

**Statement of Material Contravention – South Dublin
County Development Plan 2016-2022 and Tallaght
Local Area Plan 2020**

In respect of

**Proposed Residential Development at ABB Site, Belgard
Road, Tallaght, Dublin 24**

Prepared by

John Spain Associates

On behalf of

Landmarque Belgard Development Company Ltd.

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39 Fitzwilliam Place
Dublin 2, D02 ND61
Telephone: (01) 662 5803
E-mail info@johnspainassociates.com

1.0 INTRODUCTION

- 1.1. This statement outlines the justification for the proposed mixed use development at the ABB Site, Belgard Road, Tallaght, Dublin 24. This statement provides a justification for material contraventions of the Tallaght Town Centre Local Area Plan 2020 in relation to building height, plot ratio, and unit mix; and the South Dublin Development Plan 2016-2022 in relation to policies which support the implementation of the Local Area Plan with respect to height and density.
- 1.2. It is noted that it is ultimately the decision of An Bord Pleanála as to whether the proposed development represents a material contravention of the Tallaght Town Centre Local Area Plan 2020 and the South Dublin Development Plan 2016-2022, and if minded to do so, grant permission for the proposed development by reference to the provisions of Section 37(2)(b) of the Planning and Development Act 2000 (as amended).

Legislative Context

- 1.3. Section 9 of the Planning and Development (Housing) and Residential Tenancies Act, 2016, confers power on An Bord Pleanála to grant permission for a development which is considered to materially contravene a Development Plan or Local Area Plan, other than in relation to the zoning of land:

‘(6) (a) Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under Section 4 even where the proposed development, or part of it, contravenes materially the development plan or local area plan relating to the area concerned.

(b) The Board shall not grant permission under paragraph (a) where the proposed development, or part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of land.

(c) Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if Section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development’.

- 1.4. Section 37(2)(b) of the Planning and Development Act 2000 states:

‘2) (a) Subject to paragraph (b), the Board may in determining an appeal under this section decide to grant a permission even if the proposed development contravenes materially the development plan relating to the area of the planning authority to whose decision the appeal relates.

(b) Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that –

(i) the proposed development is of strategic or national importance,

(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or

(iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan’.

- 1.5. It is submitted that recent national planning policy, as set out in the Statement of Consistency, provides for increased density (plot ratio is a metric of density) and building heights on appropriately zoned and serviced lands adjacent to high quality public transport corridors.
- 1.6. Having regard to the analysis set out below as to how the proposed development complies with national planning policy and guidelines it is considered that there is sufficient justification for An Bord Pleanála to grant permission for the proposed development, notwithstanding any material contravention of the County Development Plan, by reference to sub-paragraph (i) and (iii) of Section 37(2)(b) for the reasons set out below.

2.0 DEVELOPMENT IS OF NATIONAL IMPORTANCE

2.1. The section below demonstrates how the proposed development is justified by reference to sub-paragraph (i) *'the proposed development is of strategic or national importance'* of Section 37(2)(b). It is respectfully submitted that the proposed development is of national importance for the reasons set out below. This justification applies to all of the material contraventions identified herein.

2.2. The full title of the Planning and Development (Housing) and Residential Tenancies Act 2016 is as follows:

“An Act to facilitate the implementation of the document entitled “Rebuilding Ireland – Action Plan for Housing and Homelessness” that was published by the Government on 19 July 2016, and for that and other purposes to amend the Planning and Development Acts 2000 to 2015, the Residential Tenancies Acts 2004 to 2015 and the Housing Finance Agency Act 1981, to amend the Local Government Act 1998 in relation to the Local Government Fund and to provide for connected matters.”

2.3. The significant shortfall in housing output to address current and projected demand is a national problem, having social and economic ramifications for sustainable national growth. We note data provided by the CSO (Q3 2021¹) and Economic Commentary by the ESRI (Q3 2021²) which highlight the exact nature of this shortfall. Owing to public health related restrictions on construction housing completions have fallen Since Q3 2020. The ESRI note that in 2020, 20,353 dwelling completions were reported by the CSO, which is marginally down on 2019 (21,075). As set out in Housing for All it is estimated that Ireland will need an average of 33,000 new homes to be provided each year from 2021 to 2030.

2.4. Furthermore, increasing housing output is seen as a key priority for Government in strategic policy documents have been prepared to specifically address this concern, these include:

- Housing for All, A New Housing Plan for Ireland (effectively replacing 'Rebuilding Ireland');
- Rebuilding Ireland – Action Plan for Housing and Homelessness
- Project Ireland: National Planning Framework 2040;

Housing for All, A New Housing Plan for Ireland

2.5. Launched in September 2021, 'Housing for All, A new Housing Plan for Ireland' is the Government's new plan (which in effect replaces 'Rebuilding Ireland') to boost the supply of housing to 2030; to increase availability and affordability of housing; and to create a sustainable housing system into the future.

2.6. The aim of the plan is that everyone should have access to a home to purchase or rent at an affordable price, built to a high standard and in the right place, offering a high quality of life.

¹ <https://www.cso.ie/en/releasesandpublications/er/ndc/newdwellingcompletionsq32021/>

² https://www.esri.ie/system/files/publications/QEC2021AUT_0.pdf

- 2.7. The plan contains a range of actions and measures to ensure over 300,000 new social, affordable, cost rental and private homes are built by 2030. The actions outlined in the Plan are backed by over €4 billion in annual guaranteed State investment in housing over the coming years, including through Exchequer funding, the Land Development Agency and Housing Finance Agency investment. The plan commits to over €20 billion in State investment in housing over the next five years. The plan is set out across four pathways to address the pressing housing challenges facing the State:
- *“Pathway to supporting homeownership and increasing affordability*
 - *Pathway to eradicating homelessness, increasing social housing delivery and supporting social inclusion*
 - *Pathway to increasing new housing supply*
 - *Pathway to addressing vacancy and efficient use of existing stock”*
- 2.8. These pathways are underpinned by long-term actions to address systemic challenges. It aims to create a housing system which has environmental, social and economic sustainability at its heart and which meets the needs of all.
- 2.9. The proposed development will support the achievement of this Plan by providing housing at an appropriate scale and location including social housing. While the detail of this plan has yet to be fully developed, this application is in accordance with the intention and ambition of the plan.
- 2.10. The significant shortfall in housing output to address current and projected demand is a widely documented national issue, and this is particularly evident in South Dublin County. The proposed development consists of 334 new dwelling units, supplied with a mix of apartments which could help alleviate the demand for housing within South Dublin. We would therefore submit that the proposed development is of national importance as it will deliver on national objectives to deliver housing by increasing housing supply.

Rebuilding Ireland – Action Plan for Housing and Homelessness

- 2.11. Rebuilding Ireland was launched in 2016 with the objective to double the annual level of residential construction to 25,000 homes and deliver 47,000 units of social housing in the period to 2021, while at the same time making the best use of the existing stock and laying the foundation for a more vibrant and responsive private rented sector.
- 2.12. Rebuilding Ireland is set around 5 no. pillars of proposed actions summarised as follows:
- Pillar 1 – Address Homelessness: Provide early solutions to address the unacceptable level of families in emergency accommodation; deliver inter-agency supports for people who are currently homeless, with a particular emphasis on minimising the incidence of rough sleeping, and enhance State supports to keep people in their own homes.***
- Pillar 2 – Accelerate Social Housing: Increase the level and speed of delivery of social housing and other State – supported housing***
- Pillar 3 – Build More Homes: Increase the output of private housing to meet demand at affordable prices.***
- Pillar 4 – Improve the Rental Sector: Address the obstacles to greater private rented sector delivery, to improve the supply of units at affordable rents.***

Pillar 5 – Utilise Existing Housing: Ensure that existing housing stock is used to the maximum degree possible – focusing on measures to use vacant stock to renew urban and rural areas.

- 2.13. The proposed development is consistent with Pillars 2,3 and 4 to accelerate social housing, build more homes and improve the rental sector. The provision of the 334 no. residential units will substantially add to the residential accommodation availability in the area and cater for the increasing housing demand. The proposed development will contribute to the quantum of new social housing units available to the Council through the Part V agreement which is consistent with Pillar 2. The scheme therefore delivers on the national objectives of Rebuilding Ireland and is of national importance.

