



An  
Bord  
Pleanála

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

### **Inspector's Report ABP-313590-22**

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#### **Strategic Housing Development**

Demolition of existing substation, construction of 197 no. apartments, childcare facility and associated site works.

#### **Location**

Lands on Greenhills Road (north of Bancroft Park, south/west of Hibernian Industrial Estate and east of Airton Road Junction), Tallaght, Dublin 24. ([www.bancroftviewshd.ie](http://www.bancroftviewshd.ie))

#### **Planning Authority**

South Dublin County Council

#### **Applicant**

Greenhills Living Limited

#### **Prescribed Bodies**

Irish Water

Inland Fisheries Ireland

National Transport Authority

**Observer(s)**

Noel Merrick

Tallaght Community Council (Gerard  
Stockil)

**Date of Site Inspection**

15<sup>th</sup> January 2025

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## **1.0 Introduction**

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

## **2.0 Site Location and Description**

- 2.1. The subject site involves a parcel of land located at the intersection of Greenhills Road and Airton Road, Tallaght, Dublin 24, and comprises an area of approximately 0.8 ha (1.98 acres). The site consists of a hard-standing surface to the north which is used for car parking and a greenfield to the south. The subject site is devoid of any built form with the exception of an existing ESB substation.
- 2.2. The site is located within an area comprising industrial land use immediately east and north, retail to the west and public open space area immediately south. The industrial land immediately north is known as the Hibernian Industrial Estate. Tallaght Village is situated south of the subject site and provides a range of retail and commercial services. Further services and amenities are provided in Tallaght Town Centre which is located south west of the subject site.
- 2.3. A HSE primary health centre and retail park are located to the west across Greenhills Road, as is a site with permission for an SHD development. Technological University of Dublin – Tallaght is situated to the west of the subject site, approximately 550 metres west of the site. Tallaght Hospital is located a further 1.5 km west. The subject site is situated directly across from a bus stop served by Dublin Bus Route 27, which provides access to Dublin city centre as well as Tallaght Town Centre and the LUAS Red Line. Further bus routes to the city centre via the Tallaght Quality Bus Corridor are provided in Tallaght Village, which is a 10-minute walk to the south of the subject site. It is noted that Greenhills Road forms part of Bus Connects plans for the Tallaght area, improving access to Dublin city centre via bus.

### 3.0 Proposed Strategic Housing Development

3.1. This is an application for a permission comprising:

- '(i) demolition of existing substation and removal of existing advertisement structure on site;
- (ii) construction of a residential development of 197 no. apartments (79 no. one-bedroom, 105 no. two-bedroom and 13 no. three-bedroom) in 4 no. blocks (ranging in height from seven to eight storeys with eighth floor level roof garden) as follows:
  - Block A containing 41 no. apartments (6 no. one bedroom, 34 no. two bedroom and 1 no. three-bedroom) and measuring eight storeys in height (with eighth floor roof garden);
  - Block B containing 79 no. apartments (33 no. one bedroom, 34 no. two bedroom and 12 no. three bedroom) and measuring eight storeys in height;
  - Block C containing 42 no. apartments (24 no. one bedroom and 18 no. two bedroom) and measuring seven storeys in height; and,
  - Block D containing 35 no. apartments (16. no one bedroom and 19 no. two bedroom) and measuring seven storeys in height.
- (iii) all apartments will have direct access to an area of private amenity space, in the form of a balcony, and will have shared access to internal communal amenities including 2 no. resident lounges (114. 7sq.m), gym (98sq.m) external communal amenity space (1,490.8sq.m) and public open space (1,667sq.m);
- (iv) provision of 78 no. vehicular parking spaces (including 3 no. carshare parking spaces, 4 no. mobility parking spaces, and 8 no. electric vehicle parking spaces), 4 no. set-down vehicular parking spaces (including 1 no. mobility parking space) and 448 no. bicycle parking spaces (including 100 no. visitor parking spaces) at ground floor/ground level accessible via new vehicular entrance gate off access road off Greenhills Road;
- (v) provision of 4 no. commercial units (871. 5sq.m total) and 1 no. childcare facility (329. 7sq.m) with associated external amenity space (168. 8sq.m) located at ground floor level; and,

(vi) all ancillary works including public realm/footpath improvements, landscaping, boundary treatments, internal footpaths/access roadways, bin storage, foul and surface water drainage, green roofs, removable solar panels, ESB substation and all site services, site infrastructure and associated site development works necessary to facilitate the development.

### 3.2. Key Development Statistics are outlined below:

|                                       | <b>Proposed Development</b>                                                                                                                                                     |
|---------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Site Area</b>                      | 0.8 ha                                                                                                                                                                          |
| <b>No. of Units</b>                   | 197 no. apartments <ul style="list-style-type: none"> <li>• 79 no. one-bedroom (40.1%)</li> <li>• 105 no. two-bedroom (53.3%)</li> <li>• 13 no. three-bedroom (6.6%)</li> </ul> |
| <b>Density</b>                        | 246.28 units per ha.                                                                                                                                                            |
| <b>Height</b>                         | 7-8 storey apartment blocks                                                                                                                                                     |
| <b>Dual Aspect</b>                    | 92units/197 units = 46.7%                                                                                                                                                       |
| <b>Plot Ratio</b>                     | 2.4                                                                                                                                                                             |
| <b>Site Coverage</b>                  | 33%, 49% (including podium)                                                                                                                                                     |
| <b>Commercial Uses</b>                | 4 no. units – 871.2sqm<br>1 no. Creche – 329.7sqm                                                                                                                               |
| <b>Other Uses/Residential Amenity</b> | 2 no. lounge areas (76.3/38. 4sq.m),<br>gym (211sq.m)                                                                                                                           |
| <b>Creche</b>                         | 329.7sqm with external amenity space (est. capacity 82-110 no. children)                                                                                                        |
| <b>Public Open Space</b>              | 1,667sqm -ground level, primarily along the western site boundary, to provide an attractive interface between the site and Greenhills Road.                                     |
| <b>Communal Open Space</b>            | 1,507sq.m - provided in the form of a first floor level podium and a roof terrace at ninth floor level                                                                          |
| <b>Car Parking</b>                    | 78 no. (basement) car parking spaces<br>4 no. set-down parking spaces to serve the creche                                                                                       |

|                        |                                                                       |
|------------------------|-----------------------------------------------------------------------|
| <b>Bicycle Parking</b> | 448- 348 no. for residents and 100 at surface level to serve visitors |
|------------------------|-----------------------------------------------------------------------|

3.3. The application included the following:

- Statement of Response to An Bord Pleanála Opinion
- Statement of Consistency & Planning Report
- Statement of Material Contravention
- Environmental Impact Assessment Screening Report
- Architectural Design Statement
- Housing Quality Assessment Building
- Lifecycle Report
- Engineering Services Report
- Construction Environmental Waste Management Plan
- DMURS Design Statement
- Mobility Management Plan
- Traffic & Transport Assessment
- Quality Audit
- Road Safety Audit
- Energy Statement
- Outdoor Lighting Report
- Arboricultural Report
- Landscape Design Statement
- Landscape Visual Impact Assessment
- Appropriate Assessment Screening
- Ecological Impact Assessment
- Operational Waste Management Plan
- Statement in Accordance with Article 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001 – 2021
- Microclimate Analysis
- Bat Assessment

- Daylight, Sunlight and Overshadowing Analysis
- Acoustic Noise Assessment
- Aeronautical Assessment
- Photomontage Booklet
- Servicing & Operational Management Plan

## 4.0 Planning History

### On the site

The subject site formed part of a larger land parcel involved in the following planning applications previously:

**Reg. Ref. SD04A/0186** - Permission was granted by South Dublin County Council on 25th June 2004 for the amalgamation of previously approved Block C (Reg. Ref. S01A/0086) Leisure Centre into enlarged and modified Block B comprising two additional retail warehouse units and enlarged technology offices, change of use of previously approved Block C leisure use area (2080msq) to technology office use (412msq) and retail warehouse use (1668msq), additional new retail warehouse use to enlarged Block B (142msq), an additional 28 surface and 3 basement parking spaces, revisions to basement layout, elevations, signage and associated site works.

**Reg. Ref. SD07A/0622** - Permission was granted by South Dublin County Council on 25th September 2007 for the construction of 11,649sq.m. own-door office space including lobbies, circulation and service areas and a 52sq.m. retail cafe kiosk in a two block development, one block of 4 storeys plus setback two-storey penthouse and one block of 3 storeys plus setback single storey penthouse, both blocks incorporating rooftop plant rooms and enclosures, 215 basement car parking spaces in a shared two-storey naturally ventilated basement incorporating mechanical plant and storage rooms, covered bicycle storage enclosure incorporating shower and toilet facilities, site hard and soft landscape works, street furniture and lighting, new access junction off Greenhills Road and internal access roads, set-down and ramps, two ESB substations and switch room, waste management rooms and service yard, signage and associated site works.

#### Adjacent (relevant) development

**ABP 316828-23** - Permission was granted by An Board Pleanala on 17th October 2024 for the Tallaght/Clondalkin to City Centre BusConnect Core Bus Corridor Scheme.

This BusConnects route runs along the front of the site.

#### **Former Gallaher's cigarette factory site at the junction of Airton Road & Greenhills Road, Tallaght, Dublin 24**

**ABP Ref. ABP-306705-20** Permission was granted by An Board Pleanala on 16th June 2020 for a Strategic Housing Development at the Former Gallaher's cigarette factory for demolition of existing factory/warehouse buildings on site (total floor area c.10,076.8 sqm); construction of 502 no. apartments (comprising 197 no. 1-bed; 257 no. 2-bed; and 48 no. 3-bed units) within 6 no. blocks ranging in height from 4 to 8 storeys.

This permission is located opposite the site. Site inspection determined that work is on-going.

#### **Site at the corner of Airton Road and Belgard Road, Tallaght, Dublin 24**

**ABP Ref. ABP-305763-19** - Permission was granted by An Board Pleanala on 20th February 2020 for a Strategic Housing Development on a site at the corner of Airton Road and Belgard Road for the demolition of the existing industrial buildings on site (4,800sq.m) and the construction of 2 no. blocks comprising 328 no. apartments (93 no. 1 bed, 222 no. 2 bed and 13 no. 3 bed), ancillary residential support facilities and commercial floorspace.

#### **Lands at Broomhill Road and Unit 51 Broomhill Road and Unit 51 Broomhill Road, Tallaght, Dublin 24**

**ABP-313591-22** – Permission sought for a Strategic Housing Development comprising the demolition of existing buildings, construction of 242 no. apartments, creche and associated site works. Awaiting Decision.

## **5.0 Section 5 Pre-Application Consultation -311753-22**

5.1. A Section 5 pre-application virtual consultation took place on the 14<sup>th</sup> February 2022 in respect in respect of a development for the construction of 236 no. apartments, creche and associated site works. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. The main topics discussed at the meeting were –

1. Land use and Development Principle.
2. Design and Layout, including: • Height and density • Open space • Residential amenity.
3. Access and Transport.
4. Drainage.
5. AOB.

### **5.2. Board Opinion**

5.2.1. In the Notice of Pre-Application Consultation Opinion dated 27<sup>th</sup> January 2022 (ABP-311753-22) An Bord Pleanála stated that it was of the opinion that the documents submitted required further consideration and amendment in order to constitute a reasonable basis for an application for strategic housing development with regard to the following: -

1. Further clarification of the documents as they relate to the nature of the development and the proposed tenure mix.
2. Further consideration / justification of the documents as they relate to the height, scale and density of development proposed. In this regard the application should be accompanied by a detailed Rationale / Justification for the proposed density and building heights, having particular regard to section 2.6 of the Tallaght Town Centre LAP 2020 in respect of Intensity of Development and section 3.6 in relation to the Greenhills neighbourhood, and the provisions of the County Development Plan in this regard, as well as the criteria set out in Section 3.2 of the Urban Development and Building Height, Guidelines for Planning Authorities' 2018. This

may require possible amendment to the documents and/or design proposals submitted.

3. Further consideration and elaboration of the documents as they relate to the design and capacity of the existing vehicular access from the north which is to serve the proposed development.

This access route should be described in detail in the application drawings and an assessment of its capacity in terms of width, alignment, pedestrian facilities and existing parking and access functions should be undertaken. The requirement for any improvement works along this route to safely and satisfactorily accommodate the traffic movements arising, and the ability of the applicant to undertake same, should be clearly described.

This may require possible amendment to the documents and/or design proposals submitted.

- 5.2.2. The opinion also stated that the following specific information should be submitted with any application for permission.

1. Having regard to the response to item no. 1 above, the Statement of Consistency and Housing Quality Assessment should clearly address the particular requirements of Build-To-Rent and Build-To-Sell accommodation proposed, including inter alia, requirements relating to floor areas, mix, storage, units per core etc. A statement demonstrating compliance with SPPR7 with regard to provision of supporting communal and recreational facilities for BTR accommodation, should be provided. Regard should be had to relevant and up to date S.28 Ministerial Guidelines, including the Sustainable Urban Housing Design Standards for New Apartments, Guidelines for Planning Authorities (2020).
2. A management plan which addresses the varied requirements of the proposed tenure mix within the development, and associated amenities and facilities, as well as the relationship with other commercial uses within the development.
3. The application should include a comprehensive daylight and sunlight assessment examining the proposed dwelling units and amenity / open spaces, as well as

potential impacts on daylight and sunlight to adjoining properties. In preparing such assessment regard should be had to the provisions of section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities (2018) and to the approach outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. The assessment should provide a comprehensive view of the performance of the entire development in respect of daylight provision. Where any alternative, compensatory design solutions in respect of daylight are proposed, these should be clearly identified and justified, and their effect appropriately described and / or quantified.

4. An analysis of wind microclimate and pedestrian comfort, with reference to pedestrian occupation and usability of new public spaces in the context of the proposed development and adjoining permitted developments. The analysis should also address the safety and comfort of residential amenity spaces, including communal spaces, roof terraces and private upper floor balconies. Any required mitigation or other design measures arising from such assessment should be clearly described and assessed in the study.
5. A noise impact assessment having regard to the pattern of commercial uses to the north and east, as well as commercial uses within the proposed development, which should identify measures necessary to ensure the achievement of adequate levels of residential amenity for future occupiers.
6. An Aeronautical Assessment in respect of the proposed development.
7. Drawings clearly showing the relationship between the proposed development and future public transport improvements along Greenhills Road as part of Bus Connects, including modifications and upgrades to footpaths, bus stops and junctions. The application should clearly describe works in the public realm, including responsibility for completion, and how the development will connect to the existing and future public footpath network on Greenhills Road.
8. The application should be accompanied by the following:
  - a) A Traffic and Transport Impact Assessment (TTIA), which includes consideration

inter alia of proposed modifications to traffic flow on Greenhills Road and roads within the Hibernia Industrial Estate as part of Bus Connects.

- b) A Mobility Management Plan.
  - c) A Parking Management Strategy, including detail on the breakdown of parking provision by type and land use.
  - d) A Quality Audit demonstrating compliance with the principles and specifications set out in DMURS and the National Cycle Manual. This should include a Road Safety Audit which considers inter alia the design and layout of the proposed car park and the vehicular access route from the north.
  - e) Details of the quantum and design of bicycle parking / storage, which should accord with the provisions of the guidelines on Sustainable Urban Housing: Design Standards for New Apartments. Regard should be had to the access and operational requirements of such parking / storage provision.
  - f) A Servicing and Operations Management Plan for commercial, childcare and residential uses across the site. The application should also address possible impacts on ground floor residential amenities in Block A from commercial servicing arrangements
9. A full landscape and visual impact assessment which shall include photomontages and appropriate CGI's showing the proposed development from the surrounding area. Application documentation should illustrate the relationship between the proposed development and adjoining existing and permitted development in this area.
10. A report that specifically addresses the proposed materials and finishes to the scheme, including specific detailing of external finishes, landscaping and paving, pathways, entrances and boundary treatments. Particular regard should be had to the requirement to provide high quality, durable and sustainable finishes which have regard to the context of the site.
11. A Building Lifecycle Report in accordance with section 6.13 of the Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning

Authorities (2020) guidelines which should consider the external materials on all elevations. The report shall also address the management and maintenance of public spaces and access routes to the development.

12.A site layout plan, which clearly identifies areas to be taken in charge, if any.

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

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

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

- Irish Water
- National Transport Authority
- South Dublin Childcare Committee

### **5.3. Applicant's Response to Opinion**

5.3.1. Subsequent to the consultation under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016, the Board's opinion was that the documentation would require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. Therefore, a statement in accordance with article 297(3) of the Planning and Development (Strategic Housing Development) Regulations 2017, is required.

5.3.2. I note a Statement of Response to ABP's Opinion has been submitted. I note the items raised in the Opinion have been addressed.

## **6.0 Relevant Planning Policy**

The Board will note that the Tallaght Town Centre Local Area Plan 2022-2026 is the

applicable Plan for the development site. However, I draw the Boards attention to the fact that since the application was lodged on 17<sup>th</sup> May 2022 the South Dublin County Development Plan 2022-2028 was made on 22<sup>nd</sup> June 2022 and came into effect on 3<sup>rd</sup> August 2022. Where conflict arises with the LAP the County Plan 2022-2028 will take precedence.

#### 6.1. **South Dublin County Development Plan 2022 -2028**

The South Dublin County Development Plan 2022-2028 was made on 22<sup>nd</sup> June 2022 and came into effect on 3<sup>rd</sup> August 2022.

The site is subject to zoning Objective 'REGEN': 'To facilitate enterprise and / or residential-led regeneration subject to a development framework or plan for the area incorporating phasing and infrastructure delivery.'

Section 12.2.1 **Land-Use Zoning Tables** sets out Residential and Childcare are permitted in principle on lands zoned REGEN (Table 12.4)

#### **Chapter 2 relates to Core Strategy and Settlement Strategy**

**Section 2.6.7 relates to Housing Strategy** and includes a number of objectives which include: -

**Policy CS3 Objective 6:** To ensure the phased development of new housing areas in tandem with the delivery of physical and social infrastructure provision as identified within Local Area Plans or as informed by assessments carried out by the Planning Authority.

**Policy CS4: Active Land Management - CS4 Objective 2:** *To promote the delivery of residential development through active land management measures and a co-ordinated planned approach to developing appropriately zoned lands at key locations, including regeneration areas, vacant sites and under-utilised areas.*

#### **Policy CS7: Consolidation Areas within the Dublin City and Suburbs Settlement**

**CS7 Objective 2:** To promote and support the regeneration of underutilised industrial areas designated with the regeneration Zoning Objective 'REGEN' ('to facilitate enterprise and / or residential led regeneration subject to a development framework or

plan for the area incorporating phasing and infrastructure delivery).

#### **Chapter 4 relates to Green Infrastructure**

**Policy GI1: Overarching** - *Protect, enhance and further develop a multifunctional GI network, using an ecosystem services approach, protecting, enhancing and further developing the identified interconnected network of parks, open spaces, natural features, protected areas, and rivers and streams that provide a shared space for amenity and recreation, biodiversity protection, water quality, flood management and adaptation to climate change.*

**GI1 Objective 4:** *To require development to incorporate GI as an integral part of the design and layout concept for all development in the County.....*

**Policy GI2 relates to Biodiversity** - *strengthen the existing Green Infrastructure (GI) network and ensure all new developments contribute towards GI, in order to protect and enhance biodiversity across .....*

**GI2 Objective 4:** *To integrate GI, and include areas to be managed for biodiversity, as an essential component of all new developments ....*

**Policy GI3** relates to Sustainable Water Management

**Policy GI4** relates to Sustainable Drainage Management

**Section 4.2.3 relates to Climate Resilience.** The Plan promotes a GI approach which frontloads South Dublin County's response to ensure a county which is resilient to current and future climate change impacts.

#### **Chapter 5 relates to Quality Design and Healthy Placemaking**

**Policy QDP1:** Successful and Sustainable Neighbourhoods Support the development of successful and sustainable neighbourhoods that are connected to and provide for a range of local services and facilities.

**Policy QDP2:** Overarching - **Successful and Sustainable Neighbourhoods**  
*Promote the creation of successful and sustainable neighbourhoods through the application of the eight key design principles to ensure the delivery of attractive, connected, and well-functioning places to live, work, visit, socialise and invest in*

*throughout the County.*

**Policy QDP3:** Neighbourhood Context Support and facilitate proposals which contribute in a positive manner to the character and setting of an area.

**Policy QDP4:** Healthy Placemaking

**Policy QDP5:** Connected Neighbourhoods

**Section 5.2.5 refers to policies relating to Public Realm** - *“Key to the achievement of successful and sustainable neighbourhoods is the provision of a high-quality public realm....”*

Section 5.2.6 relates to **High Quality and Inclusive Development**

Section 5.2.7 relates to **Density and Building Heights**. Section 5.2.7 states the following in relation to building height and density: *...In response to such policy provisions and guidelines, in particular SPPR1, this plan is accompanied by South Dublin County’s Building Height and Density Guide (Appendix 10).*

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

**Policy QDP9: High Quality Design** - Building Height and Density Apply a context driven approach to building heights in South Dublin, as supported by South Dublin’s Building Heights and Density Guide.

**Policy QDP10: Mix of Dwelling Types**

**Policy QDP11: Materials, Colours and Textures**

**Section 5.4.1 Local Area Plans** - states that Local Area Plans will be prepared for areas where new development requires a coordinated approach and in particular for areas that are likely to experience large scale development or that are in need of regeneration. Local Area Plans must be consistent with the policies and objectives of

the County Development Plan and ministerial guidelines. Policy changes will help inform the decision to review existing Local Area Plans.

**Chapter 6 relates to Housing.**

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

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

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

Section 6.7.1 includes policies relating to **Residential Design and Layout**.

Section 6.7.2 includes policies relating to **Private and Communal / Semi-Private and Public Open Space**.

Section 6.7.3 includes policies relating to **Private and Semi-Private Open Space**

Section 6.7.4 includes policies relating to **Internal Residential Accommodation**

Section 6.7.5 includes policies relating to **Privacy and Security**

Section 6.8 includes policies relating to **Residential Consolidation in Urban Area**

**Chapter 7 relates to Sustainable Movement;** the following policies are of relevance:

**Policy SM2** relates to Walking and Cycling

**Policy SM2** relates to Public Transport

**Policy SM5** relates to Street and Road Design

**Policy SM6** relates to Traffic and Transport Management

**Policy SM7** relates to Car Parking and EV Charging

**Chapter 8 relates to Community Infrastructure and Open Space**

**Table 8.2:** Public Open Space Standards

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

**Section 8.7.4 Delivery of Public Open Space and Contributions in Lieu** includes - *The Council may, in certain circumstances and at its sole discretion, allow for an element of open space to be located off-site where it exceeds the minimum on-site requirements. Alternatively, the Council may in certain circumstances and at its sole discretion, determine a financial contribution in lieu of all, or part of, the public open space requirement for a particular development.*

**Chapter 9 relates to Infrastructure and Environmental Service**, including policies relating to Water Supply and Wastewater, Flood Risk, Waste Management, Environmental Quality and Casement Aerodrome.

**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.

**EDE9 Objective 1:** To support the provisions of the Tallaght Town Centre Local Area Plan, (2020), or any superseding plan regarding retail and economic growth.

