



An
Bord
Pleanála

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

Inspector's Report ABP-313591-22

Strategic Housing Development

Demolition of existing buildings,
construction of 242 no. apartments,
creche and associated site works.

Location

Lands at Broomhill Road and Unit 51
Broomhill Road, Tallaght, Dublin 24.

Planning Authority

South Dublin County Council

Applicant

Garyaron Homes Limited

Prescribed Bodies

- (1) Uisce Eireann
- (2) Transport Infrastructure Ireland

Observer(s)

- (1) Tallaght Community Council
- (2) Cross Vetpharm Group Ltd T/A
Zoetis Tallaght

(3) John Conway and the Louth
Environmental Group

Date of Site Inspection

18th September 2024

Inspector

Colin McBride

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1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board 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 site with a stated area of 1.4ha is located within the Broomhill Industrial Estate, north of the Airtown Road in Tallaght, Dublin 24. The southern part of the site is occupied by a single storey commercial building, now vacant, of approx. 4,300-sq.m with parking / loading yard on its southern and eastern sides. The northern part of the site comprises an open storage yard with a traffic management company currently operating on this section of the site. There are currently three vehicular entrances to the site from Broomhill Road to the west. Lands to the south of the site are occupied by a single / double height commercial, industrial premises and surface car parking. To the east, is Airtown Business Park and other light industrial / commercial units to the northeast. North of the site is a two-storey commercial building in a variety of uses, accessed from Broomhill Terrace which runs along the northern boundary of the site. Other lands to the west are in a variety of commercial uses.

3.0 Proposed Strategic Housing Development

- 3.1. This is an application for a permission consisting of the demolition of the existing building on site and existing front boundary treatment; and the construction of a new residential and mixed-use scheme of 242 no. apartments units in 5 no. blocks (A-E) ranging from 4 to 7 storeys in height.
- 3.2. Block D will accommodate a Childcare Facility/crèche (465sqm) at ground floor level. The proposal includes a café (50.9sqm) at ground level of Block C. Residential amenity areas will be provided in the form of a reception (125.1sqm), residents lounge (45sqm), a letting office (11.8sqm), a rentable room/studio space (39sqm), a public

gym (128.5sqm) and a public co-working space (128.4sqm) all at ground floor level of Blocks B and C.

3.3. Communal open space (1,797sqm) is provided in the form of 2 no. roof top terraces at Block D and E, a courtyard space at ground level, outdoor seating and planting and pedestrian and cyclist links. Public open space of 1,400sqm is also proposed in the form of outdoor seating, paved areas, a lawn area, play areas and an outdoor seating area to the front of the proposed café at Block C.

3.4. 136 no. car parking spaces are provided at ground level, including 7 no. accessible spaces at surface level; and 426 no. bicycle spaces (visitor and resident in bike stands and secure stacked bike space) are proposed. The development shall be served by a new vehicular access point from Broomhill Road. Upgrade works are proposed to the vehicular access point to improve access and egress. New pedestrian and cyclist access points will be provided onto Broomhill Road from the site.

3.5. Key Development Statistics are outlined below:

	Proposed Development
Site Area	1.4 ha gross
No. of Units	242 apartments
Density	173 units per ha
Height	Block A 5 storeys Block B/C 7 storeys Block D 5-7 storeys Block E 4-5 storeys
Dual Aspect	116 units (52%)
Public Open Space	1,400sqm
Communal Open Space	1,797.4sqm
Car Parking	136
Bicycle Parking	426

3.6. Unit mix is as follows:

Unit Type (Apartments)	1-bed	2-bed	3 bed	
Block A	4	31	5	
Block B and C	45	57		
Block D	16	20		
Block E	31	33		
Total	96 (40%)	141 (58%)	5 (2%)	

3.7. The application included the following:

- ABP-Response Opinion
- Planning Report & Statement of Consistency
- Architectural Design Statement
- Housing Quality Assessment
- Material Contravention Statement
- Management Plan
- Drainage Design Report
- Flood Risk Assessment
- Transportation Assessment Report
- Landscape and Visual Assessment Report
- Landscape Design and Access Report
- Aeronautical Assessment Report
- Aboricultural Impact Assessment
- Bat Assessment
- Construction and Environmental Management Plan

- Daylight & Sunlight Assessment Report
- Ecological Impact Assessment
- Lighting Report
- Noise & Vibration Impact Assessment
- Operational Waste Management Plan
- Resource Waste Management Plan
- Screening for Appropriate Assessment
- Screening for Environmental Impact Assessment Report
- Statement in Accordance with the Planning & Development Regulations 2001 (as amended)
- Sustainability Report

4.0 Planning History

PA ref. S01A/0887: Permission refused for demolition of existing buildings and construction of a 4-storey office building and 360-sqm creche.

PA ref. S00A/0558: Permission granted on the site for a 3-storey plus penthouse telesales offices and light industrial development over 2 blocks.

Surrounding Area:

ABP Ref. ABP–313590-22: Permission sought for demolition of existing substation, construction of 197 no. apartments, childcare facility and associated site work at Greenhill Road. Pending decision.

ABP Ref. ABP–306705-20: Permission granted in June 2020 for a Strategic Housing Development at the Former Gallaghers Cigarette Factory at the junction of Airtown Road and Greenhills Road, approx. 200m southeast of the subject site. The development comprises 502 apartments in 6 blocks ranging in height from 4 to 8 storeys, residential

amenities, 3 retail units, creche and services/bin store areas. A total of 202 car parking spaces (at basement and undercroft levels) and 584 no. bicycle parking spaces were proposed.

ABP ref. ABP 305763–19: Permission granted in February 2020 for a Strategic Housing Development at the corner of Airtown Road and Belgard Road approx. 400m southwest of the subject site. The development comprised the demolition of the existing industrial buildings and the construction of two blocks ranging from 5 to 9-storeys in height, comprising 328 no. apartments, ancillary residential support facilities and commercial floorspace. This development is currently at an advanced stage of construction.

5.0 Section 5 Pre-Application Consultation - ABP-311725-22

5.1. A Section 5 pre-application consultation took place on the 28th of January 2022 in respect in respect of the demolition of existing buildings on site, construction of 242 no. apartments, creche and associated site works. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. The topics discussed at the meeting were...

- Clarification on the nature of the development.
- Breach of building line noted as acceptable at this location
- Housing mix.
- Building heights and consistency with the LAP, including plot ratio.
- Dual aspect provision.
- Communal and public open space provision and management.
- Compliance with the REGEN Zone objective and objectives for employment uses in this area.
- Requirement for visual impact assessment and CGI's.
- District heating potential.
- Block sizes and active / employment uses at ground floor level.

- Alignment with LAP population / housing targets.
- Permeability and access to adjoining lands.
- LAP provisions regarding sequencing of development.
- Parking provision.
- Surface water drainage and SUDS measures

5.2. Copies of the record of the meeting and the inspector's report are on this file.

5.3. In the Notice of Pre-Application Consultation Opinion dated 14th February 2022 (ABP-311725-21) An Bord Pleanála stated that it was of the opinion that the documents submitted constitute a reasonable basis for an application for strategic housing development and that the following specific information should be submitted with any application for permission arising:

1. A detailed rationale outlining how in the prospective applicant's opinion, the proposed predominantly residential development is in compliance with local planning policies, having specific regard to Objective BH1 of the Tallaght Town Centre LAP 2020.
2. Drawings and other documentation demonstrating how the proposed development will relate to, and facilitate future connections with, adjoining lands to the south and east and any potential future development thereof.
3. Drawings identifying the extent of clearly defined public open space and communal residential open space to be provided within the development.
4. A management plan which addresses the varied requirements of the proposed uses within the development, and the operation, management and maintenance of public open space on the site.
5. An assessment of the requirement for an Aeronautical Assessment in respect of the proposed development.

6. An assessment of the noise environment having regard to the surrounding pattern of land uses, in the context of providing adequate levels of residential amenity for future occupiers. Where appropriate, specific mitigation measures in this regard should be clearly identified and described in the application.

7. A report that specifically addresses the proposed materials and finishes to the scheme, including specific detailing of external finishes, landscaping and paving, pathways, entrances and boundary treatments. Particular regard should be had to the requirement to provide high quality, durable and sustainable finishes which have regard to the context of the site.

8. A Building Lifecycle Report in accordance with section 6.13 of the Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2020) guidelines which should consider the external materials on all elevations. The report shall also have regard to the management and maintenance of public spaces and access routes to the development

9. Drawings which clearly identify the areas intended to be taken in charge by the Local Authority, if any.

10. A response to the matters raised in the South Dublin County Council Environmental Services report dated 05/11/2021.

11. A response to the matters raised in the South Dublin County Council Roads Department report dated 21/10/2021, including inter alia:

a) A Parking Management Strategy, including detail on the allocation of parking spaces by type and by land use.

b) A Quality Audit in accordance with Advice Note 4 of DMURS. Such audit should consider the quality of pedestrian and cycle connections to services and amenities in the surrounding area.

c) Details of the quantum and design of bicycle parking / storage, having regard to the provisions of the guidelines on Sustainable Urban Housing: Design Standards for New Apartments. The design of such parking / storage should consider relevant access and operational requirements.

d) A Servicing and Operations Management Plan.

12. In accordance with section 5(5)(b) of the Act of 2016, as amended, any application made on foot of this opinion should be accompanied by a statement that in the prospective applicant's opinion the proposal is consistent with the relevant objectives of the development plan for the area. Such statement should have regard to the development plan or local area plan in place or, likely to be in place, at the date of the decision of the Board in respect of any application for permission under section 4 of the Act.

13. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 unless it is proposed to submit an EIAR at application stage.

5.4. A list of authorities that should be notified in the event of making an application were also advised to the applicant and included:

- Uisce Eireann
- South Dublin County Childcare Committee
- NTA

5.5. ***Applicant's Statement***

5.5.1. 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. The Items that required further consideration are summarised below: -

Compliance with Local Planning Policy

The proposed uses are compliant with the REGEN zoning objective and Objective BH1 of the Local Area Plan.

Connectivity and Public Open Space

Design Statement provided demonstrating connectivity and public open space provision as well as future connectivity to the surrounding area.

Management Plan and Aeronautical & Noise Assessments

A Management Plan has been submitted including operation and management of open spaces. An Aeronautical Assessment has been submitted and demonstrates no adverse impact to aeronautical operations within the area. A Noise Assessment has been submitted regrading adjoining land use with appropriate mitigation measures to ensure adequate levels of residential amenity.

Material and Finishes

The submitted Architectural Design Statement outlines the details of materials and finishes and the Landscape Plan illustrates the landscaping, paving and boundary treatment for the proposed development.

Building Lifecycle Report

A Building Lifecycle Report has been submitted.

Taking In Charge

Taking in Charge drawings has been provided with no areas to be taken in charge however the courtyard area will be made available to the general public for use.

SDCC-Environmental Services

Stormwater connection to existing manhole proposed. SuDs measures incorporated and rainwater harvesting to be evaluated at design stage. Underground attenuation proposed as use of ponds would sterilise sections of the site and hamper development potential/density. Cross section of SuDs devices provided. Separate stormwater and foul systems provided.

SDCC-Public Realm

Informal supervision of open space provided by all blocks. Open space includes variety of hard and soft landscaping, provision for children's play areas and public spaces receive adequate daylight and sunlight (Sunlight and Daylight Analysis).

Two areas of rooftop are provided as communal open space with all other rooftops to be green roofs with no public accessibility. Design details of the play area provided (Design Statement)

SDCC Road Department

Design Statement and Transportation Assessment detail how the proposal will coordinate with other lands in the area. The development provides in excess of the 0.65 parking ratio recommended by the Council. Swept Path/Auto Track analysis submitted. Car parking dimensions addressed in the Transportation Assessment. 10% of spaces provided for EV charging, all spaces can be provided with EV charging in the future and 7 no. accessible spaces provided. Stage 1 Road Safety Audit submitted. Detail of pedestrian routes are in the Transportation Assessment. Applicant willing to carry out Mobility Management Plan with six months of opening of the development. Bin storage provided. Cycle link proposed between site and lands to the east. Public lighting scheme provided. No taking in charge areas. Footpath at existing entrance to be continued and made good when existing access closed. Car Parking Management Strategy provided. Quality Audit in compliance DMURs provided.

6.0 Relevant Planning Policy

6.1. *Southy Dublin County Development Plan 2022 -2028*

- 6.1.1 The site zoned 'REGEN' with a stated objective "to facilitate enterprise and/or residential led regeneration subject to a development framework or plan for the area incorporating phasing and infrastructure delivery'. The proposed uses on the land including apartments, a childcare facility and cafe. These uses are all permitted in principle under land use zoning policy as outlined under Table 12.4 in relation to this zoning objective.

The main policies /objectives are set out below. This is not an exhaustive list and should not be read as such. The Board should consider inter alia the following:

EDE4 Objective 11: To support the regeneration of the Tallaght LAP lands in a co-ordinated and sustainable manner in accordance with the Tallaght Town Centre LAP 2020 or any superseding plan whilst ensuring the lands particularly Cookstown, remain a sustainable employment area to ensure environmentally short journeys to places of employment and to ensure the residential impact of the REGEN zoning does not instigate the decline in the employment capacity and sustainability of the area.

