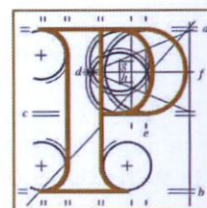


Our Case Number: ABP-317394-23

Planning Authority Reference Number: SD22A/0361



**An
Bord
Pleanála**

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24



Date: 22 June 2023

Re: Demolition of 1-3 storey industrial/commercial structures and café, construction of a 1-5 storey Transitional Care Facility providing 131 bedspaces over partial basement with central courtyard, partial provision pocket park, new vehicular access from First Avenue and egress onto Cookstown Road, bicycle storage, car parking, set-down parking spaces, 1 ambulance set-down space, delivery/loading area, vehicular and pedestrian access including internal road and footpaths and all associated site development works,
Unit 21, First Avenue, Cookstown Industrial Estate, Dublin 24

Dear Sir / Madam,

Enclosed is a copy of an appeal under the Planning and Development Act, 2000, (as amended).

Submissions of documents etc., to the Board. N.B. Copies of I-plans are not adequate, all drawings and maps should be to scale in accordance with the provisions of the permission regulations.

1. The planning authority is required to forward specified documents to the Board under the provisions of section 128 and section 37(1)(b) of the Planning and Development Act, 2000, (as amended). Please forward, within a period of 2 weeks beginning on the date of this letter, the following documents:-

(i) a copy of the planning application made to the planning authority and a copy of any drawings, maps (including ordnance survey number) particulars, evidence, a copy of any environmental impact statement, other written study or further information received or obtained by your authority in accordance with regulations under the Acts. If practicable, the original of any drawing with coloured markings should be provided or a coloured copy,

(ii) a copy of any technical or other reports prepared by or for the planning authority in relation to the application,

(iii) a certified copy of the relevant Manager's Order giving the decision of the planning authority,

(iv) a copy of the notification of decision given to the applicant,

(v) particulars of the applicant's interest in the land or structure, as supplied to the planning authority,

Teil	Tel	(01) 858 8100
Glaio Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

- (vi) a copy of the published notice and a copy of the text of the site notice erected on the land or structure.
- (vii) a copy of requests (if any) to the applicant for further information relating to the application under appeal together with copies of reply and documents (if any) submitted in response to such requests,
- (viii) a copy of any written submissions or observations concerning the proposed development made to the planning authority,
- (ix) a copy of any notices to prescribed bodies/other authorities and any responses to same,
- (x) a copy of any exemption application/certificate within Part V of the 2000 Act, (as amended), applies,
- (xi) a copy of the minutes of any pre-planning meetings.

2. To ensure that the Board has a full and complete set of the material specified above and that it may proceed with full consideration of the appeal, please certify that the planning authority holds no further material relevant to the case coming within the above list of items by signing the certification on page 3 of this letter and returning the letter to the Board.

3. In addition to the documents mentioned above, please supply the following:-

Particulars and relevant documents relating to previous decisions affecting the same site or relating to applications for similar development in near proximity. "History" documents should include;

- a) Certified Manager's Order,
- b) the site location, site layout maps, all plans and
- c) particulars and all internal reports.

Copies of I-plan sheets are not adequate.

Where your records show that a decision was appealed to the Board, it would be helpful if you would indicate the Board's reference.

Submissions or observations by the planning authority.

4. As a party to the appeal you may, under section 129 of the 2000 Act, (as amended), make submissions or observations in writing to the Board in relation to the appeal within a period of 4 weeks beginning on the date of this letter.

Any submissions or observations received by the Board outside of that period shall not be considered, and where none have been validly received, the Board may determine the appeal without further notice to you.

Contingency Submission

5. If the decision of your authority was to refuse permission, you should consider whether the authority wishes to make a contingency submission to the Board as regards appropriate conditions which, in its view, should be attached to a grant of permission should the Board decide to make such a grant. In particular, your authority may wish to comment on appropriate conditions which might be attached to a permission in accordance with section 48 and/or 49 of the 2000 Planning Act, (as amended), (Development / Supplementary Development Contributions) including any special condition which might be appropriate under section 48(2)(c) of the Act.

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First Party Appeal

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

On behalf of


Bartra

SDCC Reg Ref: SD22A/0361

June 2023

AN BORD PLEANÁLA	
LDG- <u>064390 -23</u>	
ABP- _____	
19 JUN 2023	
Fee: € <u>1500</u>	Type: <u>chg</u>
Time: <u>14:05</u>	By: <u>Cornier</u>



**Brock
McClure**
PLANNING & DEVELOPMENT CONSULTANTS

Planning & Development Consultants
63 York Road,
Dun Laoghaire,
Co. Dublin

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Executive Summary

Reason For Refusal	Appeal Summary
<p>1. The Applicant has proposed temporary pedestrian and cyclist upgrades from the site to Belgard Luas. The Planning Authority is very clear that temporary/interim works are not acceptable. A design team has been appointed by SDCC to prepare a street design for Cookstown Road, providing a scheme that considers existing industrial traffic movements as well as the emerging uses that will come with the regeneration of the area, namely an increase in pedestrian and cycle movements. The Applicant's scheme does not consider the intricacies of providing a scheme to address the environment of Cookstown, and to provide interim measures as proposed presents a traffic hazard. The Applicant has failed to provide a cycle and pedestrian link which is designed to DMURS and National Cycle Manual standards. This would result in sub-standard facilities for pedestrians and vulnerable road users which would endanger public safety by reason of traffic hazard. The Council cannot accept temporary measures that have not had cognisance of wider uses in the area and are not satisfied with permitting temporary measures that may impact the delivery of a cohesive, planned, scheme for the entire Cookstown area. On this basis, the development is considered premature pending the completion of the design study and would endanger public safety by reason of traffic hazard.</p>	<p>It is submitted to An Bord Pleanála that the infrastructural upgrades to cycle and pedestrian facilities surrounding the development site proposed as part of the application lodged to South Dublin County Council represent wholly appropriate solutions to improve pedestrian and cycle linkages to and from the site without jeopardising any future permanent upgrade works or works to surrounding sites that will be developed within the Cookstown Regeneration Area in the future.</p> <p>The Applicant has decided to proceed on the basis originally proposed to provide interim upgrade works to pedestrian and cycle infrastructure toward both the Belgard Luas Stop to the northeast of the site and to the south of the site along Cookstown Road connecting to Tallaght Town Centre.</p> <p>This solution offers increased connectivity for pedestrians and cyclists to public transport at the Belgard Luas and services and amenities at Tallaght Town Centre in the short to medium term period.</p> <p>It is noted that the South Dublin Active Travel Plan has not yet been published. When published this plan will identify the areas where upgrade works are required within the Tallaght Area. It is considered that if the Applicant carries out full upgrade works towards the Belgard Luas Stop that there is the possibility that these may need to be reversed depending on the content of the final Active Travel Plan.</p> <p>We reiterate that the Applicant is committed to working with SDCC with respect to the appropriate detailed design and delivery of any active travel measures proposed to avoid abortive works and align the respective proposals accordingly. It is considered that such an approach can be facilitated through appropriate condition.</p> <p>It is therefore considered that the proposed upgrade works are more appropriate at this stage of the regeneration of the Cookstown area as these can be easily amended to align with future regeneration projects and/or the goals and objectives of the final SDCC Active Travel Plan, as required.</p> <p>We refer An Bord Pleanála to Section 6.1 of this First Party Appeal Report for a detailed rationale.</p>
<p>2. The proposed development would, in the current context where the environs of the site is generally in employment and commercial use, be physically isolated from compatible uses and in the absence of permanent connections and linkages in terms of pedestrian and cycle links towards the town centre and the key public transport routes, would constitute a poor standard of amenity for prospective occupants and would give rise to uses which are disconnected from public transport and from the wider area. In this regard, the proposed development would be contrary to the provisions of the Tallaght Town Centre Local Area Plan 2020 – 2026, specifically Section 8 (implementation and sequencing). Furthermore, the development does not accord entirely with the Overall Urban Structure, set out in Figure 3.7 of the LAP. Parking along the southern boundary impacts the permeability of the site and future connectivity into adjoining lands. The one-way system and lack of contra-flow cycle facilities would restrict access for cyclists through the site and to the pocket park. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.</p>	<p>It is submitted to An Bord Pleanála that prior to assessing the above reason for refusal pertaining to sequencing, it is essential that we acknowledge the site has been zoned for regeneration.</p> <p>The Planning Authority's claim that development is physically isolated if delivered prior to adjoining development and/or enhanced connections to either the town centre or a Luas Station, is a short sighted approach to the wider regeneration of Cookstown.</p> <p>The Applicant has provided a justification for the phasing and sequencing of the development on the subject lands, referencing Section 8 of the Tallaght Town Centre Local Area Plan 2020 and providing a rationale in response to the phasing and sequencing objectives of the Local Authority for the subject lands.</p> <p>It is noted by the Applicant that if the project design followed the exact urban structure plan as outlined in the Tallaght Town Centre Local Area Plan 2020, it would require for the adjacent site to the west of the development lands to be developed in tandem with development on the subject lands to deliver the exact envisaged tertiary route through the lands. This is not possible as the adjacent site is not in the ownership of the Applicant and there are currently no plans in place from the adjacent land owner to develop their land holding.</p> <p>We note to An Bord Pleanála that we have engaged closely with our client to understand clearly the complexities involved in bringing a scheme such as that proposed to fruition. Fundamentally, it is disappointing that, having invested significant resources in the preparation of this Local Area Plan, the Council have failed to grasp the viability issues that our clients deal with in projects of this scale in locations such as Cookstown. It is only through allowing development commence, on sites like this, where Applicants are funded and ready to commence on site, can the objectives of LAP be delivered in any sort of meaningful way.</p>

3. EDE4 Objective 11 of the South Dublin County Development Plan 2022 – 2028 supports the regeneration of the Tallaght LAP lands in accordance with the Tallaght LAP The scheme as currently proposed exceeds the height and plot ratio provisions of the Tallaght Town Centre Local Area Plan 2020. As the site has currently been separated into 2 development parcels, the Planning Authority has been very clear that each application site must function independently of each other, and no overlap of car parking or public open space provision will be considered acceptable. In this regard, the potential overall plot ratio for the landholding cannot be considered where other development has not been permitted. Furthermore, the LAP provides a very clear vision for a height strategy in the Cookstown Neighbourhood. This strategy is informed by population targets and the level of services provided and proposed within the Tallaght area. Additional height is supported in areas where it can be demonstrated that there is frequent, high-capacity public transport. The Planning Authority does not consider that, given the existing environment within Cookstown, and the interim measures proposed, that the site is acceptably connected to the high-capacity public transport such that it would justify an increase in height at the site. In addition, it is not considered that a significant public gain would be achieved by permitting the scheme and therefore no relaxation in the implementation of the height or plot ratio strategy of the LAP is considered appropriate. In this regard, it is not considered that the Applicant has complied with the requirements of the Development Plan or the LAP and to grant the development would be contrary to the interests of the proper planning and sustainable development of the area.

We refer An Bord Pleanála to Section 6.2 of this First Party Appeal Report for a detailed rationale.

It is submitted to An Bord Pleanála that the proposed Transitional Care Facility development on the site was designed to function independently of any other future proposed development on the eastern portion of the Applicant's landholding at Cookstown.

It is submitted that the Planning Authority, in their assessment of the scheme, have misinterpreted the provision of public open space and car parking as overlapping with an element of public open space and car parking provision for a future residential application on the eastern portion of the Applicant's landholding. The Applicant has engaged in pre planning discussions regarding this future residential application with South Dublin County Council and has clearly outlined a strategy for its delivery.

The proposed plot ratio for the site is 1.78 based on a development site area of 0.3784 ha. This area does not include the public open space area. Proposals that exceed plot ratio and building height standards need to deliver significant public gain, to be assessed on a **case-by-case basis, by the Planning Authority**. It is noted that a plot ratio of 1.8 was deemed acceptable under Ref. 306705-20 for the Former Gallagher site.

The previous reasons for refusal regarding plot ratio will be addressed by the overall development on the subject site. It is noted by the Applicant that a mixed-use residential development on the eastern portion of the site will be lodged subject to a separate future planning application. The total developable site area associated with the subject scheme in combination with the future application on the eastern portion of the site will be 1.162ha.

At Clarification of Further Information stage, the Applicant confirmed that the presented 5 no. storey development was their preferred option for development at this time. However, it is noted that the Applicant has explored the removal of the 4th floor/ 5th storey, which would remove 28 no. bedspaces and reduce the development plot ratio to 1.46. Drawings prepared by the project architect, EML, depicting this design option were prepared and presented to South Dublin County Council as part of the submitted Clarification of Further Information Pack.

The scale and size of the TCF as it stands with a maximum capacity for 131 bedspaces is intended to partially address the demand from the acute hospitals in the Greater Dublin Area. Tallaght University Hospital use the Bartra facility at Beaumont for patients from north Dublin who have completed their acute care needs. The size of such a reduced facility comprising c.81 bedspaces would completely undermine the economic viability of the proposed facility. The Applicant's preference remains for a 5 storey/131 bedspace facility.

The Applicant presented a detailed justification for the proposed building height on the site within the originally lodged application pack, and subsequently lodged further information and clarification of further information packs lodged to South Dublin County Council. For the convenience of An Bord Pleanála this justification is included within this First Party Appeal Report in section 6.3.

Section 4.3 of Appendix 10 of the South Dublin County Development Plan 2022-2028 includes a 'Contextual Analysis Toolkit' prepared by South Dublin County Council in collaboration with O'Mahony Pike Architects and sets out several questions that Applicants seeking to increase building height and density proposals should consider when presenting their development to South Dublin County Council for consideration.

Having considered all the above principles outlined in section 4.3 – Contextual Analysis Toolkit included in Appendix 10 of the South Dublin County Development plan and referring to the envisaged regeneration objectives for this site located in land parcel CT-C included within the Tallaght Town Centre Local Area Plan 2020, it is considered that, following a criteria-based assessment, this site is suitable for the increased Transitional Care Facility height of 5 no. storeys, 1 no. storey above what is envisioned for this site within the Tallaght Town Centre Local Area Plan 2020.

We refer An Bord Pleanála to Section 6.3 of this First Party Appeal Report for a detailed rationale.



4. Through the additional SuDS interventions, the Applicant has increased the Green Space Factor score for the site from 0.23 to 0.32, however this score falls short of the required 0.5 for 'REGEN' zoned site, a shortfall of 0.18 still persists. The Applicant has proposed measures including the installation of bat boxes, swift boxes and creating an area for solidarity bees at roof level however these measures are not deemed sufficient to make up this shortfall and additional measures would be required. It is noted that underground attenuation is still proposed as part of the surface drainage scheme, and this is not acceptable. It is considered that there are further interventions that the Applicant could have utilised to improve the GSF for the site, and also the level of natural SuDS utilised. The proposed development therefore does not comply with GI5 Objective 4 (which relates to implementation of the Green Space Factor) of the South Dublin County Development Plan 2022 - 2028 and to permit the scheme would be contrary to the proper planning and sustainable development of the area.

