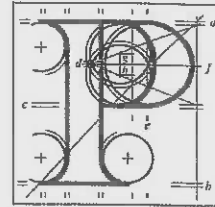


ur Case Number: ABP-314724-22

Your Reference: Smyths Toys Superstores



An  
Bord  
Pleanála

RW Nowlan & Associates  
37, Lower Baggot Street  
Dublin 2

Date Paid 12/12/2022  
Voucher No. 1070127  
Cheque No. 40059

Date: 12 DEC 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 (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 cheque refund of €50 is enclosed.

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](http://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

RA05

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Dublin 1  
D01 V902

Project No.

92.01/2022



**AN BORD PLEANÁLA**  
LDG- 059552 - 22  
ABP- \_\_\_\_\_  
25 NOV 2022  
Fee: € 50 Type: caud  
Time: 14.11 By: ford

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## SUBMISSION ON PROPOSED RAILWAY (METROLINK - ESTUARY TO CHARLEMONT VIA DUBLIN AIRPORT) ORDER (2022)

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DATE: NOVEMBER 2022

On behalf of: Smyths Toys Superstores Unit 1,  
Airside Retail Park, Swords, Co Dublin.

RW Nowlan & Associates | 37, Lower Baggot Street, Dublin 2 | Company Reg. 565476 Managing Director  
Robert Nowlan | Tel: 01-8733627 | robert@rwnowlan.ie

## **TABLE OF CONTENTS**

### **EXECUTIVE SUMMARY**

#### **1.0 Introduction**

#### **2.0. Site Description**

#### **3.0 Fingal County Population**

#### **4.0 Development Plan Policy**

#### **5.0 Fostertown Master Plan**

#### **6.0 Fostertown Station Materially Contravenes the Development Plan**

#### **7.0 Location of the Fostertown Station Inconsistent with Development Plan**

#### **8.0 Lack of Alternative Location for the Retail Store**

#### **9.0 Conclusions**

### **Figures**

#### **1.0 Smyths Toys Superstores Location - Airside Retail Park**

#### **2.0 Smyths Toys Superstores in Dublin Locations**

## Executive Summary

This report addresses the implications of the proposed construction of a light railway line and station on the existing Smyths Toys Superstores in Swords. Under the proposed Railway Order the existing store would need to be demolished. The implications of the loss of this store to the area would be significant given the expected population growth in the area. An alternative site for the existing store has not been identified in the planning report. While the proposed station also appears to materially contravene the zoning objective of the development plan, the report concludes that in the absence of identification of a suitable replacement site, the Railway Order should not be confirmed.

### 1.0 Introduction

1.1 This submission is made in response to the invitation by An Bord Pleanála to make submissions on the application by the National Roads Authority to construct a railway designated as a metro between Swords and Dublin City Centre. The submission is made on behalf of Smyths Toys Superstores, Unit 1 Airside Retail Park, Swords, Co Dublin to An Bord Pleanála, 64 Marlborough Street, Dublin 1 V902.

1.2 This submission relates specifically to a section of the route which affects the premises and site of Smyths Toys Superstore shopping premises located in the Airside Retail park in Swords. This section of the route is referred to in the planning report as: Fostertown Station.<sup>1</sup>

### 2.0 Site Description

2.1 Smyths Toys Superstores operate a retail outlet in the Airside Retail Park located on the eastern side of Swords town. The retail park has vehicular access at a number of locations from a link road that runs between the regional road R132 to the west and the R125 to the east. The premises of Smyths Toys Superstores are located on the western edge of the retail park and front onto the regional road R132. There is a landscaped grass verge with a large sign between the site of the retail store and the R132. There is also an electricity substation situated in this grass verge.

2.2 The existing Smyths Toys Superstores unit is ca. 2,600 sq m (28,000 sq ft) on the ground floor with a mezzanine floor of ca. 700 sq m (7,500 sq ft.). The store has a significant number of ca. 50 employees. This number can increase up to 90 employees at peak trading times. In addition to providing retail floorspace, the current premises also provide office accommodation for 8 office staff incl. head office staff.

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<sup>1</sup> *Metrolink Planning Report*, section 4.2.7, pp. 104-106.



**Figure 1.0 Smyths Toys Superstores Location- Airside Retail Park**

### 3.0 Fingal County Population

**3.1** The CSO's 2020 population estimate for the Dublin Region was 1,417,700 persons. Fingal County Council's share of the 2016 Census regional population figure for Dublin was approximately 22%. Assuming the same share for the CSO 2020 estimated regional population figure for Dublin, this gives an estimated population figure of 311,894 for Fingal County Council in April 2020. This indicates an estimated 5% rise in the population of Fingal over a four year period from 2016 through to 2020.

