COMHAIRLE CONTAE ÁTHA CLIATH THEAS
SOUTH DUBLIN COUNTY COUNCIL



Monday, 10th December 2018

HEADED ITEM NO. 12

**Report on Public Consultation Process for the Proposed Construction of a Social Housing Development consisting of 81 Apartment Units on land situated between Seán Walsh Park, Tallaght Stadium and Whitestown Way, Tallaght, Dublin 24.**

**REPORT:**

Part 8 of the Local Government Planning and [Development Regulations 2001](http://www.sdublincoco.ie/viewdocument.aspx?id=fca2537f-bded-4b06-8526-a94b00fde0c5) (as Amended), outlines the requirements with respect to certain classes of developments for, on behalf of, or in partnership with Local Authorities. These regulations apply to proposed development of housing.

It is proposed to construct a social housing development consisting of a range of 2 storey to 4 storey apartment buildings comprising 81 homes in total with associated car parking, on land situated between Seán Walsh Park, Tallaght Stadium and Whitestown Way, Tallaght, Dublin 24.

The proposed development shall consist of:

|  |  |  |
| --- | --- | --- |
| **Unit Type** | **No of Units** | **Comment** |
| 1 Bed/2 Person | 63 | 2 Person Apartment |
| 2 Bed/3 Person | 18 | 3 Person Apartment |
| **Total** | **81** |  |

The works involved in this development include: an access road off Whitestown Way, communal facilities, including an office, communal living room, WCs, laundry and mobility store; renewable energy design measures for each dwelling; communal open space with perimeter fencing to southern boundary; ESB substation; temporary construction signage; estate signage; site perimeter boundary treatment; and all other associated site works.

[Site Location Map](http://www.sdublincoco.ie/viewdocument.aspx?id=952cdd1a-6330-4abd-9c3b-a97600df6fde)

[Existing Site Plans](http://www.sdublincoco.ie/viewdocument.aspx?id=4ecf9542-5a25-4fb8-9726-a97600dfa82d)

[Proposed Site Plan-Landscaping](http://www.sdublincoco.ie/viewdocument.aspx?id=6ca1b43d-008d-46b6-a93a-a97600dfe4a0)

[Proposed Contiguous Elevations](http://www.sdublincoco.ie/viewdocument.aspx?id=ef6a55f2-76a6-4d15-b2cc-a97600e1f931)

[Level 0 & 1 Plans](http://www.sdublincoco.ie/viewdocument.aspx?id=fe8d0f52-721c-487d-8011-a97600e01101)

[Level 2 & 3 Roof Plans](http://www.sdublincoco.ie/viewdocument.aspx?id=dc4cea98-4bee-446f-ac05-a97600e03d7a)

[Proposed Sections Elevations 1](http://www.sdublincoco.ie/viewdocument.aspx?id=f7d9dcab-67a4-456e-82b8-a97600e0677d)

[Proposed Sections Elevations 2](http://www.sdublincoco.ie/viewdocument.aspx?id=df8b3550-89e8-48e4-96da-a97600e0844d)

[3D View](http://www.sdublincoco.ie/viewdocument.aspx?id=5c811e97-1579-4adb-9792-a97600e0c2ac)

[Design Report](http://www.sdublincoco.ie/viewdocument.aspx?id=3da75cd5-4d93-4bf3-a471-a97600e23718)

[Civil Engineering Report](http://www.sdublincoco.ie/viewdocument.aspx?id=e7719ae6-ae81-41ee-a4c0-a97600e25937)

[Ecological Impact Assessment](http://www.sdublincoco.ie/viewdocument.aspx?id=a1d91df2-dd91-4d6e-9401-a97600e28351)

[Screening for Appropriate Assessment](http://www.sdublincoco.ie/viewdocument.aspx?id=2c76bd43-fa0f-4c08-9c8c-a97600e2b11e)

**Statutory Consultation Process:**

A [notice](http://www.sdublincoco.ie/viewdocument.aspx?id=699890b9-5ed6-4b5c-bedc-a97600e5e374) in accordance with Article 81 of the Planning and [Development Regulations 2001](http://www.sdublincoco.ie/viewdocument.aspx?id=fca2537f-bded-4b06-8526-a94b00fde0c5) (as Amended), Public Consultation Procedure under Part 8 of the Local Government Planning and [Development Regulations 2001](http://www.sdublincoco.ie/viewdocument.aspx?id=fca2537f-bded-4b06-8526-a94b00fde0c5) (as Amended), was published in the Tallaght Echo on 13th September 2018. Site Notices were erected on the same day, all of which were placed at prominent locations facing the site.

