



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-309731-21

Strategic Housing Development

Demolition of existing industrial and commercial buildings, construction of 1,104 no. apartments, creche and all other associated site works.

Location

Lands west of Old Belgard Road and north, south and west of Cookstown Road, Cookstown Industrial Estate, Tallaght, Dublin 24

Planning Authority

South Dublin County Council

Applicant

Joseph Costello, Absolute Limousines Ltd and Boherkill Property Development Ltd

Prescribed Bodies

1. Irish Water
2. Transport Infrastructure Ireland (TII)
3. National Transport Authority (NTA)
4. Department of Defence

5. Irish Aviation Authority (IAA)

Observer(s)

1. Gravis Planning
2. John Lahart
3. O'Neill Town Planning
4. Sean Crowe
5. Tallaght Community Council
6. Alan Edge
7. Teresa Costello

Date of Site Inspection

05.04. 2021

Inspector

Fiona Fair

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1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to An Bord Pleanála under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The subject application involves a large parcel of land located to the west of Old Belgard Road and east of the intersection of First Avenue and Cookstown Road, Cookstown Industrial Estate, Tallaght, Dublin 24. The subject site comprises an area of approximately 4.99Ha (12.3 acres). It includes a no. of existing industrial/commercial premises fronting Cookstown Road, Old Belgard Road and First Avenue; the Circle K Belgard petrol station and associated commercial premises; 0.98Ha of South Dublin County Council owned land; and 0.19 Ha of Dublin City Council owned land (consent letters from South Dublin County Council and Dublin City Council accompany this application). The South Dublin County Council owned land comprises parts of First Avenue, Cookstown Road and Old Belgard Road and the Dublin City Council owned land comprises a strip to the north of Unit 5 First Avenue and Unit 4 Cookstown Road which provides access to the Belgard Luas Stop.
- 2.2. There are existing low-rise (1-3 storeys) industrial/commercial buildings (which have a total floor area of 15,988sqm) featuring on the subject land. These, inclusive of the commercial premises associated with the existing Circle K Belgard petrol station, are proposed for demolition as part of the subject proposal. The Circle K Belgard petrol station and forecourt are to be retained and a new commercial premise serving it provided as part of the subject application.
- 2.3. The Belgard Luas stop, is located immediately north-east of the application site, offering a high frequency, high capacity public transport service with direct links to Dublin City Centre, Dublin Docklands, Heuston Station, Citywest Campus and Tallaght Hospital/Town Centre. The site is in close proximity to Bus Routes No. 76 and 76A which run along Belgard Road. Tallaght Hospital is situated to the south-west of the subject site and Technological University Dublin, Tallaght Campus is situated to the south-east of the subject site.

3.0 Proposed Strategic Housing Development

3.1. The proposed development (as per the public notice) will consist of:

- Demolition of the existing industrial and commercial buildings (15,989sq.m);
- Construction of a mixed-use development featuring:

(a) 1104 no. 'build-to-rent' apartments

- 132 no. studio apartments,
- 475 no. 1-bed apartments,
- 208 no. 2-bed apartments,
- 244 no. 2-bed duplex units and
- 45 no. 3-bed apartments

in 4 no. blocks varying in height from four to eleven storeys.

Each apartment has associated private open space in the form of a ground floor terrace or a balcony and has access to internal communal amenity spaces (totalling 2741sqm) and 5,107sqm of external communal amenity space at ground, first floor and roof levels; and

(b) 4 no. commercial units at ground floor level of Blocks B and D (comprising of 2 no. in Block B accommodating a cafe/restaurant/bar;

- 1 no. in Block D accommodating Class 1, 2 and 8 uses as per the Planning and Development Regulations, 2001-2019, as amended; and
- 1 no. in Block D to serve the Circle K Belgard petrol station which is to be retained),
- 1,500sqm of office space across first to sixth floor levels of Block D and
- A crèche with external play area at ground floor level of Block C.
- The development is served by a total of 351 no. parking spaces (including 17 no. limited mobility parking spaces and 16 no. car share spaces) and 1860 no. bicycle spaces (1464 no. resident spaces and 396 no. visitor spaces);
- Road, junction and streetscape upgrade works along First Avenue, Cookstown Road and Old Belgard Road, including the installation of a signalised junction at the intersection of First Avenue and Cookstown Road and Old Belgard Road and Cookstown Road;

- Construction of 3 no. new roads and 1 no. pedestrian/cycle link to the Belgard Luas Stop;
 - Construction of a 1,688sqm landscaped public plaza with an outdoor flexible events space in the south-western corner of the site; and
 - Associated site and infrastructural works are also proposed which include: foul and surface water drainage; attenuation tanks; lighting; landscaping; boundary fences; plant areas; ESB substations; internal hard landscaping, including footpaths and street furniture; and all associated site development works.
- 3.2. The application contains a statement setting out how the proposal will be consistent with the objectives of the South Dublin County Council Development Plan 2016-2022. It is submitted that the proposed apartments have been designed to fully accord with the Sustainable Urban Housing: Design Standards for New Apartments 2020. A full Housing Quality Assessment is submitted which provides details on compliance with all relevant standards including private open space, room sizes and storage.
- 3.3. The proposed development is accompanied with a Material Contravention Statement which sets out justification for the proposed development. This statement has been prepared to set out the justification for the building height, housing mix and housing tenure mix involved in the proposed mixed-use development.
- 3.4. It is submitted that the applicant does not consider the proposed building height, housing mix and housing tenure mix to be a material contravention of the Tallaght Town Centre Local Area Plan 2020-2026, it is a matter for The Board to determine if the proposed development in fact materially contravenes the Tallaght Town Centre LAP 2020 – 2026 and if minded to do so, grant permission for the proposed development by reference to the provisions of Section 37(2)(b) of the Planning and Development act 200, as amended.
- 3.5. It is respectfully requested therefore that An Bord Pleanála have regard to the following justification for a potential material contravention of the Tallaght Town Centre Local Area Plan 2020-2026 (as it relates to building height, housing mix and housing tenure mix), having regard to the fact that the proposed development is by definition ‘of strategic importance’, the pattern of development approved in the area and having regard to the compliance of the proposed development with national

planning policy and section 28 Guidelines. These include the National Planning Framework 2040, Urban Development and Building Heights Guidelines for Planning Authorities, 2018, and Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020, which fully support and reinforce the need for urban infill residential development at appropriate densities on sites in close proximity to public transport and within existing urban areas.

3.6. The following tables set out some of the key elements of the proposed scheme:

Table 1: Development Standards

Site Area	Red Line boundary 4.99 ha / 12.3 acres Ownership area 3.80 Ha
No. of units	1104
Total Gross Floor Area (including 4 no. commercial units (762 sq. m), 1500 sqm of office space and a creche (245 sq. m))	91,282 sq. m
Gross Density	
Red Line Boundary (Incl. SDCC and DCC Roads)	221 units/ha
Ownership Area	290 units/ha
Site Coverage	32%
Plot Ratio	2.4
Public Open Space	c. 6,680 sq. m (18%)
Total Communal Space	Internal 2741 sq. m External 5107 sq. m

Table 2: Unit Mix

Apartments	Studio	1 bed	2 bed	3 bed	Total
	132 (11.95%)	475 (43%)	452 (41%)	45 (4.10%)	1104 (100%)
Dual Aspect					50% (exceeds 33% minimum required)

Table 3: Building Height

Block	Storeys
A	4 - 9
B	7 - 11
C	7 - 9
D	8

Table 4: Car Parking

	Number of car parking spaces
Total No.	351
Proposed for Apartments / Residential	17 no. limited mobility parking spaces and 16 no. car share spaces

Table 5: Bicycle Parking

Bicycle parking spaces	1860 (Incl. 1464 to serve residents and 396 no. visitor bicycle parking spaces)
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Table 6: Part V

No. of Units Proposed	10% proposal put forward
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- 3.7. In terms of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections has been submitted, as required.

4.0 Planning History

4.1.1. Subject site:

NPA - ABP232355 Permission Refused, September 2009. / SD08A/0709 – Permission Refused, January 2009, for a mixed use development broken into 4 no. buildings totalling c. 31950.1sq.m. consisting of 217 no. apartment units, retail floor space totalling 3409.5sq.m., office floor space totalling 6939sq.m., a creche, community meeting room and two basement levels providing for 860 car-parking and 322 bicycle spaces.

Building 1 consists of a 5 storey mixed use building broken down as follows: 6 no. convenience retail units at ground floor with a gross floor area of 1340sq.m., 1 no. community meeting room at ground floor level with a gross floor area of 34.2sq.m., 1 no. creche with a gross floor area of 387sq.m., 89 apartments Building 1 will have a maximum height of 25.5m, vehicular access will be via a new road constructed off Cookstown Estate Road.

Building 2 consists of a 5 storey mixed use building broken down as follows: 6 no. retail units at ground floor level with a total gross floor area of 1048sq.m., 1 no. community meeting room at ground floor level with a gross floor area of 26.2sq.m., 47 apartments over 5 storeys: Building 2 will have a maximum height of 21.5m, vehicular access will be via Cookstown Estate Road.

Building 3 consists of a 5 storey residential building made up of 1 no. retail unit at ground floor area with a gross floor area of 136sq.m., 1 no. community meeting room at ground floor area with a gross floor area of 45.2sq.m., 81 apartments over 5 storeys; Building 3 will have a maximum height of 19m; vehicular access will be via Cookstown Estate Road.

Building 4 consists of a 4 storey office/retail building broken down as follows: 3 no. retail units at ground floor level with a gross floor area of 885.5sq.m., 4 no. storey

office suite with a gross floor area of 3346.4sq.m; Building 4 will have a maximum height of 20m, vehicular access will be via a new road constructed off Cookstown Estate Road.

Public open space has been designed to complement the surrounding buildings and to provide an aesthetically pleasing and peaceful environment for both private residences and the general public to enjoy and will measure 5269sq.m. The proposed development will include landscaping and ancillary site works and will also consist of the demolition of 5 no. existing industrial units totalling 10,117sq.m. This application was accompanied by an Environmental Impact Statement.

Reasons For Refusal:

1. It is considered that the proposed development would be premature pending the determination by the planning authority of the road layout for the link road from the Cookstown Road to the proposed Embankment Road extension and also pending the improvement in infrastructure such as public transport, roads, footpaths and the overall pedestrian environment in this area, as set out in the Tallaght Town Centre Local Area Plan 2006.

2. Having regard to the criteria set out in the Tallaght Town Centre Local Area Plan 2006 for development in this area, it is considered that by virtue of the proposed residential density (which exceeds 75 units per hectare) and the quantum and nature of retail floorspace proposed (which exceeds or fails to correspond with the retail provision in the Belgard Station and Cookstown North precincts), it is considered that the proposed development contravenes the objectives of the development plans for the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the policies at national level and in the Tallaght Town Centre Local Area Plan 2006 in relation to the quality of new residential developments, the Board is not satisfied that the proposed development would provide a satisfactory level of residential amenity for future occupants of the scheme having regard to deficiencies identified in relation to the height and orientation of the blocks and potential for overshadowing, the proportion of single aspect units and the quality of

the communal open spaces and play areas. The proposed development would, therefore, seriously injure the amenities of the area and of property in the vicinity and be contrary to the proper planning and sustainable development of the area.

4. It is considered that the development should facilitate a ramped (or underground) access to underground parking in building number 4 and that the proposed use of a vehicle lift is unacceptable as it would interfere with the free flow and safety of traffic in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Surrounding Sites of Interest:

NPA - SD21A/0052 Permission Refused on the 26/04/2021 for demolition of the existing warehouse unit (1,632sq.m) and the construction of a new 5-6 storey building, accommodating 64 apartments, comprised of 20 1-bed apartments, 16 2-bed apartments, 8 3-bed apartments, 20 2-bed duplex apartments and 1 unit at ground floor level to be either retail or cafe. The proposed development also provides for a podium and an undercroft car parking area, at ground floor level, accommodating 37 car parking spaces, 167 bicycle parking spaces, bin storage, plant room and 2 ESB substations. Vehicular access to the development will be from the Cookstown Road. The development includes all private and communal open spaces, landscaping, boundary treatments, vehicular and pedestrian site access, bin storage, bike storage, signage and all associated site development works including service connections, foul and surface water drainage/attenuation and water supply/storage. On a total site area of approx. 0.28ha (0.7acres).7 reasons for refusal, similar to the reasons for refusal in the subject case.

Reason 1 and 2 are set out below:

1. The proposed plot ratio is more than twice that sought in the Local Area Plan for this portion of Cookstown. This is contrary to specifications of plot ratio in Section 3.3 the Tallaght Town Centre Local Area Plan 2020 – 2026. The

development would constitute overdevelopment and as such would, by itself and by the precedent it would create, be seriously injurious to the regeneration and amenities of the area.

2. The LAP policy on unit mix has been informed by an assessment of the emerging demographics in the area and with due attention paid to the need to create sustainable residential communities in the plan lands. The proposed unit mix provides for 8 3- bedroom apartments (12.5%) out of 64 total units. This materially contravenes a specific Local Area Plan objective, Objective RE2, which requires a minimum of 30% of 3- bedroom units in any scheme and is contrary to the proper planning sustainable development of the area.

SHD - ABP 303306-18 Permission Granted (April 2019) for demolition of all existing buildings and construction of a mixed use residential development (total GFA 55,180 sqm) comprising a new urban quarter and streets with 5 no. blocks to provide 438 no. apartment units (including live/work units) and associated amenity facilities, a 403 no. bedspace student accommodation scheme and associated amenity facilities, childcare facility (c.380 sqm), 6 no. retail / commercial units (c.632 sqm in total) and a security room (c.52 sqm). At Belgard Gardens, Belgard Square North and Belgard Road, Tallaght, Dublin 24.

SHD - ABP 305763-19 Permission Granted (February 2020) for demolition of the existing industrial buildings on site (4,800sq.m) and the construction of 2 no. blocks comprising 328 no. apartments, ancillary residential support facilities and commercial floorspace measuring 31,147sq.m gross floor space above a single basement level. At Airton Road and Belgard Road, Tallaght, Dublin 24

SHD - ABP 306705-20 Permission Granted (June 2020) for demolition of existing factory/warehouse buildings on site; construction of 502 no. apartments, 3 no. retail units and a creche, within 6 no. blocks ranging in height from 4 to 8 storeys; provision of road improvements and pedestrian crossings; and all associated site development works and services provision. At Gallaher's cigarette factory site at the junction of Airton Road & Greenhills Road Tallaght.

NPA - SD208/0007 Decision Pending: Construction of 133 affordable rental apartments with a community facility (c. 12,918sq.m) in three blocks ranging from three to eight storeys with associated balconies/ terrace for each apartment and roof mounted solar panels linked by a single storey podium. At Belgard Square North, Tallaght, Dublin 24. Applicant SDCC.

NPA - SD20A/0050 Permission Granted (January 2021) for a Three storey apartment building containing six apartments with external terraces/private gardens (3 x two bed & 3 x three bed duplex) & one end of terrace two storey house (two bed), landscaping of site and play area, footpath, bin stores, eight car parking spaces, eighteen bicycle parking spaces and all associated site works. At Colberts Fort, Belgard Road, Tallaght, Dublin 24.

SHD - ABP Ref. ABP-303803-19: Permission Granted (July 2019) for Demolition of the existing 2,590sq.m industrial building and the construction of a 'build-to rent' housing development providing a total of 196 no. residential apartments (comprising 45 no. studio units, 48 no. one-bed units, 8 no. two-bed (3-person) units and 95 no. two-bed (4-person) units) in 4 no. six-nine storey blocks over basement. At Units 5A-C Second Avenue, Cookstown Industrial Estate, Tallaght, Dublin 24

SHD - ABP Ref. ABP 308398-20: Permission Granted (January 2021) Demolition of the existing industrial buildings (2,518sq.m); (ii) construction of: (a) 252 no. 'build-to-rent' apartments (comprising 50 no. studios, 96 no. one-bed apartments; 100 no. two-bed apartments and 6 no. three-bed apartments) in a two to nine storey development. Note: Condition No. 2 included in the Board's order requires changes to the building height of Blocks A and B and the relocation of the proposed creche which necessitates a reduction in the overall apartment nos.) At Units 66 & 67 Fourth Avenue, Cookstown Industrial Estate, Dublin 24.

SHD - ABP Ref. ABP-303911-19 Permission Refused (June 2019) for 150 no. build to rent units and 222 no. shared bedspaces and associated site works. Reasons for refusal related to:

1. It is considered that the development of a residential use at this location, in the absence of an overall strategy for the re-development of the industrial estate, and in the absence of the realisation of planned direct vehicular, and

convenient cyclist and pedestrian links, to the town centre and to public transportation, would represent an uncoordinated and haphazard form of development which would give rise to an isolated piecemeal pocket of residential development that is disconnected from shops, amenities and/or residential services, contrary to section 11.2.4 of the current South Dublin County Development Plan 2016 – 2022.

2. It is considered that the format proposed for the shared accommodation development, with significant numbers of individual units sharing a single common living/kitchen area on each floor, and with a notable shortfall in the quantitative and qualitative provision of sufficient communal facilities, would fail to provide an acceptable living environment for future residents of the development, contrary to the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities.

5.0 National, Regional and Local Planning Policy

5.1. I am of the opinion that key policy and guidance documents of relevance to the proposed development are as follows:

- Project Ireland 2040 – National Planning Framework (2018).
- Rebuilding Ireland – Action Plan for Housing and Homelessness; July 2016.
- Sustainable Urban Housing: Design Standards for New Apartments; Guidelines for Planning Authorities 2020.
- Urban Development and Building Height Guidelines 2018.
- Regional Spatial and Economic Strategies – Eastern Midlands Regional Assembly (2019-2031);
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and the accompanying Urban Design Manual.
- Delivering Homes, Sustaining Communities (2008) and the accompanying Best Practice Guidelines – Quality Housing for Sustainable Communities.
- Quality Housing for Sustainable Communities (2007).
- Guidelines for Planning Authorities on Childcare Facilities (2001)
- Design Manual for Urban Roads and Streets (2019).

- Smarter Travel – A New Transport Policy for Ireland (2009-2020).
- Guidelines for Planning Authorities on Childcare Facilities 2001.
- BusConnects – Transforming City Bus Services (2018).
- The Planning System and Flood Risk Management (2009).

5.2 Statutory Plan for the area

The South Dublin County Development Plan 2016-2022 is the operative Development Plan for the area. The site is zoned 'REGEN' which aims 'to facilitate enterprise and/or residential-led regeneration'. Residential, Petrol Station, Restaurant/Café, and Shop-Local are all permitted in principle uses in this zoning.

The 'REGEN' zone is aimed at supporting and facilitating the regeneration of underutilised industrial lands that are within close proximity to town centres and/or public transport nodes, with a particular emphasis on more intensive enterprise and residential led development. The 'REGEN' zone is a relatively broad zoning designation under which a wide range of uses may be permitted.

The core strategy allocated 3,500 residential units to the centre of Tallaght over the plan period. Section 11.2.4 of the plan states that development proposals in REGEN zones should demonstrate a clear transition towards a more urban form of development and a traditional street network and addressed connectivity and linkages to avoid isolation piecemeal pockets of residential development.

UC6 Objective 3 is to direct tall buildings over 5 storeys to strategic and landmark locations in Town Centre, Regeneration and Strategic Development Zones subject to an approved LAP or Planning Scheme.

Policy H7 Urban Design in Residential Developments

It is the policy of the Council to ensure that all new residential development within the County is of high quality design and complies with Government guidance on the design of sustainable residential development and residential streets including that

prepared by the Minister under Section 28 of the Planning & Development Act 2000 (as amended).

Policy H8 Residential Densities

It is the policy of the Council to promote higher residential densities at appropriate locations and to ensure that the density of new residential development is appropriate to its location and surrounding context.

Policy H9 Residential Building Heights It is the policy of the Council to support varied building heights across residential and mixed use areas in South Dublin County.

H9 Objective 4

To direct tall buildings that exceed five storeys in height to strategic and landmark locations in Town Centres, Mixed Use zones and Strategic Development Zones and subject to an approved Local Area Plan or Planning Scheme.

Policy H10 Mix of Dwelling Types It is the policy of the Council to ensure that a wide variety of adaptable housing types, sizes and tenures are provided in the County in accordance with the provisions of the Interim South Dublin County Council Housing Strategy 2016-2022

Tallaght Town Centre Local Area Plan, 2020 – 2026

Chapter 2 Urban Framework

Section 2.6 Intensity of Development

Section 2.6.1 Plot Ratio

Section 2.6.2 Height and Built Form

Section 2.7 Public Realm and Open Space

Chapter 3 Neighbourhoods

Section 3.3 Cookstown Neighbourhood

Key Objectives CK1 to CK10

- CK1: Emergence of a vibrant mixed use residential-led neighbourhood.
- CK2: Create new urban block structure.
- CK3: Deliver a mix of new open spaces, including provision of a new urban square or plaza at a central location at, or in close proximity to, the junction of Cookstown Road and Second Avenue. The exact location, design and delivery of this space to be progressed by SDCC in discussion with landowners in the area.
- CK4: Improve legibility throughout the area and provision of new streets linking to nearby hubs and The Centre.
- CK5: Delivery of a variety of building types around Luas stops.
- CK6: Support provision of a new primary school if deemed necessary by Department of Education and Science.
- CK7: Utilising location as source of River Poddle, incorporating it into public realm and open space and green/blue infrastructure asset strategies.
- CK8: Encourage and facilitate higher intensity employment uses and economic development.
- CK9: Encourage design proposals to provide appropriate space to accommodate non residential uses, particularly for existing businesses in the Cookstown area which can be appropriately accommodated in a mixed-use development with a substantial residential component.
- CK10: Explore the feasibility of uplifting the River Poddle and incorporating into public realm, open space and green/blue infrastructure asset strategies as part of proposals for development.

CT-D Area Specific Requirement

Plot Ratio Ranges 1.5 – 2.0

Chapter 5 Residential and Community

Section 5.2 Residential Development

Section 5.2.1 Housing Mix

'It is policy of the Council to ensure an appropriate housing mix is provided within the LAP lands, therefore a minimum of 30% of units within any new residential development (in the form of either apartments or houses, but excluding student accommodation schemes) shall have a minimum of 3 bedrooms (Objective RE 2)'.

Section 5.2.3 Dwelling Size, Internal Layout and Amenity Space

Build-to-Rent (BTR):

Security of Tenure

'It is the policy of the Council to support Build to Rent developments that comply with the housing/occupancy mix requirement specified in this Section and national policy, in particular with the policies and objectives set out in 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018)' (Objective RE 5)'.

'To avoid an over proliferation of a single housing tenure, new housing developments in the plan area must make provision for a balanced mix of private, build to rent and social housing to accommodate the needs of a mixed and balanced community.'

Section 5.3 Community Facilities

Section 5.3.2 Childcare Facilities

Section 5.3.3 Children's Playgrounds

Chapter 7 Climate Change Mitigation and Adaptation

Section 7.2.1 Green Infrastructure – Surface Water Management

Section 7.2.6 Green Infrastructure Strategy

Chapter 8 Implementation and Sequencing

'It is an objective of the Council that development within the plan area is undertaken in an orderly and sustainable manner. The development of the identified

regeneration lands at Cookstown and Broomhill alongside the Town Centre lands should generally be phased in accordance with the sequential approach:

- Development should extend outwards from the town centre and high-quality public transport with land closest to the centre and public transport nodes being given preference, i.e. ‘leapfrogging’ to stand alone or isolated areas should be avoided; and
- A strong emphasis will be placed on encouraging infill opportunities adjacent to compatible existing uses and ensuring better use of under-utilised lands (Objective IS 1).’

Section 8.2.1 Sequencing of Development in Regeneration Zoning

Section 8.3 Implementation and Funding

Section 8.4 Key Infrastructural Requirements/Sequencing

8.4.2 New Urban Squares and Spaces

‘Cookstown Urban Square

- The square shall be a central and accessible feature for the northern Cookstown lands;
- The park space shall provide a strong sense of place, providing a green edge at the junction of or in close proximity to the junction of a redesigned urban street along Cookstown Road and Second Avenue;
- The park space shall be designed in a manner which facilitates green connections to adjoining streets; and
- The park space shall be overlooked by surrounding buildings providing passive surveillance, safety and security.’

Chapter 9 Tallaght Specific Development Standards

Table 9.1 Design Criteria for Urban Square, public realm, and local parks

Appendix 4: Community and Social Infrastructure Audit.

6.0 Section 5 Pre Application Consultation

6.1. A Section 5 pre application (ABP – 306402-20) consultation took place at the offices of An Bord Pleanála on the 20th February 2020. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted with the request to enter into consultations **requires further consideration and amendment in order to constitute a reasonable basis for an application for strategic housing development.**

3 no. items were identified to be addressed as follows:

1. Further consideration of the documentation as it relates to the integration of the proposed development with the regeneration of adjoining sites and the rest of the industrial estate. The documentation should demonstrate whether and how the proposed development could form part of a coherent and sustainable regeneration of the area with regard to the layout, design and height of the proposed buildings; the number, size and type of the proposed residential units; open space; and the mix of uses including the provision of supporting social and commercial services including childcare. The documentation should address the provisions of the development plan including its core strategy, and any local area plan or other planning framework that had been adopted by the planning authority before the application was made.

2. Further consideration of the documentation as it relates to access to the proposed development and to the streets in and around the site. The documentation should demonstrate whether the street network would provide adequate access for pedestrians and other road uses from the proposed development to public transport facilities, places of employment and commercial and social services, having regard to the principles and detailed requirements for urban streets set out in DMURS. In particular the documentation should clarify whether and how any new pedestrian access would be provided to the Luas stop at Belgard and whether and how the existing roads in the industrial estate would be altered to make them suitable to serve urban residential development. If separate cycle facilities are proposed the documentation should demonstrate whether they would comply with the National

Cycle Manual and provide proper priority for cyclists over vehicles exiting from minor roads at junctions. The documentation should also provide a rationale for the proposed provision of parking for cars and bicycles.

3. Further consideration of the documentation as it relates to drainage and water supply having regard to the issues raised in the submissions from the county council and Irish Water.

6.2. Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the applicant was notified that in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission arising from the notification:

1. A housing quality assessment which provides the specific information regarding the proposed apartments required by the 2018 Guidelines on Design Standards for New Apartments. The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements. In particular, plans should indicate which apartments the applicant regards as having dual aspect and a justification should be provided for any 3-person 2-bedroom apartments. The submitted documentation should clarify which apartments are proposed to be built-to-rent and the information required under SPPR 7 of the guidelines should be submitted in respect of them. A building lifecycle report for the proposed apartments in accordance with section 6.13 of the 2018 guidelines should also be submitted.
2. A report demonstrating compliance with the Guidelines for Planning Authorities on Urban Development and Building Heights issued by the minister in December 2018 in accordance with SPPR3 of those guidelines.
3. A report addressing the potential for the proposed development to affect the use of Baldonnell Aerodrome and the helipad at Tallaght Hospital.

4. An analysis of the daylight and sunlight that would be available to the proposed dwellings and open spaces with reference to the BRE guidance on the subject, as well as of the impact of the proposed development on adjoining sites and their development potential in this regard.
5. A phasing scheme for the development which would indicate how open space and access for the proposed housing would be provided in a timely and orderly manner.
6. A landscaping and open space strategy that shall include details of proposed boundary and surface treatments throughout the development, and of landscaping and planting. The details shall indicate the size of each open space and what persons would have access to them. They shall demonstrate how the provision and treatment of open space complies with the provisions of the development plan and the 2018 apartment design guidelines regarding amenity space.
7. Proposals in respect of the 110kV line at the north of the site.
8. A draft construction management plan.
9. A draft waste management plan.

7.0 Applicant's Statement of Consistency

- 7.1. A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement provides a response to each of the **three** issues and **nine** specific points of information raised in the Opinion.

Item No. 1: Further consideration of the documentation as it relates to the integration of the proposed development with the regeneration of adjoining sites and the rest of the industrial estate.

The proposed development will facilitate the delivery, inter alia, of 1104 build to rent apartments in the short term in direct response to the national housing crisis. The architectural drawing set and Design Statement, prepared by C+W O'Brien Architects, includes a Masterplan Drawing at page 25 which illustrates how the subject development will integrate with the regeneration of adjoining sites and the rest of the industrial estate.

The challenges presented by the construction of new mixed use and residential development in an existing, albeit transitioning, industrial area are fully recognised by the applicant. Accordingly, the applicant has had full regard to recent planning decisions in the area and welcomes the adoption of the new Local Area Plan which now provides the planning framework that ABP previously considered lacking. Within this framework in place this development will act as a catalyst to the transformation of this industrial estate into a series of interconnected residential and mixed use neighbourhoods.

