

An
Bord
Pleanála

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

Inspector's Report ABP-313760-22

Strategic Housing Development

Construction of 310 Build to Rent
apartments, restaurant/ commercial
units, creche and all associated site
works.

Location

Belgard Square East, Blessington
Road and Belgard Road, Tallaght,
Dublin 24.

Website

thehavenshd.ie

Planning Authority

South Dublin County Council

Applicant

Ravensbrook Limited.

Prescribed Bodies

1. National Transport Authority
(NTA)
2. Department of Defence
3. Inland Fisheries Ireland (IFI)

4. An Taisce
5. Irish Water – Uisce Éireann

Observer(s)

John Conway & The Louth
Environmental Group

Date of Site Inspection

25th April 2025

Inspector

Paul O'Brien

Contents

1.0 Introduction	4
2.0 Site Location and Description	4
3.0 Proposed Strategic Housing Development	5
4.0 Planning History	9
5.0 Section 5 Pre-Application Consultation	10
6.0 Relevant Planning Policy	19
7.0 Third Party Submissions	24
8.0 Planning Authority Submission	26
9.0 Prescribed Bodies	36
10.0 Oral Hearing Request	38
11.0 Assessment	38
12.0 Water Framework Directive (WFD)	101
13.0 Appropriate Assessment (AA)	103
14.0 Environmental Impact Assessment Screening.	102
15.0 Recommendation	110
16.0 Recommended Draft Order	111
17.0 Reasons and Considerations	111
Appendix 1: Screening for Appropriate Assessment	115
Appendix 2: Form 1: EIA Pre Screening	132
Appendix 3: EIA - Screening Determination	135
Appendix 4: WFD Impact Assessment Stage 1: Screening	152

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 0.906 hectares, comprises a rectangular shaped site located to the west of the Belgard Road, south of the Old Blessington Road and east of Belgard Square East, approximately 360m to the west of Tallaght Village and 40m to the east of The Square Shopping Centre, Tallaght. The site is vacant and cleared from all structures; the site was previously in use by Woodies DIY, but through relocation and subsequent demolition of the buildings on site, the lands have been vacant since the early 2000s.
- 2.2.** There are a mix of land uses adjoining this site. To the south is a McDonalds restaurant which includes a drive-thru facility and a large surface car parking area. To the east are a mix of commercial/ residential units up to six storeys in height. To the west is a surface car park associated with the Square Shopping Centre and a commercial building on the junction of Belgard Square East and the Old Blessington Road and a mixed use commercial/ residential unit adjoining which rises to seven storeys. A commercial building is located to the north of the Old Blessington Road/ 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 west of the subject site and this stop is approximately 380m walking distance away. The Square provides for a significant interchange between the Luas and a large number of bus routes. Bus stops are also located on the Blessington Road to the east and Belgard Square North, north 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 South Dublin County Development Plan 2022 - 2028 was made on 22nd June 2022 and came into effect on 3rd August 2022. This application was lodged on the 9th of June 2022 and the CE Report is dated 3rd August 2022 and considers the development in the context of the South Dublin County Development Plan 2022 – 2028 and the Tallaght Town Centre Local Area Plan 2020 – 2026.

3.0 Proposed Strategic Housing Development

- 3.1. The proposal, as per the submitted public notices, comprises the provision of 310 Build To Rent (BTR) residential units. The apartment units will be located in three separate blocks with retail, restaurant/ café, offices, and creche at ground/ first floor levels. Residential support services will be provided at basement, ground and first floor levels.

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

Table 1: Key Figures

Gross Site Area	1.26 hectares
Net Site Area	0.906 hectares
No. of Units	310
Density – Total Site Area	342.2 dwellings per hectare.
Public Open Space Provision	1,026sq m/ 11.3% of the site
Communal Open Space	1785sq m
Car Parking –	
Basement	
Standard	116
Accessible	6
Car Club	8
Ground Level	
Set down spaces	5 (4 serve the creche and 1 space is
Total	accessible)

	135
Bicycle Parking	763
Motorcycle Parking	6
Electricity Substations	3

Table 2: Breakdown of Apartments Unit Mix – All BTR

Floor	Unit Type			Total
	One Bed	Two Bed	Three Bed	
Basement	None			0
Ground	None			0
1 st	10	26	0	36
2 nd	13	30	1	44
3 rd	13	30	1	44
4 th	13	30	1	44
5 th	13	29	1	43
6 th	10	23	1	34
7 th	9	17	1	27
8 th	7	7	1	15
9 th	7	7	1	15
10 th	3	3	0	6
11 th	1	1	0	2

Total	99	203	8	310
% Total	32%	65%	3%	100%

Table 3: Floor Area Summary

Use	Floor Area (sq m)
Childcare Facility	257 sq m
Commercial Uses (9 Units providing for retail/ café and Class 2 Office Use	2,032 sq m
Residential Services & Amenities	998 sq m
Resident Support Facilities	787 sq m
Total	4,074 sq m

- 3.2.** Vehicular access will be from Belgard Square East with pedestrian/ cyclist access available on all sides.
- 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 and Statement of Consistency with Planning Policy (June 2022) – John Spain Associates
 - Statement of Material Contravention of South Dublin County Development Plan 2016-2022 and Tallaght Local Area Plan 2020 - (June 2022) – John Spain Associates

- Statement of Material Contravention of Draft South Dublin County Development Plan 2022-2028 and Tallaght Local Area Plan 2020 - (June 2022) – John Spain Associates
- Statement of Response to An Bord Pleanála's Opinion - (June 2022) – John Spain Associates
- Social Infrastructure Assessment (June 2022) – John Spain Associates
- Statement In Accordance with Article 299b (1)(B)(ii)(II)(C) of the Planning and Development Regulations 2001 – 2021 (May 2022) – AWN Consulting
- Architectural Statement of Response to ABP Opinion (May 2022) – Henry J Lyons
- Architectural Design Statement (May 2022) – Henry J Lyons
- Housing Quality Assessment Report & Schedule of Areas (May 2022) – Henry J Lyons
- Engineering Services Report (June 2022) – CS Consulting Group.
- Construction and Demolition Waste Management Plan (June 2022) – CS Consulting Group.
- Outline Construction Management Plan (June 2022) – CS Consulting Group
- Outline Construction Environmental Management Plan (OCEMP) (June 2022) – Enviroguide Consulting
- Site Specific Flood Risk Assessment (June 2022) – CS Consulting Group
- Traffic and Transport Assessment (June 2022) - CS Consulting Group.
- Mobility Management Plan (June 2022) - CS Consulting Group
- DMURS Statement of Consistency (June 2022) – CS Consulting Group.
- Service and Operation Management Plan (June 2022) – CS Consulting Group.
- Car Parking Management Strategy (June 2022) – CS Consulting Group.
- Quality Audit Response Document (June 2022) – CS Consulting Group.
- Structural Statement (June 2022) – CS Consulting Group.
- Landscape Design and Access Statement (June 2022) – Park Hood Chartered Landscape Architects

- Landscape Management and Maintenance Plan (May 2022) – Park Hood Chartered Landscape Architects
- Operational Waste Management Report (June 2022) – AWN Consulting
- Design, Townscape and Visual Assessment (May 2022) – Citydesigner
- Daylight Assessment for Proposed Development on Belgard Road (June 2022) – BPG3
- Telecommunications Report (June 2022) – Independent Site Management
- Building Lifecycle Report (May 2022) – Henry J Lyons
- Part L Planning Compliance (June 2022) – Axiseng Consulting Engineers
- Operational Management Plan – Hooke & MacDonald
- Arboricultural Report (May 2022) – Charles McCorkell Arboricultural Consultancy
- Wind Microclimate Report (May 2022) – B-Fluid
- Aeronautical Assessment Report (June 2022) – O'Dwyer & Jones Design Partnership
- Archaeological Assessment (June 2022) – IAC Archaeology
- Appropriate Assessment Screening (June 2022) – Enviroguide Consulting
- Hydrological Qualitative Risk Assessment (May 2022) – AWN Consulting.
- Ecological Impact Assessment Report (EclA) (June 2022) – Enviroguide Consulting
- Environmental Impact Assessment Screening (June 2022) – AWN Consulting.

4.0 Planning History

- 4.1. A detailed planning history is provided in Section 3.0 of the applicant's Planning Report and Statement of Consistency and I only list those I consider relevant here:

Subject site:

PA Ref. SD04A/0975 refers to a March 2006 decision to grant permission for a mixed use scheme of 223 residential units, retail and creche space in a development of 4 – 6 storeys, including a 200 space Luas Park and Ride Site. An extension of

permission was granted in 2013 but expired in March 2016 with no works commenced.

PA Ref. SD09A/0419 refers to an April 2010 decision to grant permission for a mixed use scheme of 6,339 sq m of retail space, 297 sq m of café/ restaurant uses, leisure/ bowling use of 3,321 sq m, a cinema of 2,736 sq m at second floor and 3,321 sq m of cinema use (14 screen multiplex) at third and fourth floor levels and car parking with 240 spaces. An extension of permission was granted in 2015, but expired in April 2020.

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.

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 22nd of July 2021 for a development of 327 apartments and commercial development. A range of issues were raised including compliance with the Tallaght Town Centre Local Area Plan, plot ratio, issues of building height, design/ unit mix, interaction with adjoining sites, archaeology, traffic/ transport issues, drainage and aviation safety.
- 5.2.** A Section 5 Pre-Application Consultation took place on the 4th of February 2022; Reference ABP-311896-21 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 326 BTR residential units – creche and all

associated site works at Belgard Square East, Belgard Road and Blessington 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 are 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. 'A detailed statement of consistency and planning rationale, outlining how in the prospective applicant's opinion, this primarily residential development is in compliance with the policies of the County Development Plan for this area. Such statement should have regard in particular to the "Town Centre" land use zoning objective and the identification of this as a Retail Opportunity Site, as well as the provisions of section 2.4.2 of the LAP relating to Mixed Use Frontage in such locations.
 2. Further consideration / justification of the documents as they relate to the height, scale and density of development proposed. In this regard the application should be accompanied by a detailed Rationale / Justification for the proposed density and building heights, having particular regard to section 2.6 of the Tallaght Town Centre LAP 2020 in respect of Intensity of Development and section 3.2 in relation to The Centre, and the provisions of the County Development Plan in this regard, as well as the criteria set out in Section 3.2 of the Urban Development and Building Height, Guidelines for Planning Authorities' 2018.
 3. Further clarification and elaboration for the documents as they relate to the design and function of the proposed Tertiary Road linking Belgard Road with Belgard Square East. The intent with regard to the taking-in-charge of this road should be clearly stated.

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. The application should include a comprehensive daylight and sunlight assessment examining the proposed dwelling units and amenity / open spaces, as well as potential impacts on daylight and sunlight to adjoining properties. In preparing such assessment regard should be had to the provisions of section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities (2018) and to the approach outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.
2. The assessment should provide a comprehensive view of the performance of the entire development in respect of daylight provision. Where any alternative, compensatory design solutions in respect of daylight are proposed, these should be clearly identified and justified, and their effect appropriately described and / or quantified.
3. An analysis of wind microclimate and pedestrian comfort, with reference to pedestrian occupation and usability of new public spaces and the safety and comfort of residential amenity spaces, including communal spaces, roof terraces and private upper floor balconies. The achievement of appropriate acceptance criteria for upper floor balconies should be clearly demonstrated.
4. Any required mitigation or other design measures arising from such assessment should be clearly identified and described in the study.
5. A management plan which addresses the varied requirements of the proposed Built-to-Rent residential units and associated amenities and facilities, as well as proposed commercial uses within the development.
6. A site layout plan, which clearly indicates areas intended to be taken in charge.

7. Details clearly distinguishing between areas proposed as public open space and those specified as communal open space and identifying 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 the management of access and use of the space, and who would take responsibility over the long-term for the costs arising from maintenance and the liability for accidents.
8. Details of the treatment of existing gas infrastructure on the eastern / Belgard Road frontage of the site. Any wayleaves associated with such gas infrastructure affecting the application site should be clearly identified.
9. Drawings clearly identifying all works proposed in the public realm including any modifications to the adjoining road and public footpath networks. The relationship with future works and improvements as part of BusConnects, including modifications and upgrades to junctions, bus stops and footpaths should be clearly described.

The application should be accompanied by the following:

1. A statement addressing the matters raised in the report of the South Dublin County Council Roads Department, dated 26/11/2021
2. A Parking Management Strategy, including detail on the breakdown of parking provision by type and land use.
3. A Quality Audit demonstrating compliance with the principles and specifications set out in DMURS and the National Cycle Manual. This should include a Road Safety Audit which considers inter alia the design and layout of the proposed car park and the tertiary access route running between Belgard Square East and Belgard Road.
4. A Servicing and Operations Management Plan for the proposed commercial and residential uses.
5. Details of the quantum and design of bicycle parking / storage, having regard to the provisions of the guidelines on Sustainable Urban Housing: Design Standards for New Apartments. The allocation of spaces between residential and commercial

uses on the site should be clearly described. The design of such parking / storage should consider relevant access and operational requirements.

6. Where the applicant considers that the proposed strategic housing development would materially contravene the South Dublin County Development Plan or the Tallaght Town Centre LAP 2020, other than in relation to the zoning of the land, a statement indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development.

7. Such statement should have regard to the development plan or local area plan in place or, likely to be in place, at the date of the decision of the Board in respect of any application for permission under section 4 of the Act.

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

5.5. 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. South Dublin Childcare Committee
3. National Transport Authority

5.6. Applicant's Statement

5.6.1. A document titled 'Statement of Response to An Bord Pleanála's Opinion' 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:

Item 1 – Provision of a detailed statement of consistency and rationale demonstrating how this development complies with the County Development Plan:

Refers to the submitted Planning Report and Statement of Consistency and the Design Response prepared by Henry J Lyons. The development is in accordance with the Town Centre zoning that applies here and is a 'Retail Opportunity Site' in accordance with the Local Area Plan and also refers to the need for mixed use frontages in this location. Amendments have been made to the proposed development including an increase in the quantum of retail/ commercial space by 34%, reduction in residential unit numbers from 326 to 310, provision of three bedroom units, revisions to residential amenity/ support space, revisions to public realm and active frontage areas and revisions to the access to the residential elements of this development. The subject lands are identified as a 'Retail Opportunity Site' in the CDP as per Figure 9.1 of the plan and the development includes approximately 1,913sq m of retail/ retail related services out of a total of 2,289sq m of commercial floor space as follows:

- Retail/Restaurant 609sq m
- Retail/Class 2 / Professional Services/Office 586sq m
- Retail 467sq m
- Retail/Café 252sq m
- Creche 257sq m
- Ancillary Space 119sq m

The subject site is currently vacant, and the proposed development provides for a suitable mix of commercial and residential uses on this site. Details are provided on retail provision/ planning history of retail in the Tallaght area noting in particular that 18,000sq m of additional retail space has been approved for the Square Shopping Centre. Details are provided that indicate that there is a significant amount of retail space vacancy in the area, running at 24% of the total stock or 17,000sq m. Commercial uses such as financial or professional services would be suitable here as they are more suited to High Street locations. The response to Item 1 is supported with the submitted JSA Planning Report & Statement of Consistency and Bannon Property Consultants Report.

Item 2 - Further consideration / justification of the documents as they relate to the height, scale and density of development proposed:

A number of supporting documents are provided in response and these are listed in Section 2.18 of the applicant's report. The number of units has been reduced from 326 to 310 with a consequential reduction in density from 362 dph to 342 dph. Building heights have been retained and justification is provided for this in the supporting documents. Taller buildings are supported in the Tallaght Town Centre Local Area Plan and Table 2.0 of this plan indicates that a heights of 6-7 storeys, with a recessed floor, and a plot ratio of 1.5 – 2.0 would be acceptable. The applicant states that the plot ratio is 1.6 and is compliant with the LAP. The building heights range from 6 – 12 storeys and therefore exceed the LAP. The density is considered to be acceptable in terms of the Apartment Guidelines 2020. The response continues and sets out a justification for the height in terms of Section 2.6 of the LAP allowing for flexibility of heights, in terms of accessible location, within 100m of a high frequency bus stop on Blessington Road and providing an improvement of the public realm in this area. The creche and commercial uses at ground floor will provide for a suitable frontage. The proposed development and its height respond appropriately to existing buildings in the area and outlines compliance with the criteria on Page 29 of the LAP. High quality material finishes will be used in the elevational treatment of the proposed buildings on site. Compliance with the draft South Dublin County Development Plan is also outlined by the applicant. Additional information is provided in the Statement of Material Contravention provided in support of this application.

