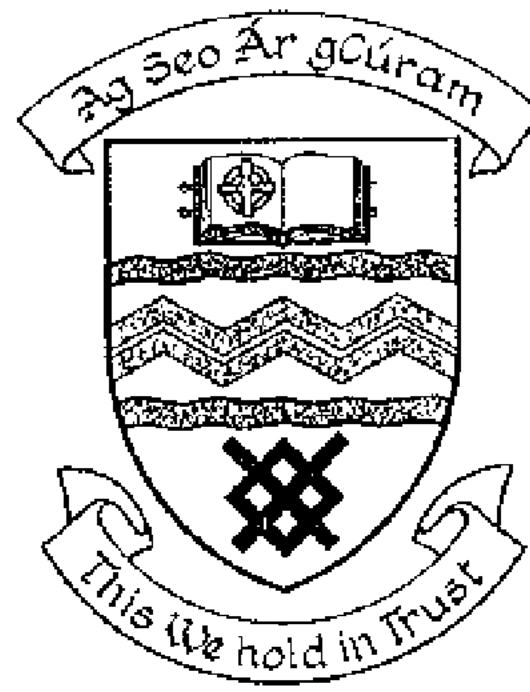


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|-------------------------|--|--|--------------|
| | South Dublin County Council Local Government (Planning & Development) Acts 1963 to 1993 Planning Register (Part 1) | Plan Register No. S98A/0179 | |
| 1. Location | Killininny, Ballycragh, Co. Dublin. | | |
| 2. Development | Neighbourhood Centre consisting of two storey public house and restaurant of circa 845 sq.m. and single and two storey Commercial Units of circa 584 sq.m. and associated car parking and site works located adjacent to the proposed Scholarstown/Killininny Link Road forming Phase 4C of overall Action Plan Area for 127 acres which has the benefit of Outline Permission Reg. Ref. 92A/1885. Access to the site will be by way of a local internal distributor road from a roundabout on a newly constructed Scholarstown/Killininny Link Road and local access from Oldcourt Avenue. The proposed Link Road, Public Open Space and Outfall Sewers have been the benefit of a previous Approval Reg. Ref. S94A/0335. | | |
| 3. Date of Application | 25/03/98 | Date Further Particulars (a) Requested (b) Received | |
| 3a. Type of Application | Permission | 1. 2. | 1. 2. |
| 4. Submitted by | Name: Fenton-Simons, Address: Planning and Development Consultants, 29 Fitzwilliam Place, Dublin 2. | | |
| 5. Applicant | Name: Maplewood Homes Ltd., Address: 222-224 Harolds Cross Road, Dublin 6W. | | |
| 6. Decision | O.C.M. No. 0987 Date 21/05/98 | Effect AP GRANT PERMISSION | |
| 7. Grant | O.C.M. No. Date | Effect | |

| | | | |
|-----|-------------------------|-----------------|-------------------------|
| 8. | Appeal Notified | 16/06/98 | Written Representations |
| 9. | Appeal Decision | 11/12/98 | Grant Permission |
| 10. | Material Contravention | | |
| 11. | Enforcement | Compensation | Purchase Notice |
| 12. | Revocation or Amendment | | |
| 13. | E.I.S. Requested | E.I.S. Received | E.I.S. Appeal |
| 14. | Registrar | Date | Receipt No. |

**SOUTH DUBLIN COUNTY COUNCIL
COMHAIRLE CHONTAE ÁTHA CLIATH THEAS**



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**NOTIFICATION OF DECISION TO GRANT PERMISSION
LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1993**

| | |
|-------------------------------------|----------------------------------|
| Decision Order Number 0987 | Date of Decision 21/05/98 |
| Register Reference S98A/0179 | Date 25th March 1998 |

Applicant Maplewood Homes Ltd.,

Development Neighbourhood Centre consisting of two storey public house and restaurant of circa 845 sq.m. and single and two storey commercial Units of circa 584 sq.m. and associated car parking and site works located adjacent to the proposed Scholarstown/Killlininny Link Road forming Phase 4C of overall Action Plan Area for 127 acres which has the benefit of Outline Permission Reg. Ref. 92A/1885. Access to the site will be by way of a local internal distributor road from a roundabout on a newly constructed Scholarstown/Killlininny Link Road and local access from Oldcourt Avenue. The proposed Link Road, Public Open Space and Outfall Sewers have been the benefit of a previous Approval Reg. Ref. S94A/0335.

