



An
Bord
Pleanála

Inspector's Report ABP-318458-23

Development

Demolition of existing 1-3 storey industrial/commercial structures and small café. Construction of 123 residential units arranged in 2 no. blocks, commercial floor space located at ground floor level and all associated site works.

Location

Unit 21, First Avenue, Cookstown Industrial Estate, Dublin 24.

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

LRD23A/010

Applicant

Bartra Property Cookstown Limited

Type of Application

Permission for Large Scale Residential Development

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellants

Bartra Property Cookstown Limited

Date of Site Inspection

17th January 2024

Inspector

Colin McBride

1.0 Site Location and Description

1.1. The site, which has a stated area of 1.67 hectares, is located within the jurisdiction of South Dublin County Council and is approx. 9kms south-west of the city centre. It is c. 1.7km southwest of the M50/R838 junction and is approached by Belgard Road to the east, and Cookstown Way to the west. Bóthar Katharine Tynan is to the north of the site with the Luas Red Line running alongside it to the south, and the Belgard Heights housing estate to the north. Tallaght University Hospital and the Tallaght Town Centre are located c. 800m to the south and the Belgard Retail Park is situated to the south-east along with some additional retail warehousing units. The site is located on the corner of First Avenue and Cookstown Estate Road within the Cookstown Industrial Estate. The site currently has two larger warehouse/industrial type units and a number of smaller structures/units along the western boundary including a small café, which is no longer in use. The immediate land-uses within the industrial park are industrial/warehouse type units. First Avenue is characterised by a number of engineering/industrial units including accident or service repair garages. Parking in the area is very limited with vehicles parked along roads and within sites. The immediate local road network also carries a significant number of HGVs as witnessed at time of inspection. The extended area surrounding the industrial park is urban and mainly consists of residential dwellings, schools, businesses and community facilities. The Belgard Luas stop is located approx. 500m to the north-east of the site via the industrial estate. There are also bus stops located along Belgard Road, which is c. 500m to the east of the site.

2.0 Proposed Development

2.1. The proposed development consists of...

Demolition of all existing 1-3 storey industrial/commercial structures and small café on site totalling c.5,500sqm in area. Construction of a deck-access apartment development comprising 123 residential units arranged in 2 blocks (Block A 5-7 storeys and Block B 5-6 storeys) with a total floor area of c.9,806sqm including proposed bike shelter (c. 93sqm) and excluding deck access (c.901sqm). The residential development consists of 58 no. 1 bed (2 person) units, 12 no. 2 bed (three person) units and 53 no. 2 bed (four person units) with north, south, east and

west facing balconies throughout and residents amenity area at ground floor level. Central communal open space (c.1,303sqm).

Provision of ESB substation, switchboards, waste areas, water tanks and generator serving Block A and B, lobbies, stairs/lifts, photovoltaic panels and green roofs throughout.

Partial provision of the pocket park identified in the Tallaght LAP (c.1,286sqm).

New vehicular access from First Avenue and egress from Cookstown Road via a one-way system through the subject site.

All associated site development works, services provision, connection to water supply, foul and surface water networks on First Avenue, temporary foul pump station, attenuation/bioretention systems, vehicular and pedestrian access including internal roads and footpaths, pedestrian facilities/public realm upgrade works, landscape and boundary treatment works, tree removal, bicycle storage (302 no. total spaces) comprising 276 no. spaces (serving proposed mixed-use development) and 17 no. spaces (serving concurrent transitional care facility application), 2 no. loading bays (one each on First Avenue and Cookstown Road), 2 no. setdown/loading areas to the internal road and 1 no. ambulance set-down space serving the adjacent concurrent proposed Transitional Care Facility.

2.2 Table 1: Key Figures

Gross Site Area	1.67 hectares (all within redline boundary including area of public roads)
Net site area	1.16 (excluding public roads)
Net site area (residential development)	0.67 hectares (excludes public roads, area for TCF development and pocket park)
Gross Floor Area	9,806 sqm
Site Coverage	28% (including podium).
Plot Ratio	1.46 (net)
No. of Apartments	123
Height	Block A 5-7 storeys Block B 5-6 storeys
Density –	

Total Site Area	183.582.3 units per hectare (net density)
Public Open Space Provision	1,286 sqm
Communal Open Space	733 sqm
Car Parking – Apartments/ Residents	15
TCF (not subject to this application)	17
Total	32
Bicycle Parking	276

Table 2: Unit Mix

	Bedrooms		
	1 Bed	2 Bed	Total
Apartments	58	65	123
Total	58– 47.15%%	12 – 53.65%	123

In addition to the standard plans and particulars, the application is accompanied by the documents and reports which include inter alia:

- Planning Report
- Statement of Response to SDCC Opinion
- Architectural Design Statement
- EIA Screening
- Ecological Impact Assessment
- Operational Waste Management Plan
- Climate Action Energy Statement
- Site Lighting Report
- Mobility Management Plan
- Outline Construction Waste Management Plan
- Landscape Report

- Landscape and Visual Impact Assessment
- Road Safety Audit
- AA Screening
- Noise Impact Assessment
- Engineering Services Report
- Daylight-Sunlight Report
- Transport Assessment and Parking Strategy
- Outline Construction Management Plan
- Verified Views and CGI
- Arboricultural Assessment
- DMURS Statement of Consistency

3.0 Planning Authority Opinion

3.1. The planning authority and the applicant convened a meeting under section 32C of the planning act for the proposed Large-scale Residential Development on the 21st March 2023. The record of that meeting is attached to the current file.

3.2. Further to that meeting the planning authority issued an opinion under section 32D of the act stating that the documents that had been submitted do not constitute a reasonable basis on which to make an application for permission for the proposed LRD unless further consideration is given to the items raised in the LRD opinion and stated that the following issues need to be addressed.

- Reduction in the height, density and plot of the development to accord with the provisions of the Tallaght Town Centre Local Area Plan 2020, with reference to the South Dublin County Development Plan 2022 – 2028.
- The provision of permanent pedestrian and cycle infrastructure upgrades, developed in tandem with the design study currently being undertaken by South Dublin County Council. No interim works will be accepted, and any works proposed must be deliverable based on the broader active travel vision

for Cookstown. In the absence of these upgrades, the prospective development may be deemed premature at application stage.

- The applicant must deliver the minimum required amount of public open space on site for the scheme. Documentation to demonstrate compliance with Section 8.7.3 and Table 8.2 of the Development Plan is required, clearly specifying the public open space provided, on what basis this has been calculated and a justification of the provision based on the figures provided.

3.3. The applicant was also notified that in event that they proceed with an application, such should include ...

- A statement of response to the issues in the LRD Opinion.
- A statement that in the applicant's opinion, the proposal is consistent with the relevant objectives of the South Dublin County Development Plan 2022 – 2028 and the Tallaght Town Centre Local Area Plan 2020.
- Proposals for the delivery of permanent pedestrian and cycle infrastructure to serve the site, designed in tandem with the design study for Cookstown Industrial Estate, currently being undertaken by SDCC.
- Justification of the height and density of the development, with reference to Appendix 10 of the Development Plan, and other relevant policies and objectives of local and national plans, noting that the provisions of the LAP will be strictly adhered to in relation to the Cookstown neighbourhood.
- Alter, or provide a robust justification of, the unit mix with regard to Policy H1 Objective 12 and the requirement for 30% 3-bedroom units.
- Demonstrate compliance with green infrastructure policies contained within the Development Plan.
- Revised plans for the landscaping and public open space provision at the site, ensuring a minimum of 10% on-site public open space is provided and the balance of the required public open space being met by way of a financial contribution. Green infrastructure assets are maximised on site.

- Provide detailed drawings and calculations for SuDs, providing additional SuDS where possible including green roofs, as well as revised surface water attenuation and catchment area calculations.
- Ensure underground attenuation is minimised and not included underneath areas of public open space.
- A proposed site layout plan with the Tallaght LAP layout overlaid, allowing for ease of assessment to determine how well the layout accords with the provisions of the LAP.

4.0 Planning Authority Decision

4.1. Decision

The planning authority have decided to refuse permission based on 4 reasons...

1. Notwithstanding the applicant's provision of some public/communal open space, a potential café to the ground floor and interim roads works for residents to use between the site and the Belgard Luas stop on foot or by bike, as currently proposed the proposals do not go far enough in providing reasonable amenities for prospective residents. The proposed development would remain physically isolated from compatible uses, without good quality pedestrian and cycle links towards Tallaght town centre or Belgard Luas and without open space of sufficient quality and as such the proposals would be contrary to the provisions of the Tallaght Town Centre Local Area Plan 2020-2026, specifically Section 8 (Implementation and Sequencing) and therefore contrary to the proper planning and sustainable development of the area.

2. The proposed development comprise over-development of the site and this is expressed in its exceedance of the height and plot ratio specified to the LAP, as well as an insufficient green factor score, inadequate SuDs measures, insufficient car parking, inadequate provision for cycle transport within the site, reliance on the public realm for space for set-down and cycle parking as well as poorly-lit communal open space. The proposals do not meet the LAP criteria for a 20% uplift to the plot

ratio/height and the proposals are contrary to the Tallaght Town Centre LAP 2020-2026 and EDE4 Objective 11 of the CDP 2022-2028 and as such are contrary to the proper planning and sustainable development of the area.

