



An
Bord
Pleanála

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

Inspector's Report ABP-313606-22

Strategic Housing Development

Demolition of existing structures, construction of 334 no. apartments (216 apartments and 118 no. Build to Rent apartments), creche and associated site works. An NIS is provided with this application.

Location

Former ABB site, Belgard Road, Tallaght, Dublin 24.

Planning Authority

South Dublin County Council

Applicant

Landmarque Belgard Development Company Limited.

Prescribed Bodies

1. National Transport Authority (NTA)
2. Transport Infrastructure Ireland (TII)
3. Irish Aviation Authority (IAA)

4. Irish Water

Observer(s)

1. John Conway & The Louth
Environmental Group
2. Tallaght Community Council
3. Belgard Area Residents
Association

Date of Site Inspection

26th February 2025

Inspector

Paul O'Brien

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1.0 Introduction

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 0.898 hectares, comprises an almost rectangular shaped site located to the west of the Belgard Road, south of Belgard Square North and to the east of Belgard Square East, approximately 470m to the north west of Tallaght Village and 250m to the north east of The Square Shopping Centre. The site contains a large warehouse/ factory unit that is flanked by offices to the north east and eastern elevations. To the north/ east and west of the buildings on site is surface car parking and to the south is an enclosed delivery area. Site boundary consists of a plinth wall with railings overhead.

2.2. To the south and north of the site are similar units, with offices addressing the public street and surface car parking around the buildings. To the east of the site is the Belgard Road and beyond that is a sports ground associated with the Technical University Dublin (TUD) Tallaght campus. Lands to the west are in use by An Post and a mix of other users including an electrical supply store and a climbing centre. The South Dublin County Council County Hall and offices are approximately 220m to the west of the site. The immediate area consists of a mix of land uses primarily retail, commercial, office and light industrial but also new apartments along the Belgard Road approximately 160m to the north of the subject site.

2.3. The area is well served by public transport, though it is accepted that there is significant demand on this public transport provision considering the role of Tallaght town centre. The Luas Red Line terminates in Tallaght, to the south west of the subject site and this stop is approximately 460m walking distance away. The Square provides for a significant interchange between the Luas and a large number of bus routes. Buses also serve Belgard Square North to the north and north west of the site. Bus services operate to a range of locations including the City Centre/ City West/ Clondalkin/ Liffey Valley/ Dun Laoghaire/ Blackrock and as far north as Clare Hall.

Note: The subject application website at www.abb-belgardrdredevelopment.ie no longer functions.

3.0 Proposed Strategic Housing Development

3.1. The proposal, as per the submitted public notices, comprises the provision of 334 residential units in the form of apartment units, with a mix of Build to Sale and Build to Rent units proposed. The units will be located in three separate blocks labelled as Block A, Block B and Block C. Block A provides the Build to Rent units. In addition, the proposed development will provide for 4 retail/ café/ restaurant units, 3 commercial spaces for live-work units, a childcare facility and all associated site works.

The following tables set out some key elements of the proposed development as submitted:

Table 1: Key Figures

Site Area	0.898 hectares
Unit to be demolished	All existing structures on site with a total floor area of 3652sq m.
No. of Units	
No. of Apartments	213
No. of BTR Apartments	118 (in Block A)
No. of Live-Work Units	3
Total	334
Density –	
Total Site Area	372 dwellings per hectare.
Public Open Space Provision	1489sq m/ 17% of the site
Communal Open Space	2146sq m
Car Parking –	
Standard –	
Basement	39

Ground Floor	72
Accessible – Ground Floor	6
Total	117
Bicycle Parking	670

Table 2: Breakdown of Apartments Unit Mix

Block	1 Bed	2 Bed (3 Person)	2 Bed (4 Person)	2 Bed (Duplex)	3 Bed	Studio – Work Unit	Studio – 2 Bed Work Unit	Total
A	91	1	26	0	0	0	0	118
Block A: 11 Floors – 6219 sq m								
B	37	12	41	0	0	0	0	90
Block B: 9 Floors – 5693 sq m								
C	65	0	42	5	11	2	1	126
Block C: 13 Floors – 7948 sq m								
Total	193	13	109	5	11	2	1	334
% Total	57.8%	4%	32.6%	1.5%	3%	0.6%	0.3%	100%

Table 3: Breakdown of Non-Residential Uses

Block	Commercial	Creche
A/ B – Ground Floor	723 sq m	144 sq m

Table 4: Floor Area Summary

Use	Floor Area (sq m)
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Childcare Facility	144
Commercial Uses	723
Ancillary Space	6352
Residential	22,565
Total	29,784

3.2. Vehicular access will be from Belgard Square East with pedestrian/ cyclist access available on all sides. A pedestrian/ cyclist route is proposed along the south of the site/ proposed three blocks.

3.3. Water supply and foul drainage connections to the existing public network will be provided.

3.4. The application was accompanied by various technical reports and drawings, including the following:

- Planning Report & Statement of Consistency with Planning Policy on Submission of Application (May 2022) – John Spain Associates
- Statement of Consistency with Draft South Dublin County Development Plan 2022-2028 (May 2022) – John Spain Associates
- Statement of Material Contravention – South Dublin County Development Plan 2016-2022 and Tallaght Local Area Plan 2020 - (May 2022) – John Spain Associates
- Statement of Material Contravention – Draft South Dublin County Development Plan 2022-2028 and Tallaght Local Area Plan 2020 - (May 2022) – John Spain Associates
- Statement of Response to An Bord Pleanála's Opinion in relation to Reg. Ref.: ABP- 311666-21 - (May 2022) – John Spain Associates
- Statement In Accordance with Article 299b (1)(B)(li)(li)(C) of the Planning and Development Regulations 2001 – 2021 (May 2022) – AWN Consulting

- Architectural Design Statement (May 2022) – C+W O'Brien Architects
- Landscape Design Statement (May 2022) – Cameo & Partners Design Studio
- Engineering Services Report – CS Consulting Group.
- Demolition and Construction Waste Management Plan (May 2022) – CS Consulting Group.
- Outline Construction Management Plan (May 2022) – CS Consulting Group
- Flood Risk Assessment (May 2022) – CS Consulting Group
- Hydrological & Hydrogeological Qualitative Risk Assessment (April 2022) – AWN Consulting.
- Traffic and Transport Assessment (May 2022) - CS Consulting Group.
- DMURS Statement of Consistency (May 2022) – CS Consulting Group.
- Parking Management Strategy (May 2022) – CS Consulting Group.
- Residential Travel Plan (May 2022) - CS Consulting Group.
- Environmental Noise Strategy Document (May 2022) – AWN Consulting.
- Operational Waste Management Report (May 2022) – AWN Consulting Engineers
- Verified Views and CGI (May 2022) – 3D Design Bureau
- Townscape and Visual Impact Assessment (May 2022) – Model Works Ltd.
- Daylight and Sunlight Assessment Report (May 2022) - 3D Design Bureau
- Telecommunications Report (May 2022) – Independent Site Management
- Glint And Glare Study (March 2022) - Macroworks
- Life-Cycle Report – Liv Consult
- Market Justification Report – Liv Consult
- Lighting Masterplan (May 2022) – EQ2 Light
- Operational Management Plan – Liv Consult
- Outline Access & Use Strategy (May 2022) – MSA
- Outline Fire Strategy (May 2022) - MSA
- Arboricultural Assessment & Impact Report (April 2022) – CMK Hort + Arb Ltd.
- Wind Microclimate Report (May 2022) – Metec Consulting Engineers

- Sustainability Report/ Energy Statement (May 2022) – Metec Consulting Engineers
- Aeronautical Assessment Report (May 2022) – O’Dwyer & Jones Design Partnership
- Archaeological Assessment (May 2022) – IAC Archaeology
- Appropriate Assessment Screening (May 2022) – Altamar Ltd.
- Ecological Impact Assessment (EclA) (May 2022) – Altamar Ltd.
- Environmental Impact Assessment Screening (May 2022) – AWN Consulting.

4.0 Planning History

4.1. A detailed planning history is provided in Section 4.0 of the applicant’s Statement of Consistency and I only reference those I consider relevant here:

Subject site:

PA Ref. S01A/0509 refers to a November 2001 decision to grant permission for a variation to a previously approved permission under PA. Ref. **S99A/0453**, which was a February 2000 grant of permission for the alteration and internal extension to first floor warehouse mezzanine to provide for additional office space and canteen and additional car spaces. The permission allowed for the change of use from industrial storage space to office space, on the ground and first floor.

Adjoining Sites:

ABP Ref. 303306-18 refers to an April 2019 decision for the grant of permission of a Strategic Housing Development for 438 apartment units and 403 student accommodation units, creche, amenity space and all associated site works; the site, of 7.2 hectares, is located to the north of the subject site. Five blocks were permitted with heights of 4 to 10 storeys.

ABP Ref. 309916-21 refers to a September 2021 decision to grant permission for a Strategic Housing Development consisting of the demolition of the existing buildings, construction of 170 no. Build to Rent apartments in two blocks of 4 to 7 storeys, creche and associated site works on lands to the west of the Belgard Road, approximately 540 m to the north of the subject site.

ABP Ref. 313760-22 refers to a Strategic Housing Development application for 310 no. Build to Rent apartments, creche and all associated site works on lands approximately 140 m to the south of the subject site; no decision has been made to date.

5.0 Section 5 Pre-Application Consultation

5.1. A Section 247 pre-planning consultation took place between the applicant and the Planning Authority on the 8th of January 2021. A range of issues were raised including compliance with the Tallaght Town Centre Local Area Plan, issues of building height, design/ unit mix, interaction with adjoining sites, traffic/ transport issues, drainage and aviation safety.

5.2. A Section 5 Pre-Application Consultation took place on the 18th of January 2021; Reference ABP-311666-21 refers. Representatives of the prospective applicant, the Planning Authority and An Bord Pleanála attended the meeting. The development as described was for the development of 380 residential units – 230 to be built to sale and 150 to be build to rent. Also included were a creche, 4 commercial units, 4 live-work units and all associated site works at the former ABB Site, Belgard Road, Tallaght, Dublin 24.

5.3. An Bord Pleanála was of the opinion having regard to the consultation meeting and the submission of the Planning Authority, that the documents submitted with the request requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.

5.4. The following issues required to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates, and which could result in them constituting a reasonable basis for an application for strategic housing development:

1. 'Expansion of the overall Tallaght town centre area. – Further consideration and / or justification of the documents as they relate to (density, height, plot ratio) regard being had to recent similar cases in the Tallaght area, since the adoption of the TTCLAP 2020 – 2026. There is a need to further consider inclusion of active uses, including at ground level to activate the proposed pedestrian street

and provide facilities for the future residential population specifically the contribution proposed to the character and identity of the neighbourhood. The subject site represents an expansion of the existing Tallaght Town Centre area, it is important that the proposed scheme should be highly visually and functionally connected to the town centre development to the west. There needs to be strong permeability within the scheme and into adjoining lands. The proposal needs to integrate successfully with the street network, contribute to and enhance the character and identity of the wider area.

2. Further consideration of the documents as they relate to the Architectural design and rationale/ justification outlined as it relates to the interaction with the surrounding area. A justification for the proposed development, having regard to, inter alia, urban design considerations, visual impacts, site context, the locational attributes of the area, linkages through the site, pedestrian connections and national and local planning policy. The further consideration should specifically address finishes of the blocks, the design relationship between the individual blocks within the site, the relationship with adjoining development and the interface along the site boundaries.
3. Residential Design - Further consideration/justification of the documents as they relate to the quality of the proposed residential amenity. This consideration should have regard to, inter alia, the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual'); the 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (2020) and the and the relevant provisions of the TTCLAP 2020 – 2026, in particular, with regard to number of single aspect units, and daylight and sunlight access to internal habitable areas and in particular to communal courtyards. A Shadow Impact Assessment required for communal open spaces, private open space and public open spaces. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating, inter alia, to layout of the proposed development, improving the quality and providing extended

hours of daylight and sunlight to the internal courtyards and to the public open space.

Furthermore, pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant was notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information was requested to be submitted with any application for permission:

1. A visual impact assessment of the proposed development that addresses, inter alia, the height, scale and massing of the proposal in the context of the transitional nature of the receiving environment. The VIA should also address views along Belgard Road, including the proposed treatment to the public realm.
2. A report that addresses issues of residential amenity, specifically with regards to potential or perceived, overlooking, overshadowing and overbearing. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed buildings within the scheme and adjacent permitted residential development to the north of the site.
3. A Daylight and Shadow Impact Assessment of the proposed development, specifically with regard to impact upon adequate daylight and sunlight for individual units, public open space, courtyards, communal areas, private amenity spaces and balconies.
4. Justification of location, hierarchy and quantum of open space provision, both communal and public open space (POS). Clarity with regard to compliance with Development Plan standard.
5. Details specifying which areas are proposed as public open space and which are specified as communal open space and showing which areas it is proposed that the council would take in charge. Where it is not proposed that open space would be taken in charge, details should be submitted as to how such space would be managed including details of how access to it and its use would be controlled and

who would take responsibility over the long term for the costs arising from maintenance and the liability for accidents.

6. Detailed landscape drawings that illustrate hard and soft landscaping, useable communal open space, meaningful public open space, quality audit and way finding. The public open space shall be usable space, accessible and overlooked to provide a degree of natural supervision. Details of play equipment, street furniture including public lighting and boundary treatments should be submitted.

7. A life cycle report shall be submitted in accordance with section 6.13 of the Sustainable Urban housing: Design Standards for New Apartments (2020). The report should have regard to the long-term management and maintenance of the proposed development. The applicant should consider the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, child friendly spaces, pathways, and all boundary treatments. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development.

8. As per SPPR7 of the Sustainable Urban housing: Design Standards for New Apartments Guidelines for Planning Authorities, March 2020 the development must be described in the public notices associated with a planning application specifically as including 'Build to Rent' housing and a covenant/legal agreement is required at application stage for the BTR portion of the development.

9. A rationale or evidence based justification that the proposed resident support facilities and resident services and amenities are appropriate and accord with SPPR7 (b) of the Apartment Guidelines 2020.

10. A Housing Quality Assessment that provides details in respect of, the portion of proposed build to sell apartments, set out as a schedule of accommodation, with the calculations and tables required to demonstrate compliance with the various requirements of the 2020 Guidelines on Design Standards for New Apartments. In the interests of clarity clear delineation / colour coding of floor plans indicating which

of the apartments are considered by the applicant as dual / single aspect and which of the BTS apartments exceeds the floor area by 10%.

11. Where an EIAR is not being submitted the applicant should submit all necessary information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 for the purposes of EIAR screening.

12. A Traffic and Transportation Impact Assessment.

13. A report prepared demonstrating specific compliance with the requirements set out in the Design Manual for Urban Roads and Streets and the National Cycle Manual for all streets, including the revised junction to replace the roundabout on Belgard Square North and the proposed crossing of the Belgard Road.

14. A Microclimate Impact Assessment.

15. Details of any measures required to prevent interference with aviation, in particular the use of the helipad at the hospital at Tallaght. 7. Proposals with compliance with Part V of the Planning and Development Act, 2000 (as amended).

16. A full response to matters raised within the PA Opinion and Appended South Dublin County Council Department comments submitted to ABP on the 11.01.2021

17. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.

18. Site Specific Construction and Demolition Waste Management Plan.'

5.5. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the prospective applicant and which included the following:

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

5.6. Applicant's Statement

5.6.1. A document titled 'Statement of Response to An Bord Pleanála's Opinion in relation to Reg. Ref.: ABP- 311666-21' prepared by John Spain Associates was submitted with the application as provided for under Section 8(1)(iv) of the Act of 2016.

The following information, in summary, was provided in response to the opinion by John Spain Associates:

Issue 1 – Expansion of Tallaght Town Centre

The proposed scheme was revised to ensure that the development provided a better integration with development to the west and an approved scheme to the north of the site. Revisions made to the proposed Blocks A and C including tower element reduced by two storeys, shoulder section by one storey and remainder by two storeys. Block B is revised through the omission of a feature colonnade. Number of units is reduced to 334 from 380, density is reduced to 372 dwellings per hectare from 432 and plot ratio is reduced from 3.63 to 3.32. Revised elevations, floor plans and CGIs are provided. Revised details are provided in relation to the visual and townscape impact of the development. Commercial units are located to the western side of the development and BTR amenity space located to the northern façade. The Architectural Design Statement has been revised to provide a design rationale for the submitted scheme and how it will interact with its surroundings. Regard is had to the permitted planning permissions in the Tallaght Town Centre area.

Issue 2 – Architectural Design and Rationale

Changes to the development have been made as per the response to Issue 1 and the justification for the design/ rationale is provided in the Architectural Design Statement which is submitted in support of the application. Specific reference is made to Urban Design Considerations, Visual Impacts, Site Context/ Locational Attributes of the Area, Linkages through the Site/ Pedestrian Connections, and National and Local Planning Policy. Additional information/ detail is provided on the elevational treatment of the blocks, the design relationship between the proposed blocks in terms of orientation/ daylight and sunlight as well as views, and similarly the relationship of the development to adjoining sites. Further detail is provided on

the 'Interface along the Site Boundaries' which includes a tertiary route to the south of the site providing for improved connections in the area. A justification for the heights and orientation of the blocks is provided in the context of the development of this part of Tallaght town centre.

Issue 3 – Residential Design

The applicant's architects have provided a detailed response to the issues raised. 146/ 44% of the units are to be dual aspect, and the orientation of single aspect units has been considered in terms of available sunlight and outlook. A daylight/ sunlight/ shadow assessment has been undertaken with a high compliance rate with relevant standards. The communal courtyards demonstrate compliance with the requirement for at least two hours sunlight for at least 50% of the relevant area on the 21st of March. A reduction in the block heights sees an increase in daylight/ sunlight in the internal courtyards/ public open space areas.

Other Issues:

1. Visual Impact Assessment: A 'Townscape and Visual Impact Assessment' (TVIA) has been prepared by Model Works and is included with the application. The significance of the effects on townscape sensitivity is predicted to be 'moderate' in the submitted TVIA. Visual effects to be positive with no negative visual effects found for any of the tested viewpoints.
2. Residential Amenity: The issues raised are addressed through the submitted Architectural Design Statement. Adequate private/ communal amenity space is provided as appropriate. Privacy/ issues of overlooking have been fully considered in the design. The contextual elevations demonstrate how the development will integrate with permitted development to the north of the site.
3. Daylight and Shadow Impact Assessment: A Daylight and Sunlight Assessment Report has been prepared by 3D Design Bureau in support of this development and full details of the test results are provided.
4. Justification of Open Space: The proposed development provides for 17% public open space, which is compliant with the South Dublin County Development Plan 2016 – 2022 but not the Draft South Dublin County Development Plan 2022 – 2028, and which is addressed in full in the submitted Material Contravention Statement. A detailed landscape strategy is provided in support of the proposed

development, with details provided in the response and the location of the open space is indicated in the applicant's report.