Plans and particulars of the proposed development were available to view at the Council offices from 13th September 2018 for a six week period, with a further two week period up to and including 9th November 2018 for submissions and observations to be made to the Council in relation to the proposed development.

A consultation meeting was also arranged on 11th October 2018 in which Councillors from the Tallaght Area Committee and the Principal of Old Bawn Community School attended with officials from the Housing and Architects’ Departments to discuss the proposed development.

**Submissions:**

A total of [576 submissions were received (link to names here)](http://www.sdublincoco.ie/viewdocument.aspx?id=16a53f19-5306-41a9-8210-a9af00bd4dab) during the consultation period which are categorised as follows:;

* 47 submissions received on the Council’s [Consultation Portal](http://www.sdublincoco.ie/viewdocument.aspx?id=a4ac57a0-5db7-4fc2-b51e-a9ac00f266fc);
* 22 individual [written submissions](http://www.sdublincoco.ie/viewdocument.aspx?id=96ce4e76-4aae-4635-a19c-a9af00af2989);
* 168 submissions of a petition-type [four-page template letter](http://www.sdublincoco.ie/viewdocument.aspx?id=a016aa51-329a-48b3-91c1-a9ac00f32ae3) with different individual signatures;
* 8 submissions of a petition-type [three-page template letter](http://www.sdublincoco.ie/viewdocument.aspx?id=9ca05baa-4483-49e8-b1a4-a9ac00f75279) with different individual signatures;
* 205 submissions of a petition-type two-page template letter with different individual signatures:
	+ - * 108 two page template [Type A](http://www.sdublincoco.ie/viewdocument.aspx?id=451bacb5-4bbd-4ffd-b0ce-a9ac00f90433);
			* 10 two page template [Type B](http://www.sdublincoco.ie/viewdocument.aspx?id=2132d806-f361-4f5c-aa95-a9ac00fde004);
			* 28 two page template [Type C](http://www.sdublincoco.ie/viewdocument.aspx?id=242a36ab-892c-4c2e-ab24-a9ac00feec5d);
			* 17 two page template [Type D](http://www.sdublincoco.ie/viewdocument.aspx?id=fde8229c-75c3-4f40-a0ca-a9ac01005141);
			* 42 two page template [Type E](http://www.sdublincoco.ie/viewdocument.aspx?id=07506a02-4e41-4078-9230-a9ac01012d1f);
* 126 submissions of a petition-type one-page template letter with different individual signatures:
	+ - * 30 one page template [Type F](http://www.sdublincoco.ie/viewdocument.aspx?id=9a531a29-85b4-4cde-830b-a9ac0102e009);
			* 24 one page template [Type G](http://www.sdublincoco.ie/viewdocument.aspx?id=45a7b096-82ba-48fa-aa62-a9ac010b1a1a);
			* 6 one page template [Type H](http://www.sdublincoco.ie/viewdocument.aspx?id=c1f0dd90-f830-40c1-9960-a9ac01104344);
			* 19 one page template [Type I](http://www.sdublincoco.ie/viewdocument.aspx?id=c0f6a583-d8fc-4a48-846b-a9ac0110897c);
			* 24 one page template [Type J](http://www.sdublincoco.ie/viewdocument.aspx?id=42f5360f-6b13-48a4-813e-a9ac01130d41);
			* 7 one page template [Type K](http://www.sdublincoco.ie/viewdocument.aspx?id=58148855-efc9-4fdb-b671-a9ac01142cc7);
			* 16 one page template [Type L](http://www.sdublincoco.ie/viewdocument.aspx?id=2d42a769-441e-4e75-b921-a9ac01164456);

The issues relating to the proper planning and sustainable development of the area in which the proposed development would be situated raised in the submissions received under the Part 8 consultation are addressed below with comments, clarifications and responses from the Council’s Housing and Architects’ Departments for consideration by the Elected Members:

(A separate supplementary report on issues not relating to the proper planning and sustainable development of the area in which the proposed development would be situated in the submissions received under the Part 8 consultation together with comments, clarifications and responses is provided as an Appendix to this report.)