3. The development of the kind proposed on the land would be premature by reference to the deficiencies in the road network serving the area of the proposed development including more particularly pedestrian and cycle travel by prospective residents of the development. The proposals may prejudice the upgrading of road infrastructure (preparation of new street design for Cookstown Road is underway) and the interim measures proposed by the developer to the public road between the site and Belgard Luas stop are contrary to the DMURS, Cycle Design Manual Standards and CDP transport and movement provisions including SM1 Objectives 4 and 6 and would endanger public safety by reason of traffic hazard.

4. The proposal comprise piecemeal development and do not include an adjoining land parcel within the control of the applicant which is subject to a separate application with some overlapping areas. This approach undermines the coherent regeneration of this part of Cookstown, involves double counting of public-open space and car parking and is considered to contravene the Tallaght LAP which favours the assembly of plots of less than 2ha in less accessible locations and as such is contrary to the proper planning and sustainable development of the area.

4.2. **Planning Authority reports**

4.2.1. Planning Reports

Planner report dated 19th October 2023

Principle of Development: The development was considered to be compliant with development plan zoning policy, however a lack of intended use was identified for ground floor commercial units.

Response to Local Authority Opinion: Height, density and plot ratio are unacceptable. Pedestrian and cycling infrastructure provisions with interim measure premature pending final design for such. Inadequate provision of public open space with overlap with the separate application for a Transitional Care Facility.

Quality design and Healthy Place making: Concerns regarding the quality of connectivity for cycling and pedestrians to the town centre, Belgard Luas stop and amenities and services with interim measures considered in adequate Sub-standard communal open space in terms of daylight/sunlight (full communal open space). Public open space inadequate in regards to consideration of the proposed development in conjunction with the separate application for Transitional Care Facility. Inappropriate height and plot ratio even in the case of the alternative proposal. Proposal is overdevelopment of the site.

Housing and Residential Amenity: A number of alterations by way condition are recommended to improve the appearance and visual bulk of the development including and amenities of future residents including change of glazed balustrade along the deck access at first floor level fronting Coosktown Road, provision of own door access to ground floor units along Cookstown Road instead of provision of amenity space (impacted by proximity to road and footpath). Proposal does not meet the 30% requirement for 3-bedroom units. This issue could be dealt with by way of condition including amalgamation of units to provide 30bedroom apartments,

Open Space, Green Infrastructure and Natural Heritage: Inadequate public open space, SuDs measures and failure to achieve minimum Green Score Factor.

Sustainable Movement: In addition to inadequate pedestrian and cycling connection and inadequate interim measures, the proposed one way vehicle movements on site is inappropriate. The level of car parking is inadequate and lack two movement for cyclists on site.

A refusal of permission was recommended based on the reasons outlined above.

4.2.2 Other technical reports:

Roads Department: Refusal recommended.

Public Realm: Refusal recommended.

Water Services Refusal recommended.

Housing Procurement: No objection subject to conditions.

4.3. **Prescribed Bodies**

National Transport Authority (26/09/23): NTA question whether the level of parking proposed on site is sufficient. The proposed interim measures for cycle infrastructure along Cookstown Road do not meet the standards of the Cycle Design Manual 2023. Lack of clear access arrangements or pathways for cyclists internal to the site with use of the one-way vehicular access inadequate. Question regarding the provision of cycle parking for the commercial element (separate application). These issues could be dealt with in the event of grant of permission.

Transport Infrastructure Ireland (04/10/23): No observations to make.

4.4. **Third Party Observations**

4.4.1. No submissions.

5.0 Planning History

5.1 **ABP-317394-23 (SD2A-0361)**: Current appeal relating to proposal for a 5-storey Transitional Care Facility and associated site works. This application is for a development of part of the same site and concerns the western portion of the site.

5.2 **ABP-311568-21 (SD21A/0196)**: Permission refused for demolition of commercial structures and construction of Nursing Home/Step-Down Facility (131 bed spaces). 139 Apartments, 2 commercial units, communal amenity spaces, and associated site works. Refused based on two reasons...

1. The proposed development would in the current context where the environs of site is generally in employment and commercial use, be physically isolated from compatible uses and in the absence of confirmed adequate connections and linkages in terms of pedestrian and cycle links towards the town centre and to key public transport routes, would constitute a poor standard of residential amenity for prospective occupants and would give rise to residential and commercial uses which are disconnected from public transport and from the wider area. In this regard, the proposed development would be contrary to the provisions of the Tallaght Town Centre Local Area Plan 2020-2026, specifically Section 8 (implementation and sequencing). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development would materially contravene the policies and objectives of the Tallaght Town Centre Local Area Plan 202-2026 in respect of building height and plot ratio. Having regard to the provisions of the plan, which are considered reasonable, and to the nature, extent, scale and layout of the proposed development, including the eight storey height of Block A along First Avenue and along the internal street within the proposed scheme, the poor provision for pedestrian movement within the site and the dominance of surface car parking, the Board is not satisfied that a material contravention of the plan would be justified and further, that such material contravention of the plan, by itself and the precedent it

would set, would compromise the coherent redevelopment and regeneration of this site and the wider area in a manner consistent with the overall provisions of the Local Area Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. On the basis of the information submitted with the application and appeal, the Board is not satisfied that the applicant has demonstrated that the proposed development can be accommodated within the existing public wastewater network. In the absence of confirmed evidence within the application and the appeal documentation, the existing network can accommodate wastewater arsisings generated form this specific scheme at this site, or the identification of the nature and scope of any upgrades and works, including the timeframe form implementation of same, which would be necessary to facilitate the connection of the proposed development to the wastewater network, it is considered that the proposed development would be premature. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Refused 14/04/22.

Other relevant permissions/applications in the vicinity...

- 5.3 **ABP-309731-21:** Permission refused for demolition of existing industrial and commercial buildings, construction of 1,104 no. apartments, crèche and all other associated site works.

6.0 Policy Context

6.1. National Policy

6.1.1 The National Planning Framework – Project Ireland 2040, (2018).

In terms of National Planning Policy, Project Ireland 2040: National Planning Framework (NPF) seeks to deliver on compact urban growth. Of relevance, objectives 33 and 35 of the NPF seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures.

6.1.2 Section 28 Ministerial Guidelines

Having considered the nature of the proposed development sought under this application, its location, the receiving environment, the documentation contained on file, including the submission from the Planning Authority, I consider that the following guidelines are relevant:

- Design Manual for Urban Roads and Streets (DMURS) (2019).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2022) (the 'Apartment Guidelines').
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines').
- Sustainable Residential development and Compact Settlements: Guidelines for Planning Authorities.

6.1.3 Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2022) (the 'Apartment Guidelines').

Specific Planning Policy Requirement 1

Housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).

Section 2.4 Identification of the types of location in cities and towns that may be suitable for apartment development, will be subject to local determination by the planning authority, having regard to the following broad description of proximity and accessibility considerations:

1. Central and/or Accessible Urban Locations

Such locations are generally suitable for small- to large-scale (will vary subject to location) and higher density development (will also vary), that may wholly comprise apartments, including:

- Sites within walking distance (i.e. up to 15 minutes or 1,000-1,500m), of principal city centres, or significant employment locations, that may include hospitals and third-level institutions;
- Sites within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m) to/from high capacity urban public transport stops (such as DART or Luas); and
- Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) to/from high frequency (i.e. min 10 minute peak hour frequency) urban bus services.

2. Intermediate Urban Locations

Such locations are generally suitable for smaller-scale (will vary subject to location), higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent (will also vary, but broadly >45 dwellings per hectare net), including:

- Sites within or close to i.e. within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m), of principal town or suburban centres or employment locations, that may include hospitals and third level institutions;
- Sites within walking distance (i.e. between 10-15 minutes or 1,000-1,500m) of high capacity urban public transport stops (such as DART, commuter rail or Luas) or within reasonable walking distance (i.e. between 5-10 minutes or up to 1,000m) of high frequency (i.e. min 10 minute peak hour frequency) urban bus services or where such services can be provided;
- Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) of reasonably frequent (min 15 minute peak hour frequency) urban bus services.

6.1.4 Urban Development and Building Height, Guidelines for Planning Authorities (Building Height Guidelines)

Section 3.1 of the Building Heights Guidelines presents three broad principles that Planning Authorities must apply in considering proposals for buildings taller than the prevailing heights:

1. does the proposal positively assist in securing National Planning Framework objectives of focusing development into key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular, effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?
2. is the proposal in line with the requirements of the Development Plan in force and such a plan has taken clear account of the requirements set out in Chapter 2 of the Building Heights Guidelines.
3. where the relevant Development Plan or Local Area Plan pre-dates these Guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant Plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework?

Development Management Criteria

Section 3.2

In the event of making a planning application, the applicant shall demonstrate to the satisfaction of the Planning Authority/ An Bord Pleanála, that the proposed development satisfies the following criteria...

At the scale of the relevant city/town.

At the scale of district/neighbourhood street.

At the scale of the site/building.

Specific Assessments.

6.1.5 Sustainable Residential development and Compact Settlements: Guidelines for Planning Authorities

Section 3.3 Settlements, Area Types and Density Ranges

3.3.1 Cities and Metropolitan (MASP) Areas

Table 3.1 - Areas and Density Ranges Dublin and Cork City and Suburbs

City - Urban Neighbourhoods

The city urban neighbourhoods category includes: (i) the compact medium density residential neighbourhoods around the city centre that have evolved overtime to include a greater range of land uses, (ii) strategic and sustainable development locations⁷, (iii) town centres designated in a statutory development plan, and (iv) lands around existing or planned high-capacity public transport nodes or interchanges (defined in Table 3.8) – all within the city and suburbs area. These are highly accessible urban locations with good access to employment, education and institutional uses and public transport. It is a policy and objective of these Guidelines that residential densities in the range 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork.