Location Killlininny, Ballycragh, Co. Dublin.

Floor Area Sq Metres

Time extension(s) up to and including

Additional Information Requested/Received /

In pursuance of its functions under the above mentioned Acts, the South Dublin County Council, being the Planning Authority for the County Health District of Dublin, did by Order dated as above make a **DECISION TO GRANT PERMISSION** in respect of the above proposal.

Subject to the conditions (22) on the attached Numbered Pages.
Signed on behalf of the South Dublin County Council.

Fenton-Simons,
Planning and Development Consultants,
29 Fitzwilliam Place,
Dublin 2.

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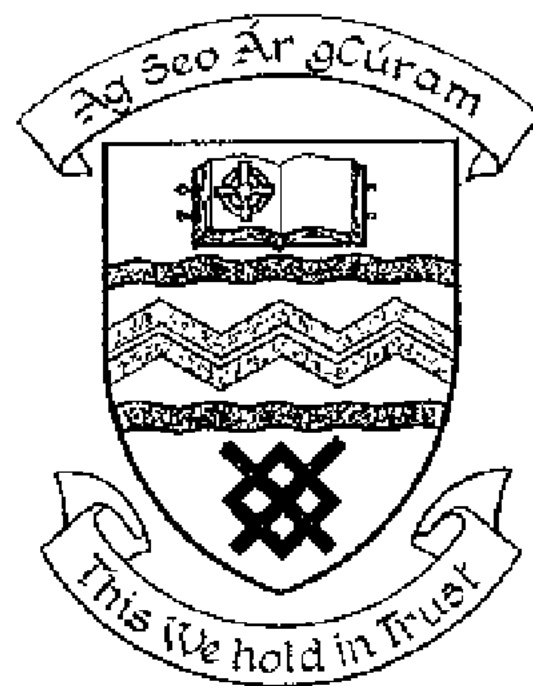
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..... 21/05/98
for SENIOR ADMINISTRATIVE OFFICER

Conditions and Reasons

- 1 The development to be carried out in its entirety in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.
REASON:
To ensure that the development shall be in accordance with the permission and that effective control be maintained.
- 2 An additional 34 car parking spaces shall be provided immediately to the west of the site within the reserved site area of 1.5 acres. All parking spaces shall be on a permanent surface with parking bays marked out clearly with a durable material.
REASON:
In the interest of the proper planning and development of the area.
- 3 The boundary of the site with the reserved site area shall be a 2.0m high wall capped and plastered on the reserved site side. The boundary of the additional parking area with the reserved site shall be a 2.0m high railings which shall be removed when development of the reserved site is undertaken.

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REASON:

In the interest of visual amenity and to ensure the reserved site is properly fenced-off to prevent unauthorised parking or dumping.

- 4 The boundary of the site with phase 4B housing to the south shall be a plinth wall and railings 2.0m high. This boundary treatment shall be continued along the southern boundary of the additional car parking area.

REASON:

In the interest of visual amenity and the proper planning and development of the area.

- 5 That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

REASON:

To protect the amenities of the area.

- 6 That all public services to the proposed development, including electrical, telephone cables and equipment be located underground throughout the entire site.

REASON:

In the interest of amenity.

- 7 That no unit be occupied until all the services have been connected thereto and are operational.