The Applicant submits to An Bord Pleanála that the Green Space Factor score of 0.5 for a REGEN zoned site is unachievable in the context of the subject development. We note the existing site condition consists of extensive hard standing, impermeable concrete and asphalt and low-quality poplar trees on the perimeter.

It is submitted that the originally lodged application to South Dublin County Council featured a Green Space Factor of 0.23. Through extensive consultation with the South Dublin County Council Parks Department, the Applicant and design team were able to increase the Green Space Factor score to 0.32 as per the version of the development landscape design lodged to South Dublin County Council as part of the Clarification of Further Information pack.

A Site Investigations Report was completed in respect of the subject lands. The results of the Site Investigations Report indicate that infiltration will not be feasible and underground attenuation will be required. Notwithstanding this, the extensive SuDS measures proposed as part of the development would provide notable benefit with respect to source control and water cleansing. The underground storage measures proposed as part of the application were not proposed under public open space areas or any areas of land which were proposed to be taken in charge by South Dublin County Council.

We refer An Bord Pleanála to Section 6.4 of this First Party Appeal Report for a detailed rationale.



1 Introduction

We, Brock McClure Planning & Development Consultants, 63 York Road, Dún Laoghaire, Co. Dublin are instructed by our client **Bartra Property Cookstown Limited, Third Floor, Longphort House, Earlsfort Centre, Dublin 2**, to lodge this first party appeal against the decision of South Dublin County Council on the 23rd of May 2023 to refuse permission for the following submitted under application ref. SD22A/0361:

‘Demolition of all existing 1-3 storey industrial/commercial structures and small cafe on site totalling c.5,500sq.m in area; Construction of a 1-5 storey Transitional Care Facility (step-up/step-down) providing 131 bedspaces over partial basement (total floor area c.6,743sq.m) with central courtyard (c.519sq.m); The basement consists of a sprinkler tank and pump rooms, water tank room, plant room and workshop; Provision of dining and kitchen areas, sitting/family rooms, activity rooms, coffee dock, hair salon, oratory, lobbies/reception areas, ancillary offices and staff areas, stores, toilets, shower/changing facilities, ESB substation, generator, switchroom, service yard and waste areas serving the facility; Lobbies, stair/lifts, photovoltaic panels and green roofs throughout; Partial provision of the pocket park identified in the Tallaght LAP (c.1,286sqm); New vehicular access from First Avenue and egress onto Cookstown Road via a one-way system through the subject site; Entrance signage on the eastern elevation of the proposed facility; All associated site development works, services provision, connection to the water supply, foul and surface water networks on First A venue and Cookstown Road including partial diversion of the foul line to the north east of the site at First A venue, temporary foul pump station, attenuation/bioretenion systems, vehicular and pedestrian access including internal road and footpaths, interim pedestrian facilities/public realm upgrade works, landscape and boundary treatment works, tree removal, bicycle storage (76 total spaces), car parking (32 total spaces), set-down parking spaces, 1 ambulance set-down space serving the facility and delivery/loading areas to First Avenue’.

This Appeal has been prepared by Brock McClure Chartered Town Planning & Development Consultants.

The grounds for this appeal are set out in Section 6 of this report and accompanying drawings and documents prepared by the Applicant.

The appeal is made in writing and is submitted to the Board 4 weeks from the Planning Authority’s decision (on or before the 19th of June 2023).

In accordance with the Planning Regulations, we enclose the prescribed fee of €1,500. We ask that all future correspondence is forwarded to this office at 63 York Road, Dún Laoghaire, Co. Dublin.

We request that An Bord Pleanala from the outset assesses the development as originally lodged to South Dublin County Council, this appeal has been prepared to defend the originally lodged scheme to South Dublin County Council in the first instance.

We note to An Bord Pleanala that the proposed scheme represents the 3rd iteration of development on the subject lands put forward by the applicant. The applicant has previously lodged an SHD proposal to An Bord Pleanala (ABP Ref. 303911-19) and an application for a mixed use residential development to South Dublin County Council (SD21A/0196). It is considered by the applicant that the refusals of permission received from An Bord Pleanala and South Dublin County Council in respect of these previously submitted schemes has informed the design of the current proposal, which addresses any concerns raised in the previous refusals. We refer An Bord Pleanala to these previously lodged applications on the subject lands, which provide a timeline of the evolution of the scheme, up to its current form. We submit that the now proposed scheme presents an appropriate development in terms of scale, use and height on the subject lands and we ask An Bord Pleanala to assess the proposal de novo.

2 Site Context

2.1 Subject Site

The subject site is located at Unit 21 First Avenue, Cookstown Industrial Estate, Dublin 24, to the north of Tallaght Town Centre. The vacant site comprises low rise commercial buildings arranged across 1-3 storeys. An aerial view of the site is presented in Figure 1 below.

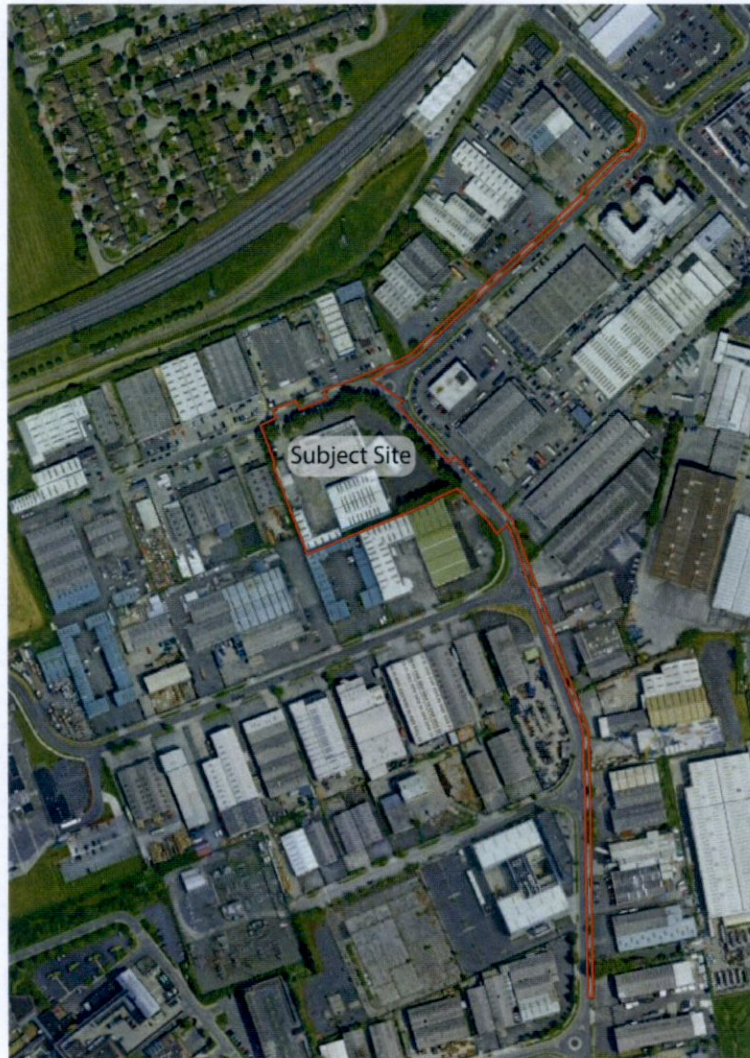


Figure 1 - Subject Site

The wider industrial estate is undergoing a period of transition. Several industrial/commercial sites are currently vacant or are being redeveloped at present. Existing vacancy levels indicate the general intention to move away from traditional industrial uses as demonstrated in the 'REGEN' zoning for the area.

The site is within walking distance of several employment hubs namely:

- **Tallaght University Hospital** located to the south west of the subject site (c.3,000 no. staff);

One of the primary reasons for the subject site selection are the locational benefits of providing a Transitional Care facility near a major hospital such as Tallaght University Hospital. The step-down nature of the facility allows patients to avail of

convalescent and respite services bridging the gap between hospital and home care. This model has been used at Beaumont Lodge, a 221 bedroom facility located c.200m east of Beaumont Hospital.

- **TU Dublin (Tallaght) Campus** formerly Tallaght Institute of Technology to the south east of the site (c.382 no. full-time staff);
- **Tallaght Town Centre** including The Square shopping Centre; and **South Dublin County Council Offices** located further south of the subject site.

The site is located c.450m from the Belgard Luas Stop. Given the proposed tertiary route to the north of the site (as outlined in the LAP and proposed under SHD application ABP Ref. 309731-21), this distance will reduce to c.300m. Vehicular and pedestrian access is provided on First Avenue with 1 no. pedestrian access located on Cookstown Road. The subject site area is approx. 1.6727ha, this is including areas that have been included within the development redline to facilitate necessary upgrade works to the surrounding pedestrian and cycle infrastructure and drainage along Cookstown Road and to the North East of the primary development site towards the Belgard Luas Stop.

Tallaght University Hospital is located approximately 500m to the southwest of the site and The Square Shopping Centre Tallaght provides a variety of retail and convenience outlets approximately 1km to the south of the subject site.

There is an offering of commercial leisure, restaurants, and comparison retail within 1 km of the subject site. South Dublin County Council Offices are located approximately 800m to the south of the site.

Figure 2 below illustrates the mix of land uses surrounding the subject site. The immediate sites adjacent to the subject site are primarily commercial and industrial, with a unit to the immediate east of the development site currently in residential use. A large area of open space is located further west of the site.



Figure 2 – Existing Land-Uses Surrounding the Site



Figure 3 - Existing Site Entrance and Commercial Building Planning for Demolition

The site is currently occupied by a vacant warehouse/ office facility and cafe. The existing buildings on the site vary in height from single storey structures in the centre, to 2 and 3 storey buildings to the south and east of the site. A surface carpark is located along the northern, western and eastern perimeters of the site. We refer to Figure 2, which illustrates a partially visible view of the existing vacant structures from Cookstown Road.

The site boundary to the east runs adjacent to Cookstown road for approximately 100 metres and is defined by a green steel security fence with a hedgerow behind, largely cutting off the site from the street. There is a concrete footpath with a grass embankment running the length of the site boundary to the east. The existing site access point is located along this boundary and is defined by a concrete wall to each side of a metal security gate.

The boundary to the north runs approximately 90 metres along first avenue and shares similar characteristics as the boundary to the east. The roadside grass embankment along this boundary is

replaced by a car parking bay, separated from the footpath by a low metal railing. A second entrance point to the site is located along this boundary in the northeast corner and is characterised by a similar concrete wall and metal gate as seen along the Eastern boundary. This access point to the site is shared with the café operating to the west of the site.

Along the western side of the site the boundary runs approximately 95 metres. It runs alongside existing warehouse buildings 1-2 storey in height being used for light industry as is typical in the area surrounding the site. A security fence and some mature tree lining characterise this site boundary. There is no existing site access from the western boundary.

The site boundary to the south is approximately 130 metres and runs adjacent to existing light industrial warehouse and office buildings typically 1-2 storeys in height. Like the Western boundary of the site the Southern boundary is characterised by an existing security fence and some mature trees and hedgerows. There is no existing site access from the Southern Boundary.

Both roads adjacent to the site (First avenue and Cookstown Road) are regional roads with a single lane of traffic travelling in each direction.

3 Planning Application Lodged

The Planning Application originally lodged to South Dublin County Council on the 16th of September 2022 consisted of the following:

The site (approx. 1.6727 ha) consists of unit 21 First Avenue, Cookstown Industrial Estate, Tallaght, Dublin 24 and the areas included around the main body of the subject site included within the site redline boundary for provision of drainage works and public realm upgrades. The proposal includes the demolition of all existing commercial structures and construction of a Transitional Care Facility comprising 131 no. bedspaces arranged in a single block 4 storeys above ground floor.

The breakdown of bed spaces per floor is as follows:

- Ground Floor- 19 no. bedspaces
- First Floor – 28 no. bedspaces
- Second Floor – 28 no. bedspaces
- 3rd Floor – 28 no. bedspaces
- 4th Floor – 28 no. bedspaces

The proposed ground floor plan prepared by EML Architects is shown on figure 6 below for the benefit of the Planning Authority:

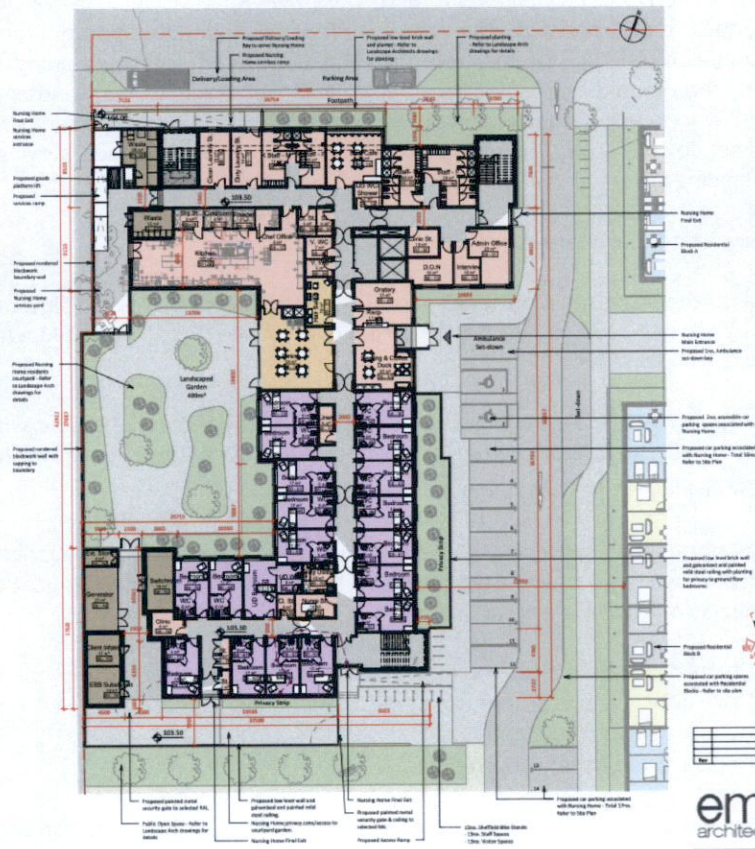


Figure 4 - Proposed Site Layout Plan

Detailed Description

The proposed development is described in detail as follows:

Bartra Property Cookstown Limited intend to apply for permission for development at a site of c.1.67ha at Unit 21, First Avenue, Cookstown Industrial Estate, Dublin 24. The development will consist of the following:

- Demolition of all existing 1-3 storey industrial/commercial structures and small café on site totalling c.5,500sqm in area;
- Construction of a 1-5 storey Transitional Care Facility (step-up/step-down) providing 131 no. bedspaces over partial basement (total floor area c.6,743sqm) with central courtyard (c.519sqm);
- The basement consists of a sprinkler tank and pump rooms, water tank room, plant room and workshop;
- Provision of dining and kitchen areas, sitting/family rooms, activity rooms, coffee dock, hair salon, oratory, lobbies/reception areas, ancillary offices and staff areas, stores, toilets, shower/changing facilities, ESB substation, generator, switchroom, service yard and waste areas serving the facility;
- Lobbies, stair/lifts, photovoltaic panels and green roofs throughout;
- Partial provision of the pocket park identified in the Tallaght LAP (c.1,286sqm);
- New vehicular access from First Avenue and egress onto Cookstown Road via a one-way system through the subject site;
- Entrance signage on the eastern elevation of the proposed facility;

All associated site development works, services provision, connection to the water supply, foul and surface water networks on First Avenue and Cookstown Road including partial diversion of the foul line to the north east of the site at First Avenue, temporary foul pump station, attenuation/bioretention systems, vehicular and pedestrian access including internal road and footpaths, interim pedestrian facilities/public realm upgrade works, landscape and boundary treatment works, tree removal, bicycle storage (76 no. total spaces), car parking (32 no. total spaces), set-down parking spaces, 1 no. ambulance set-down space serving the facility and delivery/loading areas to First Avenue.