City - Suburban/Urban Extension

Suburban areas are the lower density car-orientated residential suburbs constructed at the edge of cities in the latter half of the 20th and early 21st century, while urban extension refers to the greenfield lands at the edge of the existing built up footprint that are zoned for residential or mixed-use (including residential) development⁸. It is a policy and objective of these Guidelines that residential densities in the range 40 dph to 80 dph (net) shall generally be applied at suburban and urban extension locations in Dublin and Cork, and that densities of up to 150 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8).

6.2. Local

6.2.1 South Dublin Dublin County Development Plan 2022-2028

Zoning: The site zoned REGEN, with a stated objective 'to facilitate enterprise and/or residential-led regeneration subject to a development framework or plan for the area incorporating phasing and infrastructure delivery'.

H1 Objective 12: Proposals for residential development shall provide a minimum of 30% 3-bedroom units, a lesser provision may be acceptable where it can be demonstrated that: à there are unique site constraints that would prevent such provision; or à 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 à the scheme is a social and / or affordable housing scheme.

Note: 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).

Policy EDE4: Urban Growth, Regeneration and Placemaking

Support urban growth and regeneration through the promotion of good placemaking to attract employees and employers and to provide a competitive advantage to the County and diverse investment opportunity.

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

SM1 Objective 4: To ensure that future development is planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe and attractive street environment for pedestrians and cyclists, in accordance with RPO 5.3 of the RSES / MASP.

SM1 Objective 6: To safeguard the County’s strategic road network and to improve the local road and street network in a manner that will better utilise existing road space and encourage a transition towards more sustainable modes of transport.

Car Parking Standards

The site is located within Zone 2 as it is located within 800m of a Luas station and within 400m of a high-quality bus service Zone 2

Table 12.25 Maximum Rates Non-Residential

Table 12.26 Maximum Residential

	Zone 2
Nursing Home / Retirement Home	1 per 8 residents
Cafe	1 per 20sqm GFA retail Convenience
Retail Convenience	1 per 25sqm
Apartment:	

1bed	1
2bed	1.25
3bed	1.50

Table 12.22: Minimum Public Open Space Standards

Land Use	Public Open Space Standards (Minimum)
Overall Standard	2.4 Ha per 1,000 Population
New Residential Development on Lands Zone RES-N	Minimum 15% of site area
New Residential Development on Lands in Other Zones including mixed use	Minimum 10% of site area
Institutional Lands / 'Windfall' Sites	Minimum 20% of site area

6.2.2 Tallaght Town Centre Local Area Plan 2020

Section 2.6 Intensity of Development

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

- High capacity public transport stops (i.e. a Luas stop or high frequency bus stop (i.e. 10-minute peak hour frequency) on a dedicated bus lane);

- The proposed 'New Urban Square' north of Belgard Square North in the Centre neighbourhood;
- The proposed 'New Urban Square' within the Cookstown neighbourhood; and
- The proposed Transport Interchange and adjacent proposed 'Urban Space' in the Centre neighbourhood. This provision will only apply to the extent of a site which is within 100m walking distance of the above locations and will only be considered where the Planning Authority is satisfied that provision of the above facilities will be achieved.

Section 8.0 Implementation and Sequencing

It is an objective of the Council that development within the plan area is undertaken in an orderly and sustainable manner. The development of the identified regeneration lands at Cookstown and Broomhill alongside the Town Centre lands should generally be phased in accordance with the sequential approach:

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

Only in exceptional circumstances should the above principles be contravened, for example, where a barrier to development is involved or where proposals are brought forward for sites of 2 hectares or more within the regeneration lands that comply with the Urban Framework of the LAP, the Planning Authority may consider that the proposal can establish its own identity and amenity in the transitional phase of the area. As such, subject to the nature and scale of the proposal and the delivery of the Urban Framework, in general, the Planning Authority will not consider such proposals to be isolated piecemeal development or premature. In this context, the

Planning Authority will encourage integrated proposals and the amalgamation of proposals/landownerships.

Any exceptions must be clearly justified by local circumstances and such justification must be set out in any planning application proposal. The Council may, in certain cases, phase permitted development where this is considered necessary in order to ensure:

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

2.6.1 Plot Ratio

Cookstown CT-C 0.75-1.0

Higher and medium intensity areas should be located primarily around the existing retail and administration centre, that is, The Centre and the Luas Stations on the Cookstown and Belgard Roads. Higher density of residential development in the form of mixed-use developments are desirable in these locations for reasons of their centrality, location proximate to transport nodes and/or the range of facilities currently available, subject to compliance with the concepts of this plan and the relevant Guidelines

Flexibility in relation to the gross floor area of up to 20% of the plot ratio ranges may generally be applicable where there is a strong design rationale for an increase in density/height and the development will result in a significant public gain. A significant public gain includes:

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

The site is located within the Cookstown neighbourhood with Chapter 3 providing guidance regarding development for each neighbourhood area identified. The site is part of development parcel CT-C.

Plot ratio 0.75-1.0

Building height

Primary Frontage: Up to 6-7 storeys residential (+1 recessed), 5-6 storeys non-residential (+1 recessed).

Secondary Frontage: 4-6 storeys Residential, 3-5 storeys non-residential.

Open Space: Pocket parks, urban square, urban space.

2.6.2 Height and Built Form

A 2–4 storey increase on the above typical levels of the LAP Heights Strategy may be considered for key or landmark sites or where sites exceed 2 ha in area and can establish its own identity (see Section 8.2 Implementation). Tall buildings must have regard to the following criteria:

- Surrounding, established scale and height.
- Impact on daylight and sunlight of the development, surrounding development and private, semi-private and public open spaces.
- Impact on skyline, urban silhouette or streetscape (including overbearing).
- Other social or physical infrastructural benefits from the development, such as public realm contribution.
- Proximity to high quality public transport.

Fig 3.7 Overall Urban Structure

4-6 storey on eastern side and 3-4-storey on the remainder of site indicated.

6.3. Natural Heritage Designations

The appeal site is not located within or adjacent to any European Designed sites or pNHA, NHA.

7.0 The Appeal

7.1. Grounds of Appeal

7.2 A first party appeal has been lodged by Brock McClure Planning & Development Consultants on behalf of the applicants, Bartra Property/Cookstown Limited. The grounds of appeal are as follows...

- The current proposal deals with the issues raised in the reasons for refusal relating to the previous proposal on-site under ABP-311568, with provision of pedestrian and cycle infrastructure along the public roads, reduced height, the provision of Type 3 pumping station to deal with wastewater infrastructure issues, provision of appropriate SuDs measures and green roofs and adherence to development management standards.
- The infrastructural upgrades to cycle and pedestrian facilities are appropriate and would not compromise any future permanent upgrade works within the Cookstown Regeneration Area. The site immediately to the east is being used for residential accommodation with the residents of such able to access the town centre and Belgard Luas stop without pedestrian/cycle upgrades.
- The appellants contend that the height proposed is appropriate and refer to Section 2.6 of the LAP regarding flexibility in height specified with a 2-4 storey increase on typical levels of the LAP Heights Strategy in certain

circumstances with the site located with 100m walking distance of the New Urban Square part of the Cookstown Area. The appellants note that the Urban Structure Layout of the LAP is a restrictive approach to building height and that the height proposed in this case is appropriate and consistent with SDCC Planning Policy Objectives in relation to building height under the South Dublin County Development Plan Building Height and Density Guide.

- The appellants state that plot ratio should be assessed on a case-by-case basis and refers to the fact that a plot ratio of 1.8 was deemed acceptable under ref no. 306705 with flexibility allowed in relation to plot ratio ranges where there is a significant planning gain. The appellants refer to significant public realm gains including provision of a pocket park, permeability through the site, public realm improvements including pedestrian and cycling infrastructure along Cookstown Road. The appellants refer to the Inspectors Assessment of the previous proposal on site under ABP-311568-21 in relation to plot ratio and height.
- In relation to Green Score Factor (GSF) it is acknowledged that the development does not meet the target score of 0.5 for regeneration sites, but achieves a score of 0.41, which is a significant improvement over the existing conditions. A higher score is not feasible without provision of a water body or a larger site with all feasible measures implemented. The appellants refer to an application at Clonburris SDZ where a GSF score of less than the target of 0.5 was permitted on regeneration lands.
- The underground attenuation system proposed is essential in terms of surface water drainage due to the low infiltration rate on the site outlined in the Site Investigations Report. The proposal entails a number of SuDs measures in accordance with the South Dublin Green Space Factor Guidance with the applicant making every effort to improve GSF. It is noted that additional SuDs measures could have been agreed via a further information request and should not have been a refusal reason.
- The applicant clarifies that the parking provision for the proposed development is 15 no. car parking spaces (including 2 no. disabled spaces). The appellants refer to section 4.18 of the Apartment Guidelines and

highlights that a reduced level of parking is sufficient and appropriate in the context of its location in terms of public transport and accessibility.

- The provision of cycling infrastructure and site layout is considered to be acceptable and the level of cycle parking is sufficient. It is also noted that open spaces will be sufficiently lit.
- The applicant notes that the Council keep blocking development based on prematurity and such is inappropriate given the proximity of the site to the town centre and public transport and noting that a number of decisions to refuse permission for development in similar circumstances were overturned on appeal to the Board since the adoption of the LAP (309916, 308398 and 306705). The proposal includes interim upgrade measures in terms of pedestrian and cycling facilities, which are considered appropriate to deal with concerns regarding lack of pedestrian cycling connectivity. The appellants reject the assertion that the measures proposed do not comply with DMURS and such are consistent with section 4.3.5 of DMURS with reference made to the DMURS Statement of Consistency submitted with the application.
- The appellants reject the Council's assertion that the proposal is piecemeal development and indicate that they considered it appropriate to submit two applications due to the difference in uses. The applicant has clearly outline the relationship between the two separate developments and there is no double counting of car parking or open space areas.

