Public Realm Transport Strategy' recognises that the Pavilions Shopping Centre would remain a dominant trip attractor within the Core Study Area and that even with the Strategy proposals in place, trips by car would still remain quite high.

The Malahide Road and R132, sharing the access burden for Pavilions, are likely to be significantly impacted by Fingal County Council's R132 Connectivity Project and TII's Metrolink Railway Order. This submission seeks to highlight that the ongoing operational success of Pavilions is and will remain heavily reliant on vehicular access via the R132 left-in left-out access road. It is therefore critical that this access point continue to operate at maximum efficiency for car borne customers and visitors to Pavilions and Swords Town Centre, as well as by Metrolink and associated pedestrian and cycle links.

Having regard to all of the above, and noting again that Swords Pavilions attracts 12M footfall and 2.85M vehicles per annum, it is of great concern to our Client that the significant daily footfall and traffic movements through Pavilions, which support its viability and success as a dynamic component of

Swords Town Centre, should be duly recognised and protected in any assessment and determination of the Metrolink Railway Order and CPO.

3.4 Future Development Potential at Pavilions Lands

Planning precedent for significant further mixed use development at the 'Pavilions Development Lands', including retail, commercial, leisure and residential uses, extending from the interface with the existing building across the surface car parking and undeveloped areas generally to the east and south, was established under FCC Reg Ref F08A/1057 (ABP Ref PL06F.232710), which only recently expired on 19 August 2021.

This previously permitted 'Swords Pavilions Phase 3' development consisted of a mixed used development with a gross floor area of c.147, 821m², providing for:

- 137no. retail units including 2no. retail anchor units generally located at Level -1 to +3
- 35no. restaurant / café units located at Level 0 to +3
- 1no. public house located at Level +1 and Level + 2
- Office accommodation located at Levels 0 to +9
- 2no. childcare facilities
- 2no. community rooms
- 1no. radio station
- 1no. medical centre
- A total of 189no. residential units generally located at Levels 0M to +9
- Approximately 4000 car parking spaces



Figure 2: Site Plan Pavilions Phase 3 Development (FCC Reg Ref F08A/1057, ABP Ref PL06F.232710)

The vehicular access to the previously permitted Phase 3 development sought the replacement of 3no. existing vehicular entrances with 1no. temporary construction entrance in place of the existing emergency entrance at the R132 and 3no. new permanent vehicular entrances and associated access roads for use during construction and operational phases. The permanent vehicular entrances included left in/left-out vehicular access off the R132, access at Malahide Road and a new vehicular access off the Dublin Road.

As part of this permitted access arrangement, a left-in left-out arrangement was proposed along the R132 serving underground car parks. The exit ramp merged with the traffic entering the Malahide Road Roundabout via a dedicated merge lane, and assumed the Malahide Road Roundabout being in place. There were free flow lanes added to this junction to accommodate traffic movements to and from Pavilions.

The permission was not implemented or superseded to date due to various significant factors including, a global economic recession, planning conditions that tied it in with the delivery of the Metro North Railway Order, an overly prescriptive Fingal County Council Swords Masterplan 2009 that limited any significant departure from the planning permission and increased commercial risk, a change of ownership and a global pandemic. It does, however, set a significant planning precedent for the development potential of the Pavilions Development Lands, supported by the land use zoning objective of the Fingal County Development Plan.

Residential development will be an important component of the mix of uses in future redevelopment plans for these lands. It may be noted that in the **'Rebuilding Ireland Action Plan'** there is a strong focus on regeneration and development of underutilised sites in urban areas for housing. Pavilions has potential to deliver sustainable residential use as part of its mixed use development ambitions for its future expansion into the 'Pavilions Development Lands'. This is considered to be consistent with Government policy to urgently deliver housing to meet pent up and growing demand in Dublin.

Higher density housing would meet the needs of Fingal's young and working age population profile, within a mixed use environment that would also provide local employment opportunities and transport connections to other key locations including Dublin Airport and Dublin City Centre.

Objective 72a of the NPF requires Planning Authorities to apply a standardised tiered approach to the identification of lands suitable for residential use. The Pavilions lands are a suitable location for residential development, as they meet the Tier 1: Serviced Zoned Land criteria (see SLA emphasis in bold font): -

Tier 1: Serviced Zoned Land

*This zoning comprises lands that **are able to connect to existing development services**, i.e. road and footpath access including public lighting, foul sewer drainage, surface water drainage and water supply, for which there is service capacity available, and can therefore accommodate new development.*

*These lands will generally be positioned within the existing built-up footprint of a settlement **or contiguous to existing developed lands**. The location and geographical extent of such lands shall be determined by the planning authority at a settlement scale as an integral part of the plan-making process and shall include assessment of available development services. Inclusion in Tier 1 will generally require the lands to **within the footprint of or spatially sequential within the identified settlement**.*

The Pavilions lands are serviced and well positioned sequentially, immediately adjacent to Main Street and accessible by foot, bicycle and public transport, to be favourably considered for housing development to accommodate the county's future population and housing growth.

In the meantime, Swords Pavilions also benefits from extant permission for outdoor event spaces including permission reference F19A/0409 for development of a seasonal event area (Christmas, Easter, Halloween, etc. themed events), granted 3rd December 2019 for a period of 4 years. The site measures c.0.42ha, located immediately east of Pavilions Car Park A, generally bounded by the R106 (Malahide Road) to the north, Swords Pavilions surface car park 'A' to the west, undeveloped lands to the east and link road onto the R132 (Swords Bypass) to the south. It provides a significant annual revenue stream from the site.

As discussed further in **Section 7** of this submission, none of this existing or planned development has been taken into account in the impact of land take (Metrolink EIAR Chapter 21), which assumes the lands are brownfield, vegetated open land with no significant development potential. Furthermore, the significance of permanent loss or long term sterilisation of potential 'residential development land' is not assessed. It is not either considered in Ch30 Cumulative Development, where the extant permission for the R132 access road, the existing permitted outdoor event space, and the significant planning precedent for the redevelopment of the Pavilions expansion lands are not mentioned.

4

The R132 Connectivity Project approved by An Bord Pleanála on 20/01/22 (Case Reference: JP06F.310145) will lead to the removal of the Malahide Road Roundabout. This will be replaced by a new signalised Junction. The dual Carriageway on the R132 will be converted to a single carriageway with more space for a cycle lane, bus lane and footpath.

This is a Strategic Connectivity Project launched by Fingal County Council under the provisions of Section 177AE of the Planning and Development Act 2000, as amended, for development on the R132 Swords to make this road more pedestrian friendly by improving connectivity and enhancing the intersections along the R132, in this case removing the Malahide Roundabout and replacing it with the following:

- Conversion of three existing intersections along the R132 (Estuary, Seatown and Malahide Road Roundabouts) to signalled intersections.
- Installation of signalized toucan crossings at three separate points along the R132
- Bus Stops on the Malahide Road
- Pedestrian Linkages
- Carriageway reconfigurations and alterations
- Landscaping and all ancillary works

The overall length of the development is approx. 2.6km and is expected to take approx. 2 years to construct. Figure 3 below shows the Junction that will replace the Malahide Roundabout.