Slaintecare – National Healthcare Policy

The need for the proposed facilities as part of the national policy that is Sláintecare was addressed recently by the new CEO of the HSE Bernard Gloster in the recent Irish Independent article on 29 March 2023 who stated:

“No patient would be on a hospital trolley today if the hundreds of people, who no longer need acute care and are occupying a bed were given a suitable step-down transfer, the new head of the HSE said today....”

This is supported by Sláintecare Implementation and Action Strategy 2021-2023 promotes the reduction of all waiting lists and align the resources/capacity to achieve this goal. Some of the goals of key projects of the Plan seek to:

- Create capacity for acute hospital sites and reduce/eliminate outlier boarding (trolleys);
- Drive down waiting lists (outpatient, inpatient and day case);
- Reduce cancellations, and
- Reduce acute hospital footfall.

In 2022, over 60,000 acute beds days were saved by Bartra’s existing Transition Care beds. Additional TCF capacity will increase this number by approximately 50%. These facilities make a direct contribution to the reduction in waiting times for admission to acute hospital facilities and reduce trolley times for patients with acute medical conditions, thus being a vital element of the achievement of Sláintecare objectives.

We note that the proposed type of transitional care facility is required by patients before or after receiving surgery and/or treatments for accidents or major illnesses in an acute hospital setting. It is

often necessary therefore after a period in hospital for patients to spend a further period of recovery in a transitional facility before returning home or to another healthcare facility.

In addition to the above, the transitional care facility can also provide additional support to acute hospitals on a case-by-case basis to free up beds in step-down services, if required. We emphasise the close relationship Beaumont Lodge (The Applicant's operational transitional care facility in north Dublin) has with hospitals in the Greater Dublin Area including Beaumont Hospital. The subject proposal will operate under the same principle providing support to acute hospitals including Tallaght Hospital, St James', St. Vincent's, and James Connolly Hospital, as required.

A recent press article in the Irish Independent on 29 March 2023 quoted the HSE's Chief Executive Officer Bernard Gloster by stating:

"No patient would be on a hospital trolley today if the hundreds of people, who no longer need acute care and are occupying a bed were given a suitable step-down transfer, the new head of the HSE said today...."

*The maths are easy," he said, acknowledging that the **delayed transfers for patients who no longer need to be in hospital can have complex issues.**"*

The proposed facility will therefore provide short term transitional care to patients of all ages and contribute towards addressing the current overcrowding and waiting time crisis in acute hospitals.

The proposed facility will therefore provide short term transitional care to patients of all ages, freeing up much needed beds in acute hospitals.

Evolution of the Scheme Design through the Planning Process

It is noted by the Applicant that minor changes to the scheme were made to respond to the request for Further Information issued by South Dublin County Council on the 10th of November 2022, and subsequently a request for Clarification of Further Information issued on the 10th of February 2023.

The changes to the scheme as it evolved from the originally lodged pack through the FI response and CFI response as submitted to South Dublin County Council are listed as follows:

At Further Information Stage:

- An extensive rationale in response to all queries from South Dublin County Council was provided.
- A reduced length of the loading bay/set-down area north of the transitional care facility was provided resulting in an enlarged planted verge.
- A loading/parking bay to Cookstown Road was removed and replacement with planted verge.
- Bicycle stands were relocated to the north of the site.
- An enlarged shared surface to the northeast of the site at the junction of First Avenue and Cookstown Road was provided.
- The set-down area along the internal road to the south of the future development was removed and replaced with a planted verge.
- Landscape plans were revised to incorporate natural SuDS into the development design. The drainage scheme for the site was updated to incorporate additional SuDS measures.

- A green roof was provided for the transitional care facility to encourage pollinators and support biodiversity.
- A Bat Survey was completed, and mitigation measures were recommended.
- An EIAR screening report was completed and recommended that the proposed development would not be likely to have significant effects on the environment.
- An Invasive Alien Species Plan was prepared in respect of the subject development and an invasive species management plan was prepared to be adopted during construction and operation of the proposed development.
- A plan for a future connection to South Dublin County Councils HeatNet system was prepared, including a centralised adaptable space within the development that could be configured to connect the development to HeatNet in the future.
- Drawings were prepared to demonstrate the details of the proposed signage for the Transitional Care Facility.

At Clarification of Further Information Stage:

- An extensive rationale in response to all queries from South Dublin County Council was provided.
- Options were presented to South Dublin County Council outlining details of the proposed scheme if floors were removed, should the Council deem it appropriate to condition the removal of floors from the development. It is noted to An Bord Pleanala that at this stage the applicants preference was for the development to remain as a 5 storey building as originally proposed.
- Lighting Plans were updated to provide lighting to a shared pedestrian and cycle link provided within the pocket park area in the south west of the development site.
- The site Landscape Masterplan was further updated following design team meetings with the South Dublin County Council Public Realm section to increase the proposed Green Score Factor from 0.23 to 0.32.

We refer An Bord Pleanala to the Further Information Pack and Clarification of Further Information Pack submitted to South Dublin County Council for a detailed overview of the evolution of the scheme.

4 Planning Authority Decision

Permission was refused on the 23rd of May 2023 on the following grounds:

4.1 Reason for Refusal No. 1 – Infrastructure

“The Applicant has proposed temporary pedestrian and cyclist upgrades from the site to Belgard Luas. The Planning Authority is very clear that temporary/interim works are not acceptable. A design team has been appointed by SDCC to prepare a street design for Cookstown Road, providing a scheme that considers existing industrial traffic movements as well as the emerging uses that will come with the regeneration of the area, namely an increase in pedestrian and cycle movements. The Applicant’s scheme does not consider the intricacies of providing a scheme to address the environment of Cookstown, and to provide interim measures as proposed presents a traffic hazard. The Applicant has failed to provide a cycle and pedestrian link which is designed to DMURS and National Cycle Manual standards. This would result in sub-standard facilities for pedestrians and vulnerable road users which would endanger public safety by reason of traffic hazard. The Council cannot accept temporary measures that have not had cognisance of wider uses in the area and are not satisfied with permitting temporary measures that may impact the delivery of a cohesive, planned, scheme for the entire Cookstown area. On this basis, the development is considered premature pending the completion of the design study and would endanger public safety by reason of traffic hazard”.

4.2 Reason for Refusal No. 2 – Implementation & Sequencing

“The proposed development would, in the current context where the environs of the site is generally in employment and commercial use, be physically isolated from compatible uses and in the absence of permanent connections and linkages in terms of pedestrian and cycle links towards the town centre and the key public transport routes, would constitute a poor standard of amenity for prospective occupants and would give rise to uses which are disconnected from public transport and from the wider area. In this regard, the proposed development would be contrary to the provisions of the Tallaght Town Centre Local Area Plan 2020 – 2026, specifically Section 8 (implementation and sequencing). Furthermore, the development does not accord entirely with the Overall Urban Structure, set out in Figure 3.7 of the LAP. Parking along the southern boundary impacts the permeability of the site and future connectivity into adjoining lands. The one-way system and lack of contra-flow cycle facilities would restrict access for cyclists through the site and to the pocket park. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.”

4.3 Reason for Refusal No. 3 – Overdevelopment

“EDE4 Objective 11 of the South Dublin County Development Plan 2022 – 2028 supports the regeneration of the Tallaght LAP lands in accordance with the Tallaght LAP. The scheme as currently proposed exceeds the height and plot ratio provisions of the Tallaght Town Centre Local Area Plan 2020. As the site has currently been separated into 2 development parcels, the Planning Authority has been very clear that each application site must function independently of each other, and no overlap of car parking or public open space provision will be considered acceptable. In this regard, the potential overall plot ratio for the landholding cannot be considered where other development has not been permitted. Furthermore, the LAP provides a very clear vision for a height strategy in the Cookstown Neighbourhood. This strategy is informed by population targets and the level of services provided and proposed within the Tallaght area. Additional height is supported in areas where it can be demonstrated that there is frequent, high-capacity public transport. The Planning Authority does not consider that, given the existing environment within Cookstown, and the interim measures proposed, that the site is acceptably connected to the high-capacity public transport such that it would justify an increase in height at the

site. In addition, it is not considered that a significant public gain would be achieved by permitting the scheme and therefore no relaxation in the implementation of the height or plot ratio strategy of the LAP is considered appropriate. In this regard, it is not considered that the Applicant has complied with the requirements of the Development Plan or the LAP and to grant the development would be contrary to the interests of the proper planning and sustainable development of the area”.

4.4 Reason for Refusal No. 4 – Green Space Factor

“Through the additional SUDS interventions, the Applicant has increased the Green Space Factor score for the site from 0.23 to 0.32, however this score falls short of the required 0.5 for ‘REGEN’ zoned site, a shortfall of 0.18 still persists. The Applicant has proposed measures including the installation of bat boxes, swift boxes and creating an area for solidarity bees at roof level however these measures are not deemed sufficient to make up this shortfall and additional measures would be required. It is noted that underground attenuation is still proposed as part of the surface drainage scheme, and this is not acceptable. It is considered that there are further interventions that the Applicant could have utilised to improve the GSF for the site, and also the level of natural SuDS utilised. The proposed development therefore does not comply with GI5 Objective 4 (which relates to implementation of the Green Space Factor) of the South Dublin County Development Plan 2022 - 2028 and to permit the scheme would be contrary to the proper planning and sustainable development of the area”.

5 Prelude to the Grounds of Appeal

The opening paragraph of the Tallaght Local Area Plan states the following as the ‘purpose’ of SDCC’s statutory document:

“The purpose of this Local Area Plan (LAP) is to provide a strategic framework for the sustainable development of Tallaght Town Centre. This LAP seeks to deliver high quality housing and well connected neighbourhood areas with a strong sense of community and social cohesion. It seeks to promote prosperity and opportunity in terms of employment, economic development and tourism, while ensuring the conservation and enhancement of green infrastructure and built heritage.”

It is submitted that to frustrate the development of individual sites, for reasons related to high level sequencing objectives, runs contrary to the stated objective of the council regarding their delivery of high quality housing and facilities.

It is our submission that the phasing set out in the LAP is appropriate in instances where the overall landholding is held by a single landowner, or in a PPP arrangement. It is simply not fit for purpose in areas where ownership and tenancies are significantly fragmented, such as that exhibited across the Cookstown Local Area Plan administrative boundary.

Put simply, no development will be able to take place in the Cookstown regeneration area in the manner envisaged by the LAP if the Council continue to impose high level non-specific objectives on active, agile and funded developers.

It is noted that the phasing of development ceases to be desirable when it contributes towards the prevention of the development of much needed healthcare and residential facilities. Of the 1000 + units currently under construction in the Tallaght area, only 183 of these were granted permission by South Dublin County Council, all other units were granted permission through An Bord Pleanala overturning refusals issued by South Dublin County Council.

6 Grounds for Appeal

We submit that the development proposed is made in the interest of the proper planning and sustainable development of the area.

The key points of this appeal relating to the reasons for refusal are summarised below.

1. Infrastructure
2. Sequencing and Phasing
3. Overdevelopment
4. Green Space Factor

6.1 Infrastructure

Refusal Reason no. 1 stated that:

“The Applicant has proposed temporary pedestrian and cyclist upgrades from the site to Belgard Luas. The Planning Authority is very clear that temporary/interim works are not acceptable. A design team has been appointed by SDCC to prepare a street design for Cookstown Road, providing a scheme that considers existing industrial traffic movements as well as the emerging uses that will come with the regeneration of the area, namely an increase in pedestrian and cycle movements. The Applicant’s scheme does not consider the intricacies of providing a scheme to address the environment of Cookstown, and to provide interim measures as proposed presents a traffic hazard. The Applicant has failed to provide a cycle and pedestrian link which is designed to DMURS and National Cycle Manual standards. This would result in sub-standard facilities for pedestrians and vulnerable road users which would endanger public safety by reason of traffic hazard. The Council cannot accept temporary measures that have not had cognisance of wider uses in the area and are not satisfied with permitting temporary measures that may impact the delivery of a cohesive, planned, scheme for the entire Cookstown area. On this basis, the development is considered premature pending the completion of the design study and would endanger public safety by reason of traffic hazard”.

In response to the above, we submit that the infrastructural upgrades to cycle and pedestrian facilities surrounding the development site represent wholly appropriate solutions to improve pedestrian and cycle linkages to and from the site without jeopardising any future permanent upgrade works or works to surrounding sites that will be developed within the Cookstown Regeneration Area in the future.

The Cookstown Industrial estate has been zoned for regenerative development by South Dublin County Council. It is considered by the Applicant that where a Local Authority has designated an area for regeneration where sites are under multiple ownerships that they are best placed to lead on site assembly given their authority to take control of lands by means of Compulsory Purchase Order.

It is not possible for the Applicant to amalgamate sites due to the existing commercial activities present to the west and south. Furthermore, the sites to the west and south are in separate ownership. We note that there is no known planning legislation that mandates Applicants engage with other landowners regarding site assembly.

We note to An Bord Pleanála that the site to the immediate east of the development site along Cookstown Road is currently being used as residential accommodation by up to 200 people. We draw the attention of An Bord Pleanála to the fact that these residents are currently successfully accessing facilities in Tallaght Town Centre and accessing the Belgard Road Luas stop with no pedestrian/ cycle upgrades currently in place.

Figure 5 below shows the current condition of the pedestrian areas surrounding the development site and depicts the lack of cycle infrastructure. The subject proposal will provide upgrade works to the pedestrian and cycle areas which will greatly improve the existing infrastructure in place, which is currently characterised by high curbs, bollards, and undulating pedestrian walkways in poor repair.