**Use of Designated Open Space for Housing Development:**

**Concerns expressed that this proposal may set precedent for encroachment on parklands. Fears expressed that this will lead to substantial reduction in space available to the community for social/recreational use.**

**Response**:

The site of the proposed development is open space is designated with Zoning Objective “OS” (to preserve and provide for open space and recreational amenities) in the South Dublin County Development Plan 2016-2022 – the development of housing is open for consideration under this zoning. In addition, it is a stated objective of the County Development Plan in relation to the supply of housing to support community led housing developments for older people in established areas on lands where the quality and quantum of remaining public open space is deemed to be adequate and the amenities of the area are preserved (H3 Objective 3).

**Suitability of Site for Housing Development/Older Persons’ Accommodation:**

 **Concerns regarding the suitability of the proposed site for the housing of older persons were raised in relation to:**

* **close proximity to Tallaght Stadium and associated noise levels, lights and public order during events;**
* **site is situated away from other residential areas;**
* **anti-social behaviour.**

**Response**:

This site was identified as suitable to meet the housing objectives as set out in section 2.1.2 of the County Development Plan 2016-2022 whereby the stated policy of the Council is to support the provision of accommodation for older people particularly at locations that are proximate to services and amenities including pedestrian paths, local shops, parks and public transport. This includes addressing the housing needs of older people within communities, providing a range of attractive accommodation choices for people wishing to downsize and in turn to address the underutilisation of larger houses, particularly within more established areas. According to Census 2016, 21% of the population of the County is over 55. Additionally, the current lack of specific Older Persons accommodation in the County coupled with increasing demand for such accommodation provides a strong rationale for the proposed development.

The proposed housing will be designated as Older Persons’ accommodation – tenancies will only be allocated to persons aged 55 and over (with priority given to persons aged 65 and over). The site is ideally suited for older persons given its proximity to community, shopping, medical and social facilities including excellent transport links. There is existing Older Persons’ accommodation in successful operation in close proximity to the proposed site which does not experience any significant impact from the issues raised in relation to the stadium.

Events at Tallaght Stadium are strictly controlled and managed in accordance with health and safety, event management and planning legislation and requirements. There is significant existing residential and hotel accommodation adjacent to the Stadium. In addition, the inclusion of housing facing onto this western area of the park will introduce strong passive surveillance and an element of overlooking that will be to the benefit and safety of users of the park.

**Traffic/Parking Management/Volumes:**

**Issues raised in relation to traffic in the area include:**

* **the assertion that the existing distributor road (Whitestown Way) cannot take additional traffic or pedestrians;**
* **car parking spaces currently in use for park users will be lost to spaces for the new development;**
* **allowing service trucks to have use of the pedestrian route in front of the Old Bawn Community School to access the proposed housing development (via Dún An Óir, Old Bawn) is not safe for pedestrians.**

**Response:**

The existing vehicular entrance to the site currently discharges traffic from the park car park and the active Council Depot onto Whitestown Way. The intention of the proposed development is to replace the Council Depot with an older person’s housing development. The depot currently generates service-vehicle traffic across the park entrance area throughout the day which the housing proposal will eliminate. Traffic & parking requirements resulting from older persons housing are significantly less than those required from a standard housing development. Therefore it is considered that Whitestown Way will not be subject to any significant additional traffic as a result of this development.

The existing entry/ exit to the park from Whitestown Way is the sole access and egress point for all vehicular traffic (residents, maintenance and services) associated with the proposed housing development. The proposed development will not be accessible from Dún An Óir, Old Bawn and therefore cannot add any vehicular traffic to the pedestrian route in front of Old Bawn Community School.

All car-parking for the housing development will be contained within the site boundary – there will be no proposed car-parking facilities for the housing development provided within the car-parking area that is currently available to park users.