Figure 3: Malahide Road Junction to replace Malahide Road Roundabout

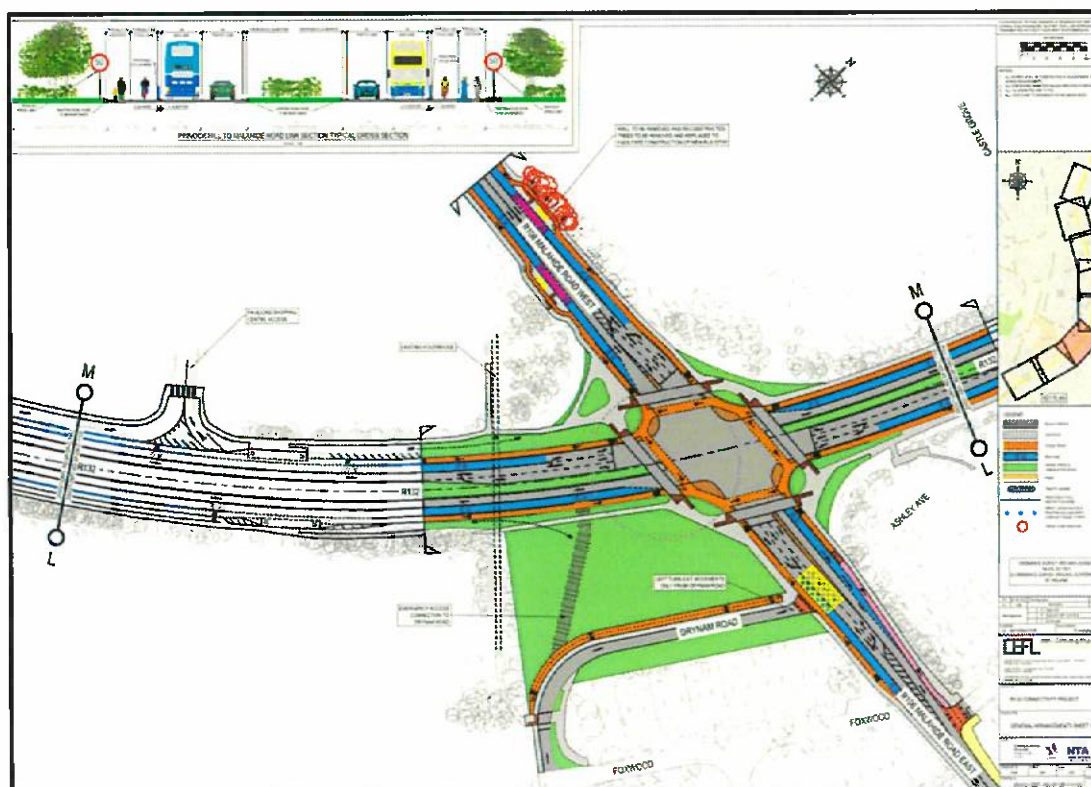


Figure 4: General New Arrangement on Malahide Road Junction Showing Different Modal Uses

While there is now more shared spaces for multi-modal use, it is expected that the loss of priority for car use will lead to an increase in traffic. This in combination with 60 months of construction works for the Swords Central Metro Station has potential to increase traffic volumes in the area, which will have a negative impact on customer experience.

5 PLANNING POLICY CONTEXT OF RELEVANT TO PAVILIONS AND SWORDS MAJOR TOWN CENTRE

5.1 Strategic Policy Context

The **National Planning Framework (NPF)** has a very clear objective to achieve compact growth, particularly at brownfield and infill sites, that can encourage more people, jobs and activity within existing built up areas (NPO 3b).

The development ambitions for Pavilions are consistent with the NPF promotion of high density mixed use development, at a town centre location, supported by existing and planned quality public transport infrastructure.

The **Regional Spatial and Economic Strategy (RSES)**, in translating the NPF growth and settlement strategy at a regional level, supports the continued sustainable growth of Key Towns in the Metropolitan Area. Swords is identified in the RSES as one of three 'Key Towns' located within the Metropolitan Area Strategic Plan (MASP) area. As a Key Metropolitan Town, Swords is recognised as being strategically located along a key economic and transportation corridor.

The RSES is then underpinned by three cross cutting principles; healthy placemaking, economic opportunity and climate action. The significant role played by Pavilions in Swords economic growth and the identity of Swords town centre, in meeting the services and employment needs of the town and its

large hinterland, and facilitating multi-modal access – including car borne customers – is relevant to the implementation of these principles.

Pavilions has the potential to expand and diversify. The further consolidation of mixed use development, including retail, employment and residential use appropriate to its town centre location and zoning, will support future population growth, sustain investment in sustainable transport infrastructure, support further job creation, generate income (rates) and attract further investment in the enhancement of Swords as Key Metropolitan Town and Major Town Centre.

In respect of 'Climate Action', key factors in enhanced climate resilience and transition to cleaner energy and reduced carbon footprint include sustainable use of finite resources (including land), integrated transport and land use and energy efficient development. The provision of a compact, well-serviced and functional town centre, with an appropriate mix of retail and other complementary uses that optimise the development potential of these strategic town centre lands, will ensure a reasonable balance can be struck between the promotion of walking and cycling within the local area, investment in sustainable public transport and reduced reliance on (but not eliminated) use of the private car. All of which can influence a reduction in carbon emissions and curb Climate Change.

5.2 Retail Strategy for the Greater Dublin Area, 2008-2016

In the absence of an updated replacement strategy, the Retail Planning Strategy 2008-2016 provides strategic direction on the location and scale of new retail development, to achieve a distribution that is efficient, equitable and sustainable. The Strategy acknowledges that a critical part of delivering the overall vision for the retail strategy is the recognition of the retail hierarchy as a core spatial policy around which future growth, rejuvenation and expansion in the retail sector needs to be focused.

The Strategy adopts a policy of 'structured choice', which concentrates the supply of retail facilities in areas that are easily accessible. In summary, the Strategy states that: -

"The most appropriate location for retail growth (outside of the district centres to meet the population growth) is in the Level 1 and 2 centres".

It confirms the status of **Swords as a 'Level 2 Major Town Centre / County Town Centre'** in the Retail Hierarchy. It makes reference to the importance of these settlements achieving a sustainable and inclusive strategy through offering *"the widest shopping activities for the greatest number of people"*.

By implementing this strategic approach, the existing Major / County Towns would be reinvigorated and provide for a more modern and wide-ranging shopping experience. Large town centres are noted as having the potential need for a longer period of time to develop, beyond 2016. This should be factored into Development Plans and development management decisions.

The Strategy recommends: -

"To continue the improvement of the principal major town centres of Blanchardstown and Swords in line with their position in the hierarchy, through incorporating a variety of uses including civic, entertainment, office and residential uses, as well as a high quality range of convenience and comparison retail facilities, served by and supporting the provision of high quality public transport including new rail based public transport (Metro North and Metro West) proposed for both centres under Transport 21."

Metrolink now replaces the previous Metro North project. It should recognised the role of Pavilions in delivering retail use, as part of Swords town centre, in line with the strategic retail policy position outlined above.

5.3 Fingal County Council Development Plan 2017 – 2023

5.3.1 Swords Strategic Context

Swords is identified as a *Metropolitan Consolidation Town* in the FCC Development Plan 2017-2023.

Swords, Fingal's County town, is identified as a Level 2 'Major Town Centre' in the Retail Strategy for the Greater Dublin Area. It is recognised as having a well-developed retail offering which includes the Pavilions Shopping Centre and Airside Retail Park. The town also benefits from its close proximity to Dublin Airport and has a strong industrial base which underpins its role as an important centre for employment in the County.

One of Swords key strengths is the quality of road infrastructure serving the town. Direct access to the M1 motorway on the Dublin-Belfast economic corridor is complemented by a high quality regional road network (R125 & R132 dual carriageways).

Objectives relevant to the strategic development of Swords, and by extension the Pavilions lands, include:

- Objective SS12:** Promote the Metropolitan Consolidation Towns of Swords and Blanchardstown as Fingal's primary growth centres for residential development in line with the County's Settlement Hierarchy.
- Objective SS13:** Facilitate the provision of sufficient employment, retail, community and cultural facilities to serve the growing residential communities of Swords and Blanchardstown.
- Objective SS14:** Promote the continued sustainable development of Swords and Blanchardstown as core economic areas for enterprise in partnership with relevant State agencies.
- Objective Swords 7:** Promote the development of Swords as a multi-modal transportation hub.
- Objective Swords 9:** Maintain the operational capacity of the R132.
- Objective MT42:** Protect the strategic transport function of national roads, including motorways through the implementation of the DoECLG 'Spatial Planning and National Roads – Guidelines for Planning Authorities'.

5.3.2 Landuse Zoning

Under the 'Fingal County Development Plan, 2017-2023', the **Pavilions Shopping Centre** is located in an area designated with the zoning objective '**MC – Major Town Centre**', the objective of which is to

"Protect, provide for and/or improve major town centre facilities".

The stated 'Vision' of this zoning is, *inter alia*, to:

"Consolidate the existing Major Towns in the County, (Blanchardstown, Swords and Balbriggan). The aim is to further develop these centres by densification of appropriate commercial and residential developments ensuring a mix of commercial, recreational, civic, cultural, leisure, residential uses, and urban streets, while delivering a quality urban environment which will enhance the quality of life of resident, visitor and workers alike."

The **Swords Central Station** lands are zoned '**ME' – Metro Economic Corridor**', the objective is to:

"Facilitate opportunities for high density mixed use employment generating activity and commercial development, and support the provision of an appropriate quantum of residential development within the Metro Economic Corridor."

There is an objective to prepare a masterplan for the this high density mixed use development at the 'ME' lands, integrated with Swords Metro Stop and multi-modal connectivity with Swords Town Centre (see Barrysparks and Crowcastle Masterplan 2019).

5.4 Draft Fingal County Development Plan 2023-2029

Swords retains its strategic significance, being identified as a *Key Town*, consistent with RSES definition of a:

“Large economically active service and/or county towns that provide employment for their surrounding areas and with high-quality transport links and the capacity to act as growth drivers to complement the Regional Growth Centres”

The ‘MC – Major Town Centre’ zoning of Pavilions lands and ‘ME – Metro Economic Corridor’ zoning for the Barrysparks lands are retained. The indicative alignment of Metrolink and Swords Central station are shifted to the south east of the R132, traversing the edge of the Barrysparks lands, reflecting the proposed Metrolink route and station location now identified by TII.