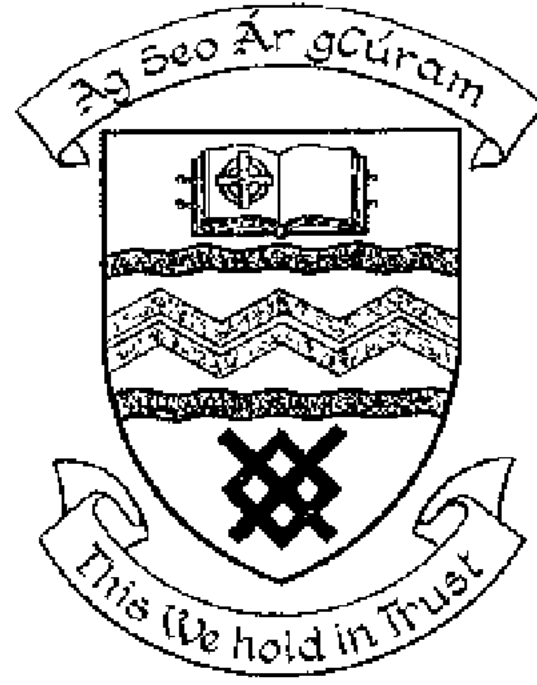
REASON:

In the interest of the proper planning and development of the area.

- 8 That the water supply and drainage arrangements, including the disposal of surface water, be in accordance with the requirements of the County Council.

REASON:

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In order to comply with the Sanitary Services Acts, 1878-1964.

- 9 That all watermain tapplings, branch connections, swabbing and chlorination be carried out by the County Council's, Environmental Services Department and that the cost thereof be paid to South Dublin County Council before any development commences.

REASON:

To comply with public health requirements and to ensure adequate standards of workmanship. As the provision of these services by the County Council will facilitate the proposed development it is considered reasonable that the Council should recoup the cost.

- 10 That prior to commencement of development the requirements of the Principal Environmental Health Officer be ascertained and strictly adhered to in the development.

REASON:

In the interest of health.

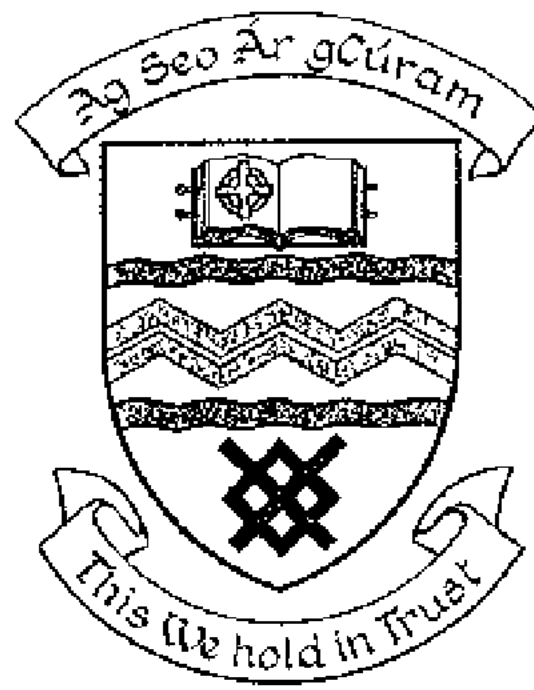
- 11 That the area between the building and roads must not be used for truck parking or other storage or display purposes, but must be reserved for car parking and landscaping as shown on lodged plans.

REASON:

In the interest of the proper planning and development of the area.

- 12 Signage on individual commercial units at ground floor level shall be confined to shopfronts. Individually mounted letters either back lit or strip-lit shall be used. Signage for first floor units shall be confined to the entrances at ground level only. Any proposal for a communal sign for the development shall be the subject of a separate planning application. No further advertising signs, devices or structures shall be erected on the building or within the curtilage except those which are exempted development without a prior specific grant of planning permission from the Planning Authority or An Bord Pleanála on appeal.