**Loss of Amenity:**

**Submissions raised concerns regarding the possible loss of amenity resulting from proposed development on park land.**

**Response:**

The proposed development does not result in any loss of amenity because there is currently no amenity provided on the site – the site currently comprises a works depot location which is not publicly accessible, a Council owned dwelling and “community garden” area that is accessed under licence by the Council and which will be fully re-located.

**Impact on Local Habitat/Wildlife:**

**Submissions refer to concerns that the development will have negative impact on the environment and on the habitat of existing wildlife in the area such as nesting birds and bats.**

**Response:**

As part of the Part 8 submission, an Ecological Impact Assessment was undertaken. The purpose of the assessment was to identify, quantify and evaluate the impacts of the proposed development on ecosystems and their components, including designated sites, habitats, flora and fauna. The ecologist undertook day and night time site surveys to record bird and bat activity at the site. The assessment provides recommendations including mitigation measures for the disturbance of birds and bats. These measures will be incorporated into the development’s design and construction. The ecologist has concluded that with these measures, the proposed development will not cause any significant impacts on designated sites, habitats, legally protected species, or any other features of ecological importance.

**Spread of Knotweed:**

**There are concerns that due care is taken when removing knotweed to ensure it does not spread further.**

**Response:**

As part of the Part 8 submission, an Ecological Impact Assessment was undertaken. This assessment included a survey to identify invasive plant species. Knotweed was observed in a small area of site in a linear strip approximately 25m x 3m. An ecologist and specialist contractor will be engaged prior to construction to prepare a site-specific management plan for the knotweed. This management plan will include bio-security measures to prevent the accidental spread of knotweed in advance of mitigation works, procedures for the excavation of the knotweed and its associated rhizomes, proposals for the management of excavated material and a monitoring strategy to identify and spot-treat any regrowth.

Prior to construction an ecologist and specialist contractor will be engaged to develop and implement an Invasive Species Management Plan for the site, which will seek to treat Invasive Alien Plant Species (IAPS) from the site prior to works, and ensure the control of any species during construction and operational stages.

The IAPS Management Plan shall follow the guidance outlined in the following documents:

* Guidelines on management of noxious weeds and non-native invasive plant species on national roads. Transport Infrastructure Ireland, Dublin;
* The Knotweed Code of Practice: Managing Japanese Knotweed on Development Sites (Version 3). Environment Agency, London.

In addition contractors will be required to refer to the following documents, and implement recommendations for the control of invasive species and noxious weeds during the course of construction works:

* Chapter 6 and Appendix 3 of the TII Publication The Management of Noxious Weeds and Non-Native Invasive Plant Species on National Roads (TII, 2008a)
* Invasive Species Ireland Best Practice Management Guidelines for Japanese Knotweed [Available online at <http://invasivespeciesireland.com/toolkit/invasiveplant-management>
* The Knotweed Code of Practice: Managing Japanese Knotweed on development Sites (UK Environment Agency ,2006)

These documents include measures to aid the identification of relevant species, with details for the timing, chemicals and methodology for chemical control, and for measures to avoid environmental damage during the use of herbicides. The relevant contractors shall prepare a specific plan for IAPS control prior to entering the site in accordance with the relevant guidelines.

**Historical Structure on Site:**

**Submissions highlight concerns over what will happen to a bridge and waterway contained on the site and that no reference is made to this in the proposal**.

**Response:**

A short section of stone wall and arch is all that remains on site. There is no historical watercourse remaining nor evidence of its original route. The remaining structure is not recorded in the National Inventory of Architectural Heritage or in the National Monuments Service Sites and Monument Record. It is also not listed in the SDCC Record of Protected Structures. Notwithstanding this, the structure will be incorporated into site works in the proposed housing development.

**Risk of Flooding/Risk to Adjacent Waterways:**

**Submissions state that, as Whitestown stream is located close to the boundary of the proposed development, the proposed development will create an obstacle in the natural corridor along the banks of the Whitestown stream which is tributary of the Dodder River. Concerns regarding possible pollution/damage to waterways as a result of construction waste.**

**Response:**

As part of the Part 8 submission, a Site Specific Flood Risk Assessment was undertaken. The proposed site is at low risk and in line with OPW CFRAMS study only likely to be affected by a 1 in 1,000 year event. The construction of the housing will have no negative impact on existing flood risk to the park. The housing will be designed to attenuate its surface water run-off and in line with Sustainable Urban Drainage Strategy (SUDS).