Item 3 - Further clarification and elaboration for the documents as they relate to the design and function of the proposed Tertiary Road linking Belgard Road with Belgard Square East:

Supporting documentation is provided/ listed. A tertiary route is proposed to the south of the site, and which will link Belgard Square East to the west and the Belgard Road to the east; this is in accordance with Figure 2 of the Tallaght LAP and details have been discussed with the South Dublin County Council Roads Department. Revisions have been made to this route in terms of set down/ delivery areas, with more emphasis on walking/ cycling. It is not proposed that this route will be taken in charge and is considered to be a suitable location for filtered permeability. It will be designed in accordance with the principles of the South Dublin County Council Taking in Charge document.

Other Issues:

1. **Comprehensive daylight and sunlight assessment:** Full assessments have been undertaken and provided in support of this application. Proposed apartments achieve 90% compliance with targeted values for Average Daylight Factor (ADF) and 95% of neighbouring properties achieved the recommended targets for Vertical Sky Component (VSC). Sunlight to amenity space on site achieved 83% coverage for the 21st of March for at least two hours and neighbouring sites achieved 85%.
2. **Daylight provision on site:** A high level of compliance was found with 89% of targeted valued for ADF. Compensatory measures included an over provision of communal space, and a range of tenant amenities/ services are available to residents. In terms of neighbouring VSC, 99 out of 104 windows retain skylight levels. In the case of units that fall below the recommended levels, a list of compensatory measures is provided including the provision of additional housing to meet the needs of the area, additional amenity space for the area and improved road frontages with improved passive supervision.
3. **Wind microclimate:** The development would provide for comfortable/ pleasant use for pedestrians and there are no critical impacts on surrounding sites or roads.
4. **Wind mitigation measures:** The development has been designed to include suitable measures such as landscaping and these areas can be used for short-term sitting, walking and strolling. Trees planting has been designed to provide for mitigation against any critical wind effects.
5. **Management on site:** Full details are provided as relevant to a Build To Rent scheme as that proposed.
6. **Taking in Charge:** Drawing BR-HJL-00-DR-A-006 provides a 'Taken in Charge Plan' and details have been discussed with the PA prior to the lodging of this application.
7. **Public Open Space:** Section 10 of the 'Parkhood Design & Access Statement' includes a plan which clearly distinguishes the public / communal amenity space and those areas which area proposed to be taken in charge. Details are provided by the applicant as to how those areas not to be taken in charge are to

be managed. Maintenance and details on liability for accidents are also provided here.

8. **Gas Infrastructure/ wayleaves:** Details are provided through CS Consulting Drawing Q003-CSC-ZZ-XX-DR-C-0020. The applicant is not aware of any wayleaves associated with the gas infrastructure network adjacent to the site.

9. **Public Realm Works:** Full details are provided and any works on site will tie in with existing public realm infrastructure.

10. **Following details to be provided:** As listed below – items 11 – 18.

11. **Roads and Transport Issues:** Details provided in the submitted Traffic & Transport Assessment (TTA).

12. **Car Parking Strategy:** A Car Parking Strategy has been developed and provided in support of the application. The quantum of parking was discussed with the South Dublin County Council Roads Department noting the availability of high frequency/ capacity public transport.

13. **Quality and Road Safety Audit:** This has been provided by the applicant and submitted details are in accordance with DMURS and the National Cycle Manual. The Road Safety Audit also considers the design and layout of the car parking area and tertiary access route.

14. **Operational Management:** An Operational Management Plan has been prepared by Hooke & MacDonald and an Operational Waste Management Plan has been prepared by AWN Consulting.

15. **Bicycle Parking:** Bicycle parking has been increased to 763 spaces (see table above) with provision also made for cargo bicycle parking and motorcycle parking.

16. **Material Contravention:** A 'Statement of Material Contravention of the South Dublin CDP 2016-2022 and Tallaght LAP 2020' and a 'Material Contravention of the Draft South Dublin CDP 2022-2028 and Tallaght LAP 2020' have been prepared and submitted with the application.

17. **Material Contravention of Plans likely to be in place at the time of decision by the Board:** Response is as per Item 16.

Note: The South Dublin CDP 2022-2028, which came into force on the 3rd of August 2022, and Tallaght LAP 2020 were in place at the time of assessment by the Planning Authority and these remain in force at the present time (May 2025).

18. **Article 299B(1)(b)(ii)(II) Information:** This has been provided in support of the application.

Conclusion:

The applicant has submitted the above details to provide the additional documentation as raised by An Bord Pleanála in the pre-application consultation with suitable alterations made to the development.

6.0 Relevant Planning Policy

6.1. National Policy

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

Chapter 2 of the National Planning Framework (NPF) is entitled ‘A New Way Forward’ and sets out the function of the NPF.

National Policy Objective 12 is relevant and states: ‘Planned growth at a settlement level shall be determined at development plan-making stage and addressed within the objectives of the plan. The consideration of individual development proposals on zoned and serviced development land subject of consenting processes under the Planning and Development Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.’

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 12 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 Policy Objective 14 seeks to ‘Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets that can accommodate changing roles and functions, increased residential population and employment activity, enhanced levels of amenity and design and placemaking quality, in order to sustainably influence and support their surrounding area to ensure progress toward national achievement of the UN Sustainable Development Goals.’
- National Policy Objective 20 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 Policy Objective 22 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 37 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 43 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 45 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’.

The Revised National Planning Framework’ was published in April 2025 and includes revised figures of 50,000 per annum in the years to 2040. The NPF was revised to allow planning for an additional 950,000 people in Ireland between 2022 and 2040.

6.1.2. The following are relevant:

- Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021,
- Climate Action Plan 2024 and Climate Action Plan 2025

6.1.3. 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). Also the 2020 guidelines – see note 2 under Section 11.1 of this report.
- 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. Relevant 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 9: Economic Development and Employment (EDE), 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. Within Chapter 9 is Section 9.5 'Core Retail Areas' and as per Figure 9.1 the site is indicated to be within the 'Tallaght Core Retail Area and Opportunity Sites' and is indicated to be a 'Retail Opportunity Site'. The following are relevant:

- EDE9 Objective 3: 'To facilitate the provision of the highest level and broadest range of retailing in the County in the Core Retail Area of Tallaght Town Centre, along with a broad range of services and functions in the wider Town Centre and Village Centre zonings.'
- EDE9 Objective 4: 'To promote the intensification of the Core Retail Area of Tallaght.'

6.3.6. 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.

- 6.3.7.** 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

- 6.3.8.** 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 single submission was received, and the following comments were made:

- As Section 28 Guidelines – listed as Urban Development and Building Height 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
 - Building Height and Visual Impact
 - Development materially contravenes specifically SPPR 1, 2 and 3 as referred to in the Material Contravention Statement.
 - Car Parking
 - Childcare provision
 - Architectural Conservation Area requirements
 - Non-compliance with Local Area Plan/ Urban Design Framework (Policy Objectives SS02a & PM17)
- 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.
- Fails to consider all potential impacts on protected bird species.
- Cumulative impacts were not considered.
- The AA Screening has regard to mitigation measures which is contrary to the Habitats Directive.
- Refers to non-compliance with the Draft Dublin City Development Plan 2022 – 2028 (note not in Dublin City Council area).
- Over provision of this type of housing in the Dublin 24 area. Contrary to City Development Plan and National policy.

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 8th of August 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:

- Opposition to the proposed development.
- Also welcome for the development of this former Woodies site.
- Will be a huge change to the area.
- Pressure from the development on local facilities and road network.
- Concern about ABP making a decision on this development. Reference is made to other planning decisions such as Citywest and poor car parking.
- Opposed to BTR development and will not be a solution to the housing crisis.
- Housing mix is not appropriate, no family units.

- Concern about public transport capacity.
- Need for a school demand analysis for a proposed 1000 units through four applications at that time.
- Environmental impact from the cumulative proposed developments.
- Proposal is based on greed.
- Concern about overshadowing from the development.
- Previous proposals on this site were supported but not this proposal.
- Concern about how this proposal fits into the Town Centre plan.

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 this zoning objective. As per the Tallaght Town Centre Local Area Plan, the site is located within ‘The Centre’ neighbourhood with an objective for ‘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’. The PA report that the proposed development with residential over ground floor commercial use with creche is acceptable in principle.

In terms of the Tallaght Town Centre Local Area Plan 2020, the site is designated as ‘The Centre’ and 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, that will be

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

- **Material Contravention Statement:**

The PA note the details provided in the Material Contravention Statement relating to the South Dublin County Development Plan 2016 – 2022 (CDP 2016), the South Dublin County Development Plan 2022 – 2028 (CDP) and the Tallaght Town Centre Local Area Plan 2020 – 2026. The Statement relating to the South Dublin County Development Plan 2022 – 2028 (CDP) and the Tallaght Town Centre Local Area Plan 2020 – 2026 is the relevant document as the CDP 2016 has expired.

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 by 1 – 5 storeys.
- 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 support Policy H1 Objective of the CDP in terms of unit mix.
- 100% provision of BTR units is a material contravention of the CDP.
- Development does not comply with CDP Policy QDP14 – Objective 1 and UC6 Objective 1 which requires that developments comply with the provisions of the relevant LAP.

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 applicant proposes that the LAP be set aside to satisfy Section 28 Guidelines in relation to building height and unit mix.

The PA report that the proposed development is not of strategic or national importance and alternative development/ proposals could be provided here that demonstrate compliance with the LAP and which would be in accordance with the NPF. The South Dublin County Development Plan 2022 – 2028 was informed by an Interim Housing Needs Demand Assessment (HNDA) pending the completion of a Dublin Region HNDA. 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 that the proposed height and plot ratio exceeded those set out in the LAP and insufficient three bedroom units were proposed. The PA recommend that permission be refused.

- **Visual Impact, Design, Layout and Integration**

Visual Impact: The applicant has provided a Design and Townscape Visual Assessment, which includes 16 verified views in support of this development and to provide a clear visual impression of the development. The PA have reported that the development would appear bulky from all sides especially when viewing the north east corner.

Sunlight/ Daylight Amenity: The PA report that the site is bounded on three sides by existing streets. A Daylight Impact Assessment of the neighbouring properties has been prepared, which uses EN 17037, BS EN 17037. This was not requested by the Board in their Opinion Report but the PA report that the assessment does not analyse the impact of the proposed scheme on the development potential of adjoining sites. The PA are concerned that the proposed development may have a negative impact on the development potential of the lands immediately to the south and which is currently occupied by a McDonalds fast food restaurant. There is a separation distance of only 10m between the proposed 6/ 8 storey building and the boundary to the south. A similar setback if developed to the south would impact on development on the subject site. The LAP seeks to guide development that provides for equal separation distances and the proposal fails to provide this. The

proposed development should be reduced in height/ bulk or the separation distance to the boundary should be increased. As proposed, the scheme has the potential to prejudice the development potential of the site to the south. A reduction in height and use of setbacks on the upper levels may address these issues. The PA do not assess the open spaces, which includes the creche play area, along the southern boundary as they may be impacted by development to the south.

Layout: Welcome the provision of commercial/ communal units on the ground floor and note that the LAP seeks to provide for mixed use frontage on the western and eastern elevation of this site with a fine urban grain treatment along the northern elevation. Revisions to the front/ north elevation are requested in order to allow for the subdivision of this frontage and this can be achieved through suitable condition.

Transport Infrastructure: The NTA and the SDCC Roads Department have recommended the provision of a westbound cycle lane along Blessington Road.

The NTA have requested that the northbound left slip-lane at the Belgard Road/ Blessington Road Junction be removed to support the Bus Connects design at this junction. Details, including other layout issues, can be agreed by way of condition.

Tertiary Route through the development: This route is primarily for pedestrian/ cyclist use, however certain types of vehicular traffic such as delivery and emergency service vehicles may use it. There are issues with the layout and carriageway width of 6m, these and the access arrangements, can be addressed by way of condition.

Mixed-Use Frontage and Commercial Footprint: The site is located within part of the Tallaght core retail area as per the CDP 2022. Mixed use frontage is proposed to the north, east and west elevations, with a range of uses listed in the PA report. The PA report the uses to be acceptable.

Urban Grain, Own Door Access and Size of Commercial Units: Recommend that units on Blessington Road have own door access at ground floor level with terrace and suitable privacy strip. The commercial units to the north of the site should be designed such that they can be subdivided into smaller units for separate sale/ lease. These issues can be addressed by way of condition.

Open Spaces: The central courtyard area is proposed to be allocated as public open space. The PA consider this to be acceptable but wish to condition its layout and ensure that it is not gated from general access. This space is not to be taken in charge and is to be located over the basement car park. The SDCC Public Realm section have commented on the use of this space, provision for SUDs and comments regarding green infrastructure provision.

The proposed floor frontage onto the public open space includes communal residential facilities, a communal bin storage area as well as providing a rear access to the commercial units. The layout results in this open space functioning as communal rather than public space and is contrary to Policy COS5 – Objective 16 of the CDP. The PA consider that adequate public open can be provided here. This may be revised by condition but also the incoherent layout around the public open space can be considered a reason for refusal.

- **Intensity of Development**

Density: Section 2.8 of the Tallaght Town Centre LAP provides for a development potential of 11,100 units and a non-residential capacity of 1.02 million sq m on the LAP lands. The LAP sets out height and plot ratio and other standards. The LAP allows for development in excess of these standards including the designation of sites for landmark development. The PA report that the site is not a landmark site. Net density is 342 dph, the site is located in a central/ or accessible location as per the Apartment Guidelines and is therefore suitable for high density development.

- **Local Area Plan Basic Standards on Height and Plot Ratio**

Height: The proposal ranges from 6 to 12 storeys in height with a rooftop garden/ circulation over. The PA report details the differences in height between the different sides of the development. In summary the highest point is to the north at 12 storeys dropping to 6 storeys to the south. This is contrary to the LAP which allows for heights of 7 storeys + setback floor onto Blessington Road to the north and Belgard Road to the east and dropping to 4 – 6 storeys with setback to the south/ west of the site. Heights in excess of 9 storeys exceed the LAP.

Plot Ratio: The plot ratio indicative limits are 1.75:1 to 2.5:1; the proposal provides for a plot ratio of 3.38:1 and therefore exceeds the LAP by 35%.

Justification for Additional Provision: The LAP allows for exceedance of the height and plot ratio limits under a number of listed criterion 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 Section 2.6 of the LAP. There are no adjoining buildings which meet or exceed the heights provided in the LAP.

Criterion 3: Placemaking and Public Transport: The LAP allows for additional heights in areas in close proximity to transport nodes or urban squares – details are outlined in Section 2.6 of the LAP. Criteria include sites within 100m of high capacity public transport stops or high frequency bus stops, the new urban square north of Belgard Square North, New Urban Square in Cookstown, the proposed transport interchange/ adjacent urban space within the Centre neighbourhood. The site is not considered to be within one of these sites.

Criterion 3 (sic): Significant Public Gain: Section 2.6.1 of the LAP provides details on when additional plot ratio can be provided. Flexibility in terms of provision of open space, upgrades to public realm and other community/ cultural facility provision. Public gain does not include the upgrade of street paving or the planting of street trees. The PA report that the development includes the provision of a tertiary street through the development, which is considered to be acceptable and would allow for some flexibility in the plot ratio.

Conclusion: Height and Plot Ratio: Reducing the heights would result in a reduction in the proposed plot ratio to 3.0, which is 20% above the maximum plot ratio standard. The provision of the tertiary street allows for a flexibility in the plot ratio at this level. The removal of floors may be done by condition but 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 indicating the breakdown of units and percentages of these, noting in particular that 8 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 requirement for three bedroom units, 30% in this location, is set out in the CDP and through the Interim Housing Need and Demand Assessment which is included in Appendix 11 of the CDP, 2022. The PA consider it appropriate that permission be refused for this development due to the shortfall of three bedroom units. If the Board decide to grant permission, the number of three bedroom units should be increased within the envelope of the development, up to 30% of the total number of units.

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.