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REASON:

In the interest of visual amenity.

- 13 Any proposal for change of use of the units shall be the subject of a separate planning application. For the purposes of this development, use is for a two-storey public house and restaurant and single and two-storey units which shall be used as shops or offices as defined in Section 8(1) of the Local Government (Planning and Development) Regulations, 1994 under 'Business Premises' (a) & (c) and 'Shop' 9a) - (i).

REASON:

In the interest of clarity and the proper planning and development of the area.

- 14 The proposed foul and surface water sewers routed through Class I public open space shall be realigned to follow the Loop road and the Killininny/Scholarstown Link Road respectively.

REASON:

In the interest of the proper planning and development of the area.

- 15 That the areas shown and conditioned as open space be fenced off during construction work and shall not be used for the purpose of site compounds or for the storage of plant, materials or spoil.

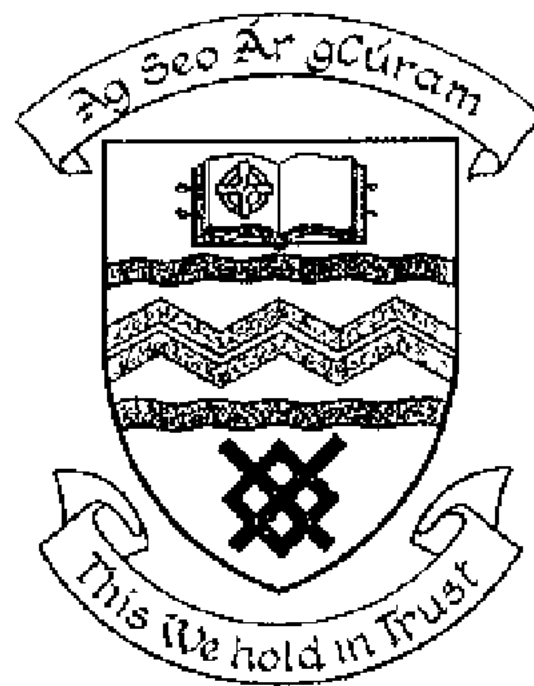
REASON:

To protect the amenities of the area.

- 16 That the developer shall construct and maintain to the Council's standard for taking in charge all the roads, including footpaths, verges, public lighting, open space, sewers, watermains or drains, forming part of the development, until taken in charge by the Council.

REASON:

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In the interest of the proper planning and development of the area.

- 17 A specification for street tree planting shall be agreed with the Parks & Landscape Services Department of South Dublin County Council prior to the commencement of development on site.

REASON:

In the interest of the proper planning and development of the area.

- 18 This approval is subject to the relevant conditions of the parent approval for this site Ref. S94A/0335.

REASON:

In the interest of the proper planning and development of the area.

- 19 That the section of the Killinenny/Scholarstown Link Road from Old Bawn to the western roundabout and the western leg of the internal local distributor (Loop Road) from the said roundabout to Road 1 in Phase 4A be constructed prior to the occupation of any unit in this development.

REASON:

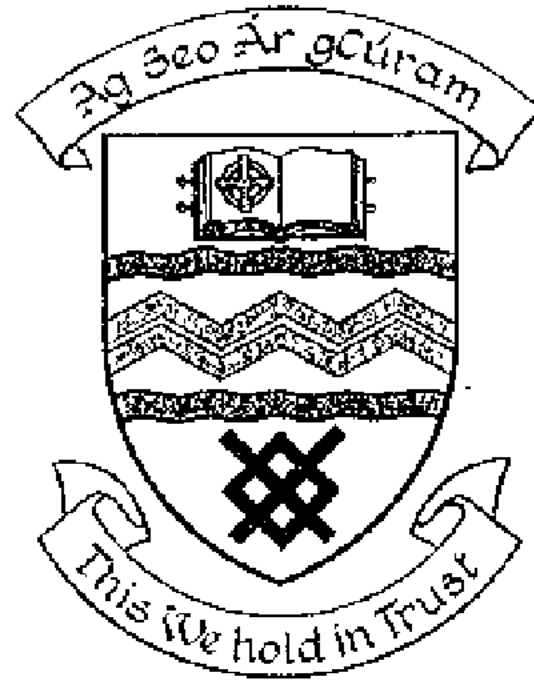
In the interest of traffic safety and the proper planning and development of the area.