## **Chapter 12 relates to Implementation and Monitoring.**

12.3.1 Appropriate Assessment

12.3.2 Ecological Protection

12.3.3 Environmental Impact Assessment

12.4.1 Green Infrastructure Definition and Spatial Framework

12.4.2 Green Infrastructure and Development Management

12.5.1 Universal Design

12.5.2 Design Considerations and Statements

12.5.3 Density and Building Heights 12.5.4 Public Realm: (At the Site Level)

12.6.1 Mix of Dwelling Types

12.6.7 Residential Standards

12.6.8 Residential Consolidation

12.6.10 Public Open Space

12.7.1 Bicycle Parking / Storage Standards

12.7.2 Traffic and Transport Assessments

12.7.4 Car Parking Standards

**Table 12.26:** Maximum Parking Rates (Residential Development)

| Dwelling Type    | No. of Bedrooms | Zone 1      | Zone 2      |
|------------------|-----------------|-------------|-------------|
| Apartment Duplex | 1 Bed           | 1 space     | 0.75 space  |
|                  | 2 Bed           | 1.25 spaces | 1 space     |
|                  | 3 Bed+          | 1.5 spaces  | 1.25 spaces |
| House            | 1 Bed           | 1 space     | 1 space     |
|                  | 2 Bed           | 1.5 spaces  | 1.25 spaces |
|                  | 3 Bed+          | 2 spaces    | 1.5 spaces  |

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.

Section 12.7.4 as states – ‘The maximum parking standards may also be varied in particular areas by the Planning Authority through planning mechanisms such as SDZ Planning Schemes, Local Area Plans or Movement Framework Plans and Area Access Studies’.

12.7.5 Car Parking / Charging for Electric Vehicles (EVs)

12.7.6 Car Parking Design and Layout

12.10.1 Energy Performance in New Buildings

12.11.1 Water Management

12.11.3 Waste Management

12.11.4 Environmental Hazard Management

12.11.5 Aviation, Airports and Aerodrome

## 6.2. Tallaght Town Centre Local Area Plan 2020

### *Zoning*

Regeneration (REGEN) with the objective “To facilitate enterprise and/or residential led regeneration.”

**Chapter 1** notes that the delivery of between 3,000 and 5,000 new homes will be sought within the lifetime of the plan.

**Section 2.3 Urban Framework**, notes that the overall urban structure (Fig 2.4) provides the basic and larger scale layout of routes, spaces and features for the Plan. A strong urban structure ensures a coordinated approach over a longer time period. The proposed urban structure is a guide for future development in the area. Flexibility in relation to the proposed urban structure will be considered where it is demonstrated that the overarching objectives of the urban framework and key elements of the urban structure are achieved.

## Chapter 2 – Urban Framework

**Section 2.5 Neighbourhoods -Greenhills:** An attractive consolidated, diversified and intensified place for business and employment that is better connected to surrounding areas including Greenhills Road and Bancroft Park.

**Section 2.6, Intensity of Development,** notes that 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. Plot Ratio, Height and Built Form will be used to determine and assess the intensity, scale and bulk of development.

### **Section 2.6.1 establishes a Plot Ratio for Greenhills at 0.75 – 1.0**

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 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 in Section 2.6.2.

This provision may apply (including) where the site is directly adjacent to 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.

A proposed development shall not normally exceed the maximum plot ratio and building height thresholds, except where there is a compelling case of a significant public or economic benefit (as defined). **Flexibility of up to 20% of the plot ratio ranges may generally be applicable where there is a strong design rationale for increased density / height and the development will result in a significant public gain.**

### **2.6.2 Height and Built Form**

Figure 2.4 identifies building heights, informed by best practice urban design principles as per the Urban Development and Building Height Guidelines (2018). In general terms, the height strategy provides for the following:

1. Building height and scale greatest in the Centre, in proximity to Luas stops and along arterial and primary route frontages (up to 6–7 storeys residential, +1 recessed and up to 5–6 storeys non-residential, +1 recessed).
2. Building height and scale on secondary routes / frontages is lesser but still within an urban scale, (4–6 storeys residential, 3–5 storeys non-residential).
3. Building Height (3-4 storeys) is lower along tertiary routes, within the network of secondary streets). (This includes the subject site).

**Figure 2.8 establishes building heights of 4-6 storeys for the subject site.**

## Section 2.7 Public Realm and Open Space

**Section 2.7.2** identifies a requirement for a minimum of 10% of the gross site area as public open space. In general, this requirement should be met on site. In certain circumstances, a financial contribution towards provision of public open space in the area shall be required.

## Chapter 3 – Neighbourhoods

**The subject site is located within the Greenhills Neighbourhood for which Section 3.6 identifies the following development parameters:**

|                                              |                                                                                                                                                                                                                                                                                        |
|----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Land Use Mix/<br/>Urban Function</b>      | Predominantly business, enterprise and employment area with higher value commercial, industry and distribution and potential for limited mixed uses along Greenhills Road, proximate to Airtown Road, where it can integrate effectively with existing and established uses.           |
| <b>Plot Ratio Range</b>                      | 0.5:1 (Low)<br>1:1 (High)                                                                                                                                                                                                                                                              |
| <b>Building Height<br/>(See Figure 3.16)</b> | It is expected that industrial buildings will generally be low rise and this would be supported.<br><br>Where office development comes forward buildings should not exceed 6 storeys.<br><br>In all circumstances development should deliver a strong building line on public streets. |
| <b>Open Space</b>                            | Enhanced links to Bancroft Park public open space.                                                                                                                                                                                                                                     |

**Key Objectives:**

- GH1: Intensification of use to higher value commercial and employment uses.
- GH2: New local routes and connections to Bancroft Park.
- GH3: Improved interface with Bancroft Park and Greenhills Road.
- GH4: Protect and enhance recreational amenities and green infrastructure value of Bancroft Park.
- GH5: Protection of residential amenity of adjoining residential areas

**Chapter 5 - Residential and Community**

## Section 5.2 Residential Development

## Section 5.2.1 Housing Mix Section

Objective RE 2, to ensure an appropriate housing mix a minimum of 30% of units within any new residential development shall have a minimum of 3 bedrooms.

Objective RE 4, to ensure that a mix of tenure is achieved to provide an appropriate balance which will promote social integration in Tallaght.

All residential development proposals shall state the proposed tenure mix and provide justification for the mix having regard to the socio economic and demographic context of the area. It is an ambition to encourage the provision of at least 30% owner occupied units. This provision will be reviewed pending the completion of a Housing Need and Demand Assessment for the Dublin area.

## 5.2.3 Dwelling Size, Internal Layout and Amenity Space

Section 5.3 Community Facilities -Section 5.3.2 Childcare Facilities, Section 5.3.3 Children's Playgrounds

**Chapter 7 -Climate Change: Mitigation and Adaptation**

## Section 7.2.1 Green Infrastructure – Surface Water Management

## Section 7.2.6 Green Infrastructure Strategy

## Chapter 8 Implementation and sequencing

8.2.1 Sequencing of Development in Regeneration Zoning states - proposals for redevelopment within the REGEN lands, will be assessed against the relevant criteria within the Urban Design Manual – A Best Practice Guide (2009), the Design Manual for Urban Roads and Streets (DMURS) (2013) and/or the Retail Design Manual (2012) as appropriate. **The Design Statement to accompany redevelopment proposals in REGEN zoned lands should be in accordance with Chapter 2 of this Plan and also specifically address the following criteria:**

1. Demonstrate a clear transition towards a more urban form of development and a traditional street network in accordance with Chapter 2 and 3;
2. Address connectivity and linkages in the area and demonstrate that the development of the site would not give rise to isolated piecemeal pockets of development with residential uses that are disconnected from public transport, public realm, retail, amenities and/or other residences;
3. Residential development should be very carefully designed at the lower levels in particular adjacent to existing busy roads, and/or roads that are subject to significant movements by Heavy Goods Vehicles (HGVs) without demonstrated or proposed improvements to upgrade the street network in accordance with the Plan;
4. Demonstrate that the potential for noise pollution, air pollution or other nuisance from established industrial uses will not exceed acceptable environmental standards. The Planning Authority may seek a report from a suitably qualified person to identify and quantify sources of noise pollution, air pollution, or nuisance, assess the potential impacts on the proposed development and provide a series of recommendations to mitigate the impacts of any pollutants insofar as possible (e.g. orientation and layout of dwellings, positioning of openings and insulation); and
5. As part of any planning application for redevelopment, the developer shall demonstrate a rationale for the site selection of the proposed development in relation to existing, permitted and proposed development. In general, integration with adjoining development and/or the urban form of the established Centre will be required to prevent piecemeal or premature development. Developers should sequence the delivery of Cookstown radially from the Town Centre, Luas stops and the perimeter.

**Objective IS1** requires that development is undertaken in an orderly and sustainable manner.

## Chapter 9 Tallaght Specific Development Standards

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

**Appendix 4:** Community and Social Infrastructure Audit.

### 6.3. National Planning Policy

#### Project Ireland 2040 - National Planning Framework

- 6.3.1. Project Ireland 2040 links planning and investment in Ireland through the National Planning Framework (NPF) and a ten-year National Development Plan (NDP). The

NPF encapsulates the Government's high-level strategic plan for shaping the future growth and development of Ireland to the year 2040. The NPF supports the requirement set out in the Government's strategy for 'Rebuilding Ireland: Action Plan for Housing and Homelessness (2016)', in order to ensure the provision of a social and affordable supply of housing in appropriate locations.

National policy objectives (NPOs) for people, homes and communities are set out under chapter 6 of the NPF. NPO 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Other NPOs of relevance to this application include NPOs 3(a) (40% of homes in existing settlement footprints), 3(b) (50% of new homes in the five largest cities, including Dublin), 4 (attractive, liveable and well-designed urban places), 13 (development standards), 27 (transport alternatives) and 35 (increased densities) all relating to densification and compact urban growth.

#### 6.3.2. Climate Action Plan, 2024.

Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

#### 6.3.3. National Biodiversity Action Plan (NBPA) 2023-2030

The 4th NBAP strives for a "whole of government, whole of society" approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to "act for nature".

This National Biodiversity Action Plan 2023-2030 builds upon the achievements of the previous Plan. It will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

- Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity
- Objective 2 - Meet Urgent Conservation and Restoration Needs
- Objective 3 - Secure Nature's Contribution to People
- Objective 4 - Enhance the Evidence Base for Action on Biodiversity
- Objective 5 - Strengthen Ireland's Contribution to International Biodiversity Initiatives

#### Ministerial Guidelines

6.3.4. In consideration of the nature and scale of the proposed development, the receiving environment and the site context, as well as the documentation on file, including the submissions from the Planning Authority and other parties addressed below, I am satisfied that the directly relevant Section 28 Ministerial Guidelines comprise:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) (hereinafter the 'Sustainable Settlements Guidelines');
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023) (hereinafter the 'New Apartment Guidelines');
- Design Manual for Urban Roads and Streets (DMURS) (2019);
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018) (hereinafter the 'Building Heights Guidelines');
- Water Services Guidelines for Planning Authorities – Draft (2018) and Circular FPS 01/2018 issued by the Department of Housing, Planning and Local Government on the 17<sup>th</sup> day of January 2018;
- Architectural Heritage Protection Guidelines for Planning Authorities (2011);
- The Planning System and Flood Risk Management - Guidelines for Planning Authorities, including the associated Technical Appendices (2009);
- Childcare Facilities – Guidelines for Planning Authorities (2001) (hereinafter the 'Childcare Guidelines').

6.3.5. Although not an exhaustive list, the following planning guidance and strategy documents are also considered relevant:

- Cycle Design Manual (2023);
- Transport Strategy for the Greater Dublin Area 2022-2042;
- Housing for All – A New Housing Plan for Ireland (2021);
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2018);
- Part V of the Planning and Development Act 2000 - Guidelines (2017);
- Road Safety Audits (TII, 2017);
- Rebuilding Ireland - Action Plan for Housing and Homelessness (2016);
- Traffic and Transport Assessment Guidelines (TII, 2014);
- Building Research Establishment (BRE) 209 Guide - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, (2<sup>nd</sup> Edition 2011, 3<sup>rd</sup> Edition 2022);
- AA of Plans and Projects in Ireland - Guidance for Planning Authorities (2009);
- Greater Dublin Regional Code of Practice for Drainage Works (Version 6.0).

#### 6.4. **Regional Planning Policy**

6.4.1. The 'Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy (RSES) 2019-2031' supports the implementation of Project Ireland 2040 and the economic and climate policies of the Government, by providing a long-term strategic planning and economic framework for the region. The following regional policy objective (RPO) of the RSES is considered relevant to this application:

RPO 3.2 – in promoting compact urban growth, a target of at least 50% of all new homes should be built within or contiguous to the existing built-up area of Dublin city and its suburbs, while a target of at least 30% is required for other urban areas.

6.4.2. According to the RSES, the site lies within the Dublin metropolitan area, where it is intended to deliver sustainable growth through the Metropolitan Area Strategic Plan (MASP) to ensure a steady supply of serviced development land. Key principles of the MASP include compact sustainable growth and accelerated housing delivery,

integrated transport and land use, and the alignment of growth with enabling infrastructure.

## **7.0 Applicants Statement of Consistency**

7.1.1. The applicant has submitted a Statement of Consistency as part of the Planning Report) as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 guidelines and the previous South Dublin County Development Plan 2016-2022 and the Tallaght Town Centre Local Area Plan 2020-2026 and other regional and national planning policies. This has been examined and noted.

7.1.2. As noted in 6.0 above, the Tallaght Town Centre Local Area Plan 2022-2026 is the applicable Plan for the development site. Where conflict arises with the LAP the County Plan 2022-2028 will take precedence.

## **7.2. Material Contravention Statement**

7.2.1. The applicant submitted a Material Contravention Statement. The statement provides a justification for the material contravention of the Tallaght Town Centre Local Area Plan 2020-2026 in relation to:

1. Building Heights
2. Plot Ratio
3. Unit Mix

And the South Dublin Development Plan 2016-2022 in relation:

4. Car Parking

\*(As regards the 2016 Development Plan, this Plan has been revoked and is no longer the operational Plan for the County. The relevant Plan is the South Dublin County Development Plan 2022-2028.)

Should the Board consider material contraventions to arise, within this statement the applicant sets out their rationale to justify granting permission, including national policy objectives, the Building Heights Guidelines and the Apartment Guidelines.

- 7.3. In conclusion, the applicant asserts that the Board should grant permission for this strategic housing development having regard to the provisions under subsections 37(2)(b)(i), (ii) and (iii) of the Planning and Development Act 2000, as amended (hereinafter 'the Act of 2000').

## 8.0 **Third Party Submissions**

- 8.1. Two third-party submissions were received from:

1. Noel Merrick, Merrick Properties Ltd.
2. Tallaght Community Council C/o Gerard Stockil.

The concerns raised are summarised below: -

### **Principle of Development**

- This is one of three recent SHDs in the Tallaght Area, the accumulation of SHDs in the Tallaght Town Centre area (380 hectares) is excessive.
- The result is too many small apartments, that are overly dense and lack the capacity to create a thriving community in Tallaght, are not served by adequate greenspace, do not provide any mix of housing, and in many cases are build-to-rent which skews a competitive market and makes housing more expensive as family sized units are rare, as well as this they are eroding the industrial base in Tallaght.
- While many positive things have been planned and executed in Tallaght, the excess of highly dense SHD all in a small place is going to overwhelm communities. The cumulative effect of many SHDs in one area is damaging to the overall sustainability of the area..
- There is no Luas stop within 500 m. The Luas Stop at Belgard is 1.45 km and the Luas Stop in the Town Centre is 1.0 km as the crow flies. Contrary to Apartment Guidelines and another reason development is not viable
- It is incorrect to suggest that a development that has just 7% three-bedroom housing is in any way contributing to placemaking.

## **Access /Traffic & Transportation**

- Merrick Properties Ltd. owns all the road network at Greenhills Retail Park. There is a right of way access at the rear of Greenhills Retail Park to the proposed development site.
- The existing access road is approximately 75m long. It is narrow with 2 sharp bends, with a width of 5 metres at its narrowest point. There are 5 visitor and disabled car parking spaces directly off the access road and adjacent to the entrance to the Pieta House and Enable Ireland offices. There is a narrow path for approximately 50 metres from Hibernian Industrial Estate Road with no path continuation, or indeed kerb, for the remainder. Therefore, currently pedestrians must walk on the side of this access road to gain entry to the existing offices.
- Any additional vehicular traffic would mean these pedestrians would be at greater risk.
- The development traffic would contain large delivery vehicles and the increase in pedestrian use resulting from the development would also increase the risk further.
- Limited sightline availability exiting the existing underground car park and the resulting increase in traffic movements would be a major road safety issue.
- The cumulative impact of the traffic resulting from the development has not been considered in conjunction with the existing traffic currently using the access road at Greenhills Retail Park. The report fails to consider the cumulative traffic on the access road.
- A direct vehicular access to the proposed development site on to the Greenhills Road, would solve this health and safety issue.
- There are no plans or consent given by Merrick Properties Ltd to alter the existing right of way access road.

## **Daylight/Sunlight Shadowing**

- Greenhills Retail Park and office building is 3 storeys high and situated directly north of the proposed development would be overshadowed during office hours and result

in the cutting off of daylight and sunlight from the Pieta House offices on the 1<sup>st</sup> floor and Enable Ireland offices on the 2<sup>nd</sup> floor of Greenhills Retail Park.

- Request a maximum height of 3 storeys on the proposed development. Alternatively have a stepped level height on the proposed development, grading down to 3 storeys at the northern end of the development.

### **ESB Sub-station**

The ESB substation to be demolished serves the electricity supply to Greenhills Retail Park.

### **Height**

- Noted that the Elected Members were against the proposed height.
- There is no established height in the area that is as high as that proposed.
- The impact on the urban silhouette will be overbearing.
- This private right of way road is on Merrick Properties land and has been used almost exclusively over the past 15 years by the occupiers of Merrick Properties units. It is the only access road to the offices on the 1st and 2nd floors and to the underground car park at Greenhills Retail Park
- The development is not consistent with section 2.6 *Intensity of Development* and section 2.6.2 *Height and Built Form* of the LAP.
- Impact of height and adequate firefighting.

### **Unit Mix /Density**

- There is a clear indication in the LAP of the need for 3-bedroom family units.
- An Bord Pleanála is aware that many developers use Specific Planning Policy Requirement 1 the Apartment Guidelines to justify breaching any sensible unit mix. An Bord Pleanála should be aware of the cumulative effect of numerous SHD in a small area and interpret the Apartment Guidelines in 2020 in such a manner as to prevent more bad planning in Tallaght.

- The development will not cater for families with two children never mind families who want a space requirement of a separate bedroom for two teenagers.
- A density comparison reference is made to the Borough of London. It is set out that development in Tallaght will exceed same. Any SHD permissions should be put on hold pending a clear answer to our question on density and the comparative figure with the Borough of London. Tallaght is not London, and the density should not exceed those of London within the next 20 years.
- The development does not adhere to the NFP or the LAP.

## 9.0 Planning Authority Submission

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

The views of the elected members presented at the Tallaght Area Committee meeting on the 27<sup>th</sup> of June 2022 are summarised as follows: Not supportive of SHD process, traffic concerns, visual impact – height is out of character, lack of car parking, public open space very small, not safe for pedestrians, childcare facility too small, scheme is too low in 3 bed provision, Tallaght is not ready for all the apartments proposed. Reports from the Roads Department, Environmental Services, Public Realm and Housing Department have also been provided.

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

### South Dublin County Development Plan 2022-2028

- It is noted that there are no significant differences between the 2016 CDP and the 2022 CDP in relation to the subject site. The site is still subject to the Tallaght LAP.

### Principle of Development

#### *Zoning and Policy*

- The site is subject to Zoning Objective 'REGEN': 'To facilitate enterprise and/or residential-led regeneration' and would continue to be zoned 'REGEN' with the following amended zoning objective (CDP 2022-2028) - 'To facilitate enterprise and/or residential-led regeneration subject to a development framework or plan for the area incorporating phasing and infrastructure delivery'.
- There are policies and objectives in the 2022-2028 CDP referring to Tallaght and the Tallaght LAP including in the Core Strategy in relation to Consolidation Areas within Dublin City and Suburbs Settlement and Regeneration Areas. The subject site is part of one of the two large scale regeneration areas referenced in the CDP. Ensuring that the development of such areas is planned and co-ordinated in a manner (EDE4 Objective 11).
- It is noted that 'Childcare Facilities' and 'Residential' are Permitted in Principle under this zoning and referencing the 4 no. proposed commercial units while it is not clear what they would comprise, it is set out that office space is Permitted in Principle.

#### *Local Area Plan and Neighbourhood Function*

- The site is located within 'Greenhills' neighbourhood area under the Tallaght LAP. There is no mention of residential development in this description for the Greenhills neighbourhood area.
- The land use mix/urban function is described as predominantly business, enterprise and employment.
- The site is zoned 'REGEN' and so residential development is 'Permitted in Principle'. Residential development at the site is acceptable in principle, subject to provision also of mixed-use frontage

#### *Infrastructure*

- The LAP does not provide site-specific infrastructure requirements for the Greenhills neighbourhood.

#### *Sequencing of Development*

- Chapter 8 of the LAP does not support ‘leapfrogging’ of sites for new development.
- Given the recent permission at the adjoining site to the west, the provision of some services nearby, and the proximity to a local park and Tallaght village, it is considered that development of the subject site would not constitute ‘leapfrogging’, and development is acceptable in principle with regard to the sequencing policy.

#### Material Contraventions

- It is the opinion of the Planning Authority that the proposed development represents a material contravention of the Local Area Plan with regard to: • Building height • Plot ratio (this being the key measures of density in the plan), • Unit mix.
- The Planning Authority does not consider that any of the criteria under section 37(2)(b) of the Planning and Development Act 2000, as amended, apply in this instance.
- The provision of car parking is not considered to be a material contravention of the Plan, though the Planning Authority does find the proposed low provision to be unacceptable.
- The Planning Authority cannot support the development in its current form on this basis and permission is recommended to be refused.

#### Intensity of Development

- Section 2.8 ‘Development Capacity’ of the Local Area Plan provides for a long term indicative development potential of 11,100 units (high), and a non-residential capacity of 1.02m sqm (high) across the Local Area Plan lands.
- The proposed density is 246 d/ha. This is still well exceeding the figure of 100 d/ha given in the 2020 Apartment Guidelines for ‘central and/or accessible urban areas’. It is not clear from the site’s position on the edge of Tallaght, proximate to bus transport, that such a density is justified.

#### *Building Height*

- The LAP provides for 4 to 6 storeys to Greenhills Road. The site introduces blocks to the east and rear of the site (7 and 8 storeys) which are not shown on the urban

design framework of the LAP. These can be accommodated as 'other frontages' with heights of 3 to 4 storeys as stated in the LAP. The proposed development would therefore exceed the LAP Heights Strategy by 2 storeys *along Greenhills Road and 3 to 4 storeys for the remainder of the development.*

#### *Plot Ratio*

- The plot ratio limits for the Greenhills area are 0.5 (min) – 1.0 (max). The proposal, at 2.4, is 140% above the allowable standards. The proposal represents overdevelopment of the site

#### *Justification for Additional Density*

- Section 2.6 of the LAP will allow for a plot ratio 1.2 and building heights of 10 storeys in a tower feature fronting onto Greenhills Road.
- The subject site is not identified as a landmark site suitable for higher development under the LAP
- Criteria for taller buildings is set out in Section 2.6.2. it is considered additional height could be appropriate on the site, specifically along Greenhills Road and in the form of a taller corner element having regard to public transport accessibility.
- Where additional height can be accommodated, it is to be subject to exceptional design which creates a feature of architectural interest, a significant contribution to the public realm, and mixed uses at ground floor level. (section 2.6).
- The PA consider the design and form of Block A is not appropriate in order to be considered a feature of architectural interest. The overall building is bulky and means that this tower element is not slender. In terms of public realm contribution, the design is not considered to make a significant contribution in its current form.
- The commercial units at ground floor facing Greenhills Road are welcomed.