5. Public Open Space: Much of this has been detailed under Section 4. Justification of Open Space. In addition to the above, a Taking in Charge Plan has also been prepared and submitted in support of the application. Areas of Communal Open Space are not proposed to be taken in charge and will be maintained / operated by a management company. Details are provided in the submitted Operational Management Plan.
6. Landscape: Full details of landscaping (hard and soft landscaping/ communal and public open space) are provided and detailed in the submitted Landscape Design Statement. Details are also provided in relation to Play Strategy, Hardscape Strategy, and Softscape Strategy.
7. Building Lifecycle Report: A report has been prepared and submitted in support of the application.
8. BTR Public Notices: The development has been described as a Build to Rent (BTR) scheme as appropriate, and a draft Covenant is provided as required for such a development.
9. Residential Support Facilities: Full details are provided in the submitted BTR Operational Management Plan.
10. Housing Quality Assessment: A Housing Quality Assessment has been prepared by CWOB architects and provided in support of this application.
11. EIAR Screening: The applicant has provided an EIAR Screening Report and a Regulation 299B Statement which has been prepared by AWN and is enclosed with this application.
12. TTA: Full details are provided in the submitted Traffic and Transportation Impact Assessment.
13. DMURS: A DMURS Statement of Consistency has been prepared and is submitted in support of the application.
14. Microclimate Impacts: Full details are provided in the prepared/ submitted Wind Microclimate assessment.

15. Helipad Interference: An Aeronautical Assessment Report has been prepared and is submitted in support of the application – no negative impacts on helicopter movements are foreseen.
16. Opinion of SDCC: Full details are provided in the submitted Appendix 1 included with the application.
17. Taken in Charge Details: Details are provided on a Taking in Charge Plan - drawing PE19150-CWO-ZZ-00-DR-A-0104 refers.

Conclusion:

The applicant has submitted the above details to provide the additional documentation as raised by An Bord Pleanála.

6.0 Relevant Planning Policy

6.1. National Policy

6.1.1. Project Ireland 2040 – National Planning Framework (NPF)

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”.

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’.

An ‘Updated Draft Revised National Planning Framework’ was published in November 2024 and includes revised figures of 55,000 homes per year to 2030 and 60,000 thereafter to 2040.

6.1.2. Section 28 Ministerial Guidelines

The following is a list of Section 28 - Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (DoHLGH, 2024)
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DoHLGH, 2023).
- Urban Development and Building Heights - Guidelines for Planning Authorities – (DoHPLG, 2018).
- The Planning System and Flood Risk Management including the associated Technical Appendices (DEHLG/ OPW, 2009).
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’) (DoEHLG, 2009).
- Quality Housing for Sustainable Communities’ (DoEHLG, 2007).
- Childcare Facilities Guidelines for Planning Authorities’ (2001).

Other Relevant Policy Documents include

- ‘Transport Strategy for the Greater Dublin Area 2016 – 2035’.
- ‘Design Manual for Urban Roads and Streets’ (2013), and updated in 2019.
- ‘Permeability Best Practice Guide – National Transport Authority’.

6.2. Regional Policy

6.2.1. Regional Spatial and Economic Strategy (RSES) 2019 – 2031

The Eastern & Midland Regional Assembly ‘Regional Spatial & Economic Strategy 2019-2031’ provides for the development of nine counties including the South Dublin County Council area and supports the implementation of the National Framework Plan (NPF).

6.3. County/ Local Policy

Note: At the time of lodgement of this application the South Dublin County Development Plan 2016 – 2022 was in force.

South Dublin County Development Plan 2022 - 2028

6.3.1. The South Dublin County Development Plan 2022 - 2028 is the current statutory plan for the South Dublin County area, including the subject site. Strategic Environmental Assessment (SEA) and Appropriate Assessment Screening were carried out as part of the plan preparation process.

6.3.2. Section 2 of the plan provides the 'Core Strategy and Settlement Strategy' and outlines how housing and services are to be provided for an expected additional 45,000 people by 2028, with Tallaght's target population to increase by 5,000 from the 2016 figures. Tallaght is described as one of the 'Existing Urban Centres within Dublin City and Suburbs' and 'is the County Town and administrative capital of South Dublin County'.

6.3.3. Relative chapters include Chapter 4: Green Infrastructure, Chapter 5: Quality Design and Healthy Placemaking, Chapter 6: Housing, Chapter 7: Sustainable Movement, Chapter 8: Community and Open Space, Chapter 11: Infrastructure and Environmental Services and within the Appendices I note Appendix 10: Building Height and Density Guide 2022, Appendix 11: Housing Strategy and HNDA and Appendix 12: Our Neighbourhoods. The Land Use Zoning Objectives and development standards are provided in Chapter 12 Implementation and Monitoring.

6.3.4. The subject site is indicated on Map 9 of the development plan and has a single zoning objective, 'TC – Town Centre', with a stated objective 'To protect, improve and provide for the future development of Town Centres'. Residential development, Offices, Childcare Facility, Hotel/ Hostel, Open Space, Car park, Shop-Local, Shop-Major Sales Outlet, Shop-Neighbourhood and Work-Live Units are listed in the permitted in principle category of this zoning objective.

6.3.5. On the Belgard Road to the east of the site is a mapped based objective for a 'Long Term High Capacity Public Transport (RPA Preferred Route)' which terminates at this point. A 'Cycleway Proposal (Cycle South Dublin)' is also indicated along this section of the Belgard Road.

6.3.6. The site is to the east of a 'Helipad' aviation safety zone associated with Tallaght Hospital and is within an 'Approach/ Take Off Climb Surface' area associated with Baldonnell Aerodrome.

Tallaght Town Centre Local Area Plan 2020

6.3.7. As per the South Dublin County Development Plan 2022 – 2028, the site is zoned TC – Town Centre. Design Criteria are provided in Section 9.2 of this plan and Retail Standards in Section 9.3.

7.0 Third Party Submissions

7.1. A total of 3 submissions were received.

Submissions were received from the Belgard Area Residents Association, John Conway and the Louth Environmental Group and from the Tallaght Community Council.

I note that the submission from the Tallaght Community Council does not refer to the subject site but one on Broomhill Road which is approximately 610m to the north east of the subject site. Whilst the submission heading clearly is for ABP Ref.

313606 – Former ABB site, a number of the issues raised are not applicable to the subject site and clearly refer to development in Broomhill. Whilst general comments on development and population increase with a potential impact on the area can be considered relevant to the proposed development, the specific comments on design, location, transport and impact cannot be considered in the context of this development. The comments on fire safety are noted and I consider that they can be applied to this development.

The submissions, grouped under appropriate headings, can be summarised as follows.

7.1.1. Nature of the Development and compliance with the Local Area Plan:

- Welcome in principle for the development of this site.
- Concern about what form the development will take and if there will be long term consequences as a result of the proposed development.
- Concern that the development is not compliant with the Tallaght Town Centre Local Area Plan 2020 – 2026 and the South Dublin County Development Plan 2022 – 2028.

- Concern that the proposed development seeks to undermine/ set aside the objectives of the Tallaght Town Centre Local Area Plan.
- The Tallaght Town Centre Local Area Plan may not be compliant with the National Planning Framework. Concern about the impact of the population increase on the Tallaght Town Centre area.
- Concern that permitting the proposed development may set a precedent for similar development in the area.
- The development does not promote family living within the centre of Tallaght.

7.1.2. Proposed Development and Design:

- The proposed plot ratio at 2.68 is far in excess of the 1.5 set out in the Tallaght Town Centre Local Area Plan 2020 – 2026.
- The development does not integrate with its surroundings/ the existing environment.

7.1.3. Housing Mix:

- Concern that the proposed development does not provide for a suitable housing mix and would be contrary to the Section 5.2 of the Tallaght Town Centre Local Area Plan.
- The plan seeks to provide for a suitable number of family sized homes, however 95.8% of the proposed units are one or two bedroom units. The LAP requirement is for 30% three bedroom units and the proposal clearly does not comply with this.

7.1.4. Impact on Telecommunications in the Area:

- The submitted Telecommunications Report did not find any direct impact on telecommunications channels such as microwave links or radio links and found a high concentration of telecommunication sites in close proximity to the subject site. Insufficient consideration was given to indirect impacts.
- Potential for disruption in the area such as to mobile phone reception and operators should be informed of the proposed development.

- Credit the applicant for preparing the report as other similar developments in the area did not do so.

7.1.5. Legal/ Validation Comments:

- As Section 28 Guidelines – listed as Urban Development and Building 2018 and the Apartment Guidelines, 2020, are not authorised by Section 28(1C) of the Planning and Development Act 2000 as amended and are contrary to the SEA Directive as they have resulted in contravention of the development plan/ local area plan.
- Development materially contravenes the following as provided in the development Plan/ Local Area Plan:
 - Density requirements
 - Housing Mix
 - Open Space
 - Car Parking
 - Childcare provision
 - Building Height
 - Architectural Conservation Area requirements
 - Non-compliance with Local Area Plan/ Urban Design Framework (Policy Objectives SS02a & PM17)
- Development materially contravenes specifically SPPR 1, 2 and 3 as referred to in the Material Contravention Statement.
- The developer has not demonstrated that this development is of strategic or national importance.
- The submitted plan and particulars are not compliant with the requirements of the 2016 Act.
- Insufficient details to demonstrate that there is sufficient capacity to support the development in terms of public transport, drainage, water services and flood risk.
- Justification of non-compliance with the objectives of the LAP/ Development Plan/ Masterplan or Urban Design Framework would be a breach of the SEA Directive.

- Although the development is sub-threshold, the site contains known contaminants such as asbestos, is adjacent to a protected habitat and should have been subject to full EIA. Development is not compliant with EIA Screening.
- Insufficient details provided in relation to the EIA directive and compliance with same. Refers to a lack of expertise within the Board and concern about bird/ bat flight lines/ collision risks in terms of the height of the proposed development.
- The EIA Screening Report does not comply with the Planning and Development Acts 2000/ 2016 and associated regulations.
- Specific concerns about elements of the submitted EIAR Screening Report as follows:
 - Fails to provide a full cumulative assessment of the project.
 - Fails to assess the impact of an increased population on local services.
 - Inadequate detail on impact on biodiversity and human health.
 - Assessment is based on an incomplete description of the proposed development.
 - Does not comply with BRE Guidelines (Note: Not stated which BRE Guidance).
- Specific comments made about the Appropriate Assessment Screening as follows:
 - Submitted information is insufficient, is not based on appropriate scientific expertise and contains lacunae. Insufficient information to come to a complete conclusion on this.
 - Insufficient reasons/ findings to come to a conclusion on the AA findings.
 - All aspects of the development are not considered in the screening.
 - Insufficient surveys were conducted.
 - Cumulative impacts were not considered.
 - The AA Screening has regard to mitigation measures which is contrary to the Habitats Directive.

7.1.6. General Comments:

- Concern about the number of SHDs applications in the Tallaght area.
- Suggestion that the Tallaght Town Centre Local Area Plan may be revised to include a larger area of land – This is not an issue for consideration under the planning application system.
- Concern about the ability of the fire service to deal with an emergency in high buildings such as that proposed.

8.0 Planning Authority Submission

8.1. **South Dublin County Council:** The Chief Executive's (CE) report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 14th of July 2022. The report states the nature of the proposed development, the site location and description, submissions received, details the relevant Development Plan policies and objectives, and provides a planning assessment of the proposed development. The CE report includes a detailed planning history as relevant to the date of submission of their report.

8.2. The Chief Executive's report also includes a summary of the views of the elected members of the Tallaght Area Committee Meeting held on the 27th of June 2022, and these are outlined as follows:

- Objections to the proposed development, proposal is based on greed.
- Proposed development is too high and is out of character with the area.
- 773 apartments were proposed in three submitted SHD applications – this would lead to a significant population increase in the area.
- Concern about the impact of the development on public transport in the area; whilst close to the Luas, this is near capacity.
- Not enough three bedroom units are proposed.
- The proposed development will result in the development of a transient community here.
- There is a need for housing but not this type of development with particular reference to the BTR element.

- Concern about the SHD process and ABP making a decision on this rather than South Dublin County Council.
- Insufficient car parking to be provided for this development.
- Opposition to the proposed design of these apartment blocks – particular reference to the 13 storey nature of the development.
- Concern about fire safety and ability of the fire brigade to deal with any emergencies here.
- Tallaght is not suitable for this scale/ type of development.

8.3. The key items identified in the CE report are summarised under the following headings:

Principle of Development:

Land-Use Zoning: The Planning Authority (PA) support the appropriate development of Tallaght Town Centre, and the proposed development would allow for a suitable redevelopment of this site. The site is zoned TC in accordance with the South Dublin County Development Plan 2016 – 2022 and the proposed uses are in accordance with the zoning objective. The PA report that the South Dublin County Development Plan 2022 – 2028 will come into force on the 3rd of August 2022. In terms of the Tallaght Town Centre Local Area Plan 2020, the site is designated as ‘The Centre’ neighbourhood and which seeks the ‘Continued transformation towards a high quality mixed use urban centre of city scale and character, with a vibrant mixed use residential community continuing to emerge in an attractive network of streets.’ This designation allows for a broad range of uses in accordance with the zoning objective provided in the South Dublin County Development Plan.

Infrastructure: The LAP provides a list of infrastructure development/ upgrades that are primarily to be provided by developers, either individually or jointly. These include upgraded public realm works, public transport infrastructure upgrades/ improvements to access, public amenity/ open space development, community space/ facility provision, childcare and medical/ health facilities. South Dublin County Council have identified other infrastructure upgrades for the area. The

development of these lands is to be in accordance with Chapter 8 of the Local Area Plan.

- **Material Contravention:**

The PA note the details provided in the Material Contravention Statement relating to the South Dublin County Development Plan 2016 – 2022 (CDP), the draft South Dublin County Development Plan 2022 – 2028 (Draft CDP) and the Tallaght Town Centre Local Area Plan 2020 – 2026. The PA provide statutory considerations for material contraventions. The following are the material contraventions identified in the applicant's statements:

- Development exceeds LAP height requirements.
- Development exceeds LAP plot ratio requirements.
- Development does not comply with LAP unit mix requirements as follows:
 - Objective RE2 which requires a 30% provision of 3-bed units in Tallaght Town Centre
 - Objective RE5 which requires BTR developments to support the housing mix in accordance with Objective RE2.
- Development does not comply with CDP policies which support the LAP policies on height and density.
- Development does not comply with Draft CDP policies which support the LAP policies on height and density.
- Development does not comply with Draft CDP Policy QDP10 – Objective 1 on the provision of a variety of housing types, sizes and meeting different tenure needs.

The PA consider that Criteria (i), (ii), (iii) and (iv) of Section 37(2)(b) of the Planning and Development Act 2000 as amended, do not apply in the case of this development. The LAP was adopted in July 2020 and was reviewed by the Office of the Planning Regulator and has full regard to relevant Section 28 Guidelines. The LAP sets out the building height, unit and tenure mix for this part of Tallaght Town Centre. The PA report that the proposed development would materially breach the LAP in terms of height, plot ratio, tenure and unit mix. The applicant was advised during pre-planning consultation to reduce the height to 7 storeys and a single storey

set back, reduce the plot ratio to 2.5 and increase the number of three bedroom units to 30%; only 3% is proposed. The PA recommend that permission be refused.

- **Visual Impact, Design and Layout**

Visual Impact: The applicant has provided CGIs in support of this development and to provide a clear visual impression of the development. The PA have reported that the material treatment is visually acceptable and, despite its height, would not be overbearing on adjoining units. It is also reported that other sites may be developed for residential use in the future and the development of this site should not prejudice the ability to redevelop the sites on these adjoining lands.

Urban Grain, Own-Door Access and Size of Commercial Units: The PA recommended that smaller individual units be provided to the south and west of the site, with those on the southern side having own door access at ground level with an appropriate terrace/ privacy strip area and the units to the west designed such that they could be subdivided if required. The PA consider that these issues could be addressed by way of condition.

General Layout and Sunlight/ Daylight Analysis: The PA consider that the general layout is acceptable, though note that the central spine of the scheme is not provided for in the indicative maps of the LAP. Concerns were expressed during pre-planning consultation about impacts on sunlight/ daylight delivery to open space areas and units. The applicant has provided a Daylight and Sunlight Assessment which is in accordance with 3 standards: BS 8206-2, EN 17037 and BS EN 17037. EN 17037 reflects the new European standard for daylight in residential developments and is the highest standard, and BS EN 17037 is an adapted standard suitable for northern latitudes and is considered appropriate by professionals as a European daylight standard. In accordance with BS EN 17037 – 48 of the proposed units/ 14% of the total have one or more rooms that do not meet the minimum standard for daylight. The PA identify these units as follows: Block A – 18 of the units, which mostly are east facing, over levels 00 to 05. Block B – 25 units at levels 00 to 04 and five west facing units in Block C at levels 00 and 01. The applicant had reported that 44% of the units were dual aspect, which was higher than required, and would be a

mitigation against those units that failed in terms of daylight; the PA rejects this. As the density/ intensity of development is above the LAP standards, this does not provide for any mitigation. The PA consider it necessary that revisions be made to the design/ layout to ensure compliance with standards and this may be done by way of condition. However, as 14% of units demonstrate a failure in terms of sunlight and daylight tests, permission should be refused for this development.

Electricity Substations: Recommend that it be conditioned that electricity substations not front directly onto the public street.

Layout of Commercial Units: Welcome by the PA for the commercial units facing west onto Belgard Square West.

Open Spaces: The proposal is generally acceptable though some issues have been identified as follows. The blank façade addressing the pocket park to the south of the site is not appropriate and does not provide for suitable passive surveillance here. Recommended that additional residential/ commercial units be located here, which may require the removal of car parking spaces to the rear – this may be addressed by way of condition. Communal open space provision is considered by the PA to be generous and of good quality. A tertiary street to the south of the site is counted by the applicant as open space, this is not counted as such by the PA.

Concern was expressed about daylight/ sunlight to the pocket parks to the north of the site. Results of sunlight to amenity spaces on the 21st of March are stated to be 73% which is incorrect as this includes all streets on site as open space. Revisions to the layout are proposed and a contribution levy of €448,500 is recommended.

Interaction with the Adjoining: Details of the development and how it interacts with the proposed Bus Connects project is provided and the NTA request that this be conditioned to be agreed. The PA request that the scheme comply with DMURS and the urban framework provided in the LAP. Request that a cycle lane be provided on Belgard Road to the east of the site and this can be addressed by way of condition.

- **Intensity of Development:**

Density: The PA refer to Section 2.8 of the LAP and the development capacity of the immediate/ relevant area. The LAP also provides details on height and plot ratio and

criteria for development outside of these standards. The location of landmark buildings is identified in the LAP and the subject site is not designated as such a site. The proposed density is 371 dph and the site is considered to be a 'central/accessible location' as per the 'Sustainable Urban Housing Guidelines' and is therefore suitable for high density development.

Local Area Plan Basic Standards on Height and Plot Ratio:

Height: The proposed development ranges in height from 2 to 11 storeys from south to north, this includes setbacks and amenity spaces on the roof level. The LAP clearly sets out indicative heights for development in this area of Tallaght. Block A is 7 – 11 storeys from south to north and includes a setback at level 09/ 10th storey. The LAP indicates that this section to be 6 storeys and a single setback to the south and 7 storeys with a single setback to the north. Block B is proposed to be 8 storeys to the south and 9 storeys to the north, the LAP indicates this to be 6 storeys with single setback to the southern side and 7 storeys to the north with a single storey set back. Block C is located to the east of the site and is proposed to be 8 and 13 storeys from south to north with a set back provided, the LAP indicates this to be 7 storeys with a single storey setback. Single and two storey duplex units are proposed to infill the blocks. As elements of the development are 9 storeys and more, the development exceeds the basic height standards of the LAP, with particular reference to the heights that address the southern tertiary street in Blocks A and B.