- 20 In relation to foul and surface water drainage and water supply, the following, in particular shall apply to this development.

A. FOUL DRAINAGE

- a) outfall from kitchens in the neighbourhood centre shall be routed via appropriate grease traps;
- b) sewers with the potential of being taken-in-

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charge shall be in public open space or road reservation;

- c) the relevant conditions of S96A/0303 for Phase 4A development shall apply to this development.

B. SURFACE WATER DRAINAGE

- a) no surface water runoff shall be allowed discharge on the proposed adjoining roads;
- b) sewers with the potential of being taken-in-charge shall be in public open space or road reservations;
- c) no building/structure shall be within 5.0m of a sewer or drain with the potential of being taken-in-charge.

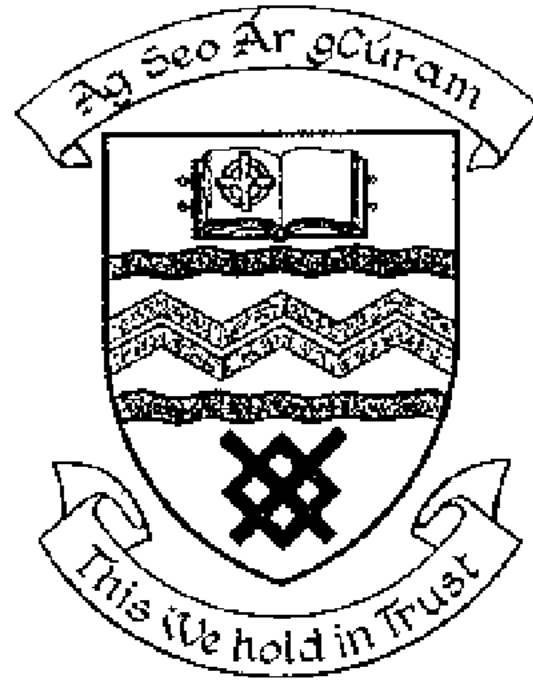
C. WATER SUPPLY

- a) the proposed spine main on the proposed internal loop road shall be 150mm diameter. This main shall connect into previously conditioned 150mm main Ref. S96A/0303 for Phase 4A;
- b) an additional sluice valve shall be provided on the spine main north of spur main into public house (adjacent car space No. 35 Ref. M. Hamm Drg. 9808-04);
- c) no building shall be within 5.0m of existing/proposed mains <225mm diameter. See units 1-4 and public house;
- d) all watermains to be laid in road reservations or public open space;
- e) the applicant shall submit and agree the revised watermain layout with the Area Engineer, Deansrath Depot, South Dublin County Council prior to commencement of work on site (Ph: 4570784/5/6).
- f) all units shall have independent 24 hour storage.

REASON:

In the interest of the proper planning and development of the area and public health.

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- 21 That a financial contribution in the sum of £11,537 (eleven thousand five hundred and thirty seven pounds) be paid by the proposer to South Dublin County Council towards the cost of provision of public services in the area of the proposed development and which facilitate this development; this contribution to be paid before the commencement of development on the site.

REASON:

The provision of such services in the area by the Council will facilitate the proposed development. It is considered reasonable that the developer should contribute towards the cost of providing the services.