National Planning Framework (NPF) 2040

- 2.14. The National Planning Framework (NPF) is the Government's plan to cater for the extra one million people that will be living in Ireland, the additional two thirds of a million people working in Ireland and the half a million extra homes needed in Ireland by 2040.
- 2.15. As a strategic development framework, Ireland 2040 sets the long-term context for our country's physical development and associated progress in economic, social and environmental terms and in an island, European and global context.
- 2.16. The compliance of the proposed development with specific criteria of the NPF is detailed below, with responses provided for each objective.
- 2.17. National Policy Objective 3a aims to *"Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements"*
- 2.18. The proposed development will deliver residential units within the built up footprint of Tallaght town centre on a brownfield site, currently occupied by a warehouse.

We also note Objectives 32, 33 and 35.

- 2.19. NPO 32 aims to:

'To target the delivery of 550,000 additional households to 2040'.

- 2.20. NPO 33 aims to:

"Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location"

- 2.21. NPO 35 aims to:

Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

- 2.22. The subject site is located on a brownfield site and suitable for regeneration having regard to the provisions of the Local Area Plan, delivering residential units on a site well served by high capacity public transport.

Consideration Under Section 37 (2)(b) (i)

- 2.23. The proposed development for a residential scheme on this underutilised site within the built-up area of Tallaght represents an excellent opportunity to provide for much needed housing development in the urban extent of an existing settlement as required by the Core Strategy of the Development Plan.
- 2.24. Further the proposed development is in accordance with National Policy Objectives set out in the NPF. The scheme will deliver on National Planning Policy Objectives to increase the output of residential development on zoned serviced lands and address identified housing shortages. In summary, the argument for consideration of the proposed development as of national importance can be summarised as follows:
- The Government's policy to provide more housing set out in the National Planning Framework, Rebuilding Ireland Action Plan for Housing and Homelessness 2016 and Housing For All – Ireland's New Plan for Housing.
 - The proposed development addresses identified housing need in the area and meets key housing delivery objectives in the South Dublin County Development Plan
- 2.25. Having regard to the foregoing, it is considered that the proposal is of national importance. The application site has the potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under-supply as set out in Rebuilding Ireland Action Plan for Housing and Homelessness issued in July 2016 and Housing for All, A New Housing Plan for Ireland

3.0 PLOT RATIO AND HEIGHT

Material Contravention - Tallaght Local Area Plan Provisions

Land Use Mix/ Urban Function	A broad mix of uses in accordance with zoning objectives in the County Development Plan	
Plot Ratio Range	1.5:1 (Low) 2:1 (High)	
Building Height (See Figure 3.3)	Primary Frontage	Up to 6-7 storeys residential (+1 recessed), 5-6 storeys non-residential (+1 recessed)
	Secondary Frontage	4-6 storeys Residential, 3-5 storeys non-residential
	Other Frontages	3-4 storeys (Res/Non-Res)
	Landmark Blocks/Sites	Junction of N81 with Cookstown Way and Belgard Road, Luas Stops and Transport Interchange
The height standards set out above may be exceeded in the Centre neighbourhood where they reflect the height of existing buildings, particularly in the core of the town centre proximate to the Luas Terminus and The Square Shopping Centre, subject to Section 2.6.		

- 3.1. The LAP (Section 3.2 – Summary Table above) sets out a plot ratio range for each Neighbourhood. The plot ratio range for The Centre, within which the subject site is located is 1.5 (Low) – 2.0 (High). The proposed plot ratio is 3.32. Plot ratio is a metric of density and therefore supporting national policies for increased density apply to plot ratio.
- 3.2. The LAP (Section 3.2) sets out heights of 6-7 storeys residential (+1 recessed), 5-6 storeys non-residential (+1 recessed) on primary frontages, 4–6 storeys Residential, 3–5 storeys non-residential on secondary frontages and 3–4 storeys (Res/Non-Res) on other frontages. The proposed heights are 2-13 storeys and therefore contravene the Local Area Plan both in terms of minimum and maximum heights.
- 3.3. The LAP also states that “*the height standards set out above may be exceeded in the Centre neighbourhood where they reflect the height of existing buildings, particularly in the core of the town centre proximate to the Luas Terminus and The Square Shopping Centre, subject to Section 2.6.*”
- 3.4. Section 2.6 provides that “*Flexibility in relation to the gross floor area of up to 20% of the plot ratio ranges may generally be applicable where there is a strong design rationale for an increase in density/height and the development will result in a significant public gain.*” The proposed plot ratio is in excess of 20% of the LAP provisions (2.0 – High Plot Ratio would equate to a potentially permissible 2.4 plot ratio) and therefore is non compliant with this provision for increased plot ratio.
- 3.5. Section 2.6 further states, in relation to height that “*A 2–4 storey increase on the above typical levels of the LAP Heights Strategy may be considered for key or landmark sites or where sites exceed 2 ha in area and can establish its own identity (see Section 8.2 Implementation)*”. The proposal however exceeds the LAP provisions by in excess of 4 storeys in parts and therefore cannot rely on this provision of the LAP. For the reasons set out above, the proposed development is a material contravention of the LAP provisions on Height and Density.

Material Contravention - South Dublin County Development Plan 2016-2022

- 3.6. The following policies of the South Dublin County Development Plan 2016 are materially contravened by virtue of non compliance with the policies of the LAP for height and density in that the proposed plot ratio (as a metric of density) and heights exceed that set out in the LAP:

“H8 Objective 5: To ensure that developments on lands for which a Local Area Plan has been prepared comply with the local density requirements of the Local Area Plan.”

“H9 Objective 4: To direct tall buildings that exceed five storeys in height to strategic and landmark locations in Town Centres, Mixed Use zones and Strategic Development Zones and subject to an approved Local Area Plan or Planning Scheme.”

“UC6 Objective 3: To direct tall buildings that exceed five storeys in height to strategic and landmark locations in Town Centre... and subject to an approved Local Area Plan or Planning Scheme.”

Justification

- 3.7. The following section shall demonstrate how the proposed height and plot ratio are justified in the context of recent National Planning Policy and Section 28 Government Guidelines, which seek to increase residential densities on zoned services lands adjacent to public transport corridors. These include:

- Project Ireland: National Planning Framework 2040;
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018).

Project Ireland: National Planning Framework 2040

- 3.8. The National Planning Framework seeks to increase densities and building heights in appropriate urban locations to consolidate urban sprawl and increase the sustainability of public transport networks. The NPF states that:

“In particular, general restriction on building height or universal standards for car parking or garden size may not be applicable in all circumstances in urban areas and should be replaced by performance based criteria appropriate to general locations e.g. city/ town centre, public transport hub, inner suburban, public transport corridor, outer suburban, town, village etc”.

- 3.9. The proposed development is strategically located in Tallaght Town Centre and within close proximity to a third level institution, Technological University Dublin (TUD) - Tallaght Campus (to the north-east) and Tallaght University Hospital (to the north-west). The site is highly accessible via a number of means including a range of public transport networks. The Luas Redline provides a high frequency direct connection with Dublin City Centre. The site has two stops in close proximity, with the nearest stop being The Square which is within close walking distance of the site (6 min walk). Dublin Bus service the site via Belgard Square North (with stops immediately beside the site) and the Tallaght Town Centre, to the wider Dublin area including the No.'s 27 (every 10 minutes Monday – Friday during peak times) and a broad range of other routes (including 49, 54a, 65, 75,77A and 175) that interconnect and access the wider South Dublin environs and City Centre..