Policy QDP7: High Quality Design – Development General Promote and facilitate development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture.

QDP7 Objective 1: To actively promote high quality design through the policies and objectives which form 'The Plan Approach' to creating sustainable and successful neighbourhoods and through the implementation of South Dublin County's Building Height and Density Guide.

QDP7 Objective 7: To ensure that all proposals for development contribute positively to providing a coherent enclosure of streets and public spaces, taking into consideration the proportions and activities of buildings on both sides of a street or surrounding a public space, providing for good standards of daylight and sunlight, and micro climatic conditions and having regard to the guidance and principles set out in the South Dublin County's Building Height and Density Guide and the Design Manual for Urban Streets and Roads (DMURS) (2019).

Policy QDP8: High Quality Design – Building Height and Density Guide (BHDG)
Adhere to the requirements set out in the Urban Development and Building Height Guidelines (2018) issued by the DHLGH through the implementation of the Assessment Toolkit set out in the South Dublin County's Building Heights and Density Guide 2021.

QDP8 Objective 1: To assess development proposals in accordance with the Building Height and Density Guide set out in Appendix 10 of this Development Plan and associated planning guidelines. In this regard, all medium to large scale and complex planning applications (30 + residential units, commercial development over 1,000 sq m or as otherwise required by the Planning Authority) shall be accompanied by a 'Design Statement'. The Design Statement shall include, inter alia, a detailed analysis of the proposal and statement based on the guidance, principles and performance-based design criteria set out in South Dublin County's Height and Density Guide. Any departures within the proposed development from the guidance set out in the Building Height and Density Guide for South Dublin County (Appendix 10) shall be clearly highlighted in the Design Statement. (See Chapter 12: Implementation and Monitoring).

QDP8 Objective 2: In accordance with NPO35, SPPR1 and SPPR3, to proactively consider increased building heights on lands zoned Regeneration (Regen), Major Retail Centre (MRC), District Centre (DC), Local Centre (LC), Town Centre (TC) and New Residential (Res-N) and on sites demonstrated as having the capacity to accommodate increased densities in line with the locational criteria of Sustainable

Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) and the Urban Design Manual – Best Practice Guidelines (2009), where it is clearly demonstrated by means of an urban design analysis carried out in accordance with the provisions of South Dublin County's Building Height and Density Guide that it is contextually appropriate to do so.

Policy H1: Housing Strategy and Interim Housing Need and Demand Assessment Implement South Dublin County Council Housing Strategy and Interim Housing Needs and Demand Assessment 2022-2028 (and any superseding Housing Strategy agreed by the Council) and to carry out a review of the Housing Strategy as part of the mandatory Two-Year Development Plan review.

H1 Objective 12: Proposals for residential development shall provide a minimum of 30% 3-bedroom units, a lesser provision may be acceptable where it can be demonstrated that:

- there are unique site constraints that would prevent such provision; or
- that the proposed housing mix meets the specific demand required in an area, having regard to the prevailing housing type within a 10-minute walk of the site and to the socioeconomic, population and housing data set out in the Housing Strategy and Interim HNDA; or
- the scheme is a social and / or affordable housing scheme.

COS5 Objective 4 and Table 8.2 provide the public open space standards for residential development.

Policy SM7: Car Parking and EV Charging Implement a balanced approach to the provision of car parking with the aim of using parking as a demand management measure to promote a transition towards more sustainable forms of transportation, while meeting the needs of businesses and communities.

Table 12.25 Maximum Parking Standards (Non-Residential).

Office 1 per 75sqm (Zone 2)

Table 12.26 Maximum Parking Standards (Residential).

Apartments (Zone 2)

1 bed 0.75 per unit.

2 bed 1 per unit.

3 bed + 1.25 per unit.

Table 12.23 Minimum Bicycle Parking

Office 1 per 200sqm (long stay), 1 per 200sqm (short stay).

Residential 1 per bedroom (long stay), 1 per 2 apartments (short stay).

EDE3 Objective 7: To promote the provision of workspace as part of any mixed-use development on REGEN zoned land.

COS7 Objective 2: To require provision of appropriate childcare facilities as an essential part of new residential developments in accordance with the provisions of the Childcare Facilities Guidelines for Planning Authorities (2001) or any superseding guidelines, or as required by the Planning Authority. The Guidelines recommend one childcare facility with a minimum of 20 places for each 75 units for new residential developments, with any variation to this standard being justified having regard to factors such as type of residential units, emerging demographic profile and availability of existing childcare services in the vicinity.

Building Height and Density Guide 2022 (Appendix 10).

The criteria for assessment of building height and density are based on the 12 criteria set out under the Urban Design Manual (2009) and the criteria set down under section 3.2 of the Urban Development and Building Height, Guidelines for Planning Authorities' (2009).

6.2. Tallaght Town Centre Local Area Plan 2020

6.2.1 Section 2.6 Intensity of Development: 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.

Section 8.0 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).

Only in exceptional circumstances should the above principles be contravened, for example, where a barrier to development is involved or where proposals are brought forward for sites of 2 hectares or more within the regeneration lands that comply with the Urban Framework of the LAP, the Planning Authority may consider that the proposal can establish its own identity and amenity in the transitional phase of the area. As such, subject to the nature and scale of the proposal and the delivery of the Urban Framework, in general, the Planning Authority will not consider such proposals to be isolated piecemeal development or premature. In this context, the Planning Authority will encourage integrated proposals and the amalgamation of proposals/landownerships. Any exceptions must be clearly justified by local circumstances and such justification must be set out in any planning application proposal. The Council may, in certain cases, phase permitted development where this is considered necessary in order to ensure:

- i. an appropriate balance between employment, residential and service facilities (schools, shopping, community facilities etc.) and other uses that are required to increase the self-sufficiency of the area or particular neighbourhood; and
- ii. the delivery of infrastructural services in tandem with development, including water, sewerage and road infrastructure, that is required to safeguard the environmental quality and public safety of the area.

The site is located within the Broomhill neighbourhood with Chapter 3 (Section 3.5) providing guidance regarding development for each neighbourhood area identified.

Key Objective BH1: Transition to mixed use area primarily focussed on higher value commercial uses

Plot ratio 0.75-1.1

Building Height Primary Frontage: Up to 6-7 storeys residential (+1 recessed), 5-6 storeys non-residential (+1 recessed). Secondary Frontage: 4-6 storeys Residential, 3-5 storeys non-residential. Open Space: Pocket parks, urban square, urban space.

6.3 ***Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES-EMR).***

6.3.1 The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region

6.4 ***National Planning Framework***

6.4.1 Chapter 4 of the National Planning Framework (NPF) is entitled 'Making Stronger Urban Places' and it sets out to enhance the experience of people who live, work and visit the urban places of Ireland.

A number of key policy objectives are noted as follows:

- National Policy Objective 4 seeks to 'Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being'.
- National Planning Objective 11 provides that 'In meeting urban development requirements, there be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth'.
- National Planning Objective 13 provides that "In urban areas, planning and related standards, including, in particular, height and car parking will be based on

performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

6.4.2 Chapter 6 of the NPF is entitled ‘People, Homes and Communities’ and it sets out that place is intrinsic to achieving a good quality of life.

A number of key policy objectives are noted as follows:

- National Policy Objective 27 seeks to ‘Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages’.
- National Policy Objective 33 seeks to ‘Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location’.
- National Policy Objective 35 seeks ‘To increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights’.

6.5 ***Section 28 Ministerial Guidelines***

6.5.1 Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2023.
- Urban Development and Building Heights Guidelines, 2018
- Sustainable Residential Development and Compact Settlement Guidelines 2024

6.6 *Applicants Statement of Consistency*

6.6.1 The applicant has submitted a Statement of Consistency (as part of the Planning Report) as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 guidelines and the South Dublin Council Development Plan 2016-2022 and the South Dublin Council Development Plan 2022-2028, which was draft document at the time of lodgement. This has been examined and noted.

6.7 *Material Contravention Statement*

6.7.1 The applicant submitted a Material Contravention Statement. The statement provides a justification for the material contravention of the Tallaght Local Area Plan 2030. The statement is summarised below: -

6.7.2 Building Height

Building height of up to 7 storeys exceeds 6 storey height limit specified for the site under the Section 2.3 of the Local Area Plan relating to Building height in Context of Overall Urban Structure. The applicant states such is appropriate given Section 9(3)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016 of the 200 Act, provides for that the requirements of an SPPR take precedence over any conflicting provisions of a Development Plan.

6.7.3 Plot Ratio

A plot ratio range of 0.75-1.0 is specified for this site within the Broomhill Neighbourhood Area. The plot ratio proposed is 1.6. The applicant notes that section 2.6.1 allows of exceedance of building height and plot ratio in instances that will entail significant public gain.

6.7.4 Housing Mix

Objective RE2 of the Local Area Plan specifies a minimum of 30% three-bed units within any new residential development. The proposal provides for 5 three-bed units, which is 2.1% of the development. The applicant refers to SPPR 1 of the Apartment

Guidelines where there is no restriction on number of there bed units and that the SPPR take presence.

6.7.5 Land Use Mix/Urban Function

Under Section 3.5 of the Local Area Plan Objective BH1 specifies a “transition to mixed use area primarily focused on higher value commercial uses”. The land has been vacant for a significant period with no likely tenant. The proposal complies with many of the objectives of the Local Area Plan particularly the objective concerning housing supply.

6.7.6 Conclusion: The applicant states that the Board can consider granting permission for the proposed development under the provisions of Section 10(3) of the 2016 Act in contravention of the Dun Laoghaire Rathdown County Development Plan 2016 and the Tallaght Town Centre Local Area Plan for the reasons outlined and pursuant Section 37(2)(b)(i) and (iii) of the 2000 Planning Act (as amended).

7.0 **Third Party Submissions**

7.1 Third party submissions received from the following.

Tallaght Community Council

Cross Vetpharm Group Ltd T/A Zoetis Tallaght

John Conway and the Louth Environmental Group

The issues raised in the submissions can be summarised as follows...

- Excessive accumulation of SHD development at this location in breach of planning regulations and providing for overly dense and inappropriate mix of housing units with an excess of small apartments.
- Height in excess Local Area Plan requirements, exceedance of plot ratio specified under the Local Area Plan. Development not in the interest of placemaking.
- Adverse visual impact due to being out of character and scale with existing development in the surrounding area and an overbearing visual impact.

- No justification for height and scale in exceedance of LAP requirements.
- Proposal not considered to be in close proximity to good quality public transport due to its location relation to town centre, Luas and lack of proposal to increase bus capacity.
- Non-compliance with National Planning Framework due to lack of choice in housing due to proposed unit mix and inconsistency with NPF population projections.
- Fire safety concerns regarding high rise buildings.
- Proposal would be injurious to continued operation of existing Cross Vetpharm Ltd pharmaceutical company premises to the south of site. Concern expressed regarding lack of consultation and construction impact (dust, noise, vibration, vermin, construction traffic and parking), the impact of demolition of existing ESB substation that serves the observers' site.
- The impact of the proposal for residential use on the operation of the existing pharmaceutical facility to the south and the potential for complaints by future residents.
- Justification of the proposal by reference to the Building Heights and Apartment guidelines are ultra vires and not authorised by section 28(1C) of the Planning Act 2000. The proposal materially contravenes the Local Area Plan and County Development Plan and such cannot be justified under Section 37(2).
- The application is deficient in terms of EIAR and does not permit an assessment of potential environmental impacts. The proposal should have been subject to a full EIA. The Board lack the ecological and scientific expertise necessary to assess the proposal.
- Proposal is inadequate in regard to Appropriate Assessment with insufficient information and surveys provided to assess the proposal and comply with the Habitats Directive. The AA screening submitted is inadequate and relies on mitigation measures for the purposes of carrying out AA.

8.0 Planning Authority Submission

- 8.1. The Chief Executive's Report, in accordance with the requirements of Section 8(5)(a) of the Act 2016, was received by An Bord Pleanála on the 11th of July 2022. The report includes a summary of the pre-planning history, site location and description, relevant planning history, third-party submissions and prescribed bodies, the proposed development, internal reports and policy context.

The views of the elected members presented at the Tallaght Area Committee Meeting are summarised as follows: Inappropriate of unit mix/concerns about tenure, lack of public open space, traffic congestion, lack of consultation, impact on adjoining uses, failure to comply with the Local Area Plan.

- 8.2. The key planning considerations of the Chief Executive's report are summarised below.

Principle of Development and Compliance with CDP and LAP

Proposed mix being predominantly residential contravenes objectives for Broomhill Neighbourhood set out in Section 3.5 of the LAP and Key Objective BH1.

The proposal exceeds height, plot ratio and unit mix provisions of the LAP, which referenced in the 2022-2028 CDP.

Proposal is contrary Objective IS 1 regarding sequencing of development under the LAP.