Plot Ratio: The LAP sets a plot ratio of 1.75:1 to 2.5:1 which is appropriate for Tallaght Town Centre. The proposed development provides for a plot ratio of 3.32 based on a site area of 0.912 hectares and this is significantly in excess of the LAP by 33%.

Justification for Additional Provision: The Tallaght Town Centre Local Area Plan 2020 – 2026 provides a number of criteria for additional height and/ or plot ratio as follows:

Criterion 1: Site identified in the LAP: The LAP identifies sites where taller developments of 2-4 additional storeys may be permitted, this site is not identified as a suitable site.

Criterion 2: Other Sites in the Centre: Section 3.2 of the LAP contains a policy on how heights may be exceeded in the core of the town centre in close proximity to the Luas terminus and The Square Shopping Centre subject to a Section 2.6 of the LAP, which refers to transport frequency among other measures which are outlined in the PA report. Suitable sites are to be within 100m of high capacity public transport stops and three other specified sites in the Tallaght Town Centre area. Accepting this criteria height increases of only 9/ 10 storeys may be considered.

Criterion 3: Significant Public Gains: Section 2.6.1 of the LAP provides guidance as to when additional plot ratio can be provided. As the development provides for a tertiary-grade, non-vehicular street in accordance with the LAP urban framework, this would allow for some flexibility in plot ratio.

Conclusion: Height and Plot Ratio: Reducing the heights would result in a reduction in the proposed plot ratio to 2.5. The PA have considered that the location of the site in terms of the proposed Bus Connects scheme, and its location in the town centre there is some flexibility for height and plot ratio in terms of the LAP. Full additional storeys may be provided to the north and east and setback may be acceptable to the southern side. The PA provide a list of recommended alterations, and which result in the reduction of Block A, B and C and allow for setbacks also. The amendments as proposed by the PA would result in a plot ratio of 2.77 which is 11% above the LAP requirements and which is considered to be reasonable having regard to the acceptable flexibility in terms of permissible height. The PA suggest that the Board condition such changes in the event that permission is to be granted for this development. As there are other reasons for refusal, the proposed height and plot ratio constitute a reason for refusal.

Development Mix: The PA provide a table (I have provided a similar breakdown in Table 2 of my report) indicating the breakdown of units and percentages of these, noting in particular that 11 or 3% of the apartments are three bedroom units which is

contrary to the LAP and proper planning in this area – which seeks to provide for 30% three bedroom units in all developments including BTR schemes. This non-compliance with the LAP would be sufficient to warrant a refusal of permission. The PA refer to Section 28 guidance, and which have been reviewed by the OPR, and which indicates that there be a minimum provision of three bedroom units in developments. This is also sought in the South Dublin County Development Plan 2016 – 2022 and the draft CDP. The applicant has provided a justification for the insufficient provision of three bedroom units and whilst noted, it is considered appropriate that permission be refused for this development due to the shortfall of three bedroom units and the over-proliferation of one-bedroom units. If the Board decide to grant permission, the number of three bedroom units should be increased within the envelope of the development.

Tenure Mix: The development does not comply with Objective RE2 and RE5 of the LAP, an increase in the number of three bedroom units would allow for the BTR element to be supported.

Part V Housing: The South Dublin County Council Housing Department reported a number of issues with the proposed Part V housing; however, this may be addressed by way of condition.

- **Residential Amenity and Facilities**

Room and Unit Sizes: Units meet or are within the 5% variance specified in the Apartment Guidelines. 51% of the BTR units meet the 110% minimum size standards.

Dual Aspect: 44% of the units are dual aspect and this is consistent with the apartment guidelines.

Residential Facilities: Suitable facilities are provided in accordance with SPPR 8 and 9 of the Apartment Guidelines and no issues of concern are raised.

Childcare Facilities: The proposed creche is acceptable to meet the needs of this development, though this partially due to the fact that so many one bedroom units are proposed here.

- **Public Realm and Ecology:**

A report has been provided by the South Dublin County Council Public Realm Department, and which is included in the PA report. They recommend that a single park be provided through incorporation of the communal space with the pocket parks to the north and south of the site. The PA note this but consider this not to be feasible and a contribution in lieu be provided instead. It is also noted that there is a lack of SUDs features relative to the size of the development. Some details are provided in relation to planting on site and conditions are provided in the event that permission is to be granted for this development; the PA report these to be acceptable.

The PA report that the applicant has provided an Ecological Impact Assessment, and no issues of concern were identified on site. A Natura Impact Statement has been provided and the PA report that the Board is the competent body to assess this document.

- **Access, Transport and Parking:**

The Roads Department have provided six recommendations in relation to this development and which refer to the coordination of cycle infrastructure provision, provision of cycle infrastructure, location of refuse collection to be on site, loading/ servicing to be on site, dimensions on car parking spaces and to reconsider the provision of balconies that overhang the public realm along Belgard Road/ doors that open out onto public space. The PA note the report/ recommendations and propose that they be conditioned in the event that permission is to be granted for this development.

- **Water:**

The Environmental Services Department of South Dublin County Council have sought further details on SUDs measures and soil percolation. The PA consider that these can be addressed by way of condition.

- **Environmental and Other Considerations:**

Aviation: The PA refers to the submitted Aeronautical Assessment Report and that all relevant issues can be dealt with by condition if permission is to be granted for this development.

Taking in Charge: The applicant proposes that a significant element of the site be taken in charge. The Roads Department have recommended that loading bays on Belgard Square North be removed and that all loading/ delivery take place on site.

Screening for Appropriate Assessment: An AA Screening Report and a Natura Impact Statement have been submitted as part of the application. The PA report that the Board is the competent authority to assess these documents/ reports.

Environmental Impact Assessment Report: Details have been submitted as part of the application and the PA report that the Board are the competent authority to assess these.

- **Other Considerations:**

Special Development Contribution Consideration and Calculation: A special contribution is sought for a shortfall in open space, which is less than the specified 10%, for the sum of €448,500. Full details are provided by the PA.

- **Conclusion:**

It is recommended that permission be refused for the following summarised reasons:

1. The proposed development provides for a shortfall in three bedroom units and this would materially contravene the Tallaght Town Centre Local Area Plan 2020 - 2026, the South Dublin County Development Plan 2016 – 2022, would undermine the creation of a sustainable/ mixed use urban centre and would be contrary to the proper planning and sustainable development of the area.
2. The proposed building heights are excessive and would not comply with the Tallaght Town Centre Local Area Plan 2020 - 2026, and the South Dublin County Development Plan 2016 – 2022.
3. 48 units or 14% of the total unit provision contain one or more habitable rooms that do not comply with the requirement of BS EN 17037 in relation to receiving adequate levels of daylight, thereby resulting in poor quality residential amenity.

The PA have provided a list of recommended conditions, in Appendix 1 to their report, in the event that permission is to be granted for the proposed development.

- **South Dublin County Council Internal Reports:**

Housing Department: A Part V condition to be included in any grant of permission. Specific requirements are provided in relation to unit types to be provided, preferably to be acquired and that at least 7% of the Part V units to be suitable for people with medical needs. Costing approval is required from the Department of Housing, Local Government and Heritage.

Public Realm Department: Concern about a number of elements of this development including the quality and amenity value of public open space areas, communal open space provision and potential impact on open space from overshadowing/ wind tunnel effect due to the taller buildings on site. Other issues identified were the quality of the open space, the need for additional information on play areas and provision of appropriate SUDs measures on site. Suggested amendments to the layout were proposed in this report including the combining of open space areas to form one larger space. Conditions were provided in the event that permission were to be granted for this development.

Water Services: Further information is requested in relation to SUDs and the proposed surface water drainage system. No objections were made in relation to flood risk.

Roads Department: Identify a number of alterations to be made to the development but these can be addressed by way of condition.

9.0 Prescribed Bodies

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

- Irish Water (now Uisce Éireann)
- National Transport Authority (NTA)
- Transport Infrastructure Ireland (TII)
- Irish Aviation Authority
- Department of Defence - No response made.
- South Dublin County Childcare Committee – No response made.

9.2. The following is a brief summary of the issues raised by the prescribed bodies.

Transport Infrastructure Ireland (TII)

TII have no comment to make on this application.

Irish Water

Water can be supplied from the public system without a need for substantial upgrade works by Uisce Éireann. In relation to wastewater, a connection to the public system can be made subject to adherence to strict flow management. These to be managed by the developer. The need for this flow management is to ensure there is no further detriment to the downstream network and are temporary measures pending the upgrade of the network/ provision of additional capacity in the downstream network, as part of the Dodder Valley Drainage Area Plan. Completion was scheduled for Q3 2024. Conditions are provided in the event that permission is granted for this development.

Irish Aviation Authority (IAA)

No objection subject to engaging with the Department of Defence in relation to the use of cranes on site and also conditioned to consult with the IAA in providing suitable aeronautical obstacle warning lighting/ notify regarding the use of cranes on site.

National Transport Authority (NTA)

Not opposed to the development but recommends that consultation be had with the NTA prior to the commencement of development in relation to the design interface with the proposed Core Bus Corridor network in the area. Recommendations made in relation to cycle and pedestrian provision on site, these can be addressed by way of condition.

10.0 Oral Hearing Request

None requested.

11.0 Assessment

11.1. 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 Report from South Dublin County Council, 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:

- Principle of Development
- Density
- Development Height and Separation Distance
- Visual Impact, Design and Layout
- Residential Amenity – Future Occupants
- Residential Amenity – Existing/ Adjacent Residents
- Transportation, Traffic, Parking and Access
- Infrastructure and Flood Risk
- Ecological Impact Assessment (EcIA)
- Childcare, Social Infrastructure and Part V Social Housing Provision
- Other Matters
- Material Contravention

Note 1: The South Dublin County Development Plan 2016 - 2022 was the operative plan for the South Dublin County Council area at the time of lodgement of this application, in May 2022. This plan was replaced with the South Dublin County Development Plan 2022 – 2028, which came into effect on the 3rd of August 2022. I will assess the application under the terms of the current South Dublin County Development Plan 2022 – 2028. I note that the applicant has submitted a Statement of Consistency and Statement of Material Contravention for the Draft Development Plan and so were clearly prepared for this eventuality.

11.2. Principle of Development

11.2.1. Having regard to the nature and scale of proposed development, which is in the form of 334 residential units, consisting of 216 build to sell apartment units and 118 build to rent apartment units, retail/ commercial units and a childcare facility, on lands zoned TC – Town Centre, which allows for residential development, I am of the opinion that the proposed development falls within the definition of Strategic Housing Development as set out in Section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

11.2.2. CE Report comments: The Planning Authority have no objection to residential development on these lands, but a refusal of permission was recommended due to a number of issues including the number of three bedroom units falling significantly below a local area plan and development plan requirements, the building heights were excessive in this location and approximately 14% of the units did not demonstrate that they would receive adequate daylight.

11.2.3. **Conclusion on Section 11.2:** The site is located in a town centre location, and which allows for mixed use development of the nature proposed. I note the comments/ concerns of the Planning Authority in relation to a number of aspects of this development and these issues will be detailed/ assessed further in the following sections of this report.

11.3. Density

11.3.1. The proposed development of 334 residential units on a net site area of 0.898 hectares provides for a density of 372 dwellings per hectare (dph). The site is located on lands designated as a central and/ or accessible location as per the Apartment Guidelines. The Sustainable and Compact Settlements Guidelines under Table 3.1 define these lands as 'City – Urban Neighbourhoods' under point (iii) as a town centre designated in a statutory development plan and residential density to be in the range of 50 dph to 250 dph (net). The Tallaght Town Centre Local Area Plan refers to density in the context of building height and plot ratio but no specific density per land use is indicated here. The South Dublin County Development Plan 2022 - 2028 includes a 'Building Height and Density Guide' in Appendix 10 but does not specify a density for sites such as this. The issue of density was raised by the third

parties in terms of overdevelopment of the site and non-compliance with Section 28 Guidelines.

11.3.2. The proposed density is far in excess of the 250 dph for these lands as provided in the Compact Settlement Guidelines. This is a relatively small site, and the applicant has managed to provide for a development which maximises the use of the available land. I note the reasons for refusal as issued by the PA and the proposed development is in excess of the specified standards for height and plot ratio, but also the number of one bedroom units and excessive number of units that fail to meet daylight standards would suggest that the development has gone beyond what would be an acceptable efficient use of available land. The Planning Authority considers the resultant development as substandard, would provide for a poor quality of residential amenity and would set an undesirable precedent for similar development as lands become available for redevelopment in the Tallaght Centre area.

11.3.3. The site is in an accessible location with Luas and a range of bus services available but is also located within the centre of a County Town. This is therefore an appropriate location for high density development, which would normally be encouraged. I note that the density of 372 dph, purely on a numerical basis, would be considered excessive if the development were located within Dublin City Centre.

11.3.4. CE Report comments: The Planning Authority, through the CE report, refer to the management of density in the context of height and plot ratio. The Tallaght Town Centre Local Area Plan allows for some deviation in standards for landmark buildings but the PA report that these lands are not designated as a landmark site.

11.3.5. **Conclusion on Section 11.3:** The TC site zoning allows for residential development of the nature proposed, however the density at 372 dph is far in excess of what would be expected for a development of this nature in a town centre location. The South Dublin County Development Plan and the Tallaght Town Centre Local Area Plan do not specify a density for sites such as this but have regard to other factors such as plot ratio and building height. I have had regard to the Compact Settlement Guidelines, and which indicate that a density up to 250 dph would be appropriate here.

11.3.6. This site is located in a highly accessible location, with a town centre location and I would suggest that the site can take a high density development. The resultant development impacts of an excessive height will be considered later in my analysis.

11.4. Development Height and Separation Distance

11.4.1. The issue of height was given as a reason for refusal by the Planning Authority. Third party submissions referred to height as out of character and not in compliance with relevant Section 28 guidance.

11.4.2. The proposed development consists of three blocks, A to C, Block A is 9/ 11 storeys on the northern side and 7 storeys to its south, Block B is 9 to the north and 8 to the south and Block C is 9/13 to the north, and 8 to the south with a 2 storey section projecting to the west. The three blocks are essentially on a south to north axis, rising to the north. A podium section between the blocks provides for a single storey level on site.

11.4.3. Figure 2.4 of the Tallaght Town Centre Local Area Plan provides the 'Overall Urban Structure' and indicative heights for this site are 6-7 storeys to the north and eastern elevations and 4-6 storeys to the south and west. The proposed development is clearly not in compliance with the indicative heights of the LAP. The site is not designated as suitable for a landmark building/ development where a taller structure may be considered. There is nothing unique in the relevant plans or the subject site itself that would allow for consideration of taller structure(s) on these lands.

11.4.4. Section 3.0 of the applicant's 'Statement of Material Contravention – Draft South Dublin County Development Plan 2022-2028 and Tallaght Local Area Plan 2020' refers to 'Plot Ratio and Height'. The applicant acknowledges that the development 'is a material contravention of the LAP provisions on Height and Density.' Within the section on 'Justification', reference is made to the National Planning Framework (NPF) 2040 and the Buildings Height Guidelines, 2018. The site is located within Tallaght Town Centre in an accessible location. The site is located within an area which is designated for significant mixed use development, and consequentially suitable for increased height and density. The proposed development includes mixed use on site. The subject lands can also be considered

as a brownfield site. The applicant considers that the proposed 372 units per hectares and height of 2 -13 storeys is appropriate and consistent with the NPF.

11.4.5. Section 3.2 – ‘Development Management Criteria’ of the ‘Urban Development and Building Heights – Guidelines for Planning Authorities’, December 2018, sets out a number of considerations for developments with increased heights. In the interest of convenience/ completeness, I have set these out in the following table:

Table 5: Considerations for development with increased height

At the scale of the relevant city/ town	
Criteria	Response
The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.	<p>The site is very well served by public transport and is located within a central town centre location.</p> <p>The Luas Red Line terminates in Tallaght, to the south west of the subject site and this stop is approximately 460m walking distance from the subject site.</p> <p>The Square shopping centre provides for a significant interchange between the Luas and a large number of bus routes. Buses also serve Belgard Square North to the north and north west of the site. Bus services operate to a range of locations including the City Centre/ City West/ Clondalkin/ Liffey Valley/ Dun Laoghaire/ Blackrock and as far north as Clare Hall.</p> <p>Bus service routes include 27, 49, 54A, 65, 77A, S6, S8, W2, W4, and W6.</p> <p>These bus route provide for high frequency and capacity services between Tallaght</p>

	and the greater Dublin/ North West Wicklow and North Kildare areas.
<p>Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/ enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key view. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.</p>	<ul style="list-style-type: none"> • No protected views, Architectural Conservation Area (ACA), or other architectural/ visual sensitives apply to or immediately adjoin this site. • CGIs and Verified Views have been prepared and submitted in support of this application. • A Townscape and Visual Impact Assessment has been submitted in support of this application.
<p>On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.</p>	<ul style="list-style-type: none"> • The proposed development is of a brownfield site where a former industrial unit is no longer in operation. • The proposed development would provide for a distinctive urban form through the height of the proposed buildings and density of development on this relatively small site of less than 1 hectare in area. • The proposed new pedestrian/ cycle street to the south of the site would provide for improved permeability

	between the Belgard Road to the east and Belgard Square East to the west.
At the scale of district/ neighbourhood/ street	
Criteria	Response
The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape.	<ul style="list-style-type: none"> The subject site is located within an established urban area that is undergoing a transition from low height commercial units to taller residential development along the Belgard Road.
The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.	<ul style="list-style-type: none"> The design includes a variety of building types, heights and roof types, thereby ensuring that the design is not monolithic.
The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).	<ul style="list-style-type: none"> The design provides for a development that is far in excess of the specified density for these lands. Open space is provided in the form of public and communal spaces. The ‘Planning System and Flood Risk Management – Guidelines for Planning Authorities’ (2009) are complied with, and a Site-Specific Flood Risk Assessment has been prepared and submitted in support of the application. This is assessed in full under Sections 11.9.8 to 11.9.13 of this report and it is considered that the development complies with the requirements of the guidelines and gives rise to no concern

	in relation to flooding of the site or of the adjoining areas.
The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.	<ul style="list-style-type: none"> Whilst the development provides for a comprehensive redevelopment of this site for residential development, it would be contrary to density and building height requirements for such development in this part of Tallaght Town Centre.
The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.	<ul style="list-style-type: none"> The proposed development will provide for a mix of apartments in the form of one, two and three bedroom units, however there is an over provision of one bedroom units at the expense of three bedroom apartment units and which would not ensure a suitable mix of new dwellings for Tallaght Town Centre. The overall mix of unit types does not adequately provide for a residential development catering for a variety of housing needs in the Tallaght Town Centre area.
At the scale of the site/ building	
Criteria	Response
The form, massing, and height of proposed developments should be carefully modulated so as to maximise access to natural daylight,	<ul style="list-style-type: none"> The public and communal open space provides for well lit spaces. While there is generous separation distances between the blocks, 14% of the proposed units would not meet the