#### *Criteria for Additional Plot Ratio*

- Flexibility of up to 20% in the plot not applicable as the development would not represent a significant public gain (section 2.6.1 of the LAP).

### Conclusion: Intensity of Development

- The proposed development materially contravenes the LAP in relation to building height and plot ratio and should be refused on this basis.
- Should the Board choose to grant permission a condition should be attached to modify the development so that it better aligns with the LAP. 1 to 2 storeys should be omitted from the building frontage onto Greenhills Road, apart from the corner feature. The remainder of the building should be reduced to 3 to 4 storeys.

### Development Mix

*Unit Mix* - The proposed development does not comply with Objective RE2 of the Tallaght Town Centre Local Area Plan 2020 – 2026, which requires 30% provision of 3-bed units in all developments. It is the opinion of the Planning Authority that this is a material contravention of the LAP, and the proposed development should be refused on this basis.

*Tenure Mix* -The LAP supports a mix of tenures.

### *Mix of Uses*

- It is considered a mix of uses can and should be accommodated on the site as per the land use mix/urban function for Greenhills Road.
- The Planning Authority has concerns with the design, layout and servicing arrangements for the proposed commercial units. It is set out that unit 4 and associated car parking fronting should be omitted and replaced with own door residential
- Childcare facility welcomed.

### Visual Impact, Design and Layout

- The buildings appear bulky and do not provide enough of a variance in height. This is the result of a high plot ratio. the blocks should be reduced in height except where there is the corner feature on Block A.
- Materials and finishes should be agreed with the Planning Authority by way of condition in the event of a grant of permission.

### Separation Distance from Site to North

- There are some north-facing dual aspect units about which the Planning Authority would have some concerns due to separation distance with the building to the north (15.1m). The Planning Authority have concerns in relation to the privacy of these units, given that there are two rows of windows on the neighbouring offices that face the site. The development should either be located further away from the block to the north, or the treatment of this northern façade should be that of a secondary side elevation, with little fenestration.

### Parking/Permeability

- A number of connections have been provided to the footpath and streetscape along Greenhills Road to the west. The perimeter street to the rear of the development provides a rather inactive frontage. However, this space is noted as being for the purposes of accessing the undercroft car park, parking, loading or servicing the site.

### Communal Amenity Space

- The general layout of the communal amenity space is acceptable.

### Residential Amenity

- *Unit and Room Sizes* -The PA note compliance with standards. However, on some of the floor plans (e.g. sixth floor plan) some of the balcony doors do not appear to align with and lead out onto the balconies. This should be corrected via condition.
- *Single and Dual Aspect* -46.7% (92 no. of 197 no.) dual aspect units is under the requirement of SPPR 4 of the 2020 Apartment Guidelines that requires in suburban or intermediate locations, it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme. The application should be refused on this basis.
- *Amenities and Facilities* - consisting of 2 no. resident lounges, a gym and external communal amenity space acceptable.

### Public Realm

- The applicant states that 1,667sq.m of public open space would be provided along the Greenhills Road frontage. It is noted that the Public Realm section raises concerns in relation to the design of the space and it is unclear if the landscape proposals meet the relevant open space requirements as required under the current CDP. The public realm report references the option of contribution in lieu of public open space, the Planning Authority do not consider that option appropriate.

Trees and Ecology -Submitted report noted and mitigation measure should be conditioned.

Access, Transport and Parking -car parking ratio of 0.4 too low. A ratio of 0.65 should be sought at this location. Bringing down the density of the scheme to meet LAP standards would improve this ratio. Contents of Roads Department report noted.

Surface Water -Report note the contents of the Environmental Services report.

Water and foul drainage (Irish Water) – report refers to contents of Uisce Eireann's report.

Aviation Safety - An Aeronautical Assessment Report has been submitted. This finds that the proposed development complies with all aviation and aeronautical requirements affecting the site.

### Conclusion

While this mixed use land use is acceptable in principle and the Planning Authority welcomes the development of the site, significant concerns remain in relation to building height, density, plot ratio, visual impact, viability of commercial units, unit mix, quality of public realm, standard of accommodation (dual aspect and privacy) and roads items.

### **Recommendation**

The proposed development would materially contravene objectives of the Tallaght Town Centre Local Area Plan, 2020-2026 in relation to the following:

- Building Height
- Plot Ratio (this being a key measure of density in the plan)

- Unit Mix

The proposed dual aspects ratio does not comply with the 2020 Apartment Guidelines. In suburban or intermediate locations, it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme.

- 9.2.1. In the event that permission is granted for the proposed strategic housing development, the Planning Authority set out 39 conditions that they consider necessary to attach, the following of which are of note:

**Condition 2** – revised design including omission of 1 to 2 storeys and revision to the public realm and design.

**Condition 7** – relates to Road Dept. requirements.

**Condition 11**– relates to Part V.

**Condition's 13** – relate to revised landscape design which meets the requirements of the Public Realm Section in terms of meaningful public open space provision as required under the CDP 2016- 2022 and effectively contributes to the accessibility and permeability. drainage requirements.

**Condition 16** – relates to biodiversity enhancement.

**Condition 26**– relates to Uisce Eireann (formerly Irish Water).

**Condition 38** – Section 48 Financial Contribution.

**Condition 39**– Proposals to connect to the Heat Net project in the Tallaght Area to supply a heat and energy source to the proposed development.

### 9.3. Internal Departmental Reports

Roads Department – revised details required including details as regards vehicular and pedestrian safety, parking management and EV charging points etc.

Public Realm –Main concerns – Play provision, tree pits and SUDs, active frontage and passive surveillance, universal accessibility and detailed planting. Conditions recommended.

Water Services Department – There is no drawing submitted showing a cross sectional view with distance shown between foundation of proposed building and existing 1050mm surface water sewer. Without seeing such a drawing, water services cannot recommend the proposed development because it is not clear if same complies with the Greater Dublin Strategic Development Study (GDSDS) -Volume 2. No flood risk noted.

Housing - Part V submission noted.

## 10.0 Prescribed Bodies

**Uisce Eireann** – Reflects submission received with application and includes:

- In relation to water supply this is feasible subject to the provision of c.100m of network extension to the existing 9” AC mains, as detailed in the Confirmation of Feasibility, issued by Irish Water dated 18th October 2021.
- In relation to wastewater drainage this is feasible subject to the following: Irish Water can facilitate the connection subject to the development adhering to strict flow management. This is to ensure no further detriment in the downstream network resulting from the new connections to the existing sewer. The flow control and storage measures will be installed, owned, operated and managed by the developer locally on the subject site. In addition, the applicant is required to incorporate bypass pipes to facilitate the future connection, when IW have completed works to increase the capacity in the local network. These temporary measures are required until Irish Water have increased capacity in the downstream network. The network upgrade works to increase the capacity are included in IW’s Dodder Valley Drainage Area Plan. This project is at an advanced stage with modelling works now complete. The project is scheduled for Stage 4 Completion (Strategy, Optioneering & Future Solutions Design) in Q3 2024.

**National Transport Authority** - The subject site is located on part of Corridor 9, Greenhills to City Centre, of the NTA’s Core Bus Corridor (CBC) Project, as provided for in the Transport Strategy for the Greater Dublin Area. The NTA note that Drawing 20467-2-104, ‘Landscape Masterplan Ground level Showing Bus Connects’, reflects

the preferred route option for the corridor which was subject of a third round of public consultation in November 2020.

Requests conditions to ensure that the drainage diversions do not clash with the resurfacing works required as part of CBC, no manhole covers in wheel track zones and continue to liaise with NTA on the design and access in order to support the implementation of the CBC.

**Inland Fisheries Ireland**– report states that the site is located within the Poddle river system, the River Poddle flows approx. 80m to the south. The River Poddle is assessed as ‘poor status’ under the Water Framework Directive. The report sets out that the developer must address:

- Precautions to ensure no runoff of deleterious material that could impact water quality.
- Ensure adequate service infrastructure capacity.
- Measures in relation to service maintenance contract, CEMP and storage of excavated soil.

All works to be carried out in line with regulations, best practice and guidance.

## **11.0 Assessment**

11.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on the National Planning Framework, the Regional Economic and Spatial Strategy and all relevant Section 28 guidelines and policy context of the statutory development plan and has full regard to the chief executive’s report, 3<sup>rd</sup> party observations and submission by prescribed bodies. The assessment considers and addresses the following issues: -

- Zoning/Principle of Development
- Unit Mix and Housing Tenure
- Building Height, Plot Ratio & Visual Impact
- Design Strategy

- Residential Standards
- Traffic and Transport
- Drainage
- Planning Authority Recommendation
- Material Contravention Statement

## 11.2. **Zoning/Principle of Development**

- 11.2.1. The proposed development comprises the demolition of an existing substation and the construction of 197 no. apartments, childcare facility, 4 no. commercial units and associated site works.
- 11.2.2. The Board will note that subsequent to the submission of this application the South Dublin County Development Plan 2022-2028 came into effect. The CE report sets out that there are no significant differences between the South Dublin County Development Plan 2016-2022 and the South Dublin Development County Plan 2022-2028 in relation to the subject site. The site is still subject to the Tallaght Local Area Plan 2020-2026. Therefore, the Tallaght Local Area Plan 2020-2026 is the relevant statutory plan for this site. However, where there is conflict the County Development Plan 2022-2028 will take precedence.
- 11.2.3. The site is subject to Zoning Objective 'REGEN': 'To facilitate enterprise and/or residential-led regeneration' in the Tallaght LAP (Fig. 1.2) and would continue to be zoned 'REGEN' with the following amended zoning objective - 'To facilitate enterprise and/or residential-led regeneration subject to a development framework or plan for the area incorporating phasing and infrastructure delivery' under the South Dublin County Development Plan 2022-2028.
- 11.2.4. Of relevance, the site is also part of one of the two large scale regeneration areas referenced in the Development Plan 2022-2028 namely the Cookstown and Broomhill Industrial estates in Tallaght. Policy CS7 Objective 2 seeks to promote and support the regeneration of underutilised industrial areas designated with the regeneration Zoning Objective 'REGEN'.

- 11.2.5. The site is located within 'Greenhills' neighbourhood area under the Tallaght LAP. Section 2.5 Neighbourhoods of the LAP describes Greenhills as an 'attractive consolidated, diversified and intensified place for business and employment that is better connected to surrounding areas including Greenhills Road and Bancroft Park'.
- 11.2.6. While the CE report sets out that there is no mention of residential development in this description for the Greenhills neighbourhood and the land use mix/urban function is described as predominantly business, enterprise and employment, section 2.4.2 'Mixed-use Frontages' of the LAP sets out that 'Some residential elements will be considered in Broomhills and Greenhills along mixed-use frontages identified in the urban framework, subject to integrating effectively with existing uses.' While the Tallaght LAP does not include a zoning matrix, the Development Plan 2022-2028 in Section 12.2.1 Land-Use Zoning Tables sets out Residential, Commercial/office uses (as identified) and Childcare are permitted in principle on lands zoned REGEN (Table 12.4 of the CDP2022-2028). The provision of residential and childcare uses are therefore acceptable in principle at this location.
- 11.2.7. Regarding the proposed commercial units at ground floor level. While, I note the applicant has not identified the nature of the future occupants of the proposed commercial units, I am satisfied, in the event that the Board is minded to grant planning permission this can be addressed by way of condition requiring compliance with table 12.4. Therefore, I am satisfied that the provision of commercial uses are in accordance with the land use zoning for the site.
- 11.2.8. As regards compliance with Section 8.2.1 *Sequencing of Development in Regeneration Zoning* of the LAP, I agree with the CE report that given the permission at the adjoining site to the west which is currently under construction (ABP Ref. ABP-306705-20), the provision of services nearby, and the proximity to a local park to the south of the site and Tallaght village, it is considered that development of the subject site would not constitute 'leapfrogging', and development is acceptable in principle with regard to the sequencing policy.
- 11.2.9. The applicant submits that the scheme is compliant with the zoning objectives for the land, in that it provides mixed used frontage with Greenhills Road as per the Urban

Structure Map (Fig. 3.16). It is also considered that residential/commercial uses at this location will provide activation and passive surveillance on Greenhills Road and Bancroft Park, thereby improving the safety of pedestrians moving through the area. I would agree.

- 11.2.10. Furthermore, I note the underused nature of the site. In this regard and noting also that the development lands are considered Tier 1 zoned and serviced lands, I consider the development in accordance with policy CS4: *Active Land Management* of the Development Plan, CS4 Objective 2 seeks to *promote the delivery of residential development through active land management measures and a co-ordinated planned approach to developing appropriately zoned lands at key locations, including regeneration areas, vacant sites and under-utilised areas* and is therefore acceptable.

#### *Demolition Works*

- 11.2.11. The development provides for the demolition of an existing ESB substation and removal of an existing advertisement structure on site. I note some concerns were raised by the observers as regard the loss of the substation stating that it serves the area. The CE report raised no concerns as regards the demolition of the ESB substation and/or that the demolition of same would result in any impacts on third parties. Of note the development will include an ESB substation. I am satisfied that this is acceptable. Similarly no concerns were raised as regards the removal of the advertisements structure.
- 11.2.12. From a climate action/energy perspective, I note Development Plan provisions (including Section 3.6.3 and QDP11 Objective 3 *to promote the reuse and recycling of materials to promote the circular economy and reduce construction and demolition waste*) and acknowledge the ‘embodied carbon’ implications associated with the demolition and reconstruction of a new development. However, given the small scale of demolition proposed I have no concerns in this regard.

#### Conclusion

- 11.2.13. Overall, it is my opinion that the proposed development is in accordance with the REGEN zoning objectives of the Tallaght Local Area Plan 2020-2026 and the expanded REGEN zoning text as set out in the Development Plan, in addition to Policy

CS4: Active Land Management of the Development Plan. It is noted that the planning authority raised no objection to the principle of the development.

Regarding concerns raised that the area does not have the capacity to accommodate increased residential development, I am satisfied that the site is well serviced by services and amenities. Tallaght Village is about 650m to the south, the Tallaght University Hospital is about 2km to the west, Technical University Dublin is about 650m to the west and the Tallaght Square Shopping Centre about 2.5km to the south-west. Public services such as South Dublin County Council, Library, Civic Theatre and other public spaces are located approximately 2km to the south. Kilnamanagh Tymon Primary Care Centre is located opposite the site. Regional Parks namely Sean Walsh Memorial Park is about 1.25km to the south-west, Tymon Park is 1.25km to the north and east. The Bancroft Park is a local park serving the site and environs and is a stroll away. The existing regional park at Sean Walsh Park and Bancroft Park have attractive landscaping and facilities to provide for a wide range of active and passive recreational activities, including sporting infrastructure such as an athletics field (Bancroft Park) and Tallaght Stadium (Sean Walsh Park). There is a children's playground at Sean Walsh Park and Bancroft Park. Further to the provision of residential accommodation, the scheme also provides for the construction of a creche facility with associated external amenity space, and 4 no. commercial units which will enhance the commercial service provision already immediate to the site.

### **11.3. Unit Mix and Housing Tenure**

#### *Housing Tenure*

- 11.3.1. Section 5.2.2 *Housing Options* of the LAP notes the importance of providing an appropriate housing tenure mix in the area. The LAP establishes that the type of accommodation to be provided should be appropriate to the needs of the people. The tenure mix for all development should support delivery of an integrated and mixed community. At pre-application consultation stage the application included a Build to Rent (BTR) element, however, the BTR element has been removed and the current application is for Build to Sell (BTS). In addition, the applicants propose to fulfil their Part V obligations for the proposed development by building and transferring 20 no.

apartments to the ownership of the Planning Authority, or to the ownership of persons nominated by the authority.

11.3.2. Chapter 6 *Housing* of the South Dublin County Development Plan 2022-2028 establishes that it is important that the County has housing that is affordable and attractive to all who want to live in South Dublin which provides for a variety of housing typologies and tenures which are adaptable, flexible, and meet family needs and the changing needs of people throughout their lives. In the interest of providing an appropriate housing tenure mix, it is policy of the Council that all residential development proposals shall state the proposed tenure mix and provide justification for the proposed mix having regard to the socio economic and demographic context of the area. The LAP seeks the provision of at least 30% owner occupied units across the LAP area.

11.3.3. The CE report raised no concerns as regards the proposed tenure. I am satisfied that the proposed tenure is acceptable and consistent with the LAP to support owner/occupied units and reflects consistency with section 8.3.2 *Housing Tenure* of Appendix 11: South Dublin Housing Strategy and Interim HNDA 2022 – 2028 of the Development Plan 2022-2028.

#### *Unit Mix*

11.3.4. The proposed development provides for 197 no. apartments with the following mix of unit types:

79 no. one-bedroom (40.1%)

105 no. two-bedroom (53.3%)

13 no. three-bedroom (6.6%)

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

11.3.6. The observers and Elected Members raised concerns as regards the unit mix and the

CE report recommend refusal on the basis of the shortfall. The proposed 13 no. 3-bedroom units at 6.6% is significantly short of the 30% set out in the LAP. The applicant has addressed the proposed unit mix in the submitted material contravention and notes that the unit mix is in accordance with the provisions of the Apartment Guidelines (2020) which contains a Specific Planning Policy Requirement in relation to dwelling mix requirements (SPPR 1), which supersedes Objective RE 2 of the Tallaght Town Centre Local Area Plan 2020-2026.

- 11.3.7. SPPR 1 states that housing developments may include up to 50% 1-bed or studio type units (with no more than 20 – 25% of the total proposed development as studio's) and there shall be no minimum requirement for apartments with three or more bedrooms. While it is acknowledged that the proposed unit mix is in accordance with the provisions of SPPR1. It is noted that SPPR1 also states that 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). SPPR1 remains the same in the 2023 Apartment Guidelines.
- 11.3.8. Appendix 11 of the Development Plan 2022-2028 sets out the HNDA for the County. The main informative piece for new development arising from the Housing Strategy and Interim HNDA is for a 30% benchmark on housing tenure type and a minimum of 30% 3-bed unit mix for the Development Plan period. This range is a benchmark as the Housing Strategy and Interim HNDA demonstrates that each part of the County has different needs and that deviation from the benchmark must be justified (H1 Objective 12 Chapter 6 Housing and Section 6.7 and Section 8.3 of Appendix 11 of the South Dublin County Development Plan 2022-2028).
- 11.3.9. Section 8.3.1 *Housing Mix* of Appendix 11 sets out that based on the analysis set out in section 6.8 and the supporting data, development comprising residential use will be required to provide a minimum of 30% 3-bedroom units in recognition that each area has specific socio-economic differences and thus different housing demands, development proposals may justify any deviation from the minimum 3-bedroom mix,

based on the socio economic and demographic context within a 10-minute walking distance from the site. The applicant has provided no justification for the unit mix proposed and the lack of 3-bedroom units.

11.3.10. In addition, section 6.7 *Future Household Composition* of Appendix 11 sets out that analysis shows that one- and two-persons households increase their percentage share from 44% to 45% by 2028. In combination with the 3-person household, these three groups make up 65% of the household size formation, the largest cohort by the end of the plan period. Therefore, the provision of 3-bedroom units is justified in Appendix 11: South Dublin Housing Strategy and Interim HNDA 2022 – 2028.

#### Conclusion

11.3.11. It is an objective of the Council to ensure that all new residential development in Tallaght 'enables the delivery of a mixed and balanced community that is of a high quality design and complies with Government guidance on the design of sustainable residential development and residential streets including those prepared by the Minister under Section 28 of the Planning & Development Act 2000' (Objective RE 1). Section 5.2.1 Housing Mix of the LAP clearly sets out the objective of the Council to ensure an appropriate housing mix a minimum of 30% of units within any new residential development shall have a minimum of 3 bedrooms (Objective RE 2). The LAP notes that this provision will be reviewed pending the completion of a Housing Need and Demand Assessment for the Dublin area. The HNDA formed part of the Development Plan 2020-2028. Based on the findings of Housing Strategy and HNDA, I agree with the concerns of the Planning Authority that there is a demand for larger units within the county. As noted the applicant has not submitted any justification for the unit mix or a demand assessment for the proposed unit mix and relies solely on SPPR1. It is my opinion the applicant has not given due consideration to the HNDA. A target of a minimum of 30% of 3+bed apartment units is justified by the HNDA and reflected in Objective RE 2 of the LAP and H1 Objective 12 of the County Development Plan 2022-2028, it is my view that due to the design and layout of the scheme, it may not be possible to provide this 30% target without significant alterations to the design and layout and the overall quantum of units to be provided. I am not satisfied that this

matter can be addressed by way of condition. I consider the application should be refused having regard to the HNDA and the provision of Objective RE 2 of the Tallaght LAP 2020-2026 and H1 Objective 12 of the south Dublin County Development Plan 2022-2028.

#### **11.4. Building Height, Plot Ratio & Visual Impact**

##### *Overview*

- 11.4.1. The Board will note that the CE report recommends refusal on the grounds of height and plot ratio/density. The applicant has addressed the issues of building height and plot ratio in the material contravention statement submitted. It is the applicant's contention that the scheme has been designed with a massing that has considered the existing built context and also the developments urban location within the Tallaght LAP lands. The building has been laid out with consideration given to the proposed block within the LAP creating a new strong urban edge along Greenhills road, while also allowing a suitable set back to provide space for the introduction of best practice enhancements to the public realm.
- 11.4.2. The Observer's and Elected Members consider the proposed density excessive, in addition to significant concerns as regards the proposed building height.
- 11.4.3. As regards site context, I note the general area to the west of Greenhills Road where the site is located is characterised by 2/3 storey commercial/industrial units and to the immediate south of the site is Tallaght Astro park. Therefore, the development to the immediate north, west and south of the site are relatively low rise and while I acknowledge the area is evolving and works are on-going on SHD 306705-20 for 502 units over 6 blocks ranging in height from 4 to 8 storeys, this development is located on the opposite side of Greenhills Road and in the Broomhill Neighbourhood which provides for building heights 6- 7 storeys residential (+ 1 recessed) and unlike the proposed design this development provides a pronounced approach to building height with a predominately 6 storey streetscape addressing Greenhills Road.

##### *Density /Plot Ratio & Building Height*

- 11.4.4. The issue Density /Plot Ratio & Building Height are interrelated. The development

provides for a residential density of 246 units per ha based on the substantive development area of 0.7ha, and a proposal for 197 units on site. Building heights of 7 to 8 storeys are proposed, with a walled roof garden at roof top (the 9th) level. Height's transition from a low of 7 storeys in Block D (to the rear and facing east) to 8 storeys in Blocks B and C (north-west and north-east of the site). Block A (west-facing to the front of the site) would be 8 storeys, with a walled roof garden on the top of the corner of this block (9th level) located at the southwestern concern of the development.

- 11.4.5. The LAP provides general standards for height and plot ratio, and also provides criteria for building beyond those standards. Density is formally managed with reference to height and plot ratio. This approach places increased emphasis on meeting the plot ratio and height parameters in the LAP. Chapter 3 – Neighbourhoods established the development parameters for the LAP Neighbourhoods, the subject site is located within the Greenhills Neighbourhood for which Section 3.6 identifies the parameters.
- 11.4.6. The plot ratio limits for the Greenhills area are 0.5 (min) – 1.0 (max) (section 3.6 Greenhills of the LAP). The proposal, at 2.4, is 140% above these standards. This suggests that the proposal represents overdevelopment of the site. The PA in the CE report state 'considering that every site in the area is a potential regeneration site, the precedent set by permitting additional density in the form of plot ratio, could have serious consequences for the quality of the public realm, streetscapes, and amenity spaces on this and other sites in the area.' I would agree.
- 11.4.7. The LAP provides for 4 to 6 storeys to Greenhills Road only. The proposed development also introduces blocks to the east and rear of the site (7 and 8 storeys) which are not identified on the Greenhills Neighbourhood urban design framework of the LAP. However, the PA in the CE report set out that these can be accommodated as 'other frontages' with heights of 3 to 4 storeys as stated in the LAP section 2.6.2 *Height and Built Form*. Therefore, the proposed development would exceed the LAP Heights Strategy by 2 storeys along Greenhills Road and 3 to 4 storeys for the remainder of the development.
- 11.4.8. Section 2.6 of the LAP sets out 'to reflect the importance of placemaking at key public transport stops and key public spaces, flexibility in relation to the plot ratio range

(+20%) 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'. This provision would allow for a plot ratio 1.2 and building heights of 10 storeys in a tower feature fronting onto Greenhills Road subject to criteria set out in Section 2.6.2 of the LAP.

