

2.4.2 Response to Item No. 4 (2)

A detailed design of proposed vehicular access from Jordanstown Road with visibility splays has been included in Dwg. No. D1693 D3-A (entitled 'Proposed Sightline at Jordanstown Road') provided by Kavanagh Burke Consulting Engineers as part of this *Response to Request for Further Information*. An extract from the drawing has been included below for reference:

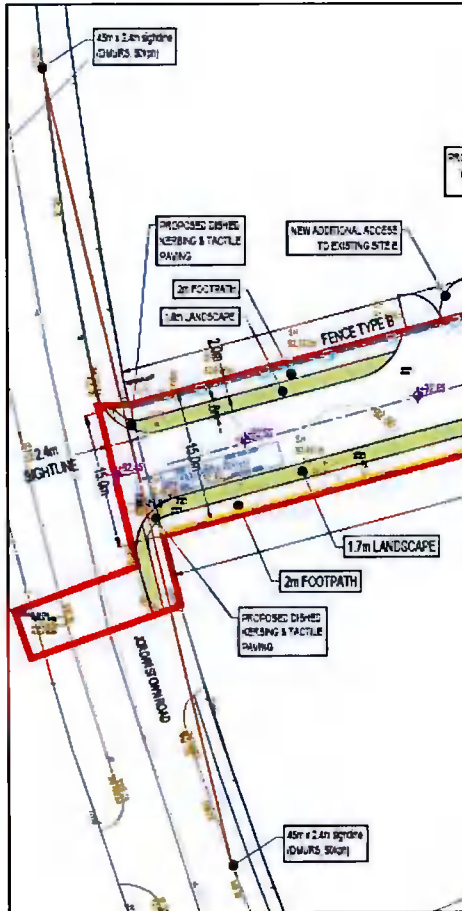


Figure 2.5:
Proposed Sightline at Jordanstown Road
(Drawing No. D1693 D3-A)

Source:
Kavanagh Burke Consulting Engineers, 2021

2.4.3 Response to Item No. 4 (3)

Item 4(3) of the *Traffic Inputs to RFI Response* document prepared by Stephen Reid Consulting Traffic and Transportation details the reduction in car parking provision proposed as part of the *Response to Further Information Request*; 'the planning application proposed 210 parking spaces for a total GFA of 22,966 sq. m, and the revised proposal is for 146 parking spaces for a total GFA of 22,020 sq. m. This represents a 4.1% decrease in the GFA and a 30.5% decrease in the proposed parking provision.'

The Response provided by Stephen Reid Consulting Traffic and Transportation also clarifies that with regard to a Mobility Management Plan, the developer will commit to such a Plan 'in conjunction with the future occupants, when these are determined and more specific information on shift times are confirmed. It is considered appropriate that this would be a condition of the planning while a generic 'framework' report could be submitted at this time, it would be more useful to undertake and submit this for approval by the planning authority when the development is completed and occupied and details are confirmed.'

2.4.4 Response to Item No. 4 (4)

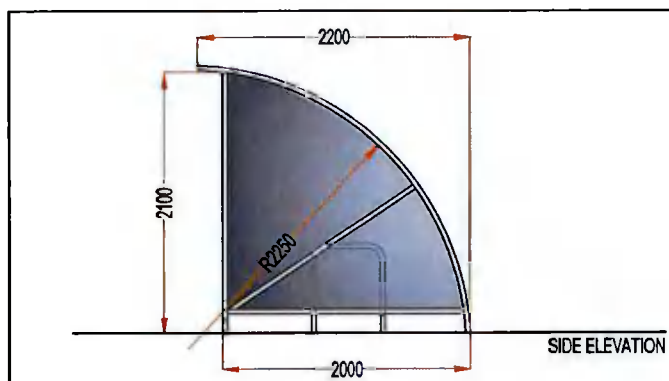
Please refer to the proposed Site Plan (Drawing No.: D1693 D3 PL4) in which the requisite footpath widths have been provided for along the northern and eastern perimeter of the warehouse connecting the fire escape doors to the safe assembly zones and on the southern side of the new access road from Jordanstown Road.