- 3.10. The subject development is also located in an area that has been highlighted for significant mixed use development and increased intensity of development (compared to the existing scenario) through the LAP, which would be appropriate for increased building heights and plot ratio adjacent to quality public transport and major employment centres. It is therefore considered that the subject site is an appropriate location for increased building heights and increased densities (plot ratio) to support the objectives of the NPF.
- 3.11. The NPF targets a significant proportion of future urban development on infill/brownfield development sites within the built footprint of existing urban areas. Objective 11 of the NPF states:
- “In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth”.*
- 3.12. The subject development provides for a mixed use development including residential, retail/café/restaurant uses, improved public realm, a new home zone pedestrian and cycle connection and creche facility. The proposed development will provide for a mix of uses and activity within the area thus creating the need for increased heights and densities at this location to meet targeted growth rates.
- 3.13. The proposed development seeks to make the optimal uses of land well served by public transport and within the existing urban environment through increased height and density. The proposed density at 372 no. units per hectare and height of the development at 2 – 13 no. storeys is therefore considered to be consistent with the objectives of the NPF. The proposed development utilises this strategically located land to provide for the critical mass to support the surrounding services, commercial centres, employment nodes and the high quality public transport infrastructure.
- 3.14. Objective 13 of the National Planning Framework also states that:
- “In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria enabling alternative solutions that seek to achieve well-designed high quality and safe outcomes in order to achieve targeted growth and that protect the environment”.*
- 3.15. In response to Objective 13 of the NPF, the proposed development will provide for increased heights and densities in a high quality urban design to achieve targeted growth of the area. The proposed development will also provide for reduced car parking standards at a ratio of 0.35 spaces per unit given the location of the site and in particular adjacent to existing quality public transport infrastructure.
- 3.16. The NPF also states that that *“to avoid urban sprawl and the pressure that it puts on both the environment and infrastructure demands, increased residential densities are required in our urban areas”.* Objective 35 states that it is an objective to *“increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site based regeneration and increased building heights”.*
- 3.17. It is clear that there is a strong emphasis towards density and increased building heights in appropriate locations within existing urban centres and along public transport corridors in order to provide for the critical mass needed to make the public transport services viable. As such it is respectfully submitted that the proposed

building heights of 2 - 13 storeys at a density of 372 uph are in line with government guidance and emerging trends for sustainable residential developments.

- 3.18. The subject lands are also located adjacent to 'Public Transport Corridors' in the context of the densities required under the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009). These areas are defined as being located within 500 metres walking distance of a bus stop, or within 1km of a light rail stop or a rail station. (See figure 5.2)
- 3.19. The Design Standards for New Apartments (December 2020) include a location hierarchy to inform standards applicable. The subject lands are considered to constitute a '*Central and/or Accessible Urban Location*' as they meet the criteria set out in the 2020 Apartment Guidelines:

1) *Central and/or Accessible Urban Locations*

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

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

The range of locations outlined above is not exhaustive and will require local assessment that further considers these and other relevant planning factors."

- 3.20. The subject site is highly accessible via a number of means including a range of public transport options. The Luas Redline provides a high frequency direct connection with Dublin City Centre. The nearest stop is The Square which is within close walking distance of the site (500m or a 6 min walk). The 2020 Apartment Guidelines identify the Luas as "*high capacity urban public transport*".
- 3.21. Dublin Bus service the site via a bus stop directly adjacent and via Belgard Square North (to the north) and Cookstown Way. A range of Dublin Bus routes connect Tallaght Town Centre to the wider Dublin area including the No.'s 27 (every 10 minutes Monday – Friday during peak times), 49 (every 30 minutes), 54a (every 30 minutes), 65 (every 2 hours), 75, 77A (every 20 minutes), 175.
- 3.22. Tallaght Town Centre offers a range of commercial, cultural and civic uses and performs a significant employment role in services such as retail, hospitality, offices and civic functions (650m to the south west or 7 minute walk).
- 3.23. Technological University Dublin (TUD) - Tallaght Campus (to the north-east) is located 400m or a 5 minute walk. Tallaght University Hospital (to the north-west) is located 650m or a 8 minute walk.
- 3.24. The subject site is well positioned to deliver additional density as it is well served by public transport and is proximate a range of existing services and amenities due to it's location in Tallaght town centre.

Urban Development and Building Height Guidelines 2018

- 3.25. The Government published the Urban Development and Height Guidelines (December 2018). The Guidelines are intended to set out national planning policy guidelines on building heights in urban areas in response to specific policy objectives set out in the National Planning Framework and Project Ireland 2040.
- 3.26. The Guidelines acknowledge that Planning Authorities have set generic maximum height limits that can undermine wider national policy objectives to provide more compact forms of urban development and continue an unsustainable pattern of urban sprawl, rather than consolidating and strengthening the existing built up area in accordance with National Planning Policy.
- 3.27. SPPR 3 states the following:
- (a) 1. *An applicant for planning permission sets out how a development proposal complies with the criteria above; and the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines; then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.*
 - (b) *In the case of an adopted planning scheme the Development Agency in conjunction with the relevant planning authority (where different) shall, upon the coming into force of these guidelines, undertake a review of the planning scheme, utilising the relevant mechanisms as set out in the Planning and Development Act 2000 (as amended) to ensure that the criteria above are fully reflected in the planning scheme. In particular the Government policy that building heights be generally increased in appropriate urban locations shall be articulated in any amendment(s) to the planning scheme.*
 - (c) *In respect of planning schemes approved after the coming into force of these guidelines these are not required to be reviewed.*
- 3.28. The LAP was adopted in July 2020, after the Government published the Urban Development and Height Guidelines. This Statement of Material Contravention demonstrates the proposal is in accordance with the strategic and national policies set out in the NPF and other policy documents. The LAP includes height limitations relative to the application site which are exceeded by the proposed development. SPPR 3 applies to the proposed development as it is respectfully submitted that the proposal satisfies the Development Management Criteria as set out in this report and therefore may be permitted “*even where specific objectives of the relevant development plan or local area plan may indicate otherwise*”.
- 3.29. The Guidelines set out a series of Development Management Principles and Criteria to be considered when assessing proposals for increased height, the following sets out the proposed development response in full:

Development Management Principles

Does the proposal positively assist in securing National Planning Framework objectives of focusing development in key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular, effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?

- 3.30. The scheme provides for a primarily residential scheme on an existing underutilised brownfield site proximate to key employment locations and public transport within the urban extent of Dublin Metropolitan area and will therefore deliver on the National Strategic Objective to deliver compact growth in urban centres..
- 3.31. The LAP notes that higher and medium intensity areas should be located primarily around the existing retail and administration centre, known as 'The Centre' and the Luas stations on the Cookstown and Belgard Roads where the subject site is located.
- 3.32. Further, NPO 33 of the National Planning Framework aims to support sustainable development and at an appropriate scale of provision relative to location and NPO 35 which aims to Increase density through site-based regeneration and increased building heights:
- "NPO 33 - Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location."*
- "NPO 35 - Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights."*
- Is the proposal in line with the requirements of the development plan in force and which plan has taken clear account of the requirements set out in Chapter 2 of these guidelines?*
- 3.33. The 2016-2022 South Dublin County Development Plan predates the Urban Development and Building Height Guidelines and therefore does not take account of the Guidelines.
- 3.34. *Where the relevant development plan, local area plan or planning scheme pre-dates these guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework?*
- 3.35. The 2016-2022 Development Plan does not provide for height or density criteria relative to the subject site; however, it does make reference to developments being in accordance with density provisions of Local Area Plans (the proposal exceeds the maximum plot ratio (as a metric of density) of the LAP.
- 3.36. The LAP was adopted in July 2020 after the Building Height Guidelines, however as provided for by SPPR3, development may still be permitted where the Development Management Criteria are satisfied, as set out in the following response to the criteria.

Development Management Criteria

At the scale of the relevant city/town

The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.