7.2. Planning Authority Response

7.2.1 A response was received from South Dublin County Council.

- The Planning Authority confirms its decision and note the issues raised in the appeal have been covered in the Chief Executive's Order.

7.3. Prescribed Bodies

7.3.1 None.

7.4. Observations

7.4.1 None.

8.0 Screening

8.1 Appropriate Assessment

8.2 Applicant's Stage 1 – Appropriate Assessment Screening

8.2.1 The applicant has engaged the services of Envioguide Consulting, to carry out an appropriate assessment screening. I have had regard to the contents of same.

8.2.2 The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and 177V of the Planning and Development Act 2000 as amended are considered fully in this section.

The areas addressed are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- Appropriate assessment of implications of the proposed development on the integrity of each European site

Compliance with Article 6(3) of the EU Habitats Directive

8.2.3 The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

8.2.4 The subject lands are described in section 1.3 of this report. The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The zone of influence of the proposed project would be limited to the outline of the site during the construction phase. The proposed development is therefore subject to the provisions of Article 6(3).

8.2.5 The screening report identifies 5 European Sites within the potential zone of influence, their location relative to the site and potential source-pathway receptor link (Table 2) and these are as follows:

Table 2

Site	Site Code	Distance	Source pathway receptor link
Glenasmole Valley SAC	(001209)	4.1km	No pathway exists.
South Dublin Bay SAC	(000210)	11.5km	Weak hydrological pathway via River Poddle, River Liffey and Dublin Bay, deemed insignificant due to distance and dilution.
North Dublin Bay SAC	(000206)	14.7km	Weak hydrological pathway via River Poddle, River Liffey and Dublin Bay, deemed insignificant due to distance and dilution.
South Dublin Bay and River Tolka Estuary SPA	(004024)	11.5km	Weak hydrological pathway via River Poddle, River Liffey and Dublin Bay, deemed insignificant due to distance and dilution.
North Bull Island SPA	(004006)	14.7km	Weak hydrological pathway via River Poddle, River Liffey and Dublin Bay, deemed insignificant due to distance and dilution.

8.2.6 There are no direct hydrological links between the subject site and the closest European sites listed above. By using the source-pathway-receptor model, indirect hydrological links are identified via the Poddle River Storm Level 1 Catchment to North Dublin Bay SAC, South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA. All of the indirect hydrological links would be via discharges from Ringsend Wastewater Treatment Plant during the Operational Phase and during surface water during the Construction and Operational Phases.

The qualifying interest of these are outlined in Table 2 of the screening report and are outlined below...

North Dublin Bay SAC Ref. 000206	
Qualifying Interests	<p>1140 Mudflats and sandflats not covered by seawater at low tide</p> <p>1210 Annual vegetation of drift lines 1310 Salicornia and other annuals colonising mud and sand 1330 Atlantic salt meadows (<i>GlaucoPuccinellietalia maritima</i>)</p> <p>1395 Petalwort (<i>Petalophyllum ralfsii</i>)</p> <p>1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p> <p>2110 Embryonic shifting dunes</p> <p>2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i></p> <p>2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)</p> <p>2190 Humid dune slacks</p>

Conservation Objectives	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
South Dublin Bay SAC Ref. 000210	
Qualifying Interests	<p>1140 Mudflats and sandflats not covered by seawater at low tide</p> <p>1210 Annual vegetation on drift lines</p> <p>1310 Salicornia and other annuals colonising mud and sand</p> <p>2110 Embryonic shifting dunes</p>
Conservation Objectives	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC.
South Dublin Bay and River Tolka Estuary SPA Ref. 004024	
Qualifying Interests	<p>A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)</p> <p>A130 Oystercatcher (<i>Haematopus ostralegus</i>)</p> <p>A137 Ringed Plover (<i>Charadrius hiaticula</i>)</p> <p>A141 Grey Plover (<i>Pluvialis squatarola</i>)</p> <p>A143 Knot (<i>Calidris canutus</i>)</p> <p>A144 Sanderling (<i>Calidris alba</i>)</p> <p>A149 Dunlin (<i>Calidris alpina</i>)</p> <p>A157 Bar-tailed Godwit (<i>Limosa lapponica</i>)</p> <p>A162 Redshank (<i>Tringa totanus</i>)</p> <p>A179 Black-headed Gull (<i>Chroicocephalus ridibundus</i>)</p> <p>A192 Roseate Tern (<i>Sterna dougallii</i>)</p> <p>A193 Common Tern (<i>Sterna hirundo</i>)</p> <p>A194 Arctic Tern (<i>Sterna paradisaea</i>)</p> <p>A999 Wetlands</p>

Conservation Objectives	To maintain or restore the favourable conservation conditions of the species and/or habitats listed as Qualifying Interests for this SPA.
South Dublin Bay and River Tolka Estuary SPA Ref. 004024	
Qualifying Interests	A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) A048 Shelduck (<i>Tadorna tadorna</i>) A052 Teal (<i>Anas crecca</i>) A054 Pintail (<i>Anas acuta</i>) A056 Shoveler (<i>Anas clypeata</i>) A130 Oystercatcher (<i>Haematopus ostralegus</i>) A140 Golden Plover (<i>Pluvialis apricaria</i>) A141 Grey Plover (<i>Pluvialis squatarola</i>) A143 Knot (<i>Calidris canutus</i>) A144 Sanderling (<i>Calidris alba</i>) A149 Dunlin (<i>Calidris alpina alpina</i>) A156 Black-tailed Godwit (<i>Limosa limosa</i>) A157 Bar-tailed Godwit (<i>Limosa lapponica</i>) A160 Curlew (<i>Numenius arquata</i>) A162 Redshank (<i>Tringa tetanus</i>) A169 Turnstone (<i>Arenaria interpres</i>) A179 Black-headed Gull (<i>Chroicocephalus ridibundus</i>) A999 Wetlands
Conservation Objectives	To maintain or restore the favourable conservation conditions of the species and/or habitats listed as Qualifying Interests for this SPA.

8.3 Applicant's Screening Report Assessment of Likely Significant Effects:

8.3.1 The submitted AA Screening Report considers the assessment of likely significant effects with it considered that there are no significant source pathway receptor linkages between the proposed development and designated European Site with no further assessment required.

In-combination Impacts:

In-combination effects are considered in the applicant's report and following the consideration of a number of other plans and projects including planning applications in the area (listed in Table 3 of the Screening report), it is concluded that is no potential for in-combination effects given the scale and location of the development.

8.4 Applicants' AA Screening Report Conclusion:

The AA Screening Report has concluded that the possibility of any significant effects for South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), Glenasmole Valley SAC (001209), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006) or any other designated Natura 2000 sites can be ruled out and there is no requirement for a Stage 2 Appropriate Assessment.

8.5 Appropriate Assessment Screening:

8.5.1 In determining the Natura 2000 sites to be considered, I have had regard to the nature and scale of the development, the distance from the site to the designated Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site. The site is not directly connected with, or necessary to the management of any Natura 2000 sites. The impact area of the construction phase would be limited to the outline of the site.

8.5.2 In terms of the zone of influence, I would note that the site is not within or immediately adjacent to a European site and therefore there will be no direct loss or alteration of habitat, or habitat/ species fragmentation as a result of the proposed development. I have had regard to the submitted Appropriate Assessment screening report, which identifies that while the site is not located directly within any Natura

2000 areas, there are a number of Natura 2000 sites sufficiently proximate or linked (indirectly) to the site to require consideration of potential effects. These are listed earlier with approximate distance to the application site indicated. The specific qualifying interests and conservation objectives of the above sites are described above. In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, as well as by the information on file, including observations on the application made by prescribed bodies, and I have also visited the site.

8.5.3 I concur with the conclusions of the applicant's screening that significant effects on any European sites can be ruled out at the screening stage. There is an indirect and weak hydrological connection in the form of surface water drainage with surface water from the site entering the existing surface water network and discharging to the River Poddle, subsequently to the River Liffey with the potential impact associated with contamination of surface water during construction or operation. I consider that significant effects on any other designated Natura 2000 sites can be ruled out given the lack of source pathway receptors between the application site and other designated sites, the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from designated sites in the marine environment (dilution factor).

8.5.4 I am of the view in relation to the marine based designated sites (South Dublin Bay SAC, North Dublin Bay SAC, North Bull Island SPA and the South Dublin Bay & River Tolka Estuary SPA) that significant effects as a result of deterioration of water quality can be ruled out on the basis of implementation of construction management measures during the construction phase that would prevent discharge of sediment and polluting materials to surface and groundwater. At the operational phase surface water drainage proposal including SuDs measures and standard surface drainage measures associated with urban development are sufficient to prevent contamination of surface water or ground water. In relation to foul water drainage the proposal is to be connected to existing foul drainage system with effluent

discharging to the Ringsend WWTP which discharges to the marine environment and is operated under licence. I note various measures outlined in the submitted Outlined Construction and Management Plan during the construction and operational phase of the development. I am satisfied that these are standard construction/operational processes and cannot be considered as mitigation measures. These measures are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in the marine environment, from surface water runoff and groundwater, can be excluded given the interrupted hydrological connection, the nature and scale of the development and the designated sites being part of the marine environment (dilution factor).