2.4.5 Response to Item No. 4 (5)

Please refer to the proposed Site Plan (Drawing No.: D1693 D3 PL4) which contains a swept path analysis for fire tenders and HGVs with all required locations of the subject site accessible.

2.4.6 Response to Item No. 4 (6)

An extract from the covered bike park drawing (Drawing No.: D1693 GA-A10 PL1) has been included below which shows that all bicycle parking spaces will be appropriately covered, as shown below:



**Figure 2.6:
Covered Bike Parking
(Drawing No.: D1693 GA-
A10)**

**Source:
Kavanagh Burke Consulting
Engineers, 2021**

2.5 Item No. 5: Modal-Shift Report

Item No. 5 states:

'Having regard to the significant number of car parking spaces proposed, the local road network and the lack of significant public transport the applicant is requested to submit a modal-shift report that seeks to encourage more sustainable transport modes for future staff.'

2.5.1 Response to Item No. 5

An *Outline Workplace Travel Plan/Modal Shift Report* prepared by Stephen Reid Consulting Traffic and Transportation has been enclosed with this *Response to Further Information Request* and comprises 3 No. steps. The first step presents an analysis of Existing Conditions Assessment analysing the road network assessment, pedestrian and cyclist access and existing public transport routes and accessibility. The second step identifies and implements actions and details measures for walking, cycling, public transport and car drivers. The third and final step relates to monitoring the progress of the *Modal Shift Report* detailing qualitative and quantitative measures for monitoring.

2.6 Item No. 6: Revised Planting along Southern Elevation and Pedestrian Entrance

Item No. 6 states:

'With reference to the lands Zoned Rural the applicant is requested to submit:
 (i) *revised proposals to increase the proposed planting along the southern elevation (within the rural zoned lands) alongside the new pathway/cycleway and existing hedgerows should be augmented (to provide for Green Infrastructure in compliance with Chapter 8 of the CDP and to provide a significant planted buffer at this transition area (from industrial to rural).*
 (ii) *Drawings of how this pedestrian/cyclist entrance will appear from the roadside should be submitted for a full assessment to take place; these should include (but not exhaustive) elevational plans and landscape plans at the R120 interface.'*

2.6.1 Response to Item No. 6 (i)

The southern, eastern and northern boundaries of the proposed development will be provided with a dense planted transition strip creating a strong boundary between the adjoining agricultural lands and the subject warehousing facility. In particular, the southern boundary has been given specific attention by the Design Team as dense planting and raised earth berms have been provided to soften the transition line. As part of this *Response to Request for Further Information*, the southern boundary landscaping strip has been increased to provide a consistent 10m zone forming the transition from the 'EE' zoned lands to the rural lands to the south.

An extract from the Landscape Masterplan prepared by JBA Consulting has been provided below which includes annotated measures proposed to address the concerns of the Planning Authority along the southern boundary:

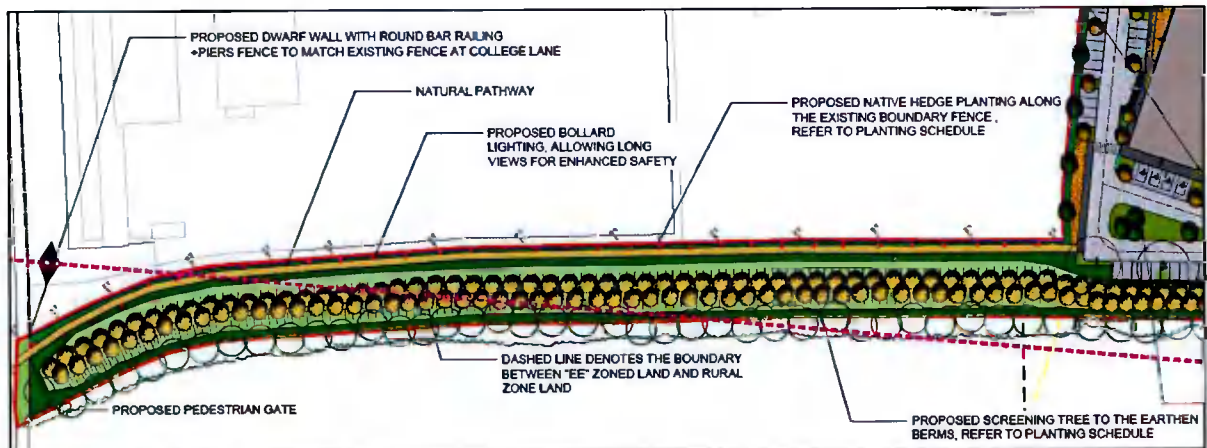


Figure 2.7: Landscape Masterplan (Drawing No.: FDJ-JBAI-XX-XX-DR-L-0002)

Source: JBA Consulting, 2021

2.6.2 Response to Item No. 6 (ii)

An Elevation and Section drawing of the pedestrian/cyclist entrance at the R120 interface are included with the Response with an extract included below for ease of reference. The Elevation B-B drawing prepared by Kavanagh Burke Consulting Engineers shows the pedestrian/ cyclist entrance at the R120 interface with the existing and proposed fence also shown:

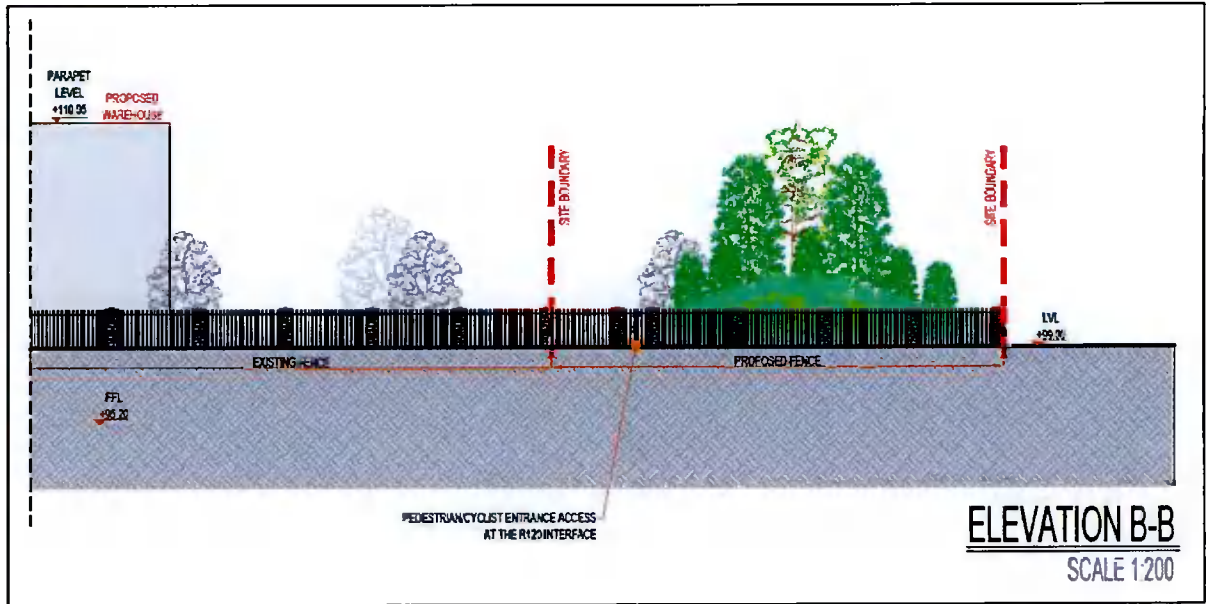


Figure 2.8: Elevation B-B (Drawing No.: D16g3 GA-A09 PL2)

Source: Kavanagh Burke Consulting Engineers, 2021

Secondly, the JBA Consulting drawing sets out the proposed landscaping for the pedestrian/cyclist entrance detailing the natural footpath and proposed native screening tree planting with understorey tree (whips) and shrub planting also located in the vicinity of the entrance.