- The subject site comprises a large parcel of land (4.99Ha) capable of establishing a self sustaining neighbourhood with its own character. Further to this, the subject proposal includes road, junction and streetscape upgrades which will see the existing industrial setting being replaced with a more residential environment.
- The site benefits from immediate proximity to the Luas Red Line Station at Belgard and a new pedestrian linkage to this station (provided with the consent of Dublin City Council) will be delivered in Phase 1 of the proposed development providing a significant planning gain for the coherent redevelopment of the area. It is envisaged that the phasing of development will progress initially with those parts of the site that are nearest the station and will be completed, in time, with those elements that are more distant from the Luas stop.
- The proposal incorporates improved connectivity and accessibility and will also benefit the development of nearby sites one of which was refused permission for reasons of not being “in accordance with an appropriate sequential development of these Regeneration (REGEN) zoned lands as a whole” (ABP Ref. 303911-19).

- The immediately surrounding area has started to see an infiltration of non-industrial uses in recent times, with a 4-storey office building featuring immediately adjacent at the Old Belgard Road and Cookstown Road roundabout and an Aldi Supermarket having been recently constructed further north. Finally, the pedestrian/cycle link to the Belgard Luas Stop provided by the subject proposal unlocks the development potential of this part of the Cookstown Industrial Estate and will stimulate redevelopment of surrounding lands. Currently, sites featuring on the northern side of Cookstown Road turn their back to the Luas Line. The road, junction and streetscape upgrades included in the subject application will also stimulate redevelopment of adjacent sites.
- With the provision of a safe, overlooked, and illuminated pedestrian and cycle path to the Belgard Luas station the site can provide direct and proximate accessibility, via dedicated linkages incorporated into the development, to the high capacity and frequent public transport LUAS and Bus services to and from Tallaght Town Centre, Tallaght Hospital and all stops between Cookstown and the City Centre. Block A has been designed to include apartments and communal amenity spaces with an outlook onto the proposed pedestrian and cycle path. The passive surveillance afforded by these apartments/communal amenity spaces, as well as public lighting provided in this area, ensures that the pedestrian and cycle path offers a safe environment for its user.
- Having regard to the proposed high quality connectivity of the site to a high capacity public transport corridor it is ideally suited to Build-to-Rent as the predominant land use. The Build-to Rent model enables the provision of higher density residential units in closer proximity of the LUAS stop which is central to the design and layout of the development. The number, size and type of the proposed residential units will contribute greatly to sustainable development and the optimisation of the patronage of this public transport service. It accords with good planning principles and the LAP to promote high density in proximity to the LUAS stop with less high densities being delivered in locations more than 800 metres away from the LUAS stop; this proximity to Luas will be key to the quality of life of this sustainable community and

Neighbourhood. The sustainable community benefit of the site in this regard cannot be underutilised by the provision of lower density development close to a LUAS stop.

- The layout, design and height of the proposed buildings in turn is a response to the close proximity of the proposed development to the Belgard Luas Stop, the national and local planning policy provisions and the commercial needs of the site. In addition to Build-to-Rent that will accommodate a wide range of occupants (including young professionals, young families, mature families, mature couples and single persons) 10% of the residential units are to be set aside for Council's Part V social and affordable requirements.
- The residential scheme will be fully supported by a mix of social and commercial services (4 No. commercial units, multiple floors of office space and a crèche). These complementary uses will contribute greatly towards the generation of a sustainable local community in this new neighbourhood consistent with the objectives of the LAP

7.1.1. Item No. 2: Further consideration of the documentation as it relates to access to the proposed development and to the streets in and around the site.

This extension to the application site boundary has facilitated the following improvements to the scheme:

- The creation of a pedestrian/cycle link adjacent to the site's eastern boundary providing a connection between Cookstown Road and the Belgard Luas Stop; and
- Road, junction and streetscape upgrade works along First Avenue, Cookstown Road and Old Belgard Road. These upgrade works will include the installation a signalized junction at the intersection of First Avenue and Cookstown Road and Old Belgard Road and Cookstown Road; the removal of existing high curbs and the provision of appropriate pedestrian and cycle paths within the immediately surrounding streets.

- The design of the local replacement streets within the Red Line have been carefully undertaken, so as to be fully consistent with DMURS, and a DMURS 'Statement of Consistency' is included.
- The planning application includes for the construction of a dedicated link to the Belgard LUAS Stop, and a letter of consent from the landowner (in this case Dublin City Council, which is a historic carry-over) has been received and is included as part of the planning application;
- All of the existing industrial estate roads & associated junctions within the red line of the planning application are being replaced with modern residential estate quality links and infrastructure.
- There are planned road improvements as part of this application, included as works within the red line, that will improve accessibility and increase local road permeability of the subject site.
- Car parking is being provided significantly below the maximum standards as set out within the South Dublin County Development Plan 2016-2022, with on average an approximate ratio of 0.3 per residential unit, including on-street provision. The lower provision of car parking will act as a demand management measure, ensuring that the development is accessed in the most sustainable manner, being almost predominantly reliant on non-car modes of travel. The lower provision of car parking is supported by a working Mobility Management Plan.
- A comprehensive rationale supporting the provision of Bicycle Parking & Car Parking numbers is set out in the detailed Transportation Assessment Report

7.1.2. Item No. 3: Further consideration of the documentation as it relates to drainage and water supply having regard to the issues raised in the submissions from the county council and Irish Water.

In response to the issues raised by South Dublin County Council's Water Services on SHD pre-planning application, in their report dated 27th January 2020, GDCL Consulting Engineers on behalf of the Applicants have liaised with South Dublin

County Council's Water Services in advancing the final scheme and provided additional information pertaining to their concern items.

In response to issues raised by Irish Water in their Confirmation of Feasibility Statement, dated 28th May 2019, GDCL Consulting Engineers on behalf of the Applicants have liaised with Irish Water in advancing the final scheme and have prepared a diversion proposal to address their concerns raised. The applicant states that the proposed diversion has been accepted by Irish Water. A copy of the applicable correspondence confirming Irish Water's acceptance of the proposed diversion is included at Appendix F of the Engineering Services Report, prepared by GDCL Consulting Engineers. A copy of the subsequently issued Statement of Design Acceptance is also included in Appendix F to the Engineering Services Report, prepared by GDCL Consulting Engineers

Specific Information points:

7.1.3. Item No. 1: A Housing Quality Assessment.

The architectural drawing set, prepared by C+W O'Brien Architects, includes a Housing Quality Assessment and the Design Statement, at Section 12.1, demarcates the dual/triple aspect apartments proposed within the development. The architectural drawing set (Drawings Nos. P19127-CWO-01-00- DR-A-1100, P19127-CWO-01-07-DR-A-1107, P19127-CWO-02-00-DR-A-1200, P19127-CWO-02-01-DR-A-1201, P19127-CWO-02-08-DR-A-1208, P19127-CWO-03-00-DR-A-1300, P19127-CWO-03-07- DR-A-1307, P19127-CWO-03-08-DR-A-1308 and P19127-CWO-04-00-DR-A-1400); Sections 5.0 and 6.9 of the Statement of Consistency & Planning Report, prepared by Hughes Planning and Development Consultants, and Sections 4.0 and 5.0 of the BTR Operational Management Plan, prepared by LIV Consulting, also detail the resident support facilities and resident services and amenities serving the proposed Build-to-Rent apartments. The application is also accompanied by a Statement of Response to Pre-application Consultation Opinion February 2021 draft legal agreement, prepared by a suitably qualified person, and a Building Lifecycle Report, prepared by AWN Consulting Ltd.

7.1.4. Item No. 2: A report demonstrating compliance with the Guidelines for Planning Authorities on Urban Development and Building Heights issued by the minister in December 2018 in accordance with SPPR3 of those guidelines.

The proposed developments compliance with the Guidelines for Planning Authorities on Urban Development and Building Heights is discussed in Section 6.3 of the Statement of Consistency & Planning Report and Section 5.3.2 of the Statement of Material Contravention, prepared by Hughes Planning and Development Consultants, which accompany this application.

7.1.5. Item No. 3: A report addressing the potential for the proposed development to affect the use of Baldonnell Aerodrome and the helipad at Tallaght Hospital.

The application is accompanied by an Aeronautical Assessment Report, prepared by O'Dwyer & Jones Design Partnership. These reports address the potential for the proposed development to affect the use of Baldonnell Aerodrome and the helipad at Tallaght Hospital.

7.1.6. Item No. 4: Daylight and Sunlight Analysis.

The application is accompanied by a Sunlight, Daylight and Shadow Assessment Report, prepared by JAK Consulting Engineers.

7.1.7. Item No. 5: A phasing scheme for the development.

The architectural drawing set, prepared by C+W O'Brien Architects, which accompanies the application includes a phasing scheme for the development. Please refer to Drawing No. P19127-CWO-00-00-DRA-0015.

7.1.8. Item No. 6: A landscaping and open space strategy.

The application is accompanied by a Landscape Strategy and Design Report and associated landscape drawings, prepared by Cunnane Stratton Reynolds, which details the landscape and open space strategy for the proposed development.

7.1.9. Item No. 7: Proposals in respect of the 110kV line at the north of the site.

As indicated in architectural drawing set (more specifically, Drawing No. P19127-CWO-00-00-DR-A0010), prepared by C+W O'Brien Architects, which accompanies the application, the proposed development adopts a minimum setback of 23 metres from the 110kV line featuring immediately north of the site. This setback is consistent with the guidance set out in the Code of Practice for Avoiding Danger from Overhead Electricity Lines, May 2019. The guidance set out in the Code of Practice for Avoiding Danger from Overhead Electricity Lines, May 2019, in relation to construction will be followed when the development comes to be built.

7.1.10. **Item No. 8: A draft construction management plan.**

The application is accompanied by an Outline Construction Environmental Management Plan, prepared by AWN Consulting Ltd.

7.1.11. **Item No. 9: A draft waste management plan.**

The application is accompanied by an Operational Waste Management Plan and a Construction & Demolition Waste Management Plan, both prepared by AWN Consulting Ltd.

8.0 **Third Party Submissions**

8.1. Eight number third party submission received from Belgard Area Residents Association, Tallaght Community Council, O'Neill Planning Consultants, Gravis Planning Consultants (Acting for adjoining landowner), Seán Crowe, John Lahart Teresa Costello and Alan Edge they are collectively summarised under the following headings:

Compliance with Policies of the County Development Plan and Tallaght Town Centre Local Area Plan

- Proposal is contrary to the Housing Mix and balanced community approach advocated in the Tallaght Town Centre Local Area Plan (2020 – 2026).
- The TTCLAP sets out that a minimum of 30% of units within any new housing development shall be a minimum of 3 bedroom.

- The TTCLAP outlines that the number of 4+ Person families in the area is 39%.
- Urge the Board to support the LAP objective intended to ensure a sustainable County Town is created in Tallaght.
- There is an absence of clear evidence of a local need for studio and 1 beds in the justification report.
- Housing density proposed is excessive.
- Neither the applicant for this proposal, nor any of the developers of Parcel CT-G to the south, nor South Dublin County Council, have engaged with owner and operators of Units 79 and 80 regarding the delivery of the 'Cookstown Urban Square' objective.
- The proposal's 'Landscape Strategy and Design Report' assumes the delivery of a Play Area and 'Multi-Use Games Area' within the indicative 'Cookstown Urban Square' to the south of the site, as opposed to within the site itself, but provides no detail as to how such amenities are to be delivered.
- There are clear requirements under the LAP that proposals for the delivery of residential development on this site – and the CT-G Parcel to the south – are to “provide for the delivery of the Cookstown Urban Square....in tandem with development”.
- Material contravention of the South Dublin County Council Development Plan 2016-2022 in terms of core strategy and certain policy objectives.
- Material contravention of the Tallaght Town Centre Local Area Plan 2014 in terms of Building Height, Density, Dwelling Mix.

Type / Mix of Units / Scale / Density / Height

- One bed apartment's do not allow for the growth of families
- Tenure mix and type proposed not suitable for Tallaght
- No. of one beds is excessive.
- Object to the scale, density and nature of the development.
- Height is inappropriate
- Over development of the area
- Density is unsustainable and comparable to central London

- Assuming a low average occupancy of 1.75 people per apartment, this represents a density of 40,270 people per sqm km. This could in fact be higher as many apartments will be occupied by 2 people. The densest borough in central London is Islington and Tower Hamlets at just over 16,000 people per sqm km. This proposed density is more than twice the highest in London.
- The application includes blocks which rise from 4 to 11 storeys in height. Section 2.6.2 of the Tallaght Town Centre Local Area Plan 2020-2026 outline the building height strategy for the LAP lands. The higher built form elements featuring in the proposed scheme exceed the heights specified in the Local Area Plan.
- An adequate number of BTR units have already been granted planning permission in the area.
- Of recent development applications (3055 apartments) in the locality indicate that 38% of the proposed residential units are to be single bedroom units and 8% studio units with only 5% to be three-bedroom units. The overall supply for the area is heavily skewed to studios and 1 beds - not aligning to local housing needs and only 44% are expected to be available to the market for sale.
- The number of larger families in the Tallaght area is 230% higher than the average in South Dublin County. There is an urgent planning need for larger family homes, and larger apartment size.
- There is a reality of three person families, who also have blended families and siblings who may visit occasionally due to shared custody arrangements or have extended family to visit if they live abroad. These dynamic family units will often need larger apartments taking that family dynamic and demand into account, this could push the actual demand to 30 or 35%, maybe even higher. Therefore, even at the lower demand of 26% for 3-bedroom units, 45 units is nowhere near what is required to meet this demand for larger apartments.

Lack of Communication / Units 79 and 80 Cookstown Industrial Estate

- No engagement with businesses operating out of Units 79 and 80, adjoining premises to the south.

- Owners of Units 79 and 80 do not object to the principle of high density residential-led development on the subject site, however they do have a number of concerns regarding assumptions that have been made in the submitted material about the development of their own landholding.
- The LAP notes that the Square “will be required to be delivered in tandem with and prior to the completion of each block of development” in the area.
- The owners and operators of Units 79 and 80 have not been engaged with by the applicants at any stage regarding the delivery of the Cookstown Urban Square objective. In this regard the proposal is a clear contravention with the requirements of the LAP, there is no reference, however, to same in the applicant’s ‘Statement of Material Contravention’.
- The owners and operators of Units 79 and 80 would welcome direct engagement with the applicant for this proposal in order to discuss how the Urban Square may be provided in tandem with development.

SHD Process

- SHD process in general is flawed
- Developments such as this will not resolve the housing crisis.
- The application is speculative from a developers and vulture funds perspective.
- 7 SHD applications granted in Tallaght and none built.
- The fact that the overwhelming majority of the units in the development are to be of a build-to-rent nature – in a market where rents are already unaffordable, build-to-rent on such a scale offers no opportunity to young people in particular, to own their own home.
- Given the market for rental properties for the last number of years, these are unlikely to be rented at a price that is affordable to local people and will contribute a significant transient population in an area that requires a settled population to help build community.
- Failure to contribute in any significant way to the improvement or enhancement of Tallaght and its environs, either socially, culturally, residentially, architecturally and its failure to contribute to the building landscape of a thriving urban centre.

- One of the main issues with Strategic Housing Development planning applications is the manner in which such applications can ignore both the local development and local area plans and submit a reasoning for doing so to ABP.
- An Bord Pleanála should recommend the provision of funds to allow community groups more easily engage town planners to keep a level playing field.
- Public Participation should be given more time.

Other Issues:

- Site area has been overstated and includes public roads.
- This reduction in site area to around 4.62 hectares, further increases the proposed development density to 239 dwelling per hectare, not the 221 dwelling per hectare on an area 4.99 hectares.
- Distance from the city centre is mis represented in the justification report,
- More people are working from home during COVID, this is a reason for larger apartment sizes not smaller ones.
- Larger apartments if people work from home will improve health and harmony in a home, this may become a public health issue if it is not considered at the planning stage.
- Concerns with regard to Fire Safety.
- There are inconsistencies in the Tallaght Town Centre LAP with respect to population projection to 2040. Two differing figures states a population up to 34,000 over a number of plan periods and population projection of up to 38,000 over a long term plan. Needs clarification.

9.0 Planning Authority Submission

- 9.1. In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, South Dublin County Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 13th May 2021. The report may be summarised as follows:

9.2. **Summary of Planning Assessment:**

Summary of the Chief Executive and Departmental Reports

The report concludes that the subject application substantially diverges from the Local Area Plan and is therefore recommended for refusal by the Planning Authority.

- The report sets out the deficiencies of the proposed development in terms of proposed tenure and proposed mix of units, as well as treatment of the public realm, building height and building bulk (plot ratio).
- The proposed development is a material contravention of the Tallaght Local Area Plan 2020 – 2026.
- The Local Area Plan sets out an ambitious vision for the regeneration of the Cookstown area and the redevelopment of the subject site, with a significant site area would be welcomed by the Planning Authority.
- Taking account of the mixed use environment envisaged for the regeneration of lands and the infilling of the Town Centre, the Plan provides for carefully considered height and plot ratio parameters to guide the intensity of development.
- The capacity for growth at the subject site, from a landuse & transport perspective in accordance with the proper planning and sustainable development of the area is reflected in policies of the Local Area Plan. The subject application substantially diverges from the Local Area Plan and is therefore recommended for refusal by the Planning Authority.
- The report sets out the deficiencies of the proposed development in terms of proposed tenure and proposed mix of units, as well as treatment of the public realm, building height and building bulk (plot ratio)
- If permitted, the development would create an extremely poor precedent in the local area which would be compounded by its scale. The development would in its current form, ultimately compromise the regeneration of the area to provide a sustainable community.

9.3. **Summary of Inter-Departmental Reports**

Internal:

Environmental Services:

- Surface Water: Identifies concerns and recommends conditions.
- Flood Risk: No objection, subject to conditions.

Housing: No objection, subject to conditions.

Public Realm: Identifies concerns and recommends conditions.

Roads: Identifies concerns and recommends conditions.

9.4. **Refusal Recommended**

9.4.1. The planning authority recommends that permission be refused for 10 number reason, namely:

(1) The proposed development directly contravenes Objective RE2 of the Tallaght Town Centre Local Area Plan 2020 – 2026, a specific written objective to provide 30% of units as 3-beds in each development. The proposed development provides just 4% of units as 3-beds, which is major under provision, exacerbated by the scale of the development. The objective fulfils the requirements of SPPR 1 of the ‘Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities’ (2020) to set a standard for mix of units. The proposed development would therefore undermine the managed regeneration of the area, contravene a specific objective of the Local Area Plan, and contravene the ‘REGEN’ land-use zoning objective, and not be in keeping with the proper planning and sustainable development of the area.

The large proportion of 1-bed and studio units is also disproportionate.

(2) The proposed development would not provide the necessary diversity of tenure to provide for the creation of a sustainable residential community, and would therefore undermine the regeneration and residential-led development of the area, and would be contrary to the ‘REGEN’ land-use zoning objective, the Tallaght Town Centre

Local Area Plan 2020 – 2026 and the proper planning and sustainable development of the area.

(3) The combination of poor unit mix and inappropriate tenure mix at this site creates an extremely poor precedent for high rise, high density development in this locality and nationally. The development does not provide adequate residential amenity for future occupants and would provide for a narrow band of potential tenants. The development would not enable delivery of a sustainable or mixed and balanced community – both by itself and by the precedent it would create – encourage larger households away from sustainably dense developments with good transport connections, towards additional suburban houses in car-dependent localities. As such, the proposal is contrary to the proper planning and sustainable development of the area.

(4) The layout and treatment of public realm throughout the development is poor. The public plaza suffers from the presence of large underpasses, the function of which is unclear and which would attract anti-social behaviour, and undermine the enjoyment of the space by the public. Podium frontage to the public linear park features lengthy blank facades in front of bicycle stores. The functionality of the public plaza has been thoroughly compromised by the division of the space with an underpass, and the provision of residents' only facilities, rather than active facilities, on its edges. Courtyard spaces and the west to east pedestrian street through the site would suffer from poor sunlight penetration, notwithstanding the overall findings of the Sunlight/Daylight analysis provided by the applicant. The Planning Authority considers that the whilst the applicant has provided public open space, the proposal fails to support/enable the provision of the Cookstown Urban Square and as such, the proposal is contrary to Section 3.3 to the Tallaght Town Centre Local Area Plan 2020 – 2026 and the proper planning and sustainable development of the area.

(5) Taking the above into account, the Planning Authority considers that the proposed development does not meet the threshold for provision of 'significant public gain' to justify additional height and plot ratio, as set out in Section 2.6 of the Local

Area Plan. The proposed heights and plot ratio would therefore be contrary to the Tallaght Town Centre Local Area Plan 2020 – 2026 and the proper planning and sustainable development of the area.

(6) Block heights to tertiary routes are contrary to the height strategy in the Tallaght Town Centre Local Area Plan 2020 – 2026 and the proper planning and sustainable development of the area.

(7) The applicant has provided no information regarding undergrounding the 110Kv electrical line which traverses the site at its northern tip. As such, the proposal is contrary to Section 3.3 to the Tallaght Town Centre Local Area Plan 2020-2026 and the proper planning and sustainable development of the area.

(8) The Planning Authority considers that the car parking provision for the proposed development is too low. It is considered that the deficit in car parking would encourage illegal parking on the public realm, footpaths and cycleways and compromises the creation of a sustainable community. The proposed development is therefore contrary to the Tallaght Town Centre Local Area Plan and the proper planning and sustainable development of the area.

(9) A scoping exercise has not been carried out with Irish Water. It is not clear that the development is feasible. In the absence of demonstrating adequate servicing infrastructure, it is considered that the proposal may be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

(10) Insufficient clarity, design details and certainty has been provided on the implementation of the pedestrian/cycle link to the Belgard Luas – a key requirement of delivering a sustainable development in this parcel of Cookstown. As such, the proposal is contrary to Section 3.3 to the Tallaght Town Centre Local Area Plan and the proper planning and sustainable development of the area.

9.4.2. 27 number conditions are recommended, in the CE Report, in the event that planning permission is forthcoming.

9.5. Elected Members

9.5.1. The proposed development was presented to councillors at the Tallaght Area Committee Meeting on 26th April 2021. The comments provided by elected members are summarised below. The meeting noted that every elected member of the committee is opposed to the proposed development. The issues raised by local councillors and stated in the planning authority CEO report are reiterated below:

9.5.2. Cllr King

- There are 13 SHD's in this area
- It will have a huge negative impact on quality of life of people in vicinity
- We shouldn't be building studios (basically bedsits)
- Over 11,000 apartments – it will be interesting to see the size of these
- Question the 5ha – site does not look that big
- Is transport infrastructure adequate?
- There will be a least 2,500 people with 351 parking spaces – this is crazy – bicycle spaces won't be used and there should be more parking
- Is the raised section in one of the courtyards of the Blocks intended as bicycle parking?
- People don't stay long – only 2 years
- Are gyms open to commercial markets?
- Lack of public open space and no sense of community

Cllr Holohan

- With these SHD's the rich will get richer and the poor get poorer
- Who owns the land?

- If we really wanted to solve housing crisis the Council should be building this
- What are we doing to our citizens?
 - What do communities benefit?
- We are against people being robbed through their pocket

Cllr Mahon

- Estimated 2,600 population in this scheme
- LAP has restrictions on heights
- SHD's are not a thing of the past
- This is speculative development
- Much of these rents will be paid by HAP by the tax payer
- Does not cause sustainable community
- People unable to remain in long term communities due to corporate landlords
- This is Fianna Fail/Fine Gael policy

Cllr Duff

- I support my colleagues
- I cannot see how this links in to regeneration of Cookstown
- No reference to sustainability regarding employment
- Nothing about families and sustainability
- Does not increase capacity in public transport
- People won't cycle if there is a Luas beside them
- Proposal does not provide for 4 or 5 person apartments for families
- This is for profit only

Cllr Costello

- Parties that support capitalism can't ignore this problem
- I oppose this development
- 475 one beds – just to get money in
- SHD's provide transient community
- Who will live in these apartments (Citywest has vacant apartments)
- No work commenced yet on other SHD's

Cllr Fay

- This is capitalism versus socialism
- You need to get rid of profit out of housing (these are all build to rent)
- More difficult now to get HAP
- People forced to live in hubs for longer
- The hubs and HAP is costing the taxpayer
- This is housing for profit
- Insecure housing

Cllr O'Connor

- I oppose this
- No regeneration or benefits
- Cookstown Industrial Estate was about creating employment
- How will all the SHD's in Tallaght/Belgard cope – who will live in them?
- We will have problems if all these SHD's are built
- Not viable
- Absolute no

Cllr Sinclair

- Applicants are in business of making money and not in business of building homes
- It is not sustainable
- We do want houses/homes in Tallaght
- These SHD's are designed to fail
- Will put severe strain on Luas and infrastructure – Luas is at capacity
- Council needs to take the lead to build houses
- We should provide sustainable housing in Tallaght.

10.0 Prescribed Bodies

The applicant was required to notify the following prescribed bodies prior to making the application:

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority
4. Irish Water
5. Irish Aviation Authority
6. Department of Defence
7. South Dublin County Childcare Committee.

10.1. **SUMMARY OF PRESCRIBED BODY REPORTS:**

Department of Defence No objection, subject to conditions. The report sets out that: “Given the proximity to Casement Aerodrome and the position within the approach surface to Runway 28, operation of cranes should be coordinated with Air Corps Air Traffic Services, no later than 90 days before use.”

“Obstruction lights used should be incandescent or of a type visible to Night Vision Equipment. Obstruction lighting fitted to obstacles must emit light at the near Infra-Red (IR) range of the electromagnetic spectrum specifically at or near

850nanometres (nm) of wavelength. Light intensity to be of similar value to that emitted in the visible spectrum of light”.

“Given the proximity to Casement Aerodrome this area may be subject to a high level of noise from aircraft operating in the vicinity of the aerodrome”.

Irish Aviation Authority No objection, subject to conditions. It is the observation of the IAA that in the event of planning consent being granted, the applicant should be conditioned to provide at least 30 days notification of proposed crane operations to the property management branch of the Department of Defence and the HSE.

Irish Water Raises concerns.

In regard to Water:

Irish Water previously noted in its response to the Bord as part of the Pre Consultation for this development that in order to determine feasibility of a water connection it was necessary to carry out detailed scoping to determine the extent of investigations, pressure tests and hydraulic modelling required to identify demand within the district metered area. These investigations and modelling, when completed, would then inform the full extent of any upgrades which may be required to be completed to service the development connection to Irish Waters Infrastructure.

The scoping, investigations and modelling has not been completed to date and as such, the extent of upgrades and/or works required, along with any consents necessary to facilitate water connection(s) for the proposed development are unconfirmed.

In regard to wastewater:

Irish Water previously noted in its response to the Bord as part of the Pre-Consultation that capacity issues existed downstream of sewers adjacent to the site and too alleviate this a wastewater connection would need to be to the 600mm ID concrete sewer in Airton Road. In order to complete this connection, it was anticipated a sewer extension from the site was required for approx. 800m, however, subsequently, IW have become aware of further downstream constraints.

As such, and given the time that has elapsed, the COF as issued, is no longer valid. It is IWs expectation that a model (Due May 2021) will be available and thereafter

the necessary upgrading works to service this development will be identified. IW would like to clarify its submission issued to ABP on 22nd April.

IW is not suggesting the development proposal, as a whole is premature, rather until such time as the investigations and modelling outlined above have been completed IW cannot identify the nature and scope of the upgrades and/works that will be required to facilitate connections for this development proposal.

National Transport Authority Raises concerns and issues.

Concerned re mix and diversity of tenure, demographic profile and social inclusivity. The proposed development is not consistent with the policies of the Tallaght Local Area Plan in this regard.

Failure to achieve objectives may undermine the strategic transport aim to establish high density consolidated development as an attractive and enduring urban format.

Government investment in strategic and local transport, which is planned to complement a more consolidated form of urban development, may be compromised.

The proposed development is located on an outer suburban site, close to a Luas stop and served by one orbital bus route. As such, it is not located at the “confluence of public transport systems such as rail and bus stations located in close proximity” as provided for in the Sustainable Urban Housing Design Standards for New Apartments guidelines. Such a description would only apply to sites located adjacent to or within Tallaght Town Centre rather than the subject site, approximately 1km away.

The NTA is therefore concerned that the proposed level of car parking is too low and may lead to issues such as overflow parking on nearby streets and / or reduced levels of mobility overall for the future residents with associated effects on their quality of life and a consequent adverse effect on the overall residential amenity of the proposed development.

Transport Infrastructure Ireland No objection, subject to conditions.

11.0 Oral Hearing Request

None requested.