11.4.9. Section 2.6.2 sets out that this provision may apply where the site is directly adjacent (100 m walking distance) to the following:

- High capacity public transport stops;
- The proposed 'New Urban Square' north of Belgard Square North;
- The proposed 'New Urban Square' within the Cookstown neighbourhood; and
- The proposed Transport Interchange and adjacent proposed 'Urban Space' in the Centre neighbourhood.

11.4.10. In this case the permitted Tallaght/Clondalkin to City Centre BusConnect Core Bus Corridor fronts the subject site. It is further noted that a bus stop would be moved to directly in front of the site and two 'spine' routes would serve this stop (D2 and D4), D2 having a peak frequency of 15 minutes, and D4 having a peak frequency of 30 minutes. Therefore there is policy support for increased height at this location, in particular, along Greenhills Road subject to design considerations

11.4.11. The LAP establishes that for additional height and plot ratio flexibility (20%) to be accommodated a strong design rationale must be demonstrated which creates a feature of architectural interest, a significant contribution to the public realm, and mixed uses at ground floor level (section 2.6). Section 2.6.2 sets out that any development above 8 storeys 'must be designed as corner features or similar limited elements of urban blocks to define streetscape, respond to public spaces or close urban vistas'. Where taller landmark buildings are proposed they should achieve the highest standards of design including high quality and robust materials, should contribute to an emerging skyline for Tallaght and should be slender buildings that successfully

manage their environmental impacts on surrounding lands.'

11.4.12. The tallest element of the development is located at the corner of Block A, which the PA considers to be the correct location for the tallest building height on the site. However, the PA is not satisfied that the design and form of this element is appropriate in order to be considered a feature of architectural interest. The overall building is bulky and means that this tower element is not slender. Section 2.6.2 of the LAP sets out that building design as opposed to building height is the key determinant in producing an acceptable Landmark Building and Landmark Buildings should be designed in a manner that is distinctive from surrounding buildings both in terms of architectural treatment and use of materials. I agree with the PA that the overall mass of the building is bulky and this is compounded by the overall length of the exposed building elevation along Greenhills Road at c. 80m respectively and the consistent building height and flush nature of this façade which the offset in the building line does little to alleviate nor does the design of the 9 storey element which in itself does not reflect a slender 'landmark' design as required under section 2.6.2 nor a distinctive architectural design with the exception of the walled roof terrace. Therefore, I do not consider the development meets the criteria as set out in section 2.6. The proposed plot ratio is well in excess of the 20% flexibility of 2.1 at 2.4 and the proposed building height including the blocks to the east and rear exceed the LAP height strategy and flexibility criteria as set out in section 2.6.

11.4.13. Furthermore, I do not agree that the southwestern corner is the most appropriate location for the tallest section of the building. The development would be better served, in my opinion, by locating the tallest element to the northwest of the site in proximity to the junction, reflecting consistency with the taller elements of SHD 306705-20 located opposite the site, consolidating the taller elements helping to define the emerging character and placemaking standards for the area and would create a 'vista' on approach from Airton Road as per section 2.6.2. Furthermore, I consider locating the tallest elements in the southern section of the site inappropriate as regards transition in scale noting that the adjoining development to the south is a low rise sports

complex and sports pitches. In my opinion, a tiered design approach to height is required including reducing building height along the southern and eastern site boundaries, I consider this will also serve to reduce the mass of the building which is compounded by the consistent heights proposed. I do not consider these matters can be addressed by way of condition.

*Building Height and Visual Impact*

11.4.14. The appellant has prepared a variety of drawings, studies and photomontage images to illustrate the development and its surroundings. As set out above the development will present a new form and height of development for this area and the proposal would change the outlook, from neighbouring properties and areas.

11.4.15. The appellant contends that the building height proposed is justified on the basis of the location of the site, access to public transport with high capacity and good links to other modes of transport, services, amenities and employment locations and the principle of compact growth on zoned serviced lands. It is argued that the building height strategy has been designed to mitigate significant adverse impact and the development will represent a landmark development.

11.4.16. A landscape and Visual Impact Assessment this application. The report sets out that the site itself is clearly visible from Greenhills Road and Airtoun Road due to the road frontage. The surroundings industrial estates have industrial warehouse type development and given the scale of existing industrial structures, there are limited views available towards the proposed site from these streets. It is noted that the park and the residential areas presents some specific visual sensitivities. The LVIA considers the verified views from 16 points in the surrounding area. Additional CGIs were submitted as part of the planning application. A summary of visual effects is set out below:

| VPNo | Location                                                                                   | Sensitivity | Degree of Change | Importance and Quality |                       |        |      |
|------|--------------------------------------------------------------------------------------------|-------------|------------------|------------------------|-----------------------|--------|------|
|      |                                                                                            |             |                  | Construction           | Short                 | Medium | Long |
| VP01 | Looking north from Bancroft Avenue                                                         | High        | Medium           | Medium and Adverse.    | High and Neutral      |        |      |
| VP02 | Looking north from Greenhills Road (at the entrance to TUD)                                | Medium      | Medium           | Medium and Adverse.    | Medium and Beneficial |        |      |
| VP03 | Looking north from Greenhills Road                                                         | Medium      | High             | High and Adverse       | High and Neutral      |        |      |
| VP04 | Looking north from St. Mary's Church & Priory                                              | Medium      | Negligible       | Low and Adverse        | Low and Neutral       |        |      |
| VP05 | Looking east from Technical University Dublin (western entrance from Belgard Road)         | Medium      | No change        | No change              | No change             |        |      |
| VP06 | Looking east from Airton Road (footpath to the east of the entrance of Mr. Price)          | Medium      | Negligible       | Slight and Neutral     | Low and Neutral       |        |      |
| VP07 | Looking east from Airton Road                                                              | Medium      | Negligible       | Low and Neutral        | Low and Neutral       |        |      |
| VP08 | Looking east from Airton Road                                                              | Medium      | High             | Medium and Adverse     | High and Beneficial   |        |      |
| VP09 | Looking south-east from Greenhills Road                                                    | Medium      | High             | Medium and Adverse     | High and Beneficial   |        |      |
| VP10 | Looking south from Greenhills Road                                                         | Medium      | High             | Medium and Adverse     | High and Beneficial   |        |      |
| VP11 | Looking west from St. Aongus' Road (footpath to the east of the road, in front of Unit 31) | High        | Low              | Low and Adverse        | Medium and Neutral    |        |      |
| VP12 | Looking north-west from Bancroft Park                                                      | High        | Medium           | Medium and Adverse     | High and Neutral      |        |      |
| VP13 | Looking north-west from the junction of Main Road and Castletymon Road                     | Medium      | Low              | Low and Adverse        | Low and Neutral       |        |      |
| VP14 | Looking west from Tymon Park                                                               | High        | No change        | No change              | No change             |        |      |
| VP15 | Looking west from Tymon Park                                                               | High        | No change        | No change              | No change             |        |      |
| VP16 | Looking south from Hellfire Club                                                           | High        | Negligible       | Low and Neutral        | Low and Neutral       |        |      |

11.4.17. From the 16 view locations assessed, it is established that the proposed development is a noticeable element in 13 views, views V1-4, V6-13, and V16. The assessment determines that no adverse impacts are identified following completion of the development, however the LVIA concludes that the proposed development is a 'dramatic change in scale and character to existing developments but this is an essential part of place making'. It is set out that the 'general environs of the site are

primarily commercial, industrial and /or vacant and are undergoing change and transition and the building itself, whilst large / relatively tall is well designed with animated elevations to key streets.'

11.4.18. Whilst I accept that the wider area is evolving, the site and lands immediate to the site have maintained traditional low density characteristics and the LAP identifies increased height along frontage to Greenhills Road only. As a result, the scale, bulk and mass of the development is most evident in views V3, V8, V9, V10, V12 and V15, the proposed development is clearly distinguishable and would represent a dominant intervention over and above the established building heights. This is compounded, in my opinion, by the uniform pattern and design and building height proposed which reflect a large block design of significant building mass and as such would represent a significant and abrupt transition in scale, in particular, along the southern approach. While I accept that the site opposite the development is being developed and will afford the site some context as regards height, no attempt has been made to reduce the impact of the development so as to appropriately integrate the scheme and transition the scale.

11.4.19. On completion the proposed development would represent a marked and comprehensive change to the site from a former vacant/infill site to a significant urban development ranging in height from 7-9 storeys with associated development. It is unavoidable that a high-density development on a site of c. 0.7 ha. will have some effects on the landscape and views. The Design Statement sets out that that the development will 'create a landmark and identify the eastern extent of the Tallaght LAP.' As set out above, in my opinion, the design of the proposed development does not reflect a 'landmark' structure and the scale and height of the development proposed would represent a significant and determinantal negative visual impact on the area in terms of streetscape and wider views, in particular, from the southern approach to the site, and would be contrary to section 9.2 of the LAP which requires development to demonstrate compliance with the Plan, including its various requirements that relate to (inter alia) Urban Framework, route structure, urban function, land use mix, plot ratio, building height, key frontages, built form and design.

- 11.4.20. Consistent with the PA, I consider this opinion is supported by the provisions of the South Dublin County Development Plan 2022-2028 and national policy.
- 11.4.21. I draw the Boards attention to the South Dublin County's Building Height and Density Guide (BHDG) (Appendix 10 of the South Dublin County Development Plan 2022-2028) which forms the primary policy basis and toolkit to employ the delivery of increased building height and density within the County in a proactive but considered manner. The guide contains a detailed set of performance-based criteria for the assessment of developments of greater density and increased height. Proposals are required to demonstrate to the satisfaction of South Dublin County Council that the overall positive benefits of the development justify the scale of increased height being proposed. There are two steps to this process: 1. An analysis of existing context; and 2. A demonstration that the proposed height increase is contextually appropriate. Similar to the LAP the Development Plan does not define density requirements and density and height is context driven.
- 11.4.22. The Development Plan 2022-2028 contains the following policy on density and height: QDP8 Objective 1 states the development proposals will be assessed in accordance with the Building Height and Density Guide set out in Appendix 10 of this Development Plan and associated planning guidelines. QDP8 Objective 2 states that it is an objective of the council *'In accordance with NPO35, SPPR1 and SPPR3, to proactively consider increased building heights on lands zoned Regeneration (Regen), Major Retail Centre (MRC), District Centre (DC), Local Centre (LC), Town Centre (TC) and New Residential (Res-N) and on sites demonstrated as having the capacity to accommodate increased densities in line with the locational criteria of Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) and the Urban Design Manual – Best Practice Guidelines (2009), where it is clearly demonstrated by means of an urban design analysis carried out in accordance with the provisions of South Dublin County's Building Height and Density Guide that it is contextually appropriate to do so'.*

- 11.4.23. As regards national policy, I consider the site to be an 'Central and/or Accessible Urban Location' as per Section 2.4 of the **Apartments Guidelines 2023** which state that 'such sites 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'. The principle of apartments is therefore acceptable and this location and I have no concerns in this respect.
- 11.4.24. Since the submission of this SHD the **Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)** have come into effect. As regards density, section 3.4 of the Guidelines provide detail on how to 'refine' density and Step 1 of this is the 'Consideration of Proximity and Accessibility to Services and Public Transport'. Table 3.1 of the Guidelines sets out the areas and density ranges for Dublin as well as Cork City and its suburbs. The site is a City - Urban Neighbourhoods location -(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) as per table 3.1 of the guidelines. Table 3.1 set out that it is a policy and objective of the Guidelines that residential densities in the range 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods. In this case the Tallaght/Clondalkin to City Centre BusConnect Core Bus Corridor fronts the subject site. Table 3.8 states that "highest densities should be applied at the node or interchange and decrease with distance". As such, the proposed density of 246units per ha. is within the range identified in the Compact Settlement Guidelines (2024).
- 11.4.25. However, similar to the LAP and CDP the Compact Settlements Guidelines (section 3.4.2) emphasise the importance of a context-based approach when considering higher density development setting out that "*the evaluation of impact on local character should focus on the defining characteristics of an area, including for example, the prevailing scale and mass of buildings, urban grain and architectural language, any particular sensitivities, and the capacity of the area for change. While it is not necessary to replicate the scale and mass of existing buildings, as most urban areas have significant capacity to accommodate change, it will be necessary to respond in a positive and proportionate way to the receiving context through site responsive design*". The proposed density is at the uppermost limit of the density range as set out

in the guidelines and must be considered in the context of the site. I have stated that I consider the issue of building height and density interrelated and having regard to the proposed building height relative to the immediate receiving environment as discussed in the foregoing sections, I consider the proposed density of 246 units per hectare and plot ratio of 2.4 excessive at this location and would represent overdevelopment of the site. By way of context for the Board, SHD 306705-20 located opposite the site reflects a density of 202 units/ha.

11.4.26. As regards the **Urban Development and Building Heights Guidelines (2018)**, the guidelines promote increased building height and density in locations with good transport accessibility and prohibits blanket numerical limitations on building height. Section 3 of the Guidelines deals with the assessment of individual applications and appeals and states that there is a presumption in favour of buildings of increased height in city cores and urban locations with good public transport accessibility. It sets out broad principles and criteria for the assessment of proposals for buildings taller than prevailing heights.

11.4.27. In this regard, I would generally concur that the proposal assists in securing the NPF objectives of focusing development on key urban centres and fulfilling targets supporting the National Strategic Objective to deliver compact growth in our urban centres.

11.4.28. SPPR 3 of the Building Height Guidelines sets out that where a planning authority concurs that an application complies with the criteria outlined in section 3.2 of the Guidelines, taking account of the wider strategic and national policy parameters, the planning authority may approve such development even where specific objectives of the relevant development plan may indicate otherwise. The applicants Material Contravention statement argues compliance with section 3.2 'Development Management Criteria' of the Guidelines. It is argued that the building heights set out in the Tallaght Town Centre Local Area Plan 2020-2026 are unduly conservative and represent an inefficient use of zoned land and, moreover, are contrary to the objectives of the Urban Development and Building Height Guidelines. The PA in the CE report set out that the Tallaght Town Centre Local Area Plan 2020 - 2026 was adopted after

the introduction of the 2018 Guidelines on building height and therefore complies with its design- and environment-led approach. It is further set out that the LAP has been approved by the OPR (Office of the Planning Regulator) and is consistent with the s.28 Guidelines.

11.4.29. In this case, while the LAP does not prescribe specific policies or objectives relating to building height and plot ratio, the LAP does establish clear quantitative and qualitative standards as set out above. The proposal generally exceeds LAP building height and plot ratio (being a measure of density) criteria and would be contrary to building height and plot ratio parameters as set out in the LAP.

11.4.30. Policy QDP8: High Quality Design – Building Height and Density Guide (BHDG) of the Development Plan sets out the requirement to adhere to the requirements set out in the Urban Development and Building Height Guidelines (2018) issued by the DHLGH through the implementation of the Assessment Toolkit set out in the South Dublin County’s Building Heights and Density Guide 2021. Policy QDP9 relates to High Quality Design - *Building Height and Density: Apply a context driven approach to building heights in South Dublin, as supported by South Dublin’s Building Heights and Density Guide.*

11.4.31. Therefore, in this instance, I consider it appropriate to apply the criteria outlined in Section 4 of Appendix 10 sets out a *Contextual Analysis Toolkit* of the South Dublin County Development Plan 2022-2028 by which the suitability or otherwise of different density and height levels can be assessed with reference to the receiving environment of the proposed development. The Development Plan Building Height and Density Guide has been prepared having regard to the provisions of the national Building Height Guidelines and the performance criteria outlined in Section 4 of Appendix 10 will satisfactorily incorporate the criteria associated with SPPR 3 and section 3.1 of the Guidelines. Accordingly, I am satisfied that questions relating to building height and visual amenity will be suitably addressed with reference Section 4 of Appendix 10.

11.4.32. Analysis of Existing Context in accordance with Section 4 of Appendix 10 sets out a Contextual Analysis Toolkit. (*The Board will note that this toolkit is a complementary*

*expansion of this existing criteria-based analysis of the 12 Criteria established by the 'Urban Design Manual - A Best Practice Guide' (2009))*

| Theme                                                                                                                                                                                                                                                                                                                                                                  | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| <b>CONTEXT</b><br>1. Is the site well served by public transport with high capacity, frequent service and good links to other modes of public transport by which it links to the wider city and region?<br>2. Has the proposal adopted an approach to urban intensification proportionate to its setting?<br>3. Is the increased height proposed required for density? | <p>I refer the Board to section 11.7 below.</p> <p>The proposed building height exceeds the prevailing building height immediate to the site and the standards set out in the Tallaght LAP as supported by the South Dublin County Development Plan 2022-2028.</p> <p>The proposed plot ratio and density constitute overdevelopment of the site as per standards set of in the Tallaght LAP and would be over and above the prevailing and emerging density as per the requirements of the Compact Settlement Guidelines. I refer to Board to forgoing sections above.</p>                                                     |
| <b>SETTING</b><br>1. How does the proposal respond positively to its surroundings?<br>2. Are there specific issues of character, topography or visual impact to which the proposal should respond?<br>3. How does the proposal make a positive contribution to its context?                                                                                            | <p>The design provides an attractive and active street edge on an existing underutilised site which integrates with the existing pedestrian and cycle network along Greenhills Road. Pedestrian friendly areas are promoted within the scheme through the provision of shared amenity and public open space.</p> <p>The Board will note my concerns as regards building design relative to the receiving environment and associated visual impact. I refer the Board to the foregoing sections.</p> <p>I am not satisfied for reason of design, scale, mass and building height as outlined above that the development will</p> |

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|                                                                                                                                                                                                                                                                                                                                                | make a positive contribution to the character of the area.                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>CONNECTIONS</b><br><br>1. Do proposals incorporate new streets to facilitate new links at the local level or improve existing streets and links to local amenities?<br><br>2. How does the proposed layout respond to existing streetscape and patterns of development and how are increased heights located in relation to these patterns? | <p>The improvements to the pedestrian infrastructure including public realm along the site boundaries on Greenhills Road allow for a visually more amiable pedestrian connectivity beyond the site to the public amenity of Bancroft Park to the south of the site.</p> <p>See 'Setting' above and the relevant foregoing sections.</p>                                                                                                                                                                |
| <b>INCLUSIVITY</b><br><br>1. Does the proposal provide equitable, people-friendly streets, spaces and uses?<br><br>2. Are routes appropriately scaled and properly located within the urban environment to encourage maximum use by as many people as possible?                                                                                | <p>The residential elements are fully accessible for people with disabilities. All elements of the scheme fully comply with Part M of the Building Regulations. Accessible car parking provision is also provided in the development.</p> <p>The application was also accompanied by an DMURS statement.</p>                                                                                                                                                                                           |
| <b>VARIETY</b><br><br>1. Does the form of development at higher densities proposed complement or compete with existing built form and local variations of height?<br><br>2. Does the increased height proposed facilitate and encourage a                                                                                                      | <p>The proposed building height is over and above the established development to the immediate north, south and west of the site. The west of Greenhills Road opposite the site is currently under development for residential including increased buildings heights of 4-8 storeys. This development is located on the opposite side of the road and in a different character area to 'Greenhills' where building height of up to 8 storeys are considered appropriate in the LAP. In my opinion,</p> |

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| <p>wider mix of uses in the development?</p>                                                                                                                                                                        | <p>the eastern side of Greenhills Road where the site is located reflects a different site context as regards the established pattern of development which the scale and mass proposed does not integrate appropriately and would reflect a scale over and above the existing (primarily industrial) development.</p> <p>With the exception of the ground floor all other floors provide for residential accommodation and associated amenities, However the non-residential uses make the proposed development a destination for the local community and facilitates a creche, all are provided at ground level.</p> |
| <p><b>EFFICIENCY</b></p> <p>1. Is the proposed increase in height enabling the optimal use of the land at a sustainable density?</p>                                                                                | <p>I refer the Board to foregoing and my concerns as regards density, building height and mass relative to the receiving environment. I consider the proposed development constitutes overdevelopment of the site.</p>                                                                                                                                                                                                                                                                                                                                                                                                |
| <p><b>DISTINCTIVENESS</b></p> <p>1. How does the development preserve, complement or enhance the character of the area and contribute in a positive manner to the visual setting or built heritage of the area?</p> | <p>The proposed layout of the urban edge and associated street along the Greenhills Road will create a visually prominent built form that will be out of character with the established and emerging pattern of development. In my opinion the development will have a negative impact on the visual setting of the area.</p> <p>The development will not impact on built heritage.</p>                                                                                                                                                                                                                               |
| <p><b>LAYOUT</b></p> <p>1. Is the overall layout making use of forms of development appropriate to higher densities?</p>                                                                                            | <p>I have set out my concerns above as regards density, building height and mass relative to the receiving environment. As regards overall layout this section should be read in conjunction with section 11.4 below.</p>                                                                                                                                                                                                                                                                                                                                                                                             |

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|  | <p>The design strategy and landscaping proposals at roof and podium levels, will ensure all amenity areas are fully useable throughout the year.</p> <p>The <b>Daylight &amp; Sunlight Report</b> sets out that the design of the proposal ensures appropriate access to daylight/sunlight for future residents of the scheme whilst having no undue impact on adjoining sites with regards to overshadowing impacts.</p> <p>The Daylight &amp; Sunlight Report demonstrates that all outdoor amenity spaces have been afforded appropriate levels of sunlight throughout the day and throughout the year and the pedestrian environment, from a sunlight perspective, will be comfortable</p> <p>The <b>Microclimate Analysis</b> submitted determined that the site of the proposed development was characterised as a site which experiences average wind speeds of B3/B4, which corresponds to gentle to light breeze on the Beaufort Scale. Based on the analysis conducted it was concluded the proposed development would have no significant effects with regard to microclimate</p> <p>All requirements of the <b>Irish Aviation Authority (IAA)</b> will be complied with during the construction and operation phases of the proposed development and consultation with the IAA will continue as required during these phases to ensure proper implementation of any measures. The SDCC Development Plan 2022-28 includes a provision that any new development in the vicinity of hospital helipads in the South Dublin area should be clear of a 1 in 8 slope (in any direction from the helipad's edges), the proposed development complies with this requirement. The proposed development at Greenhills</p> |
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|                                                                                                                                                                             | <p>Road lies at 300m beyond the Outer Horizontal Surface for Dublin Airport which is unaffected by the development.</p> <p>Using the measured <b>noise levels</b>, the acoustic performance requirements for the building have been developed to achieve the internal noise levels defined in BS 8233 and ProPG. Interior noise levels for the whole development are predicted to comply with interior noise level criteria (including both LAeq and LAFMax) from BS 8233 and ProPG provided that the construction requirements are implemented. Sleep disturbance due to the predicted internal noise levels is unlikely to occur.</p> <p>An Operational Waste Management Plan accompanied the application.</p> |
| <p><b>PUBLIC REALM</b></p> <p>1. How safe, secure and enjoyable are the public areas adjacent to higher buildings, and how has the human scale been taken into account?</p> | <p>The development includes an accessible public open space that includes trees and other natural landscape features that will enhance the character of the local area. The public space incorporates pedestrian pathways, and seating and play spaces amongst trees and planting, creating an environment that encourages greater connectivity and permeability.</p> <p>The commercial units provide high levels of passive surveillance to the new open public space, as do the overlooking apartments in the residential blocks above.</p>                                                                                                                                                                    |
| <p><b>ADAPTABILITY</b></p> <p>1. Are the buildings and layouts designed to accommodate future change?</p>                                                                   | <p>The development includes a mix of apartment types and tenures. It is also noted that some residential units have been designed in such manner that allows for them to adapt to should the need arise in the future. The Board will note concerns raised above as regards unit mix compliance.</p>                                                                                                                                                                                                                                                                                                                                                                                                             |

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| <p><b>PRIVACY AND AMENITY</b></p> <p>1. Has the proposal addressed recognised potential impacts of increased height and densities?</p> | <p>I refer the Board to section 11.5 and 11.6 below.</p> <p>The development is designed to ensure that there will be no significant overshadowing or loss of daylight or sunlight to adjoining properties.</p> <p>Furthermore, the development has also been designed to maximise daylight and sunlight access to the proposed residential units and amenity spaces within the development.</p> <p>46.6% of units are dual aspect design.</p>                                                                                                                                                                                                                                        |
| <p><b>PARKING</b></p> <p>1. Has parking been considered from a people-first perspective?</p>                                           | <p>The development will be served by 78 no. vehicular car parking spaces, and a further 4 no. set-down parking spaces to serve the creche, all provided at ground/surface level. The development will be served by 348 no. bicycle parking spaces, provided at ground level for residents with a further 100 no. bicycle parking spaces provided at surface level to serve visitors of the subject site.</p> <p>The PA consider car parking ratio of 0.4 too low. A ratio of 0.65 should be sought at this location. The CE report notes that reducing the density of the scheme to meet LAP standards would improve this ratio.</p> <p>I refer the Board to section 11.7 below.</p> |
| <p><b>DETAILED DESIGN</b></p> <p>Have external material finishes and assembly been well considered?</p>                                | <p>I refer the Board to section 11.5</p> <p>External finishes include brick work, render and metal cladding, metal-powder coloured metal to window frames, balconies and balustrades and feature brick pergola. Standing seam metal cladding would be used where the building is partly setback on the western frontage facing Greenhills Road</p> <p>Greenhill Road is a two lane carriageway with pedestrian and</p>                                                                                                                                                                                                                                                               |

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| Has the relationship between street width and building height been considered? | cycle lanes and while the building will be recessed from the footpath edge, owing to the fact that Greenhills Road is a two lane carriageway only and combined with the SHD under construction opposite, I am conscious that the impact will be to enclose the area in between, I am therefore not satisfied that the relationship between street width and building height has been appropriately considered. |
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### *Summary*

11.4.33. I have reviewed the scheme against the criteria set out in Section 4 of Appendix 10 of the Development Plan and I am not satisfied that the proposed design including scale, mass and application of height would represent a positive visual intrusion in the area and that on balance that the scheme does not adhere to the criteria set in the Development Plan and would represent overdevelopment of the site and a would represent an unacceptable precedent and result in a negative contribution to the changing character of the area.

