

Comhairle Chontae Atha Cliath Theas

PR/0176/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD21B/0616 **Application Date:** 10-Dec-2021
Submission Type: New Application **Registration Date:** 10-Dec-2021
Correspondence Name and Address: Nathaniel Dwyer 15, Hollywoodrath Rise,
Hollystown, Dublin 15
Proposed Development: Single storey extension to the rear and 2 storey
extension to side of existing dwelling; new pitched
roof to existing dwelling; widening of existing
driveway entrance.
Location: 33, Ballyroan Heights, Dublin 16
Applicant Name: Michelle Shovlin
Application Type: Permission

(CS)

Description of Site and Surroundings:

Site Area: 0.0737 Hectares as stated per application.

Site Description:

This site contains a 1.5 storey (primary element) with pitched roof and 2 storey (secondary element) with mono-pitch roof slightly setback from the main front building line. The subject site has a relatively large rear garden that is not overlooked. There is a street tree on the grass verge to the front of subject site. The streetscape in the immediate vicinity of the dwelling is characterised by dwellings of similar form and appearance with a mainly uniform building line.

Proposal:

The proposed development comprises of the following:

- Single storey rear extension.
- Two storey side extension.
- New pitched roof to existing dwelling.
- Widening of existing vehicular entrance.
- Demolition of rear sunroom, 2 no. walls of existing side garage, glazed porch detached boiler house to rear (c.18sq.m. as stated).
- Proposed works measure c.72sq.m.

It is noted the internal floor area of the existing dwelling is stated as 153sq.m.

Zoning:

The subject site is subject to zoning objective RES - 'To protect and/or improve Residential Amenity'.

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Consultations:

Surface Water Drainage – **Additional Information** recommended.

Irish Water – **Additional Information** recommended.

Parks Department – No objections subject to **conditions**.

Roads Department – No objections subject to **conditions**.

SEA Sensitivity Screening

No overlap identified with SEA screening tool layers.

Submissions/Observations /Representations

None.

Relevant Planning History

H0553: Alterations and additions. March 1975.

Decision: **GRANT PERMISSION.**

Adjacent sites

RB192: 31 Ballyroan Heights.

Extension to dwelling house. April 1978.

There is no further information available on this application.

Decision: **GRANT PERMISSION.**

90B0009: 31 Ballyroan Heights.

Erection of front porch and rear extension and alterations.

There is no further information available on this application.

Decision: **GRANT PERMISSION.**

Relevant Enforcement History

None recorded for the subject site.

Pre-Planning Consultation

None.

Relevant Policy in South Dublin County Council Development Plan 2016-2022

Section 2.4.1 Residential Extensions

Policy H18 Residential Extensions

It is the policy of the Council to support the extension of existing dwellings subject to the protection of residential and visual amenities.

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Policy H18 Objective 2:

To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 11 Implementation and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).

Section 2.5.8 Rural House & Extension Design

Policy H27 Rural House & Extension Design

Section 11.2.7 Building Height

Section 11.3.1 Residential

Section 11.3.1 (iv) Dwelling Standards

Section 11.3.1 (v) Privacy

Section 11.3.3 Additional Accommodation

Section 11.3.3 (i) Extensions

Section 11.4.2 Car Parking Standards

Table 11.24 Maximum Parking Rates (Residential Development)

Section 11.4.4 Car Parking Design and Layout

Section 11.7.2 Energy Performance in New Buildings

Section 11.8.2 Appropriate Assessment

South Dublin County Council House Extension Design Guide (2010)

Relevant Government Guidelines

Sustainable Residential Development In Urban Areas - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government (2008).

Quality Housing for Sustainable Communities-Best Practice Guidelines, Department Environment, Heritage, and Local Government, (2007).

Assessment

The main issues for the assessment are:

- Zoning and Council Policy
- Residential & Visual Amenity
- Access & Parking
- Parks & Landscaping

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- Services and Drainage
- Screening for Appropriate Assessment (AA)
- Screening for Environmental Impact Assessment (EIAR)

Zoning and Council Policy

The site is located in an area that is zoned 'RES' 'to protect and/or improve residential amenity.' A residential extension is permitted in principle subject to its accordance with the relevant provisions in the Development Plan with specific reference to Section 11.3.3 (i) which relates to Extensions.

Residential and visual Amenity

Demolition of existing rear sunroom, detached boiler house, 2 no. walls of existing attached side garage, glazed front porch (18sq.m. as stated).

The demolition of the existing sunroom to the rear forms part of the footprint where part of the new single storey rear extension will be constructed. Two of the walls of the existing side garage will be demolished to allow for construction of the two storey side extension. The detached boiler house to the rear will be demolished and the glazed porch to the front will also be demolished. This is considered to be acceptable.