12.0 Assessment

12.1.1. I consider that the key issues for consideration by the Board in this case are as follows: -

- **Site Zoning & Principle of the Development**
- **Layout**
- **Massing**
- **Height**
- **Plot Ratio and Density**
- **Tenure Mix**
- **Intensity of Development**
- **Residential Amenity**
- **Visual Impact**
- **Traffic and Transport**
- **Impact Upon Aviation**
- **Water Based Services**
- **110 Kv Line**
- **Public Open Space & Landscaping**
- **Public Plaza**
- **Cookstown Square**
- **Reason For Refusal By SDCC**
- **Material Contravention Issue**
- **Other Matters**
 - **Flood Risk**
 - **SHD Procedural Issues**
 - **Part V**

- **Environmental Impact Assessment (EIA)**
- **Appropriate Assessment (AA)**

12.2. Site Zoning & Principle of Development

- 12.2.1. Having regard to the nature and scale of development proposed, namely demolition of existing industrial and commercial buildings, construction of 1,104 number build to rent (BTR) apartments with ancillary resident facilities 4 no. commercial units (totalling 762 sq. m), 1500 sqm of office space and a creche (245 sq. m) I am of the opinion, that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 12.2.2. In the South Dublin County Council Development Plan 2016-2022 the subject site is zoned 'REGEN' – "to facilitate enterprise and/or residential led development." Residential-led development is 'permitted in principle' under the 'REGEN' zoning objective, as are the proposed ancillary and other uses on the subject site.
- 12.2.3. The site is located in the Cookstown neighbourhood of Tallaght. The Tallaght Town Centre Local Area Plan (TTCLAP) 2020 – 2026 was adopted in July 2020. It is set out in detail in section 5.2 of this report above. This plan seeks to strengthen Tallaght's position as a highly liveable, well designed, quality urban environment that is home to diverse and integrated communities, where people feel connected and there is a distinctive sense of place. It sets out a plan for the development of sites for residential and mixed-use development within its area. It includes an order of sequencing or phasing linked to location, proximity to the town centre, a Luas stop, sufficient size to establish its own character (excess of 2 ha) or adjacent to residential development.
- 12.2.4. The subject site is identified as Cookstown 'CT-D' in the TTCLAP 2020 – 2026. While the site is not immediately adjacent to the town centre or adjoining residential development, it is, I consider, proximate to Belgard Luas stop and of sufficient size to establish its own character, subject to assessment of adequate design, layout and connections to transport infrastructure and amenity.

12.2.5. The applicant argues that the subject application site is the ideal starting point for the regeneration of the northern part of the Cookstown Industrial Estate for a no. of reasons.

- The subject site comprises a large parcel of land (4.99Ha) capable of establishing a self sustaining neighbourhood with its own character. Further to this, the subject proposal includes road, junction and streetscape upgrades which will see the existing industrial setting being replaced with a more residential environment;
- The site benefits from immediate proximity to the Luas Red Line Station at Belgard and a new pedestrian linkage to this station (provided with the consent of Dublin City Council) will be delivered in Phase 1 of the proposed development providing a significant planning gain for the coherent redevelopment of the area. It is envisaged that the phasing of development will progress initially with those parts of the site that are nearest the station and will be completed, in time, with those elements that are more distant from the Luas stop;
- The immediately surrounding area has started to see an infiltration of non-industrial uses in recent times;
- The pedestrian/cycle link to the Belgard Luas Stop provided by the subject proposal and will stimulate redevelopment of surrounding lands;
- Currently, sites featuring on the northern side of Cookstown Road turn their back to the Luas Line. The road, junction and streetscape upgrades included in the subject application will also stimulate redevelopment of adjacent sites;
- Block A has been designed to include apartments and communal amenity spaces with an outlook onto the proposed pedestrian and cycle path. The passive surveillance afforded by these apartments/communal amenity spaces, as well as public lighting provided in this area, ensures that the pedestrian and cycle path offers a safe environment for its user;

12.2.6. The planning authority indicate that they are committed to the regeneration of Cookstown and the development of sites for residential and mixed-use development, in order of their suitability under the sequencing policy laid out in the Tallaght Town Centre LAP. It is their opinion that “this site is not immediately adjacent to either the town centre, a Luas stop, or adjoining residential development”. The report goes on

to state: “The site is however of sufficient size to establish its own character, subject to adequate design, layout, and connections to transport infrastructure and amenity”.

12.2.7. I tend to agree with the applicant that development must start somewhere and there is now an adopted LAP in place. I consider that the merits of the subject proposal could be deemed acceptable / argued favourably under the phasing of the LAP given the foregoing points. In my view the proposal generally accords with the Urban Framework set out in Fig. 3.7 ‘Overall Urban Structure’ of the LAP for Cookstown.

12.2.8. In conclusion, it is my view the proposed development is in accordance with the ‘REGEN’ zoning as per the South Dublin County Development Plan 2016 – 2022. As set out in section 12.2.2 of this report residential-led development is ‘permitted in principle’ under the ‘REGEN’ zoning objective, as are the proposed ancillary and other uses on the subject site. I note in particular:

- Core Strategy Objectives CS1 Objective 1: ‘To promote and support high quality infill development’
- Core Strategy Objectives CS1 Objective 2: ‘To promote and support the regeneration of underutilised industrial areas in areas designated with Zoning Objective Regeneration ‘REGEN’ (to facilitate enterprise and/or residential led development)’.
- UC6 Objective 3 to direct tall buildings over 5 storeys to strategic and landmark locations in Town Centre, Regeneration and Strategic Development Zones subject to an approved LAP or Planning Scheme.
- Policy H7 Urban Design in Residential Developments: It is the policy of the Council to ensure that all new residential development within the County is of high quality design and complies with Government guidance on the design of sustainable residential development and residential streets including that prepared by the Minister under Section 28 of the Planning & Development Act 2000 (as amended).
- Policy H8 Residential Densities: It is the policy of the Council to promote higher residential densities at appropriate locations and to ensure that the density of new residential development is appropriate to its location and surrounding context.

- Policy H9 Residential Building Heights: It is the policy of the Council to support varied building heights across residential and mixed use areas in South Dublin County.
- H9 Objective 4: To direct tall buildings that exceed five storeys in height to strategic and landmark locations in Town Centres, Mixed Use zones and Strategic Development Zones and subject to an approved Local Area Plan or Planning Scheme.
- Policy H10 Mix of Dwelling Types: It is the policy of the Council to ensure that a wide variety of adaptable housing types, sizes and tenures are provided in the County in accordance with the provisions of the Interim South Dublin County Council Housing Strategy 2016-2022

12.2.9. The Planning Authority has serious concerns in relation to the contribution this proposed development would make to the delivery of the adopted Local Area Plan, in particular, with regards to the Cookstown area and the CT-D parcel.

12.2.10. It is my view that the proposed residential-led development with ancillary and other uses is in accordance with the development framework set out in the LAP, would support the regeneration zoning objective of the site. I note page 81 of the LAP states:

“In terms of regeneration, the Cookstown Area also provides for a unique opportunity to facilitate the reuse of underutilised industrial lands that are proximate to Tallaght Town Centre and high quality transport nodes to provide for a more intensive mix of enterprise and/or residential led development. These lands are serviced and offer significant potential for more intensive forms of enterprise and/ or residential led development”.

12.2.11. It is, therefore, my opinion, regard being had to the LAP, that the principle of the proposed development is acceptable. However, compliance with specific objectives and policies of the LAP in particular: plot ratio, unit mix, housing tenure and other development management criteria such as height, layout, design, visual amenity, residential amenity, infrastructural services, landscaping, open space and traffic are all critical factors to the acceptability of this development proposal and need to be assessed.

12.2.12. A Material contravention statement has been submitted. The applicants Material Contravention Statement addresses and seeks to provide a justification for the material contraventions to the Tallaght Town Centre Local Area Plan 2020-2026, in respect of:

- Height
- Housing Mix and
- Housing Tenure Mix

12.2.13. The matter of material contravention and the other development management issues shall be assessed in greater detail in succeeding sections of this report.

12.3. **Layout**

12.3.1. The proposed development comprises the demolition of existing industrial units/buildings (totalling 15,989sq.m) and the construction of a mixed-use development, in 4 no. blocks varying in height from four to eleven storeys (totalling 91,282sq.m). The proposed development retains the existing petrol station (associated with Circle K Belgard) located in the north-eastern corner of the subject site.

Block A

Residential building (4 to 9 storeys, with podium level car park) located in the northern part of the site accommodating 36 no. studios, 79 no. 1-bed apartments, 62 no. 2-bed apartments, 75 no. 2-bed duplex apartments and 8 no. 3-bed apartments, with associated balconies / terraces for each apartment from ground floor to 8th floor levels. Block A features 492sqm of internal communal amenity space at ground and eighth floor levels and 1355sqm of external amenity space in the form of a 1078sqm landscaped courtyard at first floor level and 276sqm roof terrace at eighth floor level. Block A's podium level car park features 68 no. car parking spaces (4 no. of which are limited mobility user spaces) and 540 no. bicycle parking spaces. Block B Mixed-use building (7 to 11 storeys, with podium level car park) located in the south western corner of the site accommodating 28 no. studios, 152 no. 1-bed apartments, 52 no. 2-bed apartments, 98 no. 2-bed duplex apartments and 12 no. 3-bed apartments, with associated balconies / terraces for each apartment from ground

floor to tenth floor levels; and 2 no. commercial units (totalling 285sq.m) both accommodating a cafe/restaurant/bar.

Block B

Features 916sqm of internal communal amenity space at ground and ninth floor levels and 1619sqm of external amenity space in the form of a 872sqm landscaped courtyard at first floor level, which features a 285sqm pavilion, and a 461sqm roof terrace at ninth floor level. Block B's podium level car features 53 no. car parking spaces and 336 no. bicycle parking spaces. Block B has been setback from the sites south-western corner to provide a 1688sqm public plaza. Block C Residential building (7-9 storeys, with podium level car park) located centrally on the site accommodating 68 no. studios, 155 no. 1-bed apartments, 53 no. 2-bed apartments, 49 no. 2-bed duplex apartments and 25 no. 3-bed apartments, with associated balconies / terraces for each apartment from ground floor to eighth floor levels; and a 245sqm creche with 100sqm external play space.

Block C

Features 1002sqm of internal communal amenity space at ground, eighth and ninth floor levels and 1746sqm of external amenity space in the form of a 456sqm landscaped courtyard at ground floor, a 724sqm landscaped courtyard at first floor level, a 288sqm roof terrace at seventh floor level and a 277sqm roof terrace at eighth floor level. Block C's podium level car park features 42 no. car parking spaces and 336 no. bicycle parking spaces.

Block D

Mixed-use building (8 storeys) located in the south-eastern corner of the site fronting Old Belgard Road accommodating 89 no. 1-bed apartments, 41 no. 2-bed apartments and 22 no. 2-bed duplex apartments, with associated balconies / terraces for each apartment from ground floor to seventh floor levels; 2 no. commercial units (totaling 477sq.m), one of which will serve the existing Circle K Belgard petrol station which is to be retained and the other accommodating Class 1, 2 and 8 uses as per the Planning and Development Regulations, 2001-2019, as amended; and 1500sqm of office space across first to seventh floor level. Block B features 152sqm of internal communal amenity space at ground floor level and 609sqm of external amenity space in the form of a landscaped terrace first floor

level. Block D's podium level car park features 30 no. car parking spaces and 252 no. bicycle parking spaces. An additional 21 no. car parking spaces are provided in the north-eastern corner of the block to serve the proposed commercial units and office space.

12.3.2. In addition to the external communal amenity spaces, the proposed development includes 6,680sqm of public open space. This is inclusive of a linear park around Block A, a linear park centrally at Block C which ties in with an interconnected linear park and public plaza featuring in Block B. The 1688sqm public plaza is provided in the south-western corner of the site north of a new urban square proposed in the Tallaght Town Centre Local Area Plan 2020-2026. Block B has been designed to include 2 no. double height entries adjacent to the public open space area – this it is stated, by the applicant, to provide views into the space and a welcoming environment for users outside the proposed development. The public plaza featuring in Block B is overlooked by the roof terrace immediately north. It is contended all proposed roof terraces, including the one overlooking the public plaza, have been positioned to ensure good solar access and have been designed having regard to potential wind impacts to ensure a suitable environment for users.

12.3.3. I note the proposed road layout, which includes a new road through the subject site, along the sites southern boundary, which links Cookstown Road with the Old Belgard Road, as well as 2 no. new roads through the subject site linking Cookstown Road with the newly created through road. A new pedestrian link is proposed from Cookstown Road to the Belgard Luas Stop immediately north. Traffic, transport and connectivity will be dealt with in greater detail in a subsequent section of this report.

12.3.4. The LAP sets out an overall urban structure which provides the basic and larger scale layout of routes, spaces and features for the Plan. It states: 'Where development is likely to occur on an incremental basis, for example, in Cookstown, a strong urban structure ensures a coordinated approach over a longer time period. It provides a blueprint for development identifying routes, linkages, public spaces, street frontages and building lines'. Key elements of the proposed urban structure for Cookstown is set out in the LAP as follows:

- New and robust pattern of urban blocks of different sizes and configuration in the Cookstown area to allow for a range and mix of uses.

- New urban block structure to provide improved permeability and coherence to established areas such as Broomhill and Cookstown.
- Coherent, regular and enclosing building frontage to the primary and secondary streets and the main urban spaces and squares. This has the benefit of enhancing the streetscape and providing a greater sense of urbanity and enclosure along some of the existing routes such as Belgard Road. It will also provide greater overlooking and passive surveillance of public areas

12.3.5. The proposed urban structure is a guide for future development in the area.

Flexibility in relation to the proposed urban structure will be considered where it is demonstrated that the overarching objectives of the urban framework and key elements of the proposed urban structure are achieved in any alternative layout

12.3.6. While I note issues of concern raised by the planning authority, with respect to public open space / urban square and deliverability of the proposed pedestrian and cycle link to the Luas. Overall I consider that the proposed layout of the blocks generally complies with the LAP for Cookstown CT - D. The proposed road will achieve the through street sought by the Tallaght Town Centre Local Area Plan in Section 2.2.1 – street network and route structure. I agree that the proposal makes a positive contribution to the improvement of connectivity through the site. The new pedestrian routes through the site create positive connections for locals to enjoy the space and promotes walking in the area and encourages the public to stop and enjoy the public landscaped areas.

12.4. **Massing**

12.4.1. The applicant argues that the proposal provides for the regeneration of a brownfield site in a sustainable manner. That the design of the proposed development responds to its locational context in terms of its scale, massing and architectural treatment. That it will provide an appropriate form of redevelopment along Cookstown Road and Old Belgard Road.

12.4.2. The proposed development is mostly made up of 7-8 storey development, with a small element of 4-storey development, and an 11-storey landmark tower provided at the south west corner of the site. The LAP identifies building heights of 3 – 7 storeys (with 1 additional storey set back).

12.4.3. Massing is strongly related to height and plot ratio which are dealt with separately in this report. Excessive heights throughout the scheme may contribute to poor sunlight / daylight penetration to ground level open spaces. Cognisance is had that excessive heights could prejudice development of adjoining sites. The subject proposal is located, centrally, for the most part, within an existing low rise industrial and commercial environment which is subject to a newly adopted LAP for the wider area. Table 3.7 Overall Urban Structure, of the LAP, sets out the urban grain hierarchy of routes, urban spaces and height strategy. The subject site is located in the area designated as 3 – 4 storey (commercial or residential) with only a small portion of the northern part of the site addressing Belgard Road, closer to the Luas Stop identified for 6 – 7 storey residential. I note the Asterix on Fig. 3.7, which denotes, 'potential for higher buildings (additional 4 storeys residential or 3 storeys commercial) is located on lands to the east directly to the south of the Belgard Luas stop. The proposal as submitted is not in accordance with the LAP and could have significant negative consequences for adjoining sites in terms of inappropriate transition in massing. I do not accept that the proposed development is justifiable in terms of massing proposed, cognisance being had to the nonconformity to stated plot ratio and height strategy set out in the LAP.

12.5. Height

12.5.1. Building height is strongly related to the foregoing 'massing' section. The proposed development comprises four number blocks, as stated earlier, it is mostly made up of 7-8 storey's, with a small element of 4-storey development, and an 11-storey landmark tower (34.9m) provided at the south-west corner of the site. From a review of the planning history in the Tallaght Area I believe that 10 stories is the maximum height to date. This being said this area is subject to the now adopted Tallaght Town Centre Local Area Plan 2020 – 2026. As set out in the foregoing section the proposal, albeit has regard to the urban structure and linkages and connectivity does not comply with certain criteria set out in the LAP, for Cookstown. It is acknowledged the LAP provides an opportunity for proposed additional heights of 2-4 storeys, where certain criteria are met. The criteria in relation to intensity of development and additional height are set out in section 2.6 of the Plan. The LAP sets out that the largescale regeneration of the Tallaght LAP lands will give rise to a new built form that will be different to the type of buildings that predominate in the area today.

12.5.2. The LAP states: "To reflect the importance of placemaking at key public transport stops and key public spaces, flexibility in relation to the plot ratio range and the potential for higher buildings (2-4 storey increase on typical levels set in the LAP) may be considered at certain locations which are considered to be key or landmark sites, subject to exceptional design which creates a feature of architectural interest, a significant contribution to the public realm at these locations and mixed uses at ground floor level. These requirements are subject to criteria for taller buildings set out in Section 2.6.2. This provision may apply where the site is directly adjacent to the following:

- High capacity public transport stops (i.e. a Luas stop or high frequency bus stop (i.e. 10-minute peak hour frequency) on a dedicated bus lane)
- The proposed 'New Urban Square' north of Belgard Square North in the Centre neighbourhood
- The proposed 'New Urban Square' within the Cookstown neighbourhood and
- The proposed Transport Interchange and adjacent proposed 'Urban Space' in the Centre neighbourhood.

12.5.3. This provision will only apply to the extent of a site which is within 100m walking distance of the above locations and will only be considered where the Planning Authority is satisfied that provision of the above facilities will be achieved".

12.5.4. The planning authority consider that the principle of an 11-storey tower could be accommodated on this site, however, for this to be in accordance with the adopted LAP, the design, the public space provision and the mix of uses at ground floor level must be of the highest standards as per the LAP and the design criteria in section 2.6.2 of the plan adhered to.

12.5.5. I am of the opinion that the building heights proposed respond to the Dept. of Housing, Planning and Local Government Sustainable Urban Development and Building Heights Guidelines for Planning Authorities (2018). Given the location of the site and its proximity to Belgard Luas Stop a case for the proposed heights over and above the LAP standards is addressed within the Material Contravention Statement, accompanying this application, which puts forward a case for the proposed height at this location in accordance with SPPR3 of the Building Height Guidelines. The issue

of Material Contravention is considered in detail in the succeeding section of this report.

12.5.6. The 'Urban Development and Building Heights Guidelines for Planning Authorities' (the Building Height Guidelines) provides clear criteria to be applied when assessing applications for increased height. The guidelines describe the need to move away from blanket height restrictions and that within appropriate locations, increased height will be acceptable even where established heights in the area are lower in comparison. In this regard, SPPRs and the Development Management Criteria under section 3.2 of these section 28 guidelines have informed my assessment of the application. This is alongside consideration of other relevant national and local planning policy standards. Including national policy in Project Ireland 2040 National Planning Framework, and particularly objective 13 concerning performance criteria for building height, and objective 35 concerning increased residential density in settlements.

12.5.7. SPPR 3 states that where a planning authority is satisfied that a development complies with the criteria under section 3.2 then a development may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise. In this case, the LAP indicates a maximum height of 4 – 6 storeys with the opportunity for proposed additional heights of 2-4 storeys, and the proposed development has a maximum height of some 11 storeys. The 11 storey block being proposed on an area which Fig. 3.7 Overall Urban Structure of the LAP denotes as suitable for a building height of a mix of 4 – 6 storeys.

12.5.8. The first criterion of section 3.2 relates to:

'At the scale of the relevant city/town'. The accessibility of the site by public transport is noted. The northern portion or parcel of the site is located in close proximity of the Belgard Luas Stop < 800m. The site is well served by public bus and is of an area considered to make a positive contribution to placemaking.

12.5.9. The second criterion relates to:

'At the scale of district/ neighbourhood/ street'. I note the character of the area in which the development is located. While I acknowledge the existing 5 storey office block located approximate to the site and the existing Aldi supermarket, the height of the blocks sets a new character for this area. Overall, I consider that the height of the

blocks would not create significant adverse visual impact on surrounding streets. The staggered height design approach minimises the impact on adjoining areas. The proposed development is not within an architecturally sensitive or historic part of the city and the development would not impact upon key landmarks or views. The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape. The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered. Overall, regard being had to the foregoing I consider that the building height proposed is acceptable on this site.

With respect to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood I am not satisfied that the proposal positively contributes to this criterion. As discussed throughout this report, the proposal is contrary to RE2 of the LAP and constitutes a 100% BTR development proposal.

12.5.10. The third criterion relates to:

‘At the scale of the site/building’. I am not of the opinion that the form, massing and height of proposed developments is acceptably modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. I am also not satisfied that appropriate and reasonable regard has been taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment’s ‘Site Layout Planning for Daylight and Sunlight’ (2nd edition) or BS 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting’, see Daylight / Sunlight section of this report. The proposal does not in my opinion set out a rationale for any alternative, compensatory design solutions, in respect of which An Bord Pleanála could apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives.

12.5.11. The fourth criterion relates to:

‘Specific Assessments’. I am satisfied that pertinent criteria related to micro climate effects, sensitive birds and / or bat areas, important telecommunications channels, safe air navigation, urban design statement, relevant SEA, EIA AA and Ecological Impact Assessment has been appropriately incorporated into the development proposed.

12.5.12. The proposed development provides for a public plaza to the south-west of the development, a pedestrian street running west to east through the development, and a pedestrian/cycle link past Block A to the Belgard Luas. The planning authority have taken issue that the west to east pedestrian street through the development, the functionality of the public plaza, the underpasses, useability and functionality of some of the allocated public open space, in particular the north-south link area. The following issues are raised:

- Non-usability and potential for anti-social behaviour in the underpasses, which are too large.
- General overdevelopment around and above public plaza divides the space and severely limits its utility and function.
- Public Plaza would not conform to standards in section 9.2 of the Local Area Plan.
- Poor sunlight/daylight penetration to ground level and podium level open spaces.
- Lack of children's play facilities and variety of play / hang-out facilities, given scale of development.
- Podium frontage to public linear park could be improved with additional residential units.
- Layout of east-west street connecting Belgard Road and Cookstown Road requires revision.
- Feasibility of delivering landscape improvements to north-east of Block A, without proposals for undergrounding 110Kv line there.

12.5.13. I agree with the concerns of the planning authority that the proposed development does not provide significant public gain, as per section 2.6.1 of the LAP, to justify the additional height or plot ratio on the site. I would also be of the opinion that the proposal is contrary to Fig. 3.7 Overall Urban Structure which specifically sets out a building height of max 6 storeys residential on the specific area where the 11 storey tower is proposed. The proposal is also contrary to Criterion 2 and 3 of Section 3.2 of the Urban Development and Building Height Guidelines for planning Authorities (2018). I am of the opinion the proposed development would

not satisfy all the criteria described in section 3.2 and therefore SPPR 3 of the Building Height Guidelines may not apply.

12.5.14. Having regard to the considerations above, I consider that the principle of increased height is unacceptable. This is in consideration of the LAP and overarching national policy. The matter of material contravention is dealt with separately in a succeeding section of this report.

12.6. Plot Ratio and Density

12.6.1. Table 2.0 of the LAP sets out plot ratio ranges. The subject site is located within Cookstown 'CT-D' neighbourhood which has a plot ratio range of 1.5 - 2.0. The LAP allows for 20% flexibility in plot ratio subject to a number of criteria, including the provision of dedicated public open space, creation of new streets and links, major upgrades to streets, provision of social infrastructure and other public domain works or improvements. Therefore, a plot ratio range of 1.8 – 2.4 could apply to the development. The proposed development has a plot ratio of 2.4 and is, therefore, within the range set out in the LAP, regard being had to the 20% flexibility.

12.6.2. Section 2.6 of the LAP states:

“Plot Ratio, Height and Built Form will be used to determine and assess the intensity, scale and bulk of development in the Plan lands. This approach promotes an urban design quality-led approach to achieving sustainable urban densities where the focus will be on achieving a high-quality urban environment.” And

“Density will be another method of assessing intensity and is a more accurate tool when assessing solely residential development. For example in Cookstown where a plot ratio of 2:1 may be acceptable it could generate an equivalent density of 200 dwellings per hectare on a solely residential site.

12.6.3. The proposed density is 290 dwelling per Ha when major roads already in public ownership are excluded from the site area. I note the density of the proposed scheme is a serious issue of concern of third parties.

12.6.4. The Planning Authority has serious concerns in relation to the contribution this proposed development would make to the delivery of the adopted Local Area Plan, in particular, with regards to the Cookstown area and the CT-D parcel. Concern is expressed that the excessive density is inflated as is evident by the limited unit mix,

the predominance of smaller unit types, the overall quantum of residential floorspace, the proposed heights, and that no contribution has been made to support the delivery of Cookstown Urban Square. Unit mix and housing tenure will be dealt with separately in this report.

- 12.6.5. Concern is raised, by the planning authority, with respect to certainty of delivery of dedicated pedestrian and cycle access to the Luas Line given, it is contended, no detailed proposals for delivery of same are included with the proposal. I consider a more sustainable mix of unit mix (regard being had to SPPR8(i)) and housing tenure, along with a lower quantum of floorspace as envisaged by the plot ratio and height parameters in the LAP, and a more meaningful open space provision would reduce the density / intensity of development and address the Planning Authority concerns on over development.
- 12.6.6. As outlined above, the LAP sets parameters for plot ratio that the proposal breaches. The capacity for growth at the site, from a land-use and transport perspective, is reflected in policies of the Local Area Plan. It is my view that the proposed scheme is not in accordance with these criteria and that an additional 20% is not permissible in this instance. Regard is had to the concerns raised by the planning authority and third parties with respect to the proposed plot ratio and density.
- 12.6.7. As set out throughout this report, the TTCLAP 2020 – 2026 provides an opportunity for proposed additional heights of 2-4 storeys, and additional plot ratio of up to 20%, where certain criteria are met. The criteria in relation to intensity of development and additional height are set out in section 2.6 of the Plan.
- 12.6.8. The proposed scheme has a stated housing density of 290 dwellings per Ha, a plot ratio of 2.4 and a site coverage of 32%. These figures are calculated based on the area in the ownership of the applicant rather than the entire application site boundary, so exclusive of roads.
- 12.6.9. In relation to density, policy at national, regional and local level encourages higher densities in appropriate locations. Project Ireland 2040: National Planning Framework (NPF) promotes the principle of ‘compact growth’. Of relevance, objectives 27, 33 and 35 of the NPF which prioritise the provision of new homes at locations that can support sustainable development encouraging increased densities in settlements where appropriate. Section 28 guidance, including the Building

Heights Guidelines, the Sustainable Residential Development Guidelines and the Apartment Guidelines, assist in determining those locations most appropriate for increased densities. The Guidelines define the types of location in cities and towns that may be suitable for increased densities, with a focus of the accessibility of the site by public transport and proximity to city/town/local centres or employment locations.

12.6.10. The proposed development is located in a Metropolitan area, with accessibility to bus routes into the city centre and the Belgard Luas Stop. Within the immediate area surrounding the site there are a range of largescale retail, business and other institutions that will also provide employment opportunities and services to future residents of the development. I consider that the site can sustainably support high density development. However, this has to balance against a plan led approach and compliance with the newly adopted LAP. The plot ratio, resultant scale and density / intensity of development, proposed is contrary to the LAP and given the scale of this proposal would set an undesirable precedent for further development in this area.

12.6.11. The 'Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities' (2020) provide some guidance on appropriate densities, listing different locations and the appropriate densities for large scale developments in those locations, as follows:

- Central and/or Accessible Urban Locations (Suitable for higher densities)
- Intermediate Urban Locations (suitable for medium density development, probably >45 dwellings / ha.
- Peripheral and/or Less Accessible Urban Locations (suitable for low-medium density, probably <45 dwellings / ha

12.6.12. The planning authority is of the opinion that the subject density and intensity is excessive and is contrary to the planned regeneration of the area set out in the recently adopted LAP. Their report states: 'The excessive density is inflated and evident by the limited mix of units, the predominance of smaller unit types, the overall quantum of residential floorspace, the proposed heights, and that no contribution has been made to support the delivery of Cookstown Urban Square'.

12.6.13. I share the concerns of the planning authority in respect of breach of plot ratio and height parameters in the LAP. In particular, in the absence of, justification of same by way of delivery of significant public gain. Regard is had to section 2.6.1 Plot Ratio of the LAP which sets out the following:

“A significant public gain includes:

- The dedication of part of the site for public open space including parks and plazas, above the standard 10% requirement for public open space on site.
- The creation of streets and links that provide access through and access to a site.
- Major upgrades to streets surrounding the site including works such as street widening, new enhanced junctions and crossing points and realignments.
- Provision of community and/or cultural amenities that will significantly contribute to the social infrastructure in the area; and/or
- Other public domain works or improvements to be agreed with the Council.

Note: “For clarity, a significant public gain does not include minor public domain works (such as paving upgrades or the planting of street trees) or other works that are required by the various standards contained within this plan (such as high quality materials) or Guidelines. The plot ratio ranges and additional 20% floorspace bonus shall normally be calculated on the basis of the gross site area.”