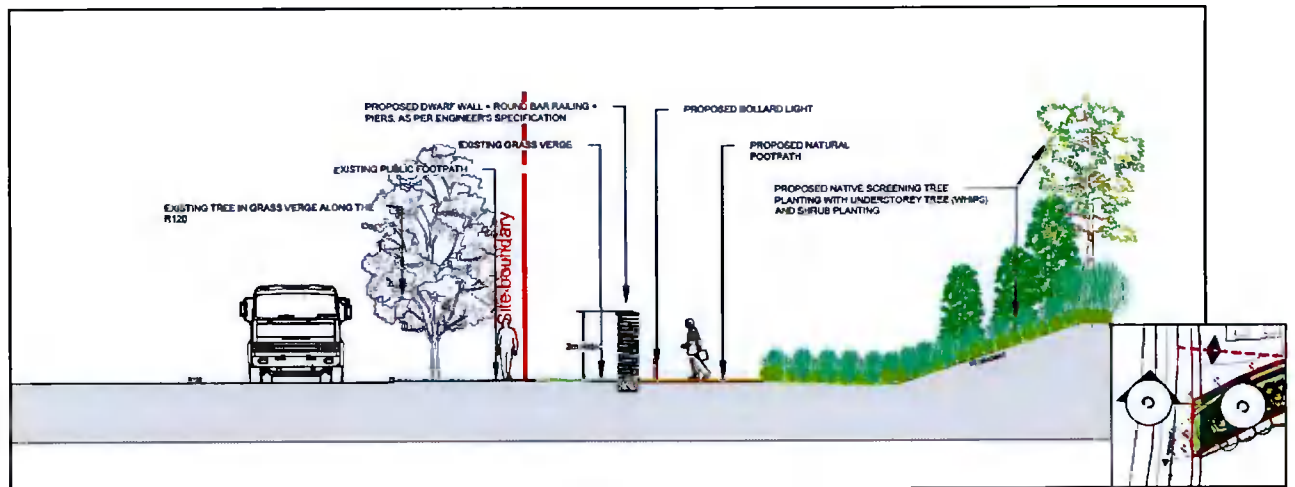


Figure 2.9: Section C-C (Drawing No.: FDJ-JBAI-XX-XX-DR-L-0003)

Source: JBA Consulting, 2021

2.7 Item No. 7: Ecological Mitigation Measures

Item No. 7 states:

'The Planning Authority notes the Ecological Impact Assessment and the mitigation measures but remains concerned that having regard to the site's location on the edge of the industrial area, abutting rural zoned land and having regard to the habitats and species (as mentioned in

the Ecological assessment) that will be affected by the proposed development, in this regards the applicant is requested to submit the following:

(i) increased mitigation measures should be proposed, this should include the relocation of the structure away from the southern boundary in a northerly direction and the inclusion of a green wall/green façade on the southern elevation (which should be redesigned).

(ii) A Bat Survey to include feeding/foraging route survey should be carried out, having regard to the location of the site in an area known for its bat population and at a location abutting a rural zoning.'

2.7.1 Response to Item No. 7 (i)

Extracts from the Previously Proposed Site Plan and the Now Proposed Site Plan have been included below which show the relocation of the proposed warehouse structure away from the southern boundary in a northerly direction to afford a greater transition to adjacent rural zoned land. An increase in the distance from the southern boundary is noticeable with an increase from 10.5m to 23.3m proposed.