Dual Aspect: 48% 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. Concerns are raised in relation to the need for additional information/ detail on the play items to be provided, seems that there is an insufficient provision of these and there is a lack of SUDs features including green roofs, tree pits and rain gardens. Also reference concern about the height of the proposed buildings giving rise to overshadowing and wind tunnel effects. Additional points raised refer to the landscape strategy not allowing for informal amenity and details of levels/ gradients of open space areas are not provided. In the event that permission is to be granted, 12 conditions are listed for inclusion.

The PA report that the applicant has provided an Ecological Impact Assessment, and no issues of concern were identified on site. There is a low rate of bird, bat and mammal activity and herring gulls on site were not nesting. Listed mitigation measures can be conditioned. The PA note the report from Inland Fisheries Ireland and additional measures to be implemented can be addressed by way of condition.

- **Access, Transport and Parking:**

The Roads Department have provided eight recommendations in relation to this development and which refer to ensuring that the development integrates with the NTA's Greenhills to City Centre Core Bus Corridor, provide for a one-way cycle lane along the northern boundary of the site to NTA requirements, further details on the tertiary road linking Belgard Road and Belgard Square East, provide a Construction Demolition and Waste Management Plan, provide a lighting scheme, liaise with the Active Travel Team, further details on the vehicular access and revisions to the creche parking/ set down area. The PA note the report and recommended conditions, and they have already reported on a number of the points raised in relation to layout.

- **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 on SUDs measures.

- **Environmental and Other Considerations:**

Aviation: The PA note the Department of Defence request for a 30 day notification of crane activity; this can be conditioned,

- **Taking in Charge:**

The applicant has provided a Taking in Charge Plan, this does not include the taking in charge of the tertiary route or public open space; final details can be agreed by way of condition.

- **Screening for Appropriate Assessment:**

An AA Screening Report has been submitted as part of the application. The PA report that the Board is the competent authority to assess this.

- **Environmental Impact Assessment Report:**

Details have been submitted as part of the application, including a Statement under Article 299B of the P&DA and the PA report that the Board are the competent authority to assess these.

- **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 and the South Dublin County Development Plan 2022 – 2028, 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 2022 – 2028, and the Building Height Guidelines. The plot ratio is excessive at 35% higher than allowed for.

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:**

Public Realm Department: Concern about a number of elements of this development including:

- Additional details on proposed play equipment, seems to be insufficient provision made in this application.
- More detail required on SUDs features with particular reference to green roofs, tree pits, rain gardens and need for additional features to be incorporated into the proposed surface water drainage system.
- Impact of tall buildings giving rise to overshadowing and wind tunnel effect.

Refers to relevant objectives in the South Dublin County Development Plan 2016 – 2022, this was the operative plan at the time of their report in July 2022. Conditions are provided in the event that permission is to be granted for this development.

Water Services: Further details are requested in relation to SUDs and the proposed surface water drainage system. Issues to be conditioned are listed.

Housing Department: The PA refer to a report from the Housing Department, but this is not included in their submission to ABP.

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)
- South Dublin County Childcare Committee
- National Transport Authority (NTA)

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

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.

South Dublin Childcare Committee

No response made.

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.

The following comments were made by other prescribed bodies:

Inland Fisheries Ireland (IFI)

Note that there is a hydrological link between the site and the River Dodder via the existing stormwater drainage system. The Tymon River and Jobstown Stream link which are within 410m of the site connect to the Poddle which discharges into the River Liffey in Dublin City Centre. Raise concern about the potential use of the stormwater system to mitigate or attenuate possible discharges from construction sites or from developments such as this. A number of recommendations/ conditions are provided.

An Taisce

Support the development of these lands but not at the scale or proportions proposed in this SHD. The development materially contravenes the draft development plan and the existing CDP 2016 in that only 7% of the site is allocated to commercial use. This is contrary to the zoning and the applicant cannot make a statement under Section 8(1)(a)(iv) of the Planning and Development (Housing) and Residential Tenancies Act, 2016 stating why permission should be granted. The proposed height and bulk are excessive, and the design is not appropriate to its location. The density is excessive and would set a poor precedent for similar development in this part of Tallaght.

Department of Defence

Request that if cranes are to be used, 28 days minimum notification should be had with the Air Corps Air Traffic Services.

10.0 Oral Hearing Request

None requested.

11.0 Assessment

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 (EclA)
- Childcare, Social Infrastructure and Part V Social Housing Provision
- Other Matters

Note 1: The South Dublin County Development Plan 2022 - 2028 was made on the 22nd June 2022 and came into effect on the 3rd August 2022. This application was lodged on the 9th of June 2022 and the CE Report is dated 3rd August 2022 and considers the development in the context of the South Dublin County Development Plan 2022 – 2028 and the Tallaght Town Centre Local Area Plan 2020 – 2026. 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, but which did not differ much at that stage from the adopted plan.

Note 2: The subject application is for a Build To Rent (BTR) development. As per the Apartment Guidelines, 2023, BTR is no longer considered to be a specific housing typology which requires specific guidance or design standards. Section 12.6.4 of the South Dublin County Development Plan 2022 - 2028 refers to BTR developments and states 'All proposed BTR accommodation must comply with SPPR 7 and SPPR 8 as set out in the Apartment Guidelines.' The plan was adopted in advance of the revised guidelines in 2023.

Paragraph 5.10 of the 2023 guidelines relates to transitional arrangements: 'All current appeals, or planning applications (including any outstanding SHD applications and appeals consequent to a current planning application), that were subject to consideration within the planning system on or before 21st December 2022, will be considered and decided in accordance with the previous version of the Apartment Guidelines, that included SPPRs 7 and 8'. As this planning application was received by the Board on 9th June 2022, these transitional arrangements apply

to the proposed SHD. Therefore, the 2020 version of the Apartment Guidelines is the relevant version under which this planning application for 310 BTR apartments is to be considered.

11.1. Principle of Development

11.1.1. Having regard to the nature and scale of proposed development, which is in the form of 310 Build To Rent (BTR) residential units, retail/ commercial units and a childcare facility of 275sq m, 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.

11.1.2. 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 the local area plan and development plan requirements, and the building heights were considered to be excessive in this location. The mix of uses here were also considered to be acceptable.

11.1.3. 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.

11.2. Density

11.2.1. The proposed development of 310 residential units on a net site area of 0.906 hectares provides for a density of 342 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.

11.2.2. Section 3.3.6 (a) of the Compact Settlement Guidelines states:

'There is a presumption in these Guidelines against very high densities that exceed 300 dph (net) on a piecemeal basis. Densities that exceed 300 dph (net) are open for consideration on a plan-led basis only and where the opportunity for densities and building heights that are greater than prevailing densities and building height is identified in a relevant statutory plan.' Certain locations that are of strategic importance or provide for sustainable development locations of scale will be able to provide for higher density on the basis of proximity to an urban centre, availability of public transport and can integrate with the existing urban form.

11.2.3. 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 provided for a development which maximises the use of the available land. I note the reasons for refusal as issued by the PA and that the proposed development is in excess of the specified standards for height and plot ratio, but also the number of one and two bedroom units 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.

11.2.4. 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 342 dph, purely on a numerical basis, is far in excess of 250 dph and above the 300 dph as identified under Section 3.3.6 of the Compact Settlement Guidelines. The site has not been identified in the CDP or LAP as one appropriate for density in excess of 300dph. I therefore consider that the density is excessive on this site and does not align with that identified in the Compact Settlement Guidelines. Insufficient justification is provided as to why it

would be acceptable to permit a development in excess of 300 dph on this site and as I have reported, there no plan led basis for such a density.

11.2.5. 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 the subject lands are not designated as a landmark site.

11.2.6. Conclusion on Section 11.3: The TC site zoning allows for residential development of the nature proposed, and the location of the site would allow for a high density development of up to 250 dph considering the availability of public transport, the town centre zoning and the established character of the area. However, the density at 342 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 for this location, with development in excess of 300 dph only permissible on a plan led basis. There is no justification for a density on this site in excess of 300dph in either the South Dublin County Development Plan 2022 – 2028 or the Tallaght Town Centre Local Area Plan 2020 – 2026.

11.2.7. The proposed development is therefore considered to be inappropriate in terms of density and I recommend that permission be refused as it would be contrary to the requirement of the South Dublin County Development Plan 2022 – 2028 and the Tallaght Town Centre Local Area Plan 2020 – 2026, as well as not demonstrating compliance with the Compact Settlement Guidelines.

11.3. Development Height and Separation Distance

11.3.1. The issue of height was given as a reason for refusal by the Planning Authority. The third party submission referred to height as out of character and not in compliance with relevant Section 28 guidance including the Building Height Guidelines. I also note the concerns raised by An Taisce in their submission in relation to building height.

- 11.3.2.** The proposed development consists of a block to the south with heights of 6 – 8 storeys and a perimeter block to the east/ west and north, separated from the southern block by a tertiary street. The northern element has a range of heights with 7-10 storeys on the western side, 8 to 12 storeys on the eastern side and the northern section with 10 to 12 storeys. Some of these storeys are set backs such as the north east corner with 10 storeys, and an additional 2 storeys in the form of a setback.
- 11.3.3.** Figure 2.4 of the Tallaght Town Centre Local Area Plan provides the ‘Overall Urban Structure’, and indicative heights for the subject site are 6-7 storeys to the northern 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. As reported by the Planning Authority, 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 the subject lands and therefore I consider that the proposed heights are inappropriate in this location.
- 11.3.4.** 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.’ The Plot Ratio is 3.75 and the heights are in excess of those outlined in the relevant plans. Within the section on ‘Justification’, reference is made to the National Planning Framework (NPF) 2040, the Apartment Guidelines, 2020, and the Building Height Guidelines, 2018. The site is located within Tallaght Town Centre in an accessible location with a range of services available. The site is located within an area which is designated for significant mixed use development, and consequentially suitable for increased height and density. The submitted documents outline the proposed mix of uses on this site. The subject lands can also be considered as a brownfield site. The applicant considers that the proposed 342 units per hectare and height of 6 -12 storeys is appropriate and consistent with the NPF, specifically Objective 13.
- 11.3.5.** 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 380m 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. 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. 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 and the greater Dublin/ North West Wicklow and North Kildare areas.</p>
Development proposals incorporating	<ul style="list-style-type: none"> No protected views, Architectural Conservation Area (ACA), or other

<p>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>	<p>architectural/ visual sensitives apply to or immediately adjoin this site.</p> <ul style="list-style-type: none"> • 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. • The ground floor frontages and public realm elements of this development will integrate into the existing streetscape and ensures that the site forms a key part of the developing Tallaght Town Centre area linking the retail area to Belgard Road and to the north of Tallaght village.
<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 retail unit was located but has been demolished some time with the site lying vacant over a long period of time. • 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 tertiary street would provide for improved permeability between the Belgard Road to the east and Belgard Square East to the west. This is designed

	<p>to be predominately for pedestrian and cyclist use.</p> <ul style="list-style-type: none"> • Ground floor uses and frontage design ensures that the development will provide for active and attractive streetscapes as part of this proposed development.
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	<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 – this is detailed in Section 10.0 of the applicant’s ‘Landscape Design and Access Statement’. Public open space is located towards the centre of the site and is accessed from the east to west tertiary route.

<p>Risk Management – Guidelines for Planning Authorities” (2009).</p>	<ul style="list-style-type: none"> • 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.
<p>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.</p>	<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 proposed development includes the provision of a tertiary street which would access from the Belgard Road to Belgard Square East and on to the core retail area.
<p>The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.</p>	<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

	<p>not ensure a suitable mix of new dwellings for Tallaght Town Centre.</p> <ul style="list-style-type: none"> 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, ventilation and views and minimise overshadowing and loss of light.	<ul style="list-style-type: none"> The public and communal open space provides for well-lit spaces with good passive surveillance. There is acceptable separation distances between the blocks, and between the development and adjoining sites.
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'.	<ul style="list-style-type: none"> As above.
Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this	<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

<p>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 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.</p>	<p>unit sizes relevant the minimum requirements.</p> <ul style="list-style-type: none"> • 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.
<p>Specific Assessment</p>	
<p>Criteria</p>	<p>Response</p>
<p>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.</p>	<ul style="list-style-type: none"> • The submitted application is supported with a 'Wind Microclimate report', dated May 2022, and generally the site layout is acceptable. The report concludes that the 'development is designed to be a high-quality environment for the scope of use intended of each areas/building (i.e. comfortable and pleasant for potential pedestrian)'. The development does not give rise to negative impacts to adjoining sites/ road network. • Daylight, Sunlight and Overshadowing analysis have been

	submitted and full details of the assessment of these is provided in Sections 11.6.13 to 11.7.8 of this report.
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.	<ul style="list-style-type: none"> • An Ecological Impact Assessment (EclA) 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. A 'Bat Survey Report' has been provided in support of the EclA. • In summary, bat activity was found to be very low and no impacts on bats were foreseen according to the applicant's EclA. Mitigation measures are included in the Bat Survey Report.
An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.	<ul style="list-style-type: none"> • The applicant has submitted a Telecommunications Report dated June 2022 in accordance with Section 3.2 of the Building Height Guidelines (2018) and no issues of concern are raised. The report notes that there are significant telecommunication sites in the area. The application includes 4 x 300mm microwave link dishes on the roof level of Block B of the proposed development.
An assessment that the proposal maintains safe air navigation.	<ul style="list-style-type: none"> • The applicant has submitted an Aeronautical Assessment Report, dated June 2022, 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. EclA and an AA screening report are submitted with the application.

11.3.6. 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. Several of the issues identified in the table are assessed in greater depth in the following sections of my report. I do consider the overall design to be of a good quality in terms of provision of active frontages, provision of public open space and also through the provision of a tertiary street running east west through the site. These elements alone would provide for good integration with the existing form of development in the area, though predominantly beneficial at ground floor level, they do not overcome concerns regarding the height of the development.

11.3.7. 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. Increased height is also promoted at designated landmark sites throughout

the Tallaght town centre area. The above Table 5 includes appropriate considerations for such development.

11.3.8. 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/ Old Blessington Road and a lower height of 4-6 storeys to face onto Belgard Square East and the lands to the south, where McDonalds is located. The LAP also indicates that a perimeter block design will be used here, broken into smaller blocks, though I accept that this is only indicative and not a requirement. The proposed development provides for three blocks as reported and which would almost provide for a perimeter block design here.

11.3.9. 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 for Material Contravention: Plot Ratio & Height', reference is made to the National Planning Framework (NPF) 2040, the Buildings Height Guidelines, 2018 and the Apartment Guidelines 2020, as reasons 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 310 units per hectare and height of 6 - 12 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.

- 11.3.10.** 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. Whilst I note that the applicant has submitted a 'Statement of Material Contravention of Draft South Dublin County Development Plan 2022-2028 and Tallaght Town Centre Local Area Plan 2020' setting out a justification for the departure from the specified height in the LAP, I remain nonetheless concerned regarding the overall height and density of the development having regard to the site context. The site can accommodate additional height but not at the scale proposed in this application.
- 11.3.11.** I note that in order to reduce the height to ensure compliance with the LAP, a condition could be imposed to omit floors from the proposed blocks. Removing the upper floors in line with the LAP would reduce the proposed number of units and reduce the density. The LAP allows up to 7 storeys, therefore removing the 7th floor (8th storey) up of all the blocks, would result in the loss of 38 apartments and would reduce the number of units to 272 providing a density of 299 dph, which remains excessively high in the context of the Compact Settlement Guidelines.
- 11.3.12.** Assuming a density of 250 dph, the maximum number of units here would be 228, a reduction of 82 units from the proposed 310 units. Such an alteration would be significant and would result in a significantly different design, and which may have a number of unknown impacts on the overall development of this site. Achieving more appropriate design response, density and height more compatible with the LAP would be better addressed by way of a new application. Therefore, I would not recommend the extensive removal of floors and units by condition in order to meet the relevant height and density requirements.
- 11.3.13. 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 and the South Dublin County Development Plan 2022 – 2028.
- 11.3.14. Conclusion on Section 11.6:** The proposed development materially contravenes the South Dublin County Development Plan 2022 - 2208 in not complying with the indicative heights set out in the Tallaght Town Centre Local Area Plan 2020 - 2026. 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. The development would appear excessively high when viewed from the adjoining area and would result in a significantly high development in a location that is not designated as suitable for a landmark site.