12.6.14. I agree that the capacity for growth at the site, from a land-use & transport perspective, is reflected in policies of the newly adopted Local Area Plan. The plot ratio and resultant density of the proposed development clearly breaches the intensity of development envisaged for this portion of the LAP and would set a undesirable precedent for succeeding developments within the LAP.

12.7. Unit Mix

12.7.1. The planning authority’s first reason for refusal states that the proposed development directly contravenes Objective RE2 of the Tallaght Town Centre Local Area Plan 2020 – 2026, a specific written objective to provide 30% of units as 3-beds in each development. The proposed development provides just 4% of units as 3-beds. Unit mix has been raised in observer’s submissions as of serious concern.

12.7.2. The LAP includes Objective RE 2 which requires a minimum of 30% of units within any new residential development (in the form of either apartments or houses, but excluding student accommodation schemes) 'shall' have a minimum of 3 bedrooms. It is opinion of the PA that the objective fulfils the requirements of SPPR 1 of the 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (2020) to set a standard for mix of units. It is noted that a statutory Plan may specify a mix for apartment and other housing developments, on an evidence based Housing Need and Demand Assessment. However, I note that SPPR8(i) makes amendments to the mix required by SPPR1 in the context of Build-to-Rent developments.

12.7.3. I note the justification for Objective RE2 by the planning authority. It is set out that the objective is based on evidence gathered by the planning authority to assess housing needs in the area in preparation of the Plan. Section 5.2.1 Housing Mix of the LAP states:

“The mix of dwellings should contribute to the overall dwelling mix in the locality and should contribute to the delivery of a mixed and balanced community. This should include a range of 1, 2, 3+ bed homes and should ideally include a mix of apartment and houses. With the exception of student accommodation, proposals that include a high proportion of one-bedroom dwellings shall be required to demonstrate a need for such accommodation, based on local demand and the demographic profile of the area. Design Statements for residential or mixed-use development proposals with a residential element will be required to address the mix of dwelling types”.

12.7.4. Interestingly the Plan goes on to state:

“Population statistics from Census 2016 reveal that the population in the LAP area is young and includes a high proportion of families at the early stages of forming a family.

- 79% of people living in the area are under 40 years old,
- 75% of families in the area are at the pre family to early family stage of their lives, in comparison to 32% in South Dublin County,
- 22% of families in the area comprise of 4 persons or more (up from 13% in 2011), and

- The proportion of 2 and 3 person families has fallen between 2011–2016.

“In the interests of building a sustainable community it is an ambition of the Council to ensure that people living in the area have their changing accommodation needs met within the area at various life stages”.

12.7.5. Section 5.5.5 of the LAP Housing Options states:

“Census data from 2016 indicates that 24% of the population in the Plan area are aged between 0–19 years and 55% between 20–39 years. While recognising the positive trends in population increase within the locality to date and the positive benefit of the young population base within the area, it will be important to accommodate changing life circumstances and to avoid a transient character to the local community”.

12.7.6. The proposed development does not comply with Objective RE2. The proposed development falls short of the recommended 30% minimum of 3/3+ bedroom units set out, 3 bedroom apartments comprising 4% of the overall apartments proposed. The applicant argues that a reduced no. of 3-bedroom apartments can be justified given the nature of the proposed development, being build-to-rent, which generates a requirement for smaller apartments. They also argue that a limited market exists in relation 3/3+ bedroom units in this area and the scheme would be unviable if this 30% were to be provided. If unviable, the scheme is unlikely to be developed and much needed housing units will not be realised and the National policy objectives regarding housing provision will not be realised.

12.7.7. It is my opinion that Specific Planning Policy Requirement 8 (i) is of relevance to the proposed development. SPPR8(i) makes amendments to the mix required by SPPR1 in the context of Build-to-Rent developments”. It states:

- (i) “No restrictions on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise”.

12.7.8. Therefore while I share the concerns of the PA with respect to imbalance of unit mix, and I understand the rationale and consider that the development would benefit from a mix of units, having regard to SPPR 8 (i) I do not recommend refusal of the proposal on this matter.

12.8. Housing Tenure

- 12.8.1. The proposed development is 100% build-to-rent.
- 12.8.2. Section 5.2.2 of the LAP states that it is an ambition of the LAP to encourage the provision of at least 30% owner occupied units across the LAP area. The proposed scheme comprises 100% Built to Rent units.
- 12.8.3. The LAP encourages build-to-rent development that complies with requirements on unit mix, while also discouraging over-concentration of build-to-rent units. The proposed development exceeds the recommended 70% maximum recommended in relation to dwelling units for Build to Rent and is devoid of owner-occupied units as is encouraged in Section 5.2.2 of the LAP. The applicant seeks to justify the unit mix and tenure having regard to the existing and recently permitted developments in the area forming the subject of the Tallaght Town Centre Local Area Plan 2020-2026. (see Planning History section of this report above: ABP-305763-19 with a plot ratio of 2.62, ABP306705-20 0 with a plot ratio of 1.8 and ABP-303803-19 with a plot ratio of 3.41) However, such developments referred to were granted permission prior to the adoption of the TTCLAP 2020 – 2026. The Planning Authority has, however, recently, supported a build-to-rent development in a smaller but substantial development under ABP-308398-20 as stated in the Chief Executives report on the current application (plot ratio of 2.95) an SHD application granted by An Bord Pleanala on the 28/01/2021.
- 12.8.4. The subject application includes a Commentary on Market Demand and a BTR Agreement, BTR Operational Management Plan and a Build to Rent Market Justification Report which provide an economic and market rationale for this housing typology / mix at this location.
- 12.8.5. Refusal reasons 2 and 3 recommended by the planning authority in the Chief Executives report contend that:
- “The proposed development would not provide the necessary diversity of tenure to provide for the creation of a sustainable residential community, and would therefore undermine the regeneration and residential-led development of the area, and would be contrary to the ‘REGEN’ land-use zoning objective, the Tallaght Town Centre Local Area Plan 2020 – 2026 and the proper planning and sustainable development of the area”.

“The combination of poor unit mix and inappropriate tenure mix at this site creates an extremely poor precedent for high rise, high density development in this locality and nationally...”.

- 12.8.6. It is noted that the wording of the LAP is discretionary / aspirational not mandatory. The inspector and the Board in the case of 308398-20 accepted this argument. (I note also that the PA did not recommend refusal on grounds of tenure in 308398). It is argued by the applicant that there is flexibility regarding the tenure for each development site. The proposed type / mix can be justified having regard to the existing and recently permitted developments in the vicinity of the site and to the socio-economic and demographic context of the site. The development responds to the younger age profile and smaller family size in this Electoral Division as the BTR model is most appealing to young professionals and small families due to the level of on-site amenities offered.
- 12.8.7. The LAP encourages build-to-rent development that complies with requirements on unit mix, while also discouraging over-concentration of build-to-rent units. I have serious concerns regarding the scale and intensity of 1,104 units, proposed in this scheme, which breaches plot ratio standards and height standards set out in the LAP and which represent a lower standard of development in spatial terms. The planning authority carried out survey and assessment work to inform the LAP which aims to deliver sustainable mixed-use & residential-led neighbourhoods in Cookstown and other neighbourhoods. Regard being had to SPPR 8(i) I am of the opinion a more sustainable mix of housing tenure and unit mix, along with a lower quantum of floorspace as envisaged by the plot ratio and height parameters in the LAP, and a more meaningful open space provision would reduce the density / intensity of development and address the Planning Authority concerns on over development. As outlined elsewhere in this report, the LAP sets parameters for plot ratio and unit mix that the proposal breaches.
- 12.8.8. I share the concerns of the PA and the NTA (referred to further in this report) in relation to the housing tenure and the impact it has on the delivery of a sustainable residential community. This is of particular concern in this application given both the size of the site at c. 5 ha and the number of residential units proposed at 1,104. (This is further compounded given the large number of smaller sized units proposed,

however, as stated previously I note the provisions of SPPR 8 (i) of the Apartment Guidelines.)

12.9. Intensity of Development

- 12.9.1. Concerns have been raised, by third parties in their submissions, regarding the proposed height, scale, density and unit mix proposed. Concerns centralise on the Plot Ratio (2.4), Unit Mix (12 % studio, 43% one bed, 41% two bed and 4% three bed) and Housing Tenure (100% BTR proposed).
- 12.9.2. The LAP provides general standards for intensity of development, layout and orientation, plot ratio, height and built form, external finishes and appearance and also provides criteria for building beyond those standards. Density is formally managed with reference to height and plot ratio. This approach places increased emphasis on meeting the plot ratio and height parameters in the LAP.
- 12.9.3. The proposed development exceeds the anticipated intensity and the restrictions on plot ratio and height contained in the Local Area Plan. I consider that the concerns, as to how the development would interact with the strategic goal of regeneration in this area, and national and regional settlement policy for the region and county, have not been adequately addressed by the applicant’s design team.
- 12.9.4. The LAP indicates a development capacity for the LAP lands up to c11,000 units over the long-term (20 years) based on likely redevelopment land, plot ratio and assumed land use mix. Of the 5,412 capacity in the wider Tallaght area in the current Core Strategy to 2022, 3,500 is estimated within the LAP lands. The proposed development for 1,104 units represents 33% of the allocated capacity within the LAP lands to 2022.
- 12.9.5. The proposed development represents 33% of the short-term capacity of the LAP lands, and 19% of the forecasted long-term residential capacity for the Cookstown area, on c.8% of the Cookstown lands.

Table 7 Included in the PA report.

Lands	Area (Ha.)	Max short term capacity (units)	Long term capacity (Units)	At 290 Dwellings per Ha.	At 290 Dwellings per Ha.

				Units	% of Max. Long Term Capacity
Subject Site	3.80	N/A	309	1,104	242%
Cookstown	51.0	N/A	3,868	14,790	382%
Tallaght LAP REGEN Lands	146.2	3,500	11,090	42,393	382%

12.9.6. Table 7 compares this rate of delivery with the actual capacity of the lands, showing what numbers would be achieved if the entire regeneration area were developed to this density. The proposed density, if permitted at this site and replicated across the plan lands, would result in the accommodation of 14,790 units in the Cookstown Area. Indicatively, this would also increase the total development capacity to 42,398 units across the total 'REGEN' lands of the LAP. As such, the proposed density impinges on the regeneration of the wider area and could undermine the Council's Core Strategy. The planning authority point out that notwithstanding the existing and future public transport provision in Tallaght, this precedent of density and the subsequent increase that follow across the wider Tallaght Local Area Plan lands would potentially require a re-evaluation and redevelopment of the regional transport network, and retail and employment strategies that have been used to inform the recently adopted LAP. I wholly agree with the planning authority that the precedent that a grant of permission for the proposed development contrary to the LAP could have knock on effects for transportation, social infrastructure etc. The predominantly smaller units proposed has inflated the density / intensity of development and the proposed delivery of residential units is excessive and would create a precedent for unsustainable development, compromising the integrity of the Core Strategy and regional and local plans.

12.9.7. I highlight for the attention of the Board the report by the NTA. It sets out the 12 criteria in the Urban Design Manual – A Best Practice Guide, the companion document to Sustainable Residential Development in Urban Areas Section 28

Guidelines. The NTA emphasis the importance of the application of these indicators, most specifically in this case, how the following have been addressed:

- New homes meet the aspirations of a range of people and households;
- There is a range of public, communal and/or private amenity spaces and facilities for children of different ages, parents and the elderly;
- Areas defined as public open space that have either been taken in charge or privately managed will be clearly defined, accessible and open to all;
- Activities generated by the development contribute to the quality of life in its locality
- Housing types and tenure add to the choice available in the area;
- Opportunities have been taken to provide shops, facilities and services that complement those already available in the neighbourhood;
- Designs exploit good practice lessons, such as the knowledge that certain house types are proven to be ideal for adaptation;
- Each home has access to an area of useable private outdoor space; and
- The homes are designed to provide adequate storage including space within the home for the sorting and storage of recyclables.

12.9.8. The NTA report states:

“This application is for a large-scale residential development of 1,104 units of single tenure, i.e. Build to-Rent. 96% of the units are 1-bed, 2-bed or studio units. As such, and notwithstanding the Specific Planning Policy Requirements for such developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities, it is not evident that the proposed development would meet the transport and land use objectives related to diversity of tenure, a wider demographic profile, or social inclusivity. Furthermore it is clear that the proposed development is not consistent with the policies of the Tallaght Local Area Plan in this regard”.

12.9.9. Given the foregoing I am of the opinion that the intensity of development proposed would undermine the regeneration of the area and the creation or facilitation of a

good quality urban development and sustainable residential community, as envisaged in the LAP.

12.10. Residential Amenity

Proposed Apartment Scheme

BTR Model

12.10.1. The proposed apartments have been designed as Build-To-Rent (BTR). BTR is defined in the Sustainable Urban Housing: Design Standards for New Apartments 2020 (“the Apartment Guidelines”) as:

‘Purpose-built residential accommodation and associated amenities built specifically for long-term rental that is managed and serviced in an institutional manner by an institutional landlord.’

12.10.2. SPPR 7 and SPPR 8 of the 2020 Guidelines are pertinent to the assessment of the scheme. It is submitted that the proposed apartments accord with the Sustainable Urban Housing: Design Standards for New Apartments 2020 (“the Apartment Guidelines”). A Housing Quality Assessment is submitted which provides details on compliance with all relevant standards including private open space, room sizes, storage and private amenity areas. I note that the Housing Quality Assessment states that the apartment sizes vary; area is an average of the scheme;

- Average studio 37.8 sq. m,
- Average 1 bedroom 45.6 sq. m,
- Average 2 bedroom/3P 67.1 sq. m,
- Average 2 bed/4P 77.8 sq. m
- Average Duplex 92 sq. m
- Average 3 bed 99.6 sq. m

12.10.3. The development has been designed to include resident support facilities and resident services and amenities (totalling 2741sqm), including a reception/concierges; gyms/yoga studios; meeting/events room; TV/games rooms; work hubs; lounge/club/functional rooms; residents lounges; leasing suite; cafe/bar; creche facility; and landscaped courtyards and roof terraces (includes a children's

play space and lounge/club/functional room, as well as 5 no. ground and first floor level landscaped courtyards and 4 no. roof terraces.

- 12.10.4. There is under provision of communal amenity space proposed, required 6,410 sq. m and proposed 5,107 sq. m. The first party argue that the proposed variation to the communal amenity space requirements is considered appropriate in this instance as the proposed development provides 6,680 sq. m of public open space, inclusive of a 1,688sqm public plaza located in the south-western corner of the site, north of a public park proposed under the Tallaght Town Centre Local Area Plan 2020-2026.
- 12.10.5. I note the p.a. raise concern the 2-bed, 3-person units do not comply with the relevant standard, of the County Development Plan, in the absence of an SPPR. I have reviewed the apartment types and sizes proposed against the apartment design standards set out in the Apartment Guidelines (2020) and I am satisfied that minimum standards have been met.
- 12.10.6. Overall, given the scale and intensity of the scheme proposed, I highlight that the applicant has not provided acceptable resident support facilities to the satisfaction of the planning authority. This is a specific requirement of SPPR7(ii). Given the nature of the proposed development, 1,104 BTR apartments, I am not satisfied with the level of resident support facilities proposed. There are minimal play facilities or spaces, the overall public realm is poor and I would have concerns with the landscaping plan proposed and general amenity value of the public open spaces. This matter could I believe could be addressed by way of condition which requires additional communal amenity spaces and additional resident support facilities to be included within the scheme. Given the other more substantive issues raised, I do not recommend it be included as a reason for refusal. If the Board are minded to grant planning permission a condition could be included to remedy the matter.

Aspect

- 12.10.7. The statement of consistency submitted states that dual aspect of 50% is achieved throughout the scheme and that there are no single aspect north facing apartments. The proposed blocks are formed around landscaped courtyards and will include commercial units, a creche, residential amenity spaces and own door access apartments opening onto Cookstown Road, Old Belgard Road and the newly created

roads on site which seek to create a distinct sense of place. Further to this it is contended that higher built form elements are provided immediately adjacent to the intersection of Cookstown Road and First Avenue and in the south-western corner of the site adjacent to the proposed public park / plaza (Block B) which will create a distinct sense of place when travelling northwards on Cookstown Road and eastwards on First Avenue. The Housing Quality Assessment clearly indicated single and dual aspect of apartments but does not indicate orientation. It would appear from the detailed design drawings, however, that there are a number of single aspect north facing / north east facing apartments in Blocks B, C and D. Regard being had to building orientation as set out in the guidelines, north facing units are units that face predominantly north, north – west, north – east and fall within a 45 degree angle of 0 (i.e. due north).

- 12.10.8. While I would query whether the development meets the Section 28 Guidelines - 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (2020), again, while this matter has been flagged as a reason for refusal by the planning authority, it is my opinion there are more substantive issues raised as reasons for refusal. I consider the number of north facing apartments problematic, however, I am not recommending refusal on this issue give the other substantive reason for refusal.

Daylight / Sunlight

- 12.10.9. Loss of Daylight/Sunlight/Overshadowing

The subject site is located within the Cookstown Industrial estate and there is no existing residential development approximate to the lands. Therefore, overshadowing and loss of light to existing residents does not arise in this instance.

Proposed Apartments:

- 12.10.10. Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for

Buildings – Part 2: Code of Practice for Daylighting’. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the PA or ABP should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution. The Sustainable Urban Housing Design Standards for New Apartments Guidelines (2020) also state that PA’s should have regard to these BRE or BS standards (S6.6 refers).

12.10.11. A Daylight and Sunlight Analysis was prepared by JAK Consulting Engineers, included in the application. The study has assessed the Average Daylight Factor (ADF) received in the Kitchen spaces and bedrooms of approx. 25% of the units throughout the development, only. The report concludes that BS EN 17037 (2018), BS 8026-2 2008 AND BRE BR209 (2011) were used, however no in-depth analysis has been submitted.

12.10.12. The Daylight and Sunlight Analysis report states that based on BS EN 17037 Code of practice for daylighting minimum values of ADF for residential units was used in the Assessment:

- ADF=1.5% for living rooms
- ADF=1% for bedrooms

12.10.13. BRE and the BS guidance recommends that for new dwellings daylight to habitable rooms should exceed a calculated Average Daylight Factor (ADF) of 2% for a kitchen, 1.5% for a living room, 1% for a bedroom and 1.5% for a living room / bedroom.

12.10.14. The Daylight Analysis section 4.0 of the applicants report states: ‘

“The kitchens in the apartments are generally at the rear of the space from the window wall. To provide a layout of multiple studios one- & two-bedroom apartments means that an internal galley-type kitchen is inevitable. We have followed the guidelines for this instance and the analysis clearly demonstrates that all kitchens are directly linked to a well daylit living room. The ADF results for living rooms

summarised in table 3 includes the area of the internal gallery type kitchen. These are one open space and ADF for all living rooms are above the minimum set by BS 8206-2". I note Table 3 of the report refers to 'bedroom' and 'living room' only.

12.10.15. The ground, first floor and second floor of each block has been assessed. From the assessment submitted it suggests that a number of 'living rooms' achieve ADF of 1.5%. No ADF is given for Kitchen / Living / Dining (K/L/D) spaces. The proposal includes K/L/D spaces within the apartments. The applicant has not justified the application of 1.5% ADF to KLD spaces. No rationale for any alternative, compensatory design solutions is set out. Given the nature of the apartments in terms of design and layout, I am not satisfied that this is an acceptable approach. The BS and BRE guidance allow for flexibility in regard to targets and do not dictate a mandatory requirement. And I highlight that it is guidance and not mandatory minimum or maximum numerical standards. It may well be that the application of 1.5% is acceptable, given site specific constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape. However, this has not been set out.

12.10.16. The submitted report includes the following table:

Element	Recommended (%)	Achieved (%)	Comment
Apartments Average daylight Factor (ADF)	BS8208: 1.5% Living room 1% Bedroom	1.5 – 5.8 2.98 average	The minimum values are surpassed, and all apartments achieve compliance

12.10.17. I would express concern with respect to the separation between blocks and the aspect and view from the proposed units, including north facing single aspect units (as per the Guidelines). I am not satisfied that the applicant has endeavoured to maximise the sunlight and daylight to the buildings and sufficient analysis or justification has not been submitted. I am not satisfied that the Daylight / Sunlight analysis and the information submitted has demonstrated that the design has maximised access to Sunlight / Daylight.

Courtyards and open spaces

12.10.18. A sunlight assessment (using IES VE software model) has been carried out to courtyard and public spaces. It is submitted that the predicted sunlight to the public spaces within the proposed development has been assessed based on BRE guidelines. The target value of 50% of the space receiving 2 hours of sunlight on March 21st is used as an indicator for the amount of sunlight that will be received annually. Average value of all the assessed courtyard spaces is stated as 66% which it is argued exceeds the recommendations of the BRE guidelines and should be pleasant spaces. In my opinion the analysis is deficient as it should indicate the amount of sunlight to each amenity space, plaza and roof terrace on 21st March (spring equinox).

12.10.19. I note that the Daylight / Sunlight report submitted with the application states: 'The methods and standards used to carry out the analysis of the entire proposed scheme are examined in detail in this report and summarised in the table below':

Element	Recommended (%)	Achieved (%)	Comment
Average sunlight on 21st March	50%	57 - 91 %	Communal areas surpass the sunlight recommendation with average at 66%

12.10.20. A shadow analysis and sunlight to courtyard and public space has been carried out for the proposed development for the 17th December, 21st March, 21st June and 21st September (@ 9am, 12 noon and 15.00 hours (21st of June at 19.00 hours is also included). I note that the diagrams submitted indicate shadow cast on the public spaces on 21st March at 15.00, 21st June at 19.00 on the 21st September at 9.00 and on 21st September at 15.00 is significant.

12.10.21. Regard is had, however, to the submitted sunlight / daylight assessment. The following table is included. Table 4 'results summary for public & residents spaces'.

Public Space	Area that receives 2 or more hours of sunlight on the 21st March	Minimum BRE requirement
Block A – Communal area	57%	50 %
Block B – Communal area	61%	50 %
Block C – Communal area	68%	50 %
Block D – Podium	91%	50 %
Public Open Space 1	59%	50 %
Public Open Space 2	60%	50 %
Overall Development	66%	50%

12.10.22. The assessment states: ‘that the courtyards in the proposed development meets the recommendations of the BRE and can be described as adequately sunlit throughout the year. Wind Study review of the roof terraces confirms this space would provide good quality communal space in addition to the apartment courtyards’.

12.10.23. The planning authority report states:

‘The sunlight and daylight analysis assesses all communal spaces per block to arrive at a general figure of floor area receiving 2 hours of sunlight on March 21st. The combination of roof top terraces with ground and podium level spaces gives a misleading conclusion as to the overall quality and amenity value of those spaces. The illustrations in the report show the comparative lack of sunlight penetration to these spaces’.

12.10.24. I have considered the report submitted by the applicant and have had regard to BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting) and BRE 209 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011). Both documents are referenced in the section 28 Ministerial Guidelines on Urban Development and Building Heights 2018.

12.10.25. The Tallaght LAP sets out that: “Throughout the Plan area, proposed building heights must be supported by design data and studies confirming compliance with

established sunlight, daylight, overlooking and other residential amenity minimum design standards as required under Design Standards for New Apartments (2018).”

12.10.26. While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 ‘Daylight in buildings’), which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this document/UK updated guidance does not have a material bearing on the outcome of the assessment and that the more relevant guidance documents remain those referenced in the Urban Development & Building Heights Guidelines.

12.10.27. Overall, given Table 4 results for public space and resident spaces I cannot agree with the concerns of the planning authority with respect to adequacy of daylight / sunlight to public open spaces and courtyards. I note their opinion “It is unclear how the numerical assessment is consistent with the illustrations and shadow analysis submitted”. However albeit the diagrammatic shadow analysis does indicate significant overshadowing on the dates set out above in paragraph 12.10.19 Table 4 indicates that the courtyards in the proposed development meets the recommendations of the BRE and can be described as adequately sun lit throughout the year.

Conclusion:

12.10.28. Having considered the information submitted I am of the opinion that sufficient analysis and justification has not been carried out of ADF to KLD. This is unacceptable given the scale, density / intensity of development and height of this proposal which breaches standards set out in the LAP. I would not be confident that if permission was granted that future occupants of the proposed development will benefit from good levels of daylight in their apartments.

12.10.29. While I consider that the Daylight / Sunlight Analysis is deficient I do not consider it a reason for refusal in the subject case given the other substantive reasons for refusal.

12.11. Visual Impact

12.11.1. The subject site is currently in use as a multi-use commercial / light industrial use. The proposal provides for the demolition of the existing units on site with the exception of the Circle K petrol Station and the construction of a mixed-use

development. I have no objection to the demolition works proposed, which would facilitate the redevelopment of the site.

12.11.2. Specific guidance is provided in relation to built form, more specifically street interface, urban grain and building setback, in Section 2.6.2 of the LAP. The proposed development is consistent with this guidance as:

- The proposed development provides a strong building frontage along the adjacent street edges;
- It creates active ground floor frontages due to the inclusion of active residential (front doors, windows) uses along the Cookstown Road and the proposed new street frontages; and
- The building has been designed to clearly express the ground floor and features distinctive main façade and a strong parapet. Individual buildings within blocks express distinctive building design elements due to differing heights, materials/finishes and design elements.

12.11.3. The CGI's, photomontages and visual impact assessment submitted with the planning application indicates that the impact of the proposal on the area would be positive. The height of the blocks rises above the surrounding development, with the proposed 11 storey Block B, plaza and commercial uses located to the south western corner. I note the existing adjoining 5 storey office building and the newly constructed Aldi store proximate. However, this development would introduce a new feature in the skyline. The proposed development is not within an architecturally sensitive or historic part of the city and the development would not impact upon key landmarks or views.

12.11.4. The proposed development provides a strong building frontage along the adjacent street edges. It creates active ground floor frontages due to the inclusion of active residential (front doors, windows) uses along the Cookstown Road and the proposed new street frontages. The buildings have been designed to express the ground floor and features distinctive main façade and a strong parapet. Individual buildings within blocks express distinctive building design elements due to differing heights, materials/finishes and design elements. It is contended that materials and external design of the proposed development make a positive contribution to the locality. Design of the buildings will facilitate easy and regular maintenance.

- 12.11.5. The planning authority consider that the proposed elevational treatment now presented is an improvement, but still suffers due to the excessive bulk of the perimeter blocks in some parts. There are also concerns that the materials and panelling are not sufficiently robust and would likely weather badly over time.
- 12.11.6. Section 12.3 of the Detailed Design Statement indicated that a mix of red, light and dark brickwork facades, curtain glazing and white coloured render finish are proposed. With a mix of glazed balconies with glass railing and metal railings. While Block B has extensive render finish, I believe this matter could be addressed by way of condition and would not constitute a reason for refusal.
- 12.11.7. Overall I am of the opinion that the proposed buildings visually are of high quality, well designed and would be a positive addition to the surrounding built environment. The layout of the blocks and plots respects the urban grain set out in the LAP. I agree that the buildings would sit comfortably within the overall urban context of the area and would make a positive contribution to the wider area. I am of the opinion that the development would be acceptable from a visual amenity perspective, however, as referred to else wherein this report there are significant issues with respect to plot ratio and density, tenure mix and intensity of development.

12.12. Traffic and Transport

- 12.12.1. The site is within the long-established Cookstown Industrial Estate, which clearly is Commercial/Industrial in nature, and this is being addressed as part of the planning application. The site is currently accessed by vehicular traffic by way of Belgard Road, Old Belgard Road, and Cookstown Estate Road.
- 12.12.2. The development includes 1860 secure bicycle parking spaces, limited car parking (351 car parking spaces / 0.3 spaces per unit) & refuse management/residential storage areas within the dedicated areas. It is proposed to remove and reconstruct the existing industrial estate roads, removing and replacing the existing Industrial-type roads and road infrastructure to provide for a residential urban area.

Road Improvements and Plans

- 12.12.3. The development proposes to improve connectivity from the site and surrounding area to the Belgard Luas stop through the introduction of new access corridors. The Belgard Luas Stop is connected to Tallaght, City West and the City

Centre. It is submitted that the design approach of the proposed development ensures the passive surveillance of all routes and pedestrian footpaths within the site which stimulates connectivity with the adjoining developments. The design proposes to upgrade all of the perimeter paths and roads along all boundaries to residential standards. In addition, a new Tertiary route in line with the LAP will be provided to the South-East boundary connecting from Cookstown Road to the Old Belgard Road. Bridging between this tertiary road and Cookstown Road will be local access routes. The proposed site is very well connected to Tallaght Town Centre and through the Luas line to Dublin City Centre.

12.12.4. There are planned road improvements, included as works within the red line, that seek to improve accessibility and increase local road permeability of the subject sites. The accessibility/permeability will be enhanced for all transport modes, with the removal of the inappropriate infrastructure and the replacement with modern residential-type infrastructure. The proposed altered internal roads will in particular increase accessibility to established public transport services and community facilities. The roadworks included in the application include:

- The replacement & re-construction of Cookstown E-W road, along the northern extremity of the site,
- The replacement & re-construction of Cookstown N-S road, along the western boundary of the site,
- The replacement of 2 traditional Industrial Estate Roundabouts with at grade traffic signal controlled crossings (including pedestrian/cyclists priority within the sequence of the signals),
- The creation of a high quality pedestrian route and link to the Belgard LUAS,
- New roads and links internally within the site, and
- All roads, footpaths, crossings, cyclists facilities and infrastructure constructed to standards that are consistent with a modern residential area.