4

- 22 That a financial contribution in the sum of money equivalent to the value of £19,200 (nineteen thousand two hundred pounds) as on 1st January, 1991, updated in accordance with the Wholesale Price Index - Building and Construction (Capital Goods) as published by the Central Statistics Office to the value pertaining at the time of payment shall be paid by the proposer to South Dublin County Council towards the cost of roads improvements and traffic management in the area of the proposed development and which facilitate this development; this contribution to be paid before the commencement of development on the site.

REASON:

It is considered reasonable that the developer should contribute towards the expenditure that was incurred and/or that is proposed to be incurred by the Council on road improvement works and traffic management schemes facilitating the proposed development.

NOTE: The applicant is advised that adequate provision is to be made to facilitate access to and the use of development buildings, facilities and services by disabled persons. The level of provision for disabled persons described in Part M of the Building Regulations, 1991 Technical Guidance Document is the minimum which should be provided.

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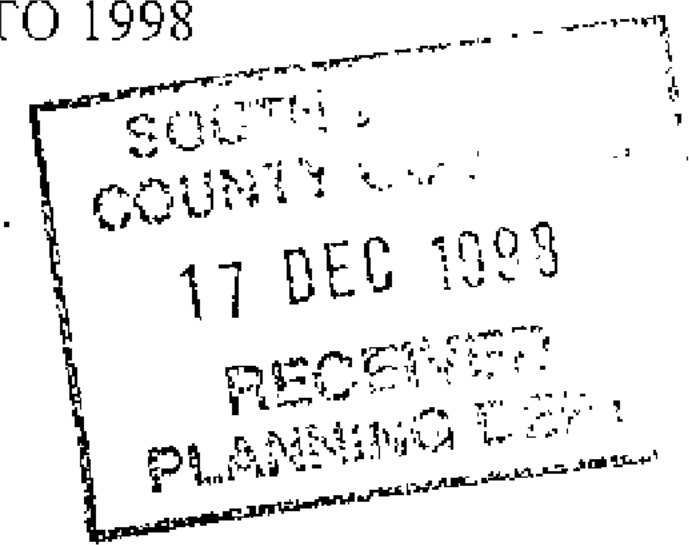
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AN BORD PLEANÁLA

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1998

County South Dublin

Planning Register Reference Number: S98A/0179



APPEAL by The Duffy Group care of Peter M. Ging of Laureston, Monastery Road, Clondalkin, Dublin against the decision made on the 21st day of May, 1998 by the Council of the County of South Dublin to grant subject to conditions a permission to Maplewood Homes Limited care of Fenton-Simons of 29 Fitzwilliam Place, Dublin for development comprising the erection of a neighbourhood centre consisting of a two-storey public house and restaurant of approximately 845 square metres, single and two-storey commercial units of approximately 584 square metres and associated car parking and site works located adjacent to the proposed Scholarstown/Killininny Link Road forming Phase 4C of overall Action Plan Area for 127 acres for which outline planning permission under planning register reference number 92A/1885 has already been granted. Access to the site will be by way of a local internal distributor road from a roundabout on a newly constructed Scholarstown/Killininny Link Road and local access from Oldcourt Avenue. The proposed Link Road, public open space and outfall sewers have been granted approval under planning register reference number S94A/0335, all at Killininny, Ballycragh, County Dublin in accordance with plans and particulars lodged with the said Council:

DECISION: Pursuant to the Local Government (Planning and Development) Acts, 1963 to 1998, it is hereby decided, for the reason set out in the First Schedule hereto, to grant permission for the said development in accordance with the said plans and particulars, subject to the conditions specified in the Second Schedule hereto, the reasons for the imposition of the said conditions being as set out in the said Second Schedule and the said permission is hereby granted subject to the said conditions.