‘Objective CSO33 – High Quality Services’, seeks to

“Encourage a range and quality of retail, commercial, civic, cultural, leisure, community and other services commensurate with the role of Swords Town Centre as a Key Town.”

Having regard to the recommendations of the Office of the Planning Regulator at Draft Plan stage, it is noted that the Material Amendments to the Draft Plan provide that a Local Area Plan is to be prepared for Swords settlement over the next Development Plan period. No further details are available at the time of writing this submission.

6 KEY PROVISIONS OF METROLINK PROPOSAL RELATING TO SUBMISSION LANDS

The Pavilions Co-Ownership generally welcomes the Metrolink project, which will enhance the sustainable connectivity of Pavilions Shopping Centre, as part of Swords Major Town Centre.

Metrolink is proposed to provide a “sustainable, safe, efficient, integrated and accessible public transport service between Swords, Dublin Airport and Dublin City Centre”. It will comprise a high capacity, high frequency, modern and efficient metro rail and will be approximately 18.8km in length.

Metrolink will include:

- 16 new stations, including Swords Central, with transport interchange opportunities at: -
 - Dublin Airport
 - Western Commuter and the South Western Commuter Lines at Glasnevin
 - DART at Tara Station
 - Luas Green Line at O’Connell Street Station, St. Stephen’s Green and Charlemont Station
 - P&R Facility at Estuary Station
 - Existing Dublin Bus network and future proposed bus services (BusConnects).
- Operating 19 hours per day, 365 days a year.
- In the opening year operations, 20 trains operating per hour at a frequency of three minutes between trains.
- Approximately 25 minutes journey time between Swords and the City Centre.

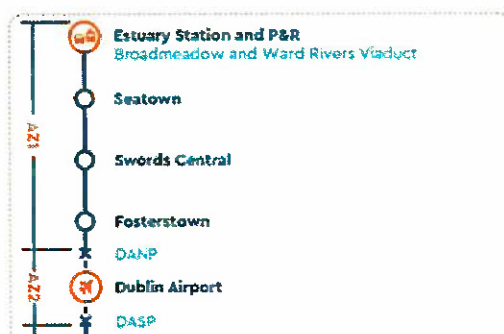


Figure 5: Swords Central location along the Metrolink route

It is proposed to include Swords Central station and other facilities at surface level, located approximately 50m from the Pavilions lands. The associated railway tracks will emerge from cut and cover under the Malahide Road Roundabout to retained open cut, below existing ground level, at Swords Central Station.

In Chapter 11 ‘Population and Land Use’ of the EIAR, Pavilions is recognised as a major, well-established retail centre. It is described as follows:

“The Pavilions Shopping Centre and adjoining car parking comprises 44,000sq.m, with 480,000sq.ft. retail area which includes over 100 retail establishments (84 shops, 7 restaurants, and 12 kiosks) and a multiplex cinema. The shopping centre is a major employment hub within

the ‘Major Town Centre’ designated lands with an estimated 12 million visitors per annum and the site also proposed for further development (Chartered Land 2020).’’⁴

Key proposed Metrolink features relevant to Pavilions include:

- **Swords Central Station** will be located within a retained cut, on the eastern side of the R132 Swords Bypass.
- The works have an associated streetscape and plaza with further integration into the linear park connecting to Seatown and Fosterstown, on the eastern side of the R132. The station plaza consists of an **active pedestrian plaza, linking to bicycle parking facilities, neighbourhood pedestrian routes and connectivity** into the wider network of proposed paths. This plaza will have benches and flower beds.
- A **Cycle Hub** with 942no. bicycle parking spaces is proposed at the Barrysparks lands, to the east of the R132.
- The proposed Swords Central Station will **link with the Pavilions Shopping Centre by way of a pedestrian crossing (Tucan crossing) across the R132**, immediately south of a **revised left-in left out access junction** that omits the dedicated left-turn lane of the approved R132 Connectivity Project (ABP JP06F.310145, approved by ABP 20 January 2022).
- Improvements to be carried out to the surrounding streetscape, including integration otherwise of the pedestrian and cycle paths and bus lanes on both sides of the R132 carriageway, reducing to one vehicular lane on each side of the carriageway, and replacement of the Malahide Road Roundabout with a signalised intersection per the approved R132 Connectivity Project.
- **Removal of the existing R132 pedestrian overbridge** south of the existing Malahide Road Roundabout, which connects the north eastern apex of the Pavilions lands and Drynam Road, as part of site enabling works. Severance to be off set with north-south and east-west pedestrian and cycle crossing facilities associated with the new signalised Malahide Road junction.
- **Permanent land acquisition** of the northern apex of the ‘Pavilions Development Lands’ and along the western R132 alignment, amounting to c.11,122 sq m, to facilitate Metrolink.
- **Temporary land acquisition** (period undefined) of the balance of the as yet undeveloped north eastern quarter at Swords Pavilions, for satellite construction compound and utility diversions associated with Metrolink construction.

⁴ Noted as being sourced from: <http://charteredland.ie/swords/> on 25 February 2020.

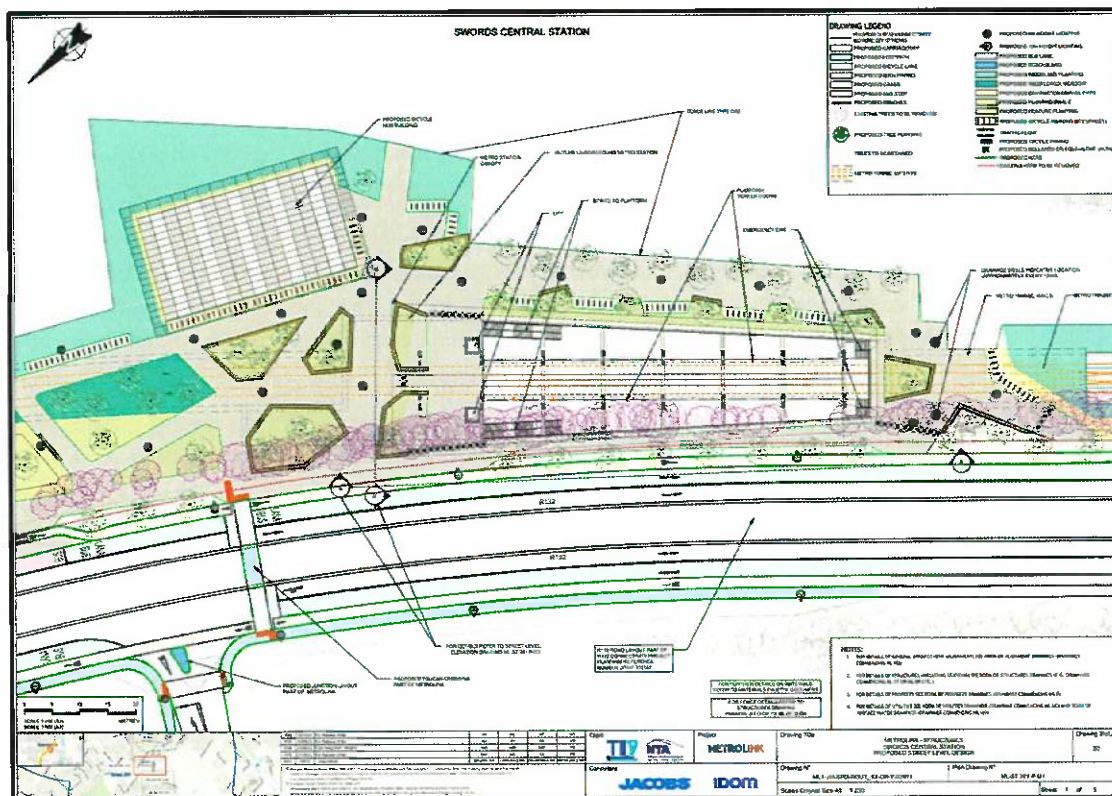


Figure 6: Metrolink Swords Central – Proposed Street Level Design (Pavilions lands to west of R132. Note proposed toucan pedestrian crossing south of Pavilions R132 access road)



Figure 7: Metrolink Swords Central CGI visualization

7 METROLINK IMPACT ON PAVILIONS LANDS

7.1 Overarching Submission

The continued patronage, enjoyment and safety of its customers is of paramount importance to Swords Pavilions. Our Client has significant concerns regarding the proposal to use its lands for a Metrolink construction compound. The likely impact of construction activities within the temporary satellite construction compound on the Swords Pavilions access and car parking facilities is not clearly addressed.