**3.2** As noted, the subject store is located with the Fingal Development County Development Area, it is stated that Fingal population stands 311,894 persons, with 87,140 persons under 19 years of age with 24,899 children of pre-school age (0 – 4 years old). A further 39,349 children (13.3% of the population), were of primary school age (5 – 12 years old) and a further 22,892 (7.7% of the population) were of secondary school age (13 – 18 years old). This essentially shows that 28% of the Fingal population would be children.

**3.3** In addition to the above, we would refer to table 2.2 RSES Population Projections contained in the Fingal Development Plan, which sets out indicative population figures up until 2031, the table shows a population growth in Fingal to 349,000. If we were to apply our 28% percentage, this would indicate that the youth population growth would increase to 97,720.



**3.4** It is therefore submitted that the population projections provided by the Fingal Development Plan specifically shows that the consumer growth within the region over the next approximate 10 years will be significant. It is therefore considered that the potential loss to Smyths Toys of the subject store would have major implications for servicing this strategic area. In addition, the loss and impact of the closing of the store today must also be mitigated into the future to take into account of the increasing youth population over the next 8 years.

**3.5** The potential loss of this store to the town would have particular impact given the significant population growth that is foreseen for the area especially of the young population.

#### **4.0 Development Plan Policy**

**4.1** The subject site is zoned RW (Retail Warehousing) in the Fingal Development Plan 2017-2023. The objective is: *... "To Provide for Retail Warehousing."* The route of the metro is shown on the development plan map to run along the R132 road but on the western side of the road, i.e. away from the subject site. There is an objective to preserve views along the western boundary of the subject site. There is also an Indicative Cycle/Pedestrian Route shown along the R132 regional road.<sup>2</sup>

**4.2** In the draft Development Plan 2023-2029, the zoning objective has remained the same, i.e. Retail Warehousing. However, there are subtle changes with regard to other objectives in the development plan. Unlike the current development plan, the indicative route for Metrolink is now shown along the eastern boundary of the regional road R132. While the objective to preserve views is still present, the objective to provide a Cycle/Pedestrian Route is removed. There is also a development objective indicating a metro stop immediately to the north of the subject site.<sup>3</sup>

**4.3** Under the Fingal County Retail Hierarchy, Swords is the highest level settlement in the county, i.e. level 2 directly below Dublin City Centre which is level 1. It is an objective of the (draft) Fingal County Development Plan that *... "new significant retail development be primarily directed to the higher Levels in the Fingal Retail Hierarchy and specifically to the core retail areas identified for these centres. Only in exceptional circumstances (where the Planning Authority is satisfied that there are no sites or potential sites available either within the core retail area or on-the-edge of the core, and that the proposed retail development is necessary to serve the needs of the area) will proposed retail developments that are located*

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<sup>2</sup> Fingal Development Plan 2017-2023, Sheet no. 8 – Swords.

<sup>3</sup> Draft Fingal Development Plan 2023-2029, Sheet no. 8 – Swords.

*outside of these centres and/ or the core retail areas of these centres be positively considered.”*<sup>4</sup> This means that any alternative site for the store to be demolished, must be located on the edge of the core retail area within the town of Swords as the core retail areas is not suitable for a store like Smyths Toys Superstores.

## **5.0 Fostertown Master Plan**

**5.1** The Fostertown (Draft) Master Plan applies to land to the west of the regional road R132, i.e. roughly opposite the subject site. The master plan shows a proposed ‘Fosterstown’ Metro Link station just north of the subject site. This is in the same location as shown on the draft development plan map.<sup>5</sup>

## **6.0 Fostertown Station Materially Contravenes the Development Plan**

**6.1** Under the proposed alignment design of the metro, a station (Fostertown Station) will be located where the existing Smyths Store Superstores is. The construction of the tracks and the station will require the demolition of the existing retail store building. The need to demolish the existing store is confirmed in the planning report: *...“Fosterstown Station will be located on the eastern side of the R132 Swords Bypass next to Airside Retail Park. The proposed location will require the demolition of a large retail unit at the west end of the Retail Park. As a result of the retail unit demolition, there will be requirement for the realignment of the internal road network within Airside Retail Park. The realigned internal road network will also be used to provide access to the station, associated drop-off, relocated Airside sub-stations, and relocated the R132 Swords Bypass is proposed from the station to Fosterstown Masterplan area. A new walkway is proposed*

**6.2** The zoning objective in the draft development plan (which will soon become the operative plan) is Retail Warehousing and the objective is: *...“To Provide for Retail Warehousing.”*<sup>6</sup> The zoning objective for Retail Warehousing does not facilitate the proposed use of a metro railway station. The planning report states the following in this regard: *...“Fosterstown Station lies within lands zoned as HT and RW in the Fingal FDP. Under these zoning objectives, ‘public transport station’ does not come within either ‘Permitted in Principle’ or ‘Not Permitted’ uses. The FDP notes that ‘Uses which are neither ‘Permitted in Principle’ nor ‘Not Permitted’ will be assessed in terms of their contribution towards the achievement of the Zoning*

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<sup>4</sup> Draft Fingal Development Plan 2023-2029, Objective EEO86, p. 278.