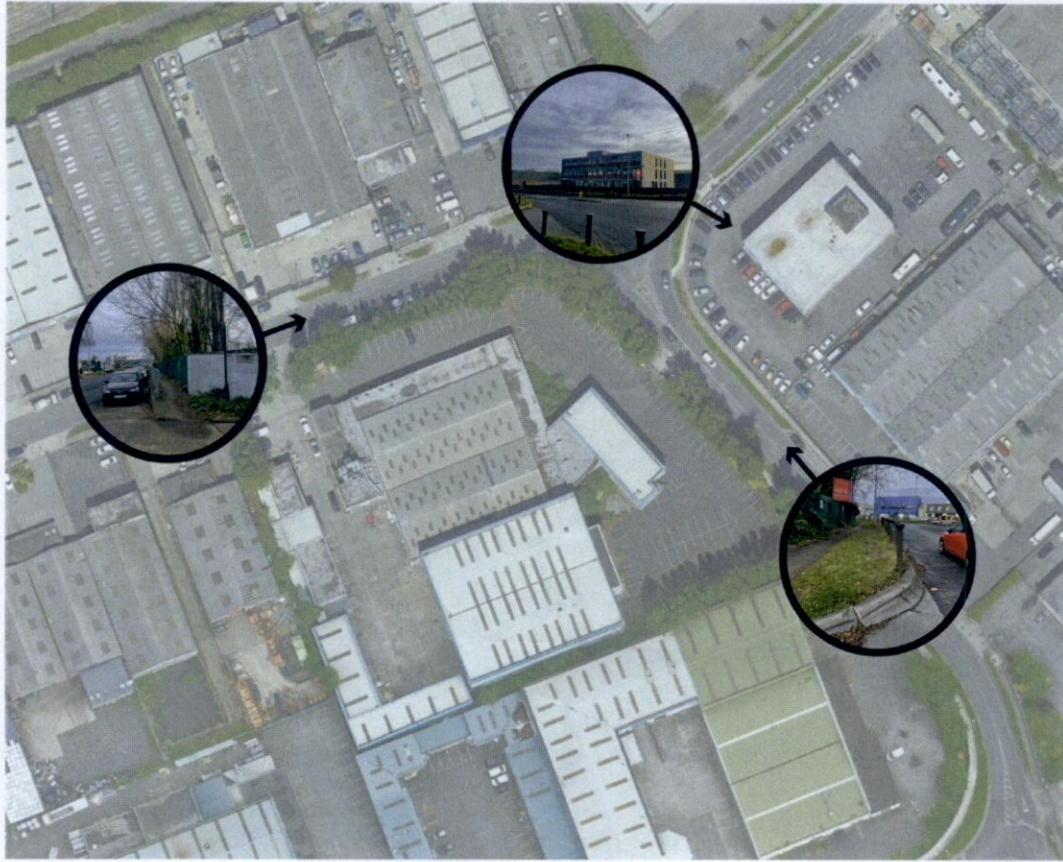


Figure 5: Existing surrounding site conditions

Figure 6 below shows infrastructural upgrades that have taken place as part of the provision of the new link road connecting Cookstown Road to Tallaght Town Centre to the south of the site.

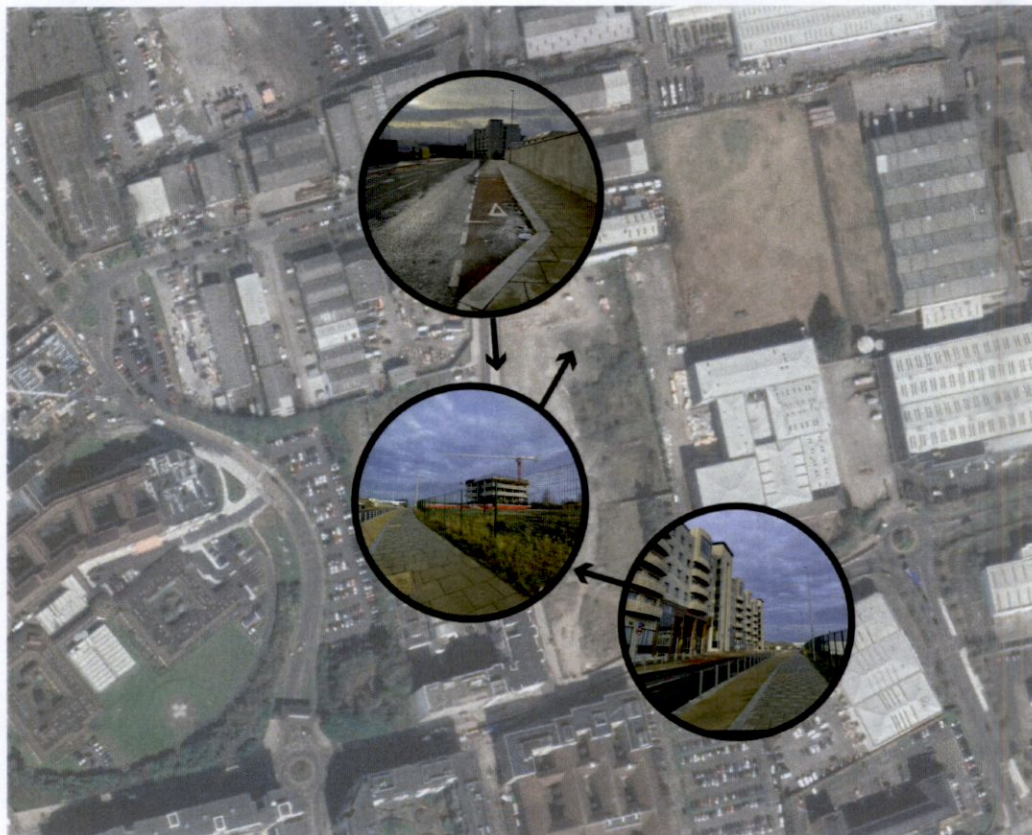


Figure 6: Infrastructural Upgrades associated with New Link Road

It is considered that the construction of the link road to the south of the development site represents the first stage towards increased pedestrian connectivity throughout the Cookstown Regeneration Area. New footpaths and cycle lanes are provided as part of this road. The proposed development will further increase pedestrian and cycle connectivity along the Cookstown Road, and in tandem with the granted Cookstown Cross SHD to the south of the development site will offer improved pedestrian and cycle conditions will be provided the length of the Cookstown Road.

The Applicant has decided to proceed on the basis originally proposed to provide interim upgrade works to pedestrian and cycle infrastructure toward both the Belgard Luas Stop to the northeast of the site and to the south of the site along Cookstown Road connecting to Tallaght Town Centre.

This solution offers increased connectivity for pedestrians and cyclists to public transport at the Belgard Luas and services and amenities at Tallaght Town Centre in the short to medium term period.

It is noted that the South Dublin Active Travel Plan has not yet been published. When published this plan will identify the areas where upgrade works are required within the Tallaght Area. It is considered that if the Applicant carries out full upgrade works towards the Belgard Luas Stop that there is the possibility that these may need to be reversed depending on the content of the final Active Travel Plan.

We note that the project engineers OCSC engaged with Mbakure Johnson of the SDCC Active Travel Plan division on the 20th April 2023. Mr Johnson noted that the SDCC Active Travel Plan project designers have only recently been appointed and he could not provide an update on the project timeline as his team are still working up the program of works.

In the absence of any definitive timeframe or proposed layout drawings for the permanent upgrade works, the design solution proposed as part of this application would offer notable improvements to both pedestrian and cycle accessibility at the site which are necessary to facilitate its

development. The proposed upgrade measures build on the existing infrastructure in the area to offer key localised improvements which achieve the stated accessibility objectives of local planning policy. These are realistic and deliverable in the context of the development proposed, while also avoiding abortive works insofar as is possible. We confirm that the proposed design **does not compromise** the delivery of the Active Travel Plan in the future.

As stated on the SDCC Active Travel Website, current projects characterised as ‘now’ projects will be completed within 2 years i.e. 2025, well in advance of any possible opening of the subject facility.

The estimated delivery of the proposed upgrade works will be in the later phases of the construction programme - approximately 2026. It is extremely likely therefore that the active travel plan will align with the completion of the proposed development. On this basis, the subject proposal is seen as a sensible solution until the Active Travel Plan is agreed.

We understand that €50 million was available last year for NTA grants relating to pedestrian and cycle facilities and €293 million is available for such facilities this year. These grants are only available to local authorities (not private entities) and should be availed by SDCC to promote the regeneration of the area.

We reiterate that the Applicant is committed to working with SDCC with respect to the appropriate detailed design and delivery of any active travel measures proposed to avoid abortive works and align the respective proposals accordingly. It is considered that such an approach can be facilitated through appropriate condition.

We note that the cost associated with the works to the wider area cannot be borne by the applicant for a development on a small infill site. This is an entirely unreasonable request on behalf of the local authority and render any development on the subject site as unviable.

We note that the cost associated with permanent works cannot be borne by the Applicant if the road design is likely to be altered by the Active Travel Plan at a later date. It is therefore considered that the proposed upgrade works are more appropriate at this stage of the regeneration of the Cookstown area as these can be easily amended to align with future regeneration projects and/or the goals and objectives of the final SDCC Active Travel Plan, as required, in accordance with DMURS standards and the National Cycle Manual standards.

To this end, we submit to An Bord Pleanála that the reason for refusal no. 1 as issued by South Dublin County Council is wholly unjustified. We ask An Bord Pleanála to set aside this reason for refusal and that permission be granted accordingly.

6.2 Sequencing and Phasing

Refusal reason no. 2 stated that:

“The proposed development would, in the current context where the environs of the site is generally in employment and commercial use, be physically isolated from compatible uses and in the absence of permanent connections and linkages in terms of pedestrian and cycle links towards the town centre and the key public transport routes, would constitute a poor standard of amenity for prospective occupants and would give rise to uses which are disconnected from public transport and from the wider area. In this regard, the proposed development would be contrary to the provisions of the Tallaght Town Centre Local Area Plan 2020 – 2026, specifically Section 8 (implementation and sequencing). Furthermore, the development does not accord entirely with the Overall Urban Structure, set out in Figure 3.7 of the LAP. Parking along the southern boundary impacts the permeability of the site and future connectivity into adjoining lands. The one-way system and lack of contra-flow cycle facilities would restrict access for cyclists”

through the site and to the pocket park. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area”

It is submitted to An Bord Pleanála that prior to assessing the above reason for refusal pertaining to sequencing, it is essential that we acknowledge the site has been zoned for regeneration. However, the Planning Authority continues to stifle the redevelopment of this site with the subject refusal.

We draw on Board Pleanála’s attention to the An Bord Pleanála Inspectors assessment of a previous application on the subject lands Ref. SD21A/0196 (ABP. 311568-21), which stated the following in relation to sequencing and phasing of development on the subject lands and in Cookstown:

*“The subject site is currently surrounded by industrial uses but there is a large development site immediately to the east which had a recent refusal of planning permission under ABP-309731-21 for a development of 1,104 no. apartments. **Development within the LAP area needs to start somewhere. I don’t consider it expedient to wait for sites in preferred locations to become available for development when fully serviced sites are available within 500m of a Luas stop and bus stops.** There are also a number of extant permissions within the surrounding area, and it is reasonable to expect that these developments will be delivered imminently.”*

*“Should the Board be minded to grant permission for the development, I recommend that a planning **condition be attached that requires the Applicant to engage with the PA with a view to providing connections to and from the site on a short-term basis which would also integrate with the long-term strategy for the wider area.**” (Own emphasis)*

The Planning Authority’s reason for refusal and claim that development is physically isolated in the absence of permanent connections and linkages to the town centre and the key public transport routes, is short sighted and absurd given the delays arising from the Planning Authority’s very own Active Travel Plan.

The Applicant has made every effort to improve connectivity to the town centre and luas through the proposed upgrade works and endeavours to balance site viability with the wider regeneration objectives for the area.

The Planning Authority, however, continue to resist development, as evidenced in their recommended refusal of several permissions including Glen Abbey SHD - ABP 309916-21, Cookstown Cross SHD - ABP-308398-20 and the Former Gallaher SHD - ABP-306705-20, since the adoption of the LAP, all of which were overturned by the Board.

Similarly, the overturned decisions of the above applications, demonstrate that the area is changing, and that development on the subject lands will not take place in isolation. It is noted that the phasing of development ceases to be desirable when it contributes towards the prevention of the development of much needed healthcare and residential facilities. Of the 1000 + units currently under construction in the Tallaght area, only 183 of these were granted permission by South Dublin County Council, all other units were granted permission through An Bord Pleanála overturning refusals issued by South Dublin County Council.

The Greater Dublin Area is experiencing significant redevelopment of former industrial areas including Industrial Areas in Coolock, Jamestown Business Park and the Royal Liver Site on the Old Naas Road. Notwithstanding the outcome of the Atlantic Diamond decision (Atlantic Diamond Ltd. V An Bord Pleanála case [2021][IEHC 322 2020 No. 712 JR]), we refer to Judge Humphreys statement in paragraph 13 “*just because something is unprecedented doesn’t mean it can’t be done – otherwise nothing would ever be done for the first time.*”

A more fundamental issue with this approach is the stated intention of the Council to use the vacant site levy as a means to incentivise the development of site across the LAP. Repeated

assurances have been given to the Council that Bartra are ready to go on site, with no issues present which would prevent them commencing development upon receipt of a grant of permission.

It is of great concern that the Council see the Vacant Site Levy as a development control tool. The imposition of these financial penalties on 'ready to go' sites which are being held up by the Council's application adjudication process will only continue to erode the viability of such schemes. The cumulative impact of the imposition of a VSL, on this site, until the Council are satisfied that sequential development has occurred in the manner they expect is difficult to understand, and this tactic is of increasing concern to our client.

As the Board is aware, it is the Planning Authority's duty to assess the suitability of sites for such zoning at the time of the preparation of the Development Plan or LAP. In zoning the subject site and wider area for regeneration uses, it was presumed that development could commence upon adoption of the LAP in July 2020.

The Applicant has clearly outlined in response to refusal Item 1 in Section 6.1 above why it has been decided most appropriate to proceed to provide temporary upgrade works to pedestrian and cycle links surrounding the site in this case.

Section 8.0 of the LAP states the following in relation to phasing and sequencing of development:

"The development of the identified regeneration lands at Cookstown and Broomhill alongside the Town Centre lands should generally be phased in accordance with the sequential approach:

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

Only in exceptional circumstances should the above principles be contravened, for example, where a barrier to development is involved or where proposals are brought forward for sites of 2 hectares or more within the regeneration lands that comply with the Urban Framework of the LAP."

