

Catherine

Ronan Mernannety

**From:** Gemma Glenn <gemmag@tpa.ie>  
**Sent:** Monday 14 April 2025 17:23  
**To:** Appeals2  
**Cc:** Bernard Dwyer  
**Subject:** First Party Appeal Response - Grange Castle Media Park - Ref. No. ABP - 321772-25  
**Attachments:** Grangecastle Appeal Response BD 1.2 FINAL (2).pdf

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Dear Sir/Madam,

I am writing to you in relation to a First Party appeal under ABP Case File Ref. 321772-25 pertaining to the construction of a Media Park and all associated site works in the townlands of Coolscudden, Brownstown, and Milltown, west of Grange Castle Business Park, Newcastle, Co. Dublin.

Please see attached our formal submission to South Dublin County Council's Response (dated 25<sup>th</sup> March 2025) to our First Party Appeal submitted by Tom Phillips + Associates on behalf of Lens Media Limited (dated 24<sup>th</sup> January 2025), as requested.

I would greatly appreciate it if you could confirm receipt of same. If you require a hard copy, please let me know.

Kind regards,  
Gemma

**Gemma Glenn**  
Planner

**Tom Phillips + Associates**

Town Planning Consultants



**Contact**

**Cork**  
No 1 Horgan's Quay  
Cork City  
T23 PPT8  
T +353 21 212 9840  
M +353 85 254 9242

**Dublin**  
80 Harcourt Street  
Dublin 2  
D02 F449  
T +353 1 478 6055

w [www.tpa.ie](http://www.tpa.ie)  
e [info@tpa.ie](mailto:info@tpa.ie)



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The Secretary  
An Bord Pleanála  
64 Marlborough Street  
Dublin 1

14<sup>th</sup> April 2025  
[By Email]

Dear Sir/Madam

**RE: FIRST PARTY APPEAL – ABP 321772-25**

**CONSTRUCTION OF MEDIA PARK AND ALL ASSOCIATED SITEWORKS. NIS AND EIAR RECEIVED. SITE LOCATED IN THE TOWNLANDS OF COOLSCUDDEN, BROWNSTOWN AND MILLTOWN, WEST OF GRANGE CASTLE BUSINESS PARK, NEWCASTLE, CO. DUBLIN.**

**South Dublin County Council Reg. Ref.: SD24A/0087W**

## **1.0 INTRODUCTION**

Tom Phillips & Associates<sup>1</sup>, Town Planning Consultants (TPA), on behalf of the applicant, Lens Media Limited<sup>2</sup> have prepared this submission in accordance with Section 131 of the Planning and Development Act, as amended and in relation to the above referenced First Party Contributions Only Appeal. TPA submitted the First Part Contributions Appeal against the decision of South Dublin County Council (SDCC) (Reg Ref: SD24A/0087W) on behalf of Lens Media Limited on 24<sup>th</sup> January 2025.

Having reviewed the response of SDCC to the First Party Appeal, as enclosed with correspondence issued by the Board on 26<sup>th</sup> March 2025, our position has not changed in relation to the imposition of condition 25 (Planning Ref: SD24A/0087W). The Board will note that the First Party Appeal had also sought a reduction in the General Development Contribution (Condition 24) due to various internal areas within the scheme that we consider should be exempt. However, as we note the SDCC submission has not responded to these points, we will restrict our comments in this submission to matters relating to condition 25.

We consider that the Special Development Contribution (Condition 25) has been unfairly levied against our client based on a selective interpretation of the TTA prepared as part of the application, while similar contributions have not been sought by recently permitted nearby developments that will also benefit from the upgrade of this junction. A summary of these recent developments is included in Appendix A below.

While significant General Development contributions (Condition 24) have been levied on the applicant, the Planning Authority maintain that these funds cannot go toward the upgrade of

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<sup>1</sup> 80 Harcourt Street, Dublin 2

<sup>2</sup> 11 Adelaide Road, Dublin 2, D02 TR79



the Peamount Road junction, as it has not been accounted for in the current contribution scheme.