The continued successful operations at Swords Pavilions, as a significant convenience and comparison retail and employment provider, is also heavily dependent on vehicular access via its left-in, left-out junction with the R132. It is critical that the Metrolink project, at construction or operational stage, does not adversely affect the capacity of the R132 or R106 Malahide Road to reasonably accommodate car borne movement into and out of Swords Pavilions, to the significant inconvenience of Swords Pavilions' existing customers and to the detriment of its future expansion and diversification potential as part of Swords major town centre. The R132 and R106 handle 80% of Swords Pavilions customer travel movements.

This submission also questions the adequacy of the Metrolink assessment of the severity of impact of the project on land use and land take on Swords Pavilions operating centre and on Pavilions Development Land. This relates to the quantum of Pavilions land to be permanently and temporarily sterilised to facilitate the Metrolink project, particularly where there is any significant delay in commencing and completing the 5 year construction phase for Metrolink Swords Central Station.

Where appropriately supported Swords Pavilions will continue to be a major catalyst for the on-going growth and success of Swords into the future, as a significant economic hub and stakeholder within Swords Town Centre and Fingal county. **It would be totally unacceptable to our Client that Metrolink would negatively impact in any way the operational success of Swords Pavilions and undermine the significant investment expended to date to achieve this.**

7.2 Temporary and Permanent Land Acquisition

The MetroLink Land Acquisition Strategy states that the development of the MetroLink will require the procurement of numerous land and property interests in both public and private ownership including a range of residential and commercial properties that are occupied.

It also states that, under the Transport (Rail Infrastructure) Act 2001 (as amended) (the "Act"), upon commencement of the Railway Order ("RO") TII will be authorized to acquire compulsorily any land or rights in, under or over land or any substratum of land specified in the RO, and, for that purposed, the RO shall have effect as if it were a compulsory purchase order with modifications.

Chapter 21 'Land Take' identifies that:

- Properties such as hospitals, educational facilities and private residences are very sensitive to change.
- Land in retail use is considered to be of medium sensitivity and value in a community/societal context, with capacity to accommodate moderate change.
- Car parks are considered of low sensitivity and value with a greater capacity to accommodate change.
- Brownfield lands are considered to have very low sensitivity and value, and have significantly greater capacity for change. Properties that have

The **temporary acquisition** of land at Pavilions (c.4,909 sq m) is identified, to support the construction of Malahide Road cut and cover and Swords Central Station along the R132 alignment, and will

accommodate a 'satellite construction compound'. These lands are generally identified as including *"brownfield land (vegetated) west of R132 in front of Pavilions Shopping Centre"*. Consequently, the baseline rating has been categorised as *"very low"*, as such land is seen as having significantly greater capacity to accommodate change. The impact magnitude is assessed as *"medium"*, where the current use of the property can continue during and after acquisition. The significance of the effect is then assessed as *"slight"*.

It should be acknowledged that the lands subject of the temporary construction compound area lie within the Swords Pavilions operational area and the Pavilions Development Lands. As previously mentioned, they are subject of an extant permission for a seasonal event space, which provides active use and a revenue stream from the site at key holiday periods not currently. Furthermore, their use for Metrolink construction activities during Swords Pavilions trading hours, will conflict with and negatively impact customer (pedestrian, cycle and vehicular) and deliveries access to Swords Pavilions shopping centre via the R132 and R106 for at least the 5 year Metrolink construction period for Swords Central. This is critical to the continued successful operation of Swords pavilions

It further ignores the significant and immediate development potential of these lands. Planning precedent for significant mixed use development, including residential use, was established under F08A/1057 (ABP-PL06F.232710) and has only relatively recently withered. The land remains appropriately zoned for Major Town Centre uses and its redevelopment is anticipated in Fingal County Council's Draft Sustainable Swords Strategy.

The **permanent acquisition** of land at Pavilions (c.11,122 sq m⁵) is then identified as supporting the MetroLink alignment along the R132 and to facilitate the demolition of the 120m footbridge. There is other reference to permanent acquisition facilitating maintenance of cut and cover infrastructure, including at Malahide Road Roundabout, but where the land use may have potential to be reinstated following construction, subject to agreement with the land owner.

It is stated that the areas subject of permanent acquisition, at Pavilions (ML1N-T4*, ML1N-A6, ML1N-A18, ML1N-A19, ML1N-A21 refer), are generally identified as including:

"Green urban areas to north and south of R132 Malahide Road Roundabout. Land supports base to footbridge structure across R132."

The baseline rating for these lands is categorised as *"medium"*, with capacity to accommodate moderate change (e.g. retail services, leisure facilities, etc). The impact magnitude is assessed as *"high"*, where the current use of the property cannot continue or must be demolished. The significance of the effect is then assessed as *"very significant"* (e.g. demolition of footbridge, loss of green recreational areas, etc).

Further areas subject of permanent acquisition, at Pavilions (ML1N-T5*, ML1N-T7*, ML1N-T8*, ML1P-T4*, ML1P-T5*, ML1N-A22, ML1N-A23 refer), are generally identified as including:

"Green open space and brownfield land to south west and south of R132/R106 Malahide Road Roundabout."

And (ML1N-A15, ML1N-A20, ML1N-A24 refer):

"Open vegetated land adjacent to south west of R132 roundabout"

The baseline rating for these lands is also categorised as *"medium"*, with capacity to accommodate moderate change (e.g. retail services, leisure facilities, etc). The impact magnitude is, however, assessed as *"medium"*, where the current use of the property can continue during and after acquisition. The significance of the effect is then assessed as *"moderate"*.

⁵ Mapping anomaly. Of this quantum, the 'Railway Works Metrolink – Property Details' Malahide Road Roundabout Plan No. ML-P 301 N-P and Swords Central Plan No. ML-P 301 P-Q shade some of these folios in blue as 'proposed temporary site' (amounting to c.9,112 sq m), which are otherwise described as being for permanent acquisition in the 'Land Take' tables in Chapter 21 of the EIAR.

The lands subject of proposed permanent acquisition accommodate existing footpaths, the pedestrian footbridge over the R132 and the Pavilions lands. The loss of these facilities at an early stage of the Metrolink Construction Programme conflicts with and negatively impacts customer access to Swords Pavilions via the R132 and R106, for at least the 5 year Metrolink construction period for Swords Central Station. The impact is reasonably identified as “very significant”, but this must also identify the impact on Swords Pavilions.

While Condition 5 of the recently withered Pavilions Phase 3 permission required a 10m setback from the western edge of the R132, the Metro North proposal is now replaced with Metrolink Swords Central Station and track alignment located to the east of the R132. On this basis it is not clear why the land aligned along the western edge of the R132 is proposed to be permanently acquired and sterilised for use by the Pavilions land owners.

The permanent acquisition of the lands then similarly takes no account of the aforementioned development potential of the Pavilions Development Lands. It is submitted that the sensitivity rating of the lands is misrepresented, in terms of its failure to address the Pavilions Development Lands mixed use retail, commercial and **residential** development potential, which exists under the life of the current and next Fingal County Development. The rating and impact assessment should be ‘very sensitive’ in recognition of their residential development potential and the long term sterilisation of the lands. The permanent acquisition and sterilisation of the Pavilions lands is unacceptable to our Client.

In summary, the lands identified for temporary and permanent acquisition by TII to facilitate Metrolink conflict with the existing operations and emerging masterplan design for Pavilions future expansion and development at this location. It is submitted that the sensitivity of the lands to be acquired is misrepresented in the Metrolink EIAR. The removal or severe disruption of an existing active commercial use and the sterilisation of the lands for future redevelopment, pending the commencement and completion of the construction of Metrolink Swords Central station and associated R132 works, is unacceptable to our clients who would **seek to have the ‘temporary’ construction compound and permanent acquisition of its lands removed from the Metrolink CPO.**