- 11.3.15.** Having full regard of these factors, I recommend to the Board that permission be refused due to the proposed height of the development being 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 relevant Section 28 Guidance on such development.

11.4. Visual Impact, Design and Layout:

- 11.4.1.** As already reported, the third party observation 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.

- 11.4.2.** 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 all sides of the site. The proposed development includes a tertiary street, which is located north of that indicated in Figure 2.4, however I am again satisfied that this acceptable. The provision of this street would provide for this street without having to rely on the development of the site to the south. To the south of the lands on the adjoining site which contains the McDonalds restaurant, is an important pedestrian route which connects Tallaght Village to the east and the Square Shopping Centre to the east. This route was developed over a number of years and included the demolition of part of buildings. This route is relatively straight and does not include significant changes in levels. The proposed tertiary route will support this and improve east to west permeability between the Belgard Road and lands to the west.

- 11.4.3.** Section 4.0 – ‘Detailed Design’, of the Architectural Design Statement provides for a rationale for this layout active frontage, aspect and daylighting as well as providing for the tertiary street and amenity space. I note the rationale and consider the justification to be acceptable. The proposed scheme would result in the

development of this site for a use appropriate to this town centre location. Tallaght Town Centre has evolved from mixed use development with a significant proportion of light industrial units adjoining the centre to a more urbanised residential focused town centre.

11.4.4. The ground floor element of this development provides for a mix of retail, café, commercial, creche and residents ancillary facilities. The layout is designed such to provide active street frontages to the public street but also ensure that suitable active uses adjoin the public open space/ central courtyard area. I consider the overall concept to be good but the quality of this would rely heavily on good quality finishes, careful control of uses and occupation of units otherwise the ground floor may be vacant providing for inactive frontage and in the case of the central courtyard, this could become an unpleasant place to sit out/ use.

11.4.5. 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. Section 06 'Materials' of the Architectural Design Statement provides full details on the elevational treatment of this development. Light coloured limestone/ cream/ buff brick is proposed for these blocks. The proposal for the ground floor/ street level, demonstrates a high quality of design, which I consider to be appropriate/ necessary if ground floor activity is to be encouraged on this site.

11.4.6. CE Report comments: The Planning Authority raised concern about setbacks to the boundary/ adjoining buildings and potential negative impact on the development potential of adjoining sites.

11.4.7. 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, the development is considered to be acceptable with good quality finishes proposed.

11.5. Residential Amenity – Future Occupants

11.5.1. Unit Mix: I have provided the unit mix in Table 2 of this report. The applicant refers to unit mix in their submitted reports including the Material Contravention Statement 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, notwithstanding the BTR nature of the development. Whilst I agree with the PA, that the provision of 8 units or 3% of the total from 310 units is not acceptable in the context of providing for a mix of housing types in Tallaght, this development is subject to relaxed requirements as it is a BTR scheme and as explained in the following sections.

11.5.2. The LAP refers to the South Dublin County Development Plan 2016 – 2022, which was 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. The Tallaght Town Centre Local Area Plan 2020 - 2026 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’. These requirements are noted.

11.5.3. Policy H1. of the South Dublin County Development Plan 2022 – 2028 provides full details and requirements of the ‘Housing Strategy and Interim Housing Need and Demand Assessment’ and H1 Objective 12 states:

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

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

This is followed by a note which states:

‘Build-To-Rent (BTR) residential developments shall comply with the Sustainable Urban Housing: Design Standards for New Apartments (2020) (or any superseding Section 28 Ministerial Guidelines).’

11.5.4. I refer back to my note 2 at the start of Section 11 of this report and the development is to be considered under the 2020 Apartment Guidelines. The current development plan under the Note on H1 Objective 12 clearly indicates that BTR development shall comply with the Sustainable Urban Housing: Design Standards for New Apartments (2020) and SPPR 8 (i) states ‘No restrictions on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise’.

11.5.5. The requirement for three bedroom units or any restrictions on unit mix does not apply to this development as it is a BTR scheme that was lodged prior to the adoption of the 2022 apartment guidelines. So, whilst a better mix of unit types would be desirable, the applicant is not required to do so under the transitional arrangements outlined in the apartment guidelines and the note included under H1 Objective 12 similarly removes any such restrictions. I would not be recommending therefore that the first recommended Planning Authority reason for refusal be included in this case.

11.5.6. Quality of Units – Floor Area of Apartments: The applicant has provided a ‘Housing Quality Assessment Report & Schedule of Areas’ in support of their application. The applicant states that ‘There is no requirement for the proposed BTR scheme to provide for any number of apartments which exceed the minimum required area’, however they go to state that 117 units or 38% of the total number of units exceed the minimum floor area by at least 10%. Having regard point (iv) of SPPR 8 of the Apartment Guidelines, 2020, there is no requirement for the majority of units to exceed the minimum floor areas by at least 10%.

11.5.7. 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’ in terms of meeting minimum floor areas and the proposed storage provision is also acceptable as it meets/ exceeds the minimum requirements.

- 11.5.8. Quality of Units – Amenity Space:** All of the apartment units are provided with adequate private amenity space in the form of balconies. 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 B1.10 which is a three bedroom unit with 19 sq m of private amenity space.
- 11.5.9.** The proposed development will provide for 1,062sq m of public open space, towards the centre of the site and to the north of the east to west tertiary street. In terms of communal open space, approximately 2,223sq m, is provided at ground level in the form of a garden space, to the south east corner, and additional communal space in the form of outdoor terraces is provided on the fifth, sixth, seventh and eighth floor levels. I consider these to be useable spaces and are accessible to residents of this proposed development and no material contravention issues arise.
- 11.5.10.** The PA, referring to their Public Realm Departmental report, raise a number of concerns about the layout and size of open space, and whilst they consider that matters can be addressed by way of condition, the layout of the open space and adjoining uses could be given as a reason for refusal. Concerns include the location of a bin storage area on a corner of the public open space and the rear access to commercial units backing onto this amenity space.
- 11.5.11.** I note this report, and the comment that the PA ‘consider the subject site to be of significant size in the context of a Town Centre and consider the provision of a meaningful open space to be feasible’. Whilst I agree with the concerns of the PA, I do consider the overall development site area to be small at less than a hectare, thereby restricting what can be provided on site as public/ communal amenity space. Considering my other issues of concern with this development in terms of height, density and unit mix, there are significant revisions required for an acceptable development on this site.
- 11.5.12. Unit Aspect:** The applicant indicates that 48% 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.

11.5.13. 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. The proposed development provides for 7-8 units per core and is compliant with SPPR6. Adequate floor to ceiling heights is provided and are in accordance with SPPR 5 of the Apartment Guidelines. There are no apartments at ground floor level and apartments on the upper floors have floor to ceiling heights of between 2.7m and 2.8m, which is compliant with the SPPR5 requirement of a minimum of 2.4m.

11.5.14. Daylight and Sunlight: The applicant has prepared and submitted a 'Daylight Impact Report' (3 volumes), 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.
- IS EN17037:2018 Daylight in Buildings (2018). Daylight measured for lux levels – Irish 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 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.’

- **Internal Daylight – Proposed Development – Study D – Average Daylight Factor (ADF) is tested.**

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

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

11.5.15. 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.

11.5.16. The assessment was undertaken for each of the apartment blocks within the development, and 751 out of 847 rooms were found to be compliant, therefore 96 rooms fail to comply with the ADF test.

11.5.17. The applicant has also tested the expected values in accordance with BS EN 17037. These provide a performance in accordance with Minimum, Medium and High Categories. The minimum results are as follows:

	Level of Illuminance during half of all daylight hours	
Category	Across 50% of Space (Lux)	Across 95% of Space (LUX)
Minimum	300	100
Medium	500	300
High	700	500

11.5.18. 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 (If Shaded Grey – They comply with ADF but not LUX)

Level	Unit ID.	Room Type	Predicted ADF:	BS_EN17037 Lux (See Table 2 of Report 3 of applicant's report)
0	1	Communal	1.32	No
0	2	Communal	1.26	No
0	3	Communal	0.60	No
0	4	Communal	1.77	No
1	1	Bed	1.46	No
1	8	LKD	1.88	Yes
1	11	LKD	1.84	Yes
1	18	LKD	2.09	No
1	20	LKD	2.07	No
1	26	Bed	1.55	No
1	27	Bed	1.55	No
1	28	LKD	0.68	No
1	29	Bed	2.74	No
1	30	Bed	1.71	No
1	31	Bed	2.06	No
1	32	Bed	2.07	No
1	33	Bed	1.71	No
1	34	Bed	1.77	No
1	35	LKD	0.72	No

1	36	Bed	1.36	No
1	37	Bed	1.48	No
1	41	LKD	1.84	No
1	44	LKD	1.98	No
1	46	Communal	2.27	No
1	47	Communal	1.16	No
1	48	Bed	1.98	No
1	49	LKD	1.54	No
1	50	Bed	0.81	No
1	51	Bed	0.72	No
1	52	LKD	1.79	No
1	53	Bed	1.38	No
1	54	LKD	1.02	No
1	56	Bed	2.48	No
1	57	LKD	2.19	No
1	58	Bed	1.29	No
1	59	Communal	2.25	No
1	61	LKD	1.18	No
1	62	Bed	0.89	No
1	63	LKD	2.06	No
1	65	LKD	2.33	No
1	69	Bed	1.44	No
1	71	Bed	2.20	No
1	73	Bed	1.48	No
1	74	Bed	2.59	No

1	75	LKD	1.48	No
1	76	Bed	1.48	No
1	78	LKD	1.42	No
1	85	Bed	2.00	No
1	86	Bed	1.67	No
1	88	Bed	1.11	No
1	89	Bed	2.44	No
1	90	LKD	1.17	No
1	91	Bed	0.94	No
1	92	LKD	1.45	No
1	93	Bed	0.63	No
1	94	Bed	0.72	No
1	95	LKD	1.62	No
1	96	Bed	1.87	No
1	97	LKD	2.02	No
1	98	Bed	0.51	No
1	99	Bed	0.63	No
1	100	LKD	2.00	No
2	1	Bed	1.60	No
2	26	Bed	1.79	No
2	27	Bed	0.81	No
2	28	LKD	0.84	No
2	30	Bed	1.82	No
2	31	Bed	2.23	No
2	32	Bed	2.22	No

2	33	Bed	1.82	No
2	35	LKD	0.70	No
2	36	Bed	1.18	No
2	37	Bed	1.64	No
2	49	Bed	1.64	No
2	50	LKD	3.99	No
2	62	LKD	2.66	No
2	64	Bed	1.88	No
2	66	Bed	2.12	No
2	68	Bed	1.72	No
2	70	Bed	0.77	No
2	71	Bed	1.52	No
2	72	LKD	1.32	No
2	74	Bed	1.68	No
2	75	LKD	1.66	No
2	78	LKD	1.89	No
2	82	Bed	2.14	No
2	83	Bed	2.00	No
2	84	LKD	2.08	No
2	85	Bed	2.67	No
2	86	Bed	1.11	No
2	87	LKD	0.94	No
2	88	Bed	2.55	No
2	89	LKD	1.58	No
2	90	Bed	0.70	No

2	91	Bed	0.86	No
2	92	LKD	1.74	No
2	93	Bed	2.02	No
2	94	LKD	2.19	No
2	95	Bed	0.61	No
2	96	Bed	0.66	No
2	97	LKD	1.70	No
2	100	Bed	1.72	No
2	101	LKD	1.37	No
2	103	Bed	0.94	No
2	104	LKD	1.70	No
2	105	Bed	1.45	No
2	106	LKD	1.77	No
2	107	Bed	0.74	No
2	108	Bed	0.62	No
2	109	LKD	2.37	No
2	110	Bed	2.43	No
2	111	LKD	1.85	No
2	112	Bed	0.84	No
2	113	Bed	0.81	No
2	114	LKD	1.94	No
2	115	Bed	2.72	No
2	116	LKD	1.01	No
2	117	Bed	1.23	No
2	118	Bed	2.79	No

2	119	LKD	2.08	No
2	120	Bed	1.49	No
3	8	LKD	1.96	Yes
3	11	LKD	1.91	Yes
3	26	Bed	2.03	No
3	27	Bed	2.47	No
3	29	Bed	1.33	No
3	31	LKD	1.54	No
3	32	Bed	1.32	No
3	33	LKD	1.74	No
3	34	Bed	0.86	No
3	35	Bed	0.88	No
3	36	LKD	1.93	No
3	37	Bed	2.30	No
3	38	LKD	2.40	No
3	39	Bed	0.74	No
3	40	Bed	0.80	No
3	41	LKD	1.81	No
3	42	Bed	2.17	No
3	46	LKD	2.54	No
3	53	LKD	2.02	No
3	58	LKD	3.16	No
3	61	LKD	1.99	Yes
3	64	LKD	1.95	Yes
3	71	Bed	1.87	No

3	72	Bed	1.80	No
3	76	LKD	1.52	No
3	77	Bed	1.74	No
3	78	LKD	2.08	No
3	79	Bed	0.97	No
3	80	Bed	0.99	No
3	81	LKD	2.05	No
3	82	Bed	2.63	No
3	83	LKD	2.64	No
3	84	Bed	0.79	No
3	85	Bed	0.87	No
3	86	LKD	1.81	No
3	87	Bed	1.52	No
3	88	LKD	1.82	Yes
3	89	Bed	1.32	No
3	91	LKD	1.98	Yes
3	92	Bed	1.06	No
3	98	Bed	1.81	No
3	100	LKD	2.09	No
3	101	Bed	1.68	No
3	103	LKD	1.68	No
3	111	Bed	2.26	No
3	112	LKD	0.84	No
3	114	Bed	1.98	No
3	115	Bed	2.42	No

3	116	Bed	2.43	No
3	117	Bed	1.99	No
3	119	LKD	0.92	No
3	120	Bed	1.61	No
4	1	KLD	2.03	No
4	2	Bed	1.01	No
4	3	Bed	0.95	No
4	4	LKD	2.90	No
4	6	LKD	2.24	No
4	7	Bed	1.13	No
4	8	Bed	1.14	No
4	9	LKD	2.25	No
4	11	LKD	1.39	No
4	15	Bed	2.23	No
4	16	Bed	2.38	No
4	28	Bed	1.69	No
4	29	LKD	3.98	No
4	41	LKD	2.59	No
4	43	Bed	1.94	No
4	45	Bed	2.18	No
4	49	Bed	0.97	No
4	51	LKD	1.58	No
4	54	LKD	1.84	No
4	57	LKD	1.95	Yes
4	65	Bed	1.46	No

4	66	LKD	1.33	No
4	67	Bed	3.16	No
4	68	LKD	1.88	No
4	69	Bed	1.09	No
4	70	Bed	1.06	No
4	71	LKD	2.14	No
4	72	Bed	2.55	No
4	73	LKD	2.65	No
4	74	Bed	0.87	No
4	75	Bed	1.01	No
4	76	LKD	2.06	No
4	80	LKD	1.66	Yes
4	82	Bed	1.05	No
4	84	Bed	1.55	No
4	85	Bed	2.43	No
4	109	Bed	2.54	No
4	110	Bed	2.23	No
4	111	LKD	2.21	No
4	113	Bed	2.18	No
4	115	Bed	2.16	No
4	116	Bed	2.65	No
4	117	Bed	2.67	No
4	119	LKD	0.96	No
4	120	Bed	1.57	No
5	8	LKD	1.97	Yes

5	28	Bed	2.78	No
5	30	Bed	2.33	No
5	32	LKD	2.12	No
5	33	Bed	2.25	No
5	38	LKD	1.72	No
5	41	Bed	1.27	No
5	42	Bed	1.37	No
5	43	LKD	2.42	No
5	45	LKD	3.12	No
5	46	Bed	1.00	No
5	47	Bed	1.18	No
5	48	LKD	2.14	No
5	49	Bed	1.67	No
5	51	Bed	1.51	No
5	54	Bed	1.25	No
5	57	LKD	2.19	No
5	58	Bed	1.12	No
5	59	Bed	0.93	No
5	60	LKD	2.19	No
5	62	LKD	2.35	No
5	63	Bed	1.29	No
5	64	Bed	1.39	No
5	65	LKD	2.06	No
5	66	Bed	1.69	No
5	67	LKD	1.99	No