- 3.37. Tallaght is highly accessible via a wide range of means. A range of Dublin Bus routes connect the site via an adjacent bus stop on Belgard Square North to the wider Dublin area including the No.'s 27, 49, 54a, 65, 75, 77A, 76, 175. The frequencies of these buses vary with the most frequent being Dublin Bus No. 27 which is available at 10 minute intervals Monday to Friday during peak hours. There is a transport node

located at the Square Shopping Centre which provides an interchange between bus and Luas

- 3.38. The Luas Redline provides a high frequency direct connection with Dublin City Centre and is c.500m or 6min walk from the subject site.
- 3.39. Tallaght Town Centre comprises a District Centre, is designated a transport hub in the LAP and offers a range of commercial, cultural and civic uses. Many people are employed here in services such as retail, hospitality, offices and civic functions (650m to the south west or 7 minute walk). Technological University Dublin (TUD) - Tallaght Campus (to the north-east) is located 400m or a 5 minute walk. Tallaght University Hospital (to the north-west) is located 650m or a 8 minute walk.
- 3.40. An assessment of the existing transport frequency and capacity servicing the site is set out in the Traffic and Transport Assessment undertaken by Cronin Sutton Consulting Engineers which sets out the existing capacity of Luas and bus services proximate to the site. The assessment then takes a worst case assessment of demand which would represent 1.1% of the capacity in the morning peak and 1.6% of the evening peak. The worst case assessment is based on all public transport users going towards Dublin City Centre however it is very likely a proportion of residents at the development would work within Tallaght Town Centre or other areas serviced by different bus routes and therefore the percentage will in practice be considerably lower most likely.
- 3.41. Given the above high level of accessibility, the subject site is considered to constitute a 'Central and/or Accessible Urban Location' as per the general location categories set out in the Design Standards for New Apartments.

Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/ enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views.³ Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.

- 3.42. The proposal provides for significant public realm upgrades, including the provision of a new home zone along the south of the site. This east west route will enhance linkages between DCU and the Town Centre, which is a significant contribution to enhancing the public realm, in accordance with the provisions of the Local Area Plan in this respect.
- 3.43. The proposal is of a high architectural quality, replacing an existing industrial building with hard edges in the form of fenced boundaries to the public realm. The proposal will open up the site, with the new public home zone and new building frontages, providing attractive and active street edges which will integrate with and enhance the character and public realm of the area successfully and in a positive manner.
- 3.44. The proposed development is not located in an area of particular architectural sensitivity. A Landscape and Visual Impact Assessment (LVIA) prepared by Modelworks is submitted with the application. The report was prepared by a suitably qualified practitioner, Richard Butler MILI MIPI, with reference to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment 2013 (GLVIA) and the EPA draft Guidelines on the Information to be Contained in Environmental Impact Assessment Reports 2017.

3.45. The TVIA notes a medium sensitivity of the surrounding Belgard Road area and considers that while due to its pivotal position in the urban structure, the site's redevelopment has the potential to enhance the character of an important part of the townscape, the significance of impacts from the development is predicted to be *moderate and positive*.

3.46. The TVIA concludes that *'In all cases the visual effects are predicted to be positive'* and that *'the proposed development can be considered an appropriate intervention in the evolving townscape of Tallaght town centre'*.

On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.

3.47. The proposal concentrates height to the north eastern corner, signalling a route the town centre along Belgard Road, which is a significant vehicular route. TUD is located to the east, with large expanses of playing pitches and landscaping located onto Belgard Road, allowing for a taller building at this location, without any significant impacts on existing amenities due to the width of Belgard Road.

3.48. To the north of the subject site, there is a permitted residential development. The proposed development has had regard to the location of the permitted public realm of the other scheme and seeks to align the public realm to provide for an attractive and visually interesting streetscape. Two public realm/plaza areas are provided along the northern boundary between the three blocks, allowing external seating and activity to the street.

3.49. The development generally concentrates the massing of the development to the north of the site, with heights reducing to the south and west. Along the south of the site, a different scale of development is proposed, with lower own door residential units, a public open space with play facilities and the childcare facility opening out onto the new home zone, providing an attractive and active streetscape.

3.50. The proposal therefore provides for a variety of heights across the scheme in response to the varying context in the immediate surroundings.

At the scale of district/ neighbourhood/ street

The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape

3.51. While the area is undergoing significant change, it is considered that through the creation of a strong urban edge with tree lined boulevard to Belgard Square North; public realm enhancements including 2 no pocket parks set back from street edge; and the new east west pedestrian connection through the site, the proposed development makes a significant improvement on the existing condition which provides no contribution to the built environment.

3.52. The proposed development provides improved access and permeability for the existing and emerging community through the delivery of a new pedestrian connection along the southern boundary of the site.

- 3.53. This connection provides opportunity to link surrounding sites such as TUD Tallaght campus with the Square to the west and other potential future developments in the area.
- 3.54. As set out in the Architectural Design Statement, the concept design was progressed seeking to maximise active frontage across all sides of the development. Following commentary from SDCC and the ABP Opinion, the commercial (retail/café/restaurant) units were relocated to the north west and western side of the development, in rationalised units facilitating a greater variety of operators. The western side of the development is most proximate to the town centre. Along the northern boundary, residents shared services and amenities are located to the street, providing animation to the streetscape. Additionally, as previously noted, the new home zone, with own door residential units, the childcare facility and public open space will provide for a positive contribution to the urban neighbourhood, replacing an industrial use.
- The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.*
- 3.55. The proposed development is set out in 3 no. blocks, and provides for variety and interest in the elevations by providing varying height and features to enhance the architectural quality of the buildings. The proposal provides a strong urban edge and response to the interface with the TUD Campus to the east. The materials and finishes of the proposed blocks will be designed to a high architectural standard and are consistent with the surrounding permitted developments.
- 3.56. The façade has been animated and articulated by the introduction of balconies which are both extruded and recessed to give depth to the facades.
- 3.57. At street level emphasis has been placed on communal entrances to residential blocks to allow a more usable dynamic social and gathering space for the community along Belgard Square North.
- 3.58. The mass over the blocks are broken down and height is varied to soften the overall sense of the development and help engage with commercial street activation. The overall block structure is laid out as three finger blocks each with volumes of varying height create a pleasing and visually interesting composition of built form. This also responds to the built form of the permitted scheme to the north.
- 3.59. *The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).*
- 3.60. The landscape strategy positively responds to the site’s location through the creation of a series of connected public and communal courtyards
- 3.61. The landscaped courtyards and roof gardens strengthen green infrastructure provision through vegetation.
- 3.62. The existing building on site is located set back from all boundaries. The proposed development will provide enclosure and a sense of scale, appropriate for a town centre to all edges of the development. The eastern side of the development fronts

onto Belgard Road which is a dual carriageway street with capacity for additional scale without significant detriment to amenities.

The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.

- 3.63. The proposed development makes a positive contribution to the legibility of the area through the proposed height at the corners which create a strong focal point in the area. In particular the proposed height at the north eastern corner provides a strong indicator of a place of significance. The site is located at both a key pedestrian and public transport access point to the Town Centre (Belgard Square North) and along the edge of the neighbourhood itself forming a key interface with the TUD Campus. As such this location acts as a gateway to the Town Centre.
- 3.64. Further, active frontage and a new pedestrian connection to the south assist permeability and orientation in the area. In particular providing a valuable connection to the TUD Campus and Tallaght Village to the east.
- 3.65. As a result the subject site with help create a new identity and character to one of Tallaght's key town gateways.

The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.

- 3.66. The proposed scheme provides for a primarily residential development with retail uses, live work units, working spaces and a crèche. These uses will enhance the mix of uses and contribute positively to the building typologies of the area.
- 3.67. The commercial units complement the existing retail offering in the area, meeting a more local convenience need in this regard.
- 3.68. The wider Tallaght area comprises predominately traditional suburban housing estates of semi-detached and detached houses. The scheme provides for a greater mix of unit and tenure types in the Tallaght area of South Dublin.

At the scale of site/building

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.

- 3.69. The buildings range in height from 2 – 13 storeys in order to both provide for increased density and optimal use of land but also features at a more local scale but also to meet existing / permitted context and to ensure minimal impact on daylight or sunlight quality of adjoining properties.
- 3.70. As set out in the Architectural Design Statement the blocks are orientated north south to ensure a high level of light penetration into the units and maximise solar gains. At concept stage, various different building forms were considered, with initial assessment undertaken by 3DDB on sunlight and daylight access to select the optimal design in this respect, whilst also providing for strong urban edges and a scale of development appropriate for a town centre.