8.5.5 The site is an existing urban site within an industrial estate and is not used by populations of bird species that are qualifying interests of any of SPA sites identified within the potential zone of influence of the site (Ecological Impact Assessment Report submitted). Given the separation of application site from the designated sites, the conclusions of the AA screening report is that it not likely that the application site provides significant ex situ habitat to support the protected species of the SPAs is accepted.

8.5.6 In relation to the potential for disturbance of habitats and species that are qualifying interests of designated sites, the application site as noted above is 4.1km from the nearest designated site. In relation to construction activity the application site is sufficiently separated from any designated Natura 2000 sites so as the impact of construction (noise, dust and vibration) would cause no disturbance and implementation of standard construction management measures (cannot be considered as mitigation measures as they would apply regardless of connection to European Sites) would prevent construction disturbance beyond the immediate vicinity of the site.

8.5.7 In-combination effects are considered in the applicant's screening report and following the consideration of a number of plans and projects including planning applications in the area, which are mainly relating to other residential development, there is no potential for in-combination effects given the scale and location of the development and the fact that such are subject to the same construction management and drainage arrangements as this proposal (cannot be considered as mitigation measures as they would apply regardless of connection to European Sites).

8.5.8 The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment I consider that the proposed development either individually or in combination with other plans or projects would not be likely to have a significant effect on any designated European Sites, in view of the sites' Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on the following:

- The location of the proposed development physically separate from the European sites.
- The scale of the proposed development involving a change in the condition of lands 1.67 hectares in area from industrial/commercial use to a primarily residential use on lands zoned for urban expansion.

This screening determination is not reliant on any measures intended to avoid or reduce potentially harmful effects of the project on a European Site.

The following are noted:

1. The Proposed Development is not directly connected with, or necessary to the conservation management of the European sites considered in this assessment.

2. The Proposed Development is unlikely to either directly or indirectly significantly affect the Qualifying Interests or Conservation Objectives of the European sites considered in this assessment.

3. The Proposed Development, alone or in combination with other projects, is not likely to have significant effects on the European sites considered in this assessment in view of their conservation objectives.

4. It is possible to conclude that significant effects can be excluded at the screening stage'.

There is no requirement therefore to prepare a Stage 2 – Appropriate Assessment.

8.6 Environmental Impact Assessment Screening

8.6.1 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.

8.6.2 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
- Construction of a car-park providing more than 400 spaces, other than a car-park provided as part of, and incidental to the primary purpose of, a development.
- 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'.

- 8.6.3 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.”
- 8.6.4 The application site has an overall stated area of 1.67ha (1.39 stated in EIA Screening report) and is located within the Cookstown Industrial Estate which comprises a number of industrial/warehouse type units. The subject site is a brownfield site and currently has two larger warehouse/industrial type units and a number of smaller type structures/units along the western boundary. The proposed development involves the demolition of all existing structures on the site and the construction of a development consisting of 123 no. apartments, a café and three no. commercial units split into two block, Block A Block A 5-7 storeys and Block B 5-6 storeys. Associated works include a new vehicular access and egress with a one-way internal access road, surface car parking for 15 cars, bicycle parking and public and communal open space. There is also a concurrent application on site for a 1-5 storey Transitional Care Centre catering for 131 bed spaces, 17 no. car parking and associated site works that ties in with the current proposal.
- 8.6.5 The application was accompanied by an EIA Screening Report which includes the information set out in Schedule 7A to the Planning and Development Regulations 2001 as amended and I have had regard to same. The report states that the development is below the thresholds for mandatory EIAR having regard to Schedule 5 of the Planning and Development Regulations 2001, due to the site size, number of residential units (123) and the concludes that the proposal is unlikely to give rise to significant environment effects, so an EIAR is not required.
- 8.6.6 I have completed an EIA screening assessment as set out in Appendix A of this report. I consider that having regard to the nature and scale of development proposed in conjunction with the habitats/species on site and in the vicinity that the

proposal would not be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment, at construction and operational stages of the development, and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

9.0 Assessment

9.1. The planning issues arising from the submitted development can be addressed under the following headings-

- Zoning/principle of development
- Compliance with Tallaght Town Centre LAP
- Unit mix
- Building Height/Plot Ratio
- Quality of residential development/public open space provision
- Traffic and Transportation
- Drainage Infrastructure/Green Score Factor

9.2 Zoning/principle of development:

9.2.1 The proposed development is on lands zoned REGEN, with a stated objective 'to facilitate enterprise and/or residential-led regeneration subject to a development framework or plan for the area incorporating phasing and infrastructure delivery'. The proposal entails the provision of residential development, a café unit and 3 no. commercial units (no specified use).

9.2.2 Conclusion: The proposed uses are all permitted in principle with the REGEN zoning objective although there is no specification of the nature of commercial use for the 3 no. commercial units. Notwithstanding such uses permitted include a wide range of commercial uses including retail and office use. I am satisfied that principle of the proposed development at this location is acceptable.

9.3 **Compliance with Tallaght Town Centre LAP:**

9.3.1 The refusal reasons relates to a failure to adhere to the Tallaght Town Centre LAP with issues concerning site size, failure to provide for co-ordinated development and issues regarding the sequencing and implementation. The appeal site is within the Cookstown neighbourhood of the LAP and is part of a portion of this neighbourhood labelled CT-C. There are plot ratio and height ranges identified for the neighbourhood and each portion of such including CT-C. As noted above there is policy regarding sequencing and implementation with preference for lands closest to town centre and public transport nodes first. I will deal with issues concern intensity of development, height and plot ratio in later sections of this report. The proposal was refused on the basis that it is physically isolated and does not accord with section 8 of the LAP in terms implementation and sequencing. The appellants argue that there is significant demand for new housing in the area and that the Planning Authority is being overly restrictive and blocking development at this location.

9.3.2 The appeal site has an area of 1.67 hectares (includes public roads) and is occupied by existing commercial properties and is located in the middle of Cookstown Industrial Estate, which is characterised by existing industrial and commercial development. Section 8 of the LAP states that it is an objective of the Council that development within the plan area is undertaken in an orderly and sustainable manner and that development of regeneration lands Cookstown and Broomhill alongside the Town Centre lands should generally be phased in accordance with the sequential approach with development land closest to the town centre or public transport nodes given preference and leapfrogging or isolated areas avoided. Exceptions to such are listed above and include sites over 2ha in size or underutilised infill sites adjoining compatible uses.

- 9.3.3 The appellants have argued that the provision of interim public realm upgrades that include the provision of segregated footpath and cycle paths along Coosktown Road justify development of the site and note that there is existing residential use of an existing site (office block in use as emergency accommodation) with no major issues for residents accessing the town centre or public transport.
- 9.3.4 The appeal site is located centrally within the Industrial Estate and is somewhat isolated in the context of the town centre and public transport nodes. The appeal site is 1.67 hectares, however such includes a portion of public roads with the site area excluding such being 1.16 hectares in size. The current proposal is for development on part of the site consisting of a mixed use residential/commercial development as well provision of part of the pocket park required by the LAP within CT-C. There is also a concurrent proposal for a Transitional Care Facility on the remainder of the same site (ABP-317394) and within the 1.16 hectare site area.
- 9.3.5 I would acknowledge that the applicant has proposed interim measures to upgrade pedestrian and cycling connections in the area and I will deal with the quality of such in a later section of this report. It is also acknowledged that the applicant is proposing to provide 1,286sqm of the required 5,200 pocket park within the CT-C portion of the neighbourhood. Notwithstanding these measures, I would be of the view the proposed development is contrary the Tallaght Town Centre LAP and contrary EDE4 Objective 11 of the CDP 2022-2028. The proposed development does not accord with the objective to ensure a sequenced approach to development of the lands within the LAP and site does not meet any of the criteria that would negate a sequenced approach with the appeal site less than 2ha in size. In addition the proposal to provide a portion of the pocket park is an unsatisfactory piecemeal approach to delivery of important public realm improvements with a more co-ordinated approach to the provision of such justified. I would acknowledge that the portion of the pocket park does correspond to the area identified for such in the Overall Urban Structure (Fig 3.7) and the applicant has shown how it would coordinate with provision on the adjoining lands to the west. Notwithstanding such allowing this approach would be detrimental to the overall delivery of a well-designed and useable public open space that meets the requirements of the LAP.

An overall co-ordinated approach to development at this location is required to ensure good quality development.

9.3.6 Conclusion: The proposed development due to its location centrally within the Cookstown Neighbourhood, limited site size and being part of block labelled CT-C would lead to a piecemeal, haphazard approach to development of the overall neighbourhood lands. Such would be contrary to the policy regarding Sequencing and Implementation as set out under Section 8.0 of the Tallaght Town Centre Local Area Plan and subsequently contrary to EDE4 Objective 11 of the South Dublin County Development Plan 2022-2028 requiring compliance with the LAP. The piecemeal nature of the proposal itself and the provision of the 5,200sqm pocket park required as part of land block CT-C represents an un-coordinated approach that would compromise the provision of a good quality development and public open space, which would also be contrary to the objectives of the LAP. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

9.4 Density:

9.4.1 The proposed development has a net density of 183 units per hectare, which is based on 0.67 hectares of the site containing Block A and Block B as well as the 15 no. car parking spaces along the southern portion of the site. The County Development Plan does not specify any density limits, however the site is within a functional area of the Tallaght Town Centre Local Area Plan 2020. This plan does identify that higher to medium densities should be located in proximity to the town centre and Luas stations but does not specify density ranges. The LAP focuses on plot ratio and height ranges in determining intensity and does allow for an uplift of 20% of the indicated values where there is significant planning gain.