5	69	Bed	1.73	No
5	79	LKD	1.97	Yes
5	84	Bed	2.07	No
5	88	Bed	2.24	No
5	92	LKD	2.62	No
5	104	LKD	2.98	No
5	113	LKD	1.98	Yes
6	1	LKD	2.46	No
6	2	Bed	1.28	No
6	3	Bed	1.16	No
6	4	LKD	3.29	No
6	6	LKD	2.76	No
6	9	LKD	2.55	No
6	26	LKD	1.96	Yes
6	28	Bed	1.33	No
6	32	Bed	2.26	No
6	34	Bed	1.98	No
6	36	LKD	2.65	No
6	53	LKD	4.03	No
6	54	Bed	1.69	No
6	71	LKD	1.79	Yes
6	74	Bed	1.44	No
6	75	Bed	1.49	No
6	76	LKD	2.56	No
6	79	Bed	1.44	No

6	80	Bed	1.33	No
6	81	LKD	2.37	No
6	82	Bed	1.73	No
6	84	Bed	1.34	No
7	13	Bed	1.61	No
7	14	Bed	1.49	No
7	15	LKD	2.60	No
7	18	Bed	1.62	No
7	24	LKD	2.58	No
7	25	Bed	1.42	No
7	26	Bed	1.41	No
7	35	Bed	2.31	No
7	39	LKD	2.65	No
7	51	LKD	3.29	No
8	11	LKD	4.43	No
8	15	Bed	1.30	No
8	16	LKD	2.90	No
8	20	LKD	2.69	No
8	24	Bed	2.33	No
8	33	Bed	1.55	No
8	35	LKD	2.94	No
9	14	LKD	3.13	No
9	18	Bed	2.50	No
9	29	LKD	3.65	No
9	36	LKD	5.08	No

11.5.19. The details in the above table, derived from the applicant's report, indicate that 96 rooms will not achieve the minimum recommended standard in terms of achieving the tested ADF; 89% of tested rooms are compliant and the applicant has outlined mitigation measures such as increased floor area, provision of open space in excess of minimum standards and the provision of dual aspect units in excess of minimum requirements and location relative to existing services. Those units that do not comply with the LUX values under BS EN 17037 are indicated in the above table and there is some, though not all, crossover between the results of the two tests. The applicant has indicated that a reduced standard of 1.5% may be applied to open plan Living/ Kitchen/ Dining (LKD) spaces and this this would provide for an additional 42 units, a total of 751 rooms, and a pass rate of 94%. I don't accept this reduced figure as 2% is the accepted minimum for LKD space and not 1.5%, though I not the applicant's justification for this in Study D of their report.

11.5.20. Whilst the pass rate at 89% may be considered high for a development of this nature, I consider that a greater pass rate could be achieved. Units that fail are impacted by orientation, room layout and location on the subject site. A revised layout may provide for a higher pass rate, but the overall density/ height is not the key reason for the failure rate of 11% of rooms.

- **Direct Sunlight to Proposed Accommodation – Study E – Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours (WPSH) tested**

11.5.21. Test windows which lie within 90 degrees of due south. Impact is found where the value drops below the target value of 25%, or if below 25% then falls below 80% of former value. Compliance is 65% for APSH and 80% for WPSH. The applicant reports that a number of the units that fail to comply with recommended standards are provided with good daylight and again a list of compensatory measures is provided such as increased room sizes over the minimum recommended, quality of outdoor amenity space and access to residential facilities on site. Here again the greater failure rate is on the lower levels and a reduction in height may not address the reasons for failure of the lower level units.

- **Assessment of sunlight available to proposed recreation areas – Study F – BRE Test**

- 11.5.22.** The amenity spaces have been allocated individual codes 1 to 10 and 9 of these achieve between 72% and 100% of the relevant areas receive at least 2 hours of sunlight on the 21st of March – the minimum requirement is that 50% of the area receive sunlight. Area 7 fails to comply with only 22% of the area receiving 2 hours of sunlight. This is a small area of communal space, and I consider whilst it fails to achieve the minimum sunlight hours, it does provide for an amenity function and its small area at 74sq m would not have an adverse impact on the overall provision of open space.
- 11.5.23. Comment on the above tests:** 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, though that is not certain, and I would suggest that a revised layout may achieve better results than the removal of upper level floors. For example, the removal of the units in the central section of the southern block would significantly increase the available light to the centre of the site and even doing this for the ground floor and the two to three storeys over would allow for a significant increase in daylight and sunlight to reach the lower level units.
- 11.5.24.** The ADF compliance rate is stated to be 89% but as reported 96 rooms do not meet the recommended standard. I consider this figure to be high and would recommend that permission be refused due to the high failure rate and adverse impact that this poor daylight provision would have on the residential amenity of future occupants.
- 11.5.25.** The applicant has outlined compensatory measures such as improved artificial lighting, access to amenity facilities and increased room sizes and whilst I note and welcome these measures, I am not satisfied having regard to the generally high failure rate, where 96 rooms do not demonstrate compliance with the BRE requirements.
- 11.5.26. 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. Study C provides the 'Assessment of sunlight levels available to neighbouring recreation areas' and the results indicate that 85% of the area will get adequate sunlight after the proposed development is completed. I note that the tested site is currently in use as a cemetery.

11.5.27. 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 96 rooms out of 847 rooms (310 units) that cannot achieve the minimum recommendation for daylight. This is excessive and would result in a poor standard of residential amenity for future occupants.

11.5.28. 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.

11.5.29. 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 but one tested cases. The public and communal amenity spaces will be of a high quality, suitable for residential use, and I consider this to be acceptable.

11.5.30. 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.

11.5.31. 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 and would not be appropriately addressed by way of condition.

11.5.32. 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.

11.6. Residential Amenity – Existing/ Adjacent Residents

11.6.1. Existing Site: At present the adjoining sites consist of light industrial or other non-residential uses, with an area of residential development approximately 46m to the east/ south east of the site within the Abberley Square development to the east of the Belgard Road. Issues of overlooking leading to a loss of residential amenity do not arise. The submitted 'Proposed Site Layout Plan' Drawing no. BR-HJL-00-00-DR-A-002 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 on these sides. A separation of at least 10.6m is provided between the proposed block to the south and the site boundary to the south. At present the lands to the south consist of a McDonalds restaurant and associated car park. The Planning Authority raise a concern about the proposed development and its impact on the development potential of these lands to the south. If a similar development were to be built on the McDonalds site, this would adversely impact on the residential amenity of those living in the subject apartments.

11.6.2. I note the concern raised by the Planning Authority, and I have already commented on the concern regarding the height of the proposed development. The proposed height is excessive and there should be an increased separation distance to the south. However, the development potential of the lands to the south is speculative at this stage and there are many unknowns regarding what could happen to the site. What is known, is the subject development does not comply with the Tallaght Town Centre Local Area Plan for the reasons outlined and I would not be recommending the inclusion of a reason for refusal referring to adverse impact on the development potential of an adjoining site.

11.6.3. Sunlight/ daylight impacts to adjoining units: The submitted 'Assessment of Daylight Adequacy' has considered the impact of the proposed development on adjoining properties in Report 1 through the following:

- Study A – Impact on skylight access – through Vertical Sky Component (VSC) test.
- Study B – Impact on sunlight – Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours (WPSH)
- Study C – Impact on sunlight to outdoor areas – BRE test
- Vertical Sky Component: A total of 119 windows to be tested are on the residential development to the east of the subject site in the Abberley Square scheme.

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

Abberley Square Development – Elevation	Level	Window No.	Existing VSC	Proposed VSC	Ratio of Proposed VSC to Baseline VSC
West	01	15	23.3%	18%	0.77
West	01	16	22.6%	17.4%	0.77
West	01	17	22.6%	16.6%	0.74
West	01	19	10.4%	5.1%	0.49
North	01	20	33.7%	30.7%	0.91

Windows 19 and 20 were tested for Weighted Average –

- Window 19 is 20.3% at present and falls to 16.0% giving a ratio of 0.79
- Window 20 is 20.3% at present and falls to 16.0% giving a ratio of 0.79.

A significant effect is where the ratio of the proposed VSC to baseline is below 0.5 and BRE guidelines is not satisfied where the VSC is below 27% and the ratio is less than 0.8 times the existing value. As can be seen the impact on these five

windows is marginal and these are likely to be impacted by the presence of a balcony overhead.

- Annual Probable Sunlight Hours (APSH) effect: 119 windows considered which serve 104 rooms but only the 62 rooms which lie within 90 degrees of south are tested. Only two rooms did not meet the minimum advisory levels of ASPH. Impact is found where the value drops below the target value of 25%, or if below 25% then falls below 80% of former value. 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.	Existing	Proposed	Ratio
West	01	19	18%	11%	61%
West	02	42	18%	13%	72%

- Winter Probable Sunlight Hours (WPSH) effect: 119 windows considered which serve 104 rooms. Impact is found where the value drops below the target value of 5%. All windows/ rooms found to be compliant.
- Impact on sunlight to outdoor areas (neighbouring lands): 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. Study C provides the 'Assessment of sunlight levels available to neighbouring recreation areas' and the results indicate that 85% of the area will get adequate sunlight after the proposed development is completed. I note that the tested site is currently in use as a cemetery.

11.6.4. The results are noted and generally the impact on the tested building is found to be good. It is not certain that a revised layout or reduction in height 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 Belgard Road. I would not be recommending a refusal of permission due to the impact on the residential amenity of adjoining units.

11.6.5. The Planning Authority refer to the potential impact of the development on the development potential of the lands to the south of the subject site. I would recommend caution here, as there is no known proposal to develop the McDonalds land and consideration of impact is difficult in the absence of more concrete details. Impact on potential rooms to the south would be likely but these would suffer from poor daylight and no sunlight as they would be north facing. There is potential for impact from such a development on the windows in the south elevation of the subject development, but this cannot be certain in the absence of information.

11.6.6. Conclusion on sunlight/ daylight impacts to neighbouring properties: The assessment was undertaken of the potential impact of a proposed development on adjoining lands to the east of the subject site. The results indicate that a very small number of units would suffer a loss of daylight/ sunlight from the baseline figure and not demonstrate compliance with the recommended standards. The impact from the proposed development would not be significant.

11.6.7. 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.

11.6.8. 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.

11.7. Transportation, Traffic, Parking and Access

11.7.1. The Planning Authority did not raise any specific concerns about the proposed development and conditions are recommended in the event that permission is granted.

11.7.2. Traffic: A 'Traffic and Transport Assessment' (TTA) and a DMURS Statement of Consistency, both dated June 2022, have been submitted with the application. Vehicular access to the site is from Belgard Square East and access is provided to a basement level car park. There is existing vehicular access to this site from Belgard

Square East 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. The proposed creche has its own set down area to the west of the site off Belgard Square East. Recommended Condition 3(a) refers to road improvements in accordance with NTA requirements and 3(b) refers to the provision of suitable cycle track infrastructure on adjoining roads.

- 11.7.3.** I consider that this location is very well served by public transport with a number of bus routes passing along the Belgard Road and Old Blessington Road 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 7.6 of the TTA refers to 'Public Transport' with full details on available services and capacity, for buses and also the Luas Red Line. In terms of bus services, I consider this to be no longer relevant as many changes have been made to the network and service provision in the area. I would consider that capacity and frequency has increased beyond that indicated in Tables 33 and 33 of the TTA, but the submitted details give a good indication of capacity in relation to frequency.
- 11.7.4.** 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 135 parking spaces are provided of which five will be located at surface level for creche and mobility impaired visitor use. The other car parking spaces will be located in the basement car park, details provided on Figure 3 of the Car Parking Management Strategy. Car parking is proposed at 0.39 spaces per residential unit.
- 11.7.5.** 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 'should be addressed as part of any Traffic and Transport Assessment..'. '

- 11.7.6.** The proposed development makes allowance for the provision of a Car-Share Club and the undercroft parking allows for up to 8 shared cars. No definite details are provided in supported documents about who will operate this car club, but I am satisfied that final details could be addressed by way of condition, and I note that such schemes are well established in residential developments such as this.
- 11.7.7.** 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.
- 11.7.8. Conclusion on car parking:** The proposed car parking provision is acceptable and appropriate for a development of this nature located within Tallaght Town Centre where high capacity and frequency public transport is available.
- 11.7.9. Bicycle Parking/ Cycle Provision:** A total of 763 bicycle parking spaces are to be provided to serve this development of which 529 will be for residents/ long stay use and the remaining 244 will be allocated to visitor/ commercial 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.
- 11.7.10. CE Report comment on bicycle parking:** No issues were raised in relation to bicycle parking. Condition no.3 (b) includes details on the provision of suitable cycle infrastructure to serve this development on the adjoining roads.
- 11.7.11. 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.

11.7.12. 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.

11.8. Infrastructure and Flood Risk

- 11.8.1.** Water Supply and Foul Drainage: A report was received from Uisce Éireann in July 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.
- 11.8.2.** 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.
- 11.8.3. 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 this part of Tallaght.
- 11.8.4.** Surface Water Drainage: South Dublin County Council Environmental Services Department have requested that additional details be provided in relation to surface water drainage, however the Planning Authority are satisfied that these issues can be addressed through a condition on SuDS.
- 11.8.5.** 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.
- 11.8.6.** The Planning Authority note the submitted report but have provided suitable conditions in the event that permission is to be granted for this development.

11.8.7. 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. The basement plan indicates that two tanks, one of 300 cubic metres and the other of 400 cubic metres storage are proposed. I am satisfied that the proposed surface water drainage system is acceptable, and the use of storage tanks would be expected on such a dense site.

11.8.8. Flood Risk: A 'Site Specific Flood Risk Assessment', dated June 2022, has been prepared and is included with the application. The site with a gross area of 1.26 hectares is located in an urban area and this brownfield site consists primarily of hardstanding surfacing with no buildings on site. A residential scheme of 310 apartments is to be provided here. The submitted report restates the nature of the proposed development.

11.8.9. 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 no history of flooding on this site and there are no flood alleviation measures in place in the immediate vicinity of the subject site. 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 such flooding on site and the proposed development will provide for attenuation storage that is designed to cater for a 100 year storm event in accordance with the recommendations of the Greater Dublin Strategic Drainage Study.

11.8.10. 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

development will include appropriate SuDS measures, and these will intercept and treat rainfall. The proposed discharge rate for this development will be lower than the calculated greenfield run-off rate. There are no issues of concern in relation to off-site drainage which is within the control of South Dublin County Council.

11.8.11. Groundwater: There is no record of groundwater flooding in this area. GSI mapping indicates that the lands are underlain with dark limestone and shale, the area overlays a locally important aquifer which contains bedrock which is moderately productive in local zones. Groundwater vulnerability is medium. Infiltration is not relied on as part of the proposed surface water strategy, runoff to be attenuated on site and discharged under control to the public stormwater drainage system.

11.8.12. 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.

11.8.13. 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.

11.8.14. Conclusion on Flood Risk: There is no concern regarding the potential for flooding of this site or the cause of flooding on adjacent lands. There is no history of flooding on site and I am satisfied that the applicant's report does not raise any issues of concern.

11.9. Ecological Impact Assessment (EcIA)

11.9.1. The applicant has prepared and submitted an Ecological Impact Assessment (EcIA) with the submitted report dated June 2022. I have had regard to the contents of same. I note that the third party observation made reference to insufficient surveys on bird collision/ flight risks, impacts on bird flight paths and impact on protected bird species.

11.9.2. The nature of the proposed development and the 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

411m to the south east of the subject site. I note this watercourse name; this is also referred to as the Whitestown Stream in other documentation. Full details are provided in the other documents/ proposals that provide consideration for ecology such as the Landscaping Plan, Arboricultural Assessment, Drainage details, and Lighting details.

11.9.3. Full details are provided on the assessments and surveys undertaken in the preparation of this report. Site surveys were undertaken in May 2021, May 2022 and October 2021. I note that bat surveys were undertaken in May 2021 and May 2022. Section 5 of the applicant's report provides the 'Baseline Ecological Conditions' and the site is within the Liffey and Dublin Bay catchment and Dodder sub catchment. The status of the Dodder was Moderate in 2019 (EPA) and the site is located on the Dublin groundwater body with a 'Not Risk' of meeting its Water Framework Directive objectives.