<sup>5</sup> Fostertown Draft Masterplan, Fingal County Council, March 2019, p. 2.

<sup>6</sup> Draft Fingal Development Plan 2023-2029, Sheet no. 8 – Swords.

*Objective and Vision and their compliance and consistency with the policies and objectives of the Development Plan.”<sup>7</sup>*

**6.3** It is difficult to see how the proposed metro station would contribute towards the objective to provide for retail warehousing. In fact, it does exactly the opposite: it would remove a large retail warehouse building from the retail warehouse park without suggesting an alternative location for this building.

**6.4** The proposed development therefore materially contravenes the development plan zoning objective.

## **7.0 Location of the Fostertown Station Inconsistent with Development Plan**

**7.1** Under the draft Development Plan 2023-2029 and the Fostertown (draft) Master Plan, the proposed Fostertown Station is located immediately north of the subject site and outside the retail warehousing zoned area. While the development objectives in both plans are indicative in terms of the precise location, the need to locate the station slightly further south from the locations shown in both plans, is not explained in the planning report.

**7.2** The proposed development is in a different location to that shown in the development plan objective. The proposed change from the location as shown in the Development Plan, is not explained.

## **8.0 Lack of Alternative Location for the Retail Store**

**8.1** The planning report refers to the need to locate the metro station at the proposed location: ...*“The construction of the proposed Project requires the demolition of a Retail Warehouse unit. A site selection process was carried out for the station at Fosterstown to examine alternatives to the demolition of the retail warehouse. This identified the proposed site as the preferred location for a station. Alternative locations had significant disadvantages compared to the proposed location. It would have more extensive construction impacts, including additional utility diversion requirements; significant impact on the R132 traffic and other road users over an extended length of the R132 over a protracted period; a poor urban integration of the station adjacent to the R132; and the introduction of a poor horizontal track alignment which would constrain the operational speed of trains in this area.”<sup>8</sup>*

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<sup>7</sup> Metrolink Planning Report, p. 106.

<sup>8</sup> Metrolink Planning Report, p. 106



8.2 The planning report further suggests that ...*"there is capacity to construct a new unit, either on its own or as part of a more significant development to replace the demolished unit."*<sup>9</sup> However, no suggestion is made for such an alternative location. Our clients are very concerned that it will not be feasible to find an alternative location for the existing store which is as convenient to the customer based in terms of accessibility. In addition to providing retail floorspace, the current premises also provide office accommodation for approx. eight head office staff.

8.3 In this regard it is important to point out that each of the chain of Smyths Toys Superstores has a particular catchment area to serve. If an alternative site is not found in the Swords area, it will leave the population in Fingal to the east of the M2 without an available store. It is further noted that Smyths Toys Superstores have strategically located stores, located around the M50, that caters to these specific populations. See the map in fig. 2.0<sup>10</sup>.

8.4 The map shows the stores located along the M50 and the catchment areas they serve. The Fingal Catchment area provides for the largest population area with the Dublin borough region and going forward this population growth will only increase. The loss of the Airside Retail store in the absence of a replacement site in Swords with similar features in terms of size and accessibility would be very damaging to the overall strategy of the company to strategically located stores along the M50 network within large young growth centres such as Fingal area.

8.5 In order to be suitable for replacing the existing store to continue to serve the population of Fingal an alternative site needs to be of significant size. Premises of this type of size category are not easy to find within existing towns. It should be noted that the current store that would need to be demolished under the proposed Railway Order was a replacement of a previous store in the same retail park which proved not to be of sufficient size to accommodate customer demand. Trading in the new current premises started in 2015 following an extensive fit out. At that time, the Fingal County Development Plan 2011-2017 was in place. The metro route was identified in the Development Plan maps and did not impact on the unit Smyths Toys was to move to and as such, Smyths Toys invested in a costly fit out and moved out of their mid-terrace unit in the retail park.