<p>ventilation and views and minimise overshadowing and loss of light.</p>	<p>minimum requirement for daylight and this demonstrates a concern about the proposed height of the blocks.</p> <ul style="list-style-type: none"> As outlined in the Assessment – Sections 11.7.16 – 11.7.30, and 11.8.2 – 11.8.4, the development does not demonstrate appropriate compliance with BRE 209 and BS2008.
<p>Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.</p>	<ul style="list-style-type: none"> As above.
<p>Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this has been clearly identified and a rationale for any alternative, compensatory design solutions has been set out, in respect of which the Board has applied its discretion, having regard to local factors including specific site constraints and the balancing of that</p>	<ul style="list-style-type: none"> Justification for the shortfall in units meeting the requirements for daylight is provided in terms of location and larger unit sizes relevant the minimum requirements. Whilst the development would see the regeneration of this site for new residential development, this does not provide for a strong justification for the number of units that do not comply with the recommended standards.

assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.	
Specific Assessment	
Criteria	Response
To support proposals at some or all of these scales, specific assessments may be required, and these may include: Specific impact assessment of the micro-climatic effects such as downdraft. Such assessments shall include measures to avoid/ mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects where taller buildings are clustered.	<ul style="list-style-type: none"> • The submitted application is supported with a 'Wind Microclimate report' and generally the site layout is acceptable with areas that do not achieve optimum Pedestrian Comfort was achieved in all tested locations except for a small section of the podium which was suitable for strolling in summer and in winter some sections of the podium were suitable for strolling or walking. In terms of pedestrian distress/ safety, at ground level safety was achieved except to the south west of the adjacent development on the opposite side of Belgard Square North and a small section to the northeast corner of the development also along Belgard Square North which was assessed to be a borderline failure. Suitable mitigation measures are provided in Section 4.4 of the applicant's report. • Daylight, Sunlight and Overshadowing analysis have been submitted and full

	<p>details of the assessment of these is provided in Sections 11.6.11 to 11.6.21 and 11.7.2 to 11.7.5 of this report.</p>
<p>In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision.</p>	<ul style="list-style-type: none"> • An Ecological Impact Assessment (EcIA) and an Appropriate Assessment (AA) Screening have been submitted in support of the application, and which fully consider the impact of the development on bird and bats. • In summary, no evidence of any bats within or externally on buildings on site were found. There was no evidence of bats foraging on site and no impacts on bats were foreseen according to the applicant's EcIA.
<p>An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.</p>	<ul style="list-style-type: none"> • The applicant has submitted a Telecommunications Report in accordance with Section 3.2 of the Building Height Guidelines (2018) and no issues of concern are raised, though the application includes 4 x 300mm microwave link dishes on the roof level of Block C of the proposed development.
<p>An assessment that the proposal maintains safe air navigation.</p>	<ul style="list-style-type: none"> • The applicant has submitted an Aeronautical Assessment Report in support of the application. No issues of concern were raised in relation to aviation activity associated with Baldonnell Aerodrome and helicopter

	movements to and from Tallaght Hospital.
An urban design statement including, as appropriate, impact on the historic built environment.	<ul style="list-style-type: none"> • An 'Architectural Design Statement' has been prepared and submitted in support of the development. This demonstrates how the proposed development will integrate into its surroundings.
Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate.	<ul style="list-style-type: none"> • SEA and EIA not required/ applicable due to the scale of the development. I have carried out an EIA Screening of the proposed development and is included in this report under Section 13. • EcIA and an AA screening report are submitted with the application.

11.4.6. The above table demonstrates that the development does not comply with all aspects of Section 3.2 of the 'Urban Development and Building Height' guidelines. Many of the issues identified in the table are assessed in greater depth in the following sections of my report.

11.4.7. National and local policy is to provide for increased density on sites where it can be demonstrated that they are suitable for such development. In order to achieve suitable density in accessible/ appropriate locations, developments may have to provide for a greater height than was the case in the past and as already reported, the LAP allows for a certain height of building here in order to achieve appropriate density. The above Table 5 includes appropriate considerations for such development. Third-party submissions state that this development results in the introduction of development that is far in excess of the prevailing form of development in the area. I would generally agree with these comments.

11.4.8. The Tallaght Town Centre Local Area Plan provides for a clear rationale for building heights in this area as indicated in Figure 2.4. Tall buildings are

encouraged within the town centre area and buildings in excess of the specified standard are only permitted in defined locations suitable for landmark buildings. The LAP indicates that buildings of 6-7 storeys will face onto Belgard Road/ Belgard Square North and a lower height of 4-6 storeys to face onto Belgard Square East. The LAP also indicates that a perimeter block design will be used here, though I accept that this is only indicative and not a requirement. The proposed development provides for three blocks as reported on a north to south axis and which would not provide for the perimeter block design here. A perimeter block approach would increase overshadowing of the communal/ public open space areas.

11.4.9. The applicant has submitted a 'Statement of Material Contravention – Draft South Dublin County Development Plan 2022-2028 and Tallaght Local Area Plan 2020' dated May 2022, and under the section 'Justification', reference is made to the National Planning Framework (NPF) 2040 and the Buildings Height Guidelines, 2018 as reason for the increased height on this site. The applicant refers to the location of the site within Tallaght Town Centre, which is an accessible location. The site is located within an area which is designated for significant mixed use development, and consequentially suitable for increased height and density. The proposed development includes mixed use on site. The subject lands can also be considered as a brownfield site. The applicant considers that the proposed 372 units per hectares and height of 2 -13 storeys is appropriate and consistent with the NPF. In terms of the apartment guidelines, the site can be considered to be within 'Central and/ or Accessible Urban Locations' and the applicant has outlined the justification for this in terms of location, public transport availability and services in the area. The applicant has set out a justification in terms of integration with its surroundings and the applicant refers to the submitted Daylight and Sunlight Report with specific references to VSC, APSH and WPSH as well as Sun On Ground in relation to amenity spaces.

11.4.10. I note the applicant's submitted report, but I am satisfied that the proposed development does not demonstrate compliance with the Tallaght Local Area Plan in terms of building height and permitting this development would be contrary to the proper planning and sustainable development of the area. Considering how the issues of density and height may be addressed, a solution would be the omission of floors from the proposed blocks. Removing the upper

floors in line with the LAP would reduce the number of units by 106 and this in turn would provide for a density of 265 dph which would be more in keeping with the standards set out in the Compact Settlement Guidelines. Such an alteration would be significant with nearly a third of units lost and which may have a number of unknown impacts on the overall development of this site. Therefore, I would not recommend the extensive removal of floors and units by condition in order to meet the relevant height and density requirements.

11.4.11. **CE Report comments:** The Planning Authority consider that the proposed heights are excessive and do not demonstrate compliance with the Tallaght Town Centre Local Area Plan.

11.4.12. **Conclusion on Section 11.6:** The proposed development contravenes the South Dublin County Development Plan in not complying with the indicative heights set out in the Tallaght Town Centre Local Area Plan. This in turn results in a density that is excessive in terms of the South Dublin County Development Plan 2022 – 2028, the Building Height Guidelines and the Compact Settlement Guidelines.

11.4.13. Having full regard to these factors, I recommend to the Board that permission be refused due to the proposed height of the development been out of character with the existing form of development in the area and would not comply with the Tallaght Town Centre Local Area Plan and Section 28 Guidance.

11.5. Visual Impact, Design and Layout:

11.5.1. As already reported, third party observations commented on the design/ height as excessive in this location and which would adversely impact on the visual amenity of the area. The Planning Authority did not raise these concerns in their reasons for refusal and considered the layout to be generally acceptable.

11.5.2. As reported, the layout does not follow directly the form of development indicated in Figure 2.4 of the Tallaght Town Centre Local Area Plan, however I am taking this to be an indicative layout. I am satisfied that the design and layout is acceptable and provides for suitable road frontage to the north, east and west of the site. I note the pedestrian/ cycle route to the south of the site, and this is welcomed as it allows for increased permeability through this block; such routes are indicated in Figure 2.4. Section 7.0 – Layout, of the Architectural Design Statement provides for

a rationale for this layout including light penetration, reduction in mass of the block and engagement with the street. I note these and consider the justification to be acceptable.

11.5.3. The proposed development results in the removal of a building which is set back from the boundary and is surrounded by high walls/ fencing and the provision of a development more suited to this town centre location. This demonstrated the evolution of Tallaght Town Centre from mixed use with a significant proportion of light industrial units adjoining the centre to a more urbanised residential focused town centre. The provision of retail/ cafe units on the western/ northern side, residential facilities to the north and work space units to the east will ensure good animation of the street and active frontages on this sides. The new street to the south benefits from good passive surveillance from the proposed restaurant to its north west and the childcare facility midway along its length.

11.5.4. My concerns about height have been addressed already in this report, but in terms of design/ elevational treatment I consider the development to be acceptable. The use of brick is a feature of more recent developments in Tallaght such as that to the north east of the Belgard Road. This development proposes a mix of red and grey brick, which breaks up the potential for a monotonous scheme here. The elevational treatment/ layout ensures that the partially projecting balconies do not dominate the exterior as is the case with other developments in the area. The set back ground floor and the design of the colonnades which includes a double height element at ground floor, demonstrates a high quality of design, which I consider to be appropriate if ground floor activity is to be encouraged on this site.

11.5.5. View 2 of the submitted CGIs, which shows the view of the development from Belgard Square North, clearly indicates how the ground floor element works with the raised colonnades providing a suitable backdrop to the street and giving the site a sense of place. The landscaping of the areas around the public streets is also well designed as it provides for a suitable buffer between the pedestrian street and adjoining vehicular traffic. The site does benefit from street trees and these are incorporated into the overall site layout design.

11.5.6. **CE Report comments:** The Planning Authority raised no issues of concern about the overall layout and design of the development. Comment was

raised about the layout of the units to the south and west of the site with a preference for smaller own door units in these locations. I note this, but consider that this might be dealt with in the event of a future application on this.

11.5.7. Conclusion on Section 11.5: I consider the proposed layout and design to be generally acceptable in this location and the submitted scheme provides for a high quality of street frontage on all sides. Visually, leaving aside the issue of height, is considered to be acceptable with good quality finishes proposed and the height/ bulk of the blocks is reduced through the use of three separate blocks on this site. The provision of ground floor podium levels and other design features ensures that the street level is continuous and is not lost through the use of separate building blocks. The submitted CGIs clearly demonstrate how the applicant has addressed this design feature to an acceptable standard, and which is one I consider could set a desirable precedent for further redevelopment of similar town centre sites in Tallaght.

11.6. Residential Amenity – Future Occupants

11.6.1. Unit Mix: I have provided the unit mix in Table 2 of this report. Concern was expressed in the third party observations about the proposed unit mix and the lack of family sized homes in the development. The applicant refers to this in their submitted reports including the Material Contravention Statement on the Draft Plan with justification made in terms of the National Planning Framework, and ‘Rebuilding Ireland’ – need for more housing/ types of tenure to be met. The Planning Authority recommended that permission be refused due to the insufficient number of three bedroom units in this scheme.

11.6.2. I agree with the PA on this matter. The provision of 11 units or 3% of the total from 334 units is not acceptable. The LAP refers to the South Dublin County Development Plan 2016 – 2022, this is replaced with the South Dublin County Development Plan 2022 – 2028 and Section 12.6.1 refers to ‘Mix of Dwelling Types’ which in turn refers to SPPR 1 of the Apartment Guidelines. The Development Plan requires that 30% of units be three bedrooms unless there are site reasons against such, the housing need in the area requires a different mix or the scheme is for social/ affordable housing. BTR schemes are to be in accordance with the Apartment Guidelines (2020). The guidelines were updated in 2022 to

remove the distinction for BTR units. The guidelines were further updated in July 2023 but have no additional impact on BTR units. The Tallaght Town Centre Local Area Plan under Objective RE2 states: 'It is policy of the Council to ensure an appropriate housing mix is provided within the LAP lands, therefore a minimum of 30% of units within any new residential development (in the form of either apartments or houses but excluding student accommodation schemes) shall have a minimum of 3 bedrooms'.

11.6.3. Even omitting the BTR units from the scheme, 118 units in Block A, there would be 216 units, and the 11 three bedroom units would make up 5% of the total. This remains under the required 30% for three bedroom units as set out in the Tallaght Town Centre Local Area Plan.

11.6.4. The justification for this low provision of three bedroom units is not accepted. This a large development providing for 334 units and for only 11 of these to be three bedroom is not acceptable, does not provide for a suitable housing mix, does not meet the need of families in the area and would set a poor precedent for similar housing in the area. There is clearly a demand for family sized housing and a 3% provision of such in this case does not meet any such requirement. 11 units would suggest a development of 35 or so and not one of 334 units. There may be a greater demand for one and two bedroom units, and the various plans/ guidelines allow for this with substantially more units to provide for less than three bedrooms. Permitting this development would indicate that three bedroom units are not required whereas it is important in terms of the proper planning of the area to provide for a range of tenure types to ensure the sustainable growth of Tallaght Town Centre. Additional units could be provided through the amalgamation of other units, but again this may result in unknown issues that have an adverse impact elsewhere. I therefore consider that the shortfall in three bedroom units should be given as a reason for refusal of this development.

11.6.5. **Quality of Units – Floor Area of Apartments:** The applicant has provided an 'Accommodation Schedule' and 'Housing Quality Assessment' in support of their application. All units exceed the minimum required floor areas, and in the case of the Build To Rent (BTR) units, 51% provide for 110% of the minimum required floor area. I note that the exceedance of the minimum standards varies from 1% (Apartment no. 1106 for example) to 31% (apartment no. 3102 for

example). The Studio – Work Units have floor areas that are significantly in excess of the minimum standards with apartment number 3001 having a floor area of 173% in excess of the required standard.

11.6.6. 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’. Proposed storage provision is acceptable as it meets/ exceeds the minimum requirements.

11.6.7. **Quality of Units – Amenity Space:** All of the apartment 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. The majority of units are provided with private amenity areas in excess of the minimum required and there are some units that will be provided with significantly more than the minimum required private amenity space, for example apartment number 1101.

11.6.8. The proposed development will provide for 1489sq m of public open space, this is in the form of two rectangular areas to the north and a larger area to the south which includes the new east to west cycle/ pedestrian street. Communal open space is provided in the areas between the three blocks – two areas and partially at rooftop level for all three blocks. Most of the communal space at roof levels is indicated to be acceptable for sitting in accordance with Figure D2 of the applicant’s Wind Microclimate Report. A total of 0.2144 hectares is proposed. The ‘Landscape Design Statement’ provides a rationale for the proposed open space and layout of same. The PA, referring to their Public Realm Departmental report, raise a number of concerns about the layout and size of open space, however they consider that all matters can be addressed by way of condition. I note this report and also note that the overall site area is small at less than a hectare, thereby restricting what can be provided on site as public/ communal amenity space.

11.6.9. I would have concern about the inclusion of the east to west street in the calculation, whilst a significant piece of infrastructure/ amenity it does not function as open space and should be omitted from any calculations. Considering my other issues of concern with this development, there are significant revisions required for an acceptable development on this site and improving the open space provision by condition would not be sufficient here.

11.6.10. **Unit Aspect:** The applicant indicates that some 44% of the proposed apartment units are at least dual aspect. This is acceptable in terms of terms of the Apartment Guidelines which require a minimum of 33% of units in central and accessible locations to be dual aspect.

11.6.11. **Access and Floor to Ceiling Heights:** In accordance with SPPR6 of the Apartment Guidelines, no more than 12 apartments per floor are served per lift core. Blocks A and C are provided with three lifts per block and Block B is provided with one lift. Adequate floor to ceiling heights is provided and are in accordance with SPPR 5 of the Apartment Guidelines. Ground floor units vary between 3.25m and 4.35m with upper apartment units at 2.6m.

11.6.12. **Daylight and Sunlight:** The applicant has prepared and submitted a 'Daylight and Sunlight Assessment Report', and this considers the potential daylight/sunlight provision within the scheme and the potential for overshadowing of adjacent amenity areas/ windows facing the proposed development. This assessment is undertaken 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). Measures Vertical Sky Component (VSC), Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours (WPSH). Also used to measure Sun On Ground (SOG).
- BS8206 Part 2:2008, Lighting for Buildings, Code of Practice for Daylighting. Average Daylight Factor (ADF) measured for minimum standards.
- EN 17037:2018 Daylight in Buildings and replaces BS 8206. Daylight measured for lux levels – European Standard. Also makes recommendations for sunlight, glare and quality of view.
- BS EN17037:2018 Daylight in Buildings (2018). Daylight measured for lux levels – British Standard.

I note the comments made by the applicant in regard to the use of the above guidelines. While I note and acknowledge the publication of the updated British Standard, I consider that the relevant guidance documents remain those referred to in the Urban Development and Building Heights Guidelines, 2018. The applicant has

decided to use the BRE, 2011 and BS, 2008 guidance and I consider this to be acceptable. I have considered the submitted details in accordance with the Apartment Guidelines, 2023 which states in Section 6.6, 'Planning authorities should ensure appropriate expert advice and input where necessary, and have regard to quantitative performance approaches to daylight provision outlined in guides like A New European Standard for Daylighting in Buildings EN17037 or UK National Annex BS EN17037 and the associated BRE Guide 209 2022 Edition (June 2022), or any relevant future guidance specific to the Irish context, when undertaken by development proposers which offer the capability to satisfy minimum standards of daylight provision.'

11.6.13. **Assessment of Average Daylight Factor (ADF):** Table 2 of BS8206 Part 2:2008, provides the following minimum Average Daylight Factor (ADF)

- Bedrooms 1%
- Living Rooms 1.5%
- Kitchens 2%

11.6.14. In the case of rooms that serve more than one function, the higher of the two minimum ADFs should be demonstrated. The proposed apartments provide for floor plans in which the Living/ Kitchen/ Dining (LKD) areas operate as the one room.

11.6.15. The assessment was undertaken for each of the apartment blocks within the development, fully detailed in Section 7.0 'Scheme Performance Results'. I have listed the units which failed to meet the recommended standards in the following table:

Table 6: Units that fail to meet Average Daylight Factor and Lux Levels of these units

Block	Level	Unit No.	Room Type	Predicted ADF:	BS_EN17037 Lux
A	01	1102	Bed	0.85%	0%
A	01	1103	Bed	0.71%	0%

A	01	1104	LKD	1.23%	35%
A	01	1105	LKD	1.30%	32%
A	01	1106	LKD	1.60%	46%
A	02	1204	LKD	1.80%	49%
A	02	1205	LKD	1.40%	38%
A	02	1206	LKD	1.41%	36%
A	02	1207	LKD	1.79%	51% - Pass
A	03	1305	LKD	1.47%	41%
A	03	1306	LKD	1.60%	39%
A	03	1307	LKD	1.82%	52% - Pass
A	04	1405	LKD	1.71%	46%
A	04	1406	LKD	1.78%	42%

Block A: 14 Rooms (12 in the case of the Lux assessment) do not comply with the recommended standard.