Visual Impact, Design, Character and Layout

Building height exceeds the height ranges specified for the site in the LAP. Proposal is inadequate in terms of facilitating future connections to adjoining lands due to its design and layout (car parking along southern and eastern boundaries). No provision is made for upgrading of cycling infrastructure. Failure to address traffic calming and pedestrian infrastructure issues flagged in the Road Safety Audit.

Residential Amenity

Internal residential layout meets the requirement of the Apartment guidelines apart from provision of 49% dual aspect units, which is shy of 50% standard. Some issue is taken with the proximity of cycle parking to Unit C-0.01 in Block C. The proposal was considered to meet relevant daylight and sunlight standards. Concerns regarding separation distances between Blocks with the scheme being below 22m standard stated in 2022 CDP. There are discrepancies between floor plans and elevations in the case of Block E. Private open space, public and communal open space levels acceptable. Issue regarding distinction between public and communal space and some communal space being incidental and not functional.

Unit Mix and Tenure

Unit mix contrary Objective RE2 of the LAP with insufficient level of three bed units.

Public Realm and Ecology

Greater detail required regarding play provision, SuDs measures and landscaping. Ecological impact is considered acceptable subject to implementation of mitigation measures proposed.

Access Transport and Parking

A masterplan required to ensure co-ordinated approach. Car parking to be revised to conform to SDCC dimension requirements. Mobility Management Plan to be submitted and agreed in writing. Appropriate conditions to deal with traffic and parking issues. A condition required outlining compliance with DMURS.

Parking provision is below the maximum standards of the CDP and the level of bicycle parking is below the recommended standards of the Apartment Guidelines. Levels of car parking and cycle parking is considered acceptable.

Water

Water Service Department have no objection subject to conditions.

A comprehensive SuDs Management Plan is required by way of condition.

Conclusion

The mix of uses contravenes objectives under the LAP. The development is inappropriate in terms of building height, unit mix and plot ratio set down under the LAP.

Refusal is recommended for the following reasons.

1. The proposed development would contravene the Tallaght Local Area Plan 2020 because of the proposed mix of uses, by being predominantly residential, contravene the objective from the neighbourhood area set out in section 3.5 of the Tallaght Town centre Local Area Plan 2020-2026 which specifies the land use/urban function for this area as “Predominantly business, enterprise and employment area with more mixed use residential development fronting along the southern side of Airton Road subject to integrating effectively with surrounding uses”.

2. The proposed development would materially contravene objective of the Tallaght Town Centre Local Area Plan 2020 relating to the following matters:

- Height
- Plot ratio
- Unit Mix
- Land Use Mix/Urban Function
- Sequencing of Development

The proposed development does not provide sufficient opportunities for future integration with adjoining development lands, impacts the long-term masterplan vision of the area, as contained in the LAP, and the permeability and connectivity of sites

within the immediate urban block. The proposed development is contrary to the proper planning and sustainable development of the area.

Appendix 1 of the CE report provides for recommended conditions in the event that the Board grant permission.

8.3 South Dublin County Council Reports

Internal Departmental Reports

Roads report – Masterplan required to ensure co-ordinated approach with future development on adjoining lands. Car parking should be 5.0m x 2.5m with 6m reversing distance with layout to be revised prior to commencement of development. Bicycle parking is to be as per 2018 Apartment guidelines and include covered visitor spaces. The applicant to comply with the recommendations of the Stage 1 Road Safety Audit. A Mobility Management Plan is to be submitted and agreed prior to the commencement of development. Bin collection shall not occur in the area at the north of the development west of Block A. Cycle access between Broomhill Terrace and Airtown Road should be improved (provision of segregated cycle linkage to the Cycle South Dublin proposal on Airtown Road. Public lighting scheme to be agreed prior to commencement of development. Construction Demolition and Waste Management Plan to be agreed prior to the commencement of development. Footpath at existing entrance to be continued and made good after access point closed. Proposal shall include upgrade to local cycle facilities.

Public Realm Report- Concern regarding functionality and usability of public open space and effect on amenity due to overshadowing/tunnelling effect of tall buildings. Clarification required of percentage of communal open space and design should provide good variety and quality spaces. Request that extensive levels of green roofs could be made accessible to residents to provide additional communal open space. Further detail required in regard to play space design. Further information required in terms of biodiversity strategies and the provision of a Biodiversity Management Plan.

Compensatory measures should be provided to offset tree removal proposed.
Submission of SuDs Management Plan.

Water Services- No objection subject to conditions.

9.0 Prescribed Bodies

9.1. The list of prescribed bodies, which the applicant was required to notify prior to making the SHD application was issued with the Section 6 (7) Opinion and included the following: -

- TII
- Uisce Eireann

9.2. The following submission were received:

TII

The TII has no observations to make.

Uisce Eireann

In respect of water connections and wastewater connections:

Water:

Feasible subject to the upgrade of existing 6" uPVC to 200mm ID pipe for approximately 275m as detailed in the Confirmation of Feasibility.

Wastewater:

Connection can be facilitated subject to adherence to strict flow management to ensure no further detriment to downstream network resulting from new connections to the sewer Flow control and storage measures will be installed, owned, operated and managed until increase capacity in downstream network.

Design Acceptance: The applicant has been issued a Statement of Design Acceptance for the proposed development.

Uisce Eireann makes the following planning recommendations:

1. Applicant shall sign a connection agreement prior to any works commencing and connection to Uisce Eireann network.
2. The applicant shall apply to Uisce Water for, and confirm, diversion feasibility, prior to any works commencing.
3. The applicant shall achieve separation distances as per Uisce Éireann Standards Codes and Practices.

10.0 Assessment

10.1 The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. Having examined the application details and all other documentation on file, including the Chief Executive's Report from the Planning Authority and all of the submissions received in relation to the application, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this application are as follows:

- Zoning/Principle of Development
- Density
- Unit Mix/Type
- Building Height/Plot Ratio
- Compliance with Tallaght Town Centre Local Area Plan
- Visual Impact
- Urban Design
- Residential Amenities-Future Occupants
- Adjoining Amenities
- Traffic and Transportation
- Drainage Infrastructure /Flooding

- Ecological Impact
- Other Issues
- Material Contravention

In addition, the assessment considers, and addresses issues raised by any observations on file, under relevant headings. I have visited the site and its environs.

10.2 Zoning/ Principle of Development

10.2.1 The proposed development is on lands zoned 'REGEN' with a stated objective 'to facilitate enterprise and/or residential led regeneration subject to a development framework or plan for the area incorporating phasing and infrastructure delivery'.

The proposal is for a mainly residential scheme with some commercial uses including a childcare facility and café. All are uses 'permitted in principle' under this objective (Table 12.4 of the CDP).

10.2.2 The site is within the Broomhill Neighbourhood Area as designated under the Local Area Plan. The objectives and development parameters for this neighbourhood area are set out under Section 3.5 of the Local Area Plan with the key objectives including Objective BH1 which is "transition to mixed use area primarily focused on higher value commercial uses". This section under the heading Land Use Mix/Urban Function states "predominantly business, enterprise and employment area with more mixed-use residential development fronting along the southern side of Airton Road, subject to integrating effectively with existing surrounding uses. The current proposal is predominantly residential in nature consisting of 242 apartment units and providing a minimal level of commercial elements, a childcare facility and a café. The proposal would be contrary Objective BH1 of the Local Area Plan and I would consider that it is material contravention of the objective, which is clear that land use should be predominantly business, enterprise and employment uses.

10.2.3 CE Report Comment: The CE report considers that the development provides for an inappropriate mix of use by being predominantly residential, contravening the objective from the neighbourhood area set out in section 3.5 of the Tallaght Town centre Local Area Plan 2020-2026 which specifies the land use/urban function for

this area as “predominantly business, enterprise and employment area with more mixed use residential development fronting along the southern side of Airtown Road subject to integrating effectively with surrounding uses”.

10.2.4 Conclusions on principle of development: The proposed use, which is mainly residential in nature is acceptable in the context of the zoning of the site as ‘REGEN’ under the South Dublin County Council Development Plan 2022-2028. The proposed use however is not consistent with key Objective BH1 of the Tallaght Town Centre Local Area Plan for the Broomhill neighbourhood area and in this regard the proposal would be contrary Objective BH1 and would be material contravention of such, which provides enough clarity regarding land use/function permitted with this neighbourhood area notwithstanding the REGEN zoning objective.

10.3 Density

10.3.1 The site has a gross site area of 1.40 hectares. The proposal is for 242 residential units yielding a density of 173 units per hectare. The County Development Plan does not specify any density limits however the site is within an area subject to a Local Area Plan which specifies building height and plot ratio ranges. The Building Height and Density Guide 2022 includes Indicative Development Scenarios (Section 05), to illustrate locations where mid-to-high density and higher density ranges of 50 units per hectare would be expected in line with national guidance. The most relevant classification is Suburban Infill (Medium); however I would be of the view the site does not fit well into the scenarios presented. The site is not within Tallaght town centre, however, is in close proximity to the town centre and within the confines of Tallaght Town Centre Local Area Plan. The site is suitable for higher densities than the prevailing residential densities in the area and specifically a density higher than 50 units per hectare on the basis that the site is located in close proximity to Tallaght Town centre (1.4km), high quality public transport infrastructure (1.6km) and high level of employment uses.

10.3.2 In the context of the Sustainable Residential Development and Compact Settlement Guidelines the site is located within a City-Urban Neighbourhood (Table 3.1 Areas and Density Ranges Dublin and Cork City and Suburbs) and this is based on the

proximity of the site to Tallaght town centre, public transport infrastructure and existing employment activities. In this location “residential densities in the range 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork”.

10.3.3 CE Report Comment: The CE report make no explicit statement on density proposed and focus on issues regarding inappropriate height and plot ratio in the context of the Tallaght Local Area Plan.

10.3.4 Conclusion on Density: The site in this case is located in an area that has good accessibility to the existing town centre, a high level of employment uses and good quality public transport. I am satisfied that the site is located within an City-Urban Neighbourhood as classified under Table 3.1 of the Sustainable Residential Development and Compact Settlements Guidelines where density ranges from 50 dph to 250 dph hectare (net) shall generally be applied. On this basis the density proposed (173 per hectare) is acceptable.

10.4 Unit Mix/Type

10.4.1 The unit mix as described is 242 units consisting of 96 no. one bed units, 141 no. two bed units and 5 no. three bed units. One of the third-party observations takes issue with the nature and type of units proposed noting there is an excess of SHD proposals in the area and one and two bed units. The observation notes that the unit mix and overall level of SHD proposals in the area would be contrary to population projections and objectives of the National Planning Framework. The Core Strategy of the County Development Plan identifies population growth of 5,175 up to the year 2028, with a need for additional housing in the area. It is relevant to state that SPPR 1 of the Apartment Guidelines looks for a greater mix of units particularly studio, one and two bed units; and that specified mixes in statutory plans should only follow a Housing Need and Demand Assessment (HNDA).

10.4.2 The Local Area Plan states that “it is policy of the Council to ensure an appropriate housing mix is provided within the Local Area Plan 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)”. The current County Development Plan

contains H1 Objective 12 requiring provision of a minimum of 30% three bed units unless the site meets specific criteria (outlined under policy section). This policy is based on an interim Housing Demand Need Assessment (HDNA).

10.4.3 The applicant argues that the proposal is consistent with SPPR 1. I would however note that SPPR 1 does state that specified apartment mixes in statutory plans should only follow a HDNA. In this case development plan policy is clear in terms of unit mix, it is based on a HDNA and provides for a clear requirement for a minimum of 30% three-bedroom units unless specific criteria are met. The proposal does not meet the criteria under H1 Objective 12 to set aside the specified unit mix.

10.4.4 CE Report Comment: In the CE report the Planning Authority have stated that the unit mix is contrary Objective RE 2 of the Local Area Plan which requires a minimum of 30% 3+ bed units. Refusal is recommend based on this issue among others.

10.4.5 Conclusion: The proposed unit mix does provide for a variety of units with the proposal including one, two and three bed apartment units. This level of variation is in keeping with national policy objectives under the NPF, Housing for All and the Apartment Guidelines (SPPR 1). The low percentage of 3 bed apartment units (5% of the development) is contrary Local Area Plan policy under Objective RE 2 and the current CDP policy under H1 Objective 12. I do not consider that the site or development meets any of the criteria under this objective to justify a unit mix that does not meet the required portion of three bed units. The policy under the current CDP has been informed by the HDNA prepared. I would acknowledge that the applicant has attempted to justify unit mix in the context of being broadly compliant with national policy with reference to the Apartment Guidelines. Notwithstanding such the South Dublin County Development Plan 2022-2028 is a recently adopted Development Plan, which has regard to national policy in the form of the NPF, Housing for All and the Apartment Guidelines. Development Plan policy on unit mix is clearly outlined under H1 Objective 12 and of the Development Plan, is based on a Housing Need and Demand Assessment (HNDA) and such is in accordance with SPPR 1 of the apartment guidelines. I do not consider that there is sufficient justification to set aside Development Plan policy on unit mix and would note that the proposal is a material contravention of both Local Area Plan and Development

Plan policy. I refer to this aspect of the proposal further under the section regarding material contravention later in this report.