- 3.71. The north south blocks also maximise light penetration to the permitted development to the north of the site and potential impacts on this scheme were carefully considered from the concept design stage throughout the design development.
- 3.72. Massing and scale are varied and broken down to avoid monolithic or domineering blocks. Height increases along Belgard Square North in order to create a strong urban edge.

Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.

- 3.73. A comprehensive Daylight and Sunlight Report prepared by 3D Design Bureau is included in this Planning Application which demonstrates the proposed development achieving a high level of performance in regard to daylight and sunlight access, as set out in the extracts of the Report below:

Effect on Vertical Sky Component (VSC)

The effect on VSC has been assessed for 268 No. windows across the surrounding properties. Using the rationale explained in section 2.2 on page 6, the effect to VSC on 201 no. of these windows would be considered imperceptible, 30 no. not significant. 18 no. slight, 7 no. moderate and 12 no. significant.

This shows that ~75% of the assessed windows will experience an imperceptible level of effect.

Given the density of the proposed development the results of this study can be considered to be favourable. Over 90% of the assessed windows have shown a level of effect that is categorised between imperceptible and slight.

All 12 of the windows that recorded a significant level of impact are located under a balcony on Block B1 of the granted SHD: ABP-303306-18. The BRE Guidelines state that:

"Windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction opposite may result in a large relative impact on the VSC, and on the area receiving direct skylight".

It is recommended within the BRE Guidelines that in such instances a secondary study can be carried out on these windows without the balcony in place to demonstrate that the balcony is a contributing factor to the perceived impact. This secondary study has been carried out for all windows of block B1 that are located under a balcony. In all instances the level of effect by the proposed development was significantly reduced, which demonstrates that the perceived high level of effect is due to the position of these windows under a balcony.

The complete results for the study on the effect on VSC caused by the proposed development can be found in Section 6.1 on page 21, with the results of the hypothetical study with the balconies removed in section 6.2 on page 41.

Effect on Annual/Winter Probable Sunlight Hours (APSH/WPSH)

The APSH/WPSH assessment has been carried out on the granted SHD (ABP-303306-18) that have an orientation within 90 degrees of due south.

The effect on APSH has been assessed for 211 no. of windows of the surrounding existing properties across the granted SHD (ABP-303306-18). Using the rationale explained in section 2.2 on page 6, the effect on the APSH of 189 no. of these windows would be considered imperceptible, 7 no. not significant, 9 no. moderate and 6 no. significant .

This shows that ~90% of the assessed windows have met the criteria for effect on APSH as set out in the BRE Guidelines.

The effect on WPSH has been assessed for the same 211 no. of windows as per the APSH Study. The effect on the WPSH of 209 no. of these windows would be considered imperceptible, with 1 no. moderate and 1 no. significant. These effects have been assigned per the rationale explained in section 2.2 on page 6.

This shows that ~99% of the assessed windows have met the criteria for effect on WPSH as set out in the BRE Guidelines.

The majority of the windows that did not meet the guidelines are located under a balcony. Similar to the VSC study, a balcony above a window can exaggerate the level of effect a proposed development is causing. The BRE recommends that a second study is carried out in this circumstance without the overhead obstruction, to determine if it is a contributing factor to the perceived impact. This secondary study has been carried out for all windows of the assessed properties that are located under a balcony. All of which show an imperceptible level of impact without the balcony, which demonstrates that the projected element is a contributing factor to the perceptible level of effect. The effect the balconies have is particularly evident in the windows identified in this report as 1i, 1j, 1k, 2i, 2j & 2k on Block B1 of the granted SHD (ABP-303306-18). Each of these windows have registered a significant level of effect in the proposed state, but in each instance the level of effect would be compliant with the BRE Guidelines when assessed without the balconies.

Window 1g of the granted Block B1 is not located under balcony, yet the level of effect to the APSH is relatively high, moderate in the annual study and significant in the winter study. The reason for the high level of impact to this window is due its location, within a deep recess (~5m). This recess prevents the window from receiving sunlight for large portions of the day making it more susceptible to impacts from an adjacent obstruction. The fact that the level of effect to the windows on either side of this window, and all other windows that are not located within this deep recess are imperceptible in the WPSH study is evidence that the perceived high level of impact in this instance is due to localised factors rather than being caused solely by the massing of the proposed development.

No APSH assessment has been carried out on the windows of Clarity House, Killakee House or the Square Industrial Complex, as the windows of these buildings that face the proposed development do not have a southerly aspect.

The results of the study on APSH can be found in Section 6.3 on page 42, with the results of the hypothetical study with the balconies removed can be found in 6.4 on page 72

Effect on Sun On Ground in Existing Gardens

This study has assessed the effect the proposed development would have on the level of sun on ground on March 21st in the courtyards of Block B1 and B2 and the south facing balconies of Block B1 of the granted SHD (ABP-303306-18) that is located to the north of the proposed development.

The courtyard assessment has been taken at ground level, with the balcony study taken on a hypothetical plane at handrail level.

Both of the assessed courtyards and all assessed balconies have met the criteria for effect on sunlighting as set out in the BRE Guidelines and thus the level of effect can be considered imperceptible.

The complete results of the study on effect on sunlight the neighbouring gardens can be found In section 6.5 on page 74.

A visual representation of these readings can be seen in the 2 hour false colour plans in section 6.5 and in the hourly shadow diagrams for March 21st in section 6.6.1 on page 76.

Sun On Ground in Proposed Outdoor Amenity Areas

This study has assessed the level of sunlight on March 21st within the proposed amenity areas.

In total 7 no. spaces have been assessed. 2 No. Podium level courtyards, 3 No. roof gardens, the proposed creche play area and the proposed public amenity area. All of the assessed spaces have far exceeded the minimum recommendations as per the BRE Guidelines and as such can be considered to be capable of receiving good levels of sunlight.

The complete results for the study on sunlighting in the proposed outdoor amenity spaces can be found in section 7.0 on page 85.

A visual representation of these readings can be seen in the false colour plan in section 7.0 and in the hourly shadow diagrams for March 21st in section 6.6.1 on page 76.

Average Daylight Factor (ADF)

This study has assessed the Average Daylight Factor (ADF) received in all habitable rooms across all floors of the proposed development. This has ensured that a clear understanding has been obtained of the performance of the scheme with regard to ADF.

This proposed development consists of 334 no. units of which 122 No. will be Build to Rent (BTR) residential units, there is also 4 no. live-work units. The combination of these units makes up circa 816 no. habitable rooms. The ADF value in 764 no. habitable rooms meet or exceed their the recommended minimum as per the BRE Guidelines. This give a compliance rate of ~94%.

Should full ADF compliance be sought, design changes could be needed, such as the removal of balconies or a reduction of unit sizes. Such mitigation measures could

reduce the quality of living within the proposed units to a greater degree than the improvements that would be gained with increased ADF values. The following compensatory considerations should also be taken into account.

With regards to internal daylighting, Section 6.7 of the Sustainable Urban Housing: Design Standards for New Apartments December 2020, states the following:

“Where an applicant cannot fully meet all of 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, which planning authorities should apply their discretion in accepting taking account of its assessment of specific (sic). This may arise due to design constraints associated with the site or location 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.”

Furthermore, Section 3.2 of the Urban Development and Building Heights: Guidelines for Planning Authorities December 2018, states the following:

“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.”

Based on the above statements, compensatory measures have been incorporated into the design of the proposed development where rooms do not achieve the daylight provision targets in accordance with the standards they were assessed against.

The mitigation and compensatory measures are summarised as follows:

- 44% of the apartment units are dual aspect which is above the 33% minimum requirement as required by the Design Standards (Dec 2020). As a result, more apartment units than the recommended minimum will achieve quality daylight from dual-aspect orientations.
- An additional 10% of external communal open space above the minimum requirements required by the Design Standards (Dec 2020) is proposed across the development. This provided additional communal outdoor space for the benefit of these specific units as well as for all residents. These spaces will benefit from significant amounts of sunlight due to their location and orientation. As part of all the roof terrace design, planting will be introduced to screen the space and help alleviate the wind at this height. This measure will help to ensure the quality and usability of the space.
- As outlined earlier in this document a variety of internal communal amenity spaces are provided throughout the scheme for the residents to enjoy. These spaces encourage the residents to collaborate and socialise together encouraging the creation of a community. The total area of these spaces is

significant at 924sqm. Whilst these non-residential rooms have not been included in the calculation of compliance rates, they could be included as part of the compensatory design solution.