FIRST SCHEDULE

Having regard to the planning history of the site, the extent of the residential development in the area, the extent of the proposed retail facilities in the proposed neighbourhood centre and the access/egress arrangements for vehicular and pedestrian traffic in the centre, it is considered that, subject to compliance with the conditions set out in the Second Schedule, the proposed development would not seriously injure the amenities of the area, would be acceptable in terms of traffic safety and convenience and would otherwise be in accordance with the proper planning and development of the area.

hc

SECOND SCHEDULE

1. The proposed site layout shall comply with the details as shown on the drawing entitled 'Site Plan Phase 4C-drawing number SW001(A)' lodged with the planning authority on the 25th day of March 1998, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. An additional 34 car parking spaces shall be provided in the area indicated on the "proposed reserved site" as shown on drawing number SW001(A) lodged with the planning authority on the 25th day of March, 1998. All parking spaces shall be on a permanent surface with parking bays marked out clearly with a durable material. Details of the parking layout within this area shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: To ensure the provision of an adequate number of car parking spaces to cater for the parking needs of the proposed neighbourhood centre.

3. The boundary of the site with the "proposed reserved site area" indicated on drawing number SW001(A) lodged with the planning authority on the 25th day of March, 1998, except along that section of the boundary adjacent to the "additional car parking area" referred to in condition number 2 above, shall be demarcated by a two metre high capped wall which shall be plastered on the reserved site side of the wall. The boundary of the "additional parking area" with the "reserved site area" shall be demarcated by an identical wall with identical treatment on the reserved site side of the wall.

Reason: In the interest of visual amenity and to ensure the "reserved site" is properly fenced-off to prevent unauthorised parking or dumping.

4. The boundary of the site with Phase 4B housing to the south as indicated on drawing number SW001(A) lodged with the planning authority on the 25th day of March, 1998, shall be demarcated by a plinth wall and railings two metres high. This boundary treatment shall be continued along the southern boundary of the "additional car parking area" required under condition number 2 above. Details of the walls and railings shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity.

hc

5. All service cables associated with the proposed development (such as electrical, communal television, telephone and street lighting cables) shall be run underground within the site.

Reason: In the interest of orderly development and the visual amenities of the area.

6. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

7. The area between the building and the adjoining roads shall not be used for truck parking or other storage or display purposes but must be reserved for car parking, circulation and landscaping as shown on the lodged plans.

Reason: In the interest of visual amenity.

8. (1) Details of the signage to be mounted on the fascia of any of the individual units at ground floor level or the public house shall be submitted to and agreed in writing with the planning authority prior to the occupation of the relevant unit. The said signs shall be composed of individual lettering. They shall be backlit or stripllit from above or below.
- (2) Details of the signage, including its location, to be erected on the building in association with the use of the first floor units shall be submitted to and agreed in writing with the planning authority prior to the occupation of the relevant unit.
- (3) No other advertising signs, structures or devices, except for those agreed under the terms of (1) and (2) above, shall be erected on the building or shall any advertising signs, structures, or devices be erected within the curtilage of the site, other than those which are exempted development, without a prior grant of planning permission.

Reason: In the interest of visual amenity.

LC

9. (a) The proposed retail units (numbers 1 - 3) at ground floor level, as identified on the plans lodged with the planning authority on the 25th day of March, 1998 shall be used only as shops, as defined in article 8(1) of the Local Government (Planning and Development) Regulations, 1994, and shall not be used for any other purpose, except with a grant of planning permission.
- (b) The units (numbers 4 and 5) on the first floor shall be used only as shops as defined in article 8(1) of the Local Government (Planning and Development) Regulations, 1994, or for medical services or offices. There shall be no sub-division or enlargement of the proposed units as shown on the floor plans lodged with the application except with a prior grant of permission.

Reason: To protect the primary function of the proposed development as a local centre providing accommodation for retail and other services to meet the needs of the local community.

10. The section of the Killinenny - Scholarstown Link Road from Old Bawn to the western roundabout shall be operational and the western leg of the internal local distributor (Loop Road) from this roundabout to Road One in Phase 4A (as authorised under planning register reference number S96A/0303), shall be constructed and operational prior to the occupation of any unit or the public house in the development.