10.5 Building Height/Plot Ratio

10.5.1 The proposal entails the provision of 4 no. apartment blocks, Block A 5 storeys, Block B/C 7 storeys, Block D 5-7 storeys and Block E 4-5 storeys. There is an Local Area Plan in place that provides a clear guidance regarding building height and plot ratio. The plot ratio of the development exceeds the range identified for Broomhill neighbourhood area under the Local Area Plan. The plot ratio proposed is 1.65. In regards to height the proposed development exceeds the height range identified (4-6 along Broomhill Road and 3.4 for the remainder of the block the site is part of) for within the Broomhill area and the specific height identified for the site under the Overall Urban Strategy (Fig 2.4), the Height Strategy (Fig 2.8) and the Overall Urban Structure (Broomhill (Fig 3.13)). Plot ratio for the Broomhill neighbourhood area is identified as being 0.75-1.1. Both the height proposed, and plot ratio exceed the clearly specified ranges indicated for the site and area under the Local Area Plan.

10.5.2 The Local Area Plan under the Section 2.6.2 Height and Built Form identifies key/landmark locations where up to a 4-storey increase would be considered. I would be of the view that the appeal site is not one of the sites which would be considered with it clearly stated in the Local Area Plan that that such will be considered for key or landmark sites or where sites exceed 2 ha in area and can establish its own identity (the appeal site is 1.4 hectares). Section 2.6.1 Plot Ratio allows for a 20% uplift in plot ratio in situations where there is significant planning gain (public open space above the 10% standard, creation of streets and links, upgrades to streets, community/cultural facilities and public domain improvements). I would not consider that the proposal delivers a significant planning gain in this regard. The plot ratio of the development exceeds the range identified for Broomhill Neighbourhood area under the Local Area Plan. In regards to height the proposed development exceeds the height range identified for within the Broomhill area and

the specific height identified for the site under the Overall Urban Strategy (Fig 2.4) and Height Strategy (Fig 2.8). The Local Area Plan under the Height Strategy identifies key/landmark location where up 4-storey increase would be considered. I would be of the view that the appeal site is not one of the sites which would be considered with it clearly stated in the Local Area Plan that that such will be considered for key or landmark sites or where sites exceed 2 ha in area and can establish its own identity (the appeal site 1.4 hectares).

10.5.3 The applicants refer to SPPR 1 of the Building Height Guidelines which advocates no blanket restrictions on building height in Development Plans. The applicant argues that the restriction would undermine the Objectives of the NPF to support increased residential densities and also refers to SPPR 3 of the Building Height Guidelines. The third-party observations raise concerns regarding excessive height and failure to adhere to the Local Area Plan.

10.5.4 CE report Comment: the CE report highlights that the site exceeds the plot ratio and height ranges specified under the Local Area Plan and that such constitutes a material contravention of Local Area Plan policies and objectives.

10.5.5 Conclusion on Building Height/Plot Ratio: The proposed development is within the boundaries of the Tallaght Town Centre Local Area Plan 2020, which provides an urban framework for developing a number of neighbourhood areas including the area the site is located within. This urban framework includes details regarding the scale and intensity of development permissible including specific ranges in terms of plot ratio and building height for the Broomhill neighbourhood area. I would be of the view that the plot ratio and height proposed exceed the clearly stated ranges for such under the Local Area Plan and that the location and development do not meet the criteria set out that allows for an increase in height above specified ranges by 2-4 storeys or an uplift in plot ratio by 20% as set out under Section 2.6 of the Local Area Plan. In relation to SPPR 1 of the Building Heights Guidelines, I would note the policy under the County Development Plan and the Local Area Plan does not provide for a blanket restriction on building height. The Local Area Plan was adopted in 2020

after the adoption of the Building Height Guidelines (2018) and provides for a planned urban framework that allow for a range of building heights including the applications on which the height ranges specified are a significant uplift over the prevailing heights in the area. I do not consider there is any grounds to set aside the provision of the Local Area Plan in terms of building height and plot ratio and would consider the proposal is contrary Local Area Plan policy in this regard.

10.6 Compliance with Tallaght Town Centre Local Area Plan:

10.6.1 The application site is within the Broomhill neighbourhood area of the Local Area Plan. There are plot ratio and height ranges identified for the neighbourhood with these issues dealt with in the earlier sections of this report. There is policy regarding sequencing and implementation with preference for lands closest to town centre and public transport nodes first. The application site has an area of 1.4 hectares and is occupied by a vacant commercial property and is located in the middle of commercial area characterised by industrial warehousing and retail warehousing. Section 8 of the Local Area Plan states that it is an objective (IS 1) of the Council that development within the plan area is undertaken in an orderly and sustainable manner and that development of regeneration lands Cookstown and Broomhill alongside the Town Centre lands should generally be phased in accordance with the sequential approach with development land closest to the town centre or public transport nodes given preference and leapfrogging or isolated areas avoided. Exceptions to such are listed above and include sites over 2ha in size or underutilised infill sites adjoining compatible uses.

10.6.2 The application site is located centrally within the Broomhill neighbourhood area and is somewhat isolated in the context of the town centre and public transport nodes. The application site does not include any public realm improvements such as provision of cycle infrastructure along the public road frontage. The site layout provides for surface parking along the southern and eastern boundary, which could be barrier to the future integration of pedestrian and cycle linkages to adjoining sites. I would be of the view the proposed development is contrary the Tallaght Town Centre Local Area Plan and contrary EDE4 Objective 11 of the CDP 2022-2028

(which seeks compliance with the Tallaght Town Centre Local Area Plan or any superseding plan for the area). The proposed development does not accord with the objective to ensure a sequenced approach to development of the lands within the Local Area Plan and site does not meet any of the criteria that would negate a sequenced approach with the appeal site less than 2ha in size.

10.6.3 CE Report Comment: The CE report comment highlights that the development is contrary Local Area Plan policy and objectives in regards to implementation and sequencing (Objective IS 1) as well as contrary to the provisions including height, plot ratio and unit mix.

10.6.4 Conclusion on Compliance with the Tallaght Town Centre Local Area Plan: The proposed development due to its location centrally within the Broomhill neighbourhood area, limited site size and lack of co-ordination with adjoining sites would lead to a piecemeal, haphazard approach to development of the overall neighbourhood lands. Such would be contrary to the policy regarding Sequencing and Implementation as set out under Section 8.0 of the Tallaght Town Centre Local Area Plan and subsequently contrary to EDE4 Objective 11 of the South Dublin County Development Plan 2022-2028 requiring compliance with the Local Area Plan. The piecemeal nature of the proposal itself represents an un-coordinated approach that would compromise the achievement of the objectives of the Local Area Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area

10.7 Visual Impact

10.7.1 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) for the proposal. This document includes assessment of visual impact from a number of viewpoints in the surrounding area and there is a separate booklet of photomontages illustrating visual impact pre and post development for each viewpoint. The assessment outlines the sensitivity of each viewpoint, the predicted change and the significance. The assessment indicates the development will have a mostly moderate level significance from viewpoints in the immediate vicinity and minor level of significance from the wider area due to the built-up nature of the area. The assessment classifies impact as beneficial in terms of views along Broomhill

Road. Third party observations consider the proposal to be out of character and scale with existing adjoining development and to have an adverse visual impact at this location and when viewed from the surrounding area.

10.7.2 I would be of the view that the overall visual impact of the development in the wider area despite the height of the proposed development would not be significant or negative and that its location in the established built-up area will mean views are intermittent and partial with a significant level of intervening structures and vegetation. In the immediately intervening area, the visual impact of the proposal will be significant due to the change in scale from a low profile commercial structure on site to an up to 7-storey structures. Notwithstanding such, I am of the view that although the visual impact in particular along Broomhill Road is significant it would not be a negative visual impact. The nature of development along Broomhill Road is varied with a variety of commercial structures including industrial warehousing and retail warehousing. The proposal provides for a stronger urban edge along Broomhill Road Road as well as improved public realm along the existing road frontage.

10.7.3 CE Report Comment: The CE report raise no concerns regarding the overall visual impact of the development at this location.

10.7.4 Conclusion: I am satisfied that the overall visual impact of the development although entailing significant change in scale from the existing structure on site and an increased scale over existing structures in the immediate vicinity can adequately be absorbed at this location and would be acceptable in the context of the visual amenities of the area.

10.8 Urban Design

10.8.1 The applicant has submitted an Architectural Design Statement report that outlines the characteristics of the development in the context of the 12 criteria set out under the Urban Design Manual (Connections, Inclusivity, Variety, Efficiency, Distinctiveness, Layout, Public Realm, Adaptability, Privacy and Amenity, Parking and Detail Design).

- 10.8.2 The Urban Design Manual has been superseded due to replacement of the Sustainable Residential Development in Urban Area Guidelines (2009) with the Compact Settlement Guidelines (2024). Notwithstanding such I am satisfied that the development provides an acceptable quality in terms of urban design, providing a development that would have positive visual impact in regards to Broomhill Road, enhanced public realm and linkages with Broomhill Road, provides for a development of sufficient internal quality in term of communal and private open space, orientation, daylight and sunlight provision. I would question the fact that the proposal provides for significant level of surface car parking along the southern and eastern boundaries and that future integration with development on adjoining lands would be important particular in terms of urban design quality and the future provision of pedestrian/cycling linkages to adjoining lands.
- 10.8.3 CE report Comment: The CE report considers the proposal to be generally satisfactory in the context of urban design.
- 10.8.4 Conclusion: The proposed development is of sufficient quality in terms of urban design with some concern regarding the lack of adequate linkages to adjoining lands to the south and east, however I would not recommend refusal in this regard with other fundamental deficiencies that cannot be overcome with changes to design details.

10.9 Residential Amenities-Future Occupants

- 10.9.1 Quality of Units – Floor Area/Layout: A ‘Housing Quality Assessment’ has been submitted with the application and this provides a detailed breakdown of each of the proposed dwellings and apartment units. For assessment purposes the units are assessed against the standards set out under Sustainable Urban Design Standards for New Apartments (Department of the Environment, Heritage and Local Government, 2023). In the case of all units such meet the recommended standards in relation to gross floor area, room dimensions and storage provision.
- 10.9.2 In case of apartment units, all units exceed the minimum required floor areas, with provision for over 110% of the required minimum floor area. The proposed apartments are considered to be acceptable and demonstrate compliance with

SPPR 3 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'.

10.9.3 In the case of the apartment units 48.35% (170) are dual aspect units and in compliance with SPPR 4 of the apartment guidelines for development in central or accessible locations (33% requirement). The proposed floor to ceiling heights are in accordance with SPPR 5 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'. The provision of lifts per floor is in compliance with SPPR 6 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'.

10.9.4 CE Report Comment Section: The CE Report raise some issues concerning the level of dual aspect units and the requirement that 50% of the unit be dual aspect (SPPR4). The level of dual aspect unit is just shy of the 50% (48.35%). The CE report also highlights the proximity of bicycle spaces to unit C-0.01 and suggests a condition relocating the 6 no. spaces.

10.9.5. Conclusion on Quality of Units – Floor Area/Layout: The internal layout of these units is acceptable and complies with recommended requirements of the apartment guidelines. In relation to the level of dual aspect units, I am of the view that the site can be classified as a central or accessible location due its location with the boundary of the Tallaght Town Centre Local Area Plan and its accessibility to the town centre of and high-quality public transport. The There is no reason to recommend a refusal of permission to the Board in terms of internal floor area quality, storage levels proposed or aspect.

10.9.6 Quality of Units – Amenity Space: All units are provided with adequate private amenity space in the form of balconies for the upper floor units/terraced areas for the ground floor units. Access is from the living room/shared kitchen-living room area for all units. All balconies have at least 1.5 m depth.

10.9.7 The applicant has proposed a stated total of 1,400sqm of public open space, which is located between Block B/C and Block D adjacent Broomhill Road and part of the central courtyard area. This level of 10% of the site area and is consistent with the requirements of the Development Plan (Table 12.22) and the Local Area Plan (Section 2.7.2) for a minimum of 10% of the site area dedicated to public open

space. In addition to the public open space 1,797.4sqm of communal open space is provided, which consists of part of the ground courtyard and 2 no. rooftop terraces (one each in Block D and E). The level of communal space is in excess of the requirements of Development Plan policy, which is 1,779sqm (Table 12.21) and as per the recommendations of the Apartment Guidelines.

10.9.8 CE Report Comment: The CE Report considers that the level and layout of public and communal open space is acceptable. It does raise concerns regarding the functionality of some of the communal open space considered incidental and questions the lack of separation between the public and communal open space at ground level. The Public realm section also queries whether the green roofs on the various blocks could be used as additional communal open space.