Section 8.2.1 goes onto state development should:

1. *Demonstrate a clear transition towards a more urban form of development and a traditional street network in accordance with Chapter 2 and 3.*
2. *Address connectivity and linkages in the area and demonstrate that the development of the site would not give rise to isolated piecemeal pockets of development with residential uses that are disconnected from public transport, public realm, retail, amenities and/or other residences.*
3. *Residential development should be very carefully designed at the lower levels in particular adjacent to existing busy roads, and/or roads that are subject to significant movements by Heavy Goods Vehicles (HGVs) without demonstrated or proposed improvements to upgrade the street network in accordance with the Plan.*
4. *Demonstrate that the potential for noise pollution, air pollution or other nuisance from established industrial uses will not exceed acceptable environmental standards. The Planning Authority may seek a report from a suitably qualified person to identify and quantify sources of noise pollution, air pollution, or nuisance, assess the potential impacts on the proposed development and provide a series of recommendations to mitigate the impacts of any pollutants*

insofar as possible (e.g. orientation and layout of dwellings, positioning of openings and insulation); and

5. *As part of any planning application for redevelopment, the developer shall demonstrate a rationale for the site selection of the proposed development in relation to existing, permitted and proposed development. In general, integration with adjoining development and/or the urban form of the established Centre will be required to prevent piecemeal or premature development. Developers should sequence the delivery of Cookstown radially from the Town Centre, Luas stops and the perimeter.”*

We submit to An Bord Pleanála that the subject development is compliant with the above objectives having regard to the following:

- The proposal layout creates a new distinct urban form of development with Frontages to the boundaries First Avenue and the internal access road. T-shaped layout of the Transitional Care Facility allows a courtyard to be contained along the western boundary of the site for resident use. The Layout of the building on the site means that there is a potential to redevelop surrounding adjacent sites as residential developments which mirror the proposal. The internal one-way street creates a new connection for vehicles and pedestrians from First Avenue to the North of the Site to Cookstown Road to the East of the site, and runs through the site, passively overlooked by the Transitional Care Facility.
- The proposal is consistent with the general envisioned block layout and usage for the area. The proposal sits comfortably into the site and its general form, layout, public open space (associated with a future adjacent residential development) and access routes will facilitate the future development of surrounding sites with ease and in a comprehensive and considered manner. The proposal is coherent with the vision for the area as a mixed-use residential neighbourhood, providing a Transitional Care Facility on the western portion of the subject lands that will be followed by a separate application for mixed used residential development on the eastern portion of the site.
- This proposal submitted to SDCC was accompanied by appropriate noise assessment that concludes that the existing industrial processes on surrounding sites will not impact the residential amenity enjoyed by future occupants. Furthermore, the adjoining processes are not considered to contribute to significant air pollution or general nuisance given their classification as commercial/light industrial uses – STM garage and Diamond Cut wheel refurbishment to the South of the Site, The Smart Repair Centre to the East, Auto Depot Tyres to the North and Autodent Repair Centre and Richard Nolan Civil Engineering to the East. No heavy industry uses that could potentially generate noise/air pollutants adjoin the site.
- The property has been vacant for several years. The proposed development is less than a 6min walk from the Belgard Luas stop and bus services operating on Belgard Road.
- The wider industrial area is undergoing significant change at present. We note that a number of granted permissions for upgrade works to the surrounding road network and mixed-use residential development have commenced construction recently.

Figure 3.7 of the Tallaght Town Centre LAP outlines the envisaged overall urban block structure for the Cookstown regeneration area. For the benefit of An Bord Pleanála this is shown on figure 7 below, with the subject site outlined in red. The LAP refers to the indicative development capacity of the LAP which is likely to be the subject of change arising from site specific and private developer requirements. The block layout shown in Figure 3.7 is therefore illustrative and should allow for a degree of flexibility.

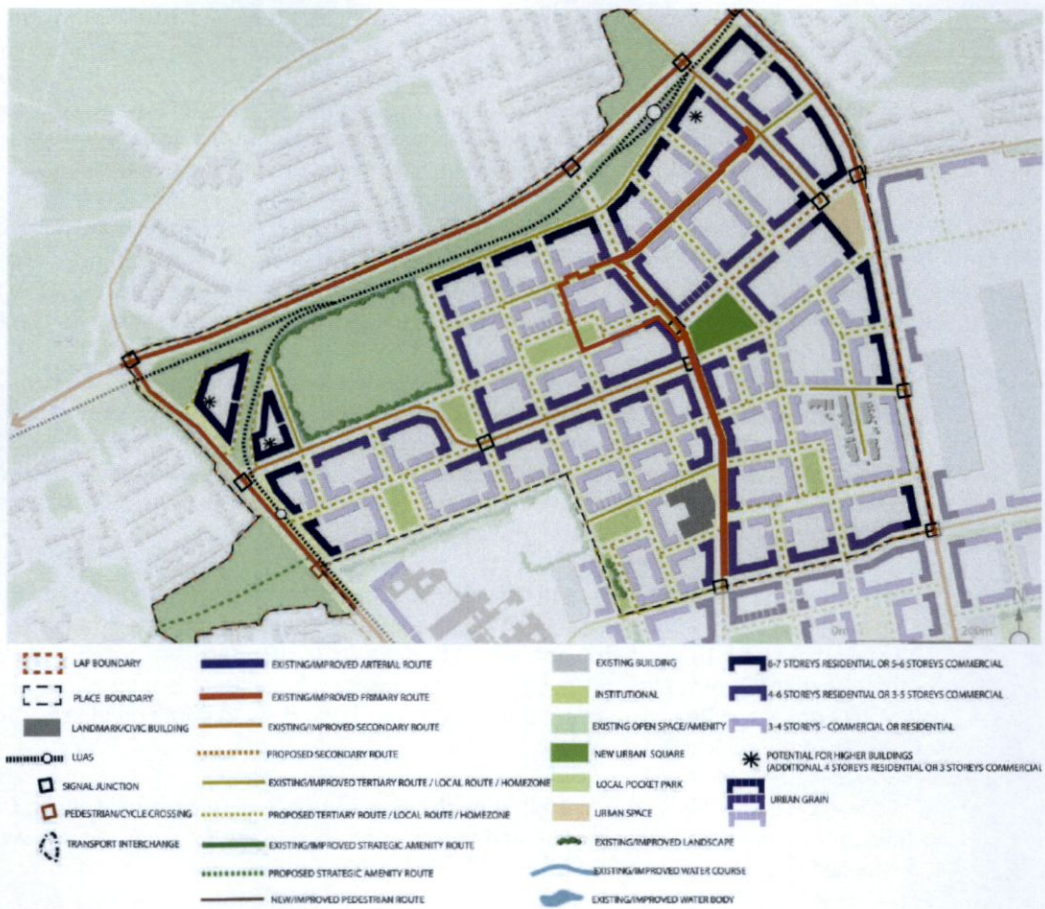


Figure 3.7 Overall Urban Structure (Cookstown)

Figure 7 – Tallaght LAP Overall Urban Structure with site redline overlay

The Applicant does not have control nor consent for the development of land outside the red line boundary and therefore cannot influence the development of these lands in line with the regeneration objectives of the Tallaght Town Centre Local Area Plan 2020. The Applicant has strived to present a design solution that delivers a tertiary route through the site on lands in the control of the Applicant, as this is an essential element to facilitate the optimum functioning of the site, to provide parking for visitors and access for emergency vehicles accessing the proposed Transitional Care Facility, and vehicular access to parking for a future residential element of development on the eastern portion of the site.

It is submitted that it is not viable for the Applicant to wait for the site to the west of the subject lands to be developed to provide the tertiary route in the location envisaged within the Tallaght Town Centre Local Area Plan 2020 along this western site boundary. As the Applicant has no control over the lands to the west of the development site there is no guarantee of timeframes for the development of these adjacent lands.

Should the project design follow the exact urban structure plan as outlined in the Tallaght Town Centre Local Area Plan 2020, it would require the adjacent site to the west of the development lands to be developed in tandem with development on the subject lands to deliver the exact envisaged tertiary route through the lands. This is not possible as the adjacent site is not in the ownership of the Applicant and there are currently no plans in place from the adjacent land owner to develop their land holding.

It is submitted that the single vehicular throughway traversing the site has been designed with pedestrian priority in mind. All pedestrian areas are separated from this road by a verge and grass planting. The road through the site has been designed to minimise vehicular speeds through the

site and adequate crossing points are provided within the site boundary, allowing safe pedestrian travel through the site.

Given the design measures implemented into this of this one way tertiary route through the site to reduce vehicular speed, it is considered that cyclists sharing this surface will be at no risk of restricted access when entering the site from First Avenue to the north of the site.

As part of the clarification of further information, the provision of pedestrian and cyclist access was introduced in the pocket park to the southern site boundary. Future connection can therefore be facilitated with no impact to proposed parking, as the southern site is developed in the future. The Planning Authority has failed to acknowledge this important revision made by the Applicant.

Given the proximity of the pocket park to the entrance of the site along Cookstown Road, it is expected that any cyclists utilising the pocket park and entering the site from this access point would dismount their bicycle and use the pedestrian walkway to gain access to the park area. It is noted that it is uncommon for cycle lanes to be provided along tertiary routes or through areas which will be used for transitional care and future residential use, given the low traffic speeds and traffic calming measures generally provided on these types of roads.

It is submitted that the access road through the site will provide access to cyclists and pedestrians availing of the transitional care facility and pocket park area as well as any future residential development on the western portion of the site. It is therefore submitted that any cyclists traversing the Cookstown Area not directly utilising the subject development will continue to cycle along Cookstown Road, where cycle and pedestrian upgrade works are provided by the Applicant as part of the subject development.

Pedestrian and cyclists are uninhibited by the one-way system. In accordance with DMURS and best practice, filtered permeability and vehicular restriction arising from the one-way route, is imposed on motorists only.

We note to An Bord Pleanála that we have engaged closely with our client to understand clearly the complexities involved in bringing a scheme such as that proposed to fruition. Fundamentally, it is disappointing that, having invested significant resources in the preparation of this Local Area Plan, the Council have failed to grasp the viability issues that our clients deal with in projects of this scale in locations such as Cookstown. It is only through allowing development commence, on sites like this, where Applicants are funded and ready to commence on site, can the objectives of LAP be delivered in any sort of meaningful way.

We will now summarise some of the points our client has now raised and we ask the Board to consider these, *de novo*, given the reluctance of the Council to engage or understand how best to assist in the progression and implementation of the LAP.

- Despite the existence of a number of successful planning applications within the LAP area none, to date, have proceeded. There are clearly viability issues relating to sites at this location and the onus is therefore on the Local Authority to step up and provide guidance and assistance in the development of key infrastructure pieces.
- Related to this point is the fact that land hoarding may well be occurring on sites with permission and therefore the sequential phasing envisaged by the Planning Authority may never commence in the manner set out in the LAP. It is therefore inequitable, and dangerously short sighted, to expect our client, who is ready to go on site, to wait on the expectations of inflated land values to be realised before they can commence delivery of development. Indeed, the principal in Bartra was a leading developer in Temple Bar , DDDA, North Lotts and Grand Canal areas and witnessed, at first hand, the issues that presented with vacant sites, land hoarding, and the equalisation of landlord and tenant values . In many cases, sites lay vacant until land values had sufficiently progressed to accomodate multiple interests. Sequencing in these challenging and complex economic

circumstances merely provides a further barrier, if not a complete block, to any development potential.

- The subject site is unencumbered by rights of way, wayleaves, and easements and can proceed without relying on access to any adjoining sites, or agreements with or consents from adjoining landowners. The same cannot be said for other sites across the LAP lands and this provides further challenges to the sequential phasing approach so strictly adhered to here by the Local Authority.
- With respect, the Council has exhibited a lack of insight into the challenges that individual sites, that are considered by the LAP to be sequentially 'favourable', may have attached to them – restricted covenants, title issues, negative debt issues will all impact on funding options and make the development of these sites exceptionally difficult.

To this end, we submit to An Bord Pleanála that the reason for refusal no. 2 as issued by South Dublin County Council is wholly unjustified. We ask An Bord Pleanála to set aside this reason for refusal and that permission be granted accordingly.

6.3 Overdevelopment

Refusal reason no. 3 stated that:

“EDE4 Objective 11 of the South Dublin County Development Plan 2022 – 2028 supports the regeneration of the Tallaght LAP lands in accordance with the Tallaght LAP The scheme as currently proposed exceeds the height and plot ratio provisions of the Tallaght Town Centre Local Area Plan 2020. As the site has currently been separated into 2 development parcels, the Planning Authority has been very clear that each application site must function independently of each other, and no overlap of car parking or public open space provision will be considered acceptable. In this regard, the potential overall plot ratio for the landholding cannot be considered where other development has not been permitted. Furthermore, the LAP provides a very clear vision for a height strategy in the Cookstown Neighbourhood. This strategy is informed by population targets and the level of services provided and proposed within the Tallaght area. Additional height is supported in areas where it can be demonstrated that there is frequent, high-capacity public transport. The Planning Authority does not consider that, given the existing environment within Cookstown, and the interim measures proposed, that the site is acceptably connected to the high-capacity public transport such that it would justify an increase in height at the site. In addition, it is not considered that a significant public gain would be achieved by permitting the scheme and therefore no relaxation in the implementation of the height or plot ratio strategy of the LAP is considered appropriate. In this regard, it is not considered that the Applicant has complied with the requirements of the Development Plan or the LAP and to grant the development would be contrary to the interests of the proper planning and sustainable development of the area”.

We wholly disagree with the Planning Authority's assessment and subsequent reason for refusal outlined above. It is submitted to An Bord Pleanála that the proposed Transitional Care Facility development has been designed to function independently of any other future proposed development on the eastern portion of the Applicant's landholding at Cookstown. The planning strategy for the redevelopment of the site included the front-loading of all key infrastructure including roads and open space as part of the overall masterplan for the development of the Applicant's landholding.

It is submitted that the Planning Authority, in their assessment of the scheme, have misinterpreted the provision of public open space and car parking as overlapping with an element of public open space and car parking provision for a future residential application on the eastern portion of the

Applicant's landholding. The Applicant has engaged in pre-planning discussions regarding this future residential application with South Dublin County Council and has clearly outlined a strategy for its delivery.

The Transitional Care Facility application lodged to South Dublin County Council included the provision of 32 no. car parking spaces total. Of the 32 no. car parking spaces proposed, 17 no. of these were associated directly with the Transitional Care facility, 1 per 8 no. staff members. The remaining 15 no. car parking spaces would be associated with the future residential development on the eastern portion of the subject lands. It was necessary to include these 15 no. car parking spaces associated with the future residential application within the remit of the subject application due to their location along the tertiary vehicular route through the subject site, which would be constructed in tandem with the Transitional Care Facility proposed.

In addition to the 17 no. parking spaces provided for the Transitional Care Facility Staff, an ambulance set down space was also proposed, to facilitate patient access and egress to and from the Transitional Care Facility as required.

Given the use of the proposed development as a healthcare facility, no public open space directly associated with the subject development was provided as part of the lodged application, however as the site redline encapsulated the entirety of the Applicant's landholding at Cookstown, an area of public open space for the future mixed use residential application was proposed to be delivered in tandem with the now proposed Transitional Care Facility, as it is located adjacent to the care facility in accordance with the block plan for the site as outlined in the Tallaght Town Centre Local Area Plan. Delivering this area of public open space at this stage of development of the overall site will allow the entirety of the western portion of the site to be comprehensively addressed in a single phase of development, with development of the eastern portion of the site to be addressed subject to a future separate planning application for a mixed use residential scheme.