### Conclusion

11.4.34. The proposed development, by virtue of the design, height, bulk and built form transition would be out of character with the context of the site and would represent a visually prominent form of the development relative to its immediate environment and, would constitute overdevelopment of the site. The proposed development would fail to reflect consistency with Section 2.6. of the LAP as regards plot ratio and building height flexibility in so far as the proposed design does not 'create a feature of architectural interest' that would integrate appropriately at this location.

In my opinion the development would be contrary to the Development Plan *Building Height and Density Guide* performance criteria outlined in Section 4 of Appendix 10 of the South Dublin County Development Plan 2022-2028 and Section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities (2018) in terms of standards of urban design, architectural quality and place making outcomes at the

scale relevant to site context. The proposed development provides an inadequate design response to this sensitive infill site, would be of insufficient architectural quality, would reflect a visually dominant feature in the wider cityscape and would detract from the character and be contrary to the proper planning and sustainable development of the area.

#### **11.5. Design Strategy - Design & Layout & Placemaking**

The Board will note that there will be come overlap with section 11.4 above.

##### *Design & Layout*

- 11.5.1. The proposal for the site is to construct a mixed-use development scheme, predominantly comprising residential apartment units atop ground floor level commercial units, development as perimeter block around a central communal courtyard at podium level of varying heights ranging from 7-8 storeys. The perimeter block is open at the south to maximise sun/day light penetration into the amenity spaces and achieve the best possible orientation for the residential units. It is the applicant's contention that the proposal will provide for the development of a landmark building on the junction of Airtown and Greenhills Roads which, in turn, will act as a gateway between Tallaght village and the industrial estates to the north.
- 11.5.2. The applicant's Architectural Design Statement submitted explains the rationale for the design stating that the proposed massing responds to the site location, orientation and unique site aspects such as its proximity to Bancroft Park and the immediate amenities. It is set out that the site is relatively flat and with the implementation of a tower element the scheme would create a gateway building to Tallaght from the Greenhills Road. It is further set out that the block forms respond to the existing industrial nature of the surrounding lands and the sites orientation, aiming to maximise the sunlight penetration into the scheme while also allowing adequate set back from the busy Greenhills Road whilst enhancing the public realm.
- 11.5.3. All apartments will have direct access to an area of private amenity space, in the form of a balcony, and will have shared access to internal communal amenities including 2 no. resident lounges (114. 7sq.m), gym (98sq.m) external communal amenity space (1,507sq.m) and public open space (1,667sq.m).

- 11.5.4. External finishes include brick work, render and metal cladding, metal-powder coloured metal to window frames, balconies and balustrades and feature brick pergola. Standing seam metal cladding would be used where the building is partly setback on the western frontage facing Greenhills Road. The PA consider that the extensive use of metal cladding on this frontage should be reconsidered and would be more visually acceptable to use this across one upper floor. In my opinion the cladding provides additional architectural interest to the setback and I have no concerns in this regard. In the event that the Board is minded to grant planning permission materials and finishes should be agreed by way of condition in the event of a grant of permission. A Building Lifecycle Report has been submitted for the proposed development. This provides details on the proposed materials and finishes and long-term maintenance and management strategy for the scheme. This is to be welcomed and is in compliance with the 2023 Apartment Guidelines.
- 11.5.5. The PA have raised some concerns about the general layout of the built form proposed, in particular, commercial unit no. 4, on the northern frontage in so far as it would not be highly visible from the streetscape and is fronting the side of the retail/commercial park building and detached from the frontage along Greenhills Road. The CE report recommends that unit 4 should be omitted and replaced with own door residential units and used as an entrance point to upper floors. It is further set out that that car parking spaces in front of this unit should also be omitted as these spaces hinder what would otherwise be an important pedestrian connection. Bollards or an otherwise appropriate intervention should be provided at the access road to the rear of the site to ensure that vehicles are not able to access this area to the north of the building. It is also noted that Commercial Unit No. 3 is not considered to be an ideal shape or form for future commercial or retail use. The layout and shape of this unit should be amended and agreed by way of condition in the event of a grant of permission.
- 11.5.6. As regards unit no. 4, I am satisfied that the layout is acceptable in so far as the introduction of a commercial unit will provide for an active frontage at this location and combined with the shared surface plaza area including car parking and the fact that the ground floor commercial unit to the north of the site turns the corner to address the

proposed northern elevation and the first and second floor office windows also address same, in my opinion the proposed commercial unit is acceptable and will enhance the layout and improve connectivity and sense of safety by virtue of vehicular and pedestrian movement. Similarly, as regards the shape and form of unit no. 3, while not a regular form the overall unit is 232.3sqm in area, I am satisfied that the layout can be adapted by any future occupant to their required needs.

#### *Separation Distance from Site to North*

- 11.5.7. The CE report raises concerns that some north-facing dual aspect units are only approx.15.1m from the adjoining building to the north. The PA set out that this separation distance would not be an issue if the northern façade of the proposed development were treated as a secondary side elevation; however, it appears in the proposed layout to be the primary frontage for some units and, given that there are two rows of windows on the neighbouring offices that face the site. In my opinion the treatment of the northern elevation as a primary façade a welcome design intervention. In any case SPPR1 of the Compact Settlement Guidelines 2024 sets out ‘.. separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces. Owing to the office use to the north of the site and the separation distance of 15.1m I am satisfied that the separation distance to the north is acceptable in this instance.

#### *Design and Contribution to Placemaking*

- 11.5.8. Section 9.2 of the LAP relates to Design Criteria and Design Statements; I am satisfied that the Local Area Plan criteria can be appropriately assessed under the ‘key indicators of quality design and placemaking’ as set out in Chapter 4 of the Compact Settlement Guidelines.
- 11.5.9. Chapter 4 of the Compact Settlement Guidelines focuses on planning and design at settlement, neighbourhood and site levels. An assessment of the proposed development against the stated ‘key indicators of quality design and placemaking’ is outlined in the following table.

**Table 1 – Assessment of Key Indicators of Quality Design and Placemaking**

|                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| (i) Sustainable and Efficient Movement | <p>(a) The development includes permeability around the scheme. The site layout proposes to maximize the permeability and connectivity through prioritizing the quality of open space within the development. Given the urban setting and the LAP desire for an urban grain/urban edge the spaces consist mainly of an enhanced street edge with a public plaza provided to the south west corner. Linkages are also proposed to the development to the north and connections to the public footpath to the south.</p> <p>(b) The proposed development will direct address Greenhill Roads with vehicular access via the industrial estate to the north. I refer the Board to section 11.7 below.</p> <p>The site will benefit from good connections to existing and planned bus services as well as excellent pedestrian and cycle links located along Greenhills Road fronting the site.</p> <p>(c) The application includes a DMURS Statement. The streets have been designed and will be constructed in accordance with DMURS principles. These will be softened with landscaping features to make them people friendly. Active travel measures have been suitably prioritised in the proposed layout.</p> <p>(d) The quantum of car parking is deemed too low by the PA. I refer the Board to section 11.7 of this report.</p> |
| (ii) Mix and Distribution of Uses      | <p>(b) The proposal comprises the redevelopment of underutilised, brownfield land to implement a residential apartment development and will add to the housing stock in Dublin.</p> <p>(b) City and town centre policy is not applicable.</p> <p>(c) The proposed development includes internal communal amenities including 2 no. resident lounges (114.7sq.m), gym (98sq.m) external communal amenity space (1,507sq.m) and public open space (1,667sq.m).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

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|                                     | <p>In addition the proposed development contains a dedicated childcare facility with an internal floor area of approximately 330m<sup>2</sup> and an additional c170m<sup>2</sup> of external play space. A dedicated and secure play area has been allocated to the crèche for the children's use directly in front of the indoor facilities. While the applicant states that the landscaped space will be protected, through various feature including planting, from the streetscape to the south, I note the landscape drawing no. 20467-2-101 does not include any landscaping outside of the proposed 1800mm high timber fencing panel to the creche play area. I do not consider this sufficient in terms of visual amenity and safety given the area will be used by vehicular traffic (emergency access route). I consider revised proposals are required to externally landscape screen the proposed fence thereby creating an enhanced buffer between the road and play area. I am satisfied this matter can be addressed by condition if the Board is minded to grant planning permission.</p> <p>(d) As outlined in section 11.3 and 11.4 of this report, the proposed quantum of development promotes intensification. I refer the Board to concerns raised as regards units mix in section 11.3 and density (plot ratio) in section 11.4.</p> <p>(e) As outlined in section 11.4 and 11.7 of this report, the proposed development aligns with public transport services.</p> <p>(f) As outlined in section 11.3 of this report, I am not satisfied that the proposed mix of units is in accordance with the Development Plan.</p> |
| (iii) Green and Blue Infrastructure | <p>(a &amp; b) The Sustainable Residential Development and Compact Settlements <i>Guidelines for Planning</i> Authorities promote interlinked public open spaces designed to cater for a range of active and passive recreational needs (including play, physical activity, active travel) and to conserve and restore nature and biodiversity. The site is currently a brownfield site and mostly covered by hard surfaces, which means there is little or no topsoil on the site and poor quality subsoil. The landscape design concept seeks to create public, semi-private and private open space through the utilisation of</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

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|  | <p>contrasting organic and strong geometric forms creating a strong formal and civic entity to the development.</p> <p>The landscaping seeks to enhance the biodiversity, wildlife habitats and national pollinisation diversity in urban areas, through the use of native species in proposed treelines, trees and shrub planting within the courtyards.</p> <p>The subject site is an infill site, and the proposed development provides for enhanced urban greening as part of the application through the incorporation of green elements into urban environment and infrastructure, such a green spaces and roofs. Greenifying urban spaces can offer numerous benefits for both the environment and its inhabitants, including creating new habitats, offsets carbon emissions, improve wellbeing and air quality and the potential to reduce noise pollution. I am satisfied that the landscaping is acceptable and consistent with the broad theme of the NBPA 2023-2030 and in accordance with the Guidelines.</p> <p>The Board will note that an Arboriculture Assessment was submitted with the application. The report finds that the site does not contain any substantial trees. There is a group of naturally regenerated semi-mature trees and brambles located along the southern boundary of the site.</p> <p>(c &amp; d) Currently there is no attenuation of surface water and this percolates to ground or discharges to the existing public surface water sewer. SuDS measures are included in the project design to maintain the quality and quantity of run-off at a 'greenfield' rate. The surface water run-off from the development will be attenuated using an underground storage tank and discharged at a restricted rate to the public surface water sewer. Additional measures include blue/green roofs, permeable paving, a rain garden, and bioretention tree pits.</p> <p>The PA in their assessment set out that the car park / internal street should be provided with more greenery, and natural SUDs features should be integrated into the scheme. In particular, wetland features can form part of</p> |
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|                        | <p>the public realm treatment to Greenhills Road. I would agree. This can be addressed by condition should the Board consider this necessary.</p> <p>I am satisfied that the Green Infrastructure proposed is consistent with Section 7.2 <i>Climate Action -Green Infrastructure</i> of the Local Area Plan and additional greening of the car park/internal street will further enhance these measures.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| (iv) Public Open Space | <p>(a)The landscape design concept seeks to create public, semi-private and private open space through the utilisation of contrasting organic and strong geometric forms creating a strong formal and civic entity to the development. Section 2.7.2 of the Tallaght LAP sets out a requirement for a minimum 10% of sites to be provided as public open space. Public open space of 1667sqm (21% of site area) forms the linear urban promenade to Greenhills Road. Communal open space is provided within the internal communal gardens and is 1507sqm.</p> <p>Open spaces within the development can be summarised as follows:</p> <ol style="list-style-type: none"> <li>1. Ground level public open space to the west of the development – hard landscaping with soft elements, raised and ground level planters planted with ornamental grasses, shrubs and trees.</li> <li>2. Ground level hard landscaping scheme to the perimeter of the building, providing vehicular, pedestrian and emergency access and bicycle parking.</li> <li>3. Podium level / First Floor central courtyard – with informal / natural play amenity space lawn, play area, seating and privacy buffer planting to apartments.</li> <li>4. Roof Garden on Level 8 – seating and amenity area for the residents, surrounded by buffer planting.</li> </ol> <p>The proposed development would step back from Greenhills Road at the south-west of the site, providing a larger public space on the street referred to as a Public Plaza. The PA have raised concerns that this area appears to</p> |

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|                           | <p>be treated with a large amount of hard surfacing and could be greener and include some natural SUDs features as part of 'significant gain' of the public realm. It is not considered realistic or possible to 'fit' a public pocket park in this location but I agree additional greening would be a welcome and achievable addition. I am satisfied this can be addressed by condition should the Board be minded to grant.</p> <p>Section 2.7 <i>Public Realm and Open Space</i> of the LAP requires proposals to ensure 'successful interaction between the residential scheme, streets and public realm to foster a true sense of neighbourhood .....'. The proposed development will provide a new addition the streetscape and will activate the ground floor reflecting continuation of active ground floor uses consistent with the existing development to the north of the site.</p> <p>(b)The public spaces as proposed are well distributed across the site. The quantum of open spaces provided is in accordance with the Plan. Subject to modification identified above, I am satisfied that the qualitative provision would be acceptable.</p> <p>In addition, the scheme will benefit from proximity to Bancroft located to the south of the site. The park caters to all age groups with; a natural play area for younger kids; football field for teenagers and riverside walk and seating for elders. The nearest larger playground for older kids is 1.2km to the south in Sean Walsh Memorial Park. The Sean Walsh Park is a local park catering to the wider Tallaght and Cookstown area</p> <p>I further note that the applicant's Daylight, Sunlight &amp; Overshadowing Report illustrates and calculates that the proposed public open space would receive sufficient sunlight levels based on the minimum targets set in the BRE 209 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice'.</p> |
| (v) Responsive Built Form | (a & b) This section should be read in conjunction with section 11.4 of the report.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

Section 9.2 of the LAP a statement to outline how the subject proposals respond to urban design criteria. A detailed Architectural Design Statement is submitted with the application which sets out clearly the overall architectural rationale and approach.

(c) Regarding the impact on the overall urban structure. I do not consider that the development proposals will strengthen the urban structure given the scale of the development relative to the receiving environment. I refer the Board to section 11.4.

(d) Regarding the provision of well-defined edges to streets and public spaces to ensure that the public realm is well-overlooked with active frontage. I am satisfied that the proposed active street frontages along the proposed northern, eastern and southern frontages are successful in this respect. However, this must be considered in the context of the overall scale, bulk massing and height of the proposed development relative to the receiving environment. As set out section 11.4, I consider the development would represent an abrupt transition in scale, height and mass at this location. In my opinion, the proposed design has no regard to the site context and would fail to assimilate appropriately into the area.

In relation to the proposed buildings, I note that they would feature elevations for passive surveillance purpose.

(e) The applicants contend that the architectural style is contemporary and reflects the modern requirements to balance lighter, elevations with the need to satisfy energy reducing objectives. I am not satisfied that the elevations have been designed to provide sufficient variation in the visual plane. I consider the proposed architectural language requires further variation, in particular, with respect to building height and consistent of architectural treatment which offers minimum variation. I again refer the Board to concerns as regards height and massing as set out in section 11.4 above.

(f) I refer the Board to section 11.4 above.

## *Summary*

Overall, I consider the proposed public realm including connectivity and movement and active ground floor frontages acceptable. However, in the context of section 11.4 of this assessment, I do not consider that the proposed scheme responds to the established built form and combined with the failure to appropriately address unit mix would not contribute to appropriate placemaking.

## Conclusion

The proposed site is an infill site and as such there is scope to ensure any proposed design has regard to site context and ensure quality and sustainable placemaking and while I do consider the redevelopment of this infill site consistent with the zoning provision as set out in the Local Area Plan appropriate, the redevelopment of the site must be considered in the context of the site and the adjoining pattern of development. The proposed development, in particular, the abrupt transition in scale along the western side of Greenhills Road has no regard to the site context and would result in a visually prominent insertion at this location and would be contrary to Chapter 2 *Urban Framework* of the LAP as discussed in section 11.4 of this report and section 4.4 of the Compact Settlement Guidelines by failing to place ‘an emphasis on the creation of a coherent urban structure and design approach that responds to local character and is attractive’

### **11.6. Residential Standards**

#### *Standard of Accommodation/Internal Standards*

- 11.6.1. The application is accompanied by a Schedule of Accommodation document. The Schedule of Accommodation document outlines compliance of the proposed apartments with the relevant quantitative standards required under the Apartment Guidelines as incorporated into the Development Plan 2022-2028. The drawings have also been prepared with regard to the requirements of Section 6 of the Apartment Guidelines (the same standards apply in the 2023 Apartment Guidelines), summary of the key points from this is set out below detailing how the scheme compiles with the Specific Planning Policy Requirements set out in the in Sustainable Urban Housing Design Standards for New Apartments, Guidelines for Planning Authorities (2023):

- SPPR 3 refers to minimum apartment sizes. The range proposed within the scheme will meet or exceed the minimum size standards. The guidelines also set out standards for the minimum widths of living/dining rooms and bedrooms and the minimum floor areas of certain rooms within the apartment. According to the drawing submitted, the development complies with all the relevant standards. In addition, it is noted that the requirement for the majority of all apartments in a proposed scheme exceed the minimum floor area standards by a minimum of 10%, has been complied with (60% of units exceed minimum floor area by 10%).
- SPPR 4 of the Apartment Guidelines 2023 establishes that in suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme. The applicant states that whilst the proposed development is situated within a suburban/intermediate location, it is also considered highly accessible relative to educational, recreational and general commercial amenities, and public transport services. On this basis, it is considered that the proposal, which falls slightly below the recommended minimum percentage of dual aspect units at 46.7% (92 no. of 197 no. apartments are dual aspect) provides an appropriate quantum of dual aspect units a total of 80no.

While the CE report sets out that while no single aspect apartments would be facing north, It is noted that some apartments would only have a small window to count as dual aspect (e.g. Apartment No. B00110 and those above this apartment) and the proposed development is under the 50% dual aspect requirement and the application should be refused on this basis. Whilst I note the concerns of the PA, it is of relevance that since the application was made the Tallaght/Clondalkin to City Centre BusConnects Core Bus Corridor Scheme has been permitted. I therefore consider the site to be an 'accessible urban location'. In this regard SPPR4 sets out a 'minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate in'. The proposed 46.6% dual aspect units are therefore acceptable.

- SPPR 5 requires that ground level apartment floor to ceiling heights shall be a

minimum of 2.7 metres. The development proposes a ceiling height of 2.7 metres at ground floor level.

- SPPR 6 states that a maximum of 12 apartments per core may be provided in apartment schemes. There are a total of 4 cores provided across the scheme. The cores within the scheme serve a minimum of 5 no units per floor and a maximum of 12 units per floor.
- Paragraph commencing 3.30 relates to Internal Storage. The scheme provides the required standard of internal storage for each unit and undercroft storage for the parking of bicycles and bin storage, additional external storage for the storage of bulky items has also been provided at ground floor level. within the scheme.
- Standards are also set out for private amenity space. All of the proposed apartments have a balcony that complies with the required size.
- The development is considered to have good internal circulation and has been designed to be safe and secure with good passive surveillance of public spaces. Adequate waste management facilities are provided.
- In terms of communal open space, as noted in section 3.2 above the development provides 1,507sq.m of communal amenity space for the residents in the form of a first floor level podium and a roof terrace at ninth floor level.
- A Life Cycle Report is submitted in accordance with section 6.12 of the guidelines.

11.6.2. I consider the development is consistent with the Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities (2023) and will provide an appropriate standard of amenity for future residents.

#### *Daylight, Sunlight and Overshadowing*

11.6.3. Section 5.3.7 of the Compact Settlement Guidelines 2024 states the provision of acceptable levels of daylight in new residential developments is an important planning consideration, in the interests of ensuring a high-quality living environment for future residents. It is also important to safeguard against a detrimental impact on the amenity of other sensitive occupiers of adjacent properties. The Guidelines state that regard

should be had to quantitative performance approaches to daylight provision outlined in guides like A New European Standard for Daylighting in Buildings IS EN17037:2018, UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022), or any relevant future standards or guidance specific to the Irish context. The Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2023 also state that planning authorities should have regard to these BRE or BS standards.