9.4.2 In the context of national policy the appeal site is an Central and/or Accessible Urban Locations in context of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (Apartment Guidelines) with the appeal site within walking distance of significant employment locations (i.e. up to 15 minutes or 1,000-1,500m) with Tallaght Hospital within an 11 minute walk of the

site. The site is also within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m) to/from high capacity urban public transport stops (such as DART or Luas) with the Belgard Road Luas stop within 8 minutes walking distance (600m) and Tallaght Luas stop within 15 minutes walking distance (1.2km). The site is also within walking distance of reasonably frequent bus services with the site c. 500m from the closest bus stop on Belgard Road. Such areas are suitable for higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments.

9.4.3 Conclusion: I would be of the view that the site is suitable site for increased densities based on both national local planning policy and have no reason to consider that the density proposed is excessive unless other factors such as overall quality of development, scale and physical impact on adjoining properties demonstrate to contrary. These aspects of the proposal are all to be explored in the following sections of this report. The proposed density complies with Government policy to increase densities on underutilised lands within core urban areas in order to promote consolidation and compact growth, prevent further sprawl and address the challenges of climate change.

9.5 Unit mix:

9.5.1 Unit mix is a new issue and was not a reason for refusal. In my view it is a significant issue that requires assessment. The proposal provides for 123 units comprising of 58 no. 1 bed (2 person) units, 12 no. 2 bed (three person) units and 53 no. 2 bed (four person units). The split between one and two bedroom apartments is 58 one-bed units and 65 two-bed units with no three bed units. It is relevant to state that SPPR 1 of the 2020 Apartment Guidelines looks for a greater mix of units particularly studio, one and two bed units; and that specified mixes in statutory plans should only follow a Housing Need and Demand Assessment (HNDA). SPPR 1 does allow for up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. A HNDA has been prepared by the planning authority and such informs Development Plan Policy. H1 Objective 12 of the County Development Plan provides for 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. It is notable that this issue is raised as a deficiency of the development in the Planning Report, but is not part of the reasons for refusal with the Planning report suggesting that such could be dealt with by way of a condition requiring amalgamation of some units to provide for three-bed units.

9.5.2 This was raised as an issue of concern in the planning report however was not part of the reasons for refusal on the basis that it was considered that a condition requiring amalgamation of units to provide for some three bed units would deal with the issue. I would note that this issue was raised concerning the previous proposal on site under ref no. ABP-311568-21, but was not a reason for refusal with the Inspector indicating that a condition could deal with such. At the time this previous application was assessed the previous County Development Plan was in place (2016-2022) and the current plan and associated HNDA were at draft stage. This County Development Plan has since been adopted. H1 Objective 12 is clear in terms of the housing mix required and such is based on a HDNA. The appeal submission include a report entitled Assessment of Housing requirement and Policy Implementation in South Dublin. This assessment is critical of the Council's HNDA in term the methodology and conclusions of such, however this report does not provide specific information demonstrating that three are unique site constraints preventing provision of three-bed units or that the proposed housing mix meet a specific demand having regard to prevailing housing types in the area. I do not consider that it falls under the remit of the Board to critically assess the Council's HNDA and would note that the provision of policy guiding unit mix based on preparation of a HDNA is compliant with national policy. This issue may not have been a reason for refusal under the previous application, however the applicant

would have been aware of it as it was raised in the Inspectors Report and would have had an opportunity to address this issue in this application.

9.5.3 Conclusion: The overall unit mix is not compliant with objective H1 Objective 12 of the South Dublin County Development Plan 2022-2028 with a lack of provision of 30% three bed units. The applicant has failed to demonstrate a justification for deviation from such based the criteria specified under Development Plan policy. The South Dublin County Development Plan is a recently adopted Development plan, which has regard to national policy in the form of the NPF, Housing for All and the Apartment Guidelines. Development Plan policy on unit mix is clearly outlined under H1 Objective 12, is based on a Housing Need and Demand Assessment (HNDA) and such is in accordance with SPPR 1 of the Apartment Guidelines. I do not consider that there is sufficient justification to set aside development plan policy on unit mix and would note that the proposal is contrary to HI Objective 12 of the County Development Plan. I do not consider that this issue can be addressed by way of a condition amalgamating units and that such should dealt with at initial design stage.

9.6 Building Height/Plot Ratio:

9.6.1 The second reason for refusal relates to overdevelopment of the site with the development regarded to exceeding both height and plot ratio specified under the LAP. The proposal is for 2 blocks, Block A is 5-6 storeys and Block B 5-7. The plot ratio of the development is 1.46 (9,806sqm GFA divided by 6,700sqm area) based on net site area concerning the residential development subject to this application. In terms of plot ratio taking into account the TCF proposal on site in conjunction with Block A and B, the plot ratio of the combined development proposed on site is 1.43 (16,549sqm GFA divided by 11,600 site area). Both measures of plot ratio exclude the area of the site that includes public roads. The LAP classifies the site as CT-C part of Cookstown neighbourhood and specifies a height for primary frontages of 5-7 storeys and secondary frontages of 4-6 storeys for residential development. The Overall Urban Structure Map identifies the site as catering for a 4-6 storeys along its eastern frontage and 3-4 storey on the remainder of the site. Plot ratio for the CT-C area is identified as being 0.75-1.0. Both the height proposed and plot ratio exceed the clearly specified ranges indicated for the site and area under the LAP.

- 9.6.2 The appellants refer to Section 2.6 of the LAP allowing for a 2-4 storey increase in height in certain circumstances including landmark, high quality design and sites adjacent features such as the new urban square in the Cookstown neighbourhood. The appellants also refer to the fact the LAP allows for a 20% uplift in height/plot ratio in situations where there is significant planning gain with a number of examples provided and listed above. The appellants are of the view that significant planning gain is provided with reference to provision of the pocket park to the south west of the site and upgrades to footpath and cycle infrastructure in the public realm to enhance connectivity to Belgard Luas stop. The Planning Authority are of the opposite view that significant planning gain has not been demonstrated with criticism regarding interim measures and the level and quality of open space.
- 9.6.3 There is an LAP in place that provides a clear guidance regarding building height and plot ratio. The plot ratio of the development taken in isolation (excluding consideration of TCF proposed on site) exceeds the range identified for this part of the Cookstown Neighbourhood under the LAP. Taken into account with the separate development proposed on site the plot ratio is similar in value and still exceeds the ranges specified.
- 9.6.4 In regards to height the proposed development exceeds the height range identified for within the Cookstown Area and the specific height identified for the site under the Overall Urban Strategy (Fig 2.4) and Height Strategy (Fig 2.8). The LAP under the Height Strategy identifies key/landmark location where up to 4-storey increase would be considered. I would be of the view that the appeal site is not one of the sites which would be considered with it clearly stated in the LAP that that such will be considered for key or landmark sites or where sites exceed 2 ha in area and can establish its own identity (the appeal site 1.16 hectares excluding site areas consisting of the public road).
- 9.6.5 An alternative design option, which provides for removal of one storey from each block making Block A 4-5 storeys and Block B 4-6 storeys was provided as part of the initial application for consideration and the appellants have referred to this fact in

their appeal submission. This will reduce the apartment no.s from 123 to 100 (47 one bed and 53 two bed), with a density of 149 and plot ratio of 1.22 (based on 0.67ha site area). These changes would bring the development more in line with the height and plot ratio ranges specified for the Cookstown neighbourhood.

Notwithstanding such there are other fundamental issues concerning sequencing and implementation of LAP objectives and issues concerning coordinated development that are not negated by the reduced scale and are explored in other sections of this report.

9.6.6 Conclusion: The proposed development is within the boundaries of the Tallaght Town Centre Local Area Plan 2020, which provides a significant guidance regarding the scale and intensity of development permissible including specific ranges in terms of plot ratio and building height for the Cookstown Neighbourhood and the portion of such the site is located within (CT-C). I would be of the view that the plot ratio and height proposed exceed the clearly stated ranges for such under the Tallaght Town Centre LAP and that the location and development do meet the criteria set out that allows for an increase in height above specified ranges by 2-4 storeys or an uplift in plot ratio by 20% as set out under Section 2.6 of the LAP. I would acknowledge that an alternative option is presented that is more in keeping with density ranges however the development as proposed in the public notices would be contrary to the stated policy of the LAP, would constitute overdevelopment of the site and would set an undesirable precedent for other such development within the LAP area.

9.7 **Quality of residential development/public open space provision:**

9.7.1 Open Space Provision: The refusal reason raises concerns regarding the overall quality of development with specific reference to the quality of pedestrian cyclist connections and the design in layout in the context of cyclist access. The refusal reasons are also critical of open space provision and the planning assessment makes specific reference to the sunlight provision in the communal open space and inadequate public open space provision. The development include the provision of a communal open space area between Blocks A and B with an area of 733sqm. In terms of public open space a pocket park with an area of 1,286sqm is provided to

the south west of the site with it described as part of the pocket park area (minimum area 5,200sqm) to be provided within the CT-C block of the Cookstown Area.

9.7.2 In relation to communal open space the applicant identifies that communal open space provision is 733sqm which is just shy of the 736sqm standard set out under Appendix 1 of the Apartment Guidelines for communal open space. The second reason for refusal refer to poor-lit communal open space. Having read the assessment there is criticism of two aspects of the communal open space. Firstly access to sunlight and secondly lighting. As noted above there is provision of a central courtyard area between Block A and B with communal open space of 733sqm provided. The planning assessment questions access to sunlight noting that the central courtyard area is larger with the Planning Authority identified it as being 1,098sqm and that the assessment of only part of such for sunlight is inappropriate and that given the proposal for other development the amenity value of such should be maximised.