Block	Level	Unit No.	Room Type	Predicted ADF:	BS_EN17037 Lux
B	01	2101	LKD	1.91%	70% - Pass
B	01	2102	LKD	1.93%	55% - Pass
B	01	2103	LKD	1.84%	50%
B	01	2104	LKD	1.64%	46%
B	01	2108	LKD	1.64%	47%
B	01	2109	LKD	1.69%	46%
B	01	2110	LKD	1.38%	41%
B	01	2111	LKD	1.50%	42%
B	02	2203	LKD	1.82%	51% - Pass
B	02	2204	LKD	1.63%	48%

B	02	2208	LKD	1.67%	47%
B	02	2209	LKD	1.79%	47%
B	02	2210	LKD	1.34%	41%
B	02	2211	LKD	1.27%	39%
B	03	2304	Bed	0.98%	33%
B	03	2308	LKD	1.84%	52% - Pass
B	03	2308	Bed	0.86%	21%
B	03	2309	LKD	1.91%	50% - Pass
B	03	2309	Bed	0.70%	14%
B	03	2310	LKD	1.66%	45%
B	03	2310	Bed	0.76%	15%
B	03	2311	LKD	1.73%	49%
B	03	2311	Bed	0.73%	13%
B	04	2409	Bed	0.89%	28%
B	04	2410	LKD	1.53%	48%
B	04	2411	LKD	1.73%	52% - Pass
B	04	2411	Bed	0.88%	28%
B	05	2510	LKD	1.97%	55%
B	05	2510	Bed	0.99%	43%
B	05	2511	Bed	0.78%	23%
Block B: 30 Rooms (24 in the case of the Lux assessment) do not comply with the recommended standard.					
Block	Level	Unit No.	Room Type	Predicted ADF:	BS_EN17037 Lux
C	01	3106	LKD	1.84%	54%
C	01	3107	LKD	1.81%	26%

C	01	3108	LKD	1.53%	53% - Pass
C	02	3212	LKD	1.99%	59% - Pass
C	02	3213	LKD	1.91%	56% - Pass
C	02	3214	LKD	1.61%	49%
C	03	3314	LKD	1.59%	53% - Pass
C	04	3414	LKD	1.86%	59% - Pass
Block C: 8 Rooms (3 in the case of the Lux assessment) do not comply with the recommended standard.					

11.6.16. The details in the above table, derived from the applicant's report, indicate that 52 rooms will not achieve the minimum recommended standard in terms of achieving the tested ADF. This also demonstrates that 44 units will have one or more rooms that do not meet the recommended standard. This is considered to be relatively high in the context of a development of 334 units. I note the PA calculate that 48 units contain one or more rooms that failed to comply with the recommended standards, this is in accordance with BS EN 17037, and the PA recommended refusal on this basis. I have identified tested rooms that fail to comply with the BRE and the BS EN17037:2018 and acknowledge that other rooms have also failed to comply with BS EN 17037:2018 standards.

11.6.17. It may be possible to improve the results of those units that failed to meet the recommended standard, and I note that some rooms only marginally failed. I would suggest that a reduction in height and revisions to the layout would provide for some improvements. I accept that the units higher up the block achieve good results, but this may be at the expense of lower units who suffer from reduced daylight. The ADF compliance rate is stated to be 94% but as reported 44 units have one or more rooms that do not meet the recommended standard. I consider this figure to be high and would recommend that a reason for refusal similar to that of no.3 provided by the PA be made.

11.6.18. **Amenity Overshadowing within the Subject Site:** The applicant has assessed how much of the proposed amenity spaces will be sunlit. The 'Site Layout

Planning for Daylight and Sunlight', recommends that at least half of the amenity areas should receive at least two hours of sunlight on the 21st of March. Section 7.1 provides the 'Sun On Ground in Proposed Outdoor Amenity Areas' for the proposed development.

11.6.19. This assessment looked at the open space for the apartment blocks for ground level and roof garden spaces. In addition, the assessment considered the creche play area and the public amenity spaces on site. The results were all tested spaces exceeded the minimum standards with a number of the roof gardens achieving in excess of 90% of the specified standard. The childcare play area demonstrated that 100% of the area would receive at least two hours sunlight on the 21st of March. The proposed open space was therefore demonstrated to be compliant with the recommended standards.

11.6.20. **Conclusion on Daylight and Sunlight Assessments:** I have had appropriate and reasonable regard of the quantitative performance approaches to daylight provision, as outlined in the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. I am satisfied that the design and layout of the scheme has been fully considered alongside relevant sunlight and daylighting factors. The standards achieved, when considering all site factors and the requirement to secure suitable development of this accessible and serviced site within the South Dublin County Council area, in accordance with national policy guidance, are in my opinion unacceptable as the proposal provides for 44 units out of a total of 334 that have one or more rooms that cannot achieve the minimum recommendation for daylight. This is excessive and would result in a poor standard of residential amenity for future occupants.

11.6.21. Whilst the development provides for good room sizes and private amenity space, this is not of a sufficient size as to accept this as compensation for the poor quality of daylight received. Refusal will be recommended on the basis of poor quality of daylight to a significant number of residential units.

11.6.22. The submitted analysis includes an assessment of the public open space areas. The BRE requirement is that a minimum of 50% of the space shall receive two or more hours of sunlight on the 21st of March. The submitted analysis

demonstrates that the BRE requirement is met in all tested cases. The public and communal amenity spaces will be of a high quality, suitable for residential use.

11.6.23. **Noise:** The applicant has prepared and submitted an 'Environmental Noise Document Strategy' in support of this application, with the report dated May 2022. No issues were raised about noise concerns by third parties or by the Planning Authority. The applicant's report identifies sources of noise during the construction and operational phases of the development. Issues relating to construction vibration are also identified through this report. Various suitable mitigation measures are identified for the construction and the operational phases of this development.

11.6.24. **Conclusion on noise assessment:** I note the applicant's report and the identified sources of noise. These are to be as expected for a development of this nature and do not give rise to any significant concern. I note also that the submitted Outline Construction Management Plan includes under Section 5.2 details in relation to noise, and which I consider are appropriate to a development of this nature.

11.6.25. **Conclusion on Residential Amenity of Future Residents:** The proposed units will provide for a good standard of residential amenity, with good sized units, and adequate private amenity space. Adequate public and communal open space are provided to serve the future residents. Open space areas will receive good daylight and sunlight.

11.6.26. I am concerned about the number of units that do not achieve good levels of daylight. The number of units that do not demonstrate compliance with the recommended standard is significantly high. I do consider that a revised layout and a reduction in height of the blocks would improve these results, but such revisions would be significant.

11.6.27. It is therefore recommended that the proposed development be refused permission due to concerns regarding the poor quality of residential amenity that would be afforded to future occupants of this development.

11.7. Residential Amenity – Existing/ Adjacent Residents

11.7.1. **Existing Site:** At present the adjoining sites consist of light industrial or other non-residential uses. Issues of overlooking leading to a loss of residential

amenity do not arise. The submitted 'Proposed Site Plan' Drawing no. 0103 indicates the separation distances between the subject development and the adjoining lands. As the site is bounded by roads on three sides, I am satisfied that adequate separation distances are provided. The 'Proposed Site Plan' indicates the footprint of the development of the lands to the north and north west and separation distances between 30m and 35m will be provided which I consider to be adequate. Separation distances of at least 10.5m are proposed between the rear of the subject buildings and the boundary they face to the south. Overall, I am satisfied that the development has provided for adequate separations in terms of protecting future potential residential amenity/ ensuring that the redevelopment of adjoining sites would not be adversely impacted by this development.

11.7.2. **Sunlight/ daylight impacts to adjoining units:** The submitted 'Daylight and Sunlight Assessment Report' has considered the impact of the proposed development on adjoining properties. This assessment considered the impact on properties to the north, south and west. These are in light industrial/ commercial use but there is permission for residential development on some/ part of these lands. Lands to the east are primarily in use as open space associated with the TU Dublin. No issues of concern were raised by the Planning Authority or by third parties in relation to this.

11.7.3. Permission was granted in April 2019 for a SHD for 438 apartment units and 403 student accommodation bedspaces on the lands to the north of the subject site. A ten year permission was granted, and no development had commenced on the day of the site visit. The applicant's report has considered the impact of the proposed development on these adjoining lands. The following are noted:

- Vertical Sky Component (VSC): 268 windows were assessed of which 12 (4%) would be significantly impacted. VSC on a window is impacted if the value drops below the target value of 27% and is less than 0.8 times the baseline value. The following windows were found to be significantly impacted by the proposed development:

Table 7: Windows that fail to meet BRE Guidance on Vertical Sky Component

– Daylight:

Block (Permitted development to the north of the subject site)	Level	Window No.	Compliance with BRE Guidelines	Ratio of Proposed VSC to Baseline VSC
B1	02	1h	42.70%	0.34
B1	02	1i	33.44%	0.27
B1	02	1j	40.80%	0.33
B1	02	1k	37.45%	0.30
B1	02	1l	40.16%	0.32
B1	02	1m	43.57%	0.35
B1	03	2h	42.88%	0.34
B1	03	2i	34.24%	0.27
B1	03	2j	40.84%	0.33
B1	03	2k	37.16%	0.30
B1	03	2l	39.05%	0.31
B1	03	2m	42.69%	0.34

A significant effect is where the ratio of the proposed VSC to baseline is below 0.5.

The applicant has undertaken an assessment of VSC where balconies are not included, and all tested units achieve either a Not Significant or Imperceptible effect.

- Annual Probable Sunlight Hours (APSH) effect: 211 windows assessed of which 6 (3%) would be significantly affected. Impact is found where the value drops below the target value of 25%. The following windows were found to be significantly impacted by the proposed development:

Table 8: Units that fail to meet Annual Probable Sunlight Hours

Block (Permitted development to the north of the subject site)	Level	Window No.	Compliance with BRE Guidelines	Ratio of Proposed VSC to Baseline VSC
B1	02	1i	45.3%	0.36
B1	02	1j	49.4%	0.40
B1	02	1k	46.5%	0.37
B1	03	2i	46.3%	0.37
B1	03	2j	49.7%	0.40
B1	03	2k	47.6%	0.38

- Winter Probable Sunlight Hours (WPSH) effect: 211 windows assessed of which 1 would be significantly affected. Impact is found where the value drops below the target value of 5%. Window 1g on the 1st Floor/ Level 02 of Block B1 was only 33.6% compliant.
- Sun On Ground (SOG) effect: Imperceptible for amenity spaces and private amenity spaces. Tested open space areas would achieve 59.5% and 87.6% of their relevant areas to receive at least two hours sunlight on the 21st of March. Private amenity spaces would vary between 65.9% and 100%, this is considered to be a good result.

11.7.4. The results are noted and generally the results are good. The impact is on rooms that are facing south and clearly the development of a site to the south would impact on the daylight and sunlight received by these units, casting a northwards shadow at times of the day. It is not certain that a revised layout on the subject site would improve these figures, certainly an increased separation distance may improve the figures, however this may be at the expense of good quality urban design with appropriate development of buildings that front onto the public street. I would not be recommending a refusal of permission due to the impact on the residential amenity of these units. These units are not developed at present, and the

impact would not be noticeable if the blocks were constructed in a similar timescale as residents would not experience any noticeable change in daylight/ sunlight received.

11.7.5. Conclusion on sunlight/ daylight impacts to neighbouring

properties: The assessment was undertaken of the potential impact of a proposed development on adjoining lands where there is no residential development in place at present. The results indicate that some permitted units would suffer a loss of daylight/ sunlight from the baseline figure and not demonstrate compliance with the recommended standards. I consider that the small number of units that fail to demonstrate compliance is acceptable in terms of good quality urban design and the implementation of the Tallaght Town Centre Local Area Plan 2020 – 2026.

11.7.6. CE Report comment on residential amenity: I note again the comments in the CE report and no significant issues of concern were raised in the submitted report about the potential impact on existing residential amenity.

11.7.7. Conclusion: Overall, I am satisfied that the development will not have an unduly negative impact on the existing residential amenity of the area. I have no reason, therefore, to recommend to the Board that permission be refused due to impact on the existing residential amenity of the area.

11.8. Transportation, Traffic, Parking and Access

11.8.1. The Planning Authority did not raise any specific concerns about the proposed development and conditions are recommended in the event that permission is granted. Third party observations referred to concerns about capacity in local public transport, though as already reported, the comments refer specifically to a different site in Tallaght.

11.8.2. Traffic: A 'Traffic and Transport Assessment' (TTA) and a DMURS Statement of Consistency have been submitted with the application. Vehicular access to the site is from Belgard Square East and access is provided to an undercroft and basement level car park. The existing vehicular access to this site is to the south of the proposed new access and no issues of concern were raised about this new access. Any increase in traffic arising from the development is not expected to have any noticeable impact on the existing road network. Similarly, no concerns have been raised in relation to the impact of additional traffic on existing

road junctions in the immediate area/ affected area of the proposed development site. Recommended Condition 4(a) refers to road improvements in accordance with NTA requirements and which includes a revised junction at Belgard Square North and Belgard Square East, including signalisation.

11.8.3. The site is very well served by public transport with a number of bus routes passing along the Belgard Road and Belgard Square North but also the Luas stop in Tallaght is within short walking distance. If the proposal were developed, a significant number of residents are likely to use public transport for day to day commuting. Section 7.9 of the TTA refers to 'Public Transport Services and Capacity' and details the available capacity for the Luas Red Line at Tallaght. A similar assessment is undertaken for bus services, but much of this is no longer relevant as the bus network has been revised in the area due to the implementation of the Bus Connects Network Review. I would consider that capacity and frequency has increased beyond that indicated in Tables 27 and 28 of the TTA.

11.8.4. Car Parking: The applicant has provided a Parking Management Strategy in support of this development. Some details are also provided in the submitted Traffic and Transport Assessment. A total of 117 parking spaces are provided of which 78 are in the undercroft area and 39 in the basement level. 6 of the undercroft parking spaces are for accessible use.

Section 7.10 and 12.7.4 of the South Dublin County Development Plan 2022 – 2028 refers to Car Parking. Table 12.26 provides the 'Maximum Parking Rates (Residential Development)' and Zone 2 development specifies 0.75 spaces per one bed unit, 1 space for a two bed unit and 1.25 spaces for a three + bedroom unit. This is the maximum provision and the plan states, '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 listed criteria, which may 'should be addressed as part of any Traffic and Transport Assessment..'

11.8.5. The proposed development makes allowance for the provision of a Car-Share Club and the undercroft parking allows for up to 17 shared cars. Reference is made to operators of such a scheme, but no definite details are provided in supported documents. Final details could be addressed by way of

condition, and I note that such schemes are well established in residential developments such as this.

11.8.6. I am satisfied that that the applicant has provided an adequate justification for the proposed car parking to serve this development through their TTA. The figures are somewhat distorted by the number of one bedroom units proposed but overall I would support a reduction in the car parking provision from that provided in Table 12.26 of the South Dublin County Development Plan 2022 – 2028 having regard to the nature of the development and the location of the site within a town centre location, and which is well served by existing public transport.

11.8.7. **Conclusion on car parking:** The proposed car parking provision is acceptable and appropriate for a development of this nature located within Tallaght Town Centre.

11.8.8. **Bicycle Parking/ Cycle Provision:** A total of 670 bicycle parking spaces are to be provided to serve this development of which 490 will be for residents/ long stay use and the remaining 180 will be allocated to visitor/ commercial/ creche use as appropriate. Secure bicycle parking is available in the basement level. The lift/ stair cores to the upper floor extends to the basement level providing easy access for residents to the parked bicycles. Bicycle parking is dispersed at ground floor level for visitor etc. use.

11.8.9. **CE Report comment on bicycle parking:** No issues were raised in relation to bicycle parking. Recommended Condition no. 4 requires the provision of a segregated cycle lane in the final design between the junction of Belgard Square North and the Blessington Road.

11.8.10. **Conclusion on Bicycle Parking:** The proposed development is adequately served by bicycle parking facilities. An adequate number of spaces are provided and are accessible to residents of this development.

11.8.11. **Development Lighting:** The applicant has provided a 'Lighting Masterplan' in support of their application. This is a very detailed document and in addition to site lighting it includes a comprehensive description/ illustration of how the blocks will be lit as well as detailing the lighting impact on the area. The information provided whilst comprehensive is easy to understand with relevant illustrations/

images supporting the text. A section is provided on Ecology and demonstrates regard to animals, birds, badgers, bats and reptiles that may be found in the area.

11.8.12. The submitted details are noted and in general I would be satisfied with the approach taken in the applicant's report/ proposal. I also note the comments of the Planning Authority (South Dublin County Council) which conditioned that lighting details be agreed prior to the commencement of development.

11.8.13. **Conclusion on public lighting:** I note the submitted details and the comments of the Planning Authority, and I agree that in the event that permission is granted, suitable conditions in relation to public lighting can be provided subject to their requirements.

11.8.14. **Conclusion on Transportation, Traffic, Parking and Access:** The development is located in an area with existing good quality public transport provision, and the site is located within Tallaght Town Centre. I am satisfied that adequate car parking is provided and cycle parking provision is also good. The proposed development would not impact on the local road network through its location and the recommended number of car parking spaces.

11.9. Infrastructure and Flood Risk

11.9.1. Water Supply and Foul Drainage: A report was received from Uisce Éireann in August 2022. There are no issues in relation to water supply and foul drainage can be provided but at the time there was a need for the implementation of strict flow management. Works on this as part of the Dodder Valley Drainage Area Plan were due to be complete in Q3 2024 and this is noted.

11.9.2. The important point to note is that Uisce Éireann did not oppose the proposed development. The Water Resources serving this site have an Orange 'Potential Capacity Available' with a Level of service (LoS) improvement required according to the Uisce Éireann Capacity Register dated December 2024. There is potential capacity to meet 2033 population levels. In terms of Foul Drainage, the Capacity Register is green with Wastewater Capacity Available for all sites.

11.9.3. **Conclusion on Water Supply and Foul Drainage:** Capacity is available to serve the demand generated by the proposed development and it is not

foreseen that the development would negatively impact on existing development in the area.

11.9.4. Surface Water Drainage: South Dublin County Council Environmental Services Department have requested that additional details be provided in relation to surface water drainage. Details are requested on the volume of attenuation to be provided and also the use of concrete tanks and arched type systems are not acceptable, and a revised proposal is requested.

11.9.5. Other elements proposed for surface water drainage are not acceptable to South Dublin County Council and require revision. The Public Realm report identifies similar concerns.

11.9.6. The Planning Authority note the submitted report but have provided suitable conditions in the event that permission is to be granted for this development.

11.9.7. **Conclusion on Surface Water Drainage:** I note the comments of the Planning Authority and whilst these issues may be resolved by way of condition, there is potential for significant impacts from such works, and which should be clearly identified. The applicant is somewhat constrained by the site area, and there are restrictions on the provision of under storage tanks as the Local Authority may not take these in charge.

11.9.8. Flood Risk: A 'Flood Risk Assessment' has been prepared and is included with the application. The site of 0.898 hectares is located in an urban area and the site contains an industrial/ office building with surface car parking surrounding the building. All structures to be demolished and a residential scheme of 334 apartments in three blocks is to be provided here. The Whitestown Stream which is located approximately 700m to the south of the site is the nearest watercourse to the subject site. The submitted report restates the nature of the proposed development.