- All apartment units except eight units (Apartments 1114, 1204, 1304, 1404, 1504, 1604, 1704 and 1804 which are all Build to Rent units and as such a balcony is not required under the guidelines) are provided with a private amenity balcony space which is accessed directly from the main living space. These balconies comply with the minimum depth and area requirements as set out in the apartment design standards. Where possible balconies have been off-set to reduce the impact of over shading to the unit below however they still do impact. The value for the user to have a private balcony space is seen as important even with the understanding of the effects of over-shading to the unit below.
- Although the ADF target values are referenced within BS 8206-2:2008, it also states,

“The aim of the standard is to give guidance to architects, builders and others who carry out lighting design. It is recognised that lighting is only one of many matters that influence fenestration. These include other aspects of environmental performance (such as noise, thermal equilibrium and the control of energy use), fire hazards, constructional requirements, the external appearance and the surroundings of the site. The best design for a building does not necessarily incorporate the ideal solution for any individual function. For this reason, careful judgement should be exercised when using the criteria given in the standard for other purposes, particularly town planning.”

For combined Living/Kitchen/Dining areas, the living area is typically treated as the main area of activity, with the kitchen being placed at the back of the space. This design decision is understandable as the kitchen area is typically a transient space as its primary functional purpose is to serve as a food preparation area. Additionally, not every space within a commercially viable apartment development can be in direct connection with an exterior elevation, making the kitchen the obvious choice for this position given that it is a transient space that will require supplementary electric lighting.

Furthermore, all 41 No. LKDs that do not meet the recommended minimum ADF have a good glass to floor ratio, as such these rooms will have good levels of daylight in the portion of the room closest to the large windows. This is evident secondary study was carried out on the living spaces within the proposed development. This additional study assessed the level of daylight within the living space of the LKD as defined by the architect.

All assessed living spaces exceeded the recommended minimum ADF. The kitchen of these units may require additional electric lighting for parts of the day, but the future residents will have access to adequate levels of daylight in the main living space of the apartment.

Given the level of density that is being targeted by the proposed development, the results of the ADF study could be considered to be favourable.

The results for the study on ADF can be seen in section 7.2 on page 86.

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.

- 3.74. Where the proposal does not fully meet all of the requirements of the daylight provisions, this is clearly identified and the compensatory design solutions incorporated into the scheme are set out in the Sunlight and Daylight Assessment and Architectural Design Statement.

Specific Assessments

Specific impact assessment of the micro-climatic effects such as down-draft. Such assessments shall include measures to avoid/ mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects where taller buildings are clustered.

- 3.75. A Wind and Microclimate Assessment has been carried out by Metec which recommended mitigation measures, which have been incorporated into the architectural and landscape designs.

In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision.

- 3.76. Environmental Assessments including Appropriate Assessment Screening, Natura Impact Assessment, Bat Survey and EclA (Ecological Impact Assessment) have been prepared by Altemar Environmental consultants.

- 3.77. The Bat Survey contained in the Ecological Impact Assessment carried out by Altemar concludes:

" A NPWS derogation licence is not required for this development. There is no evidence of a current or past bat roost on site, therefore no significant negative impacts on these animals are expected to result from the proposed redevelopment. A pre construction inspection will be carried out. The proposed development would be considered to have a Neutral Impact/ Not significant/ Unlikely Effects"

- 3.78. In relation to flight lines and collision, the Ecological Impact Assessment states:

"The building facades are comprised of a high proportion of solid brick and concrete materials within an existing brightly lit urban environment. The buildings are over 11km from the nearest SPA where wintering birds are a qualifying interest. These buildings would be clearly visible to bird species and would not pose a collision risk."

An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.

- 3.79. The assessment provided by ISM Independent Site Management concludes:

“To provide an adequate allowance for the retention of and future telecommunication channels that may be impacted by the height and scale of the Development, the Applicant is seeking planning permission to install 4No, 300mm microwave link dishes mounted on 2No. steel support poles affixed to the plant screen at roof level on Block C.

These support poles are sufficient to accommodate 2No. Ø.3m Microwave links each, which provides an adequate solution for the Applicant to mitigate the impact the Development will have on any Microwave links emanating to and from the neighbouring telecommunication masts to the northeast of the Development.

Refer to Figures 8 of the appendices for full analysis.

ISM can therefore conclude that the proposal being made by the Applicant within its submission to An Bord Pleanála allows for the retention of important Telecommunication Channels, such as Microwave links, to satisfy the criteria of Section 3.2 of the Building Height Guidelines (2018)”

An assessment that the proposal maintains safe air navigation.

- 3.80. The proposed development is located within the Casement Aerodrome flight path and proximate the Tallaght Hospital helipad. This consideration has been fully addressed in the Aeronautical Assessment Report prepared by O'Dwyer & Jones DP which concludes:

“We consider that the proposed residential development at the former ABB site complies with all aviation and aeronautical requirements affecting the site.

We have provided an advance copy of the aeronautical assessment of this site to the Irish Aviation Authority, and to the Department of Defence (for forwarding to the Air Corps at Casement Aerodrome), and the subsequent comments received from Department of Defence (on 5th May 2021) will all be complied with.”

An urban design statement including, as appropriate, impact on the historic built environment.

- 3.81. As set out in the LVIA there is limited potential for the proposed development to affect the Tallaght ACA, any protected structures or items of historical significance. The nearest part of the ACA to the site is St Maelruain's Church and graveyard, which is some 200m from the site and separated from it by Belgard Road and a portion of the university campus. The village centre is over 450m from the site, there is also a dip in the landform and a high degree of built enclosure along the streets, limiting distant views. St Mary's Priory is 500m from the site and surrounded by a broad belt of woodland which blocks views towards the site. Distant views of the development are limited as reflected in the LVIA due to the site's context and topography.
- 3.82. An Architectural Design Statement is also submitted with the application prepared by C+W O'Brien Architects.
- 3.83. Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate.**
- 3.84. An Ecological Impact Assessment has been prepared by Altemar for the proposed development which concludes:

"The proposed development site consists primarily of built land. No species, with the exception of a single herring gull, or habitats of conservation importance were noted on site. There is an indirect pathway from the proposed development to designated sites in Dublin Bay, albeit at a significant distance. Foul water will be treated under licence within the Ringsend WwTP. Surface water from the proposed development will be discharged to the River Dodder catchment, which ultimately outfalls to the marine environment at Dublin Bay. Mitigation measures will be implemented to ensure the protection of the water quality entering the surface water network.

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

- 3.85. A Natura Impact Statement has been prepared by Altemar which concludes:

"Following the implementation of the mitigation measures outline, the construction and presence of this development, alone or in combination with other plans and projects, would not result in adverse effects on the integrity of the European sites, South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA."

- 3.86. An EIA Screening Statement and a Regulation 299B Statement are also submitted with the application prepared by AWN which conclude:

"It is concluded having regard to the nature, scale and location of the subject site, that the proposed development is not likely to have significant effects on the environment (direct, indirect or cumulatively with other development) and therefore it is considered that an environmental impact assessment report is not required in this instance."

Summary in Relation to Section 37 (2)(b)(iii)

- 3.87. The National Planning Framework seeks to increase densities and building heights in appropriate urban locations to consolidate urban sprawl and increase the sustainability of public transport networks. The proposed development would deliver a high density scheme on a site in Tallaght town centre, proximate to high capacity existing public transport which facilitates higher densities.
- 3.88. It is submitted that notwithstanding the provisions of the Local Area Plan, which post dates the Urban Development and Building Height Guidelines, SPPR3 provides that where development satisfies the Development Management Criteria, permission may be granted. Compliance with the Development Management Criteria has been set out herein and therefore the material contraventions of the Local Area Plan and Development Plan of plot ratio and height are justified.
- 3.89. It is therefore respectfully submitted that the development may be granted as a material contravention having regard to Section 37 (2) (b)(iii).