Reason: In the interest of traffic safety.

11. Details of the measures to be undertaken for the storage within the curtilage of the site of waste arising from activities in the proposed neighbourhood centre shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development. Details shall include location, nature of storage facilities, appropriate screening arrangements and access arrangements for the removal of this waste.

Reason: In the interest of visual and residential amenity.

12. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The lighting scheme shall be operational prior to the occupation of any of the units or the public house within the development.

Reason: In the interest of amenity and public safety.

hc

13. The materials, colours and textures of all external finishes to the proposed neighbourhood centre and details of the roadside boundary treatment, shall be submitted to and agreed in writing with the planning authority prior to the commencement of the construction of the centre and the commencement of the boundary treatment respectively.

Reason: In the interest of orderly development and the visual amenities of the area.

14. A comprehensive landscaping proposal including a timetable for its implementation for the proposed development shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of the visual amenities of the area.

15. A secure cycle parking facility shall be provided within the proposed neighbourhood centre. Details of the facility and its location shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of public safety and security.

16. The developer shall pay a sum of money to the planning authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the planning authority in respect of the provision of public water supplies and sewerage facilities facilitating the proposed development. The amount of the contribution and the arrangements for payment shall be as agreed between the developer and the planning authority or, in default of agreement, shall be determined by An Bord Pleanála.

In the case of expenditure that is proposed to be incurred, the requirement to pay this contribution is subject to the provisions of section 26(2)(h) of the Local Government (Planning and Development) Act, 1963 generally, and in particular, the specified period for the purposes of paragraph (h) shall be the period of seven years from the date of this order.

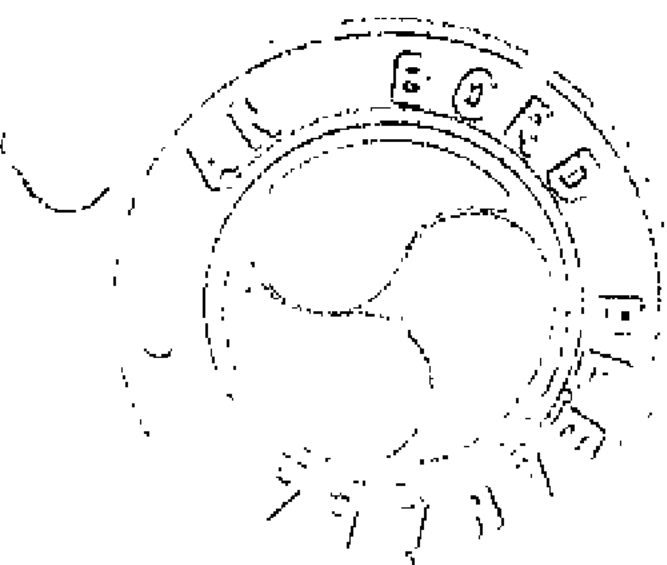
Reason: It is considered reasonable that the developer should contribute towards the expenditure that was and/or that is proposed to be incurred by the planning authority in respect of the provision of public water supplies and sewerage facilities facilitating the proposed development.

17. The developer shall pay a sum of money to the planning authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the planning authority in respect of road improvements and traffic management in the area facilitating the proposed development. The amount of the contribution and the arrangements for payment shall be as agreed between the developer and the planning authority or, in default of agreement, shall be determined by An Bord Pleanála.

LC

In the case of expenditure that is proposed to be incurred, the requirement to pay this contribution is subject to the provisions of section 26(2)(h) of the Local Government (Planning and Development) Act, 1963 generally, and in particular, the specified period for the purposes of paragraph (h) shall be the period of seven years from the date of this order.

Reason: It is considered reasonable that the developer should contribute towards the expenditure that was and/or that is proposed to be incurred by the planning authority in respect of works facilitating the proposed development.



Luis Cholamey

Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this *11th* day of *December* 1998.