Folio ID	Land Take ID	Quatum (sq m)	Land Take Plan No.	Land Take Description	Impact Description	Baseline Rating	Impact Magnitude	Significance of Effect
DN1452 49F	ML1N-T3	961	ML-P 301 N-P	Brownfield land (vegetated) west of R132 in front of The Pavilion's Shopping Centre.	Temporary acquisition of land to support construction of the alignment along the R132 and Swords Central Station	Very Low	Medium	Slight
DN1996 8F	ML1N-T9	172	ML-P 301 N-P	Brownfield land (vegetated) west of R132 in front of The Pavilion's Shopping Centre.	Temporary acquisition of land to support construction of the alignment along the R132 and Swords Central Station.	Very Low	Medium	Slight
DN1996 8F	ML1N-T10	91	ML-P 301 N-P	Brownfield land (vegetated) west of R132 in front of The Pavilion's Shopping Centre.	Temporary acquisition of land to support construction of the alignment along the R132 and Swords Central Station.	Very Low	Medium	Slight
DN1851 30F	ML1N-T11	390	ML-P 301 N-P	Brownfield land (vegetated) west of R132 in front of The Pavilion's Shopping Centre.	Temporary acquisition of land to support construction of the alignment along the R132 and Swords Central Station.	Very Low	Medium	Slight
DN1996 8F	ML1P-T2	61	ML-P 301 P-Q	Brownfield land (vegetated) west of R132 in front of The Pavilion's Shopping Centre.	Temporary acquisition of land to support construction of the alignment along the R132 and Swords Central Station.	Very Low	Medium	Slight
DN1996 8F	ML1P-T3	62	ML-P 301 P-Q	Brownfield land (vegetated) west of R132 in front of The Pavilion's Shopping Centre.	Temporary acquisition of land to support construction of the alignment along the R132 and Swords Central Station.	Very Low	Medium	Slight
DN1851 30F	ML1P-T7	2954	ML-P 301 P-Q	Brownfield land (vegetated) west of R132 in front of The Pavilion's Shopping Centre.	Temporary acquisition of land to support construction of the alignment along the R132 and Swords Central Station.	Very Low	Medium	Slight
DN9531 5F	ML1P-T8	218	ML-P 301 P-Q	Brownfield land (vegetated) west of R132 in front of The Pavilion's Shopping Centre.	Temporary acquisition of land to support construction of the alignment along the R132 and Swords Central Station.	Very Low	Medium	Slight
		4909						

Table 1: Temporary Land Take at Pavilions Lands (Source: EIAR Ch 21 Land Take).

Folio ID	Land Take ID	Quantum (sq m)	Land Take Plan No.	Land Take Description	Impact Description	Baseline Rating	Impact Magnitude	Significance of Effect
DN434 38F	ML1N-T4*		ML-P 301 N-P	Green urban areas to north and south of R132 Malahide Road Roundabout. Land supports base to footbridge structure across the R132.	Permanent* acquisition of land adjacent to the R132 to support the MetroLink alignment. Demolition of 120m footbridge across the R132.	Medium	High	Very Significant
DN434 38F	ML1N-A6		ML-P 301 N-P	Green urban areas to north and south of R132 Malahide Road Roundabout. Land supports base to footbridge structure across the R132.	Permanent acquisition of land adjacent to the R132 to support the MetroLink alignment. Demolition of 120m footbridge across the R132.	Medium	High	Very Significant
DN434 38F	ML1N-A18		ML-P 301 N-P	Green urban areas to north and south of R132 Malahide Road Roundabout. Land supports base to footbridge structure across the R132.	Permanent acquisition of land adjacent to the R132 to support the MetroLink alignment. Demolition of 120m footbridge across the R132.	Medium	High	Very Significant
DN434 38F	ML1N-A19		ML-P 301 N-P	Green urban areas to north and south of R132 Malahide Road Roundabout. Land supports base to footbridge structure across the R132.	Permanent acquisition of land adjacent to the R132 to support the MetroLink alignment. Demolition of 120m footbridge across the R132.	Medium	High	Very Significant
DN434 38F	ML1N-A21		ML-P 301 N-P	Green urban areas to north and south of R132 Malahide Road Roundabout. Land supports base to footbridge structure across the R132.	Permanent acquisition of land adjacent to the R132 to support the MetroLink alignment. Demolition of 120m footbridge across the R132.	Medium	High	Very Significant

DN3161 8F	ML1N-A15	1,287	ML-P 301 N-P	Open vegetated land adjacent to south west of R132 roundabout.	Permanent acquisition of land to support construction of the alignment along the R132.	Medium	Medium	Moderate
DN3161 8F	ML1N-A20	155	ML-P 301 N-P	Open vegetated land adjacent to south west of R132 roundabout.	Permanent acquisition of land to support construction of the alignment along the R132.	Medium	Medium	Moderate
	ML1N-A22	67	ML-P 301 N-P	Green open space and brownfield land to south west and south of R132/ R106 Malahide Road roundabout.	Permanent acquisition of land to support the construction of the alignment running alongside the R132.	Medium	Medium	Moderate
	ML1N-A23	18	ML-P 301 N-P	Green open space and brownfield land to south west and south of R132/ R106 Malahide Road roundabout.	Permanent acquisition of land to support the construction of the alignment running alongside the R132.	Medium	Medium	Moderate
DN3161 8F	ML1N-A24	483	ML-P 301 N-P	Open vegetated land adjacent to south west of R132 roundabout.	Permanent acquisition of land to support construction of the alignment along the R132.	Medium	Medium	Moderate
	ML1N-T5*	480	ML-P 301 N-P	Green open space and brownfield land to south west and south of R132/ R106 Malahide Road roundabout.	Permanent* acquisition of land to support the construction of the alignment running alongside the R132.	Medium	Medium	Moderate
	ML1N-T7*	6949	ML-P 301 N-P	Green open space and brownfield land to south west and south of R132/ R106 Malahide Road roundabout.	Permanent* acquisition of land to support the construction of the alignment running alongside the R132.	Medium	Medium	Moderate
	ML1N-T8*		ML-P 301 N-P	Green open space and brownfield land to south west and south of R132/ R106 Malahide Road roundabout.	Permanent* acquisition of land to support the construction of the alignment running alongside the R132.	Medium	Medium	Moderate
	ML1P-T4*		ML-P 301 P-Q	Green open space and brownfield land to south west and south of R132/ R106 Malahide Road roundabout.	Permanent* acquisition of land to support construction of the alignment along the R132.	Medium	Medium	Moderate
	ML1P-T5*	1683	ML-P 301 P-Q	Green open space and brownfield land to south west and south of R132/ R106 Malahide Road roundabout.	Permanent* acquisition of land to support construction of the alignment along the R132.	Medium	Medium	Moderate
		11122						

* Identified in blue as 'proposed temporary site' on property plans ML-P 301 N-P and P-Q

Table 2: Permanent Land Take at Pavilions Lands (Source: EIAR Ch 21 Land Take).

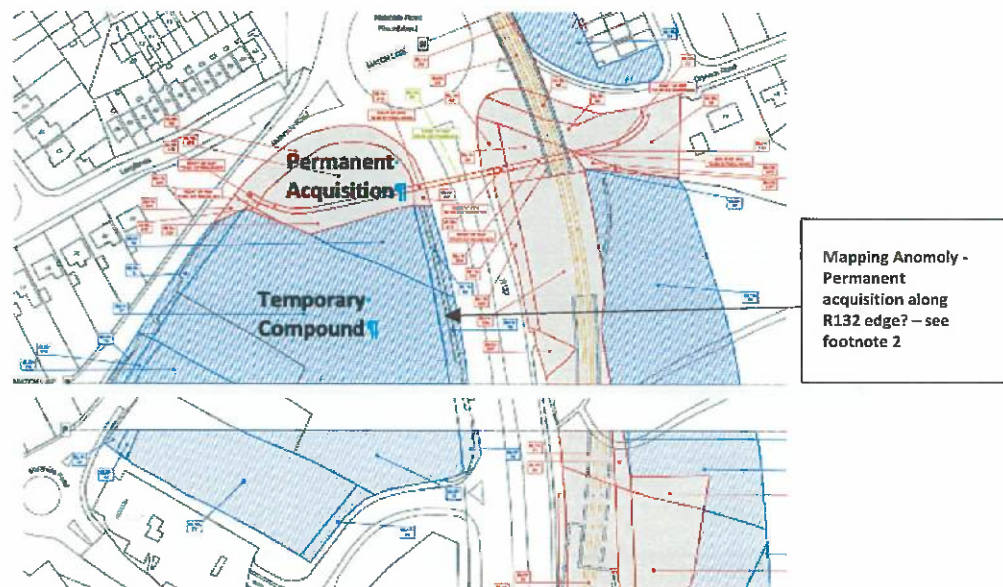


Figure 8: Proposed Permanent (grey shading) and Temporary (blue shading) Land Take at Pavilions Lands. However mapping anomaly fails to show that alignment along R132 western edge to be permanently acquired (see Table 2 above).



Figure 9: Undersood Permanent (red shading) and Temporary (blue shading) Land Take at Pavilions Lands. Source: Google Maps with SLA overlay

7.3 Commencement and Construction Duration of Swords Central Station and Metrolink R132 Alignment

Section 1.1.1 – Construction Phase Overview of the MetroLink Planning Report states that the construction of the entirety of the proposed project will take place over 9 to 10 years. Details of the MetroLink Construction Phase are presented in Chapter 5 of the Planning Report submitted to the Board. The main elements are summarised in Figure 10 below.