10.9.9 Conclusion Quality of Units-Amenity Space: The level of provision of private and communal open space exceeds the minimum standards set out under Development Plan/Local Area policy and the Apartment Guidelines. The level of public open space provision is also in accordance with Development Plan policy. The application makes it clear that no areas on site are to be taken in charge although the open space area at ground floor level will be accessible with no physical barriers to the space from the road frontage. I accept the applicant's argument that the green roof should not be used as additional communal open space with sufficient levels provided in the form of the space at ground level and the 2 no. roof gardens provided. I am satisfied that the overall levels of private and communal open space is acceptable and of sufficient quality in terms of design and layout in regards to accessibility, variation and functionality.

10.9.10 Daylight and Sunlight: A 'Daylight, Sunlight and Overshadowing Analysis' has been submitted in support of the application. This assessment has been prepared based on best practice guidance set out in the following documents:

- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' BRE (2011) (BR209).
- BS8206 Part 2:2008, Lighting for Buildings, Code of Practice for Daylighting.

Development Plan policy indicates that "Residential Developments shall be guided by the quantitative performance approaches and recommendations under the 'Site

Layout Planning for Daylight and Sunlight' (2nd edition): A Guideline to Good Practice (BRE 2011) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' or any updated guidance". The submitted assessment undertook a number of tests and in relation to daylight and sunlight provision within the proposed development.

10.9.11 Daylight Analysis: The Daylight and Sunlight Assessment Report assesses the proposed units in terms of both Average Daylight Factor (ADF) based on BS 8206-2:2008. The assessment relates to the ground and first floor of each block with it assumed that ADF values for corresponding rooms on higher floors will be increased or certainly no less than the floors below. In relation to ADF 100% of bedrooms tested meet the target value of 1%. All units have a shared living/kitchen/dining space (LKD) with 100% of the LKD spaces meeting the target value of 2%.

10.9.12 Site Sunlight and Shading: An assessment of sunlight within the proposed outdoor amenity areas was carried out. The assessed area includes the public and communal open space at ground level, the roof gardens on Blocks D and E, and the outdoor crèche play area. The results indicate that all spaces assessed meet the BRE requirement that a minimum of 50% the amenity space shall receive two or more hours of sunlight on the 21st of March.

10.9.13 CE Report Comment: The CE report raise no objection to the proposed development and acknowledges the results of the submitted Daylight, Sunlight and Overshadowing Analysis.

10.9.14 Conclusion on Daylight and Sunlight: The proposed development provides for sufficient levels of daylight and sunlight to the proposed residential units and associated communal open space areas and will result in an acceptable level of residential amenity for future occupants of this development.

10.9.15 Separation Distances: Development Plan policy (Section 12.6.7) refers to a benchmark clearance distance of circa 22m between opposing windows in the case of apartments up to three storeys in height. Reduced distances will be considered in respect of higher density schemes or compact infill sites where innovative design solutions are used to maintain a high standard of privacy in line with the provisions of

the Urban Design Manual. This standard is based on the Urban Design Manual (2009) standards. The Sustainable Compact Settlement guidelines include SPPR 1, which advocates a separation distance of at least 16m between opposing windows with less possible where there are no opposing windows or privacy measures. In the case of the proposed development separation distance between the long elevations of the blocks are well in excess of 16m and above 22 in all cases. There are instances where blocks are closer than 16m (block at right angles to each other). Such as in the case of Blocks A and E where there are windows serving living spaces in Block E facing towards windows serving bedrooms in Block A with a separation of approximately 15.3m. In most cases the level of separation is satisfactory with windows offset and angled facades in some cases.

10.9.16 CE Report Comment: Some concern regarding separation distances between blocks, in particular between Block A and E (15.3m) with concerns regarding living spaces overlooking bedrooms. Some discrepancies are also noted between elevations and floorplans in relation to balconies.

10.9.17 Conclusion on Separation Distances: I am satisfied that the design has adequate regard to the issue of internal separation distances between parts or blocks and separate blocks for the most part and that a number of design mechanisms are applied to ensure no directly opposing windows (offset windows and angled facades) with a separation distance lower than 16m. In the case of Block A and E there is situation where there is opposing windows with less than 16m separation. This situation may be deal with by way of condition and some level of revision. I would also refer to the previous section regarding daylight and sunlight, and the fact that the applicant has demonstrated that the daylight and sunlight levels to proposed units, and communal open space is of a satisfactory standard. I would also refer to SPPR1 of the Sustainable Residential Development and Compact Settlement guidelines that recommend separation distance of 16m between opposing windows serving habitable rooms, which is exceeded in the case of the long elevations of the proposed Blocks. There are some discrepancies in terms of how balconies are shown on the elevations of Block E not reflecting the floor plan, in particular balconies that wrap around corner units are no shown as such on the elevations. Revised elevation clarifying such would suffice. I am satisfied that the proposal is of

adequate quality and complies with Development Plan policy in terms of separation distances.

10.10 Adjoining Amenity

10.10.1 In terms of existing properties adjoining the site is located within a predominantly commercial area characterised by a mixture of industrial and retail warehousing uses. To the north of the site along Broomhill Terrace there is a row of two-storey commercial units facing the site. To the west of the site are three commercial warehousing units. To the south of the site is a larger commercial unit at the junction of Broomhill Road and Airton Rod occupied by Zoetis (Pharmaceutical company). To the west and on opposite side of Broomhill Rd are a number of retail warehousing units. There are no residential properties adjoining the site or in close proximity to the site.

10.10.2 Daylight, sunlight, overshadowing: A Daylight and Sunlight: A 'Daylight, Sunlight and Overshadowing Analysis' has been submitted in support of the application. This assessment has been prepared based on best practice guidance set out in the following documents:

- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' BRE (2011) (BR209).
- BS8206 Part 2:2008, Lighting for Buildings, Code of Practice for Daylighting.

The submitted assessment undertook a number of tests and in relation to daylight and sunlight provision in relation to existing properties in the vicinity. I would note that none of the properties assessed are residential with no residential properties in sufficient proximity to require assessment.

10.10.3 Daylight impact: The Vertical Sky Component (VSC) is a measure of how much direct daylight a window is likely to receive. The Vertical Sky Component is described as the ratio of the direct sky illuminance falling on the vertical wall at a reference point, to the simultaneous horizontal illuminance under an unobstructed sky. A new development may impact on an existing building, and this is the case if the Vertical Sky Component measured at the centre of an existing main window is less than 27%, and less than 0.8 (20%) times its former value.

10.10.4 The applicant has assessed impact windows on the southern elevation of Unit 52 Broomhill Road to the north of the site and on the southern elevation of Units 1-4 Broomhill Terrace also to the north of the site. For Unit 52 the results show no change to VSC levels for ground floor windows. For the first floor all windows retain at least the target value of 25% post development with one window falling below, however is within the range of 0.80 its former value. At second floor all windows retain 25% target value post development. Of the 4 no windows at third floor two retain target value post development with the other two windows already below target value and the level reduction being with the 0.80 it former value. In the case of Units 1-4 Broomhill terrace. The following is a summary of their results

Unit 1: 16 Windows	9 retain target value of 25 7 below target value with range of decrease between 0.73-0.74 their former value.
Unit 2: 14 Windows	7 retain target value of 25 7 below target value with range of decrease between 0.65-0.72 their former value
Unit 3: 14 Windows	7 retain target value of 25 7 below target value with range of decrease between 0.62-0.65 their former value.
Unit 4: 14 Windows	7 retain target value of 25 7 below target value with range of decrease between 0.66-0.68 their former value ²

10.10.5 Sunlight and Shading: An assessment of Annual Probable Sunlight Hours (APSH) for the adjoining properties has been carried. The BRE standard is for interiors where

the occupants expect sunlight should receive at least one quarter (25%) of APSH including in the winter months between 21st September and 21st March (WPSH) at least 5% of APSH. This standard only applies to units within 90 degrees of due south. The applicant has assessed impact windows on the southern elevation of Unit 52 Broomhill Road to the north of the site and on the southern elevation of Units 1-4 Broomhill Terrace also to the north of the site. For Unit 52 there is no change in values for windows at ground floor level (APSH and WPSH) with windows on the first, second and third floor level all retaining target. For Units 1-4 Broomhill Terrace the following results

Unit 1: 16 Windows	<p>APSH: 3 below target value post development</p> <p>WPSH: All above target value post development</p>
Unit 2: 14 Windows	<p>APSH: 2 below target value post development</p> <p>WPSH: All above target value post development</p>
Unit 3: 14 Windows	<p>APSH: 5 below target value post development</p> <p>WPSH: All above target value post development</p>
Unit 4: 14 Windows	<p>APSH: 3 below target value post development</p>

	WPSH: All above target value post development
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10.10.6 A shadow study is also included showing the impact of the proposal for various times of the year. The proposal has no impact on daylight and sunlight in any residential properties, with no existing residential properties in close proximity to require assessment for daylight and sunlight impact. The adjoining properties are commercial in nature. In terms of Development Plan policy and National policy the impact of daylight and sunlight only relates to residential properties. Notwithstanding such I would be of the view that the overall impact of the proposal in terms daylight, sunlight and overshadowing would not impact adversely on the operation or amenities of adjoining commercial properties.

10.10.7 CE report Comment: the CE report does not raise any concern regarding impact on daylight and sunlight or overshadowing of adjoining properties.

10.10.8 Conclusion on Daylight, Sunlight and Overshadowing: The proposal would have no impact on any existing residential properties in the area with no existing residential in close enough proximity to the site to be impacted. In terms of existing commercial properties, I would be satisfied that the level of impact in terms daylight and sunlight would not be disproportionate or merit a refusal of permission in this case.

10.10.8 Physical/Construction Impact: The issue of physical/construction impact is raised in one of third party observations from Cross Vetpharm Group Ltd T/A Zoetis Tallaght who are the company operating in the industrial unit to the south of the site. The concerns regarding to construction impact as well as concern regarding future issues relating to complaints by tenants of the building that could hamper ongoing operations. The observation also notes that the proposal entails demolition of substation that serves the observers business with concerns regarding disruption of the established business.

10.10.9 The application is accompanied by a Construction and Environmental Management Plan (CEMP). The application is accompanied by a Noise & Vibration Impact

Assessment. The document (CEMP) submitted include details of mitigation measures proposed to minimise construction impact and includes measures in relation dust, noise and vibration. In terms of the potential for future issues regarding ongoing operation and the potential for future complaints from residents of the development, the Noise & Vibration Impact Assessment submitted also deal with the issue of inward noise indicating that the construction specifications of the structure and glazing will ensure inward noise levels will be minimised for future residents.

10.10.10 In relation to the existing substation for demolition, a condition requiring measure to be put in place prior to demolition to ensure no disruption in service to the existing facility served by the substation would deal with this issue.

10.10.11 CE Report Comment: The CE report considers that the physical impact of proposal is satisfactory in the context of adjoining amenities.

10.10.12 Conclusion: I am satisfied that the overall design and scale would have adequate regard to the amenities of adjoining properties and would be acceptable in the context of physical impact. I am satisfied that the measures proposed to minimise construction impact and disruption if implemented would be sufficient to ensure no adverse impact on adjoining commercial operations. I would also note that construction period is temporary period. Provision of a condition in relation to the substation for demolition would be sufficient. In relation to future residents' complaints, I am satisfied sufficient measures are in place to deal with inward noise. The development is located within a predominantly commercial area with the provision of residential on site a major change. There are a number of fundamental issues concerning the proposal that are explored in the other sections of this report. I would not recommend refusal if the proposal on the basis of impact on adjoining properties.

10.11 Traffic and Transportation:

10.11.1 Traffic Assessment: The application site is to be accessed by a revised vehicular access off Broomhill Road to the south of the site (existing entrance at this location).

A Transportation Assessment Report (TAR) has been carried out. To accurately assess the impact of the proposed development in the future, the base traffic flows for the local network established by traffic surveys were expanded to the Year of Opening (2023) and the Design Years (2038) using TII growth factors. A junction capacity analysis of a number of key junctions, Belgard Rd/Airton Rd, Airton Rd/Greenhills Rd, Broomhill Rd/Airton Rd, Broomhills Rd./Greenhills Rd and Broomhill Rd/Close/Terrace was carried out as well as capacity modelling of the proposed vehicular access T-junction off Broomhill Road. The analysis indicates that the junctions currently operate with an acceptable capacity and that the proposed development will have a negligible impact on the operation of these junctions in the design years.

10.11.2 I am satisfied that the TAR is of sufficient scope and detail to reach a conclusion regarding traffic impact. I am satisfied that the assessment demonstrates that the proposal would be satisfactory in the context of traffic impact on the local road network. I would consider that an important factor to consider is also the fact the is an accessible location in terms of the established town centre, local employment and services as well as being well served by public transport.

10.11.3 Car Parking: Development Plan parking standards are set out under Tables 12.25 (non-residential) and Table 12.26 (residential) with the site is Zone 2 due to its REGEN zoning. The parking standards are maximum standards with lower permission depending on locational context such as accessibility to public transport among other factors. The maximum requirements for the development is 224 car parking spaces with a rate of 0.61% of the maximum rate.