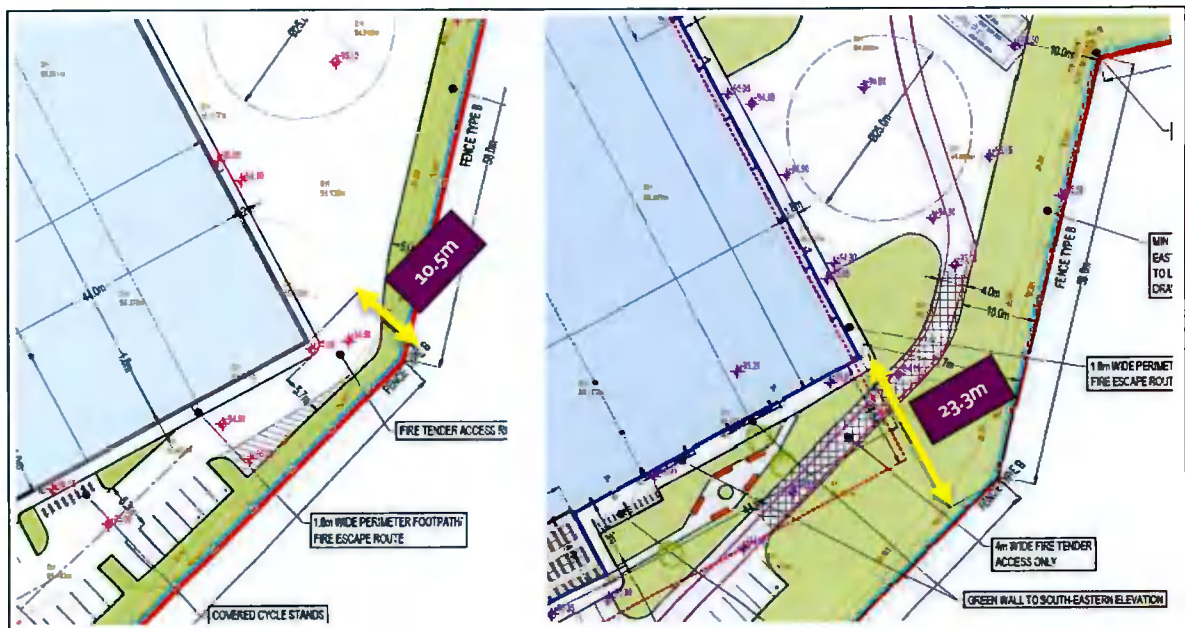


Figure 2.10: Extract from the Previously Proposed Site Plan (Left) and the Now Proposed Site Plan (Right)

Source: Kavanagh Burke Consulting Engineers, Annotated by Thornton O'Connor Town Planning, 2021

With regard to the request for a green wall/ green façade on the southern elevation, green walls have been now provided at 3 No. separate locations along the front (southern) elevation as shown in the Contiguous Elevation A-A below:

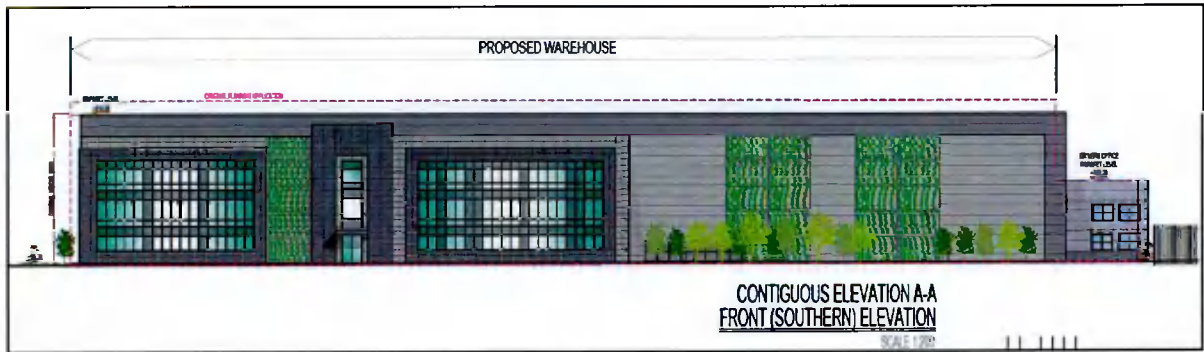


Figure 2.11: Contiguous Elevation A-A Showing Location of Proposed Green Walls

Source: Kavanagh Burke (Drawing No.: D1693 GA-A09), 2021

Drawing No. D1693 GA-A08 PL1 prepared by Kavanagh Burke Consulting Engineers shows a comparison of the southern elevation proposed as part of the original submission and what is now proposed as part of this *Response to Request for Further Information*.

2.7.2 Response to Item No. 7 (ii)

A feeding/ foraging route survey was carried out by JBA as part of the *Response to Further Information Request* which concluded:

'The site has moderate value as commuting habitat due to the moderate field size and presence of hedgerows/treelines (some gappy). Foraging habitat exist in the form of arable fields, hedgerows and open watercourses.'

'The evaluation of these parameters indicate that the site is of county importance for commuting and foraging for Common Pipistrelle and Soprano Pipistrelle and of local importance Leisler's Bat. The overall importance of the site for commuting and foraging bats is therefore at county level.'

A number of mitigation measures are proposed (as set out in the *Ecological Impact Assessment* document) including site lighting being switched off or set at a lower light output during inactive site hours; reduced amount of light spillage through reduced height of lamp columns; and a dark corridor (lighted in a bat-friendly manner) along the south-eastern boundary of the site being maintained for bats at all times. The Applicant is happy to accept a condition to abide by the mitigation measures put forward.

2.8 Item No. 8: Sustainability of Proposed Development

Item No. 8 states:

'The applicant is requested to investigate sustainable energy for the proposed development. If solar panels are proposed a glint and glare assessment will be required for any proposed PV panels that could give rise to any nuisance effect from glint and glare at surrounding dwellings and that it is highly unlikely that there will be any hazardous glint and glare effects on road or aviation receptors.'

2.8.1 Response to Item No. 8

There are no PV panels proposed at the warehouse. As detailed in the Part L Compliance Report prepared by Axiseng Consulting Engineers and enclosed with this *Response to Request for Further Information*, with regard to sustainable energy at the site, the building includes the following energy conservation measures to achieve the most energy effective performance possible:

- High-performance construction envelope including low u-value and solar g-value
- Airtightness construction
- Energy-efficient Variable Refrigerant Flow for heating and cooling
- Air source heat pump for hot water system
- Heat Recovery in Mechanical Ventilation System
- Low specific fan power
- Low installed lighting power & intelligent lighting control including photoelectric sensors.

The sustainable design of the proposed development presents an opportunity to ensure the overall building performs efficiently and meets the NZEB challenges. This report details the proposed design solution used in the analysis to show compliance with Part L and the BER.

The building shall also be seeking a BREEAM accreditation as part of the sustainability targets for the building.

2.9 Item No. 9: Construction and Demolition Waste Management Plan

Item No. 9 states:

'Section 11.6.5(iv) of the County Development Plan requires that all new developments in excess of 1,000sq.m should submit a Construction and Demolition Waste Management Plan. The applicant is requested to submit this plan for assessment.'

2.9.1 Response to Item No. 9

A report entitled *Outline Construction and Demolition Waste Management Plan* prepared by Castlebrowne Building & Civil Engineering Limited is enclosed. The document outlines the manner in which construction and demolition waste would be managed throughout the construction phase of the proposed development.