The SDCC Response notes many recent complaints from elected members and members of the public in relation to the junction. In light of this, we would question why this necessary upgrade was not included in the current General Contribution Scheme, voted on by the elected members in 2021, particularly given the extent of lands zoned for employment and enterprise uses in the Grange Castle Business Park and the existence of the Grange Castle Masterplan. It is also noteworthy that the R120 has been included in the General Development Contribution scheme in the context of upgrades at Adamstown but not further south where the road terminates at the junction in question in Newcastle Village.

This, in our view points to a lack of joined up thinking from the Planning Authority who are now seeking to correct this oversight through the use of Special Development contributions. As the Board will be aware the purpose of Special Contributions is to provide for specific and exceptional costs that will benefit a particular development., as outlined in Section 48(2)(c) of the Planning and Development Act, as amended:

*A planning authority may, in addition to the terms of a scheme, require the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by a scheme are incurred by any local authority in respect of public infrastructure and facilities which benefit the proposed development.*

We consider that the benefits of the upgrade to this junction, which is located 4km south of the proposed development, will in fact benefit a much wider area. In this context we refer to *The Development Management, Guidelines for Planning Authorities, 2007* which state that:

*"Where the benefit deriving from the particular infrastructure or facility is more widespread (e.g. extends to other lands in the vicinity) consideration should be given to adopting a revised development contribution scheme or, as provided for in the Planning Act, adopting a separate development contribution scheme for the relevant geographical area."*

The correct approach therefore to securing the upgrade of the R120 Peamount Road Junction is through the General Development Contribution Scheme. We note the current scheme is due to expire this year, thereby providing the Planning Authority with the opportunity to remedy this situation.

The extensive amounts of floor space within the Applicant's scheme, owing to the nature of the TV and Film business, have resulted in a very significant General Development Contribution of over 8 million euro (notwithstanding any minor reductions that may be secured through the First Party Appeal). We estimate that the Applicant's contribution alone will amount to approximately 6% of the total contributions required by the Planning Authority over the lifetime of the scheme<sup>3</sup>.

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<sup>3</sup> South Dublin County Council Development Contributions Scheme 2012 – 2025 (Table A – Total contributions required in column 2)

The Applicants contributions to infrastructure are therefore sizeable and we consider it unfair that they have been singled out for these additional costs that will be of benefit to the wider area and have not been apportioned to any other recently permitted nearby developments.

### 1.1 Junction Capacity

Notwithstanding the reference to complaints from Elected Members and elsewhere, we do not consider that the Planning Authority response has provided sufficient evidence of the purported capacity issues at this junction. We would re-iterate the conclusions of the TTA produced by Barret Mahony which states that:

*"The Peamount Road priority junction (Junction No. 4) at present operates within capacity, and will continue to do so with the proposed development in place. Queuing and delays are at low levels, with a minimum of 12% space capacity predicted to exist in 2026 with all predicted development in place. By 2031 with all predicted development in place this junction will be at capacity. By 2041, the junction would be over capacity, assuming the network flow increases utilized have actually materialized."*

In addition, the TTA notes that the overall flows will only account for 6.2% of impact on the junction in 2026. This has also been expected to reduce by 2041 to 5.5%, as the implementation of sustainable transport policies by all planning authorities within the Greater Dublin Area are anticipated as well as the implementation of the objectives in the Mobility Management Plan, produced by Barrett Mahony Consulting Engineers.

The SDCC contribution has been calculated based on the anticipated traffic that will be generated at peak time above the baseline figures. However, based on the above conclusions, when accounting for additional traffic from the Media Park, the junction as analysed will be within capacity by 2031 and only marginally over capacity by 2041. These projections have also assumed network flows will increase by over 20% in the intervening years. This is a very robust assumption and worst case scenario given the sustainable transport policies being applied by this and other Planning Authorities in the Greater Dublin Area.

The Planning Authority assertion that the proposal will generate significant additional traffic at peak times suggests that this demand will be predictable on a day to day basis. However, this assertion has in our view failed to acknowledge the detailed analysis included by the applicants in their FI Response in relation to parking demand. As outlined in the FI Response document prepared by MCA Architects, the number of personnel involved in a movie project is not a consistent number and builds up slowly over the course of production starting out with a small group of 5 to 25 people and peaking out at around 150 to 200 for a typical small movie production. The report demonstrated that overall traffic generation would depend on the overlap of various simultaneous production shoots. In summary, due to the nature of filming and production shoots, traffic generated by the development is likely to be irregular and will not follow the profile of standard employment uses.