The quantum and size of the outdoor public open space area areas (c.1,268sqm in area) exceeds the requirements of the LAP. The space was designed with appropriate planting and screening to create an additional sheltered amenity space. All communal and public open spaces are west, south, or east facing, maximising solar gain throughout the year.

The landscaped areas vastly improve the level of vegetative cover on site. The hierarchy of spaces created in the private, communal, and public open spaces enhance species variation, thus promoting biodiversity on site.

Section 2.7.2 of the LAP that refers to the minimum 10% public open space is preceded by the following paragraphs which relates to residential development as opposed to commercial, industrial or any other development.

"The County Development Plan has specific policies and objectives in terms of public open space provision which should be adhered to in order to ensure that all residential development is served by a clear network of high quality public open spaces that provides for active and passive recreation and enhances the visual character, identity and amenity of the area.

A minimum of 10% of the gross site area shall be dedicated for use as public open space within any proposal for development which shall be of a high quality and integrated into an overall interconnected network of public open space and green routes."

On this basis, an area of public open space of c. 1,268sqm in the form of a pocket park is provided as part of the overall development principally serving the adjoining mixed-use development (subject of a future LRD Application by the Applicant), which equates to c. 10% of the net site area. This is located in the southwest corner of the site adjacent to the Transitional Care Facility.

In addition to this area, a central communal courtyard area of c. 519 sq.m was provided, directly associated with the Transitional Care Facility, and accessible only to users of the Transitional Care Facility. This was presented as a key feature of the scheme as it allowed residents of the facility to enjoy an appropriately landscaped outdoor area whilst still within the safety and proximity of the Transitional Care Facility.

Easily accessible to all residents, the central and communal public open spaces benefit from the passive surveillance of several the windows associated with the Transitional Care Facility.

It is submitted to An Bord Pleanála that the proposed plot ratio has been calculated solely for the proposed Transitional Care Facility as outlined below. Any other future residential development on the eastern portion of the Applicant's landholding will be assessed on its own individual merit regarding plot ratio, and will take account of any other permitted developments within the application redline boundary. A preliminary calculation for the plot ratio of the overall development on the lands is provided below.

Having regard to the Cookstown Neighbourhood and specifically land parcel CT-C outlined in the LAP, the plot ratio range applicable to the subject site is 0.75 (minimum) - 1.0 (maximum).

The proposed plot ratio for the site is 1.78 based on a development site area of 0.3784 ha. This area does not include the public open space area. Proposals that exceed plot ratio and building height standards need to deliver significant public gain, to be assessed on a **case-by-case basis, by the Planning Authority**. It is noted that a plot ratio of 1.8 was deemed acceptable under Ref. 306705-20 for the Former Gallagher site.

The previous reasons for refusal regarding plot ratio will be addressed by the overall development on the subject site. It is noted by the Applicant that a mixed-use residential development on the eastern portion of the site will be lodged subject to a separate future planning application. The total developable site area associated with the subject scheme in combination with the future application on the eastern portion of the site will be 1.162ha.

The total GFA of the proposed Transitional Care Facility is 6743sq.m. The preliminary GFA for the future application on the eastern portion of the site is 9614 sq.m. In combination, the total GFA of the subject application and future mixed use residential application will be 16357 sq.m (it is noted that this is subject to change).

This total GFA of 16357 sq.m on a developable site area of 1.162ha will give a preliminary plot ratio of 1.40 for the overall development site.

The preliminary overall plot ratio of 1.40 for the overall development site represents a reduction in plot ratio from the figure of 1.49 that was associated with the previous application on the lands lodged to SDCC (SD21A/0196).

“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.

It is noted that the South Dublin County Development Plan including Appendix 10 Building Height and Density Guide 2022 **makes no reference to plot ratio as a metric for calculating density**. It is our considered opinion that the County Development Plan which came into effect in 3 August 2022 supersedes the Tallaght LAP 2020.

In response to the above policy objectives of the LAP the proposal provides the following significant public gains:

- The dedication of part of the site for public open space including a pocket park for above the standard 10% requirement for public open space on site which will potentially be

delivered in advance of the associated residential development on the eastern portion of the site, which will be subject to a separate future planning application. This is seen as a significant planning gain for the existing and future population of Cookstown.

- Full permeability through the site and creation of a new one-way street with pedestrian and cyclist links to the pocket park.
- The provision of a new Transitional Care Facility is a significant gain to the social and community infrastructure with capacity of 131 beds. It is noted there are no similar facilities at or near Tallaght University Hospital.
- Public realm improvements including reduction of kerb heights, provision of widened footpaths, on-street parking and significant tree planting along Cookstown Road and First Avenue help to transition this important regeneration site from its former industrial use to a mixed-use development.
- Significant upgrade works are proposed as part of the development to upgrade the surrounding cycle/ pedestrian infrastructure linking the development site the Belgard Road Luas stop and south towards Tallaght Town Centre.

At Clarification of Further Information stage, the Applicant confirmed that the presented 5 no. storey development was their preferred option for development at this time. However, it is noted that the Applicant has explored the removal of the 4th floor/ 5th storey, which would remove 28 no. bedspaces and reduce the development plot ratio to 1.46. Drawings prepared by the project architect, EML, depicting this design option were prepared and presented to South Dublin County Council as part of the submitted Clarification of Further Information Pack and are included for the Board’s review as part of this assessment.

The plot ratio when 1 no. storey is removed versus the Applicants preferred 5 storey option is depicted below:

	Site Area	Gross Floor Area	Number of Storeys/Height	Plot Ratio	Bedspaces
Option 1 (Proposed)	0.38ha	6743sqm	5 storeys/17.5m	1.78	131
Option 2 – 1 floor removed	0.38ha	5513sqm	4 storeys/c.14.3m	1.46	103

Table 1 – Site Statistics based on Proposed and Reduced Building Height

In order to reduce the plot ratio to below 1.2, almost 2 floors or approximately 2,000sqm would need to be removed reducing the height to 3 storeys below the maximum height range allowable under the LAP. This equates to a reduction of approximately 50 no. bedspaces to total of 81 no. bedspaces. We acknowledge that the Planning Authority can condition this reduction but emphasise that 81 bedspaces would likely result in the project being commercially unviable, adding further delays to the redevelopment of this zoned regeneration site.

We draw An Bord Pleanála’s attention to the An Bord Pleanála Inspectors assessment of a previous application lodged on the subject site SDCC Ref. SD21A/0196 (ABP. 311568) which stated the following in relation to appropriate development plot ratio and height for the subject site:

“I am satisfied that the development proposal can be considered for additional height and plot ratio based on the criteria set out in Section 2.6 of the LAP. The site is in within 500m of existing high-capacity public transport and within 100m of the proposed new urban square. It is also located on the corner of First Avenue and Cookstown Estate Road which would become a four-way intersection in the new road network for the area. In addition, the development would help to achieve the LAP objective to provide a new pocket park by providing a portion

of this park within their site with a view towards integrating with the adjoining sites when they become available for development.”

“In terms of the criteria set out in Section 3 of the Building Height Guidelines, I consider the location of the site to be capable of accommodating increased density and height as per the Building Height Guidelines given the location of the site within an urban area in close proximity to high quality public transport.” (Own emphasis)

We wish to draw the attention of An Bord Pleanála to Sandyford in the jurisdiction of Dun Laoghaire Rathdown County Council, which offers a precedent for development in Cookstown, given that it featured a traditional industrial usage, which has been regenerated and redeveloped to provide a mixed use residential neighbourhood. It is submitted to An Bord Pleanála that the success of Sandyford as a regeneration area is partially down to the guiding principles for development in the area with regards to the permissible height of buildings allowed. The Sandyford Urban Framework Plan published as an appendix to the Dun Laoghaire Rathdown County Development Plan 2022-2028 notes the following with regard to building height in the Sandyford area:

‘It is an objective of the Council to consider additional height over the height limit as identified on Map 3 annotated by a star symbol, on sites 6 and 9 (Drawing no.10). Increase in building height shall be limited to an element of the building at this location and only where it does not have a significant adverse impact on adjacent residential properties’.

It is considered by the applicant that the Tallaght Town Centre Local Area Plan 2020 overall Urban Structure Layout is presents a restrictive approach to building height and height increase. It is submitted by the applicant that an appropriate height for development on a site should not be decided based on a high level block plan, but rather the specific impact of a proposed development on the following:


- Immediate and surrounding environment;
- Adjoining structures
- Open spaces;
- Public realm (including impact on streets, spaces, pedestrian and cycle routes, identified green routes, and with particular emphasis on shadow impact);
- Views and Vistas; and
- Impacts on micro climates (such as wind funnels and overshadowing).

Should the proposed development be assessed on the basis of the above criteria, it is submitted that it would represent a wholly appropriate scheme on the subject lands.

The scale and size of the TCF as it stands with a maximum capacity for 131 bedspaces is intended to partially address the demand from the acute hospitals in the Greater Dublin Area. Tallaght University Hospital use the Bartra facility at Beaumont for patients from north Dublin who have completed their acute care needs. The size of such a reduced facility comprising c.81 bedspaces would completely undermine the economic viability of the proposed facility. The Applicant’s preference remains for a 5 storey/131 bedspace facility.

With regards to the development height, it is submitted to An Bord Pleanála that a detailed justification for the proposed development height of 5 no. storeys was presented to South Dublin County Council within the originally lodged application pack and subsequently lodged further information and clarification of further information packs. For the convenience of An Bord Pleanála this detailed justification for the proposed building height is presented below:

No.	SDCC Development Plan Policy Objectives Pertaining to Building Height and Density
1.	<p>Section 5.2.2 Policy QDP3 Objective 6: <i>To ensure that higher buildings in established areas respect the surrounding context and take account of heights and their impact on light and the negative impact that they may have on existing communities to ensure consistency with regard to Healthy Placemaking.</i></p>
Applicant's Response	<p>The subject proposal located on a brownfield site in an area designated and zoned 'REGEN' with wider objectives to regenerate Cookstown Industrial Estate, is the prime location for increased heights. All required assessments were undertaken by the Applicant to demonstrate the increased height would have minimal impact on the surrounding properties now and in the future.</p> <p>A Sunlight and Daylight Assessment prepared by J.V. Tierney confirmed no significant impact to light to the adjoining properties. Similarly, the increased height will have a nominal impact on the microclimate of the area.</p> <p>We note that the SDCC Development Plan which came into effect in August 2022 in certain instances relating to building height supersedes the Tallaght LAP (July 2020).</p>
2.	<p>Section 5.2.6 Policy QDP7: High Quality Design – Development General <i>Promote and facilitate development which incorporates exemplary standards of high-quality, sustainable, and inclusive urban design, urban form and architecture.</i></p> <p>QDP7 Objective 1: <i>To actively promote high quality design through the policies and objectives which form 'The Plan Approach' to creating sustainable and successful neighbourhoods and through the implementation of South Dublin County's Building Height and Density Guide.</i></p>

	<p style="text-align: center;">Sustainable Neighbourhoods</p> <p>Consider existing natural, cultural and built heritage features and green infrastructure elements as well as social, economic and environmental factors that impact on an area.</p> <p>Promote good urban design, which seeks to create public spaces that are vibrant, distinctive, safe and accessible and which promote and facilitate social interaction.</p> <p>Promote public transport and other transport facilities that mitigate dependence on cars, promote safe walking and cycling, while assisting with internal movements within neighbourhoods.</p> <p>Ease of access to and availability of good jobs and a good quality of life for the community at large.</p>  <p>High quality services, community infrastructure and open spaces accessible to all.</p> <p>A real sense of place, positive purpose and local distinctiveness, where buildings are not only attractive but also safe and useful with lots of green and open spaces for people to spend time, relax and play.</p> <p>Promotes a mix of uses with appropriate increases in density and building heights in the right locations maximising the existing transport network and existing infrastructure.</p> <p>High quality design, materials and finishes and good quality landscaping with robust maintenance protocols for all large residential, commercial and employment developments.</p> <p style="text-align: center;">Figure 1: Eight Key Design Principles</p>
<p>Applicant's Response</p>	<p>The planning application was accompanied by a robust Architect's Design Statement which acknowledges the eight design principles have been considered and incorporated into the subject design.</p> <p>A full response to South Dublin County's Building Height and Density Guide is provided below.</p>
<p>3-</p>	<p>Section 5.2.6 Policy QDP7: High Quality Design – Street Width and Height QDP7 Objective 7: <i>To ensure that all proposals for development contribute positively to providing a coherent enclosure of streets and public spaces, taking into consideration the proportions and activities of buildings on both sides of a street or surrounding a public space, providing for good standards of daylight and sunlight, and micro climatic conditions and having regard to the guidance and principles set out in the South Dublin County's Building Height and Density Guide and the Design Manual for Urban Streets and Roads (DMURS) (2019).</i></p>

<p>Applicant's Response</p>	<p>The proposed building height of 5 storeys (c.17.5m high) creates suitable enclosure with First Avenue to the north a c.8m wide street (edge of kerb) and c.15.9m (from back of the footpaths on either side of the road). The internal environment will further enclose the space to create a human-scale neighbourhood environment. The southern elevation fronting the pocket park is reduced to 1-5 storeys responding to the associated recreational use.</p> <p>We reiterate that the Sunlight and Daylight Assessment prepared by J.V. Tierney which confirms no significant impact to light to the adjoining properties. Similarly, the increased height will have a nominal impact on the microclimate of the area.</p> <p>A full response to South Dublin County's Building Height and Density Guide is provided below.</p> <p>We refer to the OCSC Consulting Engineers reports, cover letters and Road Safety Audit for more information relating to DMURS Compliance.</p>
<p>4.</p>	<p>Section 12.5.3 Density and Building Heights <i>In line with the provisions of the South Dublin Building Heights and Density Guide, development proposals for increased building heights and densities shall be accompanied by a contextual analysis by which the suitability or otherwise of different density and height levels can be assessed with reference to the receiving environment of the proposed development (see Section 5.2.7 and Appendix 10).</i></p> <p><i>Proposals are required to demonstrate to the satisfaction of the Planning Authority that the overall positive benefits of the development justify the scale of increased height being proposed.</i></p> <p><i>In order to demonstrate the overall positive benefits and justify the scale of increased height being proposed a detailed analysis of the existing context and a demonstration that the proposed height increase is contextually appropriate will be required.</i></p> <p><i>This process of analysis shall be considered alongside the provisions set out in the 'Urban Design Manual – A Best Practice Guide' (2009) which forms a key component in the design and planning processes for higher density and larger scale development proposals.</i></p>
<p>Applicant's Response</p>	<p>The site's existing condition has several shortfalls including:</p> <ul style="list-style-type: none"> • Vacant commercial premises; • Poor commercial/industrial design quality; • Poor pedestrian and cyclist permeability; • Poor road user integration; and • No public open space or amenity space. <p>The subject proposal employs several key features that justify the increased height including:</p> <ul style="list-style-type: none"> • Active perimeter and internal street frontage; • Good street enclosure; • Creation of a quality commercial environment that contributes to placemaking with the introduction of courtyard amenity areas, public open spaces and tree lined internal streets; • Quality built form using sustainable materials;