10.11.4 The parking standards are maximum standards with the CDP stating “the number of spaces provided for any particular development should not exceed the maximum provision. The maximum provision should not be viewed as a target and a lower rate of parking may be acceptable subject to” a number of criteria including accessibility to local services and public transport. In this case the site is in an accessible location and is in walking distance of a major employment use (Tallaght University Hospital), local services including The Square Shopping centre and public transport infrastructure in the form of Belgard Luas Stop. I would consider that a reduced parking level is justified in this case. Implementation of car parking management

strategy on site would be appropriate and the application includes a Parking Management Strategy Report. I would also refer to SPPR3 of the Sustainable Residential Development and Compact Settlement guidelines where in urban neighbourhoods “car-parking provision should be minimised, substantially reduced or wholly eliminated. The maximum rate of car parking provision for residential development at these locations, where such provision is justified to the satisfaction of the planning authority, shall be 1 no. space per dwelling”.

10.11.5 Bicycle Parking/cycling infrastructure: The proposal entails the provision of 426 no. bicycle parking spaces distributed throughout the scheme, this consists of 308 residents’ spaces contained in internal bike stores (double stacked) and 118 no. visitor spaces distributed throughout the external space at ground level consisting of Sheffield stands. Development plan requirements (Table 12.23) are as per the standards of the Apartment Guidelines with a requirement of 393 long stay spaces (1 per bedroom) and 121 short stay spaces (1 per two apartments). The applicant had made the point that the provision was higher than under the 2016 Development Plan which was in place at the time of lodgement. The Development Plan standards are minimum standards and the provision does not meet the required cycle parking standards.

10.11.6 In regards to cycling infrastructure in the area, Broomhill Road does not have any existing cycle paths with only footpaths along the public road. The third-party observations are critical of lack of cycling infrastructure in the context of the proposal. I would be of the view that the lack of cycle paths in the area does not render the proposal unacceptable. The application site is still located in established built-up area that is highly accessible in terms of its location to Dundrum Town centre and public transport infrastructure. I would also consider that the proposed development would be unlikely to prejudice future provision of cycling infrastructure in the public realm at this location.

10.11.7 CE Report Comment: The CE Report raises no major concerns regarding overall traffic impact of the proposal but raise some issues concerning the dimension of car parking bays, lack of cycling infrastructure provision along Broomhill Road and deficiencies in cycling infrastructure provision along Broomhill terrace.

10.11.8 Conclusion: The proposed development is satisfactory in the context of its overall traffic impact at this location. Sufficient car parking is provided with the level of car parking satisfactory in the context of the location of the site at an accessible location in terms of the town centre, public transport, and local employment and services with regard had to the need to shift the emphasis to use of alternative modes of transportation and reduce dependency on vehicular traffic in accordance with national, regional and local planning policy. In relation to the dimensions of car parking, such are in accordance with the recommendations of DMURS, which would be satisfactory. The proposal should have provided for provision of cycling infrastructure along Broomhill Road frontage. The proposal does not provide sufficient bicycle parking in accordance with the minimum standards of the South Dublin County Council Development Plan 2022-2028 and would be a material contravention of Development Plan policy.

10.12 **Drainage Infrastructure/Flooding:**

10.12.1 The proposal entails connection to existing water supply, foul drainage network and surface water drainage network with details provided in the Drainage Design Report submitted with the application. The proposal entails connection to an existing drainage infrastructure along Broomhill Road. Surface water runoff management entails use of underground attenuation and a flow control device. Sustainable Urban Drainage measures (SuDs) are to be implemented including permeable paving, green roofs, bioretention areas and irrigation tree pits.

10.12.2 Uisce Eireann have indicated that connection to watermains and wastewater infrastructure are feasible subject to minor upgrades and has issued a confirmation of feasibility and Statement of Design Acceptance.

10.12.3 The application is accompanied by a Flood Risk Assessment (FRA). Stage 1 of the FRA is Flood Risk Identification. The assessment identifies that the site is not in any area subject to flood risk. For fluvial flood risk there are no historical flood events at this location with the site 200m from the Tymon River with no recorded flood events. The nearest record flood event is 1.5km from the site (November 2000). There is no risk of tidal flooding at this location. For pluvial flooding there are no historical flood

events recorded, however the site is classified as at moderate risk of flooding through overland flow with part of the site within Flood Zone B . The drainage system on site is designed for an extreme storm event (1 in 100 year storm event increased by 20% to account for climate change). Groundwater flood risk is classified as low based on GSI mapping. The development is classified as highly vulnerable development under The Planning System and Flood Risk Management Guidelines and as part of the site is within Flood Zone B a Justification test is required and has been carried out.

10.12.4 Mitigation measures are proposed including finished floor levels 150mm above ground level, surface water drainage measure including two underground attenuation tanks, SUDs measures, overland flow to lowest part of the site and maintenance of pedestrian access in case of a flood event. Residual risks identified include climate change, however a 1% AEP + CC pluvial event will be mitigated by the surface water drainage system. In the event of failure of the drainage system water will be directed to the low-lying section of the site to the south east with FFL150mm above ground levels. The Justification test carried out indicates the site is zoned for the use proposed (REGEN zoning), the proposal will not increase flood risk elsewhere (drainage system and overland flow maintained within site boundary), includes measures to minimise flood risk (finished floor levels and drainage system), includes measures to manage residual risk (finished floor levels and drainage flows in event of failure of drainage system), and addresses flood risk in a manner that achieves wider planning objectives.

10.12.5 I am satisfied that the Flood Risk Assessment has been carried out in accordance with Flood Risk Management Guidelines and that the design and layout of the proposal is satisfactory in the context of potential flood risk on site and that a justification test has been carried out.

10.12.6 CE report Comment: The CE report refers to the Water Services Department who have raised no objection to the proposal subject to conditions. The Public Realm section have expressed a preference for provision of intensive green roofs with access to these areas as additional communal open space.

10.12.7 Conclusion: In relation to connection to existing drainage services I would refer to Uisce Eireann's confirmation of feasibility. In relation to flood risk part of the site is

located within Flood Zone B in terms of pluvial flooding. The applicant has carried out a justification test in accordance with the Flood Risk Management Guidelines. I have addressed the issue of green roof in use as communal open space earlier in this assessment with sufficient levels of communal open space being provided.

10.13 Ecological Impact:

10.13.1 The application was accompanied by an Ecological Impact Assessment. In terms of habitats the site is mainly Building and Artificial Surfaces (BL3), with some sections of Amenity Grassland (GA2) along the western boundary, Dry Meadows and Grass Verges (GS2), Scattered trees and parkland (WD5), Ornamental/Non-Native Shrub (WS3)/Scrub (WS1) and Treelines (WL2) with a short treeline at the north-western corner of the site. The various surveys carried out identified that low level of bat activity with the site described as having a low level of suitable habitat for bats and the building being of low suitability for bat roosts. The application also is accompanied by a Bat Assessment report which concludes the site is of low ecological importance in terms of bat activity. This report indicates that there are no bat roosts on site and that bat activity on site includes low level foraging and commuting. The report does recommend mitigation measures concerning a lighting plan and landscaping. No evidence of any terrestrial mammals were recorded on site.

10.3.2 In terms of bird species a number of species were recorded, blackbird (*Turdus merula*), chaffinch (*Fringilla coelebs*), goldcrest (*Regulus regulus*), pied wagtail (*Motacilla alba*) and rook (*Corvus frugilegus*). The site is an urban site comprising mainly buildings and artificial surfaces within a built-up area. In general, species occurring within the vicinity of the subject site are likely to comprise species typical of urban settings. In relation to amphibian and fish species there are no watercourses on site. No invertebrates or reptiles were recorded on site. Overall the site is considered to be of local importance (lower value) in terms ecological value.

10.13.3 A number of mitigation measures are proposed including vegetation clearance outside bird nesting season, construction management measures to prevent

importation of invasive species, lighting design to prevent light overspill, wildlife sensitive lighting specification, landscaping scheme including additional planting and limitation of soil disturbance during construction.

10.13.4 A Tree Survey Report was submitted and identifies that there are 20 no. individual trees and one hedgerow. Of the 20 no. trees and one hedgerow, 13 no. are classified B (good quality), 7 no. and the hedgerow are classified C (low quality). The proposal entails removal of 11 and the one tree hedgerow. The trees/hedgerow to be removed consist of 6 category B and 6 category C in terms of condition/life expectancy. The proposal includes measures to protect trees for retention during construction including no works within identified root protection areas and uses barriers/fencing or additional ground protection measures.

10.13.5 I am satisfied that the application site is an urban site that is not of significant or high-level ecological value. Notwithstanding such I am satisfied that the proposal entails retention of some trees on site and includes measures to enhance and protect biodiversity on site. In regards to tree protection, the application is accompanied by a tree survey, which outlines trees to be retained on site including identifying the tree root protection zones for such and identifying measures to ensure protection of such during the construction phase.

10.13.6 CE report Comment: The CE report acknowledges that fact that an Ecological Impact Assessment was submitted and raise no concerns regarding such.

10.13.7 Conclusion on ecological impact: I am satisfied that it has been demonstrated that the site is not of high ecological value and that some existing trees on site are being retained. I am satisfied that the range of mitigation measures proposed are sufficient to ensure no significant impact on any species of conservation value.

10.14 Other Issues:

10.14.1 One of the submissions indicates that the proposal constitutes a material contravention of Development Plan/Local Area Plan policy in relation density and

building height. I would refer to the earlier sections of this report regarding both density and building height in the context of the Tallaght Town Centre Local Area Plan 2022-2028 and the following section of this assessment, which deal with material contravention. I would reiterate the conclusion of these sections in that the proposal is not compliant with Local Area Plan policy in terms of a number of factors.

10.14.2 One of the submissions questions the adequacy of information submitted in the context of EIA screening and AA screening in addition to the Boards competence to carry out an assessment of these issues. The Board has a role as the competent authority in relation to these matters. I would refer to the following section of this report in which both EIA screening and AA screening is carried out and I consider that sufficient information is available to reach conclusions in regard to both matters.

10.14.3 The issue of fire safety is raised in particularly the ability to fight fires within taller buildings. In relation to this issue, I would note that the issue of fire safety and compliance with the regulations for fire safety area dealt with under different legislation and code and are not planning matters. The issue of building height in a planning context is dealt with in an earlier section of this report.

10.14.4 CE report Comment: The CE report does not mention these issues in its assessment.

10.14.5 Conclusion: I am satisfied none of these issues raised would preclude the development from being granted permission apart from the issues concerning compliance with various policies and objectives of the Local Area Plan and current County Development Plan outlined in previous sections of this report.

10.15 **Material Contravention:**

10.15.1 The applicant submitted a Material Contravention Statement. The statement provides a justification for the material contravention of the South Dublin County Development Plan 2016 (in force at time of lodgement) and the Tallaght Town Centre Local Area Plan 2020 in relation to a number of issues. The 2016 County Development Plan has since been superseded by the South Dublin County Development Plan 2022-2028. The statement is summarised above (Section 6.7)

10.15.2 Building Height: Building height of up to 7 storeys exceeds 6 storey height limit specified for the site under the Section 2.3 of the Local Area Plan relating to Building height in Context of Overall Urban Structure. The applicant states such is appropriate given Section 9(3)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016 of the 2000 Act, provides that the requirements of an SPPR take precedence over any conflicting provisions of a Development Plan. I would refer to Section 10.6 relating to building height and plot ratio and the fact that the proposal is contrary to the provisions of the Local Area Plan, which identifies an urban structure with building height and plot ratio ranges specified. The proposal exceeds these ranges and is contrary to Local Area Plan policy, however I would not consider it be a material contravention as there is provision for uplift of building heights and plot ratios in certain instances (section 2.6.1). Although I don't consider the proposal meets these criteria policy does allow for deviation from prescribed building heights.

10.15.3 Plot Ratio: A plot ratio range of 0.75-1.0 is specified for this site within the Broomhill Neighbourhood Area. The plot ratio proposed is 1.6. The applicant notes that section 2.6.1 allows of exceedance of building height and plot ratio in instances that will entail significant public gain. I would refer to Section 10.6 relating to building height and plot ratio and the fact that the proposal is contrary to the provisions of the Tallaght Local Area Plan, which identifies an urban structure with building height and plot ratio ranges specified. The proposal exceeds these ranges and is contrary to Local Area Plan policy, however I would not consider it be a material contravention as there is provision for uplift of building heights and plot ratios in certain instances (section 2.6.1). Although I don't consider the proposal meets these criteria policy does allow for deviation from prescribed plot ratios.

10.15.4 Housing Mix: Objective RE2 of the Local Area Plan specifies a minimum of 30% three-bed units within any new residential development. The proposal provides for 5 three-bed units, which is 2.1% of the development. The applicant refers to SPPR 1 of the Apartment Guidelines where there is no restriction on number of three bed units and that the SPPR take presence. I would refer Section 10.5 of the assessment relation to unit mix. The current County Development Plan contains H1 Objective 12 requiring provision of a minimum of 30% three bed units unless the site meets specific

criteria (outlined under policy section). This policy is based on an interim Housing Demand Need Assessment (HDNA). As outlined under section 10.5 the proposal does not meet the unit mix required under Local Area Plan policy and Development Plan policy and does not meet the criteria under current Development Plan policy to set aside the required unit mix. In this regard the proposal would be a material contravention of both the Tallaght Local Area Plan 2020 (Objective RE2) and the South Dublin County Development Plan 2022-2028 (H1 Objective 12).