Therefore, the impact of the proposed development on the junction has been overestimated by the Planning Authority. Moreover, should the upgrade of this junction be deemed priority, there is more than sufficient time to have the junction works included in an upcoming General Contribution Scheme.



## **1.2 Calculation of the Junction Upgrade Costs**

We wish to re-iterate our point from our First Party Appeal in relation to the calculation of costs. Notwithstanding the methodology used to apportion costs to the applicant, we do not consider that the overall cost of the junction upgrades has been justified with sufficient granularity. In their Response, the Planning Authority have referred to NTA estimating rates and the costs of similar junction upgrades elsewhere in the County. However no specific examples have been provided.

Moreover, we would question the logic of the Planning Authority in seeking to secure these upgrades through Special Contributions. Given that 28.6% of the estimated cost has been apportioned to our client, it is unclear how and when the Planning Authority intend to secure the additional 71.4% of the funds required to carry out these works, given that no other recently permitted development in the area has had a similar Special Contribution levied on it.

If, as the Planning authority have suggested, there are no other funding sources available, then it is presumably going to be some time before the full quantum of funding can be raised through Special Contributions to carry out this work. The result will be that our client will be contributing towards a junction upgrade with no clear timeline on when it will be delivered.

We would re-iterate that if the upgrade of this junction is considered a priority by the Planning Authority, the correct course of action, in accordance with the legislation and Ministerial Guidance, would be to prioritise and include it in the upcoming General Contribution Scheme, due to be revised this year. This would enable the ringfencing of the full funding required for the junction upgrade, through the equitable application of general development contributions within the lifetime of that scheme.



## **2.0 CONCLUSION**

We do not consider that the SDCC response to the First Party Contributions Appeal has provided any further justification for the inclusion of condition 25 in the Decision to Grant permission.

The junction upgrades at the R120 will be of benefit to the sider area and should be sought through General Development Contributions, namely the revised scheme due this year.

Moreover, the potential impacts of the applicant's proposal on this junction have in our view ben overstated by the Planning Auhtoirty and the apportioning of costs is not consistent with the approach to other permitted development in the area.

We look forward to hearing the decision of An Bord Pleanála in due course. Please do not hesitate to contact us should you have any further queries on the above.

Yours Sincerely,

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**Bernard Dwyer**  
**Associate**  
**Tom Phillips + Associates**



## Appendix A

Recent developments that are in the Newcastle and Grange Castle Area that did not have a special contribution relating to the Peamount Road Junction are as follows:

No.	Description	Ref. No.
1	The proposed development will consist of: The construction of five logistics / warehousing units (Units 1 - 5) with associated office accommodation, service yards, ancillary structures/areas, and substations. Access to the site will be from the existing roundabout to the south of the site; Provision of no. 419 car parking spaces and 172 bicycle spaces to serve the proposed development; Associated works for the diversion of the existing foul sewer within the site; The provision of attenuation basins / wetlands across the site; Associated works for re-routing of the existing ESB overhead wires which traverse the site to underground cables within the site; The formation of plateaus on the site with surplus excavated material to allow for the future Phase 2 development and; All ancillary landscaping, boundary treatments, internal roads and roundabout, cycle / pedestrian paths, associated infrastructure, and site development works to support the development	SD23A/0301
2	Permission for a period of ten years for development at this site of 16.5 hectares that is located within lands in the Grange Castle South Business Park and includes the residential property of Ballybane, Old Nangor Road on land within the townlands of Milltown; Ballybane and; Aungierstown and Ballybane; and bounding Baldonnel Road to the west; both the Old and New Nangor Road to the north; and Grange Castle South Access Road to the South, Baldonnel, Dublin 22. Ancillary site development works, which will include attenuation ponds and the installation and connection to the underground foul and storm water drainage network and installation of utility ducts and cables which will include the drilling and laying of ducts and cables under Baldonnel stream. Other ancillary site development works will include hard and soft landscaping, lighting, fencing, signage, service road, entrance gate, sprinkler tank house (72sq.m), security hut (30sq.m) and 150 car parking spaces and 78 sheltered bicycle parking spaces.	SD20A/0121
3	The proposed development will consist of: Reconfiguration of the layout of Unit 5 resulting a slight decrease in the total GFA from 13,348 sqm to 12,650 sqm. The warehouse floor area of the unit will increase from 11,137 sq.m to 11,509 sq.m GFA and the associated office space will decrease from 1,689 sq.m to 994 sq.m; Reconfiguration of the service yard area including: Decreasing the service yard area to the north and west of the Unit 5 building; Relocation/reconfiguration of the service yard entrance; Omission of the permitted outbuildings in the service	SD25A/0011W