9.7.3 An assessment of sunlight within both the proposed communal open space areas indicate that both spaces meet the BRE requirement in that a minimum of 50% the amenity space shall receive two or more hours of sunlight on the 21st of March. This assessment refers to the northern part of the courtyard area (733sqm) and identifies that 50% (51% value achieved) of this area meets the target value under BRE guidance on the 21st of March. As outlined above the minimum requirement under the Apartment Guidelines is 736sqm with the applicant providing such (3sqm short) and this area complies with target values under BRE. I would not penalise the application for providing in excess of this area and would note that the southern portion of the courtyard area is substantially occupied by a bike shelter. In relation to public lighting of this area, I can see no reason such cannot be dealt with by way of condition.

9.7.4 In relation to public open space it is proposed to provide a portion of the pocket park area required within the CT-C with an area of 1,268sqm to the south west of the site. This is a portion of the 5200sqm pocket park to be provided as part of CT-C and the

Cookstown neighbourhood. Development Plan requirements as outlined under Table 12.22 for New Residential Development on Lands in Other Zones including mixed use is a minimum 10% of the site area. The site size is 1.16 hectares (excluding public roads) and the level of public open space provision is 11% of the site area and in compliance with the Development Plan requirement. In terms of issue of double counting this 11% of the entire site area which include both the current proposal and the concurrent proposal on the same site for a Transitional Care Facility. There is a possible issue of double counting when it comes to the provision public open space for the development on site as distinct from public open space provided as part of pocket park required as part of CT-C of 5,200sqm. Notwithstanding such development on the appeal site including that proposed in the concurrent application would have access to a public space area that is at least 10% of the site area and in time would be part of larger public open space with development on the adjoining sites. The requirement to provide the portion of pocket park in addition to a further 10% of site area would be an onerous requirement and may be counterproductive in encouraging development at this location. As things stand the proposal does provide for public open space in accordance with Development Plan policy (minimum 10%).

9.7.5 Conclusion on quality and public open space: The proposed development was deemed to be of reasonable quality in terms of future residential amenity by the Planning Authority with only issues raised regarding communal open space and public open space. I would consider that the level of communal open space provided meets the minimum requirement of the Apartment Guidelines and that this space has adequate access to sunlight levels. In relation to public open space the provision of on site is consistent with Development Plan policy requirements under Table 12.22 of the County Development Plan.

9.8 **Traffic and transportation:**

9.8.1 The reason for refusal in terms of traffic and transportation relate a number of issues including inadequate provision of pedestrian cycling infrastructure to cater for future residents with particular reference to the interim measures proposed along

Cookstown Road, poor interface between the development and cyclists entering and existing the development and inadequate level of car parking in the context of the provision of Transitional Care Facility development on site subject to a separate application.

- 9.8.2 Interim Infrastructural Measures: The interim measures include provision a dedicated footpath and cycle path from the site traveling east along the northern side of Cookstown Road to the roundabout junction with Old Belgard Road and along the eastern road frontage travelling south to the roundabout of Cookstown Road and Fourth Avenue. There is provision for raised tables and tactile paving at the vehicular entrances and a shared surface, tactile paving for pedestrian crossing both to the north and east of the site.
- 9.8.3 Under the LAP Section 3 outlines the infrastructure requirement for the Cookstown area including a separate breakdown of infrastructure for each part of the neighbourhood including CT-C, within which the site falls. For physical infrastructure this includes provision of “upgrade / enhancements required to Cookstown Road in order to facilitate development within CT-C, including public realm improvements, pedestrian, cyclist linkages and potential alternative routing for HGV traffic”. This is to be provided by Developers and scheduled in tandem with development.
- 9.8.4 Such measures are deemed inadequate in terms of DMURs and the National Cycle Design Manual as well being premature pending a final design/Active Travel Plan for the area. The interim measures entail the provision of separate footpath and two-way cycleway a segregated two-way cycle path along Cookstown Road, this includes a section along the northern side of the Cookstown Road running east west from the junction of Cookstown Road and First Avenue to the junction of Cookstown Road and Old Belgard Road (footpath width 1.8m, cycle path varying in width from 2.13-2.61m), a section along the eastern road frontage (footpath width 2m, cycle path width from 1.75m) and a section running north south along the eastern side of Cookstown Road (footpath width 1.8m, cycle path varying in width from 2.14-2.40m) and running as far as existing footpath and cycle paths provided as part of SHD

application ref no. ABP-308398-20. These improvements are being carried out with the footprint of the existing footpath and grass verge areas along the public road.

9.8.5 In terms of existing pedestrian infrastructure there is a network of existing footpaths in the area with grass verges and footpath path width of just over 1.5m. The existing area is industrial in nature and although there is a footpath network the provision of upgraded pedestrian and cycling facilities is welcome in particular during a transitional phase in which the area may still be substantially industrial/commercial in nature. Notwithstanding such the existing area is very deficient in terms of pedestrian and cycling infrastructure suitable for a residential area with the high kerb height, inadequate footpath widths, physical barriers and significant level of on-street car parking. There is a necessity for significant improvement of pedestrian and cycling infrastructure in the area and such is identified as a requirement in terms of infrastructure under the LAP.

9.8.6 The proposed interim measures are questioned in terms of compliance with DMURs and the Cycle Design Manual (CDM). In terms of footpath width the provision of a 1.8m segregated footpath is consistent with minimum DMURS standards. In the case of the cycle path such is a two-way cycle path and desirable minimum width in the CDM for such is 3m with an absolute minimum width of 2m (flow of <300 cycles per peak hour).. The cycle path varies between 2.13m-2.61m so is above the absolute minimum width in the CDM. In terms of quality the proposals are interim measures and this should be taken into account. As noted above the provision of such upgrades are identified as developer led in terms of sequencing and implementation. The Council have indicated that the proposal are premature pending a finalised design for upgrades/Active Travel Plan.

9.8.7 I accept that the proposed upgrades are an interim measures and in terms of quality the footpath provision is consistent with DMURS standards, however the width of cycle path does not meet the desired width standards for two way cycle lanes (3m) but does meet the absolute minimum that would be considered. I would be of the view that given the existing nature of road network in the area, the existing uses dominating the area and the nature of traffic within the area, the provision of

pedestrian and cycling infrastructure of the highest quality is required and that the proposals for interim measures as part of an isolated proposal is not appropriate, is premature and would represent an uncoordinated approach to development and the transition of the area from industrial/commercial to an area catering for significant residential development. I would also consider that such would undermine the provision of a more permanent and coordinated approach to the provision of this infrastructure and would be contrary to LAP policy in regards to sequencing and implementation set out under Section 8.

9.8.8 Conclusion on interim infrastructural measures: I am satisfied that the nature of the upgrades proposed are interim in nature and do meet minimum standards in terms of width under DMURS and the Cycle Design Manual. I would consider however that given the deficiencies in the area in terms of pedestrian and cycling infrastructure, the nature of existing uses and the traffic generated by such, that the interim measures are not sufficient in quality and represent a piecemeal and uncoordinated approach to the development of the area and would undermine the provision of a more permanent, high quality pedestrian and cycling infrastructure in accordance with the requirements of the LAP. The proposed development would be contrary to be contrary to the policy regarding Sequencing and Implementation as set out under Section 8.0 of the Tallaght Town Centre Local Area Plan and subsequently contrary to EDE4 Objective 11 of the South Dublin County Development Plan 2022-2028 requiring compliance with the LAP. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

9.8.9 Car Parking: The refusal reason and planning assessment raises concern regarding level of parking proposed and the double counting of spaces in the context of the separate proposal on site for a Transitional Care Facility. Parking provision on site is 32 no. car parking spaces with 15 no. spaces along the southern site boundary to serve the residential component of the development and included within this application and 17 no. spaces located along the eastern side of the proposed Transition Car Facility to serve that use. The site is within Zone 2 for the purposes of Development Plan Parking Standard with a maximum requirement of 1 space per 1 bed unit and 1.25 space per 2 bed unit yielding a maximum standard of 82.5

spaces. There is no specific standard for a TCF with the nearest equivalent under the Development Plan being a nursing home and a standard of 1 space per 8 residents. Based on this requirement the TCF (131 bed spaces) has a requirement for 16.375spaces. Based on the Development Plan standards the residential proposal is deficient in car park whereas the parking provision for the TCF is compliant with development plan policy (nearest comparable use specified).

9.8.10 The parking standards are maximum standards with the CDP stating “the number of spaces provided for any particular development should not exceed the maximum provision. The maximum provision should not be viewed as a target and a lower rate of parking may be acceptable subject to” a number of criteria including accessibility to local services and public transport. In this case the site is in an accessible location and is in walking distance of a major employment use (Tallaght University Hospital), local services including The Square Shopping centre and of public transport infrastructure in the form of Belgard Luas Stop and a bus stop. I would consider that a reduced parking level is justified in this case and that parking provision solely for the residential component is sufficient in this case. As noted earlier there is separate parking provision of the Transitional Care Facility and such is based on the nearest comparable development for the purposes of assessment. Implementation of car parking management strategy on site would be appropriate and the application includes a Parking Strategy.

9.8.11 Conclusion in relation to car parking: A reduced level of car parking for the proposed is justified in this case given the accessibility of the location in terms of employment uses, local services and public transport, and subject to an appropriate parking management strategy implemented on site. I would not consider such a reason to preclude development in this case.