2.10 Item No. 10: Nature of Proposed Ancillary Space

Item No. 10 states:

'It is considered that the proposed office space/ancillary space to the warehouse exceeds the quantum that is open for consideration (within the zoning matrix and Policy ET-6 of the County Development Plan) for an individual office land use at this location and within this zoning. In this context, the applicant is requested to demonstrate how it is proposed to comply with current development plan policy and fully justify the quantum and ancillary nature of the space. The applicant should note that an overall reduction in the size and scale of the proposed

development is likely to be required and is requested to submit revised drawings in response to this item.'

2.10.1 Response to Item No. 10

Due to changes to the proposed scheme, the office area no longer exceeds 1,000 sq m with the office area of 999 sq m being marginally under the 1,000 sq m threshold stated by the Planning Authority.

However, it is important to note that it is not office use proposed, instead ancillary office use is proposed and thus in our professional town planning opinion, the policy that limits office area between 100 sq m - 1,000 sq m within Objective 'EE' lands is not applicable to the subject application for a warehouse development.

The leading authority in case law with regard to the concept of ancillary uses is the *Rehabilitation Institute v Dublin Corporation* where Barron J. set out a number of principles relating to this type of activity. The High Court in that case was considering whether the use of part of the Rehabilitation Institute had a separate and distinct planning use as it was used as a workshop in the context of the remainder of the building being used for administrative purposes. Barron J. held that there was a single planning unit as the workshop use was ancillary to the principle use and relied on a number of English authorities. It set out the principle which can be summarised as follows: (a) A use is ancillary to a principle use if this ancillary use will not amount to development for the purposes of the Planning and Development Acts. Where however the ancillary use becomes the principle use, then it will displace the established use and it will at that point amount to development as the planning unit will have materially changed its use.

This issue was considered in some detail by McGuinness J. in *Palmerlane Limited v An Bord Pleanála* [1999] 2 I.L.R.M. 514, where a shop in Dame Street was selling food for consumption off the premises. The sale of food for consumption off the premises is a separate and distinct use but the shop argued in that case that it was merely part of an overall use for retail purposes and the High Court agreed. They applied the principles in the Rehabilitation case and held that where this use is ancillary to the principle use, it forms part of that use and therefore the activity did not amount to a change of use for the purposes of the Planning and Development Acts. It would only be in circumstances where this ancillary use became the *dominant* use that there would be a change of use such as to require planning permission. Thus, in the case of a warehouse development, it is our opinion that the use of part of the planning unit for office use is ancillary to the primary warehouse use of the structure and as such policies relating solely to office use to not apply.

We also refer to recent planning applications pertaining to warehouses in the immediate vicinity of the site which have received a grant of planning permission over the current Development Plan period which provided an ancillary office floor space to the warehouse use that exceeded 1,000 sq m and was deemed appropriate by South Dublin County Council.

- SDCC Reg Ref.:SD18a/0265 proposed 2 no. Warehouses at Lands at College Lane, Greenogue, Rathcoole, Co. Dublin with one of the warehouses providing 1,870 sq m of ancillary office area.
- SDCC Reg Ref.:SD19A/0407 at College Lane, Greenogue, Rathcoole, Co. Dublin received a grant of permission for a warehouse which contained an ancillary office area of 1,042 sq m.



- SDCC Reg. Ref. SD19A/0264 at Site Q2 Aerodrome Business Park which received a grant of permission including an ancillary office area of 1,099 sq m.

Notwithstanding the above, the office space proposed as part of the development at Block R is below 1,000 sq m and we trust this addresses the Request for Further Information item.



3.0 CONCLUSION

We trust that this submission fully addresses the *Request for Further Information* in respect of the subject development at a site known as Block R, Jordanstown Road, Aerodrome Business Park, Rathcoole, Co. Dublin.

Please revert to us if we can be of further assistance or clarification.

We look forward to receiving an acknowledgement and subsequent Decision in respect of the above.

Yours sincerely,

A handwritten signature in black ink that reads "Sadhbh O'Connor".

Sadhbh O'Connor
Director
Thornton O'Connor Town Planning

Encl.