	<ul style="list-style-type: none"> • State of the art transitional care facility will bring the site into active use, removing vacancy and contributing to the economic vibrancy of the area; and • Public realm improvements will enhance permeability and accessibility for all users irrespective of mobility. <p>We refer An Bord Pleanála to Section 8 of the BMC Planning Report originally submitted to South Dublin County Council which details compliance with the Urban Design Manual – A Best Practice Guide’ (2009).</p>
5.	<p>Section 5.2.7 Policy QDP8: High Quality Design – Building Height and Density Guide (BHDG) <i>Adhere to the requirements set out in the Urban Development and Building Height Guidelines (2018) issued by the DHLGH through the implementation of the Assessment Toolkit set out in the South Dublin County’s Building Heights and Density Guide 2021.</i></p> <p>QDP8 Objective 1: <i>To assess development proposals in accordance with the Building Height and Density Guide set out in Appendix 10 of this Development Plan and associated planning guidelines. In this regard, all medium to large scale and complex planning applications (30 + residential units, commercial development over 1,000 sq m or as otherwise required by the Planning Authority) shall be accompanied by a ‘Design Statement’. The Design Statement shall include, inter alia, a detailed analysis of the proposal and statement based on the guidance, principles and performance-based design criteria set out in South Dublin County’s Height and Density Guide. Any departures within the proposed development from the guidance set out in the Building Height and Density Guide for South Dublin County (Appendix 10) shall be clearly highlighted in the Design Statement. (See Chapter 12: Implementation and Monitoring).</i></p> <p>QDP8 Objective 2: <i>In accordance with NPO35, SPPR1 and SPPR3, to proactively consider increased building heights on lands zoned Regeneration (Regen), Major Retail Centre (MRC), District Centre (DC), Local Centre (LC), Town Centre (TC) and New Residential (Res-N) and on sites demonstrated as having the capacity to accommodate increased densities in line with the locational criteria of Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) and the Urban Design Manual – Best Practice Guidelines (2009), where it is clearly demonstrated by means of an urban design analysis carried out in accordance with the provisions of South Dublin County’s Building Height and Density Guide that it is contextually appropriate to do so.</i></p> <p>National Policy Objective 35 – National Planning Framework <i>Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.</i></p> <p>SPPR 1 – Urban Development and Building Height Guidelines <i>In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/ city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.</i></p> <p>SPPR 3 – Urban Development and Building Height Guidelines</p>

	<p><i>It is a specific planning policy requirement that where;</i></p> <p><i>(A) 1. an Applicant for planning permission sets out how a development proposal complies with the criteria above; and</i></p> <p><i>2. 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;</i></p> <p><i>then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.</i></p> <p><i>(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</i></p> <p><i>(C) In respect of planning schemes approved after the coming into force of these guidelines these are not required to be reviewed.</i></p>
<p>Applicant's Response</p>	<p>As noted above, the planning application was accompanied by a robust Architect's Design Statement which acknowledges the eight design principles have been considered and incorporated into the subject design.</p> <p>A full response to South Dublin County's Building Height and Density Guide is provided below.</p> <p>We note that NPO 35, SPPR 1 and SPPR 3 relate to residential development. The subject proposal is commercial in nature providing step-down services to patients.</p> <p>We refer to Section 7 of the Planning Report submitted with the application pack to South Dublin County Council demonstrating compliance with NPO35, SPPR1 and SPPR3 and Section 8 in relation to the Urban Design Manual – Best Practice Guidelines (2009).</p> <p>We draw the An Bord Pleanála's attention to the Consultation Paper published in 2023 in relation to the Sustainable and Compact Settlements Guidelines for Planning Authorities. Although the report relates specifically to residential development, the key issues are relevant as they demonstrate the Government's intention to move to a more compact urban environment with sustainable features including reduced parking. The proposed density for cities including major town centres is 40-200 dph. The paper goes onto state:</p> <p><i>"The general approach would be that densities at the upper end of the specified range are applied at the most central and most accessible urban locations, with densities at the mid-point and lower end of the range as proximity and accessibility reduce."</i></p> <p><i>"Key design principles include reduced plot sizes and a tighter arrangement of houses, narrower streets, reduced car parking and the distribution of private open space in the form of patios and / or upper level terraces and balconies."</i></p> <p><i>"In order to meet the targets set out in the National Sustainable Mobility Policy 2022 and in CAP23 for reduced private car travel it will be necessary to apply a graduated approach to the management of car parking within new residential development. In 'Cities', 'Metropolitan Towns' and 'Large Towns (10,000+ population)' car parking should be graduated based on location and access to services by public transport,</i></p>

	<p>walking and cycling. In areas of high accessibility, car-parking provision should be minimised, substantially reduced or wholly eliminated, while in areas of medium accessibility, car-parking provision should be substantially reduced.”</p> <p>It is considered that the Government’s sentiments described in the Sustainable and Compact Settlements Guidelines for Planning Authorities Consultation Paper 2023 highlight the discrepancies around height, density, form and parking provision as outlined in the Tallaght LAP 2020.</p>
<p>6.</p>	<p>Section 5.2.7</p> <p>The Building Height and Density Guide (BHDG) for South Dublin County forms the primary policy basis and toolkit to employ the delivery of increased building height and density within the County in a proactive but considered manner.</p> <p>Securing compact and sustainable urban growth in South Dublin County will mean focusing on reusing previously developed ‘brownfield’ land in the County as well as undeveloped infill sites, particularly those served by good public transport.</p> <p>The BHDG in Appendix 10 of this plan is intended to complement the Urban Design Manual – Best Practice Guidelines (2009) which identified a set of component questions at various scales which together formed a complete urban design analysis of the development proposal. In the BHDG, certain parameters of the more general urban design assessment are expanded to more directly address issues relating to height, density, and intensification</p> <p>The guide sets out the following 4-step approach which includes;</p> <div data-bbox="517 1075 1294 1233" style="display: flex; justify-content: space-around; text-align: center;"> <div style="background-color: #c0504d; color: white; padding: 5px;"> <p>1. Policy Planning Context National and Local</p> </div> <div style="background-color: #4c7868; color: white; padding: 5px;"> <p>2. Thinking Understanding Considerations around Density and Height</p> </div> <div style="background-color: #70ad47; color: white; padding: 5px;"> <p>3. Application Developing a Criteria-based Approach</p> </div> <div style="background-color: #5d3f7d; color: white; padding: 5px;"> <p>4. Illustration Indicative Development Scenarios</p> </div> </div> <p>Proposals for increased building heights can be expressed in terms of their amplification of prevailing heights by means of a Contextual Height Ratio.</p> <p>Proposed increased heights should be proportionate to the role and function of buildings and the scale of their impact on the receiving environment. By this measure, the more prominent a role the development plays at the larger urban scale the more a larger contextual height ratio would be expected;</p>
<p>Applicant’s Response</p>	<p>The rationale for increased heights is driven by a context approach to building heights having regard to the ‘REGEN’ zoning of the site.</p> <p>The prevailing height of the wider area cannot be relied upon as a means for basing all new development, given the LAP advocates for increased heights as part of the regeneration objectives for the LAP and in particular Cookstown CT-C area.</p> <p>The proposal is just 1 storey higher than those specified in the LAP. In this instance, the amplification of the height is marginal compared to the indicative height of the LAP. Although the height is increased by 1 storey, it cannot be considered a significant, or a non-thematic variation on the indicative heights of the LAP. The T-Shaped layout of the 5-storey element provides more active frontage to First Avenue while the central spine running from north to south is set-back and augments the perceived building height east and west of the site. A single storey element fronts the southern elevation.</p>

	<p>The contextual height ratio of the 5 storey Transitional Care Facility is represented as 1.25xCH in the context of the 4 storey indicative heights outlined in the LAP.</p> <p>In this regard, the marginal increase from 4 to 5 storeys is proportionate to the role and function of the facility as well as the overall viability of the project at 131 bedspaces.</p>
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Table 2: Justification for Development Height in accordance with SDCC policies

We reiterate that the South Dublin County Development Plan strategy regarding building height is adopted from guidelines outlined in the National Planning Framework and Urban Development and Building Height Guidelines noting that building height should generally be increased subject to an assessment of building performance criteria.

As noted in Appendix 10 of the County Development Plan, the SPPRs take precedence over any conflicting policies and objectives of development plans, local area plans and – subject to any necessary review – of strategic development zone planning schemes.

Section 4.3 of Appendix 10 of the South Dublin County Development Plan 2022-2028 includes a ‘Contextual Analysis Toolkit’ prepared by South Dublin County Council in collaboration with O’Mahony Pike Architects and sets out several questions that Applicants seeking to increase building height and density proposals should consider when presenting their development to South Dublin County Council for consideration.

As noted previously, the height of the proposed Transitional Care Facility at 5 storeys exceeds the height envisaged for this area of parcel CT-C by just 1 storey. The Tallaght Town Centre Local Area Plan 2020 outlines that a height of 3-4 storeys for commercial or residential development is suitable at this location. On this basis, the Applicant refers to the Contextual Analysis Toolkit as included in Appendix 10 of the South Dublin County Development Plan 2022-2028 to justify exceeding the envisaged height at this location by 1 no. storey as follows:

- **Context**

- The subject site is well served by public transport links with high capacity, frequent service, and good links to other modes of public transport that link the site to the wider city. The site is located approximately 450 metres from the Belgard Road Luas Stop. It is noted that throughout the lifetime of the Tallaght Town Centre LAP 2020 this distance is set to decrease to c. 300 metres through the provision of a proposed tertiary route from the Cookstown regeneration area towards the Luas stop. Appendix 10 of the South Dublin County Development plan 2022-2028 notes the following:

‘Densities are expected to be higher the closer they are to LUAS and Bus Connects corridors and lower elsewhere’.

The proposed development site is also close to proposed Bus Connects upgrade routes through Tallaght Town Centre and to the south of the site and along Belgard Road to the east of the site which will facilitate increased public transport connectivity when delivered.

It is considered that the proposed development has adopted an urban intensification approach proportionate to its setting. The proposed development does not provide a landmark building but exceeds the LAP envisaged height at this location by 1 no. storey in keeping with the planned development of the east subject of a separate future residential development application which will include a secondary landscape feature building. The proposed Transitional Care Facility has been carefully designed to ensure that it does not have any adverse impact on surrounding existing development and that it will be able to successfully assimilate into its surroundings as other nearby sites in the Cookstown Regeneration Area are redeveloped. The

proposed height of the building enables the development potential and functionality of the Transitional Care Facility to be maximised.

The proposed plot ratio of 1.78 exceeds the envisaged plot ratio range of 0.75-1.0 for land parcel CT-C as outlined in the Tallaght Town Centre LAP. This calculation has been based on a net site area of 0.3784ha and does not include the area of public open space provided ancillary to the Transitional Care Facility in the form of a pocket park, in line with the layout for the site included in the LAP. The provision of this area of public open space presents significant planning gain and will be delivered in tandem with the delivery of the TCF facility, earmarking a significant step towards the redevelopment of the Cookstown Regeneration Area.

- **Setting**

- It is considered that the proposed development presents a positive contribution towards the receiving environment as it currently exists. The surrounding area is earmarked for regenerative redevelopment that will result in the creation of a new mixed use residential neighbourhood in place of the existing Cookstown Industrial Estate within the lifetime of the Tallaght Town Centre Local Area Plan.
- The proposal for a Transitional Care Facility at this location will provide an essential healthcare use close to Tallaght Hospital and offers cycle and pedestrian upgrades providing increased connectivity to the Belgard Luas Stop and towards Tallaght Town Centre.
- The surrounding context is characterised by low rise industrial and commercial units generally 1-3 storeys in height. It is envisaged that throughout the lifetime of the Tallaght Town Centre Local Area Plan 2020 the sites surrounding the development site will be subject to regenerative development to provide a new mixed use residential neighbourhood at Cookstown. The regenerative development will include increased building heights in line with the Tallaght Town Centre Local Area Plan vision for Cookstown. This will include the provision of building heights of 3 to 6 no. storeys along 1st and 2nd Avenue.
- There are no surrounding heritage designations that should be considered when proposing increased building height on this site.
- The proposed development will make a positive contribution in the context of the wider Cookstown area through being one of the first regenerative developments at Cookstown. The proposal will kickstart South Dublin County Councils regeneration objectives for this area. The proposal includes for upgrades to pedestrian and cycle infrastructure towards the Belgard Road Luas Stop to the east of the site and Tallaght Town Centre to the south. The proposal does not rely on any speculative future routes or connections and provides direct pedestrian and cycle links towards key infrastructure in Tallaght as part of the proposal.

- **Connections**

- The proposal facilitates connections towards social infrastructure and provides as many connections to the wider urban area that is practicable as part of this application. The proposal provides pedestrian and cycle infrastructure upgrades connecting the site towards the Belgard Road Luas Stop to the east of the site and towards Tallaght Town Centre to the south.
- A one-way vehicular access road is provided through the development site. This has been carefully designed to discourage excessive speeds and car dominance throughout the development site. This arrangement also increases permeability through the site which currently has no vehicular throughway.

- The proposed development also provides for the provision of a section of a pocket park included within parcel CT-C in the Tallaght Town Centre Local Area Plan. This contributes towards the achievement of the provision of a 5,200 sq.m pocket park in the central area of land parcel CT-C as outlined in the Tallaght Town Centre LAP. The provided new pedestrian links through the site and pedestrian and cycle links connecting the site to the Belgard Road Luas Stop and Tallaght Town Centre will increase the accessibility of the provided section of the pocket park.
- **Inclusivity**
 - The proposed development provides equitable, people friendly streets, spaces and uses through the provision of upgrades to pedestrian and cycle infrastructure towards the Belgard Road Luas Stop and Tallaght Town Centre. These infrastructural upgrades promote inclusivity offering improved connections usable by those of all levels of mobility connecting the site to public transport and social infrastructure. The provision of upgraded infrastructure connecting to the site will also allow for the provided section of pocket park to be easily accessed by pedestrians and cyclists travelling to the site from the wider Cookstown Industrial Estate and Belgard Road areas.
 - It is submitted that while not publicly accessible, the ground floor of the proposed Transitional Care Facility fronting onto First Avenue and the internal access road through the development site have active frontage to be used by patients and staff of the transitional care facility.
- **Variety**
 - The proposed height of 5 storey will complement the envisaged pattern of building heights for the Cookstown Regeneration Area, which generally will range between 3 no storeys and 10+ no. storeys across the regeneration area. Whilst the proposed building height of 5 no. storeys exceeds the envisaged height for this specific location of 4 no. storeys, consideration, must be given to the overall height strategy envisaged for the Cookstown area and the viability of this commercial development. In the context of the overall regeneration of the Cookstown Area and the Applicant's future plans for a residential proposal on the eastern portion of the development site the building height is considered appropriate in its site-specific context.
 - The proposed Transitional Care Facility facilitates and encourages a wider mix of uses across the overall development site. The proposed development on the western portion of the site is part of an overall development on the subject lands in the Applicant's landholding, subject to the lodgement of a separate application for residential development on the Applicant's landholding on the eastern portion of the overall site.

This element of the development will provide a healthcare use and contribute towards the overall development mix when a separate application for a mixed used development on the eastern portion of the site is lodged. This mix of healthcare and residential use on the site is complimentary to the site location close to Tallaght Hospital, Tallaght Town Centre, and transport links.

- **Efficiency**
 - The proposed height of 5 storeys for this element of the overall development enables the optimal use of the land at a sustainable density. It is considered that optimal density is that which has a positive impact on the local community and the environment – sufficiently occupied to create a vibrant neighbourhood which supports the needs of the residents without being oversubscribed to the point where it comprises the liveability of the place. The proposed healthcare use is complimentary to the existing Tallaght Hospital to the south of the development site and will provide transitional care to patients discharged from acute hospitals in the greater Dublin area but still in need of

longer-term support. The provision of a Transitional Care Facility will complement the proposed future use on the eastern portion of the Applicant's landholding, which will provide a mixed-use residential development subject to a separate planning application.

- **Distinctiveness**
 - The proposed development will enhance the character of the surrounding area. Currently Cookstown is characterised by primarily light industrial and warehouse units and is zoned for regenerative development with a vision for the area to emerge as new mixed use residential neighbourhood within the lifetime of the Tallaght Town Centre Local Area Plan. The proposed development provides a bespoke Transitional Care Facility that has been designed to respond to the site and its constraints. The building will be a distinct 5 storey offering which will signify the start of the regeneration of the Cookstown Area.
- **Layout**
 - The layout of the development site has been designed to accord with the envisaged layout for this land parcel CT-C as included within the Tallaght Town Centre Local Area Plan 2020. The proposed site layout provides building frontage along First Avenue, an internal one-way access road through the site and the delivery of a section of the envisaged pocket park for this land parcel CT-C as included within the Tallaght Town Centre Local Area Plan 2020.
- **Public Realm**
 - The proposed Transitional Care Facility has been designed to provide passive surveillance to surrounding public realm areas. The proposed building overlooks the section of pocket park that is provided as part of this application, to the immediate south of the proposed TCF building. Pedestrian crossing points have been provided in appropriate locations and the road design through the site has been chosen to slow the speed of vehicular traffic through the site, creating a safer place for pedestrians.
- **Adaptability**
 - It is submitted that the proposed development has been specifically designed as a Transitional Care Facility Unit and therefore it is not considered that the building use will change in the near future. However, internal spaces are flexibly designed to facilitate room amalgamations/ reconfigurations, as required in the future.
 - The proposed building has been designed to facilitate a future connection to South Dublin County Councils HeatNet District Heating System, should SDCC expand the scheme into this area of Cookstown in the future.
- **Privacy and Amenity**
 - It is submitted that the proposed Transitional Care Facility does not result in the loss of amenity of any surrounding existing or planned projects. The design has been carefully considered to respond to the site and its constraints and allow for the facilitation of the redevelopment of other surrounding sites within the Cookstown Regeneration Area in the future, following the general layout of the block plan envisaged for this land parcel CT-C as included in the Tallaght Town Centre Local Area Plan 2020.
 - The communal open space area for the Transitional Care Facility has been designed as an internalised landscaped courtyard offering maximum privacy and safety for Transitional Care Facility users. Additional rain gardens have been introduced to the courtyard for the benefit of green infrastructure, biodiversity, and residential amenity improvements, as part of this CFI Response.

- **Parking**

- An appropriate level of parking has been provided for the Transitional Care Facility to cater for the needs of staff, visitors and set down deliveries/ emergency vehicle drop off whilst still maintaining pedestrian priority throughout the development site. A single, one way vehicular through road is proposed traversing the development site, with pedestrian areas separated from this area by a verge and planting. The road through the site has been designed to minimise vehicular speeds through the site. Adequate crossing points are provided within the development site boundary, allowing safe pedestrian travel through the site when crossing the vehicular roadway.

Having considered all the above principles outlined in section 4.3 – Contextual Analysis Toolkit included in Appendix 10 of the South Dublin County Development plan and referring to the envisaged regeneration objectives for this site located in land parcel CT-C included within the Tallaght Town Centre Local Area Plan 2020, it is considered that, following a criteria-based assessment, this site is suitable for the increased Transitional Care Facility height of 5 no. storeys, 1 no. storey above what is envisioned for this site within the Tallaght Town Centre Local Area Plan 2020.

To this end, we submit to An Bord Pleanála that the reason for refusal no. 3 as issued by South Dublin County Council is wholly unjustified. We ask An Bord Pleanála to set aside this reason for refusal and that permission be granted accordingly.

6.4 Green Space Factor

Refusal reason no. 4 stated that:

“Through the additional SUDS interventions, the Applicant has increased the Green Space Factor score for the site from 0.23 to 0.32, however this score falls short of the required 0.5 for ‘REGEN’ zoned site, a shortfall of 0.18 still persists. The Applicant has proposed measures including the installation of bat boxes, swift boxes and creating an area for solidarity bees at roof level however these measures are not deemed sufficient to make up this shortfall and additional measures would be required. It is noted that underground attenuation is still proposed as part of the surface drainage scheme, and this is not acceptable. It is considered that there are further interventions that the Applicant could have utilised to improve the GSF for the site, and also the level of natural SuDS utilised. The proposed development therefore does not comply with GI5 Objective 4 (which relates to implementation of the Green Space Factor) of the South Dublin County Development Plan 2022 - 2028 and to permit the scheme would be contrary to the proper planning and sustainable development of the area”.

The Applicant submits to An Bord Pleanála that the Green Space Factor score of 0.5 for a REGEN zoned site is unachievable in the context of the subject development. We note the existing site condition consists of extensive hard standing, impermeable concrete and asphalt and low-quality poplar trees on the perimeter.

It is submitted that the originally lodged application to South Dublin County Council featured a Green Space Factor of 0.23. Through extensive consultation with the South Dublin County Council Parks Department, the Applicant and design team were able to increase the Green Space Factor score to 0.32 as per the version of the development landscape design lodged to South Dublin County Council as part of the Clarification of Further Information pack.

To present a metric for the proposed Green Infrastructural interventions included within the scheme, a Green Factor score has been calculated for the development at First Avenue, utilising the SDCC Green Space Factor Tool. The scoring system has been applied with one caveat - the scoring for proposed trees is not based on an area derived from tree stem girth at installation, as outlined within the Green Space Factor Guidance Note – this method of calculation produces such

a low score as to be unrepresentative of the green infrastructural and biodiversity benefits associated with the planting of new urban trees. As an alternative, we suggested the use of Natural England's Biodiversity Metric Calculation Tool scoring system for newly planted trees, the tool being widely utilised as a metric of habitats and places within that jurisdiction.

The Urban Tree Helper, which forms part of the calculation tool, proposes an RPA area scoring for new trees based on tree size (small, medium & large) at 30 years post planting.

The area calculation allows for temporal risk by the utilising a negative multiplier, which has also been applied in the Cookstown calculations to take account of time to full maturity development. (Please see <http://publications.naturalengland.org.uk/publication/6049804846366720> for further details on the Metric Tool and Urban Tree Helper.)

When applying scores for the proposed development, the Biodiversity Metric Calculation Tool scoring method for new trees has been applied to derive an area metric for input into the Green Factor Tool Score. The existing site achieves a Final GI Score of 0.31. Scoring of the proposed scheme utilising the Urban Tree Helper method achieves a Final GI Score of 0.8, with a score of 0.5 being required for REGEN Sites to 'pass' within the Green Factor Tool scoring system.

The presented score is more reflective of the green infrastructural benefits that would be seen with the planting of new urban trees - a number of which include large and long lived species such as Oak. In addition, the proposed site wide area of soft landscape and green roof amounts to 45% of the Development Site.

It is submitted that the proposed development passes for Green Score Factor when applying the Biodiversity Metric Tool and Urban Tree Helper, which are a far more established and accurate reflection of the biodiversity and planting level achieved on site than that South Dublin County Council Green Score Factor.

The landscape design submitted with the Clarification of Further Information Pack was informed by South Dublin County Council requirements. The project Landscape Architects Áit Urbanism + Landscape met with Laurence Collieran of the SDCC Public Realm Section on the 13th of April 2023 to discuss landscape proposals for the scheme including Green Factor Scoring. Additional habitat creation and SuDS measures were discussed and were implemented into the revised design submitted to South Dublin County Council at CFI stage for the benefit of improving the green infrastructure and biodiversity offering on site.

The landscape plans and report submitted at CFI stage prepared by Áit Landscape and Urbanism detailed a variety of green infrastructural proposals, including from a Green Roof on the Transitional Care Facility building, planting of native and non- native planting to encourage biodiversity and support pollinators. Installation of new tree planting with open spaces and on street – with tree pits having a SuDS function to deal with stormwater at source. Green walls are provided within the Transitional Care Facility courtyard and on the building's south façade.

In accordance with the South Dublin Green Space Factor Guidance Note, several SuDS measures were implemented by the Applicant including the following:

- Green Roofs;
- Swales;
- Rain gardens;
- Green walling/climbers;
- Perennial planting;
- New tree and shrub planting;
- Grass lawn; and
- Permeable paving

Following discussions with Laurence Collieran of SDCC, the CFI submission made to South Dublin County Council included the following additional measures:

- Rain gardens within the internal courtyard and to the east of the TCF;
- Additional swale provided to the eastern side of the verge parallel with the north south internal access road;
- Pollinator friendly beds, verges and landscape strips;
- Installation of bat boxes and swift bird boxes throughout; and
- Additional habitat creation for invertebrates and bees at roof level.

Bat and bird boxes would be provided to the specification of the Consultant Ecologist and Landscape Architect, post planning. We refer An Bord Pleanála to the cover letter prepared by Áit Urbanism and Landscape submitted as part of the CFI response which included the additional SuDS measures and OCSC Drawing B981-OCSC-XX-XX-DR-C-0505 for more information.

We refer An Bord Pleanála to the completed Green Factor worksheets enclosed in Áit's Landscape Report as submitted to South Dublin County Council at CFI stage for more information.

We understand the GSF allows for some layering of scoring whereby SuDS measures such as a swale can be counted with layered planting. The Applicant has made every meaningful effort to improve the GSF. As such, the above measures increased the GSF from 0.23 to 0.32.

We contest the Planning Authority's statement that the Applicant could have improved the GSF and level of natural SuDS utilised on site.

The flawed nature of the GSF scoring would require a new water body feature or much larger site to reach 0.5. We note that the Applicant has exhausted all feasible greening and SuDS measures within the constraints of the recommended block layout for the site as set out in the LAP.

We refer to Application Ref. SDZ23A/0004 at Clonburris SDZ ,Adamstown Extension, whereby a GSF score of 0.31 was achieved despite a target score of 0.5 for the regeneration lands. Although the proposal is at further information stage, it appears the Applicant's arguments relating to the constrained nature of the site where accepted by South Dublin County Council and the issue was not raised as part of the FI request.

The revised design was considered to have maximised the provision of SuDS measures when considering the constrained, brownfield nature of the site with limited green space and the desire to avoid attenuation measure in public open space areas, particularly those to be taken in charge by SDCC.

It is noted that South Dublin County Council deemed the underground attenuation system proposed as part of the surface water drainage scheme unacceptable. It is submitted to An Bord Pleanála that this is an essential element of the proposed development to ensure optimum surface water drainage. Site Investigations reports conducted in respect of the development site concluded that the subject site has a very low infiltration rate of "f" = 0.00033 metres/ minute.

This low permeability was noted as quite typical of the regional boulder clay. It was noted that the sub soils will be unsuitable for the dispersion of storm or surface water in conventional soakaways and the use of the Local Authority drainage system was recommended.

The full Site Investigations Report conducted was appended to the Engineering Services Report submitted to South Dublin County Council as part of the initial Further Information Response Pack. We refer An Bord Pleanála to this report for more information.

As noted, the results of the Site Investigations Report indicate that infiltration is not feasible and underground attenuation is therefore required. Notwithstanding this, the extensive SuDS measures proposed as part of the development would provide notable benefit with respect to

source control and water cleansing. The underground storage measures proposed as part of the application were not proposed under public open space areas or any areas of land which were proposed to be taken in charge by South Dublin County Council.

We conclude that the reason for refusal could readily have been dealt with post-planning through the offset of development contribution levies.

Should permission be granted and implemented, further contributions to Green Infrastructure through the payment of the Development Contribution levies related to landscape/open space provisions will be made by the Applicant. Should An Bord Pleanála be minded to grant permission, a condition could be applied in respect of green infrastructure.

To this end, we submit to An Bord Pleanála that the reason for refusal no. 4 as issued by South Dublin County Council is wholly unjustified. We ask An Bord Pleanála to set aside this reason for refusal and that permission be granted accordingly.

7 Conclusion

We invite An Bord Pleanála to overturn the decision of the Planning Authority and grant permission for the development as proposed.

1. We believe that that this Appeal Report now submitted to An Bord Pleanála provides a robust response to the reasons for refusal issued by the Planning Authority and has addressed all issues/ queries raised regarding the scheme both in the reasons for refusal and the published planners report in a comprehensive manner.
2. We submit that the reasons for refusal cited are not a material reason for refusal in this case. It is our view that our direct rebuttal of the reasons for refusal provides a compelling case in favour of the development proposal.
3. The proposal contributes towards the deliverance of a number of national, regional and local policy objectives, and will act as a catalyst for other developments to start in the Cookstown Regeneration Area. The proposed development contributes significant planning gain to the surrounding community, providing a Transitional Care Facility close to Tallaght Hospital that will contribute towards supporting a national ageing population and an envisaged growing population in the Cookstown regeneration area as the area moves away from its traditional industrial uses and is regenerated as a mixed-use residential neighbourhood.
4. The proposal ameliorates the existing industrial and commercial nature of the site through extensive upgrade works including footpath widening, on-street parking, tree planting, lighting plans and lowering kerb heights etcetera. The quality of the redesigned public realm is wholly transformed and will enrich the character of the area. The proposal includes extensive upgrade works to the surrounding pedestrian and cycle infrastructure connecting the site to the Belgard Luas Stop and south towards Tallaght Town Centre.
5. As demonstrated in all the material submitted as part of this appeal the proposal is one of high-quality design and the proposal can be robustly defended by the Design Team.
6. We submit that the reasons for refusal issued by the local authority are unfounded and that the subject proposal is appropriate for the subject site.