9.8.12 Pedestrian/Cycling Access: The proposal was considered deficient in terms of access to the site from the public roads for cyclists. The proposal provides a one way traffic access and egress with a vehicular access form the northern side and a vehicular exist on the astern side with one way traffic between the two. There is a provision of segregated pedestrian access both to the north and east of the site

adjacent the vehicular access points in addition to a continuous pedestrian footpath through the site connecting both access points.

9.8.13 Conclusion pedestrian/cycling access: I would consider that there is scope to improve pedestrian access to facilitate shared access between pedestrian and cyclists including increased width. Notwithstanding such there is provision of adequate separation between pedestrian and vehicular traffic movements on site. I would consider any improvement could be dealt with by way of condition.

9.9 Drainage Infrastructure/Green Score Factor:

9.9.1 The proposal was refused on the basis of failing to reach a minimum Green Score Factor of 0.5 as well as concerns regarding the use of an underground attenuation tank. It is notable that the previous proposal on site was refused on the basis of deficiency in the wastewater network. This proposal includes provision of pumping station. No capacity issues have been raised by the Council's Drainage Section or Uisce Eireann.

9.9.2 The applicant indicates that the underground storage tank is necessary due to poor infiltration characteristics of the site as shown in the site investigations report. The appellants also refer to the fact that they have increased the Green Score Factor over the previous proposal on site to 0.41 and that other development have been permitted in the area with lower than the 0.5 GSF score with examples cited. The proposed development does include SuDs measures and the proposed development entails a significant improvement in terms of sustainable urban drainage over the existing development on site with it important to acknowledge the site is an existing urban site with structures and hardstanding.

9.9.3 Conclusion: I would be of the view that the proposal is generally acceptable in terms of drainage infrastructure and entails a significant improvement over the existing management in terms of sustainable urban drainage. I would consider that any increase in GSF could be dealt with by way of condition. I do not consider that there is any reason to recommend refusal in regards to drainage issues in this case.

10.0 Recommendation

10.1. I recommend refusal based on the follow reasons.

11.0 Reasons and Considerations

11.1

1. The proposed development due to its location centrally within the Cookstown Neighbourhood, limited site size and being part of block labelled CT-C would lead to a piecemeal, haphazard approach to development of the overall neighbourhood lands. Such would be contrary to the policy regarding Sequencing and Implementation as set out under Section 8.0 of the Tallaght Town Centre Local Area Plan and subsequently contrary to EDE4 Objective 11 of the South Dublin County Development Plan 2022-2028 requiring compliance with the LAP. The piecemeal nature of the development itself and the provision of the 5,200sqm pocket park required as part of land block CT-C represents an uncoordinated approach that would compromise the provision of a good quality development and public open space, which would also be contrary to the objectives of the LAP. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development entails the provision of 123 no. apartment units with a unit mix split between 58 no. one bed apartments and 65 no. two bed apartments units. H1 Objective 12 of the South Dublin County Council County Development plan 2022-2028 specifies that proposals for residential development shall provide a minimum of 30% 3-bedroom units. The proposed unit mix does not comply with the requirement explicitly set out under Development Plan policy and there is failure to demonstrate that a deviation from this requirement is justified under the criteria identified under Development Plan policy. The proposed development would be contrary to Development Plan policy. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area

3. The proposed development is within the boundaries of the Tallaght Town Centre Local Area Plan 2020, which provides significant guidance regarding the scale and intensity of development permissible including specific ranges in terms of plot ratio and building height for the Cookstown Neighbourhood and the portion of such the site is located within (CT-C). I would be of the view that the plot ratio and height proposed exceeds the clearly stated ranges for such under the Tallaght Town Centre LAP and that the location and development does meet the criteria set out that allows for an increase in height above specified ranges by 2-4 storeys or an uplift in plot ratio by 20% as set out under Section 2.6 of the LAP. The proposed development would be contrary to the stated policy of the LAP, would constitute overdevelopment of the site and would set an undesirable precedent for other development with the LAP area.

4. The proposed development is located centrally in an industrial area where the existing road network is severely lacking in appropriate pedestrian and cycling infrastructure to serve the transition from commercial development to residential uses as proposed. Notwithstanding the proposal for interim upgrades to pedestrian and cycling facilities in the public realm, the interim measures are not sufficient in quality and represent a piecemeal and uncoordinated approach to the development of the area and would undermine the provision of a more permanent, high quality pedestrian and cycling infrastructure in accordance with the requirement of the LAP. The proposed development would be contrary policy regarding Sequencing and Implementation as set out under Section 8.0 of the Tallaght Town Centre Local Area Plan and subsequently contrary to Objective EDE4 Objective 11 of the South Dublin County Development Plan 2022-2028 requiring compliance with the LAP. The proposed development would, therefore, 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.

Colin McBride
Senior Planning Inspector

24th January 2024

APPENDIX 1 EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference – ABP-318458-23		
Development Summary	Construction of 123 apartment units, café and three commercial units.	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	
2. Has Schedule 7A information been submitted?	Yes	
3. Has an AA screening report or NIS been submitted?	Yes	AA Screening
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	<p>The following has been submitted with the application:</p> <ul style="list-style-type: none"> • An Ecological Impact Assessment (EcIA) which considers the Habitats Directive (92/43/EEC) and the Birds Directive 2009/147/EC). • An Engineering Services Report which have had regard to Development Plan policies regarding the Water Framework Directive (2000/60EC) and the Floods Directive (2007/60/EC). • An Outline Waste and Construction Management Plan which considers the Waste Framework Directive (2008/98/EC).

		<ul style="list-style-type: none"> • A Noise Impact Assessment Report which considers EC Directive 2002/49/EC (END). <p>SEA and AA was undertaken by the planning authority in respect of the South Dublin County Development Plan 2022-2028.</p>	
B. EXAMINATION	Response: Yes/ No/ Uncertain	Where relevant, briefly describe the characteristics of impacts (ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	There is a clear consistency in the nature and scale of development in the surrounding area, comprising low-rise buildings of varying uses, including industrial/warehousing, commercial, residential and educational buildings. While the proposed building heights would not be in character with surrounding heights, the proposed development is not regarded as being of a scale or character significantly at odds with the surrounding	No

		pattern of development.	
1.2 Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposed development will change some land currently in commercial use to a predominantly residential development with some commercial development. There are no substantive waterbodies on site or proximate to the site.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	Construction materials will be typical of such urban development. The loss of natural resources as a result of the redevelopment of the site are not regarded as significant in nature.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard measures outlined in a CMP and a CWMP would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	No
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	No	Construction activities will require the use of potentially harmful materials, such as fuels and other similar	No

		<p>substances, and will give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and with the implementation of standard measures outlined in a CMP and a CDWMP would satisfactorily mitigate the potential impacts. Operational waste would be managed through a waste management plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No</p>	<p>No significant risks are identified. Operation of standard measures outlined in a CMP and a CWMP will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services and discharge surface waters to the public network.</p>	<p>No</p>
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>There is potential for the construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts would be suitably mitigated by</p>	<p>No</p>

		the operation of standard measures listed in a CMP and a CWMP. Management of the scheme in accordance with an agreed management plan will mitigate potential operational impacts.	
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Yes	Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of standard measures within a CMP and a CWMP would satisfactorily address potential risks on human health. No significant operational impacts are anticipated, with water supplies in the area provided via piped services.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	No significant risk is predicted having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. The site is outside the consultation / public safety zones for Seveso / COMAH sites.	No
1.10 Will the project affect the social environment (population, employment)	Yes	Population of this urban area would increase. Housing would be provided to meet existing demand in the area.	No

<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</p>	<p>Application is part of lands zoned REGEN.</p>	<p>No</p>
<p>2. Location of proposed development</p>			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <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</p>	<p>Sensitive ecological sites are not located on site. The nearest European sites are listed in table 2 of this report and other designated sites, including proposed Natural Heritage Areas (pNHA) are referred to by the applicant in their Ecological Impact Assessment. The Dodder Valley pNHA (000991) is the nearest being located 2.4km from the site with the next nearest being the South Dublin Bay pNHA (000210) 11.3km from the site. The proposed development would not result in significant impacts to any of these sites. Annex II habitats or habitat suitable for protected species, including plants, were not found on site during ecological surveys.</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</p>	<p>Site is an existing urban brownfield site with existing warehouse structure and hardstanding. The existing structure on site and trees were assessed for roosting potential for bats with it concluded such are not suitable for roosting. The proposed development would not</p>	<p>No</p>

		result in significant impacts to protected, important or sensitive species.	
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No	The site and surrounding area does not have a specific conservation status or landscape of particular importance and there are no Protected Structures on site or in its immediate vicinity.	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	No such features are in this urban location.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwater which could be affected by the project, particularly in terms of their volume and flood risk?	No	The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding. Potential impacts arising from the discharge of surface waters to receiving waters are considered, however, no likely significant effects are anticipated.	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No		No
2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	Direct access would be provided an existing public road network. There are sustainable transport options available to future residents. No significant contribution to traffic congestion is anticipated.	No

2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	No	No	No
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project. Any cumulative traffic impacts that may arise during construction would be subject to a project construction traffic management plan.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No transboundary considerations arise	No
3.3 Are there any other relevant considerations?	No	No	No
C. CONCLUSION			
No real likelihood of significant effects on the environment.	<input checked="" type="checkbox"/>	EIAR Not Required	
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required	
D. MAIN REASONS AND CONSIDERATIONS			
The nature, characteristics and location of the proposed development means that it would not be likely to have significant effects on the environment.			