12.12.5. The improved roads include the SDCC Part 8 construction of the N-S Link Road connecting Cookstown Industrial Estate Road through to Belgard Square North and also the 3rd party proposal to construct an E-W Link Road through to Belgard Road, through lands known as the "Belgard Gardens Site" adjacent B&Q at Belgard

Retail Park. The delivery of these two road projects are outside the control of the applicant and the roads have not therefore been taken into account in the Transport Assessment. A Road Safety Audit Stage 1 has also been carried out.

12.12.6. The 2 locally affected at Grade Roundabouts which are modelled as such are to be replaced by traffic signal controlled junctions, as this form of junction control is more appropriate for urban and residential environments.

12.12.7. The Transportation Assessment Report concludes that the proposed development will have a negligible impact upon the established local traffic conditions and can easily be accommodated on the road network without any capacity or road safety concerns arising.

12.12.8. I agree with planning authority, given traffic assessment carried out and information submitted, that there is no significant Operational Traffic Safety or Road Capacity issues that prevent a positive determination of the application by An Bord Pleanála.

Car Parking

12.12.9. Approximately c 30% of the maximum Development Plan Parking Standards are being provided within the parking areas associated with each block. In this case the reduced parking provision is considered appropriate / justified in terms of the "Sustainable Urban Housing Design Standards for New Apartments" and the requirement for private car parking spaces for BTR schemes. The location of the proposed development immediately adjacent to a high quality public transport Luas Stop (and in consideration of the provisions of the SDCC Development Plan being "Maximum" standards).

Table 8 - Car Parking Provision & Ratio Provided Per-Block

Block (Ref Fig 1.2)	No Apts	No. Parking Spaces	Parking Ratio
Block A	260	72	0.28
Block B	342	57	0.17
Block C	350	42	0.12
Block D	152	30*	0.20

Total	1,104	201	0.18
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* For Residential Elements

12.12.10. If however the 131 No. on-street parking spaces are also included, there are 332 car parking spaces provided representing a parking ratio overall of 0.34

12.12.11. There is also a commitment to provide a 'Hub' with a total of 16 Go-Car car share spaces within the scheme.

12.12.12. "Sustainable Urban Housing Design Standards for New Apartments" sets out the parking requirements based on locational characteristics of any development and states (Paragraph 4.18)

The Quantum of Car parking or the requirement for any such provision for apartment developments will vary having regard to the types of location in cities and towns that may be suitable for apartment development, broadly based on proximity and accessibility criteria".

12.12.13. It then goes on to identify the locational characteristics and features that warrant a reduction or elimination in provision of private car parking spaces (Paragraph 4.19)

Central and/or Accessible Urban Locations

12.12.14. "In larger scale and higher density developments, comprising wholly of apartments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. The policies above would be particularly applicable in highly accessible areas such as in or adjoining city cores or at a confluence of public transport systems such as rail and bus stations located in close proximity".

12.12.15. In terms of the stated Policy, the subject site meets all the requirements for significantly reducing or eliminating the provision of Private Car Parking, under the headings;

- High Density Development
- Comprising Wholly of Apartments
- Central Location Well Served by Public Transport

- Rail/Bus in Close Proximity

12.12.16. In these terms the proposed subject development meets all the necessary requirements for significantly reduced car parking provision, in this case c. 34% of the SDCC Max Car Parking requirement.

12.12.17. In terms of specific measures to enable car parking provision to be reduced to the level proposed, in this case the specific measures are;

- The active management and marketing of the development from the outset as reduced car dependency',
- Very limited dedicated car parking is intended to be provided to residents or will any be attached to any rental properties (and same will be specified in associated rental agreements),
- The location within walking distance of all South Dublin amenities (eg The Square and SDCC HQ, Tallaght Hospital etc) and schools,
- Associated employment opportunities locally (Based on the CSO Census Data, in 2016 there were 2,958 commuters who lived in the Electoral Division of Tallaght - Springfield but worked elsewhere. There were 8,874 commuters who travelled into this electoral division to work. This resulted in a net in-flow of 5,916 commuters. This indicates that the locality has significant employment opportunities, and these are continually improving),
- Proximity to the LUAS being served by the LUAS Red Line 'on the doorstep' of the sites,
- Very easy walk distance from the Dublin Bus Terminus at The Square (from where 7 high frequency services currently operate)
- 16 No. dedicated "Go Car" spaces/cars provided within the development,
- On site security and management by permanent staff and CCTV that will ensure the car parking areas are monitored and policed, with a clamping system in operation, so that the car parking restrictions are closely controlled and enforced.

12.12.18. An independent Stage 1 Road Safety Audit of the layout and the road network has been carried out. A preliminary Mobility Management Plan (Travel Plan) has

been prepared. A review of the design in accordance with the requirements of DMURS has been completed and is set out in the Statement of Consistency.

12.12.19. It is the opinion of the transportation department of SDCC that:

- Parking provision is too low.
- Traffic calming measures are required.
- The Road Safety Audit recommendations should be followed.
- 6m carriageways should be provided where perpendicular parking is provided.
- 2m wide segregated cycle lanes should be provided along Cookstown Road and the new east-west secondary street.
- The applicant should submit a right of way agreement for the link to Belgard Luas.
- The link to Belgard Luas must be provided.
- Electrical Charging Points to be provided.
- The east – west Secondary route is not acceptable. It is dominated by surface car parking and not enough landscaping.

12.12.20. The NTA has made a submission, see section 10.1 of this report above for detail. In summary:

- The NTA is very concerned that the proposed scheme would not meet Local Area Plan standards for diversity of tenure, a wider demographic profile, or social inclusivity.
- Concerns regarding low level of car parking.
- The NTA welcomes the proposed pedestrian and cycle link to Belgard Luas stop through the proposed development and, in the event of a grant of permission, recommend that this element is maintained.
- The NTA recommends that a clear commitment to the principle of filtered permeability is incorporated into the plan, and consideration given to the identification of those locations where walking and cycling will be given priority over the private car through the restriction on through movement for the latter.

The new east-west road should be accessible to vehicles for the purposes of access only.

- The NTA welcomes the proposed upgrading of the local road network to take account of increased walking and cycling associated with the proposed development. The NTA is of the view, however, that due to the nature of the traffic in this area – i.e. goods vehicles associated with surrounding industrial and warehousing uses – the maximum level of cycle infrastructure should be provided. Cycle lanes to be provided per NTA requirements.

12.12.21. Given the issues raised by the planning authority and the NTA who recommend that, “in assessing the proposed development, permission is only granted once the Board is fully satisfied that the level of parking proposed is sufficient given the location of the proposed development and is consistent with national guidelines.”

12.12.22. The deliverability of the pedestrian and cycle connection to the Belgard Luas stop has been raised by the planning authority. And refusal reason number 10 relates. The planning authority consider that “insufficient clarity, design details and certainty has been provided on the implementation of the pedestrian/cycle link to the Belgard Luas – a key requirement of delivering a sustainable development in this parcel of Cookstown. As such, the proposal is contrary to Section 3.3 to the Tallaght Town Centre Local Area Plan and the proper planning and sustainable development of the area”.

12.12.23. I note the letters of consent from DCC to lodge an application on lands to the north of the site towards the Belgard Luas stop. The red line boundary extends along the proposed pedestrian and cycle route. The planning authority are concerned that no letter of consent has been submitted by the Luas operator for consent to the works. Having reviewed the plans and drawings submitted it is clear that the applicant has approval in principle to make the application and can indeed connect into the public realm adjoining Belgard Luas stop. I see no impediment to the deliverability of the pedestrian and cycle connection subject to detailed design and this matter can in my opinion be resolved by way of condition and compliance.

12.12.24. Regard is had to precedent set in the area, the BTR nature of the proposal, the Sustainable Urban Housing – Design Standards for New Apartments, the

measures proposed by the applicant to manage car parking, cycle parking quantum and pedestrian and cycle linkages being realised, in particular to the Luas Stop and Tallaght Town Centre. However, regard is also had to the views of the PA and the NTA that car parking quantum would be too low, given reliance on public transport and capacity issues.

Cycle Facilities

12.12.25. Notwithstanding the Bicycle Parking & Storage requirements of the SDCC Development Plan, cycle storage facilities are generally being provided to meet the more onerous requirements of The Department of Housing Planning & Local Government "Sustainable Urban Housing Design Standards for New Apartments".

Table 9: Bicycle Parking Provided Per-Block & Total (With Bed Spaces illustrated)

Block Ref	At-Grade Visitor Cycle Parking Around Site	Bedrooms Per Block	Residential Cycle Spaces Required.	Total Residential Cycle Parking Provided
Block A	Refer below	413	413	540
Block B	Refer below	516	516	336
Block C	Refer below	502	502	336
Block D	Refer below	215	215	252
Visitor Parking Assessment		1 per 2 units		
Visitor Cycle Spaces		552 Suggested	396 visitor spaces are provided at-Grade	
Total Bicycle Parking Provided (for 1,104 Apartments with 1,646 Bedrooms Total)			1,860	

- Proposed Cycle facilities on the Larger Public Roads are compliant with the National Cycle Manual (NCM) (NCM pages 12 & 83), with advance cycle facilities and Toucan type crossings incorporated into all signal controlled junctions. Internally, for the minor streets, the cyclists infrastructure is also consistent with the NCM (Pages 54 & 55).

- Pedestrian and cyclist priority at minor roads, and associated traffic calming, is achieved through the use of raised platforms which afford priority to pedestrians and cyclists.

12.12.26. Cycle parking quantum and provision is considered appropriate and acceptable.

Public Transport Capacity

12.12.27. It is noted that a number of representations from local residents raised concerns relating to public transport capacity in the area. The accessibility of the site to public transport is one of the criteria under section 3.2 of the Building Height Guidelines and I have assessed the proposal in relation to this in section 12.5 above. I note that Belgard red line Luas stop is an approx. 5 minute walk from the site. A number of bus routes are available within a 10-15 minute walk from the site, such as the 27, 54a, 65 75, 76, etc

12.12.28. Transport Infrastructure Ireland confirmed they have no objection subject to conditions. However National Transport Authority raises concerns and issues, see paragraph 10.1 of this report above for specific details of the NTA report which is critical of the proposed development and submits that the redevelopment of this industrial / warehousing site to provide for a higher-intensity of use, as proposed, does not accord with the newly adopted LAP for Tallaght. Also, as set out above in scale and density section of this report, the capacity for growth at the site, from a land-use & transport perspective, is reflected in policies of the newly adopted Local Area Plan. The proposed density could undermine the Council's Core Strategy. Have a knock-on effect to existing and future public transport provision in Tallaght, this precedent of density and the subsequent increase that follow across the wider Tallaght Local Area Plan lands would potentially require a re-evaluation and redevelopment of the regional transport network.

12.12.29. It is acknowledged that there are several large developments in the planning phase in the general Tallaght town centre area. The transportation department of SDCC notes reliance of these large developments on public transport. It is their opinion that there is a finite capacity of public transport available which will reach maximum capacity as a result of increased usage. Bus and Luas operators will have to monitor the increasing usage of routes in order to manage loadings on the system.

It is highlighted by the PA that Luas currently operates with maximum length trains and minimum headway at peak times.

12.12.30. It is the opinion of the NTA that:

“It is not evident that the proposed development would meet transport and land use objectives related to diversity of tenure, a wider demographic profile, or social inclusivity. Furthermore, it is clear that the proposed development is not consistent with the policies of the Tallaght Local Area Plan in this regard.

Failure to achieve these objectives may undermine the strategic transport aim to establish high density consolidated development as an attractive and enduring urban format. As a consequence of this, Government investment in strategic and local transport, which is planned to complement a more consolidated form of urban development, may be compromised”.

12.12.31. The concerns raised by the NTA and the PA relating to traffic and transportation matters are, arguably, linked to concerns about the nature of tenure (100% rental), concentration of smaller units, plot ratio/density/intensity of development and the precedent these could set for the area and associated conflicts with the recently adopted LAP. As indicated above, I am recommending refusal on nature of tenure / plot ratio / intensity of development, in that regard, additional reasons for refusal relating specifically to transportation matters are unnecessary, in my opinion.

12.13. Impact on Aviation

12.13.1. The proposal was referred to the Irish Aviation Authority (IAA), and to the Department of Defence (for forwarding to the Air Corps at Casement Aerodrome). It is the observation of the IAA that in the event of planning consent being granted, the applicant should be conditioned to provide at least 30 days notification of proposed crane operations to the property management branch of the Department of Defence and the HSE.

12.13.2. It is noted by the Department of Defence, that given the proximity to Casement Aerodrome this area may be subject to a high level of noise from aircraft operating in the vicinity of the aerodrome. Their observation sets out that in the event of planning consent being granted, the applicant should be conditioned to include the following requirements.

1. Operation of cranes shall be coordinated with Air Corps Air Traffic Services, no later than 90 days before use.
2. Obstruction lights used shall be incandescent or of a type visible to Night Vision Equipment. Obstruction lighting fitted to obstacles must emit light at the near Infra-Red (IR) range of the electromagnetic spectrum specifically at or near 850nanometres (nm) of wavelength. Light intensity to be of similar value to that emitted in the visible spectrum of light.

12.13.3. The subject site is located approx. 4.55km from Casement Airport and between 780m – 970m north of the helipad at Tallaght Hospital. An Aeronautical Assessment Report has been submitted with the application which states that the proposed development lies c. 60.5m below the approach surface and c. 49.1m below the take-off climb surface for runways at Casement Airport. The development is also 14m lower than the 1.2% slope above which it would be required for a structure to be notified as a potential obstacle on aeronautical charts. With regard to the helipad at Tallaght Hospital it is considered that the proposed development would not interfere with operations to and from the hospital.

12.13.4. The Aeronautical Assessment Report states that “Solar/PV panels (or any reflective roof surface) are not being provided as part of this development, and no glint or glare affecting aviation is likely to arise”.

12.13.5. Having regard to inter-alia to the information provided in the Aeronautical Assessment and the reports received from the Irish Aviation Authority and the Department of Defence I would not recommend refusal on grounds of potential impacts on air traffic in the area. I do not predict an unacceptable risk to air traffic safety arising from the proposed development.

12.14. **Water Based Services**

In regard to Water Supply:

12.14.1. Irish Water has noted in its response to the Bord as part of the consultation for this development that in order to determine feasibility of a water connection it is necessary to carry out detailed scoping to determine the extent of investigations, pressure tests and hydraulic modelling required to identify demand within the district metered area. These investigations and modelling, when completed, would then

inform the full extent of any upgrades which may be required to be completed to service the development connection to Irish Waters Infrastructure.

- 12.14.2. The scoping, investigations and modelling has not been completed to date and as such, the extent of upgrades and/or works required, along with any consents necessary to facilitate water connection(s) for the proposed development are unconfirmed.

In regard to wastewater:

- 12.14.3. Irish Water previously noted in its response to the Bord as part of the Pre-Consultation that capacity issues existed downstream of sewers adjacent to the site and to alleviate this a wastewater connection would need to be to the 600mm ID concrete sewer in Airtion Road. In order to complete this connection, it was anticipated a sewer extension from the site was required for approx. 800m, however, subsequently, IW have become aware of further downstream constraints.

- 12.14.4. As such, and given the time that has elapsed, the COF as issued, is no longer valid. It is IWs expectation that a model (Due May 2021) will be available and thereafter the necessary upgrading works to service this development will be identified. IW would like to clarify its submission issued to ABP on 22nd April.

- 12.14.5. The submission from IW states “It is not suggesting the development proposal, as a whole is premature, rather until such time as the investigations and modelling outlined above have been completed IW cannot identify the nature and scope of the upgrades and/works that will be required to facilitate connections for this development proposal”.

- 12.14.6. The submission from Irish Water is significant in light of scoping exercise required and EIAR and I consider that the proposed development is premature pending the matters raised have been fully addressed. In conclusion, I am concerned that there are infrastructural aspects to the proposed development that present conflicts or issues to be clarified.

In regard to Surface Water

- 12.14.7. The Environmental Services Department report sets out that it is proposed to build Block B directly over an existing 225mm surface water sewer at Block B's most western corner. South Dublin County Council's Water Services have concerns that

this existing surface water sewer is draining some surface water runoff from Cookstown Estate Road and will require a diversion. Further information is required on surface water drainage rates. South Dublin County Council have concerns regarding the proximity of the underground surface water attenuation systems in relation the proposed building foundations / basements. The planning authority consider given the scale of this development there is a lack of SuDS (Sustainable Drainage system) proposed. I consider that the issues, raised by Environmental Services, can be dealt with by way of condition and compliance, should planning permission be deemed forthcoming from the Board.

12.14.8. The site is identified for regeneration through the land use policies of the Tallaght Town Centre Local Area Plan 2020 – 2026. This statutory plan was adopted in 2020 and was subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I note the development is for a relatively denser residential development than was envisaged in the LAP for the subject lands. It constitutes 1104 units on serviced lands in an urban area, which is currently in use as light industrial warehousing.

12.15. **110Kv Line**

12.15.1. The site is located within an area comprising industrial land use immediately east, west, south and north (in part). The western part of the subject site's northern boundary is flanked by an access road and Lands west of Old Belgard Road and east of the intersection of First Avenue and Cookstown Road. An open space area featuring 110kV power lines is located further north as is the Red Luas line and Katherine Tynan Road.

12.15.2. The applicant sets out that the proposed development adopts a minimum setback of 23 metres from the 110kV line featuring immediately north of the site. It argues that this setback is consistent with the guidance set out in the Code of Practice for Avoiding Danger from Overhead Electricity Lines, May 2019. It is submitted that the guidance set out in the Code of Practice for Avoiding Danger from Overhead Electricity Lines, May 2019, in relation to construction will be followed when the development comes to be built.

12.15.3. Area specific “requirements” for physical infrastructure within the Cookstown Sub – Neighbourhoods, as per the LAP specifically for CT-D parcel of land, which the subject site forms part, states: “Removal / undergrounding of 110kv overhead power lines at northern section of Cookstown, linked to proximity and set back required by ESBI on relevant sites”, in tandem with development to be carried out by the developer.

12.15.4. The applicant appears to have had regard to proximity and set back required by ESBI incorporating a 23 meters set back from the 110KV line.

12.15.5. I highlight the technical opinion of the planning authority that although the development maintains an appropriate safe distance from these cables, it is unclear how the public open space north of Block A could be provided without first having a plan for the undergrounding of the cables above. It is my opinion that the applicant has complied with the LAP with respect to proximity and set back. The 110Kv line only marginally traverses the northern portion of the subject site. I see no impediment to the layout being achieved as proposed and I do not recommend refusal on grounds of failure to remove / underground the 110 Kv line as per refusal reason number 7 of the planning authority reasons for refusal.

12.16. Public Open Space & Landscaping

12.16.1. The public amenity space proposed is a series of linear spaces, smaller courtyard spaces, an urban green plaza to the south west and a small pyramid park to the north east. It is contended that the new public plaza will contribute to the new urban square sought in the LAP and is welcome from that perspective. The parks and landscape services department of the planning authority consider that the Plaza is dominated by hard surfacing and paving and the applicant should revisit this treatment and should seek to soften it through the incorporation of increased planting and vegetation. There are concerns by the parks department of the PA regarding the proposed linear public park through the development in terms of its actual amenity and functionality considering the building heights proposed and the possible issues with sunlight/daylight penetration, overshadowing and wind tunnelling effect created by the tall buildings. Furthermore, the planning authority considers these spaces themselves are likely to be read as communal, rather than public amenity spaces. The parks and landscape department consider a robust rationale for designating

these as public spaces is required, clarity on how they are to be accessed, the boundary treatment between them and adjoining communal amenity spaces.

12.16.2. The proposed development provides for the required quantum of public open space as per Section 2.7.2 of the LAP which sets out that a minimum of 10% public open space should generally be met on site by the developer. The Planning Authority consider that the submitted proposal only delivers the required minimum open space provision and the plaza element and does not satisfy the requirements of delivering the Cookstown Urban Square. The Public Plaza and Cookstown Urban Square is dealt with separately in the succeeding sections of this report.

12.16.3. The Landscape Masterplan indicates a low provision of children's play or variety of children's play, the planning authority raise concern with regard to provision of natural SUDs, and general layout and amenity value of the public open spaces through the development.

12.16.4. The public open space and landscaping issues could in my opinion be dealt with adequately by way of condition and are not a reason for refusal of the proposal. If the Board are mindful to grant planning permission, prior to commencement of development a revised hard and soft landscaping plan and multi-use play area's for all children's ages 0 - 15 years should be submitted for the approval of the planning authority.

12.17. Public Plaza

12.17.1. A public plaza is proposed at the southern corner of the scheme onto the Cookstown Road. This Plaza will provide for outdoor seating for the café / restaurant with a area covered. The proposal seeks to address both site frontages with landscaping and own door accesses proposed to both Cookstown Road and the proposed new streets within the development, as well as the public open spaces. Commercial/retail units, a public plaza, a creche and communal amenity spaces are also proposed along this street and courtyard frontages. The highest built form element (11 Storeys) is to the south-western corner of the site, adjacent to the proposed public plaza.

12.17.2. The issue of the function and useability of the public plaza (public open space) is questioned by the planning authority. Concern centres on the inclusion of

underpasses above entrances to the public linear park. The landscaping treatment of this plaza is also considered to be poor, with more soft landscaping required.

12.17.3. Refusal reason number 4 of the planning authority recommendation set out in the CEO report states:

“The layout and treatment of public realm throughout the development is poor. The public plaza suffers from the presence of large underpasses, the function of which is unclear and which would attract anti-social behaviour, and undermine the enjoyment of the space by the public. Podium frontage to the public linear park features lengthy blank facades in front of bicycle stores. The functionality of the public plaza has been thoroughly compromised by the division of the space with an underpass, and the provision of residents’ only facilities, rather than active facilities, on its edges. Courtyard spaces and the west to east pedestrian street through the site would suffer from poor sunlight penetration, notwithstanding the overall findings of the Sunlight/Daylight analysis provided by the applicant”.

12.17.4. I wholly agree with the planning authority that should permission be granted for the development amendments would be required to Block B in order to deliver a larger and more functional public open space as part of the site. This matter could be dealt with by way of condition and compliance, should the Board be mindful to grant planning permission. Omission in full or part of the southern arm of Block B and replacement of the ground floor residential development of the northern portion of the block with commercial – café, restaurant / bar, gym / resident support facilities would facilitate this. This would increase the quantum of public open space and enhance the level of light to the landscaped public plaza.

12.18. **Cookstown Square**

12.18.1. The delivery of the Cookstown Urban Square in accordance with the LAP has been raised by the planning authority and the owners and operators of Units 79 and 80, adjoining landowners to the south of the site.

12.18.2. The Planning Authority considers that the whilst the applicant has provided public open space, the proposal fails to support/enable the provision of the Cookstown Urban Square and as such, the proposal is contrary to Section 3.3 to the Tallaght Town Centre Local Area Plan 2020 – 2026 and the proper planning and sustainable development of the area.

12.18.3. Section 3.3 of the LAP sets out the infrastructural requirements for Cookstown, it states:

“Proposals for residential development in this area to provide for the delivery of Cookstown Urban Square, as per the criteria set out in Section 8.4.2, in tandem with development, unless otherwise agreed with the Planning Authority in regard to securing the provision of this open space”, in tandem with development and to be carried out by the developer.

12.18.4. Section 8.4.2 of the LAP states:

“A key component in the delivery of the Cookstown Regeneration lands will be the provision of a mix of new and improved amenity spaces. This will include both pocket park spaces and the delivery of two new Urban Squares at Cookstown and Belgard. It is intended that the mix of smaller pocket parks will be delivered through private development, however, at this stage it is likely the Council may be required to take a more active role in the delivery of the two large urban squares. These key pieces of infrastructure will be required to be delivered in tandem with and prior to the completion of each block of development (as detailed in the relevant neighbourhood sections of Chapter 3) within the town centre and Cookstown Regeneration lands. The specific location of these key spaces will be subject to the following criteria:

Cookstown Urban Square

- The square shall be a central and accessible feature for the northern Cookstown lands;
- The park space shall provide a strong sense of place, providing a green edge at the junction of or in close proximity to the junction of a redesigned urban street along Cookstown Road and Second Avenue;
- The park space shall be designed in a manner which facilitates green connections to adjoining streets; and
- The park space shall be overlooked by surrounding buildings providing passive surveillance, safety and security”.

12.18.5. Cognisance is had to the LAP which requires delivery of key infrastructure in tandem with development. However, given the wording of section 8.4.2 and the somewhat conflicting guidance between it and the infrastructure requirements for

Cookstown (parcel CT-D) I consider it would be unequitable to refuse planning permission for non-delivery of Cookstown Urban Square as part of the subject proposal. The Cookstown Urban Square lands delineated in the LAP are located outside of the red line boundary of the subject lands and are not within the control of the applicant. I note the requirement, by the PA, for a significant special contribution towards the delivery of the Cookstown Urban Square on the adjacent site, by way of condition, should planning permission be forthcoming. I am not, however, satisfied that a planning condition can sufficiently ensure delivery of the Cookstown Urban Square as required by the LAP in tandem with development. The Cookstown Urban Square is outside of the subject sites boundaries and it is not deliverable or even agreed in principle with the owners of the lands.

12.18.6. Cognisance being had to the foregoing and reason no. 4 of the PA's recommended reasons for refusal, I do not agree with the PA that the proposal fails to support / enable the provision of the Cookstown Urban Square and therefore I am not recommending refusal in relation to this matter.

12.19. Planning Authority Reason for Refusal

12.19.1. The Planning Authority recommended that the application be refused by way of 10 reasons for refusal, set out in full in paragraph 9.4.1 of this report (summarised below). It is the planning authority opinion that the proposed development:

- Contravenes Objective RE2 of the TTCLAP,
- The proposed development would not provide the necessary diversity of tenure would therefore undermine the regeneration and residential-led development of the area.
- Would be contrary to the 'REGEN' land-use zoning objective.
- The combination of poor unit mix and inappropriate tenure mix at this site creates an extremely poor precedent for high rise, high density development in this locality and nationally. The development does not provide adequate residential amenity for future occupants and would provide for a narrow band of potential tenants.
- The layout and treatment of public realm throughout the development is poor. The public plaza suffers from the presence of large underpasses, the function

of which is unclear and which would attract anti-social behaviour, and undermine the enjoyment of the space by the public.

- Courtyard spaces and the west to east pedestrian street through the site would suffer from poor sunlight penetration, notwithstanding the overall findings of the Sunlight/Daylight analysis provided by the applicant.
- The Planning Authority considers that the whilst the applicant has provided public open space, the proposal fails to support/enable the provision of the Cookstown Urban Square and as such, the proposal is contrary to Section 3.3 to the Tallaght Town Centre Local Area Plan 2020 – 2026 and the proper planning and sustainable development of the area.
- The Planning Authority considers that the proposed development does not meet the threshold for provision of ‘significant public gain’ to justify additional height and plot ratio, as set out in Section 2.6 of the Local Area Plan. The proposed heights and plot ratio would therefore be contrary to the Tallaght Town Centre Local Area Plan 2020 – 2026 and the proper planning and sustainable development of the area.
- The applicant has provided no information regarding undergrounding the 110Kv electrical line which traverses the site at its northern tip.
- The Planning Authority considers that the car parking provision for the proposed development is too low.
- A scoping exercise has not been carried out with Irish Water. It is not clear that the development is feasible.
- Uncertainty on the deliverability of the pedestrian/cycle link to the Belgard Luas – a key requirement of delivering a sustainable development in this parcel of Cookstown.

12.19.2. My overall assessment describes in detail Objective RE2 of the Tallaght Town Centre Local Area Plan 2020 – 2026, a specific written objective to provide 30% of units as 3-beds in each development. The proposed development provides just 4% of units as 3-beds, which is major under provision, exacerbated by the scale of the development. The objective RE2 is contrary to SPPR8(i) of the ‘Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning

Authorities' (2020) which sets out 'No restrictions on dwelling mix 'for BTR developments. So therefore, even though the proposed development would contravene a specific objective of the adopted Local Area Plan, it is in compliance with SPPR 8 (i). In section 12.2 of this report I have set out 'site zoning and principle of development'. While it is my view that the proposal materially contravenes the LAP I consider that the proposal is in accordance with the South Dublin County Development Plan 2016 – 2022. I do not agree with the PA that the proposal contravenes the 'REGEN' land-use zoning objective.

12.19.3. I am not satisfied that the applicant has endeavoured to maximise the sunlight and daylight to the buildings and no in-depth analysis or justification has been submitted that future occupants of the proposed development will benefit from good levels of daylight in their apartments, while having access to outdoor amenity areas with good levels of sunlight.