11.9.4. Table 1 of the applicant's report provides 'Designated Sites Within the Zone of Influence (15km) of the Proposed Development, Potential Pathways Between the Proposed Development Site and the Designated Sites'. The applicant refers to the AA Screening and full details are provided in Appendix 1 of my report; the site is not within or immediately adjacent to any designated site.

11.9.5. The habitat/ species surveys found on the site consisted of the following and are located on Figure 4 of the applicant's report:

- BL3 – Buildings and artificial surfaces – mostly made ground. Site is vacant and contains a derelict car park.
- ED3 – Recolonising Bare Ground – northern half of the site with a section in the south east corner provides for low quality biodiversity.
- WS1 – Scrub – Found along the margins of the site.
- GA2 – Amenity grassland – Sections are found along the roadside edges with floral species located here.

No significant non-native invasive species were found on site, though two medium impact invasive species were located – Butterfly Bush and Sycamore.

11.9.6. Bat activity was found to be low on site with only a single passing bat found in May 2021 and three passes in May 2022.

11.9.7. Details of Bird species is provided in Table 4 of the applicant's report and again activity was low with no red list birds observed and only two amber list birds in the form of a single House Sparrow and several Herring Gulls in the area. Considering the low level of bird activity on site, the issues of concern raised by the third party are unlikely to occur and no impact on protected bird species was identified. The site is not identified as located in a sensitive area in relation to bird flight paths.

11.9.8. No mammals were observed, and none are likely to use the site.

11.9.9. The 'Potential Impacts of the Proposed Development' are provided in Section 6 of the applicant's report and include in summary:

Construction Phase:

- Impacts on pNHAs: Potential for negative, short-term, moderate impacts on the Dodder Valley through surface water discharge that may contain silt and/ or pollutants to the River Dodder.
- Impacts on Habitats: Unlikely due to the nature of the existing site.
- Impacts on fauna: Lack of mammals means unlikely impact. Precautionary approach to be taken in relation to noise and dust generated during the construction phase of this development – references mammals and bats. Possible negative, permanent and moderated impact on birds due to the removal of vegetation on site. The construction phase through increased noise and dust levels associated may have the potential to cause negative, short-term, slight impacts to bird populations in the area. Potential for negative, short-term, moderate impacts to aquatic fauna in the River Dodder due to discharges in the construction phase, in the absence of suitable mitigation measures.

Operational Phase:

- Impacts on pNHAs: Potential for impacts on the Dodder Valley are not expected due to the use of appropriate surface water management measures in the design of this development.
- Impacts on Habitats: Loss of habitat may negatively impact local bird and invertebrate species; however the proposed planting scheme will attract insects and

birds, and measure will be provided in the form of bat and bird boxes on site. This will result in a positive, permanent, moderate impact on the local scale.

- Impacts on fauna: Potential for impact to bats through light pollution and there is a potential for a negative, permanent, slight impact on bats through the loss of foraging areas. Suitable measures will be taken in relation to site lighting and full details are provided in the EclA and full implantation of the recommended measures will result in a neutral impact on bats within the vicinity of the proposed development. Bat boxes and pollinator friendly tree/ shrubs/ plants will result in a positive, permanent, moderate impact on bats in the surrounding landscape.

The height of the building and the use of glass may have a negative, permanent, moderate impact on birds due to the risk of collision. Use of non-reflective glass may address this and it is reported that the site is not located in a bird sensitive location. The planting of pollinator friendly tree/ shrubs/ perennial species will result in a positive, permanent, moderate impact on birds in the surrounding landscape. No significant effects on fish species are anticipated as suitable SuDS measures have been incorporated into the design.

- In terms of the 'Do nothing impact', the site would remain as is and invasive/ native flora would increase in size, but the ecological value of the site is unlikely to improve.

11.9.10. Section 7 outlines the appropriate 'Mitigation and Enhancement Measures' for this site. These are provided for the Construction and Operational phases of this development and include noise reduction measures, and the reduction of dust related impacts. Section 7.1.5 considers Invasive Species and how these can be controlled. Section 8 refers to Cumulative Impacts and has regard to other permitted development in the area and 'Relevant policies and plans' that may affect the site. Section 8.1.3 provides information on the upgrade/ operation of the Ringsend WwTP as applicable at that time. Section 9 – details 'Residual Impacts through Table 6 of the applicant's report.

11.9.11. In conclusion the report states 'It is considered that as the mitigation measures proposed to protect the local biodiversity within the vicinity of the Proposed Development are carried out in full, there will be no significant negative impact to

any valued habitats, or individual or group of species as a result of the Proposed Development. With the successful implementation of these measures and proposed works, to be carried out in accordance with the landscape plan, there will be no significant negative ecological impacts arising from Construction and Operational Phases of the Proposed Development.'

11.9.12. Conclusion on EcIA: I note the information and details provided in the EcIA 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 with very low ecological value and due to this, the relatively small site area and distance from watercourses, I am satisfied that the EcIA provides a suitable report demonstrating that biodiversity will not be adversely impacted by this proposed development. The proposed site landscaping and introduction of SuDS measures will benefit biodiversity in the area.

11.10. Childcare Provision

11.10.1. The proposed development is for 310 units and a childcare facility is proposed at ground floor level and which has a floor area of 257sq m. This is provided at ground floor level and is located within the southern block on site with open space located to the south and providing for 157sq m of outdoor play area. Access to the facility will be from the tertiary street that connects the Belgard Road to Belgard Road East.

11.10.2. 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.

11.10.3. 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	310	211	110
1 Facility with capacity for 20 children for every 75 units	83	52	29

11.10.4. The Childcare Guidelines (2001) specify a minimum floor area of 2.32sq m per child but this is age dependent. The proposed facility with 257sq m will meet the expected demand on this site.

11.10.5. 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.

11.11. Comment on Submission/ Observation

11.11.1. 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. Having regard to their important role in plan and place making, I have considered the strategic points raised by them, as outlined below. I have also noted and considered all the issues raised in the third party observation, and these issues have been addressed already in my report.

11.11.2. Tallaght Area Committee: Welcome was made for the development of this site, but concern was expressed about the nature of this development. The area is

undergoing a transformation and there was concern about the impact of the overall development of Tallaght on public transport, infrastructure and school provision. I have addressed the issue of public transport already in my report and have already commented on the nature of the development having regard to the Tallaght Town Centre Local Area Plan.

11.11.3. The lack of family units was raised as a concern at the Area Committee Meeting. BTR developments are not a solution for the housing shortage. These issues are addressed in this report.

11.11.4. Concern was expressed about the impact of the development on the immediate area such as through overshadowing; this issue has been addressed already in my report. Comment was made about poor planning, such as a lack of car parking in the proposed scheme. As I have reported, the proposed development is provided with adequate car parking, and the area is served with good quality public transport.

11.11.5. Concern was expressed that the SHD process has resulted in Dublin becoming oversupplied with this type of development, with insufficient services to facilitate future residents. I am satisfied that the nature of development, and availability of services has been addressed through my report.

11.12. Other Issues

11.12.1. Archaeology: An Archaeological Assessment dated June 2022 has been prepared and provided by the applicant in support of this development. There are no archaeological sites within the subject lands, however archaeology is a feature of the area, and the buffer zone associated with the historic town of Tallaght (DU021-037) is located to the north/ east of the site.

11.12.2. The site has been disturbed through development in the past and the demolition of the former Woodies store in 2011. The assessment report concludes that the site is considered to possess a low archaeological potential, and any remains would have been negatively disturbed over time.

11.12.3. I note the submitted report, and I also note that the Planning Authority did not make any comment on the issue of archaeology with no condition included in their list of recommended conditions.

11.12.4. Architectural Conservation Area: The third party observation referred to the development materially contravening the Development Plan and/ or LAP in respect

of Architectural Conservation Area (ACA). The site is not located within or adjacent to an ACA and therefore I am satisfied that the development does not materially contravene the Development Plan on this issue.

11.12.5. 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. I welcome the proposed mix of uses and as already reported, the provision of active units on ground floor would provide for a good vitality at street level.

11.12.6. Contaminants on Site: The third party observation refers to identified contaminants with particular reference to asbestos on this site. There are no buildings on site and there is no report of any such contaminants on this site and therefore I am satisfied that no known issue arises.

11.12.7. Wind Microclimate Assessment: The applicant has prepared and provided a Wind and Microclimate Modelling report in support of this development. This assessment is focused on the pedestrian level and amenity level (sitting) wind microclimate. In summary this assessment has found that pedestrian comfort would be achievable in all locations within/ adjacent to the development, though the following are noted:

- An area between Block A and Block C is suitable for short-term sitting but not long-term sitting due to flow acceleration between these blocks. No impact on pedestrians in this area.
- Small areas of the roof terrace on Block C are suitable for short-term sitting instead of long-term sitting, though this analysis has considered the worst case scenario over the year, and it is accepted that these terraces may not be used all year round.
- Some balconies would experience higher velocities than others, but these are below threshold levels and do not give rise to safety concerns.

The design of the development has provided for suitable features and mitigations measures to address potential issue of concern. Courtyard and amenity spaces are suitable for use and the development does not give rise to impacts on neighbouring roads or buildings.

- 11.12.8.** 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. In the event that the height of the development was to be reduced, I recommend that a revised report should be provided as tested results are likely to be different.
- 11.13. Aviation Safety:** The applicant has provided an 'Aeronautical Assessment Report', dated June 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 – and which finds there to be no impact, external lighting and the Use of Cranes during Construction. No solar panels are proposed, and the report therefore considers there to be no issue in relation to glint and glare.
- 11.14.** The Planning Authority raised no issues of concern in relation to aviation safety and have included recommended Condition no. 26 which 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.
- 11.15. Material Contravention:**
- 11.15.1.** The applicant submitted two documents in support of this application in relation to Material Contravention:
- Statement of Material Contravention of South Dublin County Development Plan 2016-2022 and Tallaght Town Centre Local Area Plan 2020
 - Statement of Material Contravention of Draft South Dublin County Development Plan 2022-2028 and Tallaght Town Centre Local Area Plan 2020

As the South Dublin County Development Plan 2022 – 2028 was in place by the time of consideration of this development by the Planning Authority, no further consideration need be had of the other report, with replaced by the current plan.

11.15.2. The public notices make specific reference to a statement being submitted indicating why permission should be granted, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended. This should refer to the provisions of Section 9(6)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016. This section of the Act states that the Board may decide to grant a permission for strategic housing development in respect of an application under section 4, even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned. Paragraph (b) of same states ‘The Board shall not grant permission under paragraph (a) where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land’.

11.15.3. The statement of Material Contravention has been prepared to acknowledge matters which may be considered to be a Material Contravention of the South Dublin County Development Plan 2016-2022 and Tallaght Town Centre Local Area Plan 2020 - 2026.

11.15.4. There are five issues identified in the applicant's Material Contravention statement as follows:

Material Contravention Issue	Local Area Plan/ Development Plan Requirement	Proposal
Plot Ratio and Height	The Tallaght Town Centre LAP under Section 2.6.1 outlines a plot ratio of 1.5 – 2.0 for development on TC zoned lands.	The proposed development provides for a plot ratio of 3.4 and therefore materially contravenes the requirement.

Height	<p>Section 2.6.2 of the Tallaght LAP sets out criteria for building heights of:</p> <p>‘- Building height and scale is greatest in the Centre, in close proximity to Luas stops and along arterial and primary route frontages (up to 6–7 storeys residential, +1 recessed and up to 5–6 storeys non-residential, +1 recessed).</p> <p>- Building height and scale on secondary routes/frontages is lesser but still within an urban scale, (4–6 storeys residential, 3–5 storeys non-residential.</p> <p>- Building Height (3-4 storeys) is lower along tertiary routes, within the network of secondary streets).’</p> <p>The subject site is limited to 4-7 storeys + 1 storey recessed, the site is not designated for a higher building.</p>	<p>The proposed development provides for a height of between 6 and 12 storeys and therefore materially contravenes the plan.</p>
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Unit Mix	<p>Objective RE2 of the Tallaght LAP 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.'</p> <p>The proposed development provides for 99 x one bedroom units, 203 x two bedroom units and 8 x three bedroom units.</p>	The proposed unit mix does not provide for an adequate number of three bedroom units.
Tenure – Build to Rent	The Tallaght Town Centre Local Area Plan 2020 – 2026 seeks to provide for a mix of at least 30% owner occupied.	Development is 10% social housing and rest is BTR.
Public Open Space	<p>Requirements under COS5 Objective 1 to provide for 2.4 hectares per 1,000 population.</p> <p>Also COS Objective 4 –</p>	Proposal for 1.03hectares is less than the standard set out in Table 8.2 in the South Dublin County

	provide open space in accordance with Table 8.2 of the South Dublin County Development Plan 2022 – 2028 and COS Objective 5 – Financial contribution in lieu of provision of open space.	Development Plan 2022 – 2028 which would be 1.15hectares – shortfall of 0.12hectares.
Separation Distances	South Dublin Development Plan 2016 - 2022 sought separation distances of 22 m between opposing first floor windows.	Only 11m is provided between the southern ends of Blocks A and B to C and which may contravene Section 11 of the CDP.

Plot Ratio, density and Height: Justification is provided on the basis of the location of the site in Tallaght Town Centre in an accessible location and the site is considered to be a key site in terms of location. The plot ratio may be permitted to increase where there is a significant public gain such as a strong rationale for increased density and height. If a higher plot ratio is deemed acceptable, additional open space, street upgrades, community infrastructure and other agreed public domain works may be provided to justify the increase in plot ratio. The applicant has outlined the proposed development of this site, provision of a tertiary street and the quality of public open space as a justification for the higher plot ratio.

The increased height is similarly justified but also in terms of the proximity to public transport and where it can be identified that buildings integrate with other development in the area.

National and local policy is provided to justify the development, and the site is identified as suitable for mixed use development. Justification is also provided in terms of the planning history of the area and in the provision of taller buildings around The Square and along Belgard Road. The applicant has indicated that the

heights set out in the Tallaght LAP contradict national policy as set out in the Urban Development and Height Guidelines.

Comment on Plot Ratio and Height: The heights are significantly greater than those set out in the LAP and combined with the high density of development, they contribute to the excessive plot ratio proposed here. A reduction in height across the site would result in a reduced plot ratio. The only other way to reduce the plot ratio would be to reduce the bulk of the proposed blocks but considering that the proposed height is a material contravention, this would be the primary way to reduce the plot ratio. Therefore, I consider that the proposed plot ratio and height materially contravene the South Dublin County Development Plan 2022 – 2028 and the Tallaght Town Centre Local Area Plan 2020 and 2026 and the applicant's justification does not warrant going through the Material Contravention process as the contravention is significant in both cases.

Unit Mix: The applicant refers to Objective RE1 of the LAP which seeks to provide for a suitable mixed and balanced community in the form of high quality residential development and Objective RE3 which seeks to support new and innovative ways of meeting the housing demand in Tallaght. The applicant refers to the Sustainable Urban Housing Design Standards for New Apartments which seeks to provide for a mix of housing types and also refers to SPPR 8 which seeks to remove restrictions on BTR development, unless specified otherwise.

Comment on Unit Mix: As part of the South Dublin County Development Plan 2022 – 2028, a Housing Need and Demand Assessment has been provided, and which demonstrates that there is a need for more three and four bedroom units in Tallaght. Whilst the unit mix does materially contravene the South Dublin County Development Plan 2022 – 2028 and the Tallaght Town Centre Local Area Plan 2020 and 2026, the requirement for a BTR scheme such as this is, shall be considered in accordance with the note included under H1 Objective 12 of the South Dublin County Development Plan 2022 – 2028. This removes such restrictions in line with the requirements of the Sustainable Urban Housing: Design Standards for New Apartments 2022 and 2020. The proposed unit mix does not give rise to a material contravention as this is an application for a BTR scheme submitted prior to December 2022.

Public Open Space: The applicant refers to the requirements set out in Table 8.2 in the South Dublin County Development Plan 2022 – 2028. The table indicates that the subject site should generate 1.15 hectares of open space, however only 0.103 hectares is proposed. The proposed open space provision does equate to 11% of the site area, and I note that Table 8.2 requires that a minimum of 10% be provided.