11.9.9. The report considered four sources of potential flooding:

- Fluvial: Flooding caused by overtopping of watercourses such as rivers and streams. There is no history of flooding on this site. There is a history of flooding on lands to the south of the N81, but these do not impact the subject lands due to

the rising elevation of the lands above the known areas subject to flooding. The risk of fluvial flooding is negligible, and no mitigation measures are required.

- Tidal: Flooding caused by coastal sea level rises. No impact due to location/ distance from the coast. The risk of fluvial flooding is negligible, and no mitigation measures are required.
- Pluvial: Flooding caused by high intensity rainfall. No record of this on site and no mitigation measures are required.
- Groundwater: Flooding caused by a rise in the level of the established water table. Site contains made ground, and the development will be designed with basements/ below level areas waterproofed against any issues of groundwater.

11.9.10. Impact on adjoining lands: Attenuation on site will be designed to accommodate 1 in 100 year extreme events and designed for the predicted impacts of climate change. Discharge flow will be controlled, and downstream flooding is mitigated. The site adjoins roads, and these contain surface water drainage which will ensure that overland flooding onto the development site is avoided.

11.9.11. The subject site is found to be Flood Zone C and is suitable for the development proposed here. The site will be provided with an adequate attenuation system and suitable surface water drainage will be provided on site. No impacts to adjoining sites are foreseen as a result of the construction of the submitted proposed development.

11.9.12. **CE Report comment on Flood Risk:** The CE report raises no concerns in relation to surface water drainage or flood risk. Suitable conditions are proposed in the event that permission is to be granted for the development.

11.9.13. **Conclusion on Flood Risk:** There is no concern regarding the potential for flooding of this site or the cause of flooding on adjacent lands.

11.10. Ecological Impact Assessment (EcIA)

11.10.1. The applicant has prepared and submitted an Ecological Impact Assessment (EcIA) with the submitted report dated May 2022. I have had regard to the contents of same.

11.10.2. The proposed development and subject site are described in the report. Details are provided about the Spatial Scope and Zone of Influence. The nearest watercourse is the Jobstown Stream/ River Dodder which is measured to be 649m from the subject site. I note this watercourse name, this is also referred to as the Whitestown Stream in other documentation. Full details are provided on the other documents/ proposals that provide consideration for ecology such as the Landscaping Plan, Arboricultural Assessment, Drainage details, and Lighting details.

11.10.3. Full details are provided on the assessments and surveys undertaken in the preparation of this report. Site surveys were undertaken in September 2020, and April 2022. The submitted report sets out the 'Impact Assessment Significance Criteria'.

11.10.4. Table 1 of the applicant's report provides 'European sites within 15km of the proposed site' and Table 2 provides the 'Distances to (proposed) NHAs and Ramsar sites within 15km of the proposed development site'. The location of these is provided on Figures 9 to 12 of the applicant's report. The location of watercourses is indicated on Figures 13 to 16.

11.10.5. The habitat/ species surveys found the site consisted of the following:

- BL3 – Buildings and artificial surfaces – mostly made ground. Site is well maintained, and no invasive species were found. No evidence of bats utilising the buildings on site or foraging here.
- GA2 – Amenity grassland – Two small areas on site.
- BC4 – Flower beds and borders – Located around the edge of the site. Mix of native and non-native species.
- WL2 – Treeline – Located outside of the main building, mostly Maples.

11.10.6. Evaluation of Species: No flora, terrestrial fauna species or habitats of National/ International conservation importance were noted on site. No evidence of bats, amphibians/ reptiles on site. Table 3 of the applicant's report provides the 'Bird Species noted in the vicinity of the proposed development'. No Annex I of the EU Birds Directive were noted on site and only a single herring gull was observed; herring gulls are amber listed in Ireland, but no nesting was found here. Table 4

provides 'Recorded species, associated designations and grid references' within a 2 square kilometre grid area and is identified through Figure 19.

11.10.7. The following 'Potential Impacts' are provided, in summary:

Construction Phase:

- Site: Clearance and removal of amenity open space on these lands.
- Designated Conservation Sites: There is an indirect pathway from the site via the surface and foul drainage network to designated conservation sites including Dublin Bay SACs, pNHAs and SACs, and to South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA/ Ramsar Site and Sandymount Strand/ Tolka Estuary Ramsar Site. No effects are foreseen due to distance, dilution effects and mitigation measures are not required. Impacts would be Negative /minor adverse Impact/ not significant effects/ short-term/ Likely Effects.
- Biodiversity: Loss of existing habitats and species on site, though there is a 'paucity of biodiversity on site'. Mammals would see a Neutral Impact/ Not significant/ Short-term/ Unlikely Effects. No protected Flora on site, no evidence of bats and no impact on Aquatic Biodiversity due to separation distance. Impact on birds through the removal of woody vegetation would be minor adverse (if nesting)/ Unlikely Effects/ Mitigation required in relation to nesting birds.

Operational Phase:

- The submitted AA and NIS found that significant effects are likely in the absence of appropriate mitigation measures, via the surface water network, for designated sites within Dublin Bay. If no mitigation measures are provided the impact would be negative /minor adverse Impact/ not significant effects/ long-term/ Likely Effects.
- No protected mammals, flora, bats, aquatic biodiversity or birds were identified, therefore no impact. Mitigation measures are provided in the case of surface water drainage, and the buildings would provide for suitable habitat for herring gulls.

11.10.8. Table 6 provides a list of appropriate mitigation measures for this development. Residual Impacts and Cumulative Impacts are considered in the

applicant's report. Table 5 provides a list of the 'Cumulative effects evaluated'. Full details are provided on the proposed upgrade of the Ringsend Wastewater Treatment Plan (WWTP). Works were ongoing/planned at the time of lodgement of this SHD application.

11.10.9. In conclusion the report states 'The construction and operational mitigation measures proposed for the development satisfactorily addresses the mitigation of potential impacts on the sensitive receptors, primarily the surface water runoff from the site, which will discharge to the River Dodder and to the marine environment at Dublin Bay. Mitigation measures to satisfactorily address the protection of biodiversity on site and the surface water quality entering the public network, will be implemented and will ensure the protection of biodiversity on site and water quality of the River Dodder and downstream conservation sites. The impact of the proposed development would be a short term/minor adverse/not significant impact during construction and a neutral impact during operation.'

11.10.10. **Conclusion on EclA:** I note the information and details provided in the EclA and I am satisfied that the submitted information indicates that the proposed development will not impact on any designated or protected ecological sites or impact on any protected species. Suitable mitigation measures have been proposed and these are noted. The site is in an urban location and due to this, the relatively small site area and distance from watercourses, I am satisfied that the EclA provides a suitable report demonstrating that biodiversity will not be adversely impacted by this proposed development.

11.11. **Childcare Provision**

11.11.1. The proposed development is for 334 units and a childcare facility is proposed at ground floor level and which has a floor area of 144sq m. This is provided at ground floor and basement levels. This facility is provided to the north of the east/ west link street and is located to the southern side of the development. Open space, with an area of 107sq m is available adjacent to the childcare facility for play use by those children attending this facility.

11.11.2. The requirement under the 'Planning Guidelines for Childcare Facilities (2001)' was for one childcare facility for every 75 units, able to accommodate 20 children. Section 4.7 of the 'Sustainable Urban Housing: Design Standards for New

Apartments Guidelines for Planning Authorities' states 'One-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms'. The applicant reports that the proposed facility is appropriate to the scale and nature of development proposed. The PA reported no objection to this facility though did note the very high proportion of one bedroom units in this scheme.

11.11.3. In the interest of clarity, I have summarised the requirements for childcare provision for this development.

Table 9: Childcare provision requirements

	2001 Childcare Guidelines	2020 Apartment Guidelines – without 1 bed	2023 Apartment Guidelines – without 1 bed and only 50% of 2 beds (2 Bed Apartments only)
Number of proposed Units	334	141	75
1 Facility with capacity for 20 children for every 75 units	89	38	20

11.11.4. The Childcare Guidelines (2001) specify a minimum floor area of 2.32sq m per child but this is age dependent. The proposed facility with 144sq m will meet the expected demand on this site.

11.11.5. **Conclusion on Childcare Provision:** I consider that the proposed facility is acceptable and will meet the requirements for childcare for a development of this nature. Clearly the shortfall in three bedroom units allows for a reduced size of facility and any increase in three bedroom units would require a reappraisal of the scale of facility proposed here.

11.12. Comment on Submission/ Observations

11.12.1. As already reported, the site is located in the South Dublin County Council administrative area. The elected members made comments at the area committee meetings and the comments were submitted alongside and included in the CE report. They are generally similar to those raised by third parties and dealt with under the relevant headings above. However, having regard to their important role in plan and place making, I have considered the strategic points raised by them, as outlined below.

11.12.2. I have also noted and considered all of the issues raised in the third observations, and these varied issues have been addressed already in my report.

11.12.3. Tallaght Area Committee: Concern was expressed about the proposed density, height and number of units proposed. I have outlined earlier in this report that the site is zoned for Town Centre use and is acceptable for residential development. I have reported that the development is considered to be excessive in terms of height and in turn density. These issues have been extensively covered in this report and the primary issue relating to height impacts all aspects of the proposed development including number of units, layout, and density.

11.12.4. The design of the proposed development was raised as an issue of concern. I would suggest that the height is the primary issue of concern, and the final elevational treatment of a development can be addressed by way of condition.

11.12.5. The lack of three bedroom/ family units was raised as a concern at the Area Committee Meeting. This issue has been addressed in my report. I note the comments made about the development encouraging a transient population to live in Tallaght Town Centre.

11.12.6. Concern was raised about the ability of public transport to facilitate this development. The site is located within lands zoned for town centre use and it has to be expected that development will be in the form of residential/ mixed use schemes such as this. There have been significant changes to local public transport since the lodging of this application in 2022 including the introduction/ revisions to the orbital bus network with a consequent increase in capacity/ frequency.

11.12.7. I note the comments made in relation to fire safety and the ability of the fire brigade to adequately respond to an emergency. This issue would be a matter

for the fire brigade and all developments have to comply with the relevant fire safety requirements.

11.13. Other Issues

11.13.1. **Archaeology:** An Archaeological Impact Assessment has been prepared and provided by the applicant in support of this development. Archaeology is a feature of the area, and the buffer zone associated with the historic town of Tallaght (DU021-03) is located to the east of the subject site.

11.13.2. Site surveys were limited due to the Covid Restriction in place at the time, the report is dated May 2022. The report notes the existing development on site and considers the archaeological potential here to be low as much of the site would have been disturbed due to modern development. No additional archaeological mitigation measures are required.

11.13.3. I note the submitted report, and I also note that the Planning Authority did not make any comment on the issue of archaeology.

11.13.4. **Retail/ Commercial Units:** No details have been provided in relation to the proposed retail/ commercial units other than the identifying the location/ size of these units within the relevant apartment blocks. The location of signage, details on opening hours, deliveries and staff numbers have not been provided; however, these issues could be provided closer to the completion of the development/ occupation of these units. Details of the occupier and hours of operation can be conditioned to require notification to the Planning Authority.

11.13.5. **Phasing:** Drawing no. 0107 – Phasing Plan indicates that the overall development will be undertaken in four phases. Phase 1 provides the ground floor levels and the following phases see the provision of Blocks A, B and C going from west to east. The submitted details are noted and are considered to be acceptable, though a suitable condition for agreement with the PA would be appropriate.

11.13.6. **Wind Microclimate Assessment:** The applicant has prepared and provided a Wind Microclimate Report in support of this development. This assessment is focused on the pedestrian level wind microclimate. In summary this assessment has found that pedestrian comfort would be achievable in all locations within/ adjacent to the development except:

- Podium level: In the summer all suitable for sitting/ standing except for a small area which is suitable for strolling. In the winter some areas are suitable for strolling/ walking, above the recommended target for standing. The upper levels are generally suitable for sitting and provide for a good amenity space.
- Pedestrian distress/ safety: Achieved in all locations except to the south west corner of the adjacent development on the northern side of Belgard Square North Road. Also, a small area at the northeast corner of the site, along Belgard Square North Road and which is a borderline failure.

Details of suitable mitigation measures are provided, and which have been included in the landscape plan and the overall architectural design of the development.

11.13.7. I note the submitted report and its conclusions, and I agree that the proposed development would be unlikely to give to significant effects in relation to microclimate/ impacts to wind-speed experienced in the area. A revised report should be provided in the event that the height overall layout is significantly revised as tested results are likely to be different.

11.14. **Aviation Safety:** The applicant has provided an 'Aeronautical Assessment Report', dated May 2022, in support of their application. This refers to potential impact on aviation using Baldonnell Aerodrome and helicopter movements in/ out of Tallaght Hospital, full details of the location of these are provided in the applicant's report. No issues of concern are raised through this report. The report also includes a consideration of impact on Dublin Airport – no impact, Issues relating to Glint and Glare and which are covered in a separate report, External Lighting and the Use of Cranes during Construction.

11.15. The Planning Authority raised no issues of concern in relation to aviation safety and have included recommended Condition no. 25 in relation to Aviation Safety – site marking/ warning lights, and Condition no. 26 refers to Aviation – notification of the use of cranes. I am satisfied that the applicant has adequately addressed all relevant matter and specific issues in relation to aviation safety can be appropriately addressed by way of suitable conditions in the event that permission was to be granted for the submitted development.

11.16. **Glint and Glare:** The applicant has prepared and submitted a 'Glint and Glare Assessment' dated March 2022 in support of their application. Photo voltaic

panels are proposed at the roof level of Blocks B and C. These are fixed and do not rotate to follow the sun during the day. Section 4.2 of the applicant's report refers to the use of a 'Solar Glare Hazard Analysis Tool' in the assessment. Section 5 of the applicant's report provides an 'Identification of Standard Receptors' including Baldonnell/ Casement Aerodrome. In conclusion it was found that there would be no 'hazardous glint and glare effects upon the aviation receptors identified as a result of the proposed roof mounted solar PV panels.'

11.17. No issues were raised by the Planning Authority in relation to this aspect of the proposed development. I consider it appropriate that a suitable condition be included in the event that permission was to be granted, allowing for revisions to the photo voltaic panels if necessary.

11.18. **Fire Safety:** This was raised as an issue of concern in one of the third party observations, with a particular issue about the ability of the fire brigade to respond to an incident. The applicant has submitted an 'Outline Fire Strategy' in support of their application and which is dated May 2022 (Revision A). Full details are provided in relation to sprinklers, means of escape, structural fire resistance and access/ facilities for the fire service.

11.19. I note the submitted information, and I consider it to be comprehensive. This is a matter for consideration by the Fire Officer and the proposed development would be subject to assessment under the relevant fire safety legislation. The applicant is clearly aware of their requirements under the Fire Safety Certification process.

11.20. **Material Contravention**

11.20.1. The applicant has submitted a 'Statement of Material Contravention – South Dublin County Development Plan 2016-2022 and Tallaght Local Area Plan 2020' dated May 2022 and a separate 'Statement of Material Contravention – Draft South Dublin County Development Plan 2022-2028 and Tallaght Local Area Plan 2020' dated May 2022 in support of the proposed development. The public notices make specific reference to a statement being submitted indicating why permission should be granted having regard to the provisions s.37(2)(b). I have already commented on aspects of these documents, however I will consider each separately in this section.

11.20.2. 'Statement of Material Contravention – South Dublin County Development Plan 2016-2022 and Tallaght Local Area Plan 2020': Justification is

provided in terms of the building height, plot ratio, and unit mix. This County Development Plan has been superseded by the South Dublin County Development Plan 2022 – 2028 and the referred to issues relative to the 2016 plan no longer apply.

11.20.3. 'Statement of Material Contravention – Draft South Dublin County Development Plan 2022-2028 and Tallaght Local Area Plan 2020': The South Dublin Development Plan 2022 – 2028 was made in June 2022 and came into effect on the 3rd of August 2022. The applicants report refers to the draft plan but considering their report was dated May 2022, they had a clear indication of what issues in their proposed development may conflict with the development plan. Their report seeks to provide a 'justification for material contraventions of the Tallaght Town Centre Local Area Plan 2020 in relation to building height, plot ratio, public open space, and unit mix; and the draft South Dublin Development Plan 2022-2028 in relation to policies which support the implementation of the Local Area Plan with respect to height and density'. A justification for material contravention is provided in the applicants report and refers to legislation, National Guidance and importance of the development in the national context. The issues raised in the Material Contravention Statement are provided under the following headings.

11.20.4. **Plot Ratio and Height:** Section 3.0 of the applicant's report refers to 'Plot Ratio and Height'. The proposed plot ratio is 3.32, whereas the LAP indicates a range of 1.5 to 2.0 and heights of 6-7 maximum with and additional setback are provided for, though the development proposes a height of 2 -13 storeys. The LAP allows for some flexibility in terms of plot ratio and height with clear parameters provided for. The applicant acknowledges that the development 'is a material contravention of the LAP provisions on Height and Density.'

11.20.5. Within the section on 'Justification', reference is made to the National Planning Framework (NPF) 2040 and the Buildings Height Guidelines, 2018. The site is located within Tallaght Town Centre in an accessible location. The site is located within an area which is designated for significant mixed use development, and consequentially suitable for increased height and density. The proposed development includes mixed use on site. The subject lands can also be considered as a brownfield site. The applicant considers that the proposed 372 units per hectares and height of 2 -13 storeys is appropriate and consistent with the NPF.

11.20.6. In terms of the apartment guidelines, the site can be considered to be within 'Central and/ or Accessible Urban Locations' and the applicant has outlined the justification for this in terms of location, public transport availability and services in the area. The proposal is considered in terms of integration with its surroundings and the applicant refers to the submitted Daylight and Sunlight Report with specific references to VSC, APSH and WPSH as well as Sun On Ground in relation to amenity spaces. Full regard is had to other environmental/ ecological assessments. In conclusion, the applicant considers that the development may be granted as a material contravention having regard to Section 37(2)(b)(iii).

11.20.7. I have considered the issue raised in the applicant's submitted Material Contravention Statement and whilst I agree that the proposed development would have resulted in a Material Contravention of the South Dublin County Development Plan 2016 – 2022, I do not advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended) as this plan is no longer in force.

11.20.8. Whilst the TC zoning of the site is suitable to allow for residential/ mixed use development and is located within a Central and/ or Accessible Urban Locations, I consider that the proposed development does not demonstrate a suitable justification for a material contravention of the Tallaght Town Centre Local Area Plan 2020 – 2026 and the South Dublin County Development Plan 2022 – 2028. Section 37(2)(a) of the Planning and Development Act 2000 (as amended), states that the Board may decide to grant planning permission even if the proposed development contravenes materially the development plan.

11.20.9. I am not convinced that adequate justification is provided to permit a development of 334 units on a site of 0.898 hectares at a density of 372 units per hectare with heights ranging from 2 to 13 storeys. There are justifiable restrictions on any development on this site for the reasons already outlined. I accept that the site is designated as suitable for increased height/ density, but the heights and density are clearly outlined in the local area plan. To permit this development would result in an excessively dense development on these lands which is clearly indicated by the plot ratio of 3.32.