12.19.4. The quantum and quality of resident support facilities and resident services and amenities is contrary to ministerial guidelines specifically SPPR7. The number of north facing apartments, as set out elsewhere in this report, is also problematic and unsatisfactory. However given the other substantive reasons for refusal I do not recommend refusal on these grounds.

12.19.5. The issues in respect of confirmation of feasibility being withdrawn by IW is problematic and has not been addressed by the applicant as it was only raised at observation stage.

12.19.6. The deliverability of the Cookstown Urban Square and the removal / undergrounding of the 110Kv electrical line have been dealt with separately in this report (see sections 12.15 and 12.18). I do not consider these issues are reasons for refusal in the subject case.

12.19.7. I have fully considered the planning authority recommendation to refuse the application and I have decided to recommend that the application be refused.

12.20. **Material Contravention**

12.20.1. The applicant has submitted a Statement of Material Contravention of the Tallaght Town Centre Local Area Plan 2020 - 2026 with the application. The public notices make reference to a statement being submitted indicating why permission

should be granted having regard to the provisions s.37(2)(b). There are three issues raised in the applicant's Material Contravention statement, related to:

- Building Height,
- Housing Mix and
- Housing Tenure Mix.

12.20.2. I note it is raised by third party observation that there are clear requirements under the LAP that proposals for the delivery of open space and the "new urban square ('Cookstown Urban Square') as a central and accessible amenity for the northern Cookstown lands to be developed at, or in close proximity to, the junction of Cookstown Road and Second Avenue", "in tandem with development" (Section 3.3 of the LAP). It is submitted that as no discussion with the landowners of lands to the south has been carried out and the subject proposal does not deliver the urban Square that this is a material contravention of the LAP.

12.20.3. It is a key Objective for Cookstown set out in Section 3.3 of the LAP: "CK3: Deliver a mix of new open spaces, including provision of a new urban square or plaza at a central location at, or in close proximity to, the junction of Cookstown Road and Second Avenue. The exact location, design and delivery of this space to be progressed by SDCC in discussion with landowners in the area".

12.20.4. The Planning Authority considers that the whilst the applicant has provided public open space, the proposal fails to support/enable the provision of the Cookstown Urban Square and as such, the proposal is contrary to Section 3.3 to the Tallaght Town Centre Local Area Plan 2020 – 2026 and the proper planning and sustainable development of the area. The matter of open space and landscaping has been dealt with earlier in this report. I am of the opinion that the proposal does not materially contravene the open space strategy of the County Development Plan or the LAP as Cookstown Urban Square is clearly indicated as proposed outside of the subject lands, the quantum of open spaces proposed (6680 sq. m / 18%) meets and exceeds the CDP requirement of 10% of the site and I note the substantial contribution, towards delivery of the urban Square, required by way of condition should permission be forthcoming. I agree with the planning authority that the layout and treatment of public realm throughout the development is poor that the delivery of

high-quality open space, including parks and plazas, is required for a development of the scale proposed.

- 12.20.5. Section 37(2)(b) of the Planning and Development Act 2000, as amended states that where a proposed development materially contravenes the development plan, the Board may grant permission where it considers that:
- (i) the proposed development is of strategic or national importance,
 - (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or
 - (iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or
 - (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

- 12.20.6. The Planning Authority consider that criteria (ii), (iii) and (iv) of the above legislation does not apply to this development. Their report states:

“The Tallaght Town Centre Local Area Plan 2020 – 2026 was adopted in July of 2020 with carefully considered provisions relating to building height, unit and tenure mix, and was subsequently reviewed by the Office of the Planning Regulator (OPR) at Draft and Final stage. The final Plan includes changes applied based on the feedback of the Office of the Planning Regulator, and the plan is considered compliant with Ministerial guidelines. No relevant ministerial guidelines have been issued since the adoption of the Plan which render any part of it ‘obsolete’ in the assessment of this development”.

Building Height

- 12.20.7. The Material Contravention Statement sets out the following in relation to height:

“Section 2.6.1 of the Tallaght Town Centre Local Area Plan 2020-2026 states that ‘plot ratio, height and built form will be used to determine and assess the intensity, scale and bulk of development in the Plan lands. This approach promotes an urban design quality-led approach to achieving sustainable urban densities where the focus will be on achieving a high-quality urban environment.’ While the proposed building heights are in excess of those outlined in the building height strategy set out in relation to the Centre Neighbourhood, we would contend that this is appropriate in this instance as the subject proposal complies with the plot ratio and built form requirements and will create a high-quality urban environment as sought by the Tallaght Town Centre Local Area Plan 2020-2026.

A plot ratio range of 1.5-2.0 was set in relation to the CT-D parcel within the Cookstown Neighbourhood and flexibility in relation to the gross floor area of up to 20% of the plot ratio ranges may generally be applicable where there is a strong design rationale for an increase in density/height and the development will result in a significant public gain. Due to the significant public gain resulting from the subject proposal, a plot ratio range of 1.8-2.4 applies to the subject scheme. The subject proposal involves a plot ratio of 2.4 consistent with the Local Area Plan requirements.

From a built form perspective, the proposed development is consistent with this guidance set out in Section 2.6.2 of the Tallaght Town Centre Local Area Plan 2020-2026 as it creates active ground floor frontages due to the inclusion of commercial/retail and own-door access residential units along its frontages and the building has been designed to clearly express the ground floor and features distinctive main façade and a strong parapet.

In addition to complying with the guidance regarding plot ratio and built form, the subject proposal achieves a high level of residential amenity for future residents. As discussed in detail in the Statement of Consistency and Planning Report, prepared by Hughes Planning and Development Consultants, the subject proposal complies with the residential amenity minimum design standards required under Design Standards for New Apartments (2018). Further to this, the application is accompanied by a Sunlight, Daylight and Shadow Assessment Report, prepared by JAK Consulting Engineers, which confirms that the building proposed provides a

high quality living environment for future residents of the proposed apartments and users of the proposed central courtyards.

The material contravention statement contends that the exceedance of the building heights specified in the Tallaght Town Centre Local Area Plan 2020-2026 is appropriate in this instance as a high-quality urban environment is created irrespective of the building heights proposed. This high-quality urban environment comes as a result of the following:

- The proposed building is of a high quality architectural design and uses high quality materials and finishes as outlined in Section 12.3 of the Design Statement, prepared by C+W O'Brien Architects;*
- The subject proposal includes the construction a new road through the subject site, along the site's southern boundary, which links Cookstown Road with the Old Belgard Road, as well as 2 no. new roads through the subject site linking Cookstown Road with the newly created through road and incorporates road, junction and streetscape upgrade works along Old Belgard Road, Cookstown Road and First Avenue. This will create a more urban/residential feel which improves upon the existing industrial street network currently featuring in the Cookstown Industrial Estate.*
- The proposed development includes a pedestrian/cycle link to the Belgard Luas Stop adjacent to the site's western boundary. The proposed development also features a 1,688sqm public plaza in the south-western corner as well as an additional 4,992sqm of public open space throughout the development. These items will create a high-quality urban environment for residents of the wider area as well as residents of the subject development; and*
- The proposed building appropriately responds to the signalised junction being created at the intersection of Cookstown Road and First Avenue and the public plaza being introduced to the south-west of the site by incorporating commercial/retail uses and active internal amenity spaces adjacent as well as incorporating a landmark building component adjacent to the proposed public plaza.*

Section 2.6.2 of the Local Area Plan states the following in relation to ‘Landmark Buildings’:

“In the interest of place making and improving legibility, Landmark Buildings are permissible at key locations that will punctuate urban areas. In general, buildings that exceed the prescribed general buildings heights should only be provided at the locations indicated as having ‘Potential for Higher Buildings’ in the Building Height Strategy (see Figure 2.4) and at locations adjacent to the key public transport stops and key public spaces identified in Section 2.6.

A 2–4 storey increase on the above typical levels may be considered for key or landmark sites or where sites exceed 2ha in area and can establish its own identity (see Section 8.2 Implementation)”.

Section 2.6 states:

“To reflect the importance of placemaking at key public transport stops and key public spaces, flexibility in relation to the plot ratio range and the potential for higher buildings (2-4 storey increase on typical levels set in the LAP) may be considered at certain locations which are considered to be key or landmark sites, subject to exceptional design which creates a feature of architectural interest, a significant contribution to the public realm at these locations and mixed uses at ground floor level. These requirements are subject to criteria for taller buildings set out in Section 2.6.2. This provision may apply where the site is directly adjacent to the following:

- *High capacity public transport stops (i.e. a Luas stop or high frequency bus stop (i.e. 10- minute peak hour frequency) on a dedicated bus lane);*
- *The proposed ‘New Urban Square’ north of Belgard Square North in the Centre neighbourhood;*
- *The proposed ‘New Urban Square’ within the Cookstown neighbourhood; and*
- *The proposed Transport Interchange and adjacent proposed ‘Urban Space’ in the Centre neighbourhood.*

This provision will only apply to the extent of a site which is within 100m walking distance of the above locations and will only be considered where the Planning Authority is satisfied that provision of the above facilities will be achieved.

Although the proposed higher built form elements featuring in the proposed scheme exceed the heights specified in the Local Area Plan, we would contend that they are consistent with the above policies pertaining to landmark buildings for the following reasons:

- The subject site immediately abuts the Belgard Luas Stop and sits immediately north of the proposed ‘New Urban Square’ within the Cookstown neighbourhood; and*
- The subject site, at 4.99Ha, exceeds 2ha in area and establishes its own identity”.*

12.20.8. In relation to building height, I consider that the Board could invoke Section 37(2)(b) (i) and (iii) of the 2000 Act (as amended). Under section 37(2)(b) (i) I consider the proposed development to be of strategic and national importance having regard to the definition of ‘strategic housing development’ pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) and its potential to contribute to the achievement of the Government’s policy to increase delivery of housing from its current under supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016; and (iii). It may be open to the Board to materially contravene here having regard to SPPR 3 of the Building Height Guidelines and national policy in Project Ireland 2040 National Planning Framework (in particular objectives 13 and 35).

12.20.9. However, as indicated previously I am not satisfied that the applicant meets the criteria of section 3.2 of the Building Height Guidelines.

Housing Mix

12.20.10. The Material Contravention Statement sets out the following:

“With regards to housing mix, we would firstly note that Section 5.2.1 of the Tallaght Town Centre Local Area Plan 2020-2026 acknowledges that the population statistics from Census 2016 reveal that the population in the LAP area is young and includes a high proportion of families at the early stages of forming a family. The subject site is located within the settlement of Tallaght and the Electoral Division of Tallaght Springfield. We consider there to be ample justification for the proposed housing mix

in particular the no. of 3-bedroom apartments proposed, having regard to the demographic context of the area.

The 2016 census data revealed that 55.3% of the population of the Electoral Division of Tallaght Springfield was made up of people between the age of 0-34. This is 15.8% greater than the national figure, which is 39.5%. The 2016 census data also revealed that 75.7% of families living in the Electoral Division of Tallaght Springfield were 1, 2 and 3 person households/families. This is 10% above the national figure, which is 65.7%. We would contend that the proposed housing mix appropriately responds to the age demographic and family sizes in the Electoral Division of Tallaght Springfield.

SPPR 1 included in Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018, provides that mix for apartments may be specified in statutory development plans where an evidence-based Housing Need and Demand Assessment (HNDA) has been carried out. The review process for the South Dublin County Development Plan 2022-2028 only recently commenced and the HNDA had not been completed at the time of the adoption of the Tallaght Town Centre Local Area Plan 2020-2026. Therefore, we would contend that the national guidelines continue to outweigh the local planning policy provisions until such point that the HNDA is completed and policies and objectives in respect of housing mix are adopted in the new County Development Plan. Please note SPPR7 makes amendments to the mix required by SPPR1 in the context of Build-to-Rent developments”.

12.20.11. In relation to Objective RE2 of the LAP, which requires a 30% provision of 3-bed units in Tallaght Town Centre. I consider that the Board could invoke Section 37(2)(b) (i) and (iii) of the 200 Act (as amended).

Section 37 (2) (b)(i)

The proposed development falls within the definition of strategic housing as set out in the Planning and Development (Housing) and Residential Tenancies Act 2016 and by the government's policy to provide more housing set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016, the proposed material contravention is justified by reference to section 37(2)(b)(i) of the act.

Section 37 (2) (b)(iii)

The proposed material contravention to the housing mix is justified by reference to:

- SPPR8(i) of the Sustainable Urban Housing: Design Standards for New Apartments, 2020 which states that no restrictions on dwelling mix and all other requirements of these Guidelines shall apply for Build to Rent developments.

12.20.12. As stated previously I share the concerns of the PA in relation to unit mix, however, given SPPR 8 (i) I am not recommending refusal on this issue.

Housing Tenure Mix

12.20.13. The Material contravention Statement sets out the following:

“With regards to housing tenure mix, we would firstly note that the policy outlined in Section 5.2.2 of the Tallaght Town Centre Local Area Plan 2020-2026 is aspirational rather than a mandatory requirement. The encouragement to provide at least 30% owner occupied units across the LAP area is described as ‘an ambition of the LAP’. Secondly, it looks to achieve 30% owner occupied units across the LAP area rather than on each site within the LAP area. This gives flexibility regarding the housing tenure mix adopted for a particular development. The proposed housing tenure mix can be justified having regard to the existing and recently permitted developments in the area forming the subject of the Tallaght Town Centre Local Area Plan 2020-2026 more broadly. Traditionally, the housing stock provided in the applicable area has been build-to-sell and the majority of recently permitted developments in the area have featured build-to-sell apartments.

(A Table 2.0 is included setting out details of four permitted developments (within the past 3 years) featuring build-to-sell apartments and affordable apartments in the area forming the subject of the Tallaght Town Centre Local Area Plan 2020-2026 (SD208/0007 is pending)).

The concept of build-to-rent is a relatively new one. To date, only 2 no. planning applications involving ‘Build-to-Rent’ apartments have been granted planning permission through the Strategic Housing Development process (under ABP Ref. ABP-303803-19 and ABP Ref. ABP-308398-20) in the area forming the subject of the Tallaght Town Centre Local Area Plan 2020-2026.

It is worth noting that the Inspector Report, associated with the recently granted Strategic Housing Development at Units 66 & 67 Fourth Avenue, Cookstown

Industrial Estate, Dublin 24 under ABP Ref. ABP-308398-20, included the following commentary regarding the applicable development's non compliance with the housing mix outlined in the Tallaght Town Centre Local Area Plan 2020-2026:

Third parties have also raised concerns regarding the proposed housing mix and consider it would have a negative impact on the local community. With regard to BTR schemes, SPPR 8(i) of the Apartment Guidelines states that no restrictions on dwelling mix shall apply. The concerns of the planning authority and the third parties are noted, however, having regard to the justification provided above for the provision of BTR scheme at this location and to guidance set out in the Apartments Guidelines it is my view that the proposed housing mix is appropriate in this instance. The issue of material contravention is dealt with below.

1 no. other Strategic Housing Development proposal involving Build-to-Rent units submitted in the area forming the subject of the Tallaght Town Centre Local Area Plan 2020-2026 was refused permission. The details of this application are as follows:

- On 19th June 2019, a development was refused at Unit 21 First Avenue, Cookstown Industrial Estate, Dublin 24 (under ABP Ref. ABP-303911-19), involving the following (in summary): The demolition of 5,500 square metres of existing one and two-storey industrial buildings (including a small operating café) and associated site clearance works, and the construction of 150 no. 'Build-to-Rent' apartments in three number, five to six storey blocks and 222 number Shared Living units in a fourth, six to eight storey (parapet level) block.*

A review of the An Bord Pleanála and South Dublin County Council planning registers revealed no planning applications involving 'Build-to-Rent' units currently being considered in the area forming the subject of the Tallaght Town Centre Local Area Plan 2020-2026.

In light of the above, we consider that the proposed scheme will not result in an overconcentration of Build-to-Rent units in the area forming the subject of the Tallaght Town Centre Local Area Plan 2020- 2026 and given the no. of the owner occupied units featuring in the above SHD approvals, the 30% owner occupied units sought across the LAP area will be achieved.

Thirdly, we consider there to be justification for the proposed mix having regard to the socio economic and demographic context of the area. As discussed previously in Section 4.2, the age profile is younger and in the family/household sizes smaller in the Electoral Division of Tallaght Springfield than the equivalent national figure. We would contend that the proposed housing tenancy mix appropriately responds to the age demographic and family sizes featuring in the Electoral Division of Tallaght Springfield as the Build-to-Rent model is most appealing to young professionals and small families due to the level of on-site amenities offered, including a creche and children's play area, as well as the majority of maintenance responsibility falling to the management companies. The proposed development offers younger people/small families in the area a suitable accommodation option during the transitional period between vacating their family home and purchasing their first home.

Finally, the subject application is accompanied by a Commentary on the Private Rented Sector / Market Demand, prepared by Cushman Wakefield, and a Build to Rent Market Justification Report, prepared by LIV Consulting, which provide an economic and market rationale for this housing typology/mix at this location.

Cushman Wakefield's report concludes that:

- 'In short, there is a compelling economic and planning rationale for this housing typology at this location. The site enjoys a number of key locational advantages including its position relative to major employment centres in the surrounding area including the Tallaght Hospital, TUD Tallaght, the Square and the Civic Offices.' LIV Consulting's report concludes that 'in addition to the immediate geographical benefits of the scheme, the continued decline in home ownership against the increase of rental tenures across Dublin provides further justification for introducing Build to Rent in an emerging urban hub such as Tallaght. The BTR proposition is primarily targeted at a younger/mid age level demographic, particularly junior and established professionals, service workers, couple and small families. Moreover, given the local employment and education context there is also reason to assume that the proposed scheme will appeal to graduates who want to stay in the area. The trend of smaller household sizes is supported by this development, with a high level of Studios, One and Two Beds, whilst an appropriate number of larger

three-bedroom units are also provided. The proposed unit mix ensure flexibility for residents, allowing them to evolve and move within the scheme should their requirements change. This mix supports long term rental and professionally managed developments with a focus on resident wellbeing’.

12.20.14. In relation to LAP policy relating to tenure mix, the subject proposal exceeds the recommended 70% maximum recommended in relation to dwelling units for Build to Rent and is devoid of owner-occupied units as is encouraged in Section 5.2.2 of the LAP. The proposal being 100% build-to-rent. I consider that the Board again could invoke Section 37(2)(b) (iii) of the 200 Act (as amended).

12.20.15. The Board may consider that the tenure mix might be justified with reference to:-

- Section 5.7 of the Sustainable Urban Housing: Design Standards for New Apartments, 2020 which states that ‘a key aspect of the BTR is its potential to accelerate the delivery of new housing at a significantly greater scale than at present’.
- Section 5.8 of the Sustainable Urban Housing: Design Standards for New Apartments, 2020 which states that ‘potential for accelerated housing construction through BTR can make a significant contribution to the required increase in housing supply nationally, identified by Rebuilding Ireland, and the scale of increased urban housing provision envisaged by the National Planning Framework’.
- The government’s policy to provide more housing set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016,

12.20.16. However, as stated previously in this assessment I am recommending refusal in relation to tenure mix, having regard to the number of units proposed at 1,104 and the size of the site at c. 5ha.

12.20.17. Should the Board wish to materially contravene in relation to plot ratio, housing mix and housing tenure, I would draw their attention to the recent SHD 308398 for a BTR scheme at Units 66 and 67 Fourth Avenue, Cookstown Industrial

Estate, Tallaght, Co. Dublin. I note for the attention of the Board the grant of permission dated 28/01/2021 post the adoption of the TTCLAP 2020- 2026.

12.20.18. However, having considered this decision I am of the opinion it was for a significantly smaller scale of development (252 number units), on a site of 0.71 ha, located much further south of the subject application site, closer to Tallaght Town Centre and Tallaght hospital. I also had cognisance that the grant of permission was amended by the Board to reduce the height (one block being reduced by two storeys and another block reduced by one storey). I also note that in that application the PA did not recommend refusal in relation to tenure mix.

12.21. **Other Issues**

Flood Risk

12.21.1. The subject site is located more than 1.1km from the Whitestown Stream and therefore has not been included in the ECFRAMS study. The site is therefore deemed to be within Flood Zone C, i.e. outside the 1000-year flood events. Additionally, the site is also located more than 12km from the coast. The sequential approach recommended by “The Planning System and Flood Risk Management Guidelines for Planning Authorities” has been complied with for the subject site as it is within Flood Zone C. Floodmaps.ie showing no historical flooding event with 2.5km of site

12.21.2. It is noted that the Environmental Services department identifies concerns and recommends conditions with respect to surface water. The Environmental Department confirmed that there was no objection to the application, on Flood Risk grounds, subject to incorporation of conditions.

12.21.3. Overall, I am satisfied that flood risk does not present any conflicts or issues that cannot satisfactorily be dealt with by way of condition and compliance.

SHD Procedural Issues

12.21.4. Third party concern has been raised in relation to the SHD process. It is submitted that developments such as this will not resolve the housing crisis. The application is speculative from a developers and vulture funds perspective. That one of the main issues with Strategic Housing Development planning applications is the

manner in which such applications can ignore both the local development and local area plans and submit a reasoning for doing so to ABP. It is contended that public participation should be given more time.

- 12.21.5. The concerns raised with respect to the SHD process / legislation are outside the remit of this assessment.

Part V

- 12.21.6. The applicant has submitted Part V proposals as part of the application documents. 10% of the development is identified in compliance with Part V of the Planning and Development Act 2000 (as amended).

- 12.21.7. The Housing Department has provided a report, noting the requirement for 10% provision of public housing units within the scheme. Details to be agreed following a grant of permission. It is SDCC's preference to acquire units on-site.

12.22. Environmental Impact Assessment (EIA)

12.22.1. Introduction

The application is accompanied by an Environmental Impact Assessment Report (EIAR). The application falls within the scope of the amending 2014 EIA Directive (Directive 2014/52/EU) on the basis that the application was lodged after the last date for transposition in May 2017. The application also falls within the scope of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018, as the application was lodged after these regulations come into effect on 1st September 2018.

The development involves 1104 no. 'build-to-rent' apartments with ancillary resident facilities, 4 no. commercial units (totalling 762sqm), 1,500sqm of office space and a 245sqm crèche, in 4 no. blocks varying in height from four to eleven storeys. The subject application involves a 4.99Ha (12.3 acres) parcel of land west of Old Belgard Road and north, south & west of Cookstown Road, Cookstown Industrial Estate, Tallaght, Dublin 24. It currently comprises a no. of existing industrial/commercial premises fronting Cookstown Road, Old Belgard Road and First Avenue; the Circle K Belgard petrol station and associated commercial premises; 0.98Ha of South Dublin County Council owned land; and 0.19 Ha of Dublin City Council owned land.

The South Dublin County Council owned land comprises parts of First Avenue, Cookstown Road and Old Belgard Road and the Dublin City Council owned land comprises a strip to the north of Unit 5 First Avenue and Unit 4 Cookstown Road which provides access to the Belgard Luas Stop. There are existing low-rise (1-3 storeys) industrial buildings featuring on the subject site. These are proposed for demolition as part of the subject proposal.

Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 and section 172(1)(a) of the Planning and Development Act 2000 (as amended) provides that an EIA is required for infrastructure projects that involve:

- (i) construction of more than 500 dwelling units
- (iv) an area of 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

The total site area extends to 4.99 hectares and therefore falls above the 2 ha threshold. The subject development is not of a type or size that would require mandatory EIA under Annex I. With respect to Annex II, the subject proposal would constitute an “infrastructure project” under Class 10. Given the no. of units proposed, EIA is required under Class 10(b)(i) and Class 10(b)(iv).

The EIAR is laid out in two documents, the main document including appendices and the non-technical summary. Chapter 1 is an introduction which sets out the relevant legislation and the format and structure of the EIAR as well as outlining the experts involved in preparing the document. Chapter 2 provides project description and alternatives examined. Chapter 3 provides planning and development context. Chapter 14 considers interactions between environmental factors and Chapter 15 provides a summary of principle mitigation and monitoring measures.

The likely significant direct and indirect effects on the environment, as set out in Article 3 of the Directive, are considered in Chapters 4-13 under the following headings:

- Population and Health
- Biodiversity
- Land, Soils and Geology

- Water and Hydrology
- Noise and Vibration
- Air Quality and Climate
- Material Assets
- Archaeology, Architectural and Cultural Heritage
- Landscape and Visual Amenity
- Wind and Microclimate

Article 3 (2) of the Directive requires the consideration of the effects deriving from the vulnerability of the project to risks of major accidents and / or disasters that are relevant to the project concerned. The potential for 'flooding' is considered in Chapter 7 Water and Hydrology. Having regard to the site's location within the urban area of Tallaght, the nature of the receiving environment and the climatic conditions that apply, I consider that the requirements under Article 3(2) are met.

I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the submissions made by the planning authority, prescribed bodies and the observers has been set out at Sections 8, 9 & 10 of this report. The issues raised are addressed below under the relevant headings, as appropriate, and in the reasoned conclusion and recommendation including reasons for refusal.

I am satisfied that the information contained in the EIAR has been prepared by competent experts and generally complies with article 94 of the Planning and Development Regulations 2000, as amended, and the provisions of Article 5 of the EIA Directive 2014.

A number of the environmental issues relevant to this EIA have already been addressed in the Planning Assessment at Section 12.1 – 12.21 of this report. This EIA Section of the report should therefore, where appropriate, be read in conjunction with the relevant parts of the Planning Assessment.

12.23. Consideration of Alternatives

The submitted EIAR outlines the alternatives examined at Chapter 4 (pursuant to Article 5(1)(d) of the 2014 EIAR Directive and Annex IV). The main alternatives studied comprise alternative design solutions and layouts for a largely residential development. The proposal is predicated on the zoning of the site and site-specific policy objectives in relation to plot ratio and density. Given the site's zoning objective alternative locations were not considered. A number of alternative layouts for the proposed development were considered over the design process.

The significant environmental issues and potential effects which informed the proposed layout and design, included: population demographics and housing mix / typology; biodiversity; cultural heritage; transportation and visual impact assessment. Other factors that were fundamental to informing and directing detailed design included the land use zoning objectives under the South Dublin County Development Plan 2016-2022 and the Tallaght Town Centre Local Area Plan 2020-2026 which sets out specific objectives for the Cookstown area.

It is noted that circumstances have changed with respect to infrastructures services and IW have amended their report to state that the confirmation of feasibility previously issued has expired. Constraints to drainage subject to investigation are highlighted. The EIAR does not have regard to this matter.

Alternative processes are not relevant to the proposal. In my opinion reasonable alternatives have been explored and the information contained in the EIAR with regard to alternatives is comprehensive, provides a justification in environmental terms for the chosen scheme and is in accordance with the requirements of the 2014 EIA Directive.

12.24. Assessment of Effects

12.24.1. Population and Health

Chapter 4 of the EIAR addresses population and health. The potential effects are considered in the context of population, community and human health.

The assessment provides information on population levels; impact on employment and economic activity; land use and settlement patterns; housing; community

infrastructure and social facilities; health and safety; and risk of major accidents and disasters. In order to assess the likely significant impacts of the proposed development on population and human health, an analysis of recent Census data was undertaken. Data relating to the Electoral Division of Tallaght Springfield (Electoral Division No. 03039), Tallaght, South Dublin County and the State, were examined. The construction phase of the development will have a positive impact on local employment and economic activity. The construction phase of the project may have some short-term negative impacts on local residents, associated with construction traffic and possible nuisances associated with noise impact due to construction activity. The assessments undertaken in Chapters 8 and 10 of this EIAR did not consider these impacts to be significant. The potential impacts of noise from additional traffic movements arising from the site were not considered significant.

I do not agree with the EIAR assessment that a diverse range of housing types are proposed to satisfy different elements of housing demand and to ensure that the development is attractive to a varied cross section of the population. The proposed development will result in the addition of 1104 no. BTR apartments with 12% Studios, 43 % one bedroom and 41% two bedroom to the supply of housing in the Tallaght area, see section 12.7 of this report above. The EIAR states that the proposal also includes large landscaped open spaces, adjacent to the public park proposed immediately south of the subject site by the Tallaght Town Centre Local Area Plan 2020-2026 and centrally in the development, as well as a pedestrian and cycle link to the Belgard Luas Stop and footpaths/cycle paths throughout the site which link to adjacent road, pedestrian and cycle networks. Such features would significantly impact the social amenities of the surrounding area in a positive manner. Deliverability of pedestrian and cycle access to the Belgard Luas Stop is welcomed. The high-quality links would improve residential amenity and support a healthy lifestyle and are necessary to be delivered in tandem with development of the scale and density proposed. Non deliverability would have a significant negative impact for existing and future residents.

There are potential impacts on human health during the construction phase, associated with construction traffic and surface contaminants, dust, exhaust emissions, noise, vibration and waste generation. Related impacts are considered in other relevant chapters of the EIAR. Archaeology, Architectural and Cultural Heritage

and Landscape and Visual Amenity are considered. Health and safety matters are addressed with regard to relevant legislation. Mitigation measures are considered, as set out in the relevant chapters. They include a Construction and Environmental Management Plan (CEMP). While no significant residual or cumulative impacts are envisaged and I am satisfied that some of identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions.