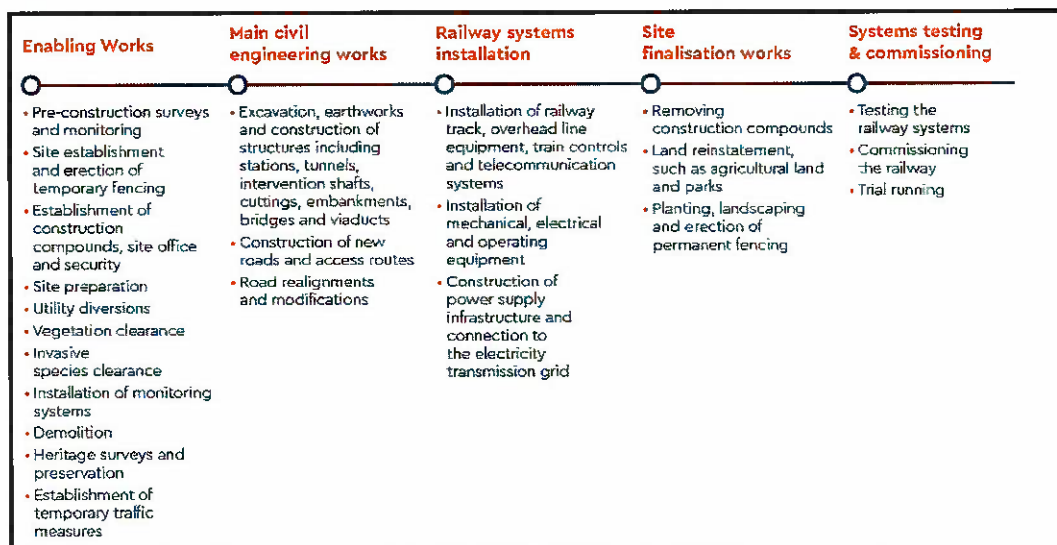


Figure 10: Proposed Construction Phase Activities

The principle construction elements in the vicinity of the Pavilions lands, at Malahide Road Roundabout and along the R132 corridor, are understood to include:

- Site Enabling Works (site clearance, demolition of R132 pedestrian overbridge and establishing temporary utilities)
- Site compounds (including a temporary construction compound at Pavilions Lands)
- Construction of retained cut for Swords Central Station
- Construction of cut and cover box at Malahide Road Roundabout
- Traffic management, including footpath, cycle lane, bus lane, cycle lane and traffic lane restrictions and diversions during enabling and main civil works (see Chapter 9 'Traffic and Transport', EIAR)

While it is stated that the FCC's R132 Connectivity Project and TII's MetroLink project can proceed independently of each other, the assumption of TII is that MetroLink will progress after the R132 Connectivity Project works promoted by Fingal County Council. As the R132 works shown on the MetroLink plans broadly reflect those permitted under the R132 Connectivity Project (with the exception of the omission of the dedicated northbound left turn lane to access Pavilions and the inclusion of a pedestrian and cycle toucan crossing immediate south of the Pavilions access), it is assumed that these works will be undertaken by whichever authority commences its project first.

The construction works for **Swords Central Station** area (from Malahide Road junction to Pinnock Hill junction) are projected to take up to 5 years to complete. However, the commencement and completion dates are not clarified for this section of MetroLink.

The standard construction of Swords Central MetroLink station will be **7am to 7pm (Mon-Fri)** and **7am to 1pm Saturday**. Activities at the temporary construction compound, such as at Pavilions, are identified as being restricted to these standard hours. It is noted that these hours are broadly commensurate with the peak operational hours of Swords Pavilions. It is not clear how construction access and activities within the compound will impact the operation of Pavilions R132 access road, car parking and service areas, or the R106 Malahide Road, so as not to inconvenience customer access and egress from the R132 and/or the R106 Malahide Road. Hindrance to either of the existing Swords Pavilions entrances is unacceptable to our Client, as it would have a significant adverse impact on the success and viability of Swords Pavilions as a going concern and area of future development potential.

Furthermore, exceptional construction works outside these hours may include tunnel boring, rock excavation for tunnelling, large concrete pours, dewatering, track laying, M&E fit out, special (abnormal) deliveries, some utilities and roadworks, subject to agreement. It is likely that these construction activities will rely on construction access, to the Swords Central Station main compound, via the R132 and R106. It is not clear how this will impact traffic movement on the R132 and R106 in

the evenings and weekends, when Pavilions retail and leisure facilities (e.g. cinema and food offerings) are also in operation.

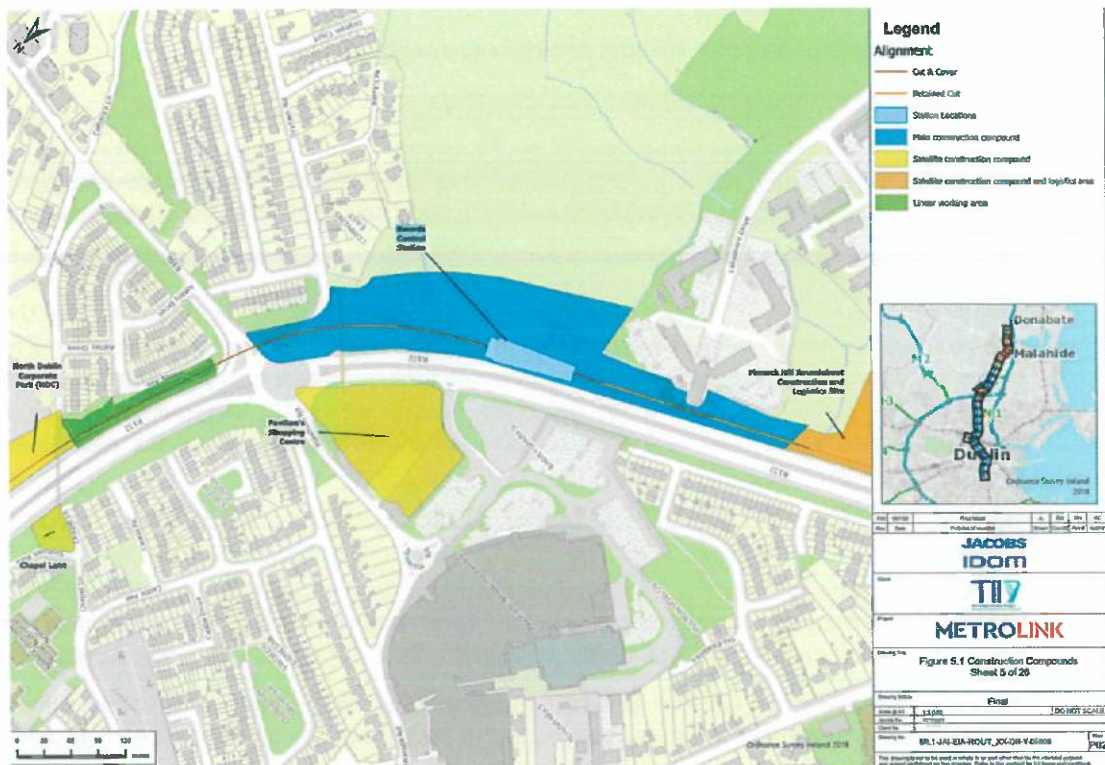


Figure 11: Satellite Construction Compound at Pavilions Lands

7.4 Development Potential at Pavilions Development Lands

The population of Swords town is envisaged to grow from 40,000 to 100,000 with the arrival of Metro, in accordance with the long term non-statutory development strategy 'Your Swords An Emerging City Strategic Vision 2035', which is recognised under the current Fingal County Development Plan 2017-2023.

The Pavilions Development Land has potential for significant mixed use town centre development, to include retail and retail service uses, commercial office, hotel and residential use, as a vibrant and active part of Swords town centre. High density **residential development** will be an important component of the mix of uses in future redevelopment plans for these lands.

It may be noted that the Client met with Fingal County Council in May 2019, to discuss a Pavilions masterplan proposal for significant mixed use development at the Pavilions Development Land. This level of density would not be unusual for lands at major urban settlements and town centres, integrated with significant multi-modal transport infrastructure such as BusConnects and Metro. We refer to Sections 3.4 and 5.0 of this submission, which identify the strategic and local policy context in support of such development at the submission lands.

Hammerson can confirm that considerable resources and expenditure have been spent to date in preparation for the delivery of a residential scheme on the specific site which is the subject of the Metrolink CPO. The timeline from project commencement to delivery of residential accommodation is on average 3 to 7 years, meaning that new homes could be made available for occupancy at the Pavilions lands by 2026, within the life of the Fingal County Development Plan 2023-2029.