- 11.6.4. Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution.
- 11.6.5. The applicant submitted a Daylight, Sunlight and Overshadowing Report. This report was undertaken with regard to South Dublin County Council planning policy and, the advice and recommendations set out in the Building Research Establishment (BRE) report entitled 'Site layout planning for daylight and sunlight: A guide to good practice - 2011' (referred to in this report as the "BRE guidelines"). The report notes that BS 8206-2:2008: Lighting for Buildings - Part 2: Code of practice for daylighting was recently replaced with EN 17037:2018 Daylight in Buildings. BRE is currently revising the BRE Guide (BR209) to align their guidance with the new EN 17037:2018, however, this updated guidance document has not yet been published. As a consequence a daylighting analysis using both standards, providing daylighting results in terms of Average Daylight Factor (based on previous British Standard – BS 8206-2) and Spatial Daylight Autonomy (based on current European Standard – EN 17037) and the

National Annex within the British implementation of the European Standard (BS EN 17037) have been carried out. The sunlight component of this assessment has been carried out in accordance with existing BRE guidance (BR209)

- 11.6.6. I have considered the reports submitted by the applicant and have had regard to BRE 2009 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011), the BS 8206-2:2008 (British Standard Light for Buildings - Code of practice for daylighting and the updated British Standard (BS EN 17037:2018 'Daylight in Buildings), which replaced the 2008 BS in May 2019 (in the UK).

*Internal Daylight and Sunlight*

- 11.6.7. Average Daylight Factor (ADF) is the ratio of the light level inside a structure to the light level outside of structure expressed as a percentage. The BS8206 – Part 2 sets out recommended targets for Average Daylight Factor (ADF), these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. The report sets out calculated ADF results for all rooms eligible for assessment are as follows:

- 99.7% of Bedrooms achieve an ADF of  $\geq 1.00\%$
- 85.3% of Kitchen/Living/Dining spaces achieve an ADF of  $\geq 2.00\%$  (The BRE recommended ADF for kitchens)
- 93.4% of Kitchen/Living/Dining spaces achieve an ADF of  $\geq 1.50\%$  (The BRE recommended for living spaces)

- 11.6.8. This scheme was also assessed using the latest European Standard EN17037 as well as the British national annex provided in BS EN17037. In order to comply with the daylighting standard set out in EN 17037, each space assessed must achieve the following: • 300 Lux over at least 50% of its floor area for over 50% of annual daylight hours, and • 100 Lux over at least 95% of its floor area for over 50% of annual daylight hours. The results of this spatial daylight autonomy assessment determined:

- 91.40% of the total number of spaces assessed achieve the annual required illuminance according to EN 17037 (Bedrooms and Kitchen/Living spaces assessed using the EN17037 metric outlined above).

- 11.6.9. The spaces were also assessed for spatial daylight autonomy using the British

National Annex illuminance targets, the results are as follows;

- 99.7% of bedrooms achieve the required annual illuminance according to BS EN 17037 (100 Lux test)
- 95.9% of kitchens/living/dining rooms achieve the required annual illuminance according to BS EN 17037 (200 Lux test)
- 98.3% of the total number of spaces assessed achieve the annual required illuminance according to the National Annex within BS EN 17037.

11.6.10. Overall, the quality of daylight provision across the development can be considered high. 93.4% of Living/Kitchens achieve the BRE recommended ADF of  $\geq 1.50\%$  for living spaces. The spatial daylight autonomy results are also positive and show that 91.4% of spaces meet the new European Standard EN17037 overall. For the units which do not achieve 2.00% ADF for (85.3% of Living/Kitchens achieve the BRE recommended ADF of  $\geq 2.00\%$  for kitchens), it is noted that the following compensatory measures ensure a high quality living environment is provided.

- The majority of the units exceed the minimum standards with 60% of the proposed units exceeding the minimum unit sizes by 10%.
- The scheme will include a dedicated gym space and lounge areas as shared internal amenity spaces.
- All of the apartments have been provided with external private amenity terraces or balconies and access to south facing podium external communal amenity garden and roof top garden space.
- The commercial spaces located to the Ground Floor will add to the existing adjoining retail facilities, creating a prosperous neighbourhood with active frontages.
- The provision of a creche facility easily accessible for young families

11.6.11. All windows to living rooms in the apartment blocks have been assessed with regards to sunlight. The BRE Guidelines recommend maximising the number of units that have a window within 90° due South but does not have set targets. Additionally windows with an aspect of greater than 90° due South, like West or North East, will still receive

sunlight, but it is likely to be lesser amounts especially in the winter period. In the apartment blocks, 73% (99 out of 136) of the eligible living space windows in the proposed development achieve 25% of their annual probable sunlight hours, meaning these spaces will appear reasonably sunlit in line with BRE guidance. In some cases where individual window panels do not meet the recommended level of sunlight, the other openings to the living space exceed the recommended annual sunlight performance meaning the space will still have access to adequate levels of annual sunlight overall. The analysis confirms that the vast majority of eligible living space windows of the proposed development achieve the BRE target sunlight hours for annual and winter assessments, meaning these spaces will appear reasonably sunlit in line with BRE guidance. All other eligible openings assessed meet the BRE recommendation for both annual and winter sunlight.

- 11.6.12. Furthermore, 100% (57 out of 57) of the tested adjacent primary care centre windows that face the proposed development achieve at least 25% of their annual probable sunlight hours. A simulation was run to quantify any reduction in VSC resulting from the proposed development massing. Where the VSC is greater than 27%, reasonable daylighting levels are available according to the BRE Industry standard. Even where the VSC is found to be less than 27%, if the reduction comparing the “before and after scenarios” is less than a 20% reduction daylighting is unlikely to be significantly affected / noticed

#### *Sunlight availability within amenity spaces*

- 11.6.13. I further note all proposed communal amenity areas will meet the BRE guidelines by achieving 2 hours of sun on ground to over 50% of the assessed area on 21st March, thereby comfortably meeting the BRE target criteria. This analysis also sets out that the proposed development will not have an adverse impact on the sunlight availability in the amenity areas of its neighbouring properties. Each area assessed achieves sufficient sunlight over at least 50% of its area.

#### *Overshadowing Analysis*

- 11.6.14. Overshadowing analysis determined that on March 21st partial overshadowing of the surrounding properties/gardens to the west will be limited to short time periods during

the morning. Minor overshadowing to the open space of the adjacent development to the north limited for a short time period in the late afternoon. No other additional overshadowing impact was recorded. On June 21st partial overshadowing of the adjacent development to the east limited to short time periods in the evening. No other additional overshadowing impact was recorded. On December 21st partial overshadowing of the adjacent development to the north during the afternoon. No other additional overshadowing impact was recorded. The Board will note the at the assessment refers to residential development to the north and east. For clarity the adjoining uses to the north and east are commercial/ office and industrial uses and not residential. I note the concerns raised as regards overshadowing of the offices to the north of the site as a result of the proposed building height. However, I do not consider the overshadowing to be significant having regard to the nature of the use and the time of year (afternoon December 21<sup>st</sup>), a degree of overshadowing is acceptable in the context of developing this urban site.

#### Conclusion

11.6.15. As outlined above the proposed development does not achieve all of the targets set out in the BRE, with particular regard to the ADF for some of the rooms within the proposed scheme. However, in my opinion, this is considered a good level of compliance for a proposed scheme of this size and increasing density. The Compact Settlement Guidelines state that necessary regard should be had to quantitative performance approaches to daylight provision outlined in guides like A New European Standard for Daylighting in Buildings IS EN17037:2018, UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022), or any relevant future standards or guidance specific to the Irish context. It is acknowledged in the Guidelines that in drawing conclusions in relation to daylight performance, planning authorities must weigh up the overall quality of the design and layout of the scheme and the measures proposed to maximise daylight provision, against the location of the site and the general presumption in favour of increased scales of urban residential development.

Furthermore, the Building Height Guidelines establish that where a proposal does not fully meet the requirements of the daylight provisions, this must be clearly identified and a rationale for alternative, compensatory design solutions must be set out. Throughout the Daylight and Sunlight Reports submitted the applicant has provided a clear rationale for alternative and compensatory design solutions. The information provided indicates that access to daylight and sunlight formed an integral part of the design approach and that the design team endeavoured to maximise sunlight/daylight within the scheme and ensure a minimal impact on existing adjacent properties.

While it is noted that the scheme does not achieve all recommended standards, it is my opinion that this development results in wider planning benefits, such as the delivery of a significant quantum of housing, connectivity through the site, a high quality public open space and the comprehensive development of an underutilised serviced site in the urban area, which would support the consolidation of the urban environment. Therefore, the shortfalls outlined above are considered acceptable in this instance.

## **11.7. Traffic and Transport**

### *Access*

- 11.7.1. A number of concerns were raised as regards the proposed vehicular access arrangement. Merrick Properties Ltd. state that they own all the road network at Greenhills Retail Park and that there is a right of way access at the rear of Greenhills Retail Park to the proposed development site. It is set out that this existing access road is narrow (5m at its narrowest point) with 2 sharp bends and there are 5 car parking spaces directly off the access road and adjacent to the entrance to the Pieta House and Enable Ireland offices. There is a narrow path for approximately 50 metres from Hibernian Industrial Estate Road with no path continuation, or indeed kerb, for the remainder and pedestrians must walk on the side of this access road to gain entry to the existing offices. It is set out that any additional vehicular traffic would mean these pedestrians would be at greater risk. It is argued that a direct vehicular access to the proposed development site on to the Greenhills Road, would solve this health and safety issue.

- 11.7.2. Vehicular access to the proposed development will be facilitated from an existing priority junction on the Hibernian Industrial Estate Road off Greenhills Road, this serves the adjacent Greenhills Retail Park development consisting of a car dealership and mixed commercial units and the rear access route to the site via the referenced right of way. The site will be accessible from both the Greenhills Retail Park development and via the rear of Greenhills Retail Park (north-eastern corner of the site) via a new connection to an existing access road off Greenhills Road.
- 11.7.3. The pedestrian access to the development from the Hibernian Industrial Estate road is to be via a shared surface treatment within the development grounds and the existing section of footpath at the rear of the adjacent development leading to the cul de sac. Direct pedestrian access will also be provided from the existing footpath along Greenhills Road fronting the site.
- 11.7.4. As regards concerns raised about the access route to the rear of Greenhills Retail Park. The junction is a simple T-junction with priority for Hibernian Industrial Estate road traffic. The junction is lit by public lighting and delineated with road markings. The junction has a pedestrian footpath along the Hibernian Industrial Estate Road which is connected to an existing footpath at the rear of the car showroom. The existing footpath terminates at the car parking spaces near the end of the cul de sac. The junction is located 50m from the Greenhills signalised junction and has visibility splays in both directions setback from the Hibernian road carriageway edge. I am satisfied that the road which is a two lane carriageway is of ample width to cater for the development including deliveries. Regarding pedestrian connectivity, while I accept the concerns raised by the observer as regards complete footpath connection, I am satisfied that this route will primarily serve vehicular access to the car parking associated with the residential element of the development and pedestrian movements will be routed to the front of the site. I have no concerns in this regard.
- 11.7.5. Regarding the concerns raised with respect to limited sightline availability exiting the existing underground car park at the rear of Greenhills Retail Park. I note vehicular access to the site at this interface is gated and therefore traffic movements will be slow, in addition the road alignment allows for views of both access/egress points

when entering/exiting the underground car park and the proposed site.

- 11.7.6. Furthermore, the proposed development has been subject to a Stage 1 Road safety Audit. The Road Safety Audit concluded that the site is generally conducive to safe access and egress by all forms of road user. Furthermore, the proposed development has been subject to a Quality Audit to examine the accessibility of the proposed development. The Quality Audit also concluded that the site is generally conducive to safe access and egress by all forms of road user.

*Access to Public Transport*

- 11.7.7. The Observations raised concerns as regards the proximity of the development to public transport. I am satisfied that the site benefits from an accessible public transport network. There are regular bus services, including Dublin Bus/Go-Ahead Ireland Routes within 150 metres of the subject site. Bus route 27 provides a daily service at 10-minute intervals between the hours of 05.15 and 23.30. Greenhills Road is also served by the 77n nightlink service between Dublin City Centre and Tallaght. The development is located approximately 1.0km from bus route 67 which runs between Tallaght and Chapelizod along the Belgard road at 20-minute intervals. In addition, the proposed development is within walking distance from Tallaght and Belgard Luas stops taking approximately 20 minutes. The Luas stop at Tallaght can be accessed from the proposed residential development using bus route 27. The Luas red line runs at 3-to-5-minute intervals during peak hours and 10-to-15-minute intervals during off peak hours. These services provide strong access links to Dublin City Centre, wider employment/recreational centres within Dublin, links to inter-county rail services and Dublin Airport.

- 11.7.8. As noted above the permission was granted by An Bord Pleanála on 17th October 2024 ABP Reg. Ref. 316828-23 -for the Tallaght/Clondalkin to City Centre BusConnect Core Bus Corridor Scheme which runs along Greenhills Road, improving access to Dublin city centre via bus. I am satisfied that the site is adequately served by public transport.

*Traffic Impact /Road Network Capacity*

- 11.7.9. The observers contend that the cumulative impact of the traffic resulting from the

development has not been considered in conjunction with the existing traffic currently using the access road at Greenhills Retail Park. The report fails to consider the cumulative traffic on the access road.

11.7.10. A Traffic and Transport Assessment accompanied the planning application. The assessment notes that due to the Covid-19 pandemic and nationwide travel restrictions resulting in abnormal traffic flows throughout 2020 and 2021, classified traffic counts from 2019 were used as a basis for the TTA. During the AM peak hour, the proposed development will generate 121 additional trips to the public road network, 50 arrivals and 71 departures. During the PM peak hour, the proposed development will generate 133 additional trips to the public road network, 75 arrivals and 58 departures.

11.7.11. The existing junction between the R819 Greenhills Road and the Hibernian Industrial Estate Road is a signalised cross-roads junction. Traffic analysis carried out for the existing Greenhills Road / Hibernian Road signalised junction using the classified traffic count data show that the existing junction is operating within capacity and does not exceed the 0.85 Degree of Saturation (DOS) during the AM or PM peak hours. Similarly, the existing junction between the R819 Greenhills road and the L3001 Airton road is a signalised T-junction determined to be operating within capacity and does not exceed the 0.85 Degree of Saturation (DOS) value during the AM or PM peak hours. The results of the traffic analysis show that the existing junctions between Greenhills Road / Airton road and Greenhills Road / Hibernian Industrial Estate road are operating within capacity at current traffic levels (pre Covid-19 restrictions).

11.7.12. The results of the traffic analysis show that the Greenhills Road / Hibernian Industrial Estate road junction will continue to operate within capacity in 2038, fifteen years after the development has opened. The results of the traffic analysis show that the Greenhills Road / Airton road junction will continue to operate within capacity in 2038, fifteen years after the development has opened. The junction will begin to experience some capacity issues in 2028 with increased traffic growth on the public road network.

11.7.13. However, the assessment notes and I would agree that the development is located close to high quality public transport services and is well served by existing footpaths

and cycleways. Combined with the Mobility Management measures as set out in the accompanied Mobility Management Plan, the combination of existing services combined with future improvements in public transport such as the Core Bus Corridor will encourage residents and businesses to use sustainable travel and reduce dependency on private vehicles. Thereby reducing car dependency.

11.7.14. In summary, I am satisfied that the existing road network has capacity to accommodate the development having particular regard to planned infrastructure improvements (BusConnects) and the implementation of the mobility management measures identified.

#### *Right of Way*

11.7.15. Regarding the Right of Way, in the first instance I note the applicant does not propose to alter the existing access road. I refer the Board to Section 5.13 of the Development Management Guidelines which sets out that the planning system is not designed as a mechanism for resolving disputes about title to land or rights over land and that these are ultimately matters for resolution in the Courts. On this basis I am satisfied that planning permission can be granted. However, a grant of permission is subject to the provisions of section 34(13) of the Act. In other words, the developer must be certain under civil law that he/she has all rights in the land to execute the grant of permission'.

#### *Car/Cycle Parking*

11.7.16. The PA and Elected Members consider car parking standards too low. The Tallaght Town Centre Local Area Plan does not prescribe car parking standards. Section 12.7.4 Car Parking Standards of the Development Plan establish that the proposed development lands are considered to be Zone 2 (Residential): *More restrictive rates for application within town and village centres, lands zoned REGEN, and brownfield / infill sites within Dublin City and Suburbs settlement boundary within 400-500 metres of a high-quality public transport service (includes a train station, Luas station or bus stop with a high-quality service)*. The maximum parking requirement set out in the Development Plan for the proposed residential development is 180 space. It is proposed to provide 78 no. on-site car parking spaces, and 4 no. set-down parking spaces for the creche. The PA consider car parking ratio of 0.4 too low and a ratio of

0.65 should be sought at this location. The applicant has addressed this in the Material Contravention Statement submitted. The applicant argues that in terms of car parking, the identified scheme at the Former Gallaher's Cigarette Factory site proposed 0.4 spaces per unit and this similar to the ratio of car parking spaces to apartment units proposed under the subject proposal (0.395). The PA in the CE report do not consider this matter to be a material contravention in so far as the referenced car parking standard relate to the South Dublin County Development Plan 2016-2022 which has since be replaced by the South Dublin County Development Plan 2022-2028.

11.7.17. Section 12.7.4 of the Development Plan 2022-2028 establishes maximum standards for car parking, but states that car parking standards for apartments may be reduced in certain instances. Page 496 & 497 of the Development Plan states that proposals for lower rate of parking can may be acceptable subject to:

- The proximity of the site to public transport and the quality of the transport service it provides.
- The proximity of the development to services that fulfil occasional and day to day needs,
- The existence of a robust and achievable Workforce Management or Mobility Management Plan for the development,
- The ability of people to fulfil multiple needs in a single journey,
- The levels of car dependency generated by particular uses within the development,
- The ability of residents to live in close proximity to the workplace,
- Peak hours of demand and the ability to share spaces between different uses,
- Uses for which parking rates can be accumulated, and
- The ability of the surrounding road network to cater for an increase in traffic.

11.7.18. This is consistent also with Par. 4.23 of the 2023 Apartment Guidelines which state '2) Intermediate Urban Locations 4.23 In suburban/urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare net (18 per acre), planning

authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard’

11.7.19. The proposed development site fulfils a multitude of the Development Plan criteria for reduced car parking owing to the location of the proposed development near numerous services and amenities and proximity to public transport, I am satisfied having regard to the site location that the proposed 78 no. car parking spaces are acceptable in this instance. Having regard to the above, I am further satisfied that the matter of car parking is not material contravention of the Development Plan.

#### *Cycling Infrastructure*

11.7.20. A total of 448 cycle parking spaces are proposed, 348 for residents and 100 at surface level to serve visitors. I note the CE Report raised no concerns in this regard. Of relevance, I note there are a number of key cycling corridors identified in the application documentation which are accessible from the site further improving the accessibility

#### Conclusion

11.7.21. On balance, the proposed development is located at a well-served urban location close to a variety of amenities and facilities. The site is within walking distance of high frequency transport including the proposed Tallaght/Clondalkin to City Centre BusConnects Core Bus Corridor. The Development Plan contains policies and objectives which promote measures that have the potential to reduce the climate impact of transport by encouraging a shift from private motorised transport to walking, cycling and public transport. There are good cycle and pedestrian facilities in the area and the proposed development will add significant improvements to the public realm in this respect. It is inevitable that traffic in all forms will increase as more housing comes on stream. However, I am satisfied that the components are in place to encourage existing and future residents to increase modal shift away from car use to more sustainable modes of transport and this can be achieved by the implementation of proposed permeability proposals, a mobility management plan and car parking strategy to be submitted by the applicant.

## **11.8. Drainage Infrastructure (Water, Wastewater, SuDS)**

### *Water*

- 11.8.1. The water connection would be via Greenhills Road. Uisce Eireann (formally Irish Water) have provided observations on the proposed development stating that in relation to water supply this is feasible subject to the provision of c.100m of network extension to the existing 9" AC mains, as detailed in the Confirmation of Feasibility, issued by Irish Water dated 18th October 2021. I note the CE report raised no concerns regarding water connection subject to compliance with Uisce Eireann requirements.

### *Wastewater*

- 11.8.2. Wastewater will discharge to the public sewer and will be sent to the wastewater treatment plant at Ringsend in Dublin. Uisce Eireann have confirmed that connection can be facilitated subject to the development adhering to strict flow management. This is to ensure no further detriment in the downstream network resulting from the new connections to the existing sewer. Uisce Eireann require the flow control and storage measures to be installed, owned, operated and managed by the developer locally on the subject site. In addition, the applicant is required to incorporate bypass pipes to facilitate the future connection, when UE have completed works to increase the capacity in the local network. These temporary measures are required until Irish Water have increased capacity in the downstream network. I note the contents of the Engineering Report submitted which notes that the truck sewers traversing the site along Greenhills Road have been relocated as per drawing 20-4993\_FDA\_604-P5 Existing Site Layout Drainage. If the event the Board is minded to grant planning permission I am satisfied that any outstanding matters can be addressed by way of condition and further agreement with Uisce Eireann.
- 11.8.3. I refer the Board to the submission received from the National Transport Authority which requests conditions to ensure that the drainage diversions do not clash with the resurfacing works required as part of CBC, no manhole covers in wheel track zones and continue to liaise with NTA on the design and access in order to support the implementation of the CBC. If the event the Board is minded to grant planning

permission, I am satisfied that this can be addressed by way of condition also. I note the CE report raised no concerns regarding wastewater connection subject to compliance with Uisce Eireann requirements.

#### *Surface Water /SuDs*

- 11.8.4. Section 7.2.1 Green Infrastructure – Surface Water Management of the LAP and Section 12.11.1 Water Management (iii) of the Development Plan requires Sustainable Urban Drainage System (SuDS). In general, all new developments will be required to incorporate Sustainable Urban Drainage Systems (SuDS).
- 11.8.5. Currently there is no attenuation of surface water and this percolates to ground or discharges to the existing public surface water sewer. SuDS measures are included in the project design to maintain the quality and quantity of run-off at a 'greenfield' rate. Measures include blue/green roofs, permeable paving, a rain garden, and bioretention tree pits. As such, there will be no impact to the run-off characteristics from the site. SuDS drainage will be incorporated in the proposed development including blue/green roofs which are provided to all blocks and the podium area, permeable paving and bio-retention tree pits.
- 11.8.6. The surface water run-off from the development will be attenuated using an underground storage tank and discharged at a restricted rate to the public surface water sewer. It is proposed to provide storm water attenuation within the site and limit the outfall to 1.6l/s. Attenuation will be provided for a 100 year storm event with a 20% allowance for climate change. Greenfield run off is estimated at 4.26l/s. However as no long term storage is available on site outflow is restricted to 1.6l/s as per Section 6.3 of the Regional Code of Practice for Drainage. SDCC Water Service department have reviewed the proposed development and note that there is no drawing submitted showing a cross sectional view with distance shown between foundation of proposed building and existing 1050mm surface water sewer. Without seeing such a drawing, water services cannot recommend the proposed development because it is not clear if same complies with the Greater Dublin Strategic Development Study (GDSDS) - Volume 2. While I consider the above needs to be addressed/clarified I do not consider

this reasons for refusal having particular regard to the substantial concerns with respect to unit mix and design.

#### *Flood Risk*

11.8.7. I note the site is not at risk of flooding and determined to be in Flood Zone C. I note the CE report raises no concerns in this regard.

#### Conclusion

11.8.8. The site is a serviced and zoned land adjacent to established infrastructure including road and footpath access, public lighting, foul sewer drainage, surface water drainage and water. Subject, to appropriate and required infrastructural upgrades, I consider the development acceptable.

#### **11.9. CE Report**

11.9.1. The planning authority's report recommended that permission be refused setting out that the proposed development would materially contravene objectives of the Tallaght Town Centre Local Area Plan, 2020-2026 in relation to the following:

- Building Height
- Plot Ratio (this being a key measure of density in the Plan)
- Unit Mix

Comment: I agree with the CE recommendation. I refer the Board to section 11.2 of this report with respect to Unit Mix and section 11.4 and 11.5 with respect design including building height, plot ratio and placemaking standards.