4.0 UNIT MIX

Material Contraventions – Tallaght Local Area Plan Provisions

4.1. Objective RE 2:

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.

4.2. Objective RE 5 states:

“It is the policy of the Council to support Build to Rent developments that comply with the housing/occupancy mix requirement specified in this Section and national policy, in particular with the policies and objectives set out in ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018)’.”

4.3. The proposed development does not provide 30% 3-bed units. The 3-bed units account for 3% of the overall unit mix and 5% of non-BTR element of the unit mix. Objective RE2 does not differentiate between BTR and non-BTR development and is therefore taken to apply to all residential development in that it states “*within any new residential development*”.

4.4. Objective RE5 may be read that where a BTR scheme does not provide for 30% 3-bed units, that South Dublin County Council do not support the scheme. The proposed development is therefore materially contravenes objective RE2 and may materially contravene Objective RE5.

Justification - Sustainable Urban Housing Design Standards for New Apartments (December 2020)

4.5. The updated Sustainable Urban Housing Design Standards for New Apartments were published in December 2020. The Guidelines provide for revised guidance on apartment developments in response to an oversupply of shared living accommodation schemes.

4.6. These guidelines were issued by the Minister for Housing, Planning and Local Government under Section 28 of the Planning and Development Act 2000 (as amended). Planning authorities and An Bord Pleanála are required to have regard to the guidelines and are also required to apply the specific planning policy requirements (SPPRs) which take precedence over any conflicting, policies and objectives of development plans, local area plans and strategic development zone planning schemes.

4.7. The proposed development provides for 334 no. apartment/duplex units comprising:

Overall No. of units	334 No.
Overall Unit Mix	<ul style="list-style-type: none"> • 2 no. studio units (1%) • 193 No. 1 bed units (58%)

	<ul style="list-style-type: none"> • 13 no. 2 bed (3 person) units (4%) • 115 no. 2 bed (4 person) units (34%) • 11 no. 3 bed units (3%)
BTR Units	118 No. (35%)
BTR unit mix	<ul style="list-style-type: none"> • 91 no. 1 bed units (77%) • 1 no. 2 bed (3 person) units (1%) • 26 no. 2 bed (4 person) units (22%)
Non BTR Units	216 No. (65%)
Non BTR unit mix	<ul style="list-style-type: none"> • 2 no. Studio Live-Work units (1%) • 1 no. 2 bed Live Work Unit (1%) • 102 no. 1 bed units (47%) • 12 no. 2 bed (3 person) units (6%) • 88 no. 2 bed (4 person) units (40%) • 11 no. 3 bed units (5%)

4.8. As set out above the LAP requires a minimum of 30% 3 bed units. This proposed unit mix is in contravention of Objective RE 2 of the Local Area Plan. As stated in the Design Standards for New Apartments *‘there is a need for greater flexibility, removing restrictions that result in different approaches to apartment mix on the one hand, and to other forms of residential accommodation on the other’.*

4.9. SPPR 1 states the following in relation to apartment mix:

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

4.10. The number of non BTR 1 bed or studio units is 104 No. or 48% in compliance with SPPR 1. No evidence based HNDA has been carried out to support the unit mix proposed in the LAP.

4.11. The 2020 Apartment Guidelines state in relation to housing mix at paragraphs 2.6 to 2.17:

- Two thirds of households added in Ireland since 1996 comprise 1-2 persons, yet only 21% of dwellings completed in Ireland since then comprise apartments of any type.

- There is a deficit of approximately 150% in dwellings for 1-2 person homes when compared to the number of 1-2 person households (section 2.6 of the Guidelines refers).
 - The 2016 census reveals that 1-2 person households now comprise a majority of households, with this trend set to continue, yet Ireland is an outlier in the EU, with only one quarter the EU average of apartments as a percentage of housing stock.
 - While household size is decreasing, the percentage of elderly people (i.e. potential down-sizers) is increasing.
 - Paragraph 2.14 states *“While making appropriate provision to meet housing need is the key consideration, viability must also be considered, especially where there is clear evidence available. For example, research work undertaken by the Department of Housing, Local Government and Heritage with input from industry and construction professionals analysing the cost of housing delivery, confirms that in a given apartment scheme that includes a proportion of three bedroom units, replacing these units to allow larger number of one- and two-bedroom units would, contribute to greater scheme viability.”*
 - The Guidelines specifically target greater flexibility in terms of unit mix, particularly in the absence of a comprehensive HNDA.
- 4.12. On the basis of the foregoing, and based on the wider strong rationale and policy support for the proposed development, it is respectfully submitted that the Planning Authority should grant permission for the proposed development, even if it were considered to represent a material contravention of the Tallaght Local Area Plan.
- 4.13. Additionally, specifically in relation to the BTR element of the scheme, SPPR 8 of the Apartment Guidelines 2020 states that:
- “For proposals that qualify as specific BTR development in accordance with SPPR 7:*
- No restrictions on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise;*
- Flexibility shall apply in relation to the provision of a proportion of the storage and private amenity space associated with individual units as set out in Appendix 1 and in relation to the provision of all of the communal amenity space as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development. This shall be at the discretion of the planning authority. In all cases the obligation will be on the project proposer to demonstrate the overall quality of the facilities provided and that residents will enjoy an enhanced overall standard of amenity;*
- There shall be a default of minimal or significantly reduced car parking provision on the basis of BTR development being more suitable for central locations and/or proximity to public transport services. The requirement for a BTR scheme to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures;*
- The requirement that the majority of all apartments in a proposed scheme exceed the minimum floor area standards by a minimum of 10% shall not apply to BTR schemes;*
- The requirement for a maximum of 12 apartments per floor per core shall not apply to BTR schemes, subject to overall design quality and compliance with building regulations”.*

- 4.14. BTR developments are defined in the Sustainable Urban Housing Design Standards for New Apartments as:

“Purpose-built residential accommodation and associated amenities built specifically for long term rental that is managed and serviced in an institutional manner by an institutional landlord”.

- 4.15. In relation to the requirements of BTR schemes, SPPR 7 states that:

“BTR development must be:

Described in the public notices associated with a planning application specifically as a ‘Build-To-Rent’ housing development that unambiguously categorises the project (or part of thereof) as a long-term rental housing scheme, to be accompanied by a proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains as such. Such conditions include a requirement that the development remains owned and operated by an institutional entity and that the status will continue to apply for a minimum period of not less than 15 years and that similarly no individual residential units are sold or rented separately for that period;

Accompanied by detailed proposals for supporting communal and recreational amenities to be provided as part of the BTR development. These facilities to be categorised as:

Residential Support Facilities – comprising of facilities related to the operation of the development for residents such as laundry facilities, concierge and management facilities, maintenance/ repair services, waste management facilities, etc.

Resident Services and Amenities – comprising of facilities for communal recreational and other activities by residents including sports facilities, shared TV/ lounge areas, work/ study spaces, function rooms for use as private dining and kitchen facilities, etc.

- 4.16. In response to SPPR7 (a), the public notices explicitly identify the proposal as comprising a Build-to-Rent proposal (in part). (b) A draft covenant is submitted with the application, included as Appendix 3 of the Statement of Consistency.
- 4.17. 674 sq.m of internal communal amenity is provided for the BTR element of the scheme, equating to approximately 5.5 sq.m. per unit, not including waste management facilities.
- 4.18. The proposed development will include a range of dedicated residential support facilities, services and amenities including gym, media / games room, reception / concierge, lounge / working hub and bookable space. The proposed development includes the essential facilities to meet the needs of future residents. A management office and parcel room are included off the reception/concierge.



Lounge / TV / Games Room



Lounge / Cafe

Example residential amenity spaces as illustrated in Architectural Design Statement. (Source: C+W O'Brien Architects, 2021).