Hammerson has already completed key milestones in delivering the residential-led mixed-use Swords Pavilions expansion masterplan to date, including:

- Appointment of architects and high level design of a scheme completed
- Appointment of planning consultants and site density assessment estimates completed
- Appointment of lawyers and legal due diligence of the site completed
- Appointment of property advisors and initial appraisals completed
- Engagement with potential joint venture partners

Hammerson is actively pursuing the feasibility of a new masterplan scheme comprising **786 residential units** (c.2,146 residents) and car parking amendments coupled with commercial development, both on and ancillary to the Pavilions CPO lands. Its architects have prepared a high level detailed scheme, which can provide for up to 786 homes, offering a diverse mix of 1, 2 and 3 bed dwellings, at the wider Pavillions site. Assuming an average household size of 2.73⁶, this could house 2,146 persons. It is paramount that no part of the submission lands should be sterilized, in order to ensure that these much needed homes could be delivered in the short to medium term (estimated delivery within 3 to 7 years, for potential occupancy by 2026). However, given the time it will take to approve the Metrolink Railway Order and CPO, contract, commence and complete the works, the development potential of the Pavilions Development Lands will likely be sterilised for at least the life of the next Fingal County Development Plan.

The entirety of our Client's lands proposed to be acquisitioned by Metrolink are required by Hammerson to make its planned development scheme viable. It would not be plausible to relocate, reduce or limit the number of residential units planned as part of this scheme, as this would jeopardise the viability of the entire mixed use town centre masterplan. The lands to be acquisitioned must be the first phase of any residential development component for a number of legal and operational reasons.

We would query why the Pavilions lands are subject of CPO for Metrolink construction, rather than the undeveloped greenfield lands at Barrysparks to the east of the R132, or to the north at Lissenhall. We request that the CPO is removed from the Pavilions Development Lands.

7.5 Access, Permeability and Connectivity

7.5.1 Construction Stage

In Chapter 11 'Population and Land Use' of the EIAR, it is identified that there is potential for "*negative, moderate, short term*" impact arising for Pavilions Shopping Centre during Metrolink construction phase, due to potential for severance, disruption and environmental impacts, resulting in reduced footfall and/or spending. Mitigation measures are identified as including:

- Temporary, alternative access arrangements / diversions and signage to facilitate continued access to homes and businesses.
- Advance notice in advance of construction and any major planned disruptions to services or localised traffic management, in particular those within 250m of the construction works.
- Full implementation of Ch13 (Airborne Noise & Vibration), Ch 14 (Groundborne Noise & Vibration) and Ch 16 (Air Quality) mitigation measures.

The residual impact is then identified as "*negative, slight, short term*". There is however little to no discussion of how Pavilions Operational Centre specifically, particularly access to same, will be impacted for the significant duration of the construction period of Metrolink Swords Central Station and R132 route alignment.

It is noted that the R132 footbridge is proposed to be demolished and it is assumed this will be included with the early stage Site Enabling Works demolition noted in Figure 10 above. At present, a 120m

⁶ Source: Draft Fingal County Development Plan 2023-2029

footbridge over the R132 ensures that pedestrians travelling from east of the R132 can cross the road safely, while also avoiding an impact on R132 / Malahide Road Roundabout vehicular traffic flow.

Under the R132 Connectivity Project, Fingal County Council is to replace this footbridge with controlled crossing points at the Malahide Road junction. However, if the R132 Connectivity Project is not complete before the commencement of the Metrolink Swords Central station works, the demolition of the footbridge at early construction stage is likely to give rise to severance for pedestrians and cyclists and adversely affect trading at the Pavilions Shopping Centre during at least the 5 year construction period.

We would highlight our Client's concern regarding the likely adverse impact of a significant quantum of heavy construction vehicles entering the R132/R106 junction, on major east-west pedestrian route along the R106, in addition to impacting significantly on Swords Pavilions vehicular traffic and giving rise to potential environmental nuisance factors (noise, dust, health and safety, etc.).

For Swords Pavilions Shopping Centre, a key metric will also be to ensure the total number of vehicle kilometres travelled on the local road network do not unreasonably increase, arising from road closures and diversions during construction stage. It seems clear that there will need to be road or lane closures along the R132 and at Malahide Roundabout to facilitate construction, and it is of significant concern to our Client that the impact of this on Pavilions operating centre is made fully transparent. Ongoing and detailed consultation on traffic management will be critical for Pavilions operations during the construction phase.

7.5.2 Operational Stage

EIAR Chapter 11 'Population and Landuse' states that proposed MetroLink will not create new severance at local level during operation. Metrolink is considered to have a positive long term impact on connectivity and sustainable transportation, land use (including economy/retail/major town centre development) and population.

Swords Pavilions offers an environment which supports a multi-shopping and leisure experience. The typical customer arrives to shop/browse in more than one retail unit. Customer movement through the Centre generates ancillary spend for the other retailers at Swords Pavilions. The successful operation of Swords Pavilions relies fundamentally upon the ease of access to and availability of car parking to support increased customer 'dwell time' (i.e. period of time to browse and shop) and an easy way to transport multiple or heavy goods home (particularly food shopping). A decrease in dwell time due to inconvenient or convoluted access to customer car parking would significantly adversely impact the operation of Swords Pavilions, as customers will seek a more favourable alternative shopping destination.

Swords Pavilions currently provides approximately 2,000 car parking spaces with associated circulation facilities. 1,696no. existing car parking spaces are used for the daily operation of Swords Pavilions. A further 300no. spaces provide an overflow facility for peak shopping periods. It is essential that this total quantum of 2,000 spaces is maintained, in order to protect the operational requirements of Swords Pavilions and its current customer shopping experience.

It is noted that the Draft Sustainable Swords Strategy recognises '*that the Pavilions Shopping Centre would remain a dominant trip attractor within the Core Study Area, and that even with the Strategy proposals in place, trips by car would still remain quite high*',

It is imperative to the ongoing success of Pavilions, as a recognisable and accessible destination within Swords town centre and the wider catchment area, that its existing physical access by customer and service vehicles, as well as by pedestrians, bicycles and public transport, be maintained and protected.

It is noted that the dedicated left turn lane to this junction (provided in the R132 Connectivity Project) has been removed, necessitating difficult vehicular movement across a bus lane, cycle lane and the toucan pedestrian crossing to access the junction. The reduced vehicular lanes and potential for conflicting movement across the carriageway to access the R132 junction is likely to result in traffic

safety and congestion issues arising at Metrolink operational stage. We would submit that the dedicated left turn lane into Pavilions should be reinstated, to reduce potential for traffic conflict.

It is also critical that the project design ensures the safest passageway for pedestrians and cyclists to cross the R132 to and from Swords Central Station. We note that the proposed toucan crossing is a Metrolink proposal and was not included in the R132 Connectivity Project. Its current position in the Metrolink drawings makes little sense, on the basis that there is currently no direct pedestrian link to the Pavilions shopping centre from the R132 access road. Pedestrians and cyclists would therefore be better directed towards the approved new pedestrian and cycle crossing facilities at the Malahide Road junction (see R132 Connectivity Project), approximately 170m to the north.

Failing that, and in the interests of greater pedestrian and cyclist safety, future connectivity and improved free flow of left turning vehicles into Pavilions, we would submit that an alternative preferred solution would be to reintroduce a pedestrian / cycle bridge over the R132 connecting the Barrysparks and Pavilions lands.

7.6 Transportation Assessment

It is of note that Swords Pavilions only get 15 mentions in the Metrolink transportation assessment. Of this it receives only 5 specific mentions as a notable location and only 1 mention linked to the R132 slip road.

Understandably great focus is directed to prioritising pedestrians and cyclist movement. However, failure to address Pavilions reliance and need to accommodate into the future its car borne customers is a significant omission from the assessment.

In this respect we would highlight the following:

- Page 81: Malahide roundabout junction - Swords Pavilions not identified as a key design consideration for traffic generation.
- Page 86: R132 Corridor interventions – Existing R132 slip road not identified, notwithstanding this is a key access point for Pavilions. This demonstrates a lack of understanding that 80% of Pavilions customer arrive by car and are key to sustaining successful business operations, which in turn is significant to the success of Swords town centre.
- Page 114: It is stated that by 2030 Metrolink will reduce traffic by 4 to 5% (2,750 cars) and by 2045 between 1 and 3%. However, Pavilions currently handles approx. 53,000 cars per week. Even assuming a 60:40 ratio split between Malahide Road and the R132 slip road, this appears to totally disregard Pavilions operational car levels and how the customers access the site. On this basis, the Metrolink reference to annual average daily traffic is questionable, including only 13,212 cars using the Malahide Road to access Pavilions. Rather, as previously noted in this submission, average daily traffic into the centre in 2019 was 7,842 vehicles, who would then also exit the centre (representing 1% increase on 2018 average day).
- Page 117: Charts are wrongly labelled and therefore misleading. When labelled correctly the charts would identify that traffic will be up by 13% in 2030 DS+M and up 13% in 2045 on 2018 levels
- Page 119: Point 5.4.18 states that there will be more pressure on East to West traffic movement on the Malahide Road. This will negatively impact Pavilions operations due to lanes being taken away and the facility to supplement traffic flow via the R132 slip road being eroded due to the designs of R132 and Metro around pedestrian movement and carriageway redesigns.
- Page 136: Positive gains for pedestrian of 5 mins into the centre walking time identified. However, there is no walking time gains as seen on Page 137 from the Swords Central Metro stop. What is referenced is the walking time gains from the Seatown stop. However, there is very little walking traffic currently from the Seatown area, as its mainly all industrial sites. The reasoning appears flawed.