11.20.10. Section 37(2)(b) (i)-(iv) lists the circumstances when the Board may grant permission in accordance with section 37(2)(a). Taking into account each point of 37(2)(b) on their own:

37(2)(b)(i) Development is of strategic/ national importance – It is not considered that this development meets these criteria. This is a residential development of local importance at best.

37(2)(b)(ii) Conflicting objectives in the development plan – None identified by the applicant.

37(2)(b)(iii) Is in accordance with the RSES, Section 28 Guidelines or Section 29 obligations – Does not adequately demonstrate compliance with these. Lands are suitable for residential development but not at the height, ratio and density proposed here.

37(2)(b)(iv) Development to have regard to permitted schemes in the area since the adoption of the development plan – The proposal would be significantly higher than permitted development in the immediate area and would be contrary to the height strategy where landmark sites are identified in the LAP and this is not designated as such.

The proposed development does not justify a grant of permission in accordance with section 37(2)(a) of the Planning and Development Act 2000 as amended in terms of height, plot ratio and density.

11.20.11. **Unit Mix:** The second issue is that of Unit Mix, with only 3% or 11 three bedroom units proposed which is contrary to the LAP minimum requirement of 30%. The applicant acknowledges that an insufficient number of three bedroom units are proposed here.

11.20.12. Within the Justification, the applicant refers to SPPR 1 of the apartment guidelines and the justification for a unit mix. I note this reference to SPPR 1, however that SPPR refers to the setting of unit mix in the context of the preparation of a local area plan or county development plan, it need not apply at planning application stage. In terms of BTR schemes, reference is made to SPPR 7 and 8. These SPPRs have been omitted from the latest version of the apartment guidelines and all apartment schemes are assessed the same, no matter if Build to Sale or

BTR. At the time of lodgement of this application, BTR was still in place and the development was compliant in terms of unit mix requirements for the BTR element. The other justifications refer to housing demand and need for unit mix. This is noted but again, the LAP has set out a requirement for a particular unit mix which the proposed development fails to achieve.

11.20.13. **Open Space:** The proposed development provides for a total of 0.15 hectares of open space; however, the development plan requires that 0.523 hectares be provided.

11.20.14. The justification outlines the benefits of the subject site in terms of location and would see the redevelopment of a brownfield site in an accessible location. The development would provide for 17% of the total site area for open space which would be in accordance with the Sustainable Residential Development in Urban Areas (2009) guidelines. These have been superseded with the Compact Settlement Guidelines (2024).

11.20.15. The Planning Authority reported no objection to the provision of open space, but did seek an additional contribution in lieu of a shortfall in open space. Having regard to the location of the site within Tallaght Town Centre but in relatively close proximity to Sean Walsh Park and other amenity lands in the area, I am satisfied that the proposed open space is acceptable in terms of the South Dublin County Development Plan 2022 – 2028, under Table 8.2 'Public Open Space Standards', which requires that a minimum of 10% of the site area be allocated as open space. This is achieved in the proposed development.

11.20.16. **Conclusion on Material Contravention:** In relation to Height, Plot Ratio, Density and Unit Mix, for the reasons outlined, I am not satisfied that the development has been justified for material contravention of the South Dublin County Development Plan 2022 – 2028 and the Tallaght Town Centre Local Area Plan 2020 – 2026.

12.0 Appropriate Assessment (AA)

12.1 The proposed residential development at the Former ABB site, Belgard Road, Tallaght, Dublin 24 has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended. Having carried out screening for Appropriate Assessment of the project, it was concluded that the development may have a significant effect on the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the site in light of its conservation objectives.

12.2 Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA subject to the implantation in full of appropriate mitigation measures.

12.3 This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and monitoring in relation to the Conservation Objectives of the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA.
- Detailed assessment of in combination effects with other plans and projects including historical projects, plans and current proposals.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA.

12.4 I have had full consideration of the information, assessment and conclusions contained within the NIS. I have also had full regard to National Guidance and the information available on the National Parks and Wildlife Service (NPWS) website in relation to the identified designated Natura 2000 sites. I consider it reasonable to conclude that on the basis of the information submitted in the NIS report, including

the recommended mitigation measures, and submitted in support of this application, that the proposed development, individually or in combination with other plans or projects would not be likely to adversely affect the integrity of the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA.

Full details of the Appropriate Assessment are provided in Appendix 2 attached to this report.

13.0 Environmental Impact Assessment Screening

13.1. 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.

13.2. Item 10(b) 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’.

13.3. 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.”

13.4. The proposed development is for the demolition of existing structures on site, construction of 334 no. apartments (216 apartments and 118 no. Build to Rent apartments), creche and associated site works on a stated site area of 0.898 hectares. 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, in that it is less than 500 units and is below the 10 hectares (that would be the applicable threshold for this site, being outside a business district but within an urban area).

13.5. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted EIA Screening Report, dated May 2022, and I have had full regard to same. The screening report considers that the development is below the thresholds for mandatory EIAR having regard to Schedule 5, Part 2 of the Planning and Development Regulations 2001, due to the size of the site area at 0.898 hectares and due to the number of residential units at 334, a formal EIAR is not required. In addition, detailed and comprehensive assessments have been undertaken to assess/ address all potential planning and environmental issues relating to the development.

13.6. 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.

13.7. 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 with Planning Policy on Submission of Application
- Statement of Consistency with Draft South Dublin County Development Plan 2022-2028
- Statement of Material Contravention – South Dublin County Development Plan 2016-2022 and Tallaght Local Area Plan 2020
- Statement of Material Contravention – Draft South Dublin County Development Plan 2022-2028 and Tallaght Local Area Plan 2020
- Architectural Design Statement
- Landscape Design Statement
- Townscape and Visual Impact Assessment Report
- CGIs and Verified Views
- Arboricultural Assessment and Impact Report
- Aeronautical Assessment Report
- Archaeological Assessment
- Demolition & construction Waste Management Plan
- Flood Risk Assessment (FRA)
- Engineering Services Report
- Hydrological Risk Assessment
- Ecological Impact Statement (EclA)
- Environmental Noise Strategy
- Glint and Glare Assessment
- Lighting Masterplan
- Telecommunications Report
- Wind Microclimate Report

13.8. In addition, noting the requirements of Section 299B (1)(b)(ii)(II)(C), 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:

Table 10: Section 299B Documents:

Relevant Directives	Document
Directive 92/43/EEC, The Habitats Directive	Appropriate Assessment (AA) Screening/ Natura Impact Assessment (NIS) Ecological Impact Statement (EclA)
Directive 2000/60/EC, EU Water Framework Directive	Demolition & construction Waste Management Plan Flood Risk Assessment (FRA) Engineering Services Report Hydrological Risk Assessment Ecological Impact Statement (EclA)
Directive 2001/42/EC, SEA Directive	Environmental Impact Assessment Screening Report
Directive 2002/49/EC, Environmental Noise Directive	Environmental Noise Strategy
Directive 2008/50/EC, Ambient Air Quality	Demolition & construction Waste Management Plan Environmental Noise Strategy Outline Construction Management Plan Traffic & Transportation Assessment
Directive 2007/60/EC, Management of flood risks	Flood Risk Assessment

Directive (EU) 2018/850, Landfill waste	Demolition & construction Waste Management Plan Outline Construction Management Plan
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13.9. 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.

13.10. I am satisfied that all relevant assessments have been identified for the purpose of EIA Screening. I also note SEA has been undertaken as part of the South Dublin County Development Plan 2022-2028 and the Tallaght Town Centre Local Area Plan 2020 – 2026.

13.11. I have completed an EIA Screening Assessment as set out in Appendix 1 of this report. Thus, having regard to:

- (a) the nature and scale of the proposed development, which is below the thresholds in respect of Item 10(b)(i), (ii) and (iv) of Part 2 of Schedule 5 of the Planning and Development Regulations, 2001 (as amended);
- (b) the location of the development on land zoned Objective 'TC – Town Centre', with a stated objective 'To protect, improve and provide for the future development of Town Centres'
- (c) the pattern of development on the lands in the surrounding area;
- (d) the availability of mains water and wastewater services to serve the development.
- (e) the location of the development outside any sensitive location specified in Article 299(c)(1)(v) of the Planning and Development Regulations, 2001 (as amended);
- (f) the guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-Threshold Development"

issued by the Department of the Environment, Heritage and Local Government (2003);

(g) the criteria set out in Schedule 7 and 7A of the Planning and Development Regulations, 2001 (as amended),

I am satisfied that it can be determined the proposed development, by reason of the nature, scale and location of the subject site and the mitigation measures proposed to avoid, prevent or reduce any significant adverse effects on the environment, would not be likely to have significant effects on the environment and the preparation and submission of an Environmental Impact Assessment Report would not therefore be required.

14.0 Final Conclusion

14.1. Whilst the site is suitably zoned for mixed use/ residential development under the TC – Town Centre zoning that applies under the South Dublin County Development Plan 2022 – 2028 and the Tallaght Town Centre Local Area Plan 2020 – 2026, the proposed development would materially contravene these plans in terms of Building Height, Plot Ratio, Density and Unit Mix.

14.2. A number of significant concerns have been identified as follows:

- The proposed development provides for 334 units on a site area of 0.898 hectares giving a density of 372 units per hectare. This density is achieved through blocks of excessive height and plot ratio. The Tallaght Town Centre Local Area Plan indicates that residential development would be permitted in blocks of between 4 and 7 storeys, however the applicant has proposed that the development be between 7 and 13 storeys, which is far in excess of the Local Area Plan standards. Whilst some flexibility is permissible within the Local Area Plan lands, this site is not designated as suitable for landmark buildings, and I therefore cannot accept that the proposed height is acceptable or appropriate here. The subject site, zoned TC – allows for residential development, but the density is far in excess of that indicated in the adopted South Dublin County Development Plan 2022 – 2028 and the Tallaght Town Centre Local Area Plan 2020 – 2026. Similarly, the development is excessive in the context of Section 28 Guidelines including the Apartment Guidelines, 2023, the Urban Development

and Building Heights Guidelines, 2018 and the Compact Settlement Guidelines, 2024.

- The proposed development provides for 334 units of which only 13 (3%) are three bedroom units. This is contrary to Objective RE2 of the Tallaght Town Centre Local Area Plan 2020 – 2028 and Policy H1, Objective 13 of the South Dublin County Development Plan 2022 – 2028. The development would therefore fail to provide for a suitable unit mix and would result in an over proliferation of one and two bed units within a large residential development in the centre of Tallaght.
- Out of 334 units, 48 of the proposed units are provided with one or more habitable rooms that do not demonstrate that they would receive adequate levels of daylight in accordance with Table 2 of BS8206 Part 2:2008, which provides the minimum Average Daylight Factor (ADF) for a residential unit, therefore resulting in a poor quality of residential amenity for residents of these proposed units.

14.3. The proposed development would therefore be contrary to National Guidance and Local Policy and would not be in accordance with the proper planning and sustainable development of the area.

15.0 Recommendation

Having regard to the above assessment, I recommend that section 9(4)(d) of the Act of 2016 be applied, and that permission be REFUSED for the development, for the reasons and considerations set out below.

16.0 Recommended Draft Order

16.1.1. Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 18th May 2022 by John Spain and Associates, Planning Consultants on behalf of Landmarque Belgard Development Company Limited.

16.1.2. Proposed Development:

- Demolition of existing warehouse/ light industrial/ office unit with a stated floor area of 3625 sq m.
- Construction of 334 no. apartments (216 apartments and 118 no. Build to Rent apartments),
- Creche, and four café/ restaurant/ retail units.
- 3 commercial spaces associated with three live-work units.
- All associated site works, infrastructure provision and the provision of suitable amenity space.
- An NIS is provided with this application.

The application contains a statement setting out how the proposal will be consistent with the objectives of the South Dublin County Development Plan 2016 – 2022, the Tallaght Town Centre Local Area Plan 2020 – 2026 and the draft South Dublin County Development Plan 2022 – 2028. A full Housing Quality Assessment is submitted which provides details on compliance with all relevant standards including private open space, room sizes and storage areas.

The proposed development is accompanied with Material Contravention Statements, referring to the South Dublin County Development Plan 2016 – 2022 and the Draft South Dublin County Development Plan 2022, which set out a justification for the proposed development.

The following issues were raised in the material contravention statement:

- Excessive height and plot ratio with consequential excessive density of units.
- Inappropriate unit mix through only 3% of the total number of units as three bedroom apartments when the relevant plans require that 30% be three bedroom units.
- Insufficient provision of open space, but this was found to comply with the requirements of the South Dublin County Development Plan 2022 – 2028.

Decision:

Refuse permission for the above proposed development based on the reasons and considerations set out below.

Matters Considered:

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

Reasons and Considerations

The Board Considers that:

1. The proposed development provides for 334 residential units on a site area of 0.898 hectares giving a density of 372 units per hectare. This density is achieved through blocks of excessive height. The Tallaght Town Centre Local Area Plan indicates that residential development would be permitted in blocks of between 4 and 7 storeys, however the applicant has proposed a development of between 7 and 13 storeys, which is far in excess of the standards provided in the Local Area Plan. Whilst some flexibility in relation to height is permissible within the Local Area Plan lands, this site is not designated as one suitable for landmark buildings. The subject site is zoned TC, Town Centre and which allows for residential development, but the proposed density is far in excess of that indicated in the adopted South Dublin County Development Plan 2022 – 2028 and the Tallaght Town Centre Local Area Plan 2020 – 2026. Similarly, the development is excessive in the context of Section 28 Guidelines including the Apartment Guidelines, 2023, the Urban Development and Building Heights Guidelines, 2018 and the Compact Settlement Guidelines, 2024. The proposed development would materially contravene the Tallaght Town Centre Local Area Plan, County Development Plan and would not be in accordance with Section 28 Guidance and would be contrary to the proper planning and sustainable development of the area.
2. Notwithstanding the Build To Rent (BTR) element of the proposed development, the submitted scheme provides for 334 units of which only 13 units (3%) are three bedroom units. This is contrary to Objective RE2 of the Tallaght Town Centre Local Area Plan 2020 – 2028 and Policy H1, Objective 13 of the South

Dublin County Development Plan 2022 – 2028. The development would therefore fail to provide for a suitable unit mix and would result in an over proliferation of one and two bed units within a large residential development in the centre of Tallaght, would be contrary to the proper planning and sustainable development of the area and would materially contravene the Tallaght Town Centre Local Area Plan 2020 - 2026 and the South Dublin County Development Plan 2022 – 2028.

3. The proposed development provides for 334 units in three blocks ranging in height from 7 to 13 storeys. By reason of the excessive height of the proposed development, 48 of these units are provided with one or more habitable rooms that do not demonstrate that they would receive adequate levels of daylight in accordance with BS EN17037:2018 and it is also demonstrated that the development would impact on a permitted scheme to the north of the subject site in terms of daylight loss to permitted units. The proposed development would therefore result in a poor quality of residential amenity and would be contrary to the proper planning and sustainable development of the area.

Paul O'Brien

Inspectorate

27th March 2025

Appendix 1: Screening for Appropriate Assessment

Description of the Project:

I have considered the proposed development consisting of the Demolition of existing structures, construction of 334 no. apartments (216 apartments and 118 no. Build to Rent apartments), creche and associated site works, in light of the requirements of S177U of the Planning and Development Act 2000 as amended. A Screening report has been submitted with the application on behalf of the applicant and the objective information presented in that report informs this screening determination. The applicant's report is dated May 2022.

The subject site with a stated area of 0.898 hectares, comprises an almost rectangular shaped area of land located to the west of the Belgard Road, south of Belgard Square North and to the east of Belgard Square East, approximately 470m to the north west of Tallaght Village and 250m to the north east of The Square Shopping Centre, Tallaght. The site contains a large warehouse/ factory unit that is flanked by offices to the north east and eastern elevations. To the north/ east and west of the buildings on site is surface car parking and to the south is an enclosed delivery area. The existing site boundary consists of a plinth wall with railings on top. The site is served by a public water supply and foul drainage system.

The subject development is not within a European site. The nearest European Sites are the Glenasmole Valley SAC (Site Code: 001209), the Wicklow Mountains SAC (Site Code 002122) and the Wicklow Mountains SPA (Site Code 004040) and which are located approximately 3.6km/ 5.8km and 7.3km respectively to the south of the subject site.

Potential Impact Mechanisms from the Project

The following impacts could occur because of this development:

Construction Phase:

- Indirect hydrological pathway from the site to a designated site via the public surface water network. Surface water could contain silt, sediments or other pollutants. – Effect Mechanism A.
- Indirect hydrological pathway from the site to a designated site via the public foul drainage system.
- Potential for release of sediments and other pollutants to the air.

- Waste generated during the construction phase of the development.
- Potential for noise disturbance during this phase of the development.
- Potential for light pollution during the construction phase.

Operational Phase:

- Indirect hydrological pathway from the site to a designated site via the public surface water network. Surface water could contain silt, sediments or other pollutants. – Effect Mechanism B.
- Indirect hydrological pathway from the site to a designated site via the public foul drainage system.
- Increased lighting at the site and in the vicinity emitted from the proposed development.
- Increased human presence and activity at the site and in the vicinity as a result of the proposed development.

Having regard to the above potential impacts, the following can be excluded at this stage.

- Pollution through the foul drainage system would be unlikely, considering the distance to the relevant designated European sites, such as 11.2km to the South Dublin Bay SAC. Foul water will be treated at the EPA licensed Ringsend Wastewater Treatment Plant before discharge.
- Uncontrolled release of sediments etc to air would not impact on designated sites due to the separation distance and the urbanised nature of the area.
- Waste Generation during the construction phase – This will be controlled by the Construction Management Plan and the Construction & Demolition Resource Waste Management Plan and by best practice. There is no direct link that would result in an impact on designated European sites.
- Increased noise, dust, and vibrations/ and from construction vehicles – Standard construction practices will reduce any such impacts and the distance from the subject site to designated European sites will ensure that there are no impacts.

- Increased lighting (construction and operational phases) would not impact on any of the designated sites due to distance and the location of the site within a heavily urbanised area with extensive light sources.
- Due to distance from designated sites, increased human presence (construction and operational phases) would not impact on these.

A total of two impacts have been identified that may affect the Conservation Objectives of designated sites – labelled as Effect 1 and Effect 2. These refer to impacts through surface water drainage at construction and operational stages.

Likely significant effects on European Sites –

The applicant's report identifies a total of eleven relevant European Sites, four SPAs and seven SACs as follows, none of which have a direct hydrological/ biodiversity connection.

Name	Site Code	Distance from Site
South Dublin Bay SAC	(000210)	11.2km
North Dublin Bay SAC	(000206)	14.6km
Glenasmole Valley SAC	(001209)	3.6km
Wicklow Mountains SAC	(002122)	5.8km
Rye Water Valley/ Carton SAC	(001398)	11.3km
Knocksink Wood SAC	(000725)	7.8 km
Red Bog, Kildare SAC	(000397)	14.9km
South Dublin Bay and River Tolka SPA	(004024)	11.3km
North Bull Island SPA	(004006)	14.6km
Wicklow Mountains SPA	(004044)	7.3km
Poulaphouca Reservoir SPA	(004063)	14.3km

The North West Irish Sea SPA (site code 004236), which is 16.4km from the subject site was not considered in the submitted AA Screening Report, as it was not designated a European Site until 2023.