11.9.2. The CE report also sets out that the proposed dual aspects ratio does not comply with the 2020 Apartment Guidelines. In suburban or intermediate locations, it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme.

Comment: I do not agree with the CE recommendation in this respect. I refer the Board to section 11.6 of this report.

## 11.10. Material Contravention

11.10.1. The applicant's Material Contravention Statement refers to four separate grounds of material contravention comprising (i) building height; (ii) plot ratio and (iii) unit mix of the Tallaght Town Centre Local Area Plan 2020-2026 and (iv) car parking of the South Dublin Development Plan 2016-2022. housing mix and (iii) density and (iv) car parking.

### *Building Height /Plot Ratio*

11.10.2. In relation to building height and plot ratio, I refer the Board to section 11.4 of this assessment. As noted in section 11.4 above the LAP does not prescribe specific policies or objectives relating to building height and plot ratio (plot ratio being a measure of density as set out in the LAP), however the LAP does establish quantitative and qualitative standards. As noted in section 11.3 the development proposed would exceed these quantitative building height and plot ratio parameters and therefore would be contrary to building height and plot ratio parameters including design criteria as set out in the LAP.

I refer the Board to the South Dublin County Development Plan 2022-2028 incorporating *Building Height and Density Guide (Appendix 10)* which recognises that there should be no blanket numerical limitations on building heights. The approach to increased building heights and density in South Dublin County Development Plan is a context driven approach as established under Policy QDP9: *High Quality Design - Building Height and Density: Apply a context driven approach to building heights in South Dublin, as supported by South Dublin's Building Heights and Density Guide.*

Having regard to section 11.4 and section 11.3 above, I am not satisfied that the proposed development is of an appropriate qualitative standards, however there is policy support within the Development Plan for increased height and density. Therefore, I do not consider the development to be a material contravention of the Development Plan as regards building height and density. This matter is addressed in the applicant's Material Contravention Statement, and it is therefore open to the Board to invoke the provisions of section 37(2)(b) in relation to this matter.

### *Unit Mix*

11.10.3. I refer to Board to section 11.3 of this report. I consider that the proposed unit mix does materially contravene Section 10 of the LAP. Section 5.2.1 Housing Mix of the LAP clearly sets out the objective of the Council to ensure an appropriate housing mix a minimum of 30% of units within any new residential development shall have a minimum of 3 bedrooms (Objective RE 2). Furthermore, a target of a minimum of 30% of 3+bed apartment units is justified by the NHDA and reflected in Objective RE 2 of the LAP and H1 Objective 12 of the County Development Plan 2022-2028.

This matter is addressed in the applicant's Material Contravention Statement, and it is therefore open to the Board to invoke the provisions of section 37(2)(b) in relation to this matter.

### *Car Parking*

11.10.4. The applicant's material contravention statement in relation to car parking refers to the South Dublin Development Plan 2016-2022. The Board will note that the 2016 Development Plan has been revoked and is no longer the operational Plan for the County. The relevant Plan is the South Dublin County Development Plan 2022-2028. I refer the Board to section 11.7 above. I do not consider car parking to be a material contravention of the LAP or the SDCDP 2022-2028 with respect to car parking. I note the Planning Authority do not consider car parking to be a material contravention. Should the Board consider material contraventions to arise, within this statement the applicant sets out their rationale to justify granting permission, including national policy objectives, the Building Heights Guidelines and the Apartment Guidelines.

11.10.5. In conclusion, the applicant asserts that the Board should grant permission for this strategic housing development having regard to the provisions under subsections 37(2)(b)(i), (ii) and (iii) of the Planning and Development Act 2000, as amended (hereinafter 'the Act of 2000').

## **12.0 EIA Screening**

12.1.1. The applicant submitted and Environmental Impact Assessment Screening Report and a Statement in Accordance with Article 299(1)(b)(ii)(II)(c). I have had regard to

same in this screening assessment. The information provided is in accordance with Schedule 7 and 7A of the Planning and Development Regulations 2001. The EIA Screening Report identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. Class 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 Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

- Construction of more than 500 dwelling units
- 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.

12.1.2. The total number of units to be constructed for the proposed development has been confirmed as 197 no. dwelling units. Therefore, it is less than the 500-dwelling unit threshold and accordingly a mandatory EIA is not required. The proposed development does constitute an 'urban development' as it is located within a built-up area on land which has been zoned for development by South Dublin County Council. However, as the total area of the site for development has been confirmed as c. 0.8 ha (1.98 acres), it is less than the 10-hectare threshold and accordingly a mandatory EIA is not required.

12.1.3. The criteria within Schedule 7 to the Planning Regulations are relevant in considering whether this proposed development would be likely to have significant effects on the environment that could and should be the subject of EIA. The residential use proposed would be similar to the surrounding land uses in the area, particularly the apartment development currently under construction opposite the site to the east. The proposed development would not increase the risk of flooding and it would not give rise to significant use of natural resources, the production of waste, pollution, nuisance or a risk of accidents. The development would be served by municipal foul wastewater drainage and water supplies.

12.1.4. I note that the site is not designated for the protection of the landscape or of natural

heritage. The site consists of a hard-standing surface to the north which is used for car parking and a greenfield to the south. The subject site is devoid of any built form with the exception of an existing ESB substation. The near surface subsoil is predominantly comprised of made ground.

- 12.1.5. The site does not support substantive habitats or species of conservation significance, as highlighted in the Ecological Impact Assessment submitted with the application. The site does not contain any species listed on the flora (protection) order 2015. No records of rare flora, e.g., those classified as ‘critically endangered’, ‘endangered’, or ‘vulnerable’ on the Ireland Red List were identified during surveys of the site.. The lands are divided in two with a northern section that is composed of artificial surfaces – BL3 and is sealed with tarmac. The southern area is recolonising bare ground – ED3 which is c.80% bare stones. The southern boundary is characterised by a hedgerow – WL2 which includes Hawthorn *Crataegus monogyna*, Brambles, Birch *Betula* sp., Sycamore *Acer pseudoplatanus*, Alder *Alnus glutinosa* and some garden escapes, such as Cotoneaster *Cotoneaster* sp. and Periwinkle *Vinca minor*. These features are of low biodiversity value. There are no water courses on the site, no bodies of open water or habitats that can be described as wetlands. Three-cornered Leek has been recorded growing on the development site and this is an alien invasive species as listed in SI No. 477 of 2011. The developer therefore has an onus to prevent its spread and control measures will be required to undertaken. In the event that the Board is minded to grant planning permission a suitable condition will be required to address same.
- 12.1.6. The Ecological Impact Assessment (EclA) Report states although a number of mammals are known to be present in this 10km, there are no habitats on the site which are suitable for the majority of these species. There was no evidence of Badger or deer activity. There is no suitable habitat for these species. There are no setts. There is no suitable habitat for Otter. There was no evidence that Irish Hare is present while habitat is not available for Pine Marten or Red Squirrel. Features on the site are of very low suitability for roosting bats with little natural vegetation to provide foraging resources. There are no buildings and no large or old trees with potential roosting cavities. A dedicated bat survey was carried out in May 2022 and this found that “bat

activity on this site was low” and that “There are no roosts within the site”. Two bats were noted: a Common Pipistrelle and a Leisler’s Bat. The bat survey recommends the introduction of bat boxes and appropriate lighting and native planting to mitigate any impacts..

- 12.1.7. I have reviewed the Avoidance, Remedial And Mitigation Measures as set out in section 6.1 of the Ecological Impact Assessment and I am satisfied that in the context of the site that subject to the implementation of the mitigation and enhancement measures identified in Ecological Impact Assessment and the successful implementation of the proposed works and control measures, carried out in accordance with the proposed landscape plan; it is deemed that there will be no significant negative ecological impacts; to any valued habitats, designated sites or individual or group of species, arising from construction and operational phases of the proposed development.
- 12.1.8. The site is not located in a designated Architectural Conservation Area nor does it contain any building/structure listed on the Record of Protected Structures. I am satisfied that the development will not result in a loss of built or cultural heritage as a result of the development.
- 12.1.9. The proposed application site is not within or immediately adjacent to any site that has been designated as a Special Area of Conservation (SAC) or a Special Protection Area (SPA) under the EU Habitats or EU Birds Directive. According to the Appropriate Assessment (AA) Screening Report the proposed development either alone or in combination with other plans or projects, will not adversely affect (either directly or indirectly) the integrity any European site. This conclusion is based on best scientific knowledge. I refer the Board to section 13.0 and Appendix B of this report. The site is located within Flood Zone C and is at low risk (1:1,000) of flooding.
- 12.1.10. I draw the Boards attention to the Inland Fisheries Report The report notes that the site within Poddle river system, the River Poddle flows approx. 80m to the south. The River Poddle is assessed as ‘poor status’ under the Water Framework Directive. I have revised the IFI recommendation and I am satisfied that with appropriate and specific mitigation measures being implemented as identified in the documentation submitted

including the Preliminary Construction Management Plan submitted to ensure that there are no uncontrolled discharges of deleterious materials directly or indirectly into surface waters that may result in a deterioration in water quality.

12.1.11. Section 299B (1)(b)(ii)(II)(A) of the regulations states that the Board shall satisfy itself that the applicant has provided the information specified in Schedule 7A. The criteria set out in schedule 7A of the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. I am satisfied that the EIAR Screening Report addresses the criteria set out in Schedule 7 and 7A. It is my view that sufficient information has been provided within the report and submitted documentation to determine whether the development would or would not be likely to have a significant effect on the environment.

12.1.12. Section 299B (1)(b)(ii)(II)(B) states that the Board shall satisfy itself that the applicant has provided any other relevant information on the characteristics of the proposed development and its likely significant effects on the environment. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts and all other submissions. I have also considered all information which accompanied the application including inter alia those listed in section 3.3 above.

12.1.13. With regard to the requirements of Section 299B (1)(b)(ii)(II)(C), the applicant submitted a standalone statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account. I would note that the following assessments / reports have been taken into account inter alia:

- A Screening Report for Appropriate Assessment has been submitted with the application, in support of the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC).
- A Construction Environmental Waste Management Plan, Operational & Waste Management Plan and Servicing and Operational Management Plan have been submitted that address the requirements under the EU Waste Framework Directive and EC Environmental Noise Directive and Clean Air for Europe Directive and the Directive 92/57/EEC on the minimum safety and health requirements at temporary or mobile construction sites.
- As per the EIA Screening Report, the subject lands are not proximate to any Seveso designated sites and therefore the Seveso III Directive is not directly relevant. In addition, it is noted that the Industrial Emissions Directive is not directly relevant to the proposed housing development, and the proposed development will not directly involve industrial activities under the Directive. As a housing development project, Regulation 1315/2013 Trans-European Networks in Transport, Energy and Telecommunication Regulations is not directly relevant to the project.
- A Site-Specific Flood Risk Assessment has been submitted, which ensures effective management of flood risk, and which has had regard to 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' (DoEHLG & OPW, 2009), and was undertaken in response to the EU Floods Directive.
- An Energy Statement has been submitted with the application undertaken pursuant to the EU Energy Performance of Buildings Directive and requirement to meet Near Zero Energy Buildings.

12.1.14. I am satisfied that all relevant assessments have been identified for the purpose of EIA Screening. I also note SEA has been undertaken as part of the South Dublin County Development Plan 2022-2028.

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

(a) the nature and scale of the proposed development, which is below the thresholds

in respect of Class 10 (b) of Schedule 2, Part 5 of the Planning and Development Regulations, 2001 (as amended);

(b) the location of the development on land zoned Objective 'REGEN': 'To facilitate enterprise and/or residential-led regeneration' in the Tallaght LAP (Fig. 1.2) and would continue to be zoned 'REGEN' with the following amended zoning objective - 'To facilitate enterprise and/or residential-led regeneration subject to a development framework or plan for the area incorporating phasing and infrastructure delivery' under the South Dublin County Development Plan 2022-2028;

(c) the pattern of development on the lands in the surrounding area;

(d) the availability of mains water and wastewater services to serve the development.

(e) the location of the development outside any sensitive location specified in Article 299(c)(1)(v) of the Planning and Development Regulations, 2001 (as amended);

(f) the guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-Threshold Development" issued by the Department of the Environment, Heritage and Local Government (2003);

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

12.1.15. I am satisfied that the proposed development, by reason of the nature, scale and location of the subject site, would not be likely to have significant effects on the environment and the preparation and submission of an Environmental Impact Assessment Report would not therefore be required.

## **13.0 Appropriate Assessment**

13.1. I refer the Board to Appendix B -AA Screening Determination.

### *Screening Determination Conclusion*

13.1.1. I am satisfied the potential for significant effects, as a result of surface and foul waters generated during the construction and operational stages, on the qualifying interests of the applicable Natura 2000 site (South Dublin Bay and River Tolka Estuary SPA (site code: 004024), the South Dublin Bay SAC (site code: 000210), the North Bull

Island SPA (site code: 004006) and the North Dublin Bay SAC (site code: 000206). (Rockabill to Dalkey Island SAC (003000)) can be excluded having regard to the following:

- There is no terrestrial or direct hydrological or groundwater pathway between the development site and any Natura 2000 site.

I am further satisfied the potential for significant effects, as a result of surface and foul waters generated during the construction and operational stages, on the qualifying interests any Natura 2000 sites can be excluded having regard to the following:

- During the construction stage, surface water will be attenuated/part treated within the site and the nature of any discharges is temporary/of a relatively low volume relative to the recovering surface water and marine environments.
- Should a pollution event occur during the construction phase, due to the accidental spillage or release of contaminants, this would not be of such magnitude so as to have a significant adverse effect on downstream water quality due to the level of separation and the dilution arising from the volume of water between the sites.
- There will be an improvement in surface water run-off during the operational phase, relative to the existing situation, as surface water will be attenuated/ part treated within the site.
- Foul waters will discharge to the existing combined foul and surface water network and will travel to Ringsend wastewater treatment plant for treatment prior to discharge; the Ringsend wastewater treatment plant is required to operate under EPA licence and meet environmental standards and thus would not impact on the overall water quality within the receiving waters of the Irish Sea.

13.1.2. No habitat fragmentation to any Natura 2000 site is predicted and there is no potential for impacts on the qualifying interests of Natura 2000 sites due to noise and other disturbance impacts during construction and operational phases given the level of separation between the sites. While there is a potential risk of noise and disturbance during construction to ex-situ qualifying species, no significant effects are predicted as it is unlikely that the qualifying species will use habitats within the subject lands and in

any case the proposed development is not likely to result in a significant increase in noise and disturbance over the existing levels.

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

13.2. In reaching my screening assessment conclusion, no account was taken of measures that could in any way be considered to be mitigation measures intended to avoid or reduce potentially harmful effects of the project on any European Site. In this project, no measures have been especially designed to protect any European Site and even if they had been, which they have not, European Sites located downstream are so far removed from the subject lands and when combined with the interplay of a dilution affect such potential impacts would be insignificant. I am satisfied that no mitigation measures have been included in the development proposal specifically because of any potential impact to a Natura 2000 site.

## 14.0 Conclusion and Recommendation

Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied, and that permission be refused to be granted for the proposed development, for the reasons and considerations set out in the draft Order below.

## 15.0 Recommended Order

**Application:** for permission under Section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 17<sup>th</sup> of May 2022 by Hughes Planning and Development Consultants on behalf of Greenhills Living Limited.

**Proposed Development:** The application comprises:

‘(i) demolition of existing substation and removal of existing advertisement structure on site;

(ii) construction of a residential development of 197 no. apartments (79 no. one-bedroom, 105 no. two-bedroom and 13 no. three-bedroom) in 4 no. blocks (ranging in

height from seven to eight storeys with eighth floor level roof garden) as follows:

- Block A containing 41 no. apartments (6 no. one bedroom, 34 no. two bedroom and 1 no. three-bedroom) and measuring eight storeys in height (with eighth floor roof garden);
- Block B containing 79 no. apartments (33 no. one bedroom, 34 no. two bedroom and 12 no. three bedroom) and measuring eight storeys in height;
- Block C containing 42 no. apartments (24 no. one bedroom and 18 no. two bedroom) and measuring seven storeys in height; and,
- Block D containing 35 no. apartments (16. no one bedroom and 19 no. two bedroom) and measuring seven storeys in height.

(iii) all apartments will have direct access to an area of private amenity space, in the form of a balcony, and will have shared access to internal communal amenities including 2 no. resident lounges (114.7sq.m), gym (98sq.m) external communal amenity space (1,490.8sq.m) and public open space (1,667sq.m);

(iv) provision of 78 no. vehicular parking spaces (including 3 no. carshare parking spaces, 4 no. mobility parking spaces, and 8 no. electric vehicle parking spaces), 4 no. set-down vehicular parking spaces (including 1 no. mobility parking space) and 448 no. bicycle parking spaces (including 100 no. visitor parking spaces) at ground floor/ground level accessible via new vehicular entrance gate off access road off Greenhills Road;

(v) provision of 4 no. commercial units (871.5sq.m total) and 1 no. childcare facility (329.7sq.m) with associated external amenity space (168.8sq.m) located at ground floor level; and,

(vi) all ancillary works including public realm/footpath improvements, landscaping, boundary treatments, internal footpaths/access roadways, bin storage, foul and surface water drainage, green roofs, removable solar panels, ESB substation and all site services, site infrastructure and associated site development works necessary to

facilitate the development.

At Lands on Greenhills Road (north of Bancroft Park, south/west of Hibernian Industrial Estate and east of Airton Road junction), Tallaght, Dublin 24.

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

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

## 16.0 Reasons and Considerations

1. The proposed development, by reason of its excessive height, and by reason of its horizontal and vertical bulk would represent a visually incongruous and overbearing design response to this infill site, would be of insufficient architectural quality and would not successfully integrate into the character and public realm of the area. The proposal is considered to constitute overdevelopment of the site. The plot ratio and height proposed exceeds the clearly stated ranges for such under the Tallaght Town Centre Local Area Plan and that the location and design of the development does not meet the criteria set out that allows for an increase in height above specified ranges or an uplift in plot ratio by 20% as set out in the Local Area Plan. The development would be contrary to Section 2.6 of the Tallaght Town Local Area Plan 2020-2026 and Policy QDP8 Objective 1 and Policy QDP9 of the South Dublin County Development Plan 2022-2028 and the accompanying Building Height and Density Guide set out in Appendix 10 of this Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area
2. Having regard to Objective RE2 of the Tallaght Town Centre Local Area Plan 2020-2026 and Objective 12 of Policy H1: Housing Strategy and Interim Housing Need

and Demand Assessment of the South Dublin County Development Plan 2022-2028, it is considered that the unit mix in the proposed development fails to comply with the target of a minimum of 30% of 3+bed units in this instance and that the proposed development materially contravenes the Tallaght Town Centre Local Area Plan 2020-2026 and the South Dublin County Development Plan 2022-2028 regarding unit mix. 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.

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Irené McCormack

Senior Planning Inspector

5<sup>th</sup> February 2025

## Appendix A - EIA- Screening Determination

| A. CASE DETAILS                                                                                                                                                                                   |                                                                                                  |                                                                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| An Bord Pleanála Case Reference (313590-22)                                                                                                                                                       |                                                                                                  |                                                                                                                                                            |
| Development Summary                                                                                                                                                                               | 197 no. apartments, 4 no, commercial nits and a childcare facility and all associated site works |                                                                                                                                                            |
|                                                                                                                                                                                                   | Yes<br>/<br>No<br>/<br>N/A                                                                       | Comment (if relevant)                                                                                                                                      |
| 1. Was a Screening Determination carried out by the PA?                                                                                                                                           | Yes                                                                                              | EIA not required                                                                                                                                           |
| 2. Has Schedule 7A information been submitted?                                                                                                                                                    | Yes                                                                                              |                                                                                                                                                            |
| 3. Has an AA screening report or NIS been submitted?                                                                                                                                              |                                                                                                  | A Screening Report for Appropriate Assessment was submitted with the application. An Ecological Impact Assessment was also submitted with the application. |
| 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 |                                                                                                  | SEA and AA were undertaken in respect of the South Dublin County Development Plan 2022-2028                                                                |

| B. EXAMINATION                                                                                                                                                                                           | Where relevant, briefly describe the characteristics of impacts ( i.e. the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect<br><br>(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?<br><br>Yes/ No/ Uncertain |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| <b>1. Characteristics of proposed development</b> (including demolition, construction, operation, or decommissioning)                                                                                    |                                                                                                                                                                                                                                                                                                                                                |                                                                                               |
| <b>1.1</b> Is the project significantly different in character or scale to the existing surrounding or environment?                                                                                      | The proposed development would provide for a new residential development at an urban location that exceeds the predominately building height immediate to the site. The scale and character of which is significantly at odds with the surrounding pattern of development.                                                                     | <b>No</b>                                                                                     |
| <b>1.2</b> Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?                                               | The proposed residential development has been designed with standard measures to address potential impacts on surface water and groundwaters in the locality.                                                                                                                                                                                  | <b>No</b>                                                                                     |
| <b>1.3</b> 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? | Construction materials will be typical for an urban development of this nature and scale.                                                                                                                                                                                                                                                      | <b>No</b>                                                                                     |
| <b>1.4</b> Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?                                          | 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                                                                                                                                                                             | <b>No</b>                                                                                     |

|                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
|                                                                                                                                                                                         | construction sites. Any impacts would be local and temporary in nature and the implementation of the standard construction practice measures outlined in the Outline CEMP would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |           |
| <b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?                                                                      | Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances and 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 the standard measures outlined in the Construction Environmental Waste Management Plan, the project would satisfactorily mitigate the potential impacts. Operational waste would be managed through a waste management plan to obviate potential environmental impacts. Other operational impacts in this regard are not anticipated to be significant. | <b>No</b> |
| <b>1.6</b> 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? | Operation of the standard measures listed in the Construction Environmental Waste Management Plan, will satisfactorily mitigate emissions from spillages during construction and operation. The operational development will connect to mains services and discharge surface waters only after passing through fuel interceptors and SUDS. Surface water drainage will be separate to foul services within the site.                                                                                                                                                                                                                                                                                                                                 | <b>No</b> |

|                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                  |
|------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <p><b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p> | <p>There is potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised and short term in nature, and their impacts would be suitably mitigated by the operation of standard measures listed in the Construction Phase Environmental Management Plan and Outdoor lighting Report.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p><b>No</b></p> |
| <p><b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?</p>          | <p>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 the CEWMP and Operational Waste Management Plan would satisfactorily address potential risks on human health. No significant operational impacts are anticipated for the piped water supplies in the area.</p>                                                                                                                                                                                                                                                                                                                                                                            | <p><b>No</b></p> |
| <p><b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?</p>               | <p>No significant risk is predicted having regard to the nature and scale of the development. Any risk arising from demolition and construction will be localised and temporary in nature. The site is not at risk of flooding. Wind Microclimate Modelling determined the proposed development does not impact or give rise to negative or critical wind speed profiles at the nearby adjacent roads, or nearby buildings</p> <p><b>The</b> Aeronautical Assessment Report determined that all parts of the proposed development on this site are significantly lower than any of Casement Aerodrome's three Obstacle Limitation Surfaces which lie above the site. The proposed development will not interfere with current helicopter operations to/from Tallaght hospital</p> | <p><b>No</b></p> |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                  |           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                       | helipad. The proposed development complies with all aviation and aeronautical requirements affecting the site.                                                                                                                                                                                                                                                                                                                   |           |
| <b>1.10</b> Will the project affect the social environment (population, employment)                                                                                                                                                                                                                                                                                                                                                                   | Development of this site would result in an increase in population in this area. The development would provide housing that would serve towards meeting an anticipated demand in the area.                                                                                                                                                                                                                                       | <b>No</b> |
| <b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?                                                                                                                                                                                                                                                                                                                             | <b>No</b>                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>No</b> |
| <b>2. Location of proposed development</b>                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                  |           |
| <b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:<br>a) European site (SAC/ SPA/ pSAC/ pSPA)<br>b) NHA/ pNHA<br>c) Designated Nature Reserve<br>d) Designated refuge for flora or fauna<br>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 | The nearest European sites are listed in Appendix B of this report and other designated sites are referenced in the application AA Screening Report. Protected habitats or habitats suitable for substantive habituating of the site by protected species were not found on site during ecological surveys. The proposed development would not result in significant impacts to any protected sites, including those downstream. | <b>No</b> |
| <b>2.2</b> 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?                                                                                                                                                                                                | The proposed development would not result in significant impacts to protected, important or sensitive species                                                                                                                                                                                                                                                                                                                    | <b>No</b> |
| <b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?                                                                                                                                                                                                                                                                                                                        | The site is within an area of archaeological potential or within the ACA or located within the grounds of or adjacent of any structures listed on the RPS.                                                                                                                                                                                                                                                                       | <b>No</b> |