Contract and construction planning and management will ensure that all construction waste will be properly disposed of off-site with no risk to any waterways in the area.

**Character of the Development:**

**Concerns have been raised that the proposed development, especially the height of the proposed apartments, is out of character with the existing parkland environs.**

**Response:**

The scale and massing of the building has been carefully considered in the design response, given its unique location. The main blocks in the north south direction are 3-4 storeys in height with the northern dual aspect blocks ranging from 2-3 stories. (These roofs are 1.0 metre lower than the new Third Stand.) Articulation of form is achieved through shallow pitched roofs on the former and simple flat roofs on the latter that establishes a repeating pattern that varies in height and length to respond to its immediate park context.

The proposed heights mediate between high-density developments to the northwest that extend to 6-8 stories at the junction of Whitestown Way and the N81, and traditional 2-storey residential developments to the south and east of Seán Walsh Park. This is illustrated in Architect’s drawing 341CT-P-013 (Proposed contiguous elevations.). The blocks form courtyard gardens which will soften their impact and create a coherent green edge to the northern end of the park as well as offering increased security through passive surveillance.

**Recommendation:**

Having regard to the issues raised above and the responses as outlined it is considered that the proposed development is in accordance with the proper planning and sustainable development of the area and therefore it is recommended that the Council adopt the following Motion:

***Proposed Motion*:**

“*As the proposed development is in accordance with the proper planning and sustainable development of the area, the Council approves the development of 81 apartment homes at land situated between Seán Walsh Park, Tallaght Stadium and Whitestown Way, Tallaght, Dublin 24 as proposed in this report.”*

**Appendix**

**Supplementary Report on Non-Planning Issues Raised during Submissions**

**Relocation of Seán Depot:**

**Concerns raised relating to the maintenance of Seán Walsh Park should the depot be relocated, as well as the potential loss of green flag status and Park Ranger for the Park.**

**Response:**

The Council will continue to enhance and maintain the park to its current high standards as evidenced by its Green Flag status. The management of staff, work locations and accommodation arrangements are a matter for the Council’s executive.

**Part 8 Process:**

**It has been requested that, in the interest of transparency, all submissions in relation to the Part 8 Proposals be published.**

**Response:**

Under the Planning & Development Act 2000 (as amended), a list of names under which submissions/observations have been made and a summary of the issues, with respect to the proper planning and sustainable development of the area in which the proposed development would be situated, raised in any such submissions or observations is required together with a report responding to such issues.

In addition to these requirements, links are provided in the report to the content in respect of submissions received.

**Proposed Tenancy by Older Persons:**

**Submissions raised questions regarding the definition of ‘older persons’, the actual demand for older persons housing and the suitability of apartment buildings for older persons. The Council has been asked to guarantee that any older peoples housing that is approved by them will be used for that purpose only.**

**Response:**

Older Persons are categorised as persons over the age of 55 (with specific priority for persons aged 65 years and older). All nominations for the allocation of the proposed housing development will come from the Council’s housing list which currently identifies 553 applicants where the main applicants is aged 55 or over. The breakdown of their identified housing need is as follows:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Over 55 Housing Need**  | **1-Bed**  | **2-Bed**  | **3-Bed+**  | **Totals**  |
| Housing List  | 249  | 75  | 23  | 347  |
| HAP Transfer List  | 92  | 32  | 22  | 146  |
| Transfer List – Downsizing Only | 40  | 20  | -  | 60  |
| **Totals**  | **381**  | **127**  | **45**  | **553**  |

The accommodation design and management will be specifically suited to and for living in by Older Persons.

**Site Acquisition/Ownership:**

**Questions raised regarding ownership of the site and what existed on this site prior to Seán Walsh Depot.**

**Response:**

The area of the proposed development is in Council ownership and was purchased to consolidate Council land ownership in the area. Save for the existing dwelling there was no development on the site prior to its acquisition by the Council.

The proposed development will be managed by an Approved Housing Body to provide specialised Older Persons support –this will require a formal agreement on the nature of the relationship between the Council and the AHB in respect of the development.