I am overall not satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of population and human health. I am also not satisfied that cumulative effects are not likely to arise. Table 7 above in section 12.9 of this report compares the rate of delivery of residential units with the actual capacity of the lands, showing what numbers would be achieved if the entire regeneration area were developed to this density. The proposed density, if permitted at this site and replicated across the plan lands, would result in the accommodation of 14,790 units in the Cookstown Area. Indicatively, this would also increase the total development capacity to 42,398 units across the total 'REGEN' lands of the LAP. As such, the proposed intensity of development impinges on the regeneration of the wider area and could undermine the Council's Core Strategy.

12.24.2. Biodiversity

Chapter 5 of the EIAR describes the potential impacts on biodiversity. A review of the biodiversity of the site was carried out by Bryan Deegan (MCIEEM) of Altamar Ltd and this included a study of existing information from the area and a site survey. Desk and field studies, including a bat assessment, were carried out to obtain relevant biodiversity information within the zone of influence (ZOI). An environmental ground investigation was also carried out in May 2020 by RSK Ireland Limited. A contamination assessment of the site is addressed in their report titled Generic Quantitative Risk Assessment. The soil quality assessment carried out by RSK confirmed no evidence of contamination. No difficulties were encountered in relation to the preparation of the Biodiversity Chapter of the EIAR. It was found that the site is not within or adjacent to any area that is designated for nature conservation at a national or international level. The nearest conservation site is the Dodder Valley pNHA at 2.3km. The closest Natura 2000 site is the Glenasmole Valley SAC at 4.1 km and the nearest SPA is the Wicklow Mountains SPA at 8.1km.

The site is currently within an industrial estate and is predominantly covered by paved carparking areas and warehouse buildings. The ground level within the site is relatively flat and slopes down gently from west to east. The proposed construction of the development, would potentially impact on the existing ecology of the site and the surrounding area. These potential construction impacts would include impacts that may arise during the site clearance, re-profiling of the site and the building phases of the proposed development. The proposed demolition of existing structures and development of the new onsite buildings will entail the loss of amenity grassland, built land as well as scrub and flower beds and borders.

There is little evidence of SUDS drainage present on site with a significant un-attenuated hardstanding and roof areas. Following construction all surface water runoff will comply with SUDS. The biodiversity value of the site would be expected to improve as the landscaping matures.

Standard construction and operational controls will be incorporated into the proposed development project to minimise the potential impacts on the ecology within the ZOI. These measures are not necessary for the protection of Natura 2000 sites.

During construction standard construction phase controls will be in place to remove silt and petrochemicals prior to discharge of surface water to the existing combined sewer which discharges to Ringsend WWTP. Additional treatment will take place in Ringsend WWTP. All measures outlined in the biodiversity chapter of the EIAR will be followed. No significant adverse effects are predicted for the operational phase thus mitigation measures are not proposed. The overall impact on the ecology of the proposed development will result in a long term positive residual impact on the ecology of the site and locality overall. This is primarily as a result of the implementation of SUDS measures on site.

The hydrogeological feature identified on this site is the locally important (LI) bedrock aquifer beneath the site which is rated as having a Medium Importance. The proposed development is considered to have a Negligible to Small Adverse impact significance and the overall impact significance on the Environment is considered to be Slight. The management of surface water drainage and wastewater will be via a sealed system. A construction management plan (CMP) is to be prepared for the proposed development. This CMP will ensure effective soil and water management

during construction. The CMP will cover potentially polluting activities and include emergency response procedures. The specific measures included within the CMP which are relevant to this chapter are as follows:

- **Soil Removal, Compaction and Disposal:** For example, temporary storage of soil will be carefully managed to prevent environmental impact, impact on soil structure and generation of dust. e.g. storing stockpiles away from any open surface water drains, managing height and slope of stockpile and minimising soil movement.
- **Fuel and Chemical Handling:** For example, refuelling of construction vehicles, and the addition of hydraulic oils or lubricants to vehicles, will take place in a designated area (or where possible off site) which will be away from surface water gulleys or drains. An adequate supply of spill kits and hydrocarbon adsorbent packs will be stored in this area and made available.
- **Accidental Spills & Leaks:** For example, emergency response procedures for any oil leaks shall be outlined in the CMP for the site. All relevant personnel working on the site will be trained in the implementation of the procedures.

The risk to the hydrogeological feature during the construction phase is considered to be not significant provided the mitigation measures included are implemented. During the operational phase, the water will be supplied from the public mains and a surface water drainage design will be implemented which will discharge surface water to the public surface water network. Foul effluent will be discharged to the public foul sewer system. It is considered that, given that the site is already predominantly covered by paved areas and that the excavation is shallow (<1mbgl) which will not require excavation into the underlying bedrock, there will be no significant changes on the overall hydrogeological regime of the area. The risk to the hydrogeological feature in the operational phase is considered to be Imperceptible.

Therefore, the potential residual impacts on the hydrogeological feature are considered to be Not Significant.

With the implementation of the measures highlighted above and in the outline construction management plan, the cumulative effect on the land, soils, geology and hydrogeology of the local environment is deemed to be Not Significant.

No significant impacts on land, soil and geological environmental are anticipated.

I have considered all of the written submissions made in relation to biodiversity. A Bat survey was undertaken on the 16th September 2020. This is within the active bat period. All buildings were inspected for bat presence. No evidence of past or current use by bats of any of the onsite structures or trees was found when surveys were undertaken. No foraging was noted on site. The current site is brightly lit. The removal of the onsite buildings will not negatively impact bats as none are present. No bat roosts will be lost due to this development and the site is currently not being used for bat foraging. I am satisfied that all ecological impacts have been adequately identified. I am satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of biodiversity. I am also satisfied that cumulative effects are not likely to arise.

12.24.3. Land, Soils and Geology

Chapter 6 of the EIAR describes the potential impacts on land and soils. The development involves the construction of 1104 BTR apartments, with ancillary resident facilities, 4 no. commercial units, 1,500 sq. m of office space and a 245 sq. m creche in 4 number blocks varying in height from 4 – 11 storey's.

Construction will require the removal of soil to provide competent foundations and 6 no. small basement areas accommodating services. The depth of excavation required is estimated to be 0.7m to 1mbgl, which would be expected to be within the overburden. Therefore, excavation in rock is not required.

The hydrogeological feature identified on this site is the locally important (LI) bedrock aquifer beneath the site which is rated as having a Medium Importance. The proposed development is considered to have a Negligible to Small Adverse impact significance and the overall impact significance on the Environment is considered to be Slight. The management of surface water drainage and wastewater will be via a sealed system.

Likely significant impacts on land are soil are not envisaged. During the construction phase the main risks to underlying subsurface strata are from the stripping of topsoil, excavation of subsoil layers and accidental leaks or spillages of contaminating substances. During the operational phase risks are again related to accidental leaks or spillages from contaminants.

In terms of mitigation, materials and substances that could contaminate land and soil will be handled and stored in a manner that will prevent or minimise potential impacts as detailed in Section 6.8.2 of the EIAR. This will include the use of bunded storage areas, designated areas for vehicle refuelling, wet concrete management and the use of oil interceptors.

Potential cumulative impacts on land and soil are not anticipated or predicted. I am satisfied that the risks outlined above can be similarly avoided, managed and mitigated through good construction management practices (adherence to Outline CMP) and that cumulative impacts are not likely to arise.

I have considered all of the written submissions made in relation to land and soil and the relevant contents of the file including the EIAR. I am satisfied that impacts identified on land and soil would be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of land and soil. I am also satisfied that cumulative effects are not likely to arise.

12.24.4. Water and Hydrology

Chapter 7 of the EIAR deals with water (including flood risk, surface water drainage, foul drainage and water supply).

Two existing 300mm & 450mm diameter surface water drainage lines traverse the site which will provide a suitable surface water discharge point for the proposed development. The proposed surface water drainage network will collect surface water runoff from the site via a piped network prior to discharging off site via an attenuation tank, flow control device and separator arrangement.

The proposed foul drainage system will be completely separate from the surface water system and will comprise a network of 225 mm diameter pipelines. The proposed foul drainage system for the entire site has been designed as one catchment, discharging to the existing 225mm diameter foul sewer located at Airon Road. Each block will be connected to the proposed 225mm diameter foul drainage system via individual 225mm pipe connections as per Irish Water Code of Practice

for Wastewater Infrastructure. The existing 300mm diameter foul sewer is running in a southerly direction from Cookstown road to the existing 450mm diameter foul sewer located within the existing access lane south of the existing warehouse will be diverted. It is proposed to relocate this foul sewer under the proposed roadway and tie back into the existing 450mm diameter foul sewer located within the existing access lane.

As is evident from section 10.0 of this report with respect to water supply, Irish Water indicate that scoping, investigations and modelling has not been completed to date and as such, the extent of upgrades and/or works required, along with any consents necessary to facilitate water connection(s) for the proposed development are unconfirmed. In regard to wastewater IW have become aware of further downstream constraints. The COF as issued, is no longer valid. IW state that they are not suggesting the development proposal, as a whole is premature, rather until such time as the investigations and modelling outlined above have been completed IW cannot identify the nature and scope of the upgrades and/works that will be required to facilitate connections for this development proposal.

The EIAR concludes that no adverse effects on surrounding hydrology is anticipated as the site is located relatively remote from the Whitestown Stream, is not located in an area subject to fluvial flooding and attenuation of surface water flows to greenfield runoff rates is being provided. In accordance with the GDSDS surface water runoff from the proposed development will be attenuated using vortex control devices (Hydrobrake or equivalent) at each outfall, limiting discharge to greenfield runoff rates. In order to adhere to this requirement, the calculated allowable surface water runoff for the entire development has been calculated as 8.4 l/s. It has been determined that a total attenuation volume of 2284 m³ will therefore be required on site to accommodate for the 100-year storm event (provision for climate change included), as required by the GDSDS

Irish Water have noted in its response to the Bord as part of the Pre-Consultation that capacity issues existed downstream of sewers adjacent to the site and to alleviate this a wastewater connection would need to be to the 600mm ID concrete sewer in Airton Road. In order to complete this connection, it was anticipated a

sewer extension from the site was required for approx. 800m, however, subsequently, IW have become aware of further downstream constraints. As discussed in section 9.3 of this report above the Environmental Services department identifies concerns and recommends conditions with respect to surface water. The issues in relation to drainage and water supply have not been bottomed out, the EIAR does not refer to the fact that there is limited capacity in the wastewater network and the proposal is deficient and somewhat premature in this regard. This is unacceptable.

The EIAR concludes that based on a review of Eastern CFRAM Study, the OPW's Flood Hazard Mapping, the Strategic Flood Risk Assessment for South Dublin County Council Development Plan 2016-2022 the site is deemed to be at a low probability of flooding.

The subject site is located more than 1.1km from the Whitestown Stream and therefore has not been included in the ECFRAMS study. The site is therefore deemed to be within Flood Zone C, i.e. outside the 1000-year flood events. Additionally, the site is also located more than 12km from the coast. The sequential approach recommended by "The Planning System and Flood Risk Management Guidelines for Planning Authorities" has been complied with for the subject site as it is within Flood Zone C. Floodmaps.ie showing no historical flooding event within 2.5km of site

The Environmental Department confirmed that there was no objection to the application, on Flood Risk grounds, subject to incorporation of conditions.

Overall I am not satisfied that the risks outlined above can be similarly avoided, managed and mitigated through good design / construction management practices until such a time as constraints in wastewater treatment network are resolved.

I have considered the IW submission and the report of the planning authority in relation to water supply and wastewater. I am not satisfied that the proposed scheme is not premature and could be managed by way of mitigation measures and through suitable conditions. I am therefore not satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of water. I am also not satisfied that cumulative effects are not likely to arise.

12.24.5. Noise and Vibration

Chapter 8 of the EIAR addresses Noise and Vibration impacts. The expected duration of construction is not detailed in the CEMP or the phasing plan in the EIAR. It is estimated that there will initially be 60-70 staff on site on a typical day, however during peak construction periods this is expected to fluctuate up to 250-350 staff and contractors on site per day. It is anticipated that the key project managers and main contractor representatives will maintain a presence on site for the whole duration of the project and the labour workforce will be determined by the specialist contractors required on site. The hours of construction are indicated as typically from 07.00 to 18:30 Monday to Friday and 08.00 to 14.00 Saturdays. Although there may occasionally be the need to work outside the normal hours of construction, heavy or noisy construction activities will be minimised during these periods.

Demolition Phase

The existing structures on site will be demolished as part of initial enabling works before the construction of the proposed development.

Excavation & Construction Phase

The project excavations will involve excavations for basements, foundations, site levelling and excavations for roads and services.

AWN Consulting Ltd. have carried out an assessment of the potential noise and vibration impacts. The assessment identifies potential noise and vibration impacts on the environment, during both the short-term construction and longer-term operational phases. The assessment was conducted in the context of current relevant standards and guidance and used to specify appropriate limit values and mitigation measures to ensure that the impact is minimised. The existing noise climate in the vicinity of the proposed development has been surveyed across the site over the course of a period of two typical weekdays. The key noise sources are industrial activity, road traffic noise from Bóthar Katharine Tynan and Belgard Road, and also LUAS movements.

During the construction phase of the project there is the potential for temporary noise impacts on nearby noise sensitive properties due to noise emissions from site activities.

The predicted change in noise levels associated with additional traffic is predicted to be of imperceptible impact along the existing road network. In the context of the existing noise environment, the overall contribution of induced traffic is considered to be of neutral, imperceptible and long-term impact to nearby residential locations. Noise levels associated with building services plant are expected to be well within the adopted day and night-time noise limits at the nearest noise sensitive properties taking into account the site layout, the nature and type of units proposed and distances to nearest residences. Assuming the operational noise levels do not exceed the adopted design goals, the resultant residual noise impact from this source will be of neutral, imperceptible, long term impact. No significant sources of vibration are expected to arise during the operational phase of the development. The EIAR indicates that the assessment of construction phase impacts has found that significant noise and vibration impacts are not expected. Notwithstanding this, best practice noise and vibration control measures will be employed by the contractor during the construction phase in order to avoid significant impacts at the nearest sensitive buildings. The best practice measures set out in BS 5228 (2009 +A1 2014) Parts 1 and 2 will be adopted. This includes guidance on several aspects of construction site mitigation measures, including, but not limited to:

- selection of quiet plant;
- noise control at source;
- screening, and;
- liaison with the public.

During the operational phase of the development, noise mitigation measures with respect to the outward impact of traffic from the development are not deemed necessary. In the context of the existing noise environment, the overall contribution of induced traffic is considered to be of neutral, imperceptible and long-term impact to nearby residential locations. No cumulative impacts are anticipated.

I have considered issues in relation to noise and vibration. I am satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of noise or vibration. I am also satisfied that cumulative effects are not likely to arise.

12.24.6. Air Quality and Climate

Chapter 9 deals with Air Quality and Climate.

AWN Consulting Limited has been commissioned to conduct an assessment of the likely impact on air quality and climate associated with the proposed mixed-use development. The greatest potential impact on air quality during the construction phase is predicted to be from construction dust emissions and the potential for nuisance dust. In order to minimise dust emissions during construction, a series of mitigation measures were prepared in the form of a Dust Management Plan. When the dust minimisation set out in the plan are implemented, fugitive emissions of dust from the site will be imperceptible and pose no nuisance at nearby receptors (such as local residences or commercial properties).

Traffic emissions for vehicles accessing the site during the operational phase have the potential to impact local air quality. Operational phase impacts to air quality are deemed long-term, negative and imperceptible. The reduced car parking provision adopted in the proposed scheme seeks to minimise additional vehicular traffic and, in combination with the large no. of bicycle parking spaces, go-car spaces and pedestrian link to the Belgard Luas Stop provided, encourage sustainable transport use. This will help mitigate air and noise pollution resulting from vehicular traffic.

This assessment shows that the most significant potential impacts are those associated with construction activity and construction traffic. There is predicted to be a temporary slight adverse impact on the closest receptors during the Construction Programme. There will be no lasting impact and the short-term impact can be managed by means of an effective Construction Management Plan incorporating the mitigation measures outlined in the EIS.

At construction phase the measures which will be implemented will include:

- Hard surface roads will be swept to remove mud and aggregate materials from their surface while any un-surfaced roads will be restricted to essential site traffic.
- Any road that has the potential to give rise to fugitive dust must be regularly watered, as appropriate, during dry and/or windy conditions.

- Vehicles exiting the site shall make use of a wheel wash facility where appropriate, prior to entering onto public roads.
- Vehicles using site roads will have their speed restricted, and this speed restriction must be enforced rigidly. On any un-surfaced site road, this will be 20 kph, and on hard surfaced roads as site management dictates.
- Public roads outside the site will be regularly inspected for cleanliness and cleaned as necessary.
- Material handling systems and site stockpiling of materials will be designed and laid out to minimise exposure to wind. Water misting or sprays will be used as required if particularly dusty activities are necessary during dry or windy periods.
- During movement of materials both on and off-site, trucks will be stringently covered with tarpaulin at all times. Before entrance onto public roads, trucks will be adequately inspected to ensure no potential for dust emissions

Impacts can be mitigated through good construction practices, as set out in Section 9.6.1 of the EIAR, and would be short-term and negligible in my view. In terms of climate there is potential for greenhouse gas emissions associated with the use of construction vehicles, generators etc, but given the scale of the development it is considered that impacts would be negligible and short-term during construction. The primary source of air and climatic emissions during the operational phase would be from traffic related emissions. In the local area this may arise from changes to traffic flow / congestion. It is noted that the EIAR considers that the impacts would be long-term and imperceptible.

Given the nature and scale of the development proposed, I am satisfied that no significant impacts arise in respect of air and climate during construction and operation phases of the proposal.

12.24.7. Material Assets, Traffic and Transportation

Roads, Traffic and Transportation effects are considered in Chapter 10 of the EIAR. A Transport Assessment (TA) has been undertaken with the objective of both quantifying the existing and proposed transport environment and detail the results of

assessment work undertaken to identify the potential level of transport impact generated as a result of the proposed residential development. The scope of this assessment covers transport and sustainability issues including access, pedestrian, cyclist and public transport connections. Recommendations contained within the TA are based on existing and proposed road layout plans, site visits, on site traffic observations and junction vehicle turning count data.

The site is within the long-established Cookstown Industrial Estate, which clearly has roads and kerbing which is Commercial/Industrial in nature and design, with high kerb and infrastructure links that were constructed to support industrial uses, but which are inappropriate for an emerging residential area. The inappropriate nature and design of the roads and links is being addressed as part of the planning application. The sites are currently accessed by vehicular traffic by way of Belgard Road, Old Belgard Road, and Cookstown Road.

Cookstown Road is a single carriageway 2-way road, with high protective (kassel) kerbing, verges and footpaths along both sides. It is currently subject to a 50kph speed restriction and is relatively lightly trafficked. It runs in an approximate E-W orientation through the site (as an extension to First Avenue), and also extends along the western boundary of the site where it is oriented in an approximate N-S direction. The Traffic survey indicated that the road carries a weekday AM Peak Hour 2-Way traffic flow of approximately 600 Passenger Car Units (PCUs) and a 2-way flow of 590 PCUs in the PM Peak Hour. In these terms, the road is considered moderately trafficked in terms of its link carrying capacity.

First Avenue consists of a single carriageway 2-way road, running generally in an E-W orientation, located west of the development site. It too is subject to a 50kph speed limit, and has pedestrian footpaths along its length, combined with intermittent verges and parallel parking areas. The Traffic Survey indicated that the First Avenue to the west carries a weekday AM Peak Hour traffic flow of approximately 190 PCUs, and a traffic flow of approximately 140 PCUs in the PM Peak Hour. In these terms, the road is considered very lightly trafficked in terms of its link carrying capacity.

The proposal has a total of 1,104 Apartments set out in four individual blocks with streets and infrastructure arranged in traditional N-S and E-W blocks, consistent with the Local Area Plan. The development includes secure bicycle parking (1860 spaces), limited car parking (351 spaces) & refuse management/residential storage

areas within the dedicated areas. It is proposed to remove and reconstruct the existing industrial estate roads consistent with the best practice design requirements of a residential urban area, removing and replacing the existing Industrial-type roads and road infrastructure, with the benefit of improved linkage to Belgard LUAS Stop. The Trip Rate Information Computer System (TRICS) database is used to ascertain vehicular trip generation associated with the use of any particular site.

The outcome of the TA is that the addition of the proposed development will not result in any significant reduction in traffic capacity arising on the local roads, with all anticipated traffic increases being below the recommended threshold levels above which further assessment is required. This is particularly so in the case of the impact upon the Belgard Road Traffic conditions for example, as evidenced from the Traffic Threshold Assessment included in the EIAR. In the case of the subject site, in the context of its former industrial uses, the assessment indicates that the conversion to local residential uses will see a significant improvement in traffic conditions for all transport modes associated with the existing roads in the area. It should also be noted the local network improvements, removing the existing industrial roads and replacing them with a network of local streets and DMURS compliant junctions, is consistent with the LAP recommendations. These new streets and nodes, will have a very significant and beneficial effect, through the creation of a permeable residential street hierarchy that provides safe and appropriate linkages for all transport modes, with a particular emphasis on pedestrians and cyclists.

A detailed assessment of the traffic impact of the proposed development (Reference Appendix C of Transportation Assessment Report Appended in the EIAR), and this confirms the Threshold Impact of locally affected junctions as set out at Table 10.6 of the EIAR. In light of this detailed assessment, it can be concluded that the proposed development will not have an adverse impact on the proposed local road network, including junctions.

Section 12.12 Traffic and Transport, of this report, sets out concerns: Parking provision is too low. Traffic calming measures are required. The Road Safety Audit recommendations should be followed. 6m carriageways should be provided where perpendicular parking is provided. 2m wide segregated cycle lanes should be provided along Cookstown Road and the new east-west secondary street. Prior to commencement the developer shall submit a right of way agreement for the link to Belgard Luas. The link to Belgard Luas must be provided. Electrical Charging Points

to be provided. The east – west Secondary route is not acceptable. It is dominated by surface car parking and not enough landscaping.

I have considered all issues in relation to roads, traffic and transportation. I am satisfied that the link to the Belgard Luas stop can be provided as part of the scheme. I note the concerns raised by the transportation department and the NTA which I consider noteworthy. I do not consider that the issues raised by the traffic and NTA (specifically, under provision of car parking) can be dealt with by way of condition and compliance. I am therefore not satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of roads, traffic and transportation. I am also not satisfied that cumulative effects are not likely to arise.

12.24.8. Material Assets – Water Supply and Drainage

An Engineering Services Report, has been prepared by GDCL Consulting Engineers and accompanies the planning application. The EIAR non technical summary states: “the report and the discussion included in Section 2.3 of the Statement of Response to Pre-application Consultation Opinion, prepared by Hughes Planning and Development Consultants and the appended letter, prepared by GDCL Consulting Engineers, illustrates how the drainage and water supply issues raised in the submissions from South Dublin County Council and Irish Water have been addressed and satisfies Item 3 of the specific information requested by to An Bord Pleanála”.

Paragraph 12.14 Irish Water, above, discusses in detail issues raised with respect to water supply and foul drainage system. Irish Water have noted in its submission to the Bord that capacity issues exist downstream of sewers adjacent to the site. The Environmental Services department identifies concerns and recommends conditions with respect to surface water. The issues in relation to drainage and water supply have not been bottomed out, the EIAR does not refer to the fact that there is limited capacity in the wastewater network and the proposal is deficient and somewhat premature in this regard. This is unacceptable.

I have considered all of the written submissions made in relation to material assets. I am not satisfied that the identified impacts would be avoided, managed and

mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore not satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of material assets. I am also not satisfied that cumulative effects are not likely to arise.

12.24.9. Archaeology, Architectural and Cultural Heritage

Archaeology, Architectural and cultural heritage is addressed in Chapter 11 of the EIAR.

The proposed development is on a brownfield site in two segments either side of the Cookstown Estate Road and along the Old Belgard Road in the northeast of the Cookstown Industrial Estate. The site is currently occupied by existing commercial buildings and hard surfaces, but a narrow strip of grassy vegetation in the northern segment may be undisturbed.

There are no recorded archaeological (Records of Monuments and Places) sites or features of architectural merit located within the proposed development site. There are no visible cultural heritage features within the development site, but a small portion of the Tallaght / Cookstown townland boundary is located within the site and historic mapping indicates that the Old Belgard Road originally passed through the application lands but was redirected at the end of the 18th century. Twentieth century development has destroyed any visible trace of these features, but it is possible that subsurface evidence of these features may be preserved beneath modern surfaces and / or under the strip of grass on the north.

This development therefore has the potential to reveal such sub-surface features and to directly impact them. Given the previous development of this area without archaeological oversight, this may provide a positive opportunity to record potential features even in a truncated or diminished state

The EIAR concludes that Architectural heritage in the wider area will not be negatively affected by the development of these lands.

While the probability of this development to impact archaeological features is low, it is recommended that a licensed archaeologist oversee the stripping of surfaces on this site following the demolition of upstanding structures. This will provide an

opportunity to identify and record any potential surviving or truncated subsurface features which may include;

- The Cookstown / Tallaght townland boundary;
- The former course of the Old Belgard Road;
- Evidence of structures adjacent to the former Old Belgard Road;
- Other features such as field boundaries, archaeological features and deposits.

I have considered all of the issues in relation to archaeology and cultural heritage. I am satisfied that no potential impacts arise. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect or cumulative impacts in terms of archaeology and cultural heritage.

12.24.10. Landscape and Visual Impact Assessment

Chapter 12 of the EIAR describes the landscape and visual impacts/effects arising from a proposed residential development of 1,104 units.

The site is located at Cookstown, Tallaght, Dublin. The subject lands are approximately 4.99ha and span the north-west corner of First Avenue and Cookstown Road, Cookstown Industrial Estate, Dublin 24. Currently, the lands accommodate mainly light industrial uses with some commercial uses.

13 no. viewpoints were selected for detailed assessment of predicted effects. The selection was based upon the extent of the site visible and the sensitivity or type of viewer. Care was taken to provide a range of views from various elevations, distances, orientations and types of receptor and include locations from or close to local settlements or residences.

The EIAR sets out that the proposed layout for the development has a strong urban structure across four apartment blocks with a clear hierarchy of well-connected routes and spaces. The landscape masterplan produced by Cunnane Stratton Reynolds will provide an attractive setting for this mixed-use development. Views to the Dublin Mountains are retained and maximised in the development and key connections to destinations around the periphery of the site such as the LUAS station, the proposed future park and Old Belgard Road are well-integrated. There are a range of urban public parks and spaces integrated into the development. An energetic geometry connects these. Semi-private courtyard gardens are provided for each apartment block.

During construction there will be a change to the landscape and there will be negative visual impacts for residents and visitors to the areas adjacent to the site associated with construction activity. The remedial measures proposed revolve around the implementation of appropriate site management procedures – such as the control of site lighting, storage of materials, placement of compounds, delivery of materials, car parking, etc. Visual impact during the construction phase will be mitigated somewhat through appropriate site management measures and work practices to ensure the site is kept tidy, dust is kept to a minimum, and that public areas are kept free from building material and site rubbish.

The scheme design incorporates significant consideration and mitigation in respect of potential impacts. These include:

- The retention of the existing adjacent rows of trees.
- The construction of a large landscape earthwork to the north of the site to soften views from the north and capture views from the LUAS against the backdrop of high quality, contemporary apartment buildings.
- The careful placement buildings, trees, artwork and features to create features and focal points in the views available.
- The softening of the existing predominantly hard landscape with lawns, tree planting, vegetation and planted swales. A mix of planting types and habitats create a varied landscape structure throughout the scheme. The extensive planting of additional trees will reduce the visual mass of the buildings, soften and partially screen the development over time from various viewpoints, as identified in the assessment, thereby minimising the visual impacts.
- The inclusion landscape works, which are proposed to reduce and offset the minimal impacts generated due to the proposed development, where possible. The planting of substantial numbers of new trees and other planting in the open spaces and along internal roads will enhance the overall appearance of the new development and compensate for the removal of the hedgerow to the north of the site.
- The design of public open spaces as part of an overall design strategy that focuses on creating a 'sense of place' and individual character for the development area. The quality of the public realm scheme is of a high standard and the quality of materials proposed is similarly high and robust.

- The introduction of colour and texture into the urban landscape through the use of materials and planting.
- The planting of native and appropriate species for biodiversity has been incorporated into the scheme in accordance with the advice of the Project Ecologist.
- The application of best practice horticultural methods to ensure that mitigation measures establish and grow appropriately.
- The proposal of additional planting between the northern site boundary and Katherine Tynan road to mitigate habitat loss and create a softer transition between the residential areas north and south of Katherine Tynan Road.
- The design of public open space that forms part of a network of spaces that includes areas for passive and active recreation, social / community interaction and play facilities catering for all ages.
- The retrofitting of the surrounding roads infrastructure to suit the residential use of the development – removing high kerbs and installing cycle paths and planting trees in generous verges.