	<p>yard; Provision of updated landscaping with attenuation pond to the north of the building and service yard;</p> <p>Amendments to the western elevation to accommodate the changes to the layout of the unit; Reconfiguration of the bicycle parking area resulting in a reduction from 70 no. spaces to 64 no. spaces; Omission of the permitted tenant signage to Unit 5 and; All associated site development works.</p>	
4	<p>Revisions to granted planning permission Reg. Ref. SD06A/0659 (as extended by Reg. Ref. SD06A/0659/EP for a 255 bedroom hotel in a new landmark building consisting of sub-basement and basement, ground floor and five upper floors (with a total hotel development gross floor space of approximately 28,476sq.m.); 680 underground car parking spaces; 5 coach spaces; 50 bicycle spaces; a new 9m wide vehicular, cycleway and pedestrian access approximately 900m in length from a new roundabout on the Newcastle Road (R120) in vicinity of Newcastle Manor housing estate; revisions to the permitted hotel development (which is partially constructed) will comprise construction of a retirement village in the permitted hotel grounds which will consist of: 69 individual 3 bedroom single storey retirement homes; a two storey community services centre; equipment store and allotment equipment store; a nursing home/care centre to be located within the permitted hotel building necessitating a change of use of part of the hotel's accommodation block from hotel use (comprising 92 hotel bedrooms in total) to nursing home/care centre use (comprising 60 nursing home/care centre bedrooms with associated dining, healthcare and administration facilities) as well as change of use of 302sq.m. at basement level car parking to nursing home/care centre mortuary, deliveries store and clinical waste store and all associated works, including the provision of a new entrance; and site development and landscaping works including revised site levels to facilitate surface drainage, boundary planting including reinstatement of hedgerows; the relocation of 11 car parking spaces at the eastern side of the access road into the development site (serving the adjacent development to the north, Reg. Ref. SD05A/0344) to the western side of the access road. The proposed revised development will have 666 underground car parking spaces, 204 surface car spaces, 5 surface coach spaces, 1 surface ambulance space and 50 bicycle spaces.</p>	<p>SD14A/0021 PL 065.243745</p> <p>SD14A/0021/ED</p>
5	<p>The proposal comprises the 2nd phase (phase 2B) of a 2 phase development (first phase [phase2A] under planning reg. ref SD23A/0136 will comprise 48 no. duplex dwellings and phase 2 of Taobh Chnoic public park of c.1.74 hectares of open space, along with car parking and ancillary infrastructure) to result in an overall Phase 2 development of 179 no. dwellings D) Vehicle access from the Athgoe Road from a new signalised junction along with upgrades to footpath and pedestrian crossing (on the Athgoe Road) as well as provision of vehicular/pedestrian/cycle</p>	<p>LRD23A/0011</p>



	link to permitted 'Graydon' (TA06S.305343) 'Newcastle Boulevard' to the East as well as 237 no car parking spaces and 94 no. bicycle spaces (4 no. motorcycle space) and all internal roads, cycleways, green routes and paths. E) Provision of surface water attenuation SuDs measures connection to water supply and provision of foul drainage infrastructure as well as an underground local pumping station (in northern part of site) to Irish Water specifications and all ancillary site development / construction / landscaping works. F) The proposal also includes upgrades (to provide surface water pipe upgrades) to the surface water network along Athgoe Road and Hazelhatch Road (for c. 1.2 km).	
6	Demolition of 2 sheds and the construction of 30 dwellings; 1 vehicular and pedestrian link with Main Street, Newcastle; vehicle and pedestrian link with Glebe Square, Newcastle and all associated and ancillary site development works.	ABP-317595-23

**Table 1: List of recent developments in the Newcastle and Grange Castle area**