Comment on Public Open Space: There is clearly a conflict between the percentage requirement and the area provision under Table 8.2. I agree with the applicant that an adequate provision has been made considering the location of the site within Tallaght town centre. A Social Infrastructure Assessment has been provided that indicates the location of alternative amenity spaces in the greater Tallaght area. I accept that the applicant has indicated that 11% public open space would be provided, and I note that COS5 Objective 5 allows for a contribution to be levied in the case of any shortfall in order to achieve the 2.4 hectares per 1,000 population. Any reduction in unit numbers would reduce the shortfall further.

Tenure – Build to Rent: Tallaght LAP seeks to provide for at least 30% owner occupied units. National policy is to provide for a mix of tenure types and the development demonstrate compliance with SPPR 7 and SPPR 8 of the Apartment Guidelines in terms of it being a BTR scheme.

Comment on Tenure: Applications lodged under the SHD process, when the BTR requirements were in place, were to be considered in accordance with the Apartment Guidelines on that basis. I repeat Note 2 of my assessment for clarity:

The subject application is for a Build To Rent (BTR) development. As per the Apartment Guidelines, 2023, BTR is no longer considered to be a specific housing typology which requires specific guidance or design standards. Section 12.6.4 of the South Dublin County Development Plan 2022 - 2028 refers to BTR developments and states ‘All proposed BTR accommodation must comply with SPPR 7 and SPPR 8 as set out in the Apartment Guidelines.’ The plan was adopted in advance of the revised guidelines in 2023.

- 11.15.1.** Paragraph 5.10 of the 2023 guidelines relates to transitional arrangements: ‘All current appeals, or planning applications (including any outstanding SHD applications and appeals consequent to a current planning application), that were

subject to consideration within the planning system on or before 21st December 2022, will be considered and decided in accordance with the previous version of the Apartment Guidelines, that included SPPRs 7 and 8'. As this planning application was received by the Board on 9th June 2022, these transitional arrangements apply to the proposed SHD. Therefore, the 2020 version of the Apartment Guidelines is the relevant version under which this planning application for 310 BTR apartments is to be considered.

The development does not provide for owner occupied units as it is a BTR scheme lodged in advance of the revised guidelines and the issue of Material Contravention does not arise.

Separation Distances: Justification is given in terms of providing for increased density on sites in accordance with National and Local Policy. References Sections 2.23 and 2.24 of the Apartment Guidelines which seek to encourage the use of performance criteria instead of blanket restrictions. The units have been designed to address overlooking concerns through window types etc.

Comment on Separation Distances: The design of the windows addresses any issues in relation to Separation Distances and the intention of this restriction is to protect residential amenity which has been achieved through design measures.

11.15.2. Conclusion on Material Contravention:

I consider that the proposed development would materially contravene the South Dublin County Development Plan 2022 – 2028 and the Tallaght Town Centre Local Area Plan 2020 and 2026 in terms of Plot Ratio, Building Height, and Unit Mix.

- The Plot Ratio at 3.38 is in excess of that set out in the Tallaght Town Centre Local Area Plan 2020 - 2026 under Section 2.6.1 which outlines a plot ratio of 1.5 – 2.0 for development on TC zoned lands, as per the South Dublin County Development Plan 2022 – 2028.
- Building height is in excess of that indicated under Section 2.6.2 of the Tallaght Town Centre Local Area Plan 2020 – 2026 which allows for heights up to 7 storeys and the proposed development includes buildings of between 8 and 12 storeys.

No material contravention issues arise in relation to Tenure – BTR, Public Open Space and Separation Distances and Section 37(2) of the Planning and Development Act 2000 as amended does not apply in these cases.

11.15.3. 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. Section 37(2)(b) (i)-(iv) lists the circumstances when the Board may grant permission in accordance with section 37(2)(a) summarised as:

- (i) The proposed development is of national importance
- (ii) Conflicting objectives in the development plan
- (iii) Should be granted having regard to the RSES, Section 28 guidelines/ policy objectives or other relevant policy.
- (iv) Development should be granted having regard to the patter of development/ planning history of the area since the making of the development plan.

11.15.4. I do not accept that adequate justification is provided to permit a development of 310 units in an apartment scheme with blocks of up to 12 storeys proposed in Tallaght Town Centre. The submitted information does not provide a justification for material contravention of the South Dublin County Development Plan 2022 – 2028 under Section 37(2)(b) (i)-(iv) of the Planning and Development Act 2000 as amended.

11.15.5. For the reasons outlined throughout this report, having regard to the CE report, the comments of the elected members and the members of the public who chose to make a submission on this development, I am not satisfied that a grant of permission, would be justified in this instance.

12.0 Water Framework Directive (WFD)

- 12.1.** The subject site is located approximately 411m to the north of the Whitestown Stream/ River Dodder.
- 12.2.** The proposed development comprises of the construction of 310 Build to Rent apartments, restaurant/ commercial units, creche and all associated site works, on lands to the east of the Belgard Road, east of Belgard Square East and to the south of the Blessington Road, Tallaght, Dublin 24.
- 12.3.** I have assessed the BTR development on Belgard Road, Tallaght and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. I have undertaken a WFD Impact Assessment Stage 1: Screening and which is included in Appendix 4 after my report. This assessment considered the impact of the development on the:
- Whitestown Stream/ River Dodder
 - Groundwater

The impact from the development was considered in terms of the construction and operational phases. Through the use of best practice and implement of a CEMP at the construction phase and through the use of SuDS during the operation phase, all potential impacts can be screened out.

Conclusion

- 12.4.** I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

13.0 Appropriate Assessment (AA)

12.1 The proposed residential development at the former Woodies 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. A Screening report has been prepared, dated June 2022, on behalf of the applicant and the objective information presented in that report informs this screening determination.

12.2 Overall Conclusion- Screening Determination

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information.

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

This conclusion is based on:

- Objective information presented in the Screening Report
- Dilution effect through the combined foul and surface water sewer network, distance to the treatment plant and due to full treatment of the waters in the Ringsend Waste Water Treatment Plant prior to licensed discharge to Dublin Bay.

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

Full details of my assessment are provided in Appendix 1 attached to this report.

14.0 Environmental Impact Assessment Screening

- 14.1.** 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.
- 14.2.** 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’.
- 14.3.** 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.”
- 14.4.** The proposed development is for the construction of 310 no. BTR apartments, creche, commercial units and associated site works on a stated net site area of 0.91 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).
- 14.5.** The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted EIA Screening Report, dated June 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 net site area at 0.91

hectares and due to the number of residential units at 310, 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.

- 14.6.** The third party observation referred to asbestos on site as an environmental issue. There is no indication of any asbestos on this site and no buildings or structures are in place at present here.
- 14.7.** 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.
- 14.8.** 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 and Statement of Consistency with Planning Policy
 - Statement of Material Contravention of Draft South Dublin County Development Plan 2022-2028 and Tallaght Town Centre Local Area Plan 2020
 - Statement of Material Contravention of South Dublin County Development Plan 2016-2022 and Tallaght Town Centre Local Area Plan 2020
 - Architectural Design Statement

- Engineering Services Report
- Site Specific Flood Risk Assessment
- Traffic and Transport Assessment
- Mobility Management Plan
- DMURS Statement of Consistency
- Quality Audit Response
- Construction and Demolition Waste Management Plan
- Outline Construction Management Plan
- Outline Construction Environmental Management Plan
- Landscape Design and Access Statement
- Landscape Management and Maintenance Plan
- Operational Waste Management Report
- Operational Waste Management Report
- Design, Townscape and Visual Assessment
- Telecommunications Report
- Building Lifecycle Report
- Part L Planning Compliance
- Operational Management Plan
- Arboricultural Report
- Wind Microclimate Report
- Aeronautical Assessment Report
- Archaeological Assessment
- Hydrological Qualitative Risk Assessment
- Social Infrastructure Assessment

14.9. 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 Ecological Impact Statement (EclA)
Directive 2000/60/EC, EU Water Framework Directive	Flood Risk Assessment (FRA) Engineering Services Report Ecological Impact Statement (EclA) Construction and Demolition Waste Management Plan Outline Construction Management Plan.
Directive 2001/42/EC, SEA Directive	Environmental Impact Assessment Screening Report
Directive 2002/49/EC, Environmental Noise Directive	Outline Construction Management Plan – Section 5.2 refers to Noise measures. Construction and Demolition Waste Management Plan
Directive 2008/50/EC, Ambient Air Quality	Construction and Demolition Waste Management Plan Outline Construction Management Plan Traffic & Transportation Assessment
Directive 2007/60/EC, Management of flood risks	Flood Risk Assessment
Directive (EU) 2018/850, Landfill waste	Outline Construction Management Plan Construction and Demolition Waste Management Plan

- 14.10.** 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.
- 14.11.** 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.
- 14.12.** 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 threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b) Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- 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,
- d) The availability of mains water and wastewater services to serve the proposed development,
- e) The existing use on the site and pattern of development in surrounding area,
- 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 Operational Waste Management Plan and the Outline Construction Environmental 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.

I am satisfied 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.

Final Conclusion

14.13. 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 residential amenity of the proposed units.

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

- The proposed development provides for 310 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 6 and 12 storeys, with the upper levels 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 Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024.

- The proposed density is excessive at 372dph. Whilst the site is within TC – Town Centre zoned lands, the expected density here would be a maximum of 250dph. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities allow for density of up to 300dph in exceptional cases on a plan-led basis only, as per Section 3.3.6(a) of the guidelines. This site is not designated for such a density in accordance with the Tallaght Town Centre Local Area Plan 2020 – 2026.
- The applicant has provided a Daylight Assessment Report in support of their application and in terms of assessment for internal daylight amenity, tested for Average Daylight Factor under BS 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting’, British Standards Institute, 2008’, 11% of tested rooms failed to meet the recommended standards indicating a poor level of daylight for these units.

- 14.15.** 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 9th of June 2022 by John Spain and Associates, Planning Consultants on behalf of Ravensbrook Ltd.

16.1.2. Proposed Development:

- Construction of 310 no. BTR apartments,
- Creche, retail and commercial units.
- All associated site works, infrastructure provision and the provision of suitable amenity space.

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, as well as the Tallaght Town Centre Local Area Plan 2020, 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 tenure in that 30% of the development to be owner occupied and also inappropriate unit mix with only 3% of the total number of units as three bedroom apartments when the relevant plans require that 30% be three bedroom units, though the note included under H1 Objective 12 of the South Dublin County Development Plan 2022 – 2028 removes such restrictions in line with the requirements of the Sustainable Urban Housing: Design Standards for New Apartments 2022 and 2020.
- Insufficient provision of open space, but this was found to comply with the requirements of the South Dublin County Development Plan 2022 – 2028 in terms of providing for 11% of the site area as open space.

- Separation distances of approximately 11m to the southern ends of Blocks A and B to Block C contravene Section 11 of the Draft South Dublin County Development Plan 2022.

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.

17.0 Reasons and Considerations

The Board Considers that:

1. The proposed development provides for 310 residential units on a net site area of 0.91 hectares giving a density of 341 units per hectare; this density is achieved through blocks of excessive height. The Tallaght Town Centre Local Area Plan 2020 - 2026 indicates that residential development would be permitted in blocks of between 4 and 7 storeys, however the applicant has proposed a development of between 6 and 12 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 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 Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024. The proposed development materially contravenes the South Dublin County Development Plan 2022 - 2208 in not complying with the

indicative heights set out in the Tallaght Town Centre Local Area Plan 2020 – 2026, which was informed by the Guidelines for Planning Authorities for Urban Development and Building Heights, 2019.

2. The proposed development provides for 310 residential units on a net site area of 0.91 hectares giving a density of 341 units per hectare. The development is located on lands zoned for Town Centre – TC use in the Tallaght Town Centre Local Area Plan 2020 - 2026 and the South Dublin County Development Plan 2022 – 2028, but in accordance with the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024, a density of 250 dwellings per hectare (dph) is acceptable. Whilst exceptions may be considered in accordance with Section 3.3.6(a) of the guidelines, allowing for up to 300 dph, this is only open for consideration on a plan-led basis only. The site is not designated for such a scale or density of development in the South Dublin County Development Plan 2022 – 2028, and the Tallaght Town Centre Local Area Plan 2020 – 2026. The proposed development would materially contravene the South Dublin County Development Plan 2022 – 2028, and the Tallaght Town Centre Local Area Plan 2020 – 2026 and would not be in accordance with Section 28 Guidance and would be contrary to the proper planning and sustainable development of the area.

3. The proposed development provides for 310 units in blocks ranging in height from 6 to 12 storeys. By reason of the layout and design of the proposed development, 11% of the total number of rooms do not demonstrate that they would receive adequate levels of daylight in accordance with BS8206 Part 2:2008, ‘Lighting for Buildings, Code of Practice for Daylighting’. 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.

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

Paul O'Brien

Inspectorate

23rd May 2025

Appendix 1: Screening for Appropriate Assessment

Description of the Project:

I have considered the proposed development consisting of 310 no. apartments, creche, commercial units, 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 June 2022.

The subject site with a stated gross area of 1.26 hectares (net area is 0.91 hectares), comprises an almost rectangular shaped are of land located to the west of the Belgard Road, south of the Old Blessington Road and to the east of Belgard Square East, approximately 360m to the west of Tallaght Village and 40m to the east of The Square Shopping Centre, Tallaght. The site is vacant and cleared, a Woodies DIY store was previously on this site but was demolished a number of years ago. Most of the site surface consists of hardstanding. To the south of the site is a McDonalds restaurant and lands on the other sides include a mix of car parking, commercial and retail development. Site boundaries consist of a mix of plinth walls with fencing over/ fencing. Vehicular access to the site is available from the north and west.

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 3.2km/ 5.6km and 7.1km respectively to the south of the subject site.

The Third Party observation referred to asbestos on site, however there are no reports or indications that such material is found on this cleared site. The third party observation also made reference to insufficient surveys on bird collision/ flight risks, impacts on bird flight paths and impact on protected bird species and again the submitted AA did not identify any such issues.

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.
- Indirect hydrological pathway from the site to a designated site via the public foul drainage system – Effect A.
- 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.
- Indirect hydrological pathway from the site to a designated site via the public foul drainage system. – Effect B.
- 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 surface water drainage system would be unlikely due to distance, dilution effect and the use of standard construction practices that would ensure that pollution does not enter the surface water drainage system.
- 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 existing 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 A and Effect B. These refer to impacts through the foul drainage system 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)	11.3km
North Dublin Bay SAC	(000206)	14.7km
Glenasmole Valley SAC	(001209)	3.2km
Wicklow Mountains SAC	(002122)	5.6km
Rye Water Valley/ Carton SAC	(001398)	11.5km
Knocksink Wood SAC	(000725)	13.2 km
Red Bog, Kildare SAC	(000397)	14.8km
South Dublin Bay and River Tolka SPA	(004024)	11.3km
North Bull Island SPA	(004006)	14.7km

Wicklow Mountains SPA	(004044)	7.1km
Poulaphouca Reservoir SPA	(004063)	14.1km

The North West Irish Sea SPA (site code 004236), which is 16.5km 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 subject 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 A: Potential for impact to water quality and resource during the Construction Phase</p> <p>Effect B: Potential for impact to water quality and resource during the Operation Phase</p>	<p>11.3km from the subject site – Indirect pathway through the public foul drainage system 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 A: Potential for impact to water quality and resource during the Construction Phase</p> <p>Effect B: Potential for impact to water quality and resource during the Operation Phase</p>	<p>14.7km from the subject site – Indirect pathway through the public foul drainage system 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 <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>
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<p>Effect A: Potential for impact to water quality and resource during the Construction Phase</p> <p>Effect B: Potential for impact to water quality and resource during the Operation Phase</p>	<p>11.3km from the subject site – Indirect pathway through the public foul drainage system to Dublin Bay.</p>	<p>South Dublin Bay and River Tolka SPA</p>	<p>Light-bellied Brent Goose [A046]</p> <p>Oystercatcher [A130]</p> <p>Ringed Plover [A137]</p> <p>Grey Plover [A141]</p> <p>Knot [A143]</p> <p>Sanderling [A144]</p> <p>Dunlin [A149]</p> <p>Bar-tailed Godwit [A157]</p> <p>Redshank [A162]</p> <p>Black-headed Gull [A179]</p> <p>Roseate Tern [A192]</p> <p>Common Tern [A193]</p> <p>Arctic Tern [A194]</p> <p>Wetland and Waterbirds [A999]</p>
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<p>Effect A: Potential for impact to water quality and resource during the Construction Phase</p> <p>Effect B: Potential for impact to water quality and resource during the Operation Phase</p>	<p>14.7km from the subject site – Indirect pathway through the public foul drainage system to Dublin Bay.</p>	<p>North Bull Island SPA</p>	<p>Light-bellied Brent Goose [A046]</p> <p>Shelduck [A048]</p> <p>Teal [A052]</p> <p>Pintail [A054]</p> <p>Shoveler [A056]</p> <p>Oystercatcher [A130]</p> <p>Golden Plover [A140]</p> <p>Grey Plover [A141]</p> <p>Knot [A143]</p> <p>Sanderling [A144]</p> <p>Dunlin [A149]</p> <p>Black-tailed Godwit [A156]</p> <p>Bar-tailed Godwit [A157]</p> <p>Curlew [A160]</p> <p>Redshank [A162]</p> <p>Turnstone [A169]</p> <p>Black-headed Gull [A179]</p> <p>Wetland and Waterbirds [A999]</p>
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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 A	Effect B
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.	N	N
Reason:	<p>Effect A: Potential for significant effects is negligible due to dilution effects, treatment at the Ringsend WWTP, with additional capacity provided here, location of discharge is not adjacent to this SAC and additional available capacity at Ringsend.</p> <p>Effect B: Potential for significant effects is negligible due to dilution effects, treatment at the Ringsend WWTP, with additional capacity provided here, location of discharge is not adjacent to this SAC and additional available capacity at Ringsend.</p>		
North Dublin Bay SAC (000206)	To maintain the favourable conservation	N	N