The proposed development is expected to have a temporary adverse effect on the landscape resource during construction. Upon operation and into the future, the development is expected to have a beneficial long term / permanent effect on the landscape and townscape resource in the area.

The proposed development is expected to have an overall Neutral or Beneficial effect on local visual amenity in the long term.

The overall approach in terms of urban structure, architectural language and material finish is considered acceptable. I have considered all of the written submissions made in relation to Landscape and Visual Impact. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Landscape and Visual Impact. I am satisfied that any cumulative effects arising would be positive.

12.25. Wind and Microclimate

Chapter 13 of the EIAR describes Wind and Microclimate. This chapter assesses the baseline conditions currently existing on site and in its immediate surrounds and likely impacts on the wind microclimate of the completed buildings and open spaces, including roof terraces.

The wind modelling study has been performed through an Advanced Computational Fluid Dynamics (CFD) analysis; this numerical methodology simulates the movement of wind within the prescribed area. The simulations have been carried out using the concept of Large Eddy Simulation (LES) and Reynolds Average Navier-Stokes (RANS). A total of 18 no. different wind scenarios have been studied considering variation of wind magnitude and directions in line with their frequency of occurrence based on 30 years of historical weather data. An exceedance of occurrence of 5% of the duration was considered in line with the Comfort and Distress criteria. Through the wind assessment it has been possible to highlight, at design stage, areas of concern in terms of downwash/funnelling/downdraft/ and to identify critical flow accelerations that could potentially occur.

The assessment has been carried out considering the impact of wind on the following configurations:

- The “Existing Receiving Environment”: in this case the assessment has considered the impact of the local wind on the existing area / buildings prior to construction of the proposed development. For this assessment a statistical analysis of 30 years of historical weather wind data has been carried out to find the most critical wind speeds and directions and the frequency of occurrence of the same.
- The “Potential and Predicted Impact”: in this case the assessment has considered impacts of wind on the existing environment area, the proposed Development, and its immediate vicinity, with the aim to identify potential impacts on future nearby buildings. For this scenario, Cookstown Castle Development will introduce no negative wind effect on adjacent, nearby or future phase

developments within its vicinity. Wind modelling of future phases around this development will need to be performed for all future phase developments.

- The EIAR concludes, CFD modelled results of the proposed development scheme showed that:
- The proposed Cookstown Castle Development will produce a high-quality environment that is attractive and comfortable for pedestrians of all categories.
- The surrounding environment and developments shield all paths/walkways around and within the development. Pedestrian footpaths are always successfully shielded and comfortable.
- Areas around the development where velocities can be higher have been identified near the corners of the buildings and on some of the main roads across the blocks and around the development. However, these can be mitigated using tree landscaping, with particular attention to the corners of the buildings.
- Funnelling effects are experienced on some of the main roads around the development and on the roads in-between some of the blocks. These can be mitigated using horizontal canopies, parapet walls around a canopy, sloped canopies, a colonnade on the windward face of the base building. However, these conditions are not occurring at a frequency that would compromise the pedestrian comfort, according to the Lawson Criteria. Moreover, the implementation of tree landscaping in these areas will mitigate these effects.
- Regarding the courtyards some recirculation effect have been found for certain wind directions. However, the implementation of tree landscaping in these areas will mitigate these effects.
- The proposed development does not impact or give rise to negative or critical wind speed profiles at the nearby adjacent roads, or nearby buildings.
- The pedestrian comfort assessment, performed at Ground Floor level according to the Lawson criteria, identified the areas that are suitable for the different pedestrian activities in order to guarantee pedestrian comfort. The area all around the development seems to be suitable for every activity, including long term sitting, apart from a couple of small areas, which are indicated with light blue

colour and which will be mitigated with the implementation of tree landscaping. Also the courtyards are always suitable for long term sitting, short term sitting, standing, walking and strolling activities. Moreover, in terms of distress, no critical conditions were found for “Frail persons or cyclists” and “General Public” in the surrounding of the development.

- During Cookstown Castle Development construction phase the predicted impacts are classified as negligible.
- The EIAR concludes that mitigation measures are required for the ground floor of this development. It is recommended landscaping tree planting is used. It creates a further reduced vorticity, making it possible to reduce incoming velocities and to mitigate some funnelling effects, thus further reducing wind impacts on the buildings, public spaces or pedestrian paths.

12.25.1. I note the EIAR concludes that these proposed mitigation measures are needed to be implemented within the development, particularly on the main roads around the development, in the roads in-between the different blocks, with particular attention to the corner of the buildings, as well as in the courtyards, as fully reported in the related EIAR chapter.

12.25.2. I have considered all of the issues in relation to Wind and Microclimate. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Wind and Microclimate. I am satisfied that any cumulative effects arising would be positive.

12.26. Interactions between Environmental Factors

Section 14 of the EIAR deals with the interactions between environmental factors. The primary interactions are summarised in the EIAR as follows:

- Population and health
- Biodiversity
- Land Soil and Geology

- Water and Hydrology
- Noise and Vibration
- Air Quality and Climate
- Material Assets
- Archaeology, Architectural and Cultural Heritage
- Landscape and Visual Amenity
- Wind and Microclimate

The various interactions have been described in the EIAR and have been considered in the course of this EIA. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. In conclusion, I am overall not satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of population and human health. As discussed in detail throughout this report, the proposed housing tenure, unit mix (regard being had to SPPR8(i) and intensity of development impinges on the regeneration of the wider area and could undermine the Council's Core Strategy. I note issues arising with respect to capacity of water supply, foul drainage infrastructure. Drainage issues with IW need to be resolved. Overall I am generally not satisfied that effects arising can be avoided, managed and mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions.

12.27. Reasoned Conclusion on the Significant Effects

12.27.1. Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the developer, and to the submissions from the planning authority, prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Significant direct negative effects with regard to **population** due to the increase in the housing stock over and above that planned for the area as set out in the newly adopted Tallaght Town Centre Local Area Plan 2020 – 20226.

- Significant direct negative effects with regard to noncompliance with the newly adopted Tallaght Town Centre Local Area Plan 2020 – 2026 with respect to **height and plot ratio**, (as set out in Section 2.6 of the Local Area Plan), and with LAP policy relating to **housing tenure** (being 100% build-to-rent).
- Potential effects arising from **noise** and **air** during construction. These effects will be short-term in nature and will be mitigated by measures outlined in the relevant section of the EIAR.
- Potential indirect effects on **water** during construction and operational phases which will be mitigated through construction management and by the proposed surface water management and attenuation system with respect to stormwater runoff, the drainage of foul effluent to the public foul sewerage system, and flood mitigation measures.
- Potential effects arising from the extent of upgrades and/or works required, along with any consents necessary to facilitate **water supply** connection(s) for the proposed development. Also, investigations and modelling to identify the extent of **foul sewer** upgrade works required to facilitate connections for this development proposal.

The proposed development is not likely to have significant adverse effects on human health, biodiversity, landscape and visual amenity, soil, climate, micro-climate and archaeological, architectural and cultural heritage. Further it is not likely to increase the risk of natural disaster.

The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. However, I am not satisfied, on the basis of the submitted information, that impacts on population, material assets and drainage and sunlight / daylight can be mitigated and that no residual significant negative impacts on the environment would remain as a result of the proposed scheme. Furthermore, having regard to the potential scale of impacts, I am not satisfied on the basis of the submitted information that the positive benefits of the scheme would outweigh the remaining negative impacts. I am, therefore, of the view

that the potential for unacceptable direct or indirect effects on the environment cannot be excluded on the basis of the submitted information.

12.28. Appropriate Assessment (AA)

- 12.28.1. An Appropriate Assessment Screening Report (dated December 2020) was submitted with the application, prepared by Altemar Marine & Environmental Consultancy. I have had regard to the contents of same. This report concludes that the possibility of any significant effects on any European Sites arising from the proposed development are not likely to arise, whether considered on its own or in combination with the effects of other plans or projects.

The Project and Its Characteristics

- 12.28.2. See the detailed description of the proposed development in section 3.0 above.

The European Sites Likely to be Affected - Stage I Screening

- 12.28.3. The proposed works are not located within a NATURA 2000 site. The development site is not within or directly adjacent to any Natura 2000 site. This site lies within the urban area of Cookstown Industrial Estate, North of Tallaght Town Centre. Multiple warehouse style buildings, c. 15,989 sq. m, are currently located on the site, it essentially comprises a brownfield site.
- 12.28.4. The Stage 1 Screening Assessment sets out that there are no Natura 2000 sites are within the potential Zone of Influence (Zol). The Zol of the proposed project would be seen to be restricted to the site outline with potential for minor localised noise, dust and light impacts during construction. Drainage from site, both foul and surface water, would be seen as the outputs from the site during construction and operation that could potentially extend the potential Zol. However, the proposed development has no direct hydrological link to a Natura 2000 site.
- 12.28.5. I have had regard to the submitted Appropriate Assessment Screening Report which identifies the following 10 no. Natura 2000 sites within a 15 Km radius of the subject site:

12.28.6. **Table 10**

NATURA 2000 Site	Distance
Special Areas of Conservation	
Glenasmole Valley SAC	4.1 km
Wicklow Mountains SAC	6.5 km
Rye Water Valley / Carton SAC	10.4 km
South Dublin Bay SAC	11.3 km
Knocksink Wood SAC	14.2 km
North Dublin Bay SAC	14.4 km
Special Protection Areas	
Wicklow Mountains SPA	8.1 km
South Dublin Bay and River Tolka Estuary SPA	11.3 km
North Bull Island SPA	14.4 km
Poulaphouca Reservoir	14.7 km

12.28.7. The initial screening of NATURA 2000 sites within 15km of the subject site, their features of interest and the Source/Pathway/Receptor links between the works and the Natura 2000 site, with the potential to result in adverse effects (without mitigation measures) on each NATURA 2000 site and features of interest, are seen in Table 11.

NATURA Code	Name	Screened IN/OUT	Details / Reason
Special Areas of Conservation			
IE001209	Glenasmole Valley SAC	Out	<p>Conservation Objectives: To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> <p>Qualifying Interests 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco Brometalia) 6410 Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) 7220 Petrifying springs with tufa formation (Cratoneurion)</p>

			<p>Source/Pathway/Receptor links between the works and the Natura 2000 site, with the potential to result in significant adverse effects.</p> <p>The proposed works are located a minimum of 4.1 km from this SAC (Figure 8). No potential impact is foreseen. There is no direct or indirect pathway from the proposed development site to the SAC. The construction and operation of the proposed development will not impact on the conservation interests of the site.</p> <p>No significant effects are likely</p>
IE0002122	Wicklow Mountains SAC	Out	<p>Conservation Objectives:</p> <p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> <p>Qualifying Interests</p> <p>3110 Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) 3160 Natural dystrophic lakes and ponds 4010 Northern Atlantic wet heaths with <i>Erica tetralix</i> 4030 European dry heaths 4060 Alpine and Boreal heaths 6130 Calaminarian grasslands of the <i>Violetalia calaminariae</i> 6230 Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)* 7130 Blanket bogs (* if active bog) 8110 Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>)</p> <p>Source/Pathway/Receptor links between the works and the Natura 2000 site, with the potential to result in significant adverse effects.</p> <p>The proposed works site is a minimum of 6.5 km from this SAC (Figure 8). No potential impact is foreseen. There is no direct or indirect pathway from the proposed development site to the SAC. The construction and operation of the proposed</p>

			<p>development will not impact on the conservation interests of the site.</p> <p>No significant effects are likely</p>
IE0001398	Rye Water Valley / Carton SAC	Out	<p>Conservation Objectives:</p> <p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> <p>Qualifying Interests</p> <p>7220 Petrifying springs with tufa formation (Cratoneurion) 1014 Narrow-mouthed Whorl Snail (Vertigo angustior) 1016 Desmoulin's Whorl Snail (Vertigo moulinsiana)</p> <p>Source/Pathway/Receptor links between the works and the Natura 2000 site, with the potential to result in significant adverse effects.</p> <p>The proposed works are located a minimum of 10.4 km from this SAC (Figure 8). No potential impact is foreseen. There is no direct or indirect pathway from the proposed development site to the SAC. The construction and operation of the proposed development will not impact on the conservation interests of the site.</p> <p>No significant effects are likely</p>
IE0000210	South Dublin Bay SAC	Out	<p>Conservation Objectives</p> <p>To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC.</p> <p>Feature of Interest</p> <p>1140 Mudflats and sandflats not covered by seawater at low tide</p> <p>Source/Pathway/Receptor links between the works and the Natura 2000 site, with the potential to result in significant adverse effects.</p> <p>The development site is located within an urban area approximately 11.3 km from the South Dublin</p>

			<p>Bay SAC (Figure 8). There is no 'direct' Source-Pathway linkage between the proposed development site and the SAC. Surface water drains to the public surface water network. Due to the distance via the indirect pathway (e.g. surface/foul water networks) any pollutants or silt will be dispersed, settle or be diluted. Foul water from the development will be processed in the existing Ringsend Treatment works. The indirect pathway of surface water or, foul water to Ringsend will not result in a significant effect on the Natura 2000 site.</p> <p>No potential impact is foreseen. There is no direct pathway from this site to the SAC. The construction and operation of the proposed development will not impact on the conservation interests of the site. No significant effects likely</p>
IE000725	Knocksink Wood SAC	Out	<p>Conservation Objectives:</p> <p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> <p>Qualifying Interests</p> <p>7220 Petrifying springs with tufa formation (Cratoneurion)</p> <p>91A0 Old sessile oak woods with Ilex and Blechnum</p> <p>91E0 Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)</p> <p>Source/Pathway/Receptor links between the works and the Natura 2000 site, with the potential to result in significant adverse effects.</p> <p>The proposed works are located a minimum of 14.2 km from this SAC (Fig. 8). No potential impact is foreseen. There is no direct or indirect pathway from the proposed development site to the SAC.</p>

			<p>The construction and operation of the proposed development will not impact on the conservation interests of the site.</p> <p>No significant effects are likely</p>
IE0000206	North Dublin Bay SAC	Out	<p>Conservation Objectives:</p> <p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> <p>Features of Interest</p> <p>1140 Mudflats and sandflats not covered by seawater at low tide</p> <p>1210 Annual vegetation of drift lines</p> <p>1310 Salicornia and other annuals colonising mud and sand</p> <p>1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>)</p> <p>1395 Petalwort (<i>Petalophyllum ralfsii</i>)</p> <p>1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p> <p>2110 Embryonic shifting dunes</p> <p>2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i></p> <p>2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)</p> <p>2190 Humid dune slacks</p> <p>Source/Pathway/Receptor links between the works and the Natura 2000 site, with the potential to result in significant adverse effects.</p> <p>The development site is located within an urban area approximately 14.4 km from the North Dublin Bay SAC (Figure 8). There is no 'direct' Source-Pathway linkage between the proposed development site and the SAC. Surface water drains to the public surface water network. Due to</p>

			<p>the distance via the indirect pathway (e.g. surface/foul water networks) any pollutants or silt will be dispersed, settle or be diluted. Foul water from the development will be processed in the existing Ringsend Treatment works. The indirect pathway of surface water or, foul water to Ringsend will not result in a significant effect on the Natura 2000 site.</p> <p>No potential impact is foreseen. There is no direct pathway from this site to the SAC. The construction and operation of the proposed development will not impact on the conservation interests of the site.</p> <p>No significant effects likely</p>
Special Protection Areas			
IE004040	Wicklow Mountains SPA	Out	<p>Conservation Objectives To maintain or restore the favourable conservation conditions of the species and/or habitats listed as Qualifying Interests for this SPA. Features of Interest A098 Merlin (<i>Falco colombarius</i>) A103 Peregrine (<i>Falco peregrinus</i>)</p> <p>Source/Pathway/Receptor links between the works and the Natura 2000 site, with the potential to result in significant adverse effects. The proposed works on the subject site are a minimum of 8.1 km from the Wicklow Mountains SPA (Figure 9). No potential impact is foreseen. There is no direct or indirect pathway from the proposed development site to the SPA. The construction and operation of the proposed development will not impact on the conservation interests of the site. No significant effects are likely</p>
IE0004024	South Dublin Bay and River Tolka Estuary SPA	out	<p>Conservation Objectives: To maintain or restore the favourable conservation conditions of the species and/or habitats listed as Qualifying Interests for this SPA. Qualifying Interests A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) A130 Oystercatcher (<i>Haematopus ostralegus</i>) A137 Ringed Plover (<i>Charadrius hiaticula</i>) A141 Grey Plover (<i>Pluvialis squatarola</i>) A143 Knot</p>

			<p>(<i>Calidris canutus</i>) A144 Sanderling (<i>Calidris alba</i>) A149 Dunlin (<i>Calidris alpina</i>) A157 Bar-tailed Godwit (<i>Limosa lapponica</i>) A162 Redshank (<i>Tringa totanus</i>) A179 Black-headed Gull (<i>Chroicocephalus ridibundus</i>) A192 Roseate Tern (<i>Sterna dougallii</i>) A193 Common Tern (<i>Sterna hirundo</i>) A194 Arctic Tern (<i>Sterna paradisaea</i>) A999 Wetlands</p> <p>Source/Pathway/Receptor links between the works and the Natura 2000 site, with the potential to result in significant adverse effects. The subject site where the proposed works will take place is a minimum of 11.3 km from the South Dublin Bay and River Tolka Estuary SPA (Figures 9). There is no 'direct' Source-Pathway linkage between the proposed development site and the SPA. Surface water drains to the public surface water network. Due to the distance via the indirect pathway (e.g. surface/foul water networks) any pollutants or silt will be dispersed, settle or be diluted. Foul water from the development will be processed in the existing Ringsend Treatment works. The indirect pathway of surface water or, foul water to Ringsend will not result in a significant effect on the Natura 2000 site. No potential impact is foreseen. There is no direct pathway from this site to the SPA. The construction and operation of the proposed development will not impact on the conservation interests of the site. No significant effects are likely</p>
IE0004006	North Bull Island SPA	out	<p>Conservation Objective: To maintain or restore the favourable conservation conditions of the species and/or habitats listed as Qualifying Interests for this SPA. Qualifying Interests A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) A048 Shelduck (<i>Tadorna tadorna</i>) A052 Teal (<i>Anas crecca</i>) A054 Pintail (<i>Anas acuta</i>) A056 Shoveler (<i>Anas clypeata</i>) A130 Oystercatcher (<i>Haematopus ostralegus</i>) A140 Golden Plover (<i>Pluvialis apricaria</i>) A141 Grey Plover (<i>Pluvialis squatarola</i>)</p>

			<p>A143 Knot (<i>Calidris canutus</i>)</p> <p>A144 Sanderling (<i>Calidris alba</i>)</p> <p>A149 Dunlin (<i>Calidris alpina alpina</i>)</p> <p>A156 Black-tailed Godwit (<i>Limosa limosa</i>)</p> <p>A157 Bar-tailed Godwit (<i>Limosa lapponica</i>)</p> <p>A160 Curlew (<i>Numenius arquata</i>)</p> <p>A162 Redshank (<i>Tringa tetanus</i>)</p> <p>A169 Turnstone (<i>Arenaria interpres</i>)</p> <p>A179 Black-headed Gull (<i>Chroicocephalus ridibundus</i>)</p> <p>A999 Wetlands</p> <p>Source/Pathway/Receptor links between the works and the Natura 2000 site, with the potential to result in significant adverse effects.</p> <p>The subject site where the proposed works will take place is a minimum of 14.4 km from the North Bull Island SPA (Figures 9). There is no 'direct' Source-Pathway linkage between the proposed development site and the SPA. Surface water drains to the public surface water network. Due to the distance via the indirect pathway (e.g. surface/foul water networks) any pollutants or silt will be dispersed, settle or be diluted. Foul water from the development will be processed in the existing Ringsend Treatment works. The indirect pathway of surface water or, foul water to Ringsend will not result in a significant effect on the Natura 2000 site.</p> <p>No potential impact is foreseen. There is no direct pathway from this site to the SPA. The construction and operation of the proposed development will not impact on the conservation interests of the site.</p> <p>No significant effects are likely</p>
IE004063	Poulaphouca Reservoir SPA	Out	Conservation Objectives

			<p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p> <p>Features of Interest</p> <p>A043 Greylag Goose (<i>Anser anser</i>)</p> <p>A183 Lesser black-backed Gull (<i>Larus fuscus</i>)</p> <p>Source/Pathway/Receptor links between the works and the Natura 2000 site, with the potential to result in significant adverse effects.</p> <p>The proposed works on the subject site are a minimum of 14.7 km from the Poulaphouca Reservoir SPA (Figure 9). No potential impact is foreseen. There is no direct or indirect pathway from the proposed development site to the SPA. The construction and operation of the proposed development will not impact on the conservation interests of the site.</p> <p>No significant effects are likely</p>
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12.28.8. The proposed site is located in an urban environment 4.1 km from the nearest Natura 2000 site. Watercourses and surface runoff are seen as the main potential pathway for impacts on Natura 2000 sites. However, the site is not proximate to and does not have a direct pathway to watercourses that could act as potential vectors for impact on Natura 2000 sites. There is no direct hydrological pathway from the proposed development site to a Natura 2000 site. However, there is an indirect pathway to Dublin Bay and Natura 2000 sites via the surface water connection Dublin Bay and via foul water to Ringsend WWTP. Foul water from the development will be processed in the Ringsend Treatment works. The proposed development will be required to comply with Water Pollution Acts during construction. However, given the distance to Natura 2000 sites via public drainage networks sufficient mixing and settlement will take place in the absence of controls on site. These controls are not necessary for the protection of Natura 2000 sites.

12.28.9. No Natura 2000 sites are within the zone of influence of this development. Having taking into consideration the effluent discharge from the proposed

development works, the distance between the proposed development site to designated conservation sites, lack of direct hydrological pathway or biodiversity corridor link to conservation sites and the dilution effect with other effluent and surface runoff, I conclude that this development that would not give rise to any significant effects to designated sites. The construction and operation of the proposed development will not impact on the conservation objectives of features of interest of Natura 2000 sites. In addition, no in-combination effects are foreseen.

12.28.10. In determining the Natura 2000 sites to be considered, I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site.

In Combination or Cumulative Effects

12.28.11. This project is taking place within the context of greater levels of built development and associated increases in residential density in the South Dublin area. This can act in a cumulative manner through surface water run-off and increased volumes to the Ringsend WWTP.

12.28.12. The expansion of the city is catered for through land use planning by the various planning authorities in the Dublin area, including the South Dublin County Council Development Plan 2016-2022 and the Tallaght Town Centre Local Area Plan 2020 – 2026 covering the location of the application site. This has been subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I note the development is on serviced lands in an urban area, and does not constitute a significant urban development in the context of the city. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water. Furthermore, I note upgrade works have commenced on the Ringsend Wastewater Treatment works extension permitted under ABP – PL.29N.YA0010 and the facility is currently operating under EPA licencing which was subject to Appropriate Assessment Screening. Similarly, I note the planning authority raised no Appropriate Assessment concerns in relation to the proposed development.

- 12.28.13. Taking into consideration the average effluent discharge from the proposed development, the impacts arising from the cumulative effect of discharges to the Ringsend WWTP generally, and the considerations discussed above, I am satisfied that there are no projects or plans which can act in combination with this development that could give rise to any significant effect to Natura 2000 Sites within the zone of influence of the proposed development.
- 12.28.14. An outline Construction, Demolition and Operational Waste Management Plan was submitted with the application and it is noted that all waste from the construction phase would be disposed of by a registered facility.
- 12.28.15. It is evident from the information before the Board that the proposed development, individually or in combination with other plans or projects, would be not be likely to have a significant effect on the Glenasmole Valley SAC, Wicklow Mountains SAC, Rye Water Valley / Carton SAC, South Dublin Bay SAC, Knocksink Wood SAC, Rye Water Valley / Carton SAC, North Dublin Bay SAC, Wicklow Mountains SPA, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA, Poulaphouca Reservoir and that Stage II AA is not required.

AA Screening Conclusion

- 12.28.16. In conclusion, therefore, having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites, and the hydrological pathway considerations outlined above, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European sites, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.
- 12.28.17. In reaching this conclusion I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

13.0 Recommendation

13.1.1. I recommend that permission be **Refused** for the proposed development for the following reasons and considerations:

14.0 Recommended Draft Board Order

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 19th day of June 2020 by Joseph Costello, Absolute Limousines Ltd. and Boherkill Property Development Ltd. care of Hughes Planning and Development Consultants 70 Pearse Street Dublin 2.

Proposed Development:

14.1. The proposed development (as per the public notice) will consist of

- Demolition of the existing industrial and commercial buildings (15,989sq.m);
- Construction of a mixed-use development featuring:
 - (A) 1104 no. 'build-to-rent' apartments
 - 132 no. studio apartments,
 - 475 no. 1-bed apartments,
 - 208 no. 2-bed apartments,
 - 244 no. 2-bed duplex units and
 - 45 no. 3-bed apartments

in 4 no. blocks varying in height from four to eleven storeys.

Each apartment has associated private open space in the form of a ground floor terrace or a balcony and has access to internal communal amenity spaces (totalling 2741sqm) and 5,107sqm of external communal amenity space at ground, first floor and roof levels; and

- b) 4 no. commercial units at ground floor level of Blocks B and D (comprising of 2 no. in Block B accommodating a cafe/restaurant/bar;
 - 1 no. in Block D accommodating Class 1, 2 and 8 uses as per the Planning and Development Regulations, 2001-2019, as amended; and

- 1 no. in Block D to serve the Circle K Belgard petrol station which is to be retained),
 - 1,500sqm of office space across first to sixth floor levels of Block D and
 - A crèche with external play area at ground floor level of Block C.
 - The development is served by a total of 351 no. parking spaces (including 17 no. limited mobility parking spaces and 16 no. car share spaces) and 1860 no. bicycle spaces (1464 no. resident spaces and 396 no. visitor spaces);
- c) Road, junction and streetscape upgrade works along First Avenue, Cookstown Road and Old Belgard Road, including the installation of a signalised junction at the intersection of First Avenue and Cookstown Road and Old Belgard Road and Cookstown Road;
- d) Construction of 3 no. new roads and 1 no. pedestrian/cycle link to the Belgard Luas Stop;
- e) Construction of a 1,688sqm landscaped public plaza with an outdoor flexible events space in the south-western corner of the site; and
- f) Associated site and infrastructural works are also proposed which include: foul and surface water drainage; attenuation tanks; lighting; landscaping; boundary fences; plant areas; ESB substations; internal hard landscaping, including footpaths and street furniture; and all associated site development works.

14.2. The application contains a statement setting out how the proposal will be consistent with the objectives of the South Dublin County Council Development Plan 2016-2022. It is submitted that the proposed apartments have been designed to fully accord with the Sustainable Urban Housing: Design Standards for New Housing 2020. A full Housing Quality Assessment is submitted which provides details on compliance with all relevant standards including private open space, room sizes and storage.

14.3. The proposed development is accompanied with a Material Contravention Statement which sets out justification for the proposed development. This statement has been prepared to set out the justification for the building height, housing mix and housing tenure mix involved in the proposed mixed-use development.

14.4. It is respectfully requested that An Bord Pleanála have regard to the following justification for a potential material contravention of the Tallaght Town Centre Local Area Plan 2020-2026 (as it relates to building height, housing mix and housing tenure mix), having regard to the fact that the proposed development is by definition 'of strategic importance', the pattern of development approved in the area and having regard to the compliance of the proposed development with national planning policy and section 28 Guidelines as outlined herein. These include the National Planning Framework 2040, Urban Development and Building Heights Guidelines for Planning Authorities, 2018, and Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020, which fully support and reinforce the need for urban infill residential development at appropriate densities on sites in close proximity to public transport and within existing urban areas.

Decision

Refuse permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

1. Having regard to:

- The tenure mix being proposed (that being 100% build-to-rent with no build-to-sell units), and
- The plot ratio in conjunction with the building height proposed,

It is considered that, given the scale of the proposal at 1,104 units on a site of c. 5 ha. in particular, the proposed development would conflict with the provisions of

the Tallaght Town Centre Local Area Plan 2020-2026 in relation to tenure mix and intensity of development. Furthermore, the Board is not satisfied that a material contravention of the said LAP has been justified in this instance and a grant of permission would set an undesirable precedent for similar developments in the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. The proposed development would be premature having regard to the existing deficiencies in the water supply and wastewater sewerage network in the area and the period within which this constraint may reasonably be expected to cease.

Note:

The applicant is advised that the Board considers that the proposed development is deficient with respect to:

- The quantum and quality of resident support facilities and resident services and amenities;
- The number of north facing single aspect apartments, regard being had to section 3.0 of the Sustainable urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020).
- Daylight / Sunlight analysis - sufficient analysis and justification has not been carried out of Average Daylight Factor (ADF) to Kitchen / Living / Dining (KLD).

Fiona Fair

Senior Planning Inspector

30/06/2021