- Page 174: It is stated that no cars turn left at Malahide Road Roundabout to head down the Malahide Road to access Pavilions. It should be evident that this is because they have used the R132 slip road to enter the centre. All left turning traffic at the roundabout is then limited to trips to Swords Main Street or Dublin Road. This again highlights the importance of maintaining the performance of the R132 slip road in the smooth running of local transportation links.
- Page 204: Conclusions: Whereas Sustainable Swords recognises realistically that car trips to Pavilions will remain high notwithstanding the implementation of alternative transport strategy measures, the simplistic, inaccurate and misplaced assumption of the Metrolink transportation assessment is that access to Pavilions will be pedestrian / cyclist driven in the future not cars. Also, while the benefits to the area for both residents and new development is highlighted, there is no mention of the significant current or future Pavilions operations that sustain Swords and its hinterland and which are put at risk by failure to acknowledge the transportation needs of Pavilions.

7.7 Cumulative Development

None of the Pavilions Shopping Centre operations, R132 access road and event space permissions, or the 'Pavilions Development Lands' development potential is mentioned in the cumulative impacts chapter of the EIAR (Ch.30).

Pavilions is a significant commercial operation as it stands. It has planning precedent and planned development potential for significant future mixed use development potential, consistent with the land use zoning and R132 urban edge enhancement objectives of Fingal County Council. It should also be noted that the temporary permission for the Pavilions R132 left-in left-out access is a live planning permission.

We consider the failure to acknowledge and consider the existing and potential development at Pavilions in EIAR Chapter 30 'Cumulative Development' to be an oversight that should be addressed.

8 CONCLUSION

Hammerson ICAV and Swords Pavilions, as a significant stakeholder in Swords Town Centre, wish to continue to work with TII, Fingal County Council and relevant transport providers to advance the delivery of key public transport and public realm enhancement projects, including Sustainable Swords, Fingal South Transport Study (FSTS), R132 Connectivity Project, Metrolink, BusConnects, DART and LUAS expansion.

The ambition to grow Swords to a city of 100,000 people relies heavily on the continued success of Pavilions as a significant contributor to the Fingal economy, the economic corridor and employment generation. Protecting the existing successful operations at Pavilions and unlocking its strategic development potential is critical to realising this ambition.

For 'major town centre' land, in Swords 'Key Town', that will be immediately adjacent to significant construction and operational works related with Metrolink, and where direct land take and traffic impacts are inevitable, it is very concerning to our Client that Swords Pavilions and Pavilions Development Lands receive no direct consideration in respect of the magnitude and duration of effect of the project on its existing operations and future development potential. The project shows no appreciation of the current and future success of Swords Pavilions within its community, or its strategic role as a driver of Swords town and hinterland economy and employment.

The principal areas of concern for Pavilions operational centre arising from the proposed Metrolink project primarily include:

- Temporary and Permanent land take.

- Duration of construction stage and severance to Pavilions Shopping Centre.
- Traffic Management and Access during construction and operational stages.
- Impact on future significant development potential, including prevention of delivery of 786 homes (for c.2,146 residents) within the next 3 to 7 years.

It is evident from the review of the current planning context that the Swords Pavilions plays a critical role in the realisation of Fingal County Council's aspirations for Swords and its wider catchment aspirations for Swords. These aspirations align with the current stated objectives at the Regional level, where Swords is identified as a Key Town in the Metropolitan Area. This is not reflected in consideration of the significance of the Metrolink project impact on successful operations of Pavilions Shopping Centre, in particular in respect of land take, construction, access, development potential and cumulative development.

It is clear that the impact of the proposed CPO on Swords Pavilions and the Pavilions Development Lands, in terms of both the location of the proposed Metrolink construction compounds and their intended use (construction compounds accommodating substantial volumes of heavy construction and goods vehicles), has not been properly assessed or thought through.

The proposed CPO for both temporary and permanent land acquisition will most certainly severely, adversely impact the existing vehicular operations of Swords Pavilions Shopping Centre, which is estimated to accommodate c. 2.85M customer vehicles per annum (c. 7,800 per day entering and exiting the car park areas / 15,600 vehicle journeys via the R132 and Malahide Road). While the future development of Pavilions can also facilitate the enhancement of pedestrian and cycle connectivity, where possible, its existing and future development will continue to rely heavily on vehicular access for car borne customers via the R132 left-in left-out road and the Malahide Road, for its existing and future operational success and development.

Swords Pavilions attracts c. 12M customers per annum. The proposed use of the Pavilions lands for the purpose of a construction compound and construction traffic management will inevitably have an adverse impact on customers, footflow and trade, impacting the overall viability of the Shopping Centre which is a significant employment hub. It is likely to raise construction nuisance effects, including noise, dust and health and safety concerns for customers, who may be put off visiting Pavilions and with a consequent adverse impact on trade and viability over the estimated 5 year construction period for Metrolink Swords Central Station.

Part of the attraction of Pavilions is that it is highly accessible locally by car, bus, foot and bicycle, and in the future by BusConnects and Metrolink. Pavilions is therefore ideally located for further compact consolidation of town centre development. Hammerson can confirm that considerable resources and expenditure have been spent to date in preparation for the delivery of a mixed use town masterplan with critical residential component (c.786 new dwellings, which assuming an average household size of 2.73⁷ could house 2,146 persons) on the specific site which is the subject of the Metrolink CPO. The timeline from Pavilions project commencement to delivery of residential accommodation on site is on average 3 to 7 years, or by approximately 2026. However, pending the completion of Railway Order and CPO approval, contract and construction stages, the Metrolink CPO would sterilise the land for the period of at least the next Fingal County Development Plan, thus jeopardising the Pavilions potential to deliver urgently needed houses to Swords.

It may also result in the permanent acquisition and sterilisation of lands at the north and eastern edges of the Pavilions Development Lands. These are all lands that are essential to properly construct and phase the overall Pavilions masterplan development. The viability of the planned development would be jeopardised by any restriction on the number of residential units planned, or where the 'buildability' of the scheme is hindered by the Metrolink CPO. It is not clear why the Pavilions lands to the west of the R132 are required to accommodate the construction of the proposed Metrolink project at

⁷ Source: Draft Fingal County Development Plan 2023-2029

greenfield undeveloped lands to the east of the R132. We therefore ask that the CPO of the Pavilions Development Lands be refused by An Bord Pleanála.

It is critical that Metrolink should continue to support the role and function of the Swords Pavilions, and its future development ambitions, as part of the Major Town Centre of Swords, in its recognition that:

- Of critical importance to its continued significant contribution to the growth of the local economy, employment and retail services provision, and its significant contribution to local rates at circa €2.2m, that Swords Pavilions must remain fully accessible by car, with uninterrupted access to its car parks, and no disruption or inconvenience to its customers, tenants and service vehicles. Otherwise this will critically damage a very successful business and major employer in Fingal.
- Access to Swords Pavilions is primarily via the R132 and Malahide Road, on which the main vehicular and pedestrian access points to the Centre are currently located, both of which are critical to the 11m customers and 2.85M vehicles that currently enjoy visits to the centre.
- Pavilions is ideally located for further compact consolidation of town centre development, including critically needed residential development, being well served along the R132 and Malahide Road, by car, existing bus services and pedestrian facilities.
- The long term sterilisation of its land pending the commencement or completion of the construction of Metrolink, or due to poor road design, is not acceptable to Pavilions Co-Ownership.

It is with grave concern that our client welcomes the opportunity to make this submission. Hammerson and Swords Pavilions, as a key stakeholder, would welcome the opportunity to continue to consult with TII to ensure that the development plans for the Pavilions lands, the existing and future operational success of Swords Pavilions shopping centre and the retention of safe and efficient access to the Centre for its customers, employees and the wider community are realised, in harmony with Metrolink.

We would be grateful for a written acknowledgement of this submission in due course.

STEPHEN LITTLE & ASSOCIATES