Widening of existing vehicular entrance

The applicant is proposing to widening the existing vehicular entrance from 3.08m to 5.475m. The applicant proposes to do this by relocating the position of the existing eastern pillar further to the east. This width of 5.475m is considered to be excessive and would impact adversely on available on street parking and impact adversely on the street tree on the grass verge to the front of the subject site. Therefore in the event of a grant the width of the vehicular entrance shall be limited by **condition** to a maximum width of 3.5m. This is covered in more detail in the Access & Parking section of this report.

Single storey rear extension

The extension will have a width of c.9.45m and will project outwards from the main rear building line by c.2.785m. It will be built to the boundary with the immediate neighbour to the east (No. 31 Ballyroan Heights). It will have a flat parapet roof with a parapet height of c.3.365m. The subject site has a relatively large rear garden and a reasonable level of private open space would remain post completion. There will be no undue overlooking or overbearing impact. This element of the proposal complies with the SDCC House Extension Design Guide 2010.

Two storey side extension

Two walls of the existing garage will be demolished to allow for construction of the new extension. The extension tapers to the front (north) of the existing dwelling. The extension will

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project outwards from the side building line by c.3.2m towards the front and will project outwards from the side building line by c.4.3m towards the rear. The extension will be offset by c.1.16m from the western site boundary. The extension will have a hipped roof over which will form part of the new proposed hipped roof profile that will be set with a ridge height below that of the existing dwelling. The proposed eaves height of the extension would integrate reasonably well with the character of the existing dwelling and with the character of the area. It is noted that the immediate adjoining neighbour to the east has a two storey side extension with a hipped roof similar to that proposed in this application. This extension may have been granted for under reg. ref. RB192 (Extension to dwelling house, April 1978). The subject site is not overlooked at the rear therefore there will be no undue overlooking. The proposal would not have a significant adverse impact on residential and visual amenity and would comply with the SDCC House Extension Design Guide 2010.

Access & Parking

A report was issued from the Roads Department recommending no objections subject to **conditions**. An extract taken from the Roads report states the following:

Prior to commencement of any works in the public domain, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10, a Road Opening Licence must be secured from South Dublin County Council, Roads Maintenance Department.

Description:

Widening of existing vehicular entrance from 3080mm to 5475mm. The proposed vehicular access is considered excessive and represents an unsuitable precedent.

No Roads objections subject to the following conditions:

- 1. The vehicular access points shall be limited to a width of 3.5 meters.*
- 2. The boundary walls at vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.*
- 3. Footpath and kerb shall be dished and widened, and the dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the applicant's expense. The footpath and kerb shall be dished and widened to the full width of the proposed widened driveway entrance.*
- 4. Any gates shall open inwards and not out over the public domain.*
- 5. All vehicles parked in the driveways must exit the site in a forward direction. No vehicles to reverse onto the public roadway at any time.*

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In the event of a grant it is considered appropriate to attach all of the above **conditions** apart from condition No.5 as it is not considered to be enforceable.

Parks and landscaping

A report was issued from the Parks Department recommending **conditions** to be attached in the event of a grant. An extract taken from the Parks report states the following:

Proposed Removal/Reduction of grass margin to facilitate an additional driving entrance

The Public Realm Section would not be in favour in allowing a resident to remove or reduce a grass margin which are in the public domain to accommodate the widening of a vehicular entrance. We believe this sets an unwanted precedent and grass margins should be retained where possible in the urban setting.

CONDITIONS

1. Street Trees

The applicant has not provided any information as to the potential impacts of the development on the adjacent street tree in the grass margin. The applicant should submit a tree survey report for the tree in the adjoining grass margin. This tree survey should be undertaken by a suitably qualified arborist. The report should provide detailed information on the condition and health of the existing street tree and it should also clearly detail what impacts the development will have on the tree but especially the tree roots. It is the opinion of the Public Realm Section that reduction/removal of the grass margin in order to facilitate the widening of the entrance driveway will negatively impact/impinge on the existing street tree. The tree survey should be in line with BS 5837:2012 Trees in relation to design, demolition and construction.

2. Protection of Street Tree in Grass Margin

In order to ensure the protection of existing street trees in adjacent grass margin, suitable tree protection fencing should be installed in order to protect the existing tree during construction works. Protective tree fencing must be erected prior to all construction operations occurring on site. Fencing to be in accordance with BS 5837: 2012. This fencing, enclosing the tree protection areas must be installed prior to any plant, vehicle or machinery access on site. Fencing must be clearly signed 'Tree Protection Area – No Construction Access'. No Excavation, plant vehicle movement, materials or soil storage is to be permitted within the fenced tree protection area.

REASON: In the interests of visual amenity and of protecting existing trees.

Notwithstanding the report from the Parks Department it is considered that any proposed