**Alternative Sites for Development:**

**Submissions have suggested a number of alternative sites in the Tallaght area and request that the Council confirm whether any other locations were considered and, if so, to name them.**

**Response:**

This site was one of twenty seven sites considered for suitability for the provision of housing in the Council’s current social housing building programme. Other sites will continue to be identified and pursued for housing both in Tallaght and across the County where possible and practicable. All such sites will be subject to the Part 8 consultation process.

**Alleged Misleading Description of Location of Proposed Development on art 8 Public Notices:**

**The stated location of the proposed development on “…land situated between Seán Walsh Park, Tallaght Stadium and Whitestown Way” is suggested in submissions to imply that the site is not located in Seán Walsh Park. Clarification sought as to whether the proposed development site incorporates any existing parkland that is currently accessible by the public.**

**Response:**

The description is an accurate, written identification of the site location for the proposed development. The site for the proposed development will be located predominantly on the site of current depot and adjacent Council owned dwelling house with garden, both of which are not accessible to the general public, and is clearly **not** parkland by virtue of its design and function.

The remaining section of the proposed site affects the “community garden” area which is not available to the general public as parkland and is accessed by community groups operating on the site under license by the Council. This “community garden area” will be relocated in full on an alternative site.

**Greenway/Dublin Mountains Way/Tourism:**

**Concerns that the proposed development would:**

* **Prevent potential creation of a greenway along the route of the Whitestown stream which could link up with proposed greenway/cycleway along the Dodder**
* **Impact on the Dublin Mountains Way**
* **Impact negatively on tourism in the area**

**Response:**

The existing route from Whitestown Way to Seán Walsh Park and the Dublin Mountains Way route will not be affected by the proposed development.

**Management of Proposed Development:**

**Submissions expressed concerns over Clúid’s experience in managing such a large scale development (81 units).**

**Response:**

Clúid is the largest housing association in Ireland with over 6,500 properties across the country in many local authority areas. They are also the largest provider of older persons housing, managing over 700 such homes. They have a dedicated housing management team that deal with all aspects of tenancy management comprising over 50 staff. There will be an on-site scheme manager working from Whitestown Way and they will act as the main point of contact for all tenants, neighbouring residents etc. There will be a formal agreement on the nature of the relationship between the Council and Clúid in respect of the development.

Clúid’s research study entitles “A Home for Life” noted that 92% of sheltered housing tenants said that they were satisfied with their decision to move into sheltered housing. Independence coupled with safety and security featured prominently in their reasons for this.

**Impact on Local School:**

**Submission from Old Bawn Community school in respect of a number of issues including the need for safe access for students through the proposed site during construction, and the creation of a drop off point for parents at the existing access area (named locally as the ‘bottle bank’).**

**Response:**

Health and Safety, Traffic Management and Pedestrian Management requirements will be addressed in line with all statutory requirements and best practice with appropriate plans in place before construction begins. This will include control measures for site traffic to ensure safe passage for all pedestrian access both through the walkway in the existing car-parking facility and along the site boundary.

The proposed development provides an opportunity to improve both the existing entrance to Seán Walsh Park on Whitestown Way and the boundary between it and the site of the proposed development which could potentially include upgrade of the entrance to the park at this location, an upgrade of the existing car park area as well as the existing walking and cycling routes into the park from the western boundary. These upgrades will considered in conjunction with the Public Realm section at the detailed design stage to ensure that vehicular movements and cycle and pedestrian permeability are facilitated and enhanced upon completion of the development.

**Loss of Amenity:**

**Further comments with regard to loss of amenity cited concerns over the potential loss of the “community garden” area and a collection of privately owned animals maintained at the site.**

**Response:**

There will be no loss of amenity in this regard. The “community garden” area which is not available to the general public as parkland and is accessed by community groups operating on the site under license by the Council. This “community garden” area will be relocated in full on an alternative site.

The animals on the site are in private ownership and have been maintained on the site without the Council’s permission. There is no authorised or permitted public access to where they are located.

The proposed development also provides three new garden courtyards which will overlook and add to the amenity of the park and in providing a green and landscaped edge will deliver quality improvements to the existing interface with the park.