|                                                                                                                                                                                                                                 |                                                                                                                                                                                                                              |           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
|                                                                                                                                                                                                                                 | The impact of the development is not anticipated to be significant.                                                                                                                                                          |           |
| <b>2.4</b> 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 such features are in this urban location, with the site separated from agricultural areas by intervening urban lands and road infrastructure                                                                              | <b>No</b> |
| <b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?      | The development will implement SUDS measures to control surface water run-off. The development would not increase risk of flooding to downstream areas with surface water to discharge at greenfield runoff rates.           | <b>No</b> |
| <b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?                                                                                                                                                    | <b>No</b>                                                                                                                                                                                                                    | <b>No</b> |
| <b>2.7</b> 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?           | The site is served by a local road network. There are sustainable transport options available for future residents. No significant contribution to traffic congestion is anticipated to arise from the proposed development. | <b>No</b> |
| <b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?                                                                | The site is in close proximity to hospitals and schools. However, there is no negative impact anticipated as a result of the proposal.                                                                                       | <b>No</b> |
| <b>3. Any other factors that should be considered which could lead to environmental impacts</b>                                                                                                                                 |                                                                                                                                                                                                                              |           |
| <b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?                                                     | 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.                                          | <b>No</b> |
| <b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?                                                                                                                                       | <b>No</b>                                                                                                                                                                                                                    | <b>No</b> |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                 |                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|-------------------|
| 3.3 Are there any other relevant considerations?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | No                              | No                |
| <b>C. CONCLUSION</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                 |                   |
| No real likelihood of significant effects on the environment.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Agreed <input type="checkbox"/> | EIAR Not Required |
| Real likelihood of significant effects on the environment.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <input type="checkbox"/>        |                   |
| <b>D. MAIN REASONS AND CONSIDERATIONS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                 |                   |
| <p>Having regard to</p> <ul style="list-style-type: none"> <li>• the nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(i), 10(b)(iv) and 14 of Part 2 to Schedule 5 of the Planning and Development Regulations 2001-2022;</li> <li>• the location of the proposed residential units on lands zoned land zoned Objective 'REGEN': 'To facilitate enterprise and/or residential-led regeneration' in the Tallaght LAP (Fig. 1.2) and would continue to be zoned 'REGEN' with the following amended zoning objective - 'To facilitate enterprise and/or residential-led regeneration subject to a development framework or plan for the area incorporating phasing and infrastructure delivery' under the South Dublin County Development Plan 2022-2028Objective and the results of the Strategic Environmental Assessment of the Development Plan;</li> <li>• the nature of the existing site and the pattern of development in the surrounding area;</li> <li>• the availability of mains water and wastewater services to serve the proposed development;</li> <li>• the location of the development outside of any sensitive location specified in Article 299(C)(1)(a)(v) of the Planning and Development Regulations 2001, as revised.</li> </ul> |                                 |                   |

- the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised, and;
- the features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the project Construction Environmental Management Plan, the Operational & Waste Management Plan, Servicing and Operational Management Plan, Ecological Impact Assessment and the Engineering Services Report. It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

**Inspector** \_\_\_\_\_

**Date** \_\_\_\_\_

**Approved (DP/ADP)** \_\_\_\_\_

**Date** \_\_\_\_\_

## Appendix B – Appropriate Assessment Screening Determination

### Screening for Appropriate Assessment Screening Determination

#### 1: Description of the project

I have considered the Greenhills Road SHD in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

**There are no European sites in the immediate vicinity of the proposed development site. Section 5.0 and Figure 4 of the AA screening report establishes SACs and SPAs were identified within a 15km radius of the Site.**

At its closest point the site is c.10.2km away (as the crow flies) from the boundary of the Natura 2000 sites within Dublin Bay.

The closest European sites to the proposed development are Glenasmole Valley SAC (Site Code 001209) and the Wicklow Mountains SAC/SPA (Site Codes 002122 & 004040) located c. c. 4km and 7km respectively to the south of the site, South Dublin Bay SAC (Site Code 000210), South Dublin Bay and River Tolka Estuary SPA (Site Code 004024); both c. 10km to the northwest and North Dublin Bay SAC (Site Code 000206) and North Bull Island SPA (Site Code 004006) c. 12km northwest in Dublin Bay.

In brief the development comprises the 197 no. apartments, 4 no. commercial units and a childcare facility and all associated site works.

Section 4.0 of the AA screening report sets out the description of the receiving environments. Habitats are described here as per standard classifications (Fossitt, 2000). The lands are divided in two with a northern section that is composed of artificial surfaces – BL3 and is sealed with tarmac. The southern area is recolonising bare ground – ED3 which is c.80% bare stones. Vegetation that has established is ruderal in

nature or associated with small berms of soil to the west and south-east.

There are no water courses on the development site. The Tymon Stream can be found c.80m to the south and is separated from the development site by all-weather playing pitches and open green space. The habitats on the site are not suitable for regularly occurring populations of wetland/wading/wintering birds.

Foul waters from the proposed development will discharge off site to existing foul water systems, eventually being treated at Ringsend WWTP prior to outflow to Dublin Bay.

#### Submissions and Observations

I refer the Board to section 8.0 of the main report.

## **2. Potential impact mechanisms from the project**

### Zone of Influence

**All of the European sites present in the vicinity of the proposed development are shown on Map 4 of the AA screening report submitted and the QIs/SCIs of the European sites in the vicinity of the proposed development are provided in subsequent sections and tables 1-8.**

**The likely effects of the proposed development on European sites have been appraised using a source-pathway-receptor model.**

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, aided in part by the EPA Appropriate Assessment

Tool ([www.epa.ie](http://www.epa.ie)). Site synopsis and conservation objectives for each of these Natura 2000 sites are available on the NPWS website. In particular the attributes and targets of these sites are of assistance in screening for AA in respect of this project. I have also visited the site.

There are no Natura 2000 sites within the immediate vicinity of the site.

I consider that there is no possibility of significant effects on the following designated sites identified with regard to their conservation objectives, due to intervening distances, to the nature of the intervening land uses and to the absence of a hydrological or any other linkage between the development and the European Site. I have therefore excluded them from the remainder of this AA screening:

- Glenasmole Valley SAC (001209)
- Wicklow Mountains SAC (002122)
- Wicklow Mountains SPA (004040)

Similarly, freshwater supply may originate at the Poulaphouca Reservoir SPA. However, there is no evidence that abstraction at the Poulaphouca Reservoir is resulting in negative effects to the SPA. There can consequently be no negative effects to any Natura 2000 site arising from this project.

In applying the 'source-pathway-receptor' model, in respect of potential indirect effects, I would accept that all sites outside of Dublin Bay including the North West Irish Sea SPA can be screened out for further assessment at the preliminary stage based on a combination of factors including the minimal effluent discharge from the proposed development works (to be treated at Ringsend WWTP and discussed further below), the intervening minimum distances and the lack of direct hydrological pathway or biodiversity corridor link to these conservation sites and the dilution effect with surface water runoff.

Having regard to the significant separation distances from Natura 2000 sites, I consider that that any potential for significant effects is limited to the question of surface water and wastewater emissions and their potential downstream impacts on the receiving environment in Dublin Bay. My screening assessment will therefore focus on the impact of the proposal on the conservation objectives of the Natura 2000 sites around Dublin Bay and their qualifying interests. I am satisfied that no other European Sites fall within the possible zone of influence. I have therefore excluded them from the remainder of this AA screening.

There is no direct natural hydrological connection from the development site to Dublin Bay. There is an indirect, hydrological pathway to Dublin Bay through the foul sewer en-route to the Ringsend WWTP, as well as the surface sewer via the River Poddle. Sampling of water quality in Dublin Bay (and presented in the Annual Environmental Report for the WWTP) indicates that the discharge from the Ringsend wastewater treatment plant is having an observable effect in the 'near field' of the discharge. This includes the inner Liffey Estuary and the Tolka Estuary, but not the coastal waters of Dublin Bay. This indicates that potential effects arising from the treatment plant are confined to these areas, and that the zone of influence does not extend to the coastal waters or the Irish Sea. There are consequently pathways to a number of Natura 2000 sites. There are hydrological links to the South Dublin Bay and River Tolka Estuary SPA (site code: 004024), the South Dublin Bay SAC (site code: 000210), the North Bull Island SPA (site code: 004006) and the North Dublin Bay SAC (site code: 000206). The Poulaphouca Reservoir SPA (site code: 004063), from which drinking water supply for this development will originate, is also considered to fall within the zone of influence of this project.

#### Conclusion on the extent of the Zone of Influence

Having regard to the foregoing, my screening assessment will focus on the impact of the proposal on the conservation objectives of the European Sites and their qualifying interests as summarised in the table 1 below. I am satisfied that no other European Sites fall within the possible zone of influence.

### 3. European Sites at risk

Having regard to the potential ZOI and the submitted AA document, the following Natura 2000 sites are identified as requiring further consideration for potential impacts due to possible indirect hydrological connections between the development and the European Sites in Dublin Bay via the surface water drainage network and the foul sewer network:

- North Dublin Bay SAC
- North Bull Island SPA
- South Dublin Bay SAC
- South Dublin Bay and River Tolka Estuary SPA

The Qualifying Interests of are described under Table 1 below. Their current conservation status, attributes, measures and targets are expanded upon in Section 5 of the applicant's submitted document.

**Table 1 European Sites at risk from impacts of the proposed project**

| Effect mechanism | Impact pathway/Zone of influence | European Site(s) | Qualifying interest features at risk |
|------------------|----------------------------------|------------------|--------------------------------------|
|                  |                                  |                  |                                      |

|                                                                                    |                                                                                                                                                                                                                |                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Habitat degradation as a result of hydrological impacts                            | Indirect, hydrological pathway to Dublin Bay through the foul sewer en-route to the Ringsend WWTP, as well as the surface sewer via the River Poddle.                                                          | North Dublin Bay SAC (000206)  | Mudflats and sandflats not covered by seawater at low tide [1140]<br>Annual vegetation of drift lines [1210]<br>Salicornia and other annuals colonising mud and [1310]<br>Atlantic salt meadows ( <i>Glaucopuccinellietalia maritima</i> ) [1330]<br>Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) [1410]<br>Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]<br>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]<br>Humid dune slacks [2190]<br><i>Petalophyllum ralfsii</i> (Petalwort) [1395]                                                                                                                                                                                                                                                                                                            |
| Habitat degradation as a result of hydrological impacts<br><br>Species Disturbance | Indirect, hydrological pathway to Dublin Bay through the foul sewer en-route to the Ringsend WWTP, as well as the surface sewer via the River Poddle.<br><br>Construction and operational related disturbance. | North Bull Island SPA (004006) | Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046]<br>Shelduck ( <i>Tadorna tadorna</i> ) [A048]<br>Teal ( <i>Anas crecca</i> ) [A052]<br>Pintail ( <i>Anas acuta</i> ) [A054]<br>Shoveler ( <i>Anas clypeata</i> ) [A056]<br>Oystercatcher ( <i>Haematopus ostralegus</i> ) [A130]<br>Golden Plover ( <i>Pluvialis apricaria</i> ) [A140]<br>Grey Plover ( <i>Pluvialis squatarola</i> ) [A141]<br>Knot ( <i>Calidris canutus</i> ) [A143]<br>Sanderling ( <i>Calidris alba</i> ) [A144]<br>Dunlin ( <i>Calidris alpina</i> ) [A149]<br>Black-tailed Godwit ( <i>Limosa limosa</i> ) [A156]<br>Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157] Curlew ( <i>Numenius arquata</i> ) [A160]<br>Redshank ( <i>Tringa totanus</i> ) [A162]<br>Turnstone ( <i>Arenaria interpres</i> ) [A169]<br>Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [A179]<br>Wetland and Waterbirds [A999] |

|                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                               |                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Habitat degradation as a result of hydrological impacts                                                                                                                                                                                                                                               | Indirect, hydrological pathway to Dublin Bay through the foul sewer en-route to the Ringsend WWTP, as well as the surface sewer via the River Poddle.                                                         | South Dublin Bay SAC (000210)                          | Mudflats and sandflats not covered by seawater at low tide [1140]<br>Annual vegetation of drift lines [1210]<br>Salicornia and other annuals colonising mud and sand [1310]<br>Embryonic shifting dunes [2110]                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Habitat degradation as a result of hydrological impacts<br><br>Species Disturbance                                                                                                                                                                                                                    | Indirect, hydrological pathway to Dublin Bay through the foul sewer en-route to the Ringsend WWTP, as well as the surface sewer via the River Poddle.<br><br>Construction and operational related disturbance | South Dublin Bay and River Tolka Estuary SPA. (004024) | Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046],<br>Oystercatcher ( <i>Haematopus ostralegus</i> ) [A130]<br>Ringed Plover ( <i>Charadrius hiaticula</i> ) [A137]<br>Grey Plover ( <i>Pluvialis squatarola</i> ) [A141]<br>Knot ( <i>Calidris canutus</i> ) [A143]<br>Sanderling ( <i>Calidris alba</i> ) [A144]<br>Dunlin ( <i>Calidris alpina</i> ) [A149]<br>Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157]<br>Redshank ( <i>Tringa totanus</i> ) [A162]<br>Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [A179]<br>Roseate Tern ( <i>Sterna dougallii</i> ) [A192]<br>Common Tern ( <i>Sterna hirundo</i> ) [A193]<br>Arctic Tern ( <i>Sterna paradisaea</i> ) [A194]<br>Wetland and Waterbirds [A999] |
| <p>The Conservation Objectives and Qualifying Interests of sites in South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA are outlined in the table above. Further details can be found on <a href="http://www.npws.ie">www.npws.ie</a></p> |                                                                                                                                                                                                               |                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p><b>4.. Likely significant effects on the European site(s) ‘alone’</b></p> <p>Taking account of baseline conditions and the effects of ongoing operational plans and projects, this section considers whether there is a likely significant effect ‘alone’.</p>                                     |                                                                                                                                                                                                               |                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on Cork Harbour SPA relate to:

- Changes in water quality and resource as a result of surface water/groundwater discharge

**Table 2: Could the project undermine the conservation objectives 'alone'**

| European Site and qualifying feature                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Conservation objective (summary)                                  | Could the conservation objectives be undermined (Y/N)? |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|--------------------------------------------------------|
| North Dublin Bay SAC (000206)<br>Mudflats and sandflats not covered by seawater at low tide, Annual vegetation of drift lines, Salicornia and other annuals colonising mud and sand, Atlantic salt meadows ( <i>Glaucopuccinellietalia maritimae</i> ), Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ), Embryonic shifting dunes, Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes), Fixed coastal dunes with herbaceous vegetation (grey dunes), Humid dune slacks, <i>Petalophyllum ralfsii</i> . | To maintain and/or restore the favourable conservation condition. | No                                                     |
| North Bull Island SPA (004006)<br>Light-bellied Brent Goose, Shelduck, Teal, Pintail , Shoveler, Oystercatcher, Golden Plover, Grey Plover , Knot, Sanderling, Dunlin , Black-tailed Godwit, Bar-tailed Godwit, Curlew , Redshank , Turnstone, Black-headed Gull, Wetland and Waterbirds                                                                                                                                                                                                                                                     | To maintain the favourable conservation condition                 | No                                                     |
| South Dublin Bay SAC (000210)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | To maintain the favourable conservation condition                 | No                                                     |

|                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                    |    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| mudflats and sandflats not covered by seawater at low tide, Annual vegetation of drift lines, Salicornia and other annuals colonising mud and sand, Embryonic shifting dunes.                                                                                 |                                                                                                                                                                                                                                                                                    |    |
| South Dublin Bay and River Tolka Estuary SPA. (004024)<br>Light-bellied Brent Goose, Ringed Plover, Grey Plover, Knot , Sanderling, Dunlin, Bar-tailed Godwit , Redshank, Black-headed Gull , Roseate Tern, Common Tern, Arctic Tern , Wetland and Waterbirds | To maintain the favourable conservation condition<br>*Grey Plover is proposed for removal from the list of Special Conservation Interests for South Dublin Bay and River Tolka Estuary SPA. As a result, a site-specific conservation objective has not been set for this species. | No |

It is considered that there is nothing unique or particularly challenging about the proposed urban development, either at construction or operational phase

#### Assessment of Likely Significant Effects on Designated Sites

##### Habitat loss

At its closest point the site is c.10.2km away (as the crow flies) from the boundary of the Natura 2000 sites within Dublin Bay. In reality however, this distance is greater as hydrological pathways follow the course of the drainage network to Dublin Bay. Because of the distance separating the site and the SPAs/SACs there is no pathway for loss or disturbance of important habitats or important species associated with the features of interest of the SPA. No significant effects to Natura 2000 sites will arise from this source.

#### Habitat disturbance/Ex-situ impacts

The subject site is located in a heavily urbanised environment close to significant noise and artificial light sources such as roads. This development cannot contribute to potential disturbance impacts to species or habitats of for which Natura 2000 sites have been designated due to the separation distance. The development site does not provide suitable habitat for wetland/wading/wintering birds which may be associated with Natura 2000 sites in Dublin Bay. No ex-situ impacts can arise.

#### Hydrological Impacts

During the construction phase, standard pollution control measures would be put in place. 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 fail, I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Dublin Bay from surface water run-off can be excluded given 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 Natura 2000 sites in Dublin Bay (dilution factor).

The scheme includes attenuation measures which would have a positive impact on drainage from the subject site. SUDS are standard measures which are included in all projects and are not included to reduce or avoid any effect on a designated site. The inclusion of SUDS is considered to be in accordance with the Greater Dublin Strategic Drainage Study (GDSDS) and are not mitigation measures in the context of Appropriate Assessment. I also note the development is located on serviced lands in an

urban area, which is currently partially hard surfaced. Whilst not factored mitigation measures I note SuDs measures on site will be an enhance quantity and quality of surface water run-off.

The foul discharge from the proposed development would drain, via the public sewer to the Ringsend WWTP for treatment and ultimately discharge to Dublin Bay. There is potential for an interrupted and distant hydrological connection between the subject site and the designated sites in Dublin Bay due to the wastewater pathway. The subject site is identified for development through the land use policies of the South Dublin Development Plan 2022-2028. This statutory plan was adopted in June 2022 and was subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I also note the development is for a relatively small residential development providing for 197 no. units, on serviced lands in an urban area. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water. Furthermore, I note upgrade works have commenced on the Ringsend Wastewater Treatment works extension permitted under ABP – PL.29N.YA0010 and the facility is subject to EPA licencing (D0034-01) and associated Appropriate Assessment Screening. This will see improved treatment standards and will increase network capacity by 50%, upon completion. While the issues at Ringsend wastewater treatment plant are being dealt with in the medium term evidence suggests that some nutrient enrichment is benefiting wintering birds for which SPAs have been designated in Dublin Bay (Nairn & O'Hallaran eds, 2012). No significant effects to Natura 2000 sites will arise from this source. It is my view that the foul discharge from the site would be insignificant in the context of the overall licenced discharge at Ringsend WWTP, and thus its impact on the overall discharge would be negligible. It is also noted that the planning authority and Irish Water raised no concerns in relation to the proposed development subject to local upgrades.

I refer the Board to section 8 of the AA Screening Report . I agree with the conclusion presented therein.

**5: Where relevant, likely significant effects on the European site(s) ‘in-combination with other plans and projects’**

In combination or Cumulative Effects

The applicant’s AA Screening Report has considered cumulative / in-combination impacts, including relevant plans and policies. It concludes that no projects or plans would act in-combination with the proposed development to cause any likely significant effects on any European sites.

The AA Screening Report notes and there are no projects which can act in combination with this development which can give rise to significant effect to Natura areas within the zone of influence. The report notes and I would agree that implementation of the WFD will result in continued improvements to water quality throughout the river basin district. It is further stated that

There would also be a cumulative effect in relation to surface water discharge. However, all other developments will be required to incorporate appropriate construction management measures and to incorporate GDSDS requirements to suitably manage the quantity and quality of surface water discharge. Accordingly, I am satisfied that there would be no potential for significant cumulative / in-combination effects on the relevant European Sites within Dublin Bay as a result of surface water.

The South Dublin County Development Plan 2022-2028 and the Development Plans for other areas in the Greater Dublin Area include a range of objectives intended to protect and enhance the natural environment, including those relating to European Sites, wastewater management, and surface water management. These objectives have themselves been subject to Appropriate Assessments, which have concluded that their implementation would not adversely affect the integrity of European sites.

It is reasonable to conclude that on the basis of the information on the file, which I considered adequate in order to issue a screening determination, that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on South Dublin Bay and River Tolka Estuary SPA (site code: 004024), the South Dublin Bay SAC (site code: 000210), the North Bull Island SPA (site code: 004006) and the North Dublin Bay SAC (site code: 000206) or any European site, in view of the sites' conservation objectives.

#### **Overall Conclusion- Screening Determination**

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

I am satisfied the potential for significant effects, as a result of surface and foul waters generated during the construction and operational stages, on the qualifying interests of the applicable Natura 2000 site (South Dublin Bay and River Tolka Estuary SPA (site code: 004024), the South Dublin Bay SAC (site code: 000210), the North Bull Island SPA (site code: 004006) and the North Dublin Bay SAC (site code: 000206). (Rockabill to Dalkey Island SAC (003000)) can be excluded having regard to the following:

- **There is no terrestrial or direct hydrological or groundwater pathway between the development site and any Natura 2000 site.**

I am further satisfied the potential for significant effects, as a result of surface and foul waters generated during the construction and operational stages, on the qualifying interests any Natura 2000 sites can be excluded having regard to the following:

- During the construction stage, surface water will be attenuated/part treated within the site and the nature of any discharges is temporary/of a relatively low volume relative to the recovering surface water and marine environments.

- Should a pollution event occur during the construction phase, due to the accidental spillage or release of contaminants, this would not be of such magnitude so as to have a significant adverse effect on downstream water quality due to the level of separation and the dilution arising from the volume of water between the sites.
- There will be an improvement in surface water run-off during the operational phase, relative to the existing situation, as surface water will be attenuated/ part treated within the site.
- Foul waters will discharge to the existing combined foul and surface water network and will travel to Ringsend wastewater treatment plant for treatment prior to discharge; the Ringsend wastewater treatment plant is required to operate under EPA licence and meet environmental standards and thus would not impact on the overall water quality within the receiving waters of the Irish Sea.

No habitat fragmentation to any Natura 2000 site is predicted and there is no potential for impacts on the qualifying interests of Natura 2000 sites due to noise and other disturbance impacts during construction and operational phases given the level of separation between the sites. While there is a potential risk of noise and disturbance during construction to ex-situ qualifying species, no significant effects are predicted as it is unlikely that the qualifying species will use habitats within the subject lands and in any case the proposed development is not likely to result in a significant increase in noise and disturbance over the existing levels.

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