10.15.5 Land Use Mix/Urban Function: Under Section 3.5 of the Local Area Plan Objective BH1 specifies a “transition to mixed use area primarily focused on higher value commercial uses”. The applicant refers the fact the mix of uses is compliant with the zoning objective, to the need for additional housing and objectives of NPF in regard to such. The applicant points out that it is a vacant commercial property and has remained so for a considerable period of time. As noted earlier in the assessment the proposal being mainly residential in nature is contrary Objective BH1 and such would constitute a material contravention of the Local Area Plan Objective.

10.15.6 CE report Comment: The CE Report states that the proposal would materially contravene the objectives of the Tallaght Town Centre Local Area Plan 2020 relation to height, plot ratio, unit mix, land use mix/urban function and sequencing of development.

10.15.7 Conclusion on Material Contravention: I am of the view what the proposal is contrary Local Area Plan policy and objectives in relation to height a plot ratio but would not consider such to be a material contravention. In regard unit mix and land use/function, I am of the view that the proposal is both a material contravention of Local Area Plan policy (objective RE2) and current County Development Plan policy (H1 Objective 12). I do not consider there is any justification to allow for material contravention of the Local Area Plan or County Development Plan under the provisions of Section 37(2)(b) of the Planning and Development Act, 2000 (as amended) with the development significantly at odds with both Local Area and County Development Plan policy and objectives in relation to a number of factors.

11.0 Environmental Impact Assessment Screening

11.1 Environmental Impact Assessment Report

11.1.1 This application was submitted to the Board after the 1st of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.

11.1.2 Item 10(b)(i) and (iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 as amended, and section 172(1)(a) of the Planning and Development Act 2000 as amended provides that an EIA is required for infrastructure developments comprising of urban development which would exceed:

- 500 dwellings
- Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. A business district is defined as 'a district within a city or town in which the predominant land use is retail or commercial use'.

11.1.3 Item (15) (b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 as amended provides that an EIA is required for: "Any project listed in this part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7."

11.1.4 The proposed development is for a residential scheme of 242 dwelling units and is not within a business district, on a stated development site area of 1.4ha. It is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001 as amended.

11.1.5 The application was accompanied by an EIA Screening Report which includes the information set out in Schedule 7A to the Planning and Development Regulations 2001 as amended and I have had regard to same. The report states that the development is below the thresholds for mandatory EIAR having regard to Schedule 5 of the Planning and Development Regulations 2001, due to the site size, number

of residential units (111) and the concludes that the proposal is unlikely to give rise to significant environment effects, so an EIAR is not required.

11.1.6 Environmental Impact Assessment is required for development proposals of a class specified in Part 1 or 2 of Schedule 5 that are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

11.1.7 The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application including inter alia:

- Planning Report & Statement of Consistency
- Landscape and Visual Assessment Report
- Verified Views and CGI
- Drainage Design Report
- Flood Risk Assessment
- Transportation Assessment Report
- Ecological Impact Assessment
- Bat Assessment
- Appropriate Assessment Screening Report

- Noise & Vibration Impact Assessment
- Construction and Environmental Management Plan

11.1.8 In addition, noting the requirements of Section 299B 299B(1)(b)(ii)(II), whereby the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account and are listed in Section 6 of the EIA screening report. The documents are summarised as follows:

Document:	Relevant Directives:
Ecological Impact Assessment	Directive 92/43/EEC, The Habitats Directive
Appropriate Assessment Screening	Directive 92/43/EEC, The Habitats Directive Directive 2000/60/EC, EU Water Framework Directive
Engineering Services Report Site Specific Flood Risk Assessment	Directive 92/43/EEC, The Habitats Directive Directive 2000/60/EC, EU Water Framework Directive Directive 2007/60/EC on the assessment and management of flood risks
Planning Report and Statement of Consistency	Directive 2001/42/EC, SEA Directive

Material Contravention Statement	
Stage 1 Construction Management Plan Construction Environmental Management Plan Construction Environmental Management Plan prepared by Enviroguide Noise Impact Report	Directive 2002/49/EC, Environmental Noise Directive Directive 2008/50/EC on ambient air quality and cleaner air for Europe
Transport Assessment Report prepared by NRB Consulting Engineers	Directive 2008/50/EC on ambient air quality and cleaner air for Europe
Stage 1 Construction Management Plan Construction Environmental Management Plan	Directive 2008/50/EC on ambient air quality and cleaner air for Europe
Engineering Services Report	Directive 2007/60/EC on the assessment and management of flood risks

Site Specific Flood Risk Assessment	
Site Specific Flood Risk Assessment	Directive 2007/60/EC on the assessment and management of flood risks

11.1.9 The EIA screening report prepared by the applicant has under the relevant themed headings considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all other relevant assessments have been identified for the purposes of screening out EIAR.

11.1.10 I have completed an EIA screening assessment as set out in Appendix A of this report. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application.

11.1.11 I am satisfied that the information required under Section 299B(1)(b)(ii)(II) of the Planning and Development Regulations 2001 (as amended) have been submitted. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

12.0 Appropriate Assessment

12.1 Applicant's Stage 1 – Appropriate Assessment Screening

12.1.1 The applicant has submitted an appropriate assessment screening report. I have had regard to the contents of same.

12.1.2 The subject lands are described in section 3 of this report. Field surveys were undertaken (ecological walkover, habitat mapping, bird survey, bat survey and mammal survey) these informed the Ecological Impact Assessment as well as the AA Screening Report. The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The zone of influence of the proposed project would be limited to the outline of the site during the construction phase. The proposed development is therefore subject to the provisions of Article 6(3).

12.1.3 The screening report identifies 4 European Sites within the potential zone of influence, these are as follows:

Name	Site Code	Distance from Site
South Dublin Bay SAC	000210	10.7km
North Dublin Bay SAC	000206	14.3km
South Dublin Bay and River Tolka Estuary SPA	004024	10.7km
North Bull Island SPA	004006	13.9km

12.2 Connectivity-Source-Pathway-Receptor:

12.2.1 The submitted AA Screening Report makes full consideration of the Connectivity-Source-Pathway-Receptor model for each of the identified sites. No direct adverse effects are anticipated with no direct loss, fragmentation or disturbance of Annex I habitats or Annex II species listed as qualifying interest of the Natura 2000 sites. In terms of indirect construction run-off following on-site management will discharge to public storm drain network, the development will discharge treated stormwater to the

existing public storm drain network and the development will discharge sewage and wastewater to the Ringsend WWTP via the existing foul sewer network.

12.2.3 Impacts on water quality are ruled out on the basis of construction management measures to prevent discharge of contaminated surface water, operation drainage measures for surface water and the fact that foul water discharges to the Ringsend WWTP which operate under licence. There will be no direct or indirect habitat loss or alteration with no impact on water quality for any of designated sites. There will be no disturbance and/or displacement of species that are qualifying interest with the site no being an ex situ habitat for any of the identified qualifying interests. Habitat or species fragmentation is also ruled out.

12.2.4 The applicant reviewed other plans and projects in the area and does not envisage that interaction with such would give rise to any cumulative impacts that would adversely affect any Natura 2000 site. It is noted that any proposal which is subject to planning permission is subject to consideration of appropriate assessment.

12.2.5 Applicant Screening Conclusion: It is concluded that the proposed development would be unlikely to give rise to any significant effects on any designated Natura 2000 site either individually or in combination with other plans and projects and a Stage 2 Appropriate Assessment is not required.

12.3 Appropriate Assessment Screening

12.3.1 Description of the project: I have considered the proposal for 242 no. apartments and associated site works in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is located in the existing built-up area and is occupied by an existing vacant factory unit with adjoining uses being commercial.

12.3.2 Potential impact mechanisms from the project: The proposal has no direct impact on any designated Natura 2000 site in terms of habitat loss or deterioration and species disturbance or mortality with nearest site located 4km away. In terms of indirect impacts, the development would have no impact in terms of disturbance (noise, emissions, lighting, construction impact) of habitats or species of qualifying interests

any Natura 2000 site due to distance between the site and any designated Natura 2000 site. The site is too remote from the application site and is not an ex-situ habitat for the species that are qualifying interests (evidenced by ecological surveys submitted) of designated Natura 2000 sites.

12.3.3 In terms of hydrological connections, surface water drainage will be to the existing stormwater system and passing through SuDs features and underground attenuation tank with a flow control device regulating discharge. The stormwater system drains to the Tymon River, which is located 200m to the south, this subsequently discharges to the River Poddle, which discharges to the River Liffey and the Irish Sea. Foul water discharge is to the existing public network, which discharges to the Ringsend Wastewater Treatment Plant. There is possibility of indirect effects through discharges of sediments/pollutants to surface water during the construction and operational phase and impacting habitats and species that are dependent on water quality. There is unlikely to be any indirect impact on water quality through foul water drainage with such draining into the Ringsend Wastewater Treatment Plant, which has capacity and is operated subject to license.

12.4 European Sites at risk:

Table 1 European Sites at risk from impacts of the proposed project [example]			
Effect mechanism	Impact pathway/Zone of influence	European Site(s)	Qualifying interest features at risk
(A) Deterioration in water quality due to discharge of sediment/pollutants to surface water	Discharge to surface water system with subsequent discharge to River Liffey/Irish Sea	South Dublin Bay SAC (000210) Conservation Objectives: To maintain the favourable conservation condition of the qualifying interests.	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]
(A) Deterioration in water quality due to discharge of	Discharge to surface water system with subsequent	North Dublin Bay SAC (000206)	Mudflats and sandflats not

sediment/pollutants to surface water	discharge to River Liffey/Irish Sea	<p>Conservation Objectives:</p> <p>To maintain and restore the favourable conservation condition of the qualifying interests.</p>	<p>covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>
(A) Deterioration in water quality due to discharge of sediment/pollutants to surface water	Discharge to surface water system with subsequent discharge to River Liffey/Irish Sea	<p>South Dublin Bay and River Tolka Estuary SPA</p> <p>(004024)</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p>

			<p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>
(A) Deterioration in water quality due to discharge of sediment/pollutants to surface water	Discharge to surface water system with subsequent discharge to River Liffey/Irish Sea	<p>North Bull Island SPA (004006)</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p>

			Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Turnstone (<i>Arenaria interpres</i>) [A169] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wetland and Waterbirds [A999]
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12.4.1 The South Dublin Bay SAC is the nearest designated aquatic based designated site to the with the site having an indirect hydrological connection through surface water with potential for risk to water quality due to discharge of sediments/pollutants during the construction and operational phase of the proposal.

12.4.2 Likely significant effects on the European site(s) 'alone':

Table 2: Could the project undermine the conservation objectives 'alone'		
European Site and qualifying feature	Conservation objective (summary)	Could the conservation objectives be undermined (Y/N)?

		Effect A	Effect B	Effect C	Effect D
South Dublin Bay SAC					
Mudflats and sandflats not covered by seawater at low tide [1140]	To maintain the favourable conservation condition of the qualifying interests.	N			
Annual vegetation of drift lines [1210]	To maintain the favourable conservation condition of the qualifying interests.	N			
Salicornia and other annuals colonising mud and sand [1310]	To maintain the favourable conservation condition of the qualifying interests.	N			
Embryonic shifting dunes [2110]	To maintain the favourable conservation condition of the qualifying interests.	N			
North Dublin Bay SAC					
Mudflats and sandflats not covered by seawater at low tide [1140]	To maintain the favourable conservation condition of the qualifying interests.	N			
Annual vegetation of drift lines [1210]	To restore the favourable conservation condition of the qualifying interests.	N			
Salicornia and other annuals colonising mud and sand [1310]	To restore the favourable conservation condition of the qualifying interests.	N			
Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330]	To maintain the favourable conservation condition of the qualifying interests.	N			
Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]	To maintain the favourable conservation condition of the qualifying interests.	N			
Embryonic shifting dunes [2110]	To restore the favourable conservation condition of the qualifying interests.	N			

Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]	To restore the favourable conservation condition of the qualifying interests.	N			
Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]	To restore the favourable conservation condition of the qualifying interests.	N			
Humid dune slacks [2190]	To restore the favourable conservation condition of the qualifying interests.	N			
<i>Petalophyllum ralfsii</i> (Petalwort) [1395]	To maintain the favourable conservation condition of the qualifying interests.	N			
South Dublin Bay and River Tolka Estuary SPA					
Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]	To maintain the favourable conservation condition of the qualifying interests.	N			
Oystercatcher (<i>Haematopus ostralegus</i>) [A130]	To maintain the favourable conservation condition of the qualifying interests.	N			
Ringed Plover (<i>Charadrius hiaticula</i>) [A137]	To maintain the favourable conservation condition of the qualifying interests.	N			
Grey Plover (<i>Pluvialis squatarola</i>) [A141]	To be removed, no site-specific conservation objective.	N			
Knot (<i>Calidris canutus</i>) [A143]	To maintain the favourable conservation condition of the qualifying interests.	N			
Sanderling (<i>Calidris alba</i>) [A144]	To maintain the favourable conservation condition of the qualifying interests.	N			
Dunlin (<i>Calidris alpina</i>) [A149]	To maintain the favourable conservation condition of the qualifying interests.	N			
Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]	To maintain the favourable conservation condition of the qualifying interests.	N			
Redshank (<i>Tringa totanus</i>) [A162]	To maintain the favourable conservation condition of the qualifying interests.	N			

Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]	To maintain the favourable conservation condition of the qualifying interests.	N			
Roseate Tern (<i>Sterna dougallii</i>) [A192]	To maintain the favourable conservation condition of the qualifying interests.	N			
Common Tern (<i>Sterna hirundo</i>) [A193]	To maintain the favourable conservation condition of the qualifying interests.	N			
Arctic Tern (<i>Sterna paradisaea</i>) [A194]	To maintain the favourable conservation condition of the qualifying interests.	N			
Wetland and Waterbirds [A999]	To maintain the favourable conservation condition of the qualifying interests.	N			
North Bull Island SPA					
Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]	To maintain the favourable conservation condition of the qualifying interests.	N			
Shelduck (<i>Tadorna tadorna</i>) [A048]	To maintain the favourable conservation condition of the qualifying interests.	N			
Teal (<i>Anas crecca</i>) [A052]	To maintain the favourable conservation condition of the qualifying interests.	N			
Pintail (<i>Anas acuta</i>) [A054]	To maintain the favourable conservation condition of the qualifying interests.	N			
Shoveler (<i>Anas clypeata</i>) [A056]	To maintain the favourable conservation condition of the qualifying interests.	N			
Oystercatcher (<i>Haematopus ostralegus</i>) [A130]	To maintain the favourable conservation condition of the qualifying interests.	N			
Golden Plover (<i>Pluvialis apricaria</i>) [A140]	To maintain the favourable conservation condition of the qualifying interests.	N			
Grey Plover (<i>Pluvialis squatarola</i>) [A141]	To maintain the favourable conservation condition of the qualifying interests.	N			

Knot (<i>Calidris canutus</i>) [A143]	To maintain the favourable conservation condition of the qualifying interests.	N			
Sanderling (<i>Calidris alba</i>) [A144]	To maintain the favourable conservation condition of the qualifying interests.	N			
Dunlin (<i>Calidris alpina</i>) [A149]	To maintain the favourable conservation condition of the qualifying interests.	N			
Black-tailed Godwit (<i>Limosa limosa</i>) [A156]	To maintain the favourable conservation condition of the qualifying interests.	N			
Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]	To maintain the favourable conservation condition of the qualifying interests.	N			
Curlew (<i>Numenius arquata</i>) [A160]	To maintain the favourable conservation condition of the qualifying interests.	N			
Redshank (<i>Tringa totanus</i>) [A162]	To maintain the favourable conservation condition of the qualifying interests.	N			
Turnstone (<i>Arenaria interpres</i>) [A169]	To maintain the favourable conservation condition of the qualifying interests.	N			
Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]	To maintain the favourable conservation condition of the qualifying interests.	N			
Wetland and Waterbirds [A999]	To maintain the favourable conservation condition of the qualifying interests.	N			

12.4.3 The proposed development alone is unlikely to undermine the conservation objectives of the designated sites due to discharge of sediments/pollutants to surface water during construction as standard construction measures will prevent pollution risks and provision Sustainable Urban Drainage Systems (SuDs) as proposed will prevent discharge of sediments and pollutants to surface water during the construction and operational stage. Notwithstanding such, in event such measures fail, the hydrological connection is indirect and the likelihood of significant effects on qualifying interests can be ruled out on the basis of dilution factor. Having regard to this conclusion I would also state no other aquatic based

Natura 2000 site located in Dublin Bay and the Irish Sea would be at risk as such are located at further distance from the surface water outfall point to the River Liffey are not within the zone of influence of the project.

12.4.4 I conclude that the proposed development would not have a likely significant effect 'alone' on the qualifying interests of the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA from effects associated with discharge of sediments/pollutants to surface water.

12.4.5 Likely significant effects on the European site(s) 'in-combination with other plans and projects: There nearest developments of note are a proposed development, ABP-313590 for 197 no. apartments along Greenhills Road (pending decision), a permitted development, ABP-306705-20 for 502 apartments also at the junction of Greenhills Road and Airtion Road and ABP-305763-19, a development of 328 apartment units at an advanced stage of construction at the junction of Belgard and Airtion Road. I would rule out in-combination effects on the basis that any proposed or permitted development was subject to AA screening and that such connect to existing drainage infrastructure and are subject to the same construction management measures to prevent discharges of sediments/pollutants to surface water. I conclude that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European site(s).

12.5 Overall Conclusion- Screening Determination:

12.5.1 In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information I conclude that that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 is not required.

This conclusion is based on:

- Objective information presented in the Screening Report
- The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development.
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same
- Distance from European Sites,
- The absence of meaningful pathway to any European site
- Impacts predicted would not affect the conservation objectives.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

13.0 Recommendation

I recommend refusal based on reason and consideration set out below.

14.0 Reasons and Considerations

1. Key Objective BH1 of the Tallaght Town Centre Local Area Plan 2020 relating to the Broomhill neighbourhood area (section 3.5) identifies a “transition to mixed use area primarily focussed on higher value commercial uses” for the area. Under section 3.5 relating to land use mix/urban function the area is to be “predominantly business, enterprise and employment area with more mixed-use residential development fronting along the southern side of Airtown Road, subject to integrating effectively with existing surrounding uses”. The proposal, which is mainly residential in nature with a limited level of business, enterprise and employment uses would be a material contravention of key objective BH1 of the Tallaght Town centre Local Area Plan 2020 and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development due to its location centrally within the Broomhill neighbourhood area where the existing road network is severely lacking in appropriate pedestrian and cycling infrastructure to serve the transition from commercial development to residential uses as proposed and would lead to a piecemeal, haphazard approach to development of the overall neighbourhood lands

with the Broomhill area. Such would be contrary to the policy regarding Sequencing and Implementation as set out under Section 8.0 of the Tallaght Town Centre Local Area Plan and specifically Objective IS 1. The proposal is also subsequently contrary to EDE4 Objective 11 of the South Dublin County Development Plan 2022-2028 requiring compliance with the Local Area Plan. The piecemeal nature of the development itself represents an uncoordinated approach that would compromise the provision of a good quality development and future connections to adjoining lands, which would also be contrary to the objectives of the Local Area Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The proposed development entails the provision of 242 no. apartment units with a unit mix split between 96 no. one bed apartments, 141 no. two bed apartments units and 5 no. three bed apartments. Under Objective RE2 of the Tallaght Town Centre Local Area Plan “it is policy of the Council to ensure an appropriate housing mix is provided within the Local Area Plan 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). H1 Objective 12 of the South Dublin County Council Development Plan 2022-2028 requires provision of a minimum of 30% three bed units unless the site meets specific criteria (outlined under policy section). This policy is based on an interim Housing Demand Need Assessment (HDNA). The proposed unit mix does not comply with the requirement explicitly set out under Local Area Plan and Development Plan policy and the proposed development would constitute a material contravention of both the Tallaght Town Centre Local Area Plan 2020 and the South Dublin County Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4. The proposed development is within the boundaries of the Tallaght Town Centre Local Area Plan 2020, which provides significant guidance regarding the scale and intensity of development permissible including specific ranges in terms of

plot ratio and building height for the Broomhill Neighbourhood. The plot ratio and height proposed exceeds the clearly stated ranges for such under the Tallaght Town Centre Local Area Plan and that the location and design of the development does not meet the criteria set out that allows for an increase in height above specified ranges by 2-4 storeys or an uplift in plot ratio by 20% as set out under Section 2.6 of the Local Area Plan. The proposed development would be contrary to the stated policy of the Local Area Plan, would constitute overdevelopment of the site and would set an undesirable precedent for other development within the Local Area Plan boundary.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Colin McBride
Senior Planning Inspector

30th October 2024

APPENDIX 1 EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference – ABP-313591-22		
Development Summary	Construction of 242 apartments and associated site works	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	
2. Has Schedule 7A information been submitted?	Yes	
3. Has an AA screening report or NIS been submitted?	Yes	AA Screening report
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	The following has been submitted with the application: <ul style="list-style-type: none"> • An Ecological Impact Assessment (EcIA) which considers the Habitats Directive (92/43/EEC) and the Birds Directive 2009/147/EC). • A Drainage Design and Flood Risk Assessment which have had regard to Development Plan policies regarding the Water Framework Directive (2000/60/EC) and the Floods Directive (2007/60/EC). • A Construction Environmental Management Plan (CEMP) and Resource Management Plan

		<p>(RWMP) which considers the Waste Framework Directive (2008/98/EC).</p> <ul style="list-style-type: none"> • A Noise & Vibration Impact Assessment report which considers EC Directive 2002/49/EC (END). <p>SEA and AA was undertaken by the planning authority in respect of the South Dublin County Council Development Plan 2022-2028.</p>	
B. EXAMINATION	<p>Response:</p> <p>Yes/ No/ Uncertain</p>	<p>Where relevant, briefly describe the characteristics of impacts (ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
<p>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</p>			
<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>Yes</p>	<p>The proposed development consists of a mix of four to seven storey apartment blocks to the east of Broomhill Road with adjoining developments comprising mainly of commercial/industrial warehousing and retail warehousing. The development is not regarded as being of a scale or character significantly at odds with the surrounding</p>	<p>No</p>

		pattern of development.	
1.2 Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposed development will result in demolition of existing structures on site construction of a new development with the existing site subject to excavation and construction for residential use in accordance with the predominantly residential zoning of that applies to these lands.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	Construction materials will be typical of such urban development. The loss of natural resources as a result of the redevelopment of the site are not regarded as significant in nature.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard measures outlined in a CEMP and a RWMP would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	No
1.5 Will the project produce solid waste, release	No	Construction activities will require the use of	No

pollutants or any hazardous / toxic / noxious substances?		potentially harmful materials, such as fuels and other similar substances, and will give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and with the implementation of standard measures outlined in a CEMP and a RWMP would satisfactorily mitigate the potential impacts. Operational waste would be managed through a waste management plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.	
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No	No significant risks are identified. Operation of standard measures outlined in a CEMP and a RWMP will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services and discharge surface waters only after passing through a fuel interceptor and a flow control device to the public network. Surface water drainage will be separate to foul	No

		drainage within the site and leaving the site	
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	There is potential for the construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts would be suitably mitigated by the operation of standard measures listed in a CEMP and a RWMP. Management of the scheme in accordance with an agreed management plan will mitigate potential operational impacts.	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Yes	Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of standard measures within a CEMP and a RWMP would satisfactorily address potential risks on human health. No significant operational impacts are anticipated, with water supplies in the area provided via piped services.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	No significant risk is predicted having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature.	No

		The site is not at risk of flooding. The site is outside the consultation / public safety zones for Seveso / COMAH sites.	
1.10 Will the project affect the social environment (population, employment)	Yes	Population of this urban area would increase. Housing would be provided to meet existing demand in the area.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	Application is zoned REGEN and is an infill site in a predominantly commercial area. There are no other site in close enough proximity that would result in significant cumulative effects.	No
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/	No	No European sites located on or adjacent to the site. An Appropriate Assessment Screening was provided in support of the application. Subject to the implementation of appropriate mitigation measures, no adverse effects are foreseen.	No

LAP/ draft plan or variation of a plan			
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?	No	Bat assessment classifies site as being of low value in terms of bat activity with a low level of commuting and foraging on site and no bat roosts. Site is an urban site dominated by existing structures and hardstanding and of low ecological value. The proposed development would not result in significant impacts to protected, important or sensitive species. Mitigation measures in the form of landscaping and implementation of bat friendly artificial lighting as part of the proposed development.	No
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No	The site and surrounding area does not have a specific conservation status or landscape of particular importance and there are no Protected Structures on site or in its immediate vicinity.	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	No such features are in this urban location.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwater which could be affected by the project,	No	The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding. Potential	No

particularly in terms of their volume and flood risk?		impacts arising from the discharge of surface waters to receiving waters are considered, however, no likely significant effects are anticipated.	
2.6 Is the location susceptible to subsidence, landslides or erosion?	No		No
2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	Access to and from the site will be via Broomhill Road. No significant contribution to traffic congestion is anticipated from the subject development.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	No	There are no sensitive land uses adjacent to the subject site.	No
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project. Any cumulative traffic impacts that may arise during construction would be subject to a project construction traffic management plan.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No transboundary considerations arise	No

3.3 Are there any other relevant considerations?	No	No	No
C. CONCLUSION			
No real likelihood of significant effects on the environment.	✓	EIAR Not Required	
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required	
D. MAIN REASONS AND CONSIDERATIONS			
The nature, characteristics and location of the proposed development means that it would not be likely to have significant effects on the environment.			

Inspector: Colin McBride
Date: 30th October 2024