	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.		
Reason:	<p>Effect A: Potential for significant effects is negligible due to dilution effects, treatment at the Ringsend WWTP, with additional capacity provided here, location of discharge is not adjacent to this SAC and additional available capacity at Ringsend.</p> <p>Effect B: Potential for significant effects is negligible due to dilution effects, treatment at the Ringsend WWTP, with additional capacity provided here, location of discharge is not adjacent to this SAC and additional available capacity at Ringsend.</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.	N	N
Reason:	<p>Effect A: Potential for significant effects is negligible due to dilution effects, treatment at the Ringsend WWTP, with additional capacity provided here, location of discharge is not adjacent to this SAC and additional available capacity at Ringsend.</p> <p>Effect B: Potential for significant effects is negligible due to dilution effects, treatment at the Ringsend WWTP, with</p>		

	additional capacity provided here, location of discharge is not adjacent to this SAC and additional available capacity at Ringsend.		
North Bull Island SPA (004006)	Objective: To maintain the favourable conservation condition of the listed waterbirds.	N	N
Reason:	<p>Effect A: Potential for significant effects is negligible due to dilution effects, treatment at the Ringsend WWTP, with additional capacity provided here, location of discharge is not adjacent to this SAC and additional available capacity at Ringsend.</p> <p>Effect B: Potential for significant effects is negligible due to dilution effects, treatment at the Ringsend WWTP, with additional capacity provided here, location of discharge is not adjacent to this SAC and additional available capacity at Ringsend.</p>		

I conclude that the proposed development would have no likely significant effect 'alone' on any qualifying feature(s) of the listed and designated European Sites. Further AA screening in-combination with other plans and projects is required.

Likely significant effects on the European sites 'in combination with other plans and projects' –

14.1 Where it has been concluded that there are no likely significant effects 'alone', it is necessary to consider the proposal in combination with other plans and projects.

14.2 The following table provides the relevant information, for appropriate scaled developments:

Table 3 – Plans and Projects that could act in combination with impact mechanisms of the proposed project.	
Plan/ Project	Effect Mechanism

<p>Lands to the west</p> <p>The Square Shopping Centre</p> <p>PA Ref. SD13A/0192 and extension of permission SD13A/0192 refers to a December 2024 decision to grant permission for a development which consists of an amendment to the apartment development as permitted under DCC Reg. Ref. 4240/19 (ABP-306756-20) (and amended by DCC Reg. Ref. 4906/22) as follows:</p> <ul style="list-style-type: none"> • Revised basement layout to facilitate the plant / sprinkler system and 2 no. additional cargo bike parking spaces resulting in a reduction in permitted car parking by 2 no. spaces (40 no. car parking spaces now provided). • Minor alterations to apartment layouts at all floors. The number and mix of permitted apartment types remain unchanged. • Revised layout of ESB substation and switch room at ground floor level. • Amendments to permitted elevations including revised fenestration, parapets, balconies, roof design and all associated works to facilitate these amendments. 	<ul style="list-style-type: none"> • Surface water drainage from the Site of the Proposed Development - Effect A • Foul water from the Proposed Development – Effect B
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14.3 The proposed development is considered in combination with other plans and projects in the following table:

<p>Table 4 – Could the project undermine the Conservation Objectives in combination with other plans and projects?</p>
--

European Site and qualifying feature	Conservation Objective	Could the Conservation Objectives be undermined?	
		Effect A	Effect B
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, which is defined by a list of attributes and targets.	N	N
Reason:	COs will not be undermined due to the separation distance, dilution effect and all foul/ surface water will be treated at the Ringsend WWTP prior to licenced discharge to Dublin Bay. Standard construction measures will prevent any pollution risks and surface water will be treated to an extent through the proposed SUDs measures on site.		
North Dublin Bay SAC (000206)	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in North Dublin Bay SAC.	N	N
Reason:	COs will not be undermined due to the separation distance, dilution effect and all foul/ surface water will be treated at the Ringsend WWTP prior to licenced discharge to Dublin Bay. Standard construction measures will prevent any pollution risks and surface water will be treated to an extent through the proposed SUDs measures on site.		
Rockabill to Dalkey Island SAC (003000)	To maintain the favourable conservation status of reefs and Harbour	N	N

	Porpoise at a national level.		
Reason:	COs will not be undermined due to the separation distance, dilution effect and all foul/ surface water will be treated at the Ringsend WWTP prior to licenced discharge to Dublin Bay. Standard construction measures will prevent any pollution risks and surface water will be treated to an extent through the proposed SUDs measures on site.		
Howth Head SAC (000202)	To maintain the favourable conservation status of sea cliffs and dry heaths at a national level.	N	N
Reason:	COs will not be undermined due to the separation distance, dilution effect and all foul/ surface water will be treated at the Ringsend WWTP prior to licenced discharge to Dublin Bay. Standard construction measures will prevent any pollution risks and surface water will be treated to an extent through the proposed SUDs measures on site.		
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.	N	N
	Objective 2: To maintain the favourable conservation condition of the wetland habitat at North Bull Island SPA and South Dublin Bay and	N	N

	River Tolka Estuary SPA as a resource for the regularly-occurring migratory waterbirds that utilise these areas.		
Reason:	COs will not be undermined due to the separation distance, dilution effect and all foul/ surface water will be treated at the Ringsend WWTP prior to licenced discharge to Dublin Bay. Standard construction measures will prevent any pollution risks and surface water will be treated to an extent through the proposed SUDs measures on site.		
North Bull Island SPA (004006)	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.	N	N
	Objective 2: To maintain the favourable conservation condition of the wetland habitat at North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA as a resource for the regularly-occurring migratory waterbirds that utilise these areas.	N	N
Reason:	COs will not be undermined due to the separation distance, dilution effect and all foul/ surface water will be treated at the		

	Ringsend WWTP prior to licenced discharge to Dublin Bay. Standard construction measures will prevent any pollution risks and surface water will be treated to an extent through the proposed SUDs measures on site.		
North-West Irish Sea SPA (004236)	To maintain the favourable conservation condition of identified Qis.	N	N
Reason:	COs will not be undermined due to the separation distance, dilution effect and all foul/ surface water will be treated at the Ringsend WWTP prior to licenced discharge to Dublin Bay. Standard construction measures will prevent any pollution risks and surface water will be treated to an extent through the proposed SUDs measures on site.		
Dalkey Islands SPA (004172)	To maintain the favourable conservation status of seabirds – Terns.	N	N
Reason:	COs will not be undermined due to the separation distance, dilution effect and all foul/ surface water will be treated at the Ringsend WWTP prior to licenced discharge to Dublin Bay. Standard construction measures will prevent any pollution risks and surface water will be treated to an extent through the proposed SUDs measures on site.		

14.4 I conclude that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European site(s). No further assessment is required for the project.

Overall Conclusion- Screening Determination

14.5 In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information'

I conclude that that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) under

Section 177V of the Planning and Development Act 2000 as amended is not required.

This conclusion is based on:

- Objective information presented in the Screening Report
- Dilution effect through the combined foul and surface water sewer network, distance to the treatment plant and due to full treatment of the waters in the Ringsend Waste Water Treatment Plant prior to licensed discharge to Dublin Bay.

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

Appendix 2: Form 1 - EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-313760-22		
Proposed Development Summary	Strategic Housing Development consisting of the construction of 310 no. BTR apartments, creche, retail/ commercial units and all associated site works. The subject site with a gross stated area of 1.26 hectares (net area is 0.91 hectares), comprises an almost rectangular shaped area of land located to the west of the Belgard Road, south of the Old Blessington Road and to the east of Belgard Square East, approximately 360m to the north west of Tallaght Village and 40m to the east of The Square Shopping Centre, Tallaght.		
Development Address	Former Woodies site, Belgard Road, Tallaght, Dublin 24.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)		Yes	✓
		No	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?			
<input type="checkbox"/> Yes, it is a Class specified in Part 1.			

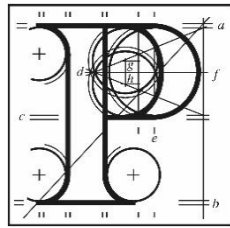
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/ exceeds the threshold.	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.	<p>10. Infrastructure projects</p> <p>(b) (i) Construction of more than 500 dwelling units. – subthreshold – only 310 units proposed.</p> <p>(iv) 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. – subthreshold – Business district but with a gross site area of 1.26 hectares.</p>

4. Has Schedule 7A information been submitted?

Yes <input checked="" type="checkbox"/>	Screening Determination required
No <input type="checkbox"/>	

Inspector: _____

Date:



Appendix 3: EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS		
An Bord Pleanála Case Reference	313760-22	
Development Summary	Strategic Housing Development consisting of the construction of 310 no. BTR apartments, creche, retail/ commercial units and all associated site works. The subject site with a gross stated area of 1.26 hectares (net area is 0.91 hectares), comprises an almost rectangular shaped area of land located to the west of the Belgard Road, south of the Old Blessington Road and to the east of Belgard Square East, approximately 360m to the north west of Tallaght Village and 40m to the 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 has 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 in support of the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC) have been submitted with the application.</p> <p>An Ecological Impact Assessment (EcIA) has been submitted in support of the development.</p> <p>A Hydrological Risk Assessment has been provided to demonstrate compliance with the Water</p>

		<p>Framework Directive (WFD) (Directive 2000/60/EC).</p> <p>A Construction & Demolition Waste Management Plan has been submitted which was undertaken having regard to the Waste Management Act 1996 (as amended) and the Waste Management (Collection Permit) Regulations 2007 (SI No. 820 of 2007) as amended.</p> <p>The South Dublin County Development Plan 2022 – 2028 and the Tallaght Town Centre Local Area Plan 2020 – 2026 were subject to Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA) Screening.</p>
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<p>B. EXAMINATION</p>	<p>Where relevant, briefly describe the characteristics of impacts (ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p>	<p>Is this likely to result in significant effects on the environment ?</p> <p>Yes/ No/ Uncertain</p>
<p>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</p>		
<p>1.1 Is the project significantly different in character or scale</p>	<p>Yes: The development</p>	<p>No.</p>

to the existing surrounding or environment?	proposes the provision of residential development buildings with heights between 6 and 12 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. Will result in the development of new mixed use blocks, roads, footpaths and access points.	No.
1.3 Will construction or operation of the project use	Yes: Construction materials will be typical of such an	No.

natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded 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	No.

	regard are anticipated.	
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes: Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for 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.</p>	<p>No.</p>

	Significant operational impacts are not anticipated.	
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No: 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 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.	No.
1.7 Will the project cause noise and vibration or release	Yes: Potential for construction	No.

of light, heat, energy or electromagnetic radiation?	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 on the adjoining area.	
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	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	No.

	<p>Management Plan would satisfactorily address potential impacts on human health. The applicant has also provided a Hydrological Risk Assessment and no significant operational impacts are anticipated.</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. Employment will be created during the construction and operational phases of this development.</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>

2. Location of proposed development

<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> 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 	<p>No European sites located on or adjacent to the site. An Appropriate Assessment Screening was provided in support of the application. No adverse effects are foreseen.</p>	<p>No.</p>
<p>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?</p>	<p>No: The submitted EclA and AA Screening did not raise any issues of concern.</p> <p>The subject site is limited as a bat and bird habitat.</p>	<p>No.</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural</p>	<p>None in the immediate area of the subject site.</p>	<p>No.</p>

importance that could be affected?		
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	There are no such features that arise in this location.	No.
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.</p> <p>No issues of concern in relation to the development of this site and impact on adjoining lands arising from the proposed scheme.</p>	No.

<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No such impacts are foreseen.</p>	<p>No.</p>
<p>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 environmental problems, which could be affected by the project?</p>	<p>The site is on the Belgard Road and full regard is had to the proposed Core Bus Corridor that forms part of the Bus Connects project for the Tallaght area.</p> <p>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.</p>	<p>No.</p>
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which</p>	<p>There are no sensitive land uses</p>	<p>No.</p>

could be significantly affected by the project?	adjacent to the subject site.	
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 construction traffic management plan.	No.
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		

Having regard to: -

- 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,
- b) Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- 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 and the Tallaght Town Centre Local Area Plan 2020 – 2026,
- d) The availability of mains water and wastewater services to serve the proposed development,
- e) The existing use on the site and pattern of development in surrounding area,
- 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 Operational Waste Management Plan and the Outline Construction Environmental 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 _____

Appendix 4: WFD IMPACT ASSESSMENT STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality

An Bord Pleanála ref. no.	ABP-313760-22	Townland, address	Belgard Square East, Blessington Road and Belgard Road, Tallaght, Dublin 24.
Description of project		Construction of 310 Build to Rent apartments, restaurant/ commercial units, creche and all associated site works.	
Brief site description, relevant to WFD Screening,		Site is cleared of all structures and consists of a mix of hard surface and areas that formed landscaping in the past.	
Proposed surface water details		SuDS measures to be used in the engineering and landscaping design. Any run-off will be via the public surface water drainage system. Two drainage tanks are to be provided on site to store water.	
Proposed water supply source & available capacity		Public Water Supply and which has an Orange – ‘Potential Capacity Available’ rating.	
Proposed wastewater treatment system & available capacity, other issues		Public foul drainage system and which has a Green – Wastewater Capacity Available.	
Others?		N/A	

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
e.g. lake, river, transitional and coastal waters, groundwater body, artificial (e.g. canal) or heavily modified body.	411 m to the southeast	River Dodder (IE-EA-09D010620)	Moderate	At Risk	N/A	Surface water run-off
	0m	Dublin Groundwater Body (IE_EA_G_008)	Moderate	Not at Risk	N/A	Groundwater
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.						
CONSTRUCTION PHASE						

N o.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Site clearance & Construction	River Dodder (IE-EA- 09D010620)	Indirect impact via Potential hydrological pathway	Water Pollution	Use of Standard Construction Practice and CEMP	No	Screen out at this stage.
2.	Site clearance & Construction	Dublin Groundwater Body	Indirect impact via Potential hydrological pathway	Water Pollution	Use of Standard Construction Practice and CEMP	No	Screen out at this stage.
3.	Foul Drainage during construction phase of the development	River Dodder (IE-EA- 09D010620)	Indirect impact via Potential hydrological pathway	Water Pollution	Use of Standard Construction Practice and CEMP	No	Screen out at this stage.
OPERATIONAL PHASE							

4.	Surface Water Run-off	River Dodder (IE-EA-09D010620)	Indirect impact via Potential hydrological pathway	Water Pollution	Several SuDS features incorporated into development	No	Screen out at this stage.
5.	Surface Water Run-off	Dublin Groundwater Body	Indirect impact via Potential hydrological pathway	Water Pollution	Several SuDS features incorporated into development	No	Screen out at this stage.
DECOMMISSIONING PHASE							
6.	N/A	N/A	N/A	N/A	N/A	N/A	N/A