- 4.19. Please see the AWN Operational Waste Management Plan in respect of waste management facilities which are at ground floor level and provide for segregation of waste and recyclables.
- 4.20. The management of the development is set out in the Operational Management Plan prepared by LIV Consult, included with this application. As evident above the ancillary facilities and necessary supporting documentation are fully provided as part of this application.
- 4.21. SPPR 8 states that:

“For proposals that qualify as specific BTR development in accordance with SPPR 7: No restrictions on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise;

Flexibility shall apply in relation to the provision of a proportion of the storage and private amenity space associated with individual units as set out in Appendix 1 and in relation to the provision of all of the communal amenity space as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development. This shall be at the discretion of the planning authority. In all cases the obligation will be on the project proposer to demonstrate the overall quality of the facilities provided and that residents will enjoy an enhanced overall standard of amenity;

There shall be a default of minimal or significantly reduced car parking provision on the basis of BTR development being more suitable for central locations and/or proximity to public transport services. The requirement for a BTR scheme to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures;

The requirement that the majority of all apartments in a proposed scheme exceed the minimum floor area standards by a minimum of 10% shall not apply to BTR schemes; The requirement for a maximum of 12 apartments per floor per core shall not apply to BTR schemes, subject to overall design quality and compliance with building regulations”.

- 4.22. In terms of car parking, there is a significant reduction of car parking spaces, with a provision of 117 No. car parking spaces allocated to the 334 residential units, a ratio of 0.35. The CS Consulting Car Parking Strategy specifically addresses the car

parking provision and a management plan is also included. The proposed development will also provide a range of transportation options including an electric car sharing club. A number of car parking spaces will be allocated to operate the shared vehicle scheme.

- 4.23. The apartments generally exceed the minimum sizes notwithstanding the SPPR 8 as set out in the Housing Quality Assessment.
- 4.24. The proposal avoids excessively long enclosed corridors and provides for windows allowing in natural lights. The lift access has also been tested by the project mechanical engineers for suitability of capacity and are considered sufficient. The layouts have also been reviewed by the project fire engineering consultant and are considered compliant with relevant standards and will be subject to separate Fire Safety Certificate application.

Justification – National Planning Framework

- 4.25. The National Planning Framework sets out the benefits of higher density apartment development towards a sustained increase in urban housing output and achieving a long term move towards a smaller average household size:

“The infill/brownfield targets set out in NPOs 3a, 3b and 3c of this Framework will necessitate a significant and sustained increase in urban housing output and apartment type development in particular, if we are to avoid a continuation of the outward expansion of cities and larger urban areas.

While apartments made up 12% of all occupied households in Ireland and 35% of occupied households in the Dublin City Council area in 2016 (Census data), we are a long way behind European averages in terms of the numbers and proportion of households living in apartments, especially in our cities and larger towns. In many European countries, it is normal to see 40%-60% of households living in apartments.

To more effectively address the challenge of meeting the housing needs of a growing population in our key urban areas, it is clear that we need to build inwards and upwards, rather than outwards. This means that apartments will need to become a more prevalent form of housing, particularly in Ireland’s cities.

This is underpinned by on-going population growth, a long-term move towards smaller average household size, an ageing and more diverse population, greater mobility in the labour market and a higher proportion of households in the rented sector.

The economics of apartment construction can be more challenging than that of conventional housing. However, through more effective land management, regeneration and development initiatives, and new planning, regulatory and funding approaches to apartment development, meeting the housing requirements arising in major urban areas for people on a range of incomes will be a major priority for this Framework and the actions flowing from it.”

- 4.26. In order to achieve a smaller average household size, the delivery of 1 and 2 bed apartment units is key, particularly on regeneration sites in areas such as Tallaght with the capacity in services and infrastructure to facilitate higher density development, underpinned by NPO 35 and NSO 1:

“NPO 35 Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

“National Strategic Outcome 1 Compact Growth From an urban development perspective, we will need to deliver a greater proportion of residential development within existing built-up areas of our cities, towns and villages and ensuring that, when it comes to choosing a home, there are viable attractive alternatives available to people. Combined with a focus on infill development, integrated transport and promoting regeneration and revitalisation of urban areas, pursuing a compact growth policy at national, regional and local level will secure a more sustainable future for our settlements and for our communities”

Justification - Rebuilding Ireland – Action Plan for Housing and Homelessness

- 4.27. Pillar 3 of the Action Plan is to ‘Build More Homes’ with the Key Objective to ‘Increase the output of private housing to meet demand at affordable prices’. The proposed development will increase housing supply with the delivery of additional residential units in Tallaght and therefore will specifically deliver on Pillar 3 of Rebuilding Ireland.
- 4.28. Additionally, in relation to Pillar 4 of the Action Plan for Housing and Homelessness, the rented sector is a key component of the Government’s overall response to solving the housing crisis. Encouraging Build to Rent (BTR) is described as one of the ‘key actions’ within this Pillar. Real Estate Investment Trusts (REITS) and other institutional investors were highlighted as having been successful at raising development finance and having the potential to invest significantly in built-to-rent projects. As evident to date this has been the case, with BTR developments delivering significant quantities of houses to the market. As outlined in a presentation to the Irish Planning Institute by Mitchell McDermott (May 2020)³ apartment developments experienced a 130% increase in permissions to 21,000 in 2019. BTR providers are having a positive impact on the market. This can be attributed to the positive impact that the Design Standards for New Apartments have had on viability of schemes.
- 4.29. Work undertaken by the Economic and Social Research Institute (ESRI) indicates housing demand arising from approximately 600,000 new households in Ireland up to 2040. The National Planning Framework (NPF) has clearly signalled a shift in Government policy towards securing more compact and sustainable urban development. The Design Guidelines for New Apartments highlight that it is therefore critical to ensure that apartment living is an increasingly attractive and desirable housing option for a range of household types and tenures.
- 4.30. A Justification Report has been prepared by LIV Consult and is submitted with the application which states that the proposed development will provide a unique proposition within Tallaght and contribute to development of a sustainable community. BTR schemes are generally more suited to younger residents and smaller families, therefore considering the general trend towards smaller households and a decline in home ownership against rental tenures there is significant demand for BTR in the area. The excellent provision of transport connections, education facilities, healthcare and employment zones in combination with the existing

³ Viability & Feasibility in Planning presentation given by Paul Mitchell on behalf of Mitchell McDermott 15 May 2020. https://www.ipi.ie/sites/default/files/accordion-files/mitchell_mcdermott_ipi_pres_on_viability_reduced_file_size_0.pdf

demographic profile of the area mean the scheme is appropriate for the area and well positioned to meet market demand.

Summary in Relation to Section 37 (2)(b)(iii)

- 4.31. The proposed development will assist in the delivery of Government policy and objectives to deliver a compact urban form with the delivery of 1 and 2 bed units. The delivery of such units will assist in the reduction of the average household size set out in the National Planning Framework.
- 4.32. As outlined in SPPR 8, it is noted there are no restrictions on dwelling mix for a BTR development. The non BTR element of the scheme complies with SPPR1 and no evidence based HNDA assessment has been prepared with the LAP to support an alternative unit mix to SPPR1.
- 4.33. The proposed development will include a range of dedicated residential support facilities including gym, media / games room, reception / concierge, lounge / working hub, bookable space and outdoor communal space. As evident above the ancillary facilities and necessary supporting documentation are fully provided as part of this application.
- 4.34. As set out the development will assist in the achievement of Pillars 2, 3 and 4 of the Action Plan for Housing and Homelessness.
- 4.35. In summary the material contravention of Unit Mix is justifiable under Section 37(2)(b)(iii) as the proposed development is in compliance with Government and National Planning Policies and Objectives and Section 28 guidance, notably the Sustainable Urban Housing Design Standards for New Apartments (2020) in particular SPPR 1, SPPR 7 and SPPR 8.

5.0 CONCLUSION

- 5.1. It is respectfully requested that An Bord Pleanála have regard to the justification set out within this statement and permit the proposed development in this instance. There is ample justification for An Bord Pleanála to permit a material contravention of the Development Plan and Local Area Plan in terms of height, plot ratio, and unit mix having regard to Section 37(2)(b) (i) and (iii) of the Planning and Development Act, 2000 (as amended).