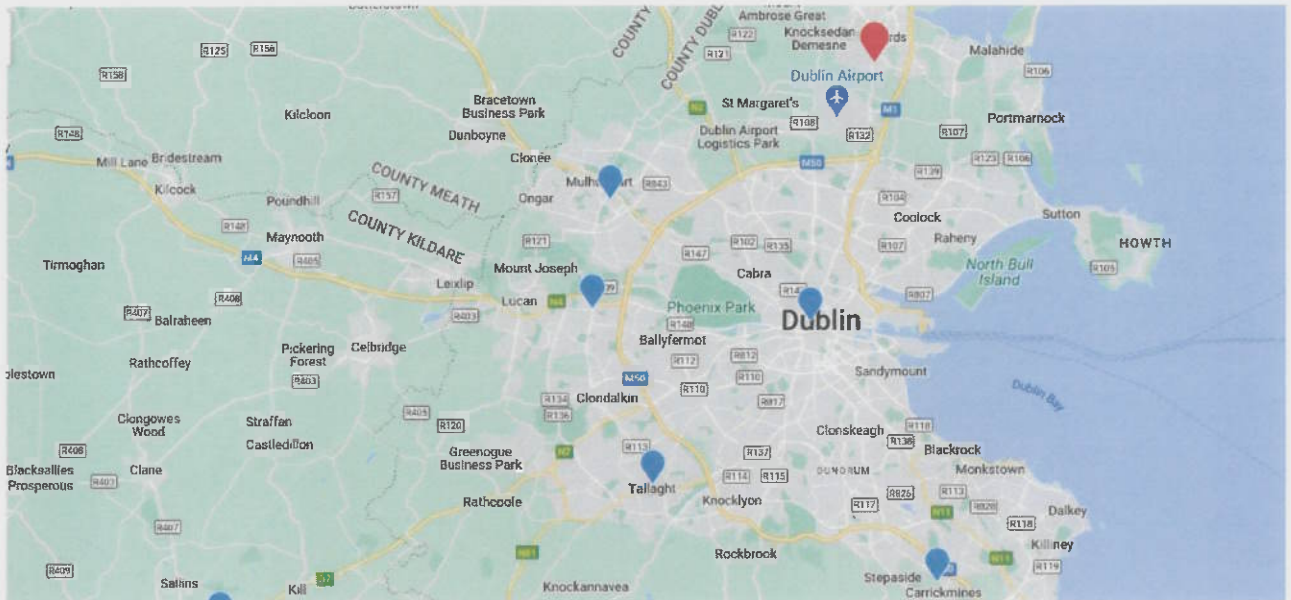
In addition, Smyths Toys have carried out market research with retained agents to see the availability of existing sites/stores that could accommodate the existing store but have found that there is currently no suitable vacant location available within the population catchment area which can cater for the level of

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<sup>9</sup> *Metrolink Planning Report*, p. 106

<sup>10</sup> The nearest existing store facilities are the following: Blanchardstown Centre, Blanchardstown, Dublin 15, Jervis Street, Dublin 1, M1 Retail Park Drogheda Co. Louth and Fonthill Retail Park, Dublin 22.

trade & footfall generated at the Airside Retail Park store due to limitations in car parking, access, servicing arrangements, unit size or location.



### Figure 2.0 - Smyths Toys Superstores in Dublin Locations

**8.6** It is considered that the proposed Railway Order and the accompanying planning report are deficient in failing to provide for customer demand of the Fingal population in that no suitable alternative locations is put forward to replace the store which is intended to be demolished under the proposed plans. The identification of a suitable alternative location should form part of the planning analysis of the proposed Railway Order and in the absence of such analysis the Order should not be granted, or further information should be sought from the applicant re this matter.

**8.7 No provision is made in the proposed Railway Order for a replacement or relocation of the existing retail store.**

## 9.0 Conclusions

- The proposed demolition of the existing retail store to facilitate the development of a railway station would materially contravene a zoning objective in the current and draft county development plans.

- The proposed railway station is in a different location to that shown in the development plan for the area. The justification for this change in location is not provided in the application for the Railway Order.
- No provision is made in the proposed Railway Order for a replacement or relocation of the existing retail store even though the demolition of the existing store is stated to be necessary.
- While the planning report refers to 'capacity' to construct a new unit to replace the demolished unit nothing has been proposed and it is unclear where the capacity exists.
- Under the Retail Hierarchy of the Fingal County Development Plan, a replacement store needs to be located in Swords. Given the anticipated population growth in the area and the lack of other Smyths Toys Superstores within the Fingal East area, where our current site be closed it is essential for Smyths Toys Superstores business that a replacement site be found in the vicinity of the current site. This is not adequately considered in the Railway Order.
- In the absence of the identification of an alternative site for the proposed demolition of the Smyths Toys Superstores, the proposed Railway Order is deficient and should not be confirmed.

Yours sincerely,



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Robert Nowlan

RW Nowlan & Associates