The applicant's report only considered designated areas within 15km of the subject site. I consider this to be appropriate and the assessment considers those sites in relevant proximity to the development site.

The following table identifies European Sites that may be at risk of impact due to the proposed development, full details of the qualifying features at risk are provided in the applicant's report:

Table A1 – European Sites at Risk of Impact from the proposed development:

Effect Mechanism	Impact Pathway/ Zone of Influence	European Site	Qualifying Interest features at risk
<p>Effect 1: Potential for impact to water quality and resource during the Construction Phase</p> <p>Effect 2: Potential for impact to water quality and resource during the Operation Phase</p>	<p>11.2km from the subject site – Indirect pathway through the public surface water drainage system and discharge through the Whitestown Stream and River Dodder to Dublin Bay</p>	<p>South Dublin Bay SAC</p>	<p>Mudflats and sandflats not 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>Embryonic shifting dunes [2110]</p>

<p>Effect 1: Potential for impact to water quality and resource during the Construction Phase</p> <p>Effect 2: Potential for impact to water quality and resource during the Operation Phase</p>	<p>14.6km from the subject site – Indirect pathway through the public surface water drainage system and discharge through the Whitestown Stream and River Dodder to Dublin Bay</p>	<p>North Dublin Bay SAC</p>	<p>Mudflats and sandflats not 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 [1330]</p> <p>Mediterranean salt meadows [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p>Petalophyllum ralfsii (Petalwort) [1395]</p>
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Effect 1: Potential for impact to water quality and resource during the Construction Phase	11.3km from the subject site – Indirect pathway through the public surface water drainage system and discharge	South Dublin Bay and River Tolka SPA	Light-bellied Brent Goose [A046]
Effect 2: Potential for impact to water quality and resource during the Operation Phase	Indirect pathway through the Whitestown Stream and River Dodder to Dublin Bay		Oystercatcher [A130] Ringed Plover [A137] Grey Plover [A141] Knot [A143] Sanderling [A144] Dunlin [A149] Bar-tailed Godwit [A157] Redshank [A162] Black-headed Gull [A179] Roseate Tern [A192] Common Tern [A193] Arctic Tern [A194] Wetland and Waterbirds [A999]

Effect 1: Potential for impact to water quality and resource during the Construction Phase	14.6km from the subject site – Indirect pathway through the public surface water drainage system and discharge	North Bull Island SPA	Light-bellied Brent Goose [A046]
Effect 2: Potential for impact to water quality and resource during the Operation Phase	Indirect pathway through the Whitestown Stream and River Dodder to Dublin Bay		Shelduck [A048] Teal [A052] Pintail [A054] Shoveler [A056] Oystercatcher [A130] Golden Plover [A140] Grey Plover [A141] Knot [A143] Sanderling [A144] Dunlin [A149] Black-tailed Godwit [A156] Bar-tailed Godwit [A157] Curlew [A160] Redshank [A162] Turnstone [A169] Black-headed Gull [A179] Wetland and Waterbirds [A999]

All other European sites, including the North West Irish Sea SPA, can be excluded from further assessment due to distance, nature of development and lack of ecological connection between the designated site and the subject lands.

Likely significant effects on the European sites ‘alone’ –

This section of the assessment considers if there are significant effects alone and whether it is possible that the conservation objects might be undermined from the effects of only this project.

The following table provides the relevant information:

Table A2 – Could the project undermine the Conservation Objectives ‘alone’:

European Site and qualifying feature	Conservation Objective	Could the Conservation Objectives be undermined?	
		Effect 1	Effect 2
South Dublin Bay SAC (000210)	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC.	Y	Y
Reason:	Effect 1: Runoff from the site during construction could lead to water deterioration. Effect 2: Runoff from the site at operation stage could lead to water deterioration.		
North Dublin Bay SAC (000206)	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC, which is defined by a list of attributes and targets.	Y	Y

Reason:	<p>Effect 1: Runoff from the site during construction could lead to water deterioration.</p> <p>Effect 2: Runoff from the site at operation stage could lead to water deterioration.</p>		
South Dublin Bay and River Tolka Estuary SPA (004024)	Objective 1: To maintain the favourable conservation condition of the non-breeding waterbird Special Conservation Interest species listed for North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA.	Y	Y
Reason:	<p>Effect 1: Runoff from the site during construction could lead to water deterioration.</p> <p>Effect 2: Runoff from the site at operation stage could lead to water deterioration.</p>		
North Bull Island SPA (004006)	Objective: To maintain the favourable conservation condition of the listed waterbirds.	Y	Y
Reason:	<p>Effect 1: Runoff from the site during construction could lead to water deterioration.</p> <p>Effect 2: Runoff from the site at operation stage could lead to water deterioration.</p>		

I conclude that the proposed development would have a likely significant effect 'alone' on QIs associated with the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and the North Bull Island SPA due to potential impact on water quality/ resource during the construction and operational phases of this development. An Appropriate Assessment is required on the basis of the effects of the project 'alone'. Further assessment in-combination with other plans and other projects is not required at this time.

Appendix 2: Stage 2 – Appropriate Assessment

The applicant has provided a Natura Impact Statement (NIS), dated May 2022, in accordance with the requirements of the Stage 2 Appropriate Assessment process. A detailed list of supporting documentation is provided in the submitted Natura Impact Statement.

I am satisfied that the submitted NIS is in accordance with current guidance/ legislation/ best practice and the information included within the report in relation to baseline conditions and potential impacts are clearly set out and supported with sound scientific information and knowledge. The NIS examines and assesses the potential adverse effects of the proposed development on the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and the North Bull Island SPA, where it has been established that there is a possibility for significant effects on the European sites, in the absence of mitigation as a result of hydrological impacts. As reported in the Appropriate Assessment Screening, all other European designated sites can be excluded from the need for further assessment.

Table 5 of the applicant's NIS report provides details of the 'In-combination effects evaluated' and which refers to development in the adjoining area of the subject site and other relevant noticeable development that may have a potential in-combination effect. The applicant concludes that 'there are no developments of significance proposed in proximity of the proposed development that during construction or operation could give rise to significant in combination effects with the proposed project'. Full details are provided on the Ringsend Wastewater Treatment Plant and its capacity to treat foul drainage.

Table 6 of the applicant's NIS report provides details of the 'Potential for adverse effects on the qualifying interests and conservation objectives of European sites'. Table 7 provides details of the 'Mitigation Measures to prevent impacts on European sites'. I have provided the following table to list the QIs that may be affected and also a summary of the applicant's suggested mitigation measures, as per Table 7 of their submitted report:

Table B1: QIs and Mitigation Measures:

South Dublin Bay SAC (000210)			
Qualifying Feature	Pathway	Effect	Mitigation Measures (summarised – fully detailed in Table 7 of applicant's report.
Mudflats and Dunes	Hydrological through the surface water drainage system	Potential for contaminants including dust, silt, soil, hydrocarbons and cement to enter the surface water drainage network and discharge through the River Dodder to Dublin Bay.	<p>Construction Phase:</p> <ul style="list-style-type: none"> • Project ecologist employed to oversee enabling/ construction work. • Pre-construction surveys. • Standard mitigation measures on site. • Storage of materials in accordance with best practice. • Careful control of fuels/oils. • Control of concrete use on site. • Implementation of Construction Management Plan <p>Operational Phase:</p> <ul style="list-style-type: none"> • Project ecologist employed to oversee completion of

			<p>landscaping and drainage works.</p> <ul style="list-style-type: none"> • Petrochemical interception to be inspected by project ecologist.
North Dublin Bay SAC (000206)			
Mudflats and Dunes	Hydrological through the surface water drainage system	Potential for contaminants including dust, silt, soil, hydrocarbons and cement to enter the surface water drainage network and discharge through the River Dodder to Dublin Bay.	<p>Construction Phase:</p> <ul style="list-style-type: none"> • Project ecologist employed to oversee enabling/ construction work. • Pre-construction surveys. • Standard mitigation measures on site. • Storage of materials in accordance with best practice. • Careful control of fuels/oils. • Control of concrete use on site. • Implementation of Construction Management Plan <p>Operational Phase:</p> <ul style="list-style-type: none"> • Project ecologist employed to oversee completion of

			landscaping and drainage works. Petrochemical interception to be inspected by project ecologist.
South Dublin Bay and River Tolka Estuary SPA (004024)			
Seabirds, wetland and waterbirds	Hydrological through the surface water drainage system	Potential for contaminants including dust, silt, soil, hydrocarbons and cement to enter the surface water drainage network and discharge through the River Dodder to Dublin Bay.	<p>Construction Phase:</p> <ul style="list-style-type: none"> • Project ecologist employed to oversee enabling/ construction work. • Pre-construction surveys. • Standard mitigation measures on site. • Storage of materials in accordance with best practice. • Careful control of fuels/oils. • Control of concrete use on site. • Implementation of Construction Management Plan <p>Operational Phase:</p> <ul style="list-style-type: none"> • Project ecologist employed to oversee completion of landscaping and drainage works.

			Petrochemical interception to be inspected by project ecologist.
North Bull Island SPA (004006)			
Seabirds, wetland and waterbirds	Hydrological through the surface water drainage system	Potential for contaminants including dust, silt, soil, hydrocarbons and cement to enter the surface water drainage network and discharge through the River Dodder to Dublin Bay.	<p>Construction Phase:</p> <ul style="list-style-type: none"> • Project ecologist employed to oversee enabling/ construction work. • Pre-construction surveys. • Standard mitigation measures on site. • Storage of materials in accordance with best practice. • Careful control of fuels/oils. • Control of concrete use on site. • Implementation of Construction Management Plan <p>Operational Phase:</p> <ul style="list-style-type: none"> • Project ecologist employed to oversee completion of landscaping and drainage works.

			Petrochemical interception to be inspected by project ecologist.
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There is no potential for significant effects on the Conservation Objective attributes and targets of the other qualifying features within the SAC and the SPA.

Potential impacts on the designated sites have been identified in the applicant's report. Where significant effects are identified, suitable mitigation measures and avoidance measures have been identified to overcome such issues. The NIS concludes that 'Following the implementation of the mitigation measures outline (sic), the construction and presence of this development, alone or in combination with other plans and projects, would not result in adverse effects on the integrity of European sites, South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA.

NIS Assessment:

I have relied on the following guidance: Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2009); Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC, EC (2002); Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

The South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA are subject to appropriate assessment. A description of the sites and their Conservation Objectives and Qualifying Interests are set out in the submitted NIS and have already been outlined in this report as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website.

Aspects of the Development that could adversely affect the designated sites: The main aspects of the development that could impact the conservation objectives of

the European sites are through habitat loss by deterioration of water quality by runoff from the site during the construction and operational phases of the development.

Mitigation: A range of mitigation measures are provided in the NIS, and these are noted. These refer to the construction and operational phases of the development as provided in the applicant's report. The proximity of the site to designated sites rightly requires a degree of caution to be deployed throughout the construction and operational phases.

Overall, I consider that the proposed mitigation measures are clearly described, and precise, and definitive conclusions can be reached in terms of avoidance of adverse effects on the integrity of designated European sites based on the outlined mitigation measures. I consider that the mitigation measures are necessary having regard to the proximity of the site to the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA. Overall, the measures proposed are effective, reflecting current best practice, and can be secured over the short and medium term and the method of implementation will be through a detailed management plan and appropriate monitoring through the construction and operational phases of the development. 15.14 In Combination Effects: No issues of concern are raised subject to the full implementation of mitigation measures outlined in the NIS.

Appropriate Assessment Conclusion:

The proposed residential development at the Former ABB site, Belgard Road, Tallaght, Dublin 24 has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the site in light of its conservation objectives.

Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not

adversely affect the integrity of the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA subject to the implantation in full of appropriate mitigation measures.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and monitoring in relation to the Conservation Objectives of the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA.
- Detailed assessment of in combination effects with other plans and projects including historical projects, plans and current proposals.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA.

I have had full consideration of the information, assessment and conclusions contained within the NIS. I have also had full regard to National Guidance and the information available on the National Parks and Wildlife Service (NPWS) website in relation to the identified designated Natura 2000 sites. I consider it reasonable to conclude that on the basis of the information submitted in the NIS report, including the recommended mitigation measures, and submitted in support of this application, that the proposed development, individually or in combination with other plans or projects would not be likely to adversely affect the integrity of the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA.

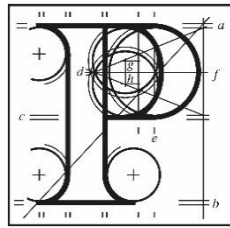
Appendix 3: Form 1 - EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-313606-22		
Proposed Development Summary	Strategic Housing Development consisting of the demolition of existing structures, construction of 334 no. apartments (216 apartments and 118 no. Build to Rent apartments), creche, retail/ commercial units and associated site works. The subject site with a stated area of 0.898 hectares, comprises an almost rectangular shaped are of land located to the west of the Belgard Road, south of Belgard Square North and to the east of Belgard Square East, approximately 470m to the north west of Tallaght Village and 250m to the north east of The Square Shopping Centre, Tallaght.		
Development Address	Former ABB site, Belgard Road, Tallaght, Dublin 24.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	Yes	✓	
	No		
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			

No	✓		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant) Conclusion
No		N/A	No EIAR or Preliminary Examination required
Yes	✓	Class 10(b)(i) – 500 dwelling units	Sub-threshold Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes	✓	Screening Determination required

Inspector: _____ **Date:** _____



Appendix 4: EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS		
An Bord Pleanála Case Reference	319982-24	
Development Summary	Strategic Housing Development consisting of the demolition of existing structures, construction of 334 no. apartments (216 apartments and 118 no. Build to Rent apartments), creche, retail/ commercial units and associated site works. The subject site with a stated area of 0.898 hectares, comprises an almost rectangular shaped are of land located to the west of the Belgard Road, south of Belgard Square North and to the east of Belgard Square East, approximately 470m to the north west of Tallaght Village and 250m to the north east of The Square Shopping Centre, Tallaght.	
	Yes / No / N/A	Comment
1. Has an AA screening report or NIS been submitted?	Yes	An EIA Screening Report and a Natura Impact Statement have been submitted in support of the application.

2. Has Schedule 7A information been submitted?	Yes	Included in the Environmental Impact Assessment Screening prepared by the applicant.
3. Is an 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	
4. 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	<p>A Site-Specific Flood Risk Assessment that addresses the potential for flooding was undertaken in response to the EU Floods Directive.</p> <p>An AA Screening Report and NIS in support of the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) have been submitted with the application. An Outline Construction Management and a Demolition & Construction Waste Management Plan have been submitted which was undertaken having regard to the EC Waste Directive Regulations 2011, European Union (Household Food Waste and Bio-waste) Regulation 2015, European</p>

		<p>Communities (Trans frontier Shipment of Waste) Regulations 1994 (SI 121 of 1994) and to European Union (Properties of Waste which Render it Hazardous) Regulations 2015.</p> <p>The South Dublin County Development Plan 2022 – 2028 was subject to Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA) Screening.</p>
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B. EXAMINATION	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 (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)		
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	Yes: The development proposes the provision of residential development within three blocks and with heights between 2	No.

	and 13 storeys to the west of the Belgard Road within Tallaght Town Centre. The surrounding area currently consists of low rise commercial units but similar development is found to the western side of the town centre and more recently to the eastern side of the Belgard Road.	
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes: The proposed development will result in the demolition of an existing vacant warehouse/ factory/ office development.	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 an urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded	No.

	as significant in nature.	
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, hydraulic oils and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	No.
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Yes: Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for	No.

	<p>disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. Operational waste will be managed via a Waste Management Plan. Significant operational impacts are not anticipated.</p>	
<p>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?</p>	<p>No: There is no significant risk identified subject to the implementation of appropriate mitigation measures. The operation of a Construction Management Plan will satisfactorily mitigate emissions</p>	<p>No.</p>

	<p>from spillages during construction. The operational development will connect to mains services. Surface water drainage will be separate to foul services within the site. No significant emissions during operation are anticipated.</p>	
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes: Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p>No.</p>

<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No: Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<p>No.</p>
<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No: There is no significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p>No.</p>

<p>1.10 Will the project affect the social environment (population, employment)</p>	<p>Yes: The development of this site as proposed will result in a change of use and an increased population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land uses, which are characterised by residential/ mixed use development, with significant</p>	<p>No.</p>
<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>No: Similar large residential developments have been permitted and constructed within the Tallaght Town Centre area.</p>	<p>No</p>
<p>2. Location of proposed development</p>		
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p>	<p>No European sites located on or adjacent to the site. An Appropriate Assessment Screening and</p>	<p>No.</p>

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/ LAP/ draft plan or variation of a plan	Natura Impact Statement were provided in support of the application. No adverse effects are foreseen.	
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: The submitted EclA and AA Screening/ NIS did not raise any issues of concern. The subject site is limited as a bat and bird habitat.	No.
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	None in the immediate area of the subject site.	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,	There are no such features that arise in this location.	No.

water/coastal, fisheries, minerals?		
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	<p>None on site.</p> <p>A site-specific flood risk assessment was prepared, and no issues of concern were identified.</p> <p>The site is located within Flood Zone C and a Justification Test was not required. No issues of concern in relation to the development of this site and impact on adjoining lands arising from the proposed scheme.</p>	No.
2.6 Is the location susceptible to subsidence, landslides or erosion?	No such impacts are foreseen.	No.
2.7 Are there any key transport routes (e.g. National primary Roads) on or around the location which are susceptible to congestion or which cause	The site is on the Belgard Road and full regard is had to the proposed Core Bus Corridor that forms part of the Bus	No.

environmental problems, which could be affected by the project?	Connects project for the Tallaght area. A suitable Construction Management Plan will ensure no impact on this during the construction and operational phases. Contact has been made between the applicant and the NTA regarding this development and the Core Bus Corridor project.	
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	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?	Some cumulative traffic impacts may arise during construction and operational stages. Construction traffic would be subject to a	No.

	construction traffic management plan.	
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No trans-boundary effects arise as a result of the proposed development.	No.
3.3 Are there any other relevant considerations?	No.	No.
C. CONCLUSION		
No real likelihood of significant effects on the environment.	<input checked="checked" type="checkbox"/>	EIAR Not Required
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	
D. MAIN REASONS AND CONSIDERATIONS		
<p>Having regard to: -</p> <p>a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,</p> <p>b) Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,</p> <p>c) The location of the site on lands governed by zoning objective TC – Town Centre ‘To protect, improve and provide for the future development of Town Centres’ in the South Dublin County Council Development Plan 2022 - 2028,</p> <p>d) The availability of mains water and wastewater services to serve the proposed development,</p> <p>e) The existing use on the site and pattern of development in surrounding area,</p>		

- f) The planning history relating to the site,
- g) The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended),
- h) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- i) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 as amended, and
- j) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Outline Construction Management & Waste Management Plan and a Construction Management Plan (CMP) to be agreed with the Planning Authority , It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

Inspector _____

Date _____

ADP/ DOP _____

Date _____