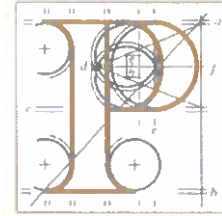
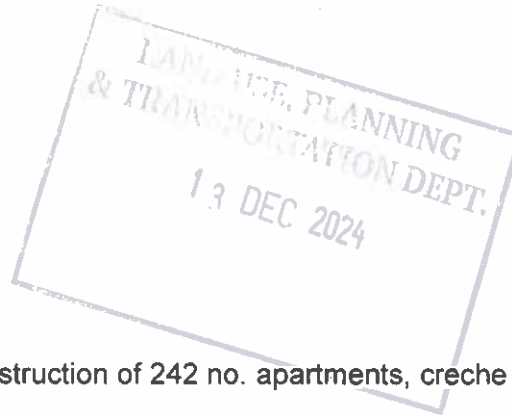


Our Case Number: ABP-313591-22



An
Bord
Pleanála

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24



Date: 12 DEC 2024

Re: Demolition of existing buildings, construction of 242 no. apartments, creche and associated site works.

Lands at Broomhill Road and Unit 51 Broomhill Road, Tallaght, Dublin 24.
(www.broomhillroadshd.ie)

Dear Sir / Madam,

An Bord Pleanála has made a decision in respect of the above mentioned Strategic Housing Development. A copy of the Board Order is enclosed.

In accordance with section 146(5) of the Planning and Development Act, 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to the decision within 3 working days following its decision. In addition, the Board will also make available the Inspector's Report and the Board Direction on the decision on its website (www.pleanala.ie). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

If you have any queries in relation to the matter please contact the undersigned officer of the Board.

Please mark in block capitals "STRATEGIC HOUSING UNIT" and quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

The attached document contains information in relation to challenges to the validity of a decision of An Bord Pleanála under the provisions of the Planning and Development Act, 2000, as amended.

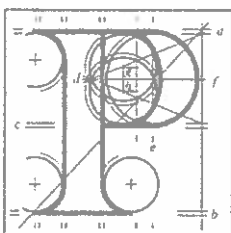
Yours faithfully,

Ellen Moss
Executive Officer

SHA32

Teil	Tel	(01) 858 8100
Glaó 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



An
Bord
Pleanála

Board Order

ABP- 313591-22

Planning and Development Acts 2000 to 2022

Planning Authority: South Dublin County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, in accordance with plans and particulars, lodged with An Bord Pleanála on the 17th day of May 2022 by Garyaron Homes Limited care of Brock McClure Planning and Development Consultants of 63 York Road, Dun Laoghaire, County Dublin.

Proposed Development comprises of the following:

1. The demolition (total area approx. 4,319.9 square metres) of the existing buildings on site and the existing front boundary treatment;
2. The construction of a new residential and mixed use scheme of 242 number apartment units in five number blocks (Blocks A to E) ranging from four to seven storeys in height as follows:
 - Block A (five storeys) comprising 40 number apartments (four number one-bedroom, 31 number two bed and five number three-bedroom units)
 - Block B and C (seven storeys) comprising 102 number apartments (45 number one-bedroom and 57 number two-bedroom units)
 - Block D (five - seven storeys) comprising 36 number apartments (16 number one-bedroom and 20 number two-bedroom units)
 - Block E (four - five storeys) comprising 64 number apartments (31 number one-bedroom and 33 number two-bedroom units)

3. Block D will accommodate a childcare facility or creche of approximately 465 square metres at ground floor level.
4. The proposal will also provide for a café of approximately 50.9 square metres at the ground floor of Block C. Residential amenity areas will be provided in the form of a reception of approximately 125.1 square metres, resident lounge of approximately 45 square metres, a letting office of approximately 11.8 square metres, a rentable room or studio space of 39 square metres, a public gym of approximately 128.5 square metres and a public co-working space of approximately 128.4 square metres, all at the ground floor level of Blocks B and C.
5. Each residential unit will be afforded with private open space in the form of a balcony or terrace. Communal open space of 1,797.4 square metres is proposed in the form of two number roof top terraces at Blocks D and E, courtyard space at ground level, outdoor seating and planting and pedestrian and cyclist links. Public open space of 1,400 square metres is also proposed in the courtyard area, fully accessible to the general public and includes outdoor seating, paved areas, a lawn area, and play areas in addition to an outdoor seating area to the front of the proposed café at Block C.
6. A total of 136 number car parking spaces are provided at ground floor level, including seven number Accessible spaces at surface level; and 426 number bicycle spaces (Visitor and Resident in bike stands and secure stacked bike spaces) are proposed.
7. The development shall be served via a new vehicular access point from Broomhill Road. Upgrade works are proposed to the vehicular access point to facilitate the proposed development and to provide for improved access and egress for the overall development. New pedestrian and cyclist access points will be provided on to Broomhill Road from the site.
8. The associated site and infrastructural works include provision for water services; foul and surface water drainage and connections; attenuation proposals; permeable paving; all landscaping works; boundary treatment; internal roads and footpaths; waste storage areas and electrical services and all associated site development works all located on lands at Broomhill Road, Tallaght and Unit 51, Broomhill Road, Tallaght, Dublin 24.

Decision

Refuse permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under.

Note: In relation to the first reason for refusal, the Board agreed with the inspector that the proposal was not in full accordance with the key land use objectives pertaining to the site which seeks to ensure that lands zoned 'Regen' accommodate a significant portion of business, enterprise and employment uses. However, the Board acknowledged that residential development is also permitted in principle on lands governed by the 'Regen' zoning objective. In this regard the Board considered that the proposal may not materially contravene the zoning objectives of the development plan.

In relation to the Inspector's third reason for refusal, the Board noted the provision contained in H1 Objective 12 of the South Dublin County Council Development Plan which seeks to provide a minimum of 30% 3 bedroom units and that this objective is underpinned and supported by Housing Needs Demand Assessment which forms part of the Development Plan. This Plan and the associated Housing Needs Demand Assessment however, was adopted subsequent to the lodgement of the planning application and therefore, was not in force at the time of making the application. The Board considered that normally, the applicant should be given an opportunity to comment on the proposed housing mix in light of the Housing Needs Demand Assessment adopted by the Planning Authority. However, given the other substantive reasons for refusal the Board decided not to pursue this specific matter further.

Reasons and Considerations

1. Key Objective BH1 of the Tallaght Town Centre Local Area Plan 2020 relating to the Broomhill neighbourhood area (section 3.5) identifies a "transition to mixed use area primarily focussed on higher value commercial uses" for the area. Under section 3.5 relating to land use mix/urban function, the area is to be "predominantly business, enterprise and employment area with more mixed-use residential development fronting along the southern side of Airton

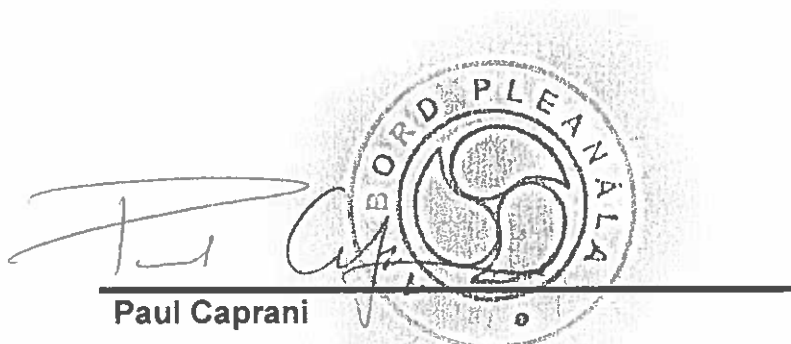
20

Road, subject to integrating effectively with existing surrounding uses". The proposal, which is mainly residential in nature with a limited level of business, enterprise and employment uses would contravene the key objective BH1 of the Tallaght Town Centre Local Area Plan 2020 and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development due to its location centrally within the Broomhill neighbourhood area where the existing road network is lacking in appropriate pedestrian and cycling infrastructure to serve the transition of the area from commercial development to mixed uses, including residential as envisaged under the South Dublin County Development Plan 2022-2028 and the Tallaght Town Centre Local Area Plan 2020, would lead to a piecemeal, haphazard approach to development of the overall neighbourhood lands within the Broomhill area. The proposal would be contrary to the policy regarding Sequencing and Implementation as set out under Section 8.0 of the Tallaght Town Centre Local Area Plan whereby development should extend outwards from the town centre with lands closest to the centre and public transport nodes being given preference. As such the proposal is also contrary to EDE4 Objective 11 of the South Dublin County Development Plan 2022-2028 requiring compliance with the Local Area Plan. The piecemeal nature of the development represents an uncoordinated approach that would compromise the provision of a good quality development and future connections to adjoining lands, which would also be contrary to the objectives of the Local Area Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The proposed development is within the boundaries of the Tallaght Town Centre Local Area Plan 2020, which provides significant guidance regarding the scale and intensity of development permissible including specific ranges in terms of plot ratio and building height for the Broomhill Neighbourhood. The plot ratio and height proposed exceeds the clearly stated ranges for such under the Tallaght Town Centre Local Area Plan 2020 and that the location and design of the development does not meet the criteria set out that allows

for an increase in height above specified ranges by 2-4 storeys or an uplift in plot ratio by 20% as set out under Section 2.6 of the Local Area Plan. The proposed development would be contrary to the stated policy of the Local Area Plan, would constitute overdevelopment of the site and would set an undesirable precedent for other development within the Local Area Plan boundary.



Paul Caprani

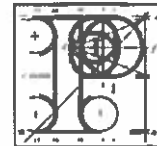
Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 12th day of December 2024





Judicial Review Notice

Judicial review of An Bord Pleanála decisions under the provisions of the Planning and Development Acts (as amended).

A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000, as amended, contain provisions in relation to challenges to the validity of a decision of the Board.

The validity of a decision taken by the Board may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(6) of the Planning and Development Act 2000 requires that any application for leave to apply for judicial review must be made within 8 weeks of the date of the decision of the Board, save for decisions made pursuant to a function transferred to the Board under Part XIV of the Planning and Development Act 2000, where any application for leave to apply for judicial review must, as set out in sub-section 50(7), be made within 8 weeks beginning on the date on which notice of the decision of the Board was first sent (or as may be the requirement under the relevant enactment, functions under which are transferred to the Board, was first published). These time periods are subject to any extension which may be allowed by the High Court in accordance with sub-section 50(8).

Section 50A(3) states that leave for judicial review shall not be granted unless the Court is satisfied that (a) there are substantial grounds for contending that the decision is invalid or ought to be quashed and (b) the applicant has a sufficient interest in the matter which is the subject of the application or in cases involving environmental impact assessment is a body complying with specified criteria.

Section 50B contains provisions in relation to the costs of certain judicial review proceedings in the High Court; pursuant to Section 50B(1), Section 50B applies to the following proceedings:

(a) proceedings in the High Court by way of judicial review, or of seeking leave to apply for judicial review, of—

- (i) any decision or purported decision made or purportedly made,
- (ii) any action taken or purportedly taken,
- (iii) any failure to take any action, pursuant to a statutory provision that gives effect to
 - I. a provision of the EIA Directive 85/337/EEC as amended to which Article 10a (as inserted by Directive 2003/35/EC) of that Directive applies,
 - II. the SEA Directive 2001/42/EC, or
 - III. a provision of the IPPC Directive 2008/1/EC to which Article 16 of that Directive applies, or
 - IV. Article 6(3) or 6(4) of the Habitats Directive; or

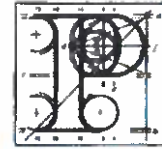
(b) an appeal (including an appeal by way of case stated) to the Supreme Court from a decision of the High Court in a proceeding referred to in paragraph (a);

(c) proceedings in the High Court or the Supreme Court for interim or interlocutory relief in relation to a proceeding referred to in paragraph (a) or (b).

The general provision contained in section 50B(2) is that in proceedings to which the section applies each party shall bear its own costs. The Court however may award costs against any party in specified circumstances. There is also provision for the Court to award the costs of proceedings or a portion of such costs to an applicant, to the extent that the applicant succeeds in obtaining relief, against a respondent or notice party, or both, to the extent that the action or omission of the respondent or notice party contributed to the relief being obtained.

General information on judicial review procedures is contained on www.citizeninformation.ie

Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice.



Fógra faoi Athbhreithniú Breithiúnach

Athbhreithniú breithiúnach ar chinnti an Bhoird Pleanála faoi fhorálacha na nAchtanna um Pleanáil agus Forbairt (arna leasú).

Ní fhéadfaidh duine ar mian leis nó léi agóid a dhéanamh in aghaidh bhailíocht chinneadh de chuid an Bhoird é sin a dhéanamh ach trí athbhreithniú breithiúnach. Tá forálacha in Alt 50, 50A agus 50B den Acht um Pleanáil agus Forbairt 2000, arna leasú, maidir le dúshláin i leith bhailíocht chinneadh an Bhoird.

Ní féidir bailíocht cinnidh arna ghlacadh ag an mBord a cheistiú ach amháin trí iarratas a dhéanamh ar athbhreithniú breithiúnach faoi Ordú 84 de Rialacha na nUaschúirteanna (S.I. Uimh. 15 de 1986). Ceanglaíonn fo-alt 50(6) den Acht um Pleanáil agus Forbairt 2000 go gcaithfear aon iarratas ar chead chun iarratas a dhéanamh ar athbhreithniú breithiúnach a dhéanamh laistigh de 8 seachtaine ó dháta chinneadh an Bhoird, seachas cinní a dhéantar de bhun feidhme aistriú chuig an mBord faoi Chuid XIV den Acht um Pleanáil agus Forbairt 2000, i gcás nach mór aon iarratas ar chead chun iarratas a dhéanamh ar athbhreithniú breithiúnach, mar atá leagtha amach i bhfo-alt 50(7), a dhéanamh laistigh de 8 seachtaine ag tosú ar an dáta ar ar tugadh fógra faoi chinneadh an Bhoird ar dtús (nó mar a cheanglófar faoin achtú ábhartha, ar aistríodh feidhmeanna faoi chuig an mBord, a foilsíodh den chéad uair). Tá na tréimhsí ama seo faoi réir aon síneadh a fhéadfaidh an Ard-Chúirt a cheadú de réir fo-alt 50(8).

Sonraítear in alt 50A(3) nach ndeonófar cead d'athbhreithniú breithiúnach mura bhfuil an Chúirt sásta (a) go bhfuil forais shubstaintiúla ann chun a áitiú go bhfuil an cinneadh neamhbhailí nó gur chóir é a chur ar neamhní agus (b) go bhfuil leas leordhóthanach ag an iarratasóir san ábhar is ábhar don iarratas nó i gcásanna a bhaineann le measúnú tionchair timpeallachta ar comhlacht é a chomhlíonann critéir shonraithe.

Tá forálacha in alt 50B maidir le costais imeachtaí athbhreithnithe bhreithiúnaigh áirithe san Ard-Chúirt; de bhun Alt 50B(1), tá feidhm ag alt 50B maidir leis na himeachtaí seo a leanas:

- (a) imeachtaí san Ard-Chúirt mar athbhreithniú breithiúnach, nó trí chead a lorg chun iarratas a dhéanamh ar athbhreithniú breithiúnach, ar—
- (i) aon chinneadh nó cinneadh airbheartaithe a rinneadh nó a airbheartaítear a rinneadh,
 - (ii) aon ghníomh a rinneadh nó a airbheartaítear a rinneadh,
 - (iii) aon mhainneachtain aon ghníomh a dhéanamh, de bhun forála reachtúla a thugann éifeacht
 - I. d'fhoráil de Threoir EIA 85/337/CEE arna leasú lena mbaineann Airteagal 10a (arna cur isteach le Treoir 2003/35/CE) den Treoir sin,
 - II. do Threoir SEA 2001/42/CE, nó
 - III. d'fhoráil de Threoir IPPC 2008/1/CE a bhfuil feidhm ag Airteagal 16 den Treoir sin maidir léi, nó
 - IV. d'Airteagal 6(3) nó 6(4) den Treoir maidir le Gnáthóga; nó
- (b) achomharc (lena n-áirítear achomharc de chás ráite) chun na Cúirte Uachtaraí i gcoinne breithe ón Ard-Chúirt in imeacht dá dtagraítear i mír (a);
- (c) imeachtaí san Ard-Chúirt nó sa Chúirt Uachtarach le haghaidh faoisimh eatramhach nó idirbheitheach i ndáil le himeacht dá dtagraítear i mír (a) nó (b).

Is í an fhoráil ghinearálta atá in alt 50B(2) ná go n-íocfaidh gach páirtí in imeachtaí lena mbaineann an t-alt a chostais féin. Féadfaidh an Chúirt, áfach, costais a dhámhachtain in aghaidh aon pháirtí in imthosca sonraithe. Tá foráil ann freisin go ndéanfaidh an Chúirt costais imeachtaí nó cuid de chostais den sórt sin a dhámhachtain d'iarratasóir, a mhéid a éiríonn leis an iarratasóir faoiseamh a fháil, i gcoinne freagróra nó páirtí fógra, nó an dá cheann, a mhéid a chuir an chaingean nó an t-easnamh ar thaobh an fhreagróra nó an pháirtí fógra go páirteach leis an bhfaoiseamh atá á fháil.

Tá eolas ginearálta ar nósanna imeachta athbhreithnithe bhreithiúnaigh ar fáil anseo a leanas, www.citizensinformation.ie.

Séanadh: Mar eolas atá an méid thuas ceaptha. Ní airbheartaíonn sé a bheith ina léirmhíniú ceangailteach ó thaobh dlí ar na forálacha ábhartha agus bheadh sé inmhólta do dhaoine atá ag smaoineamh ar chaingean dlí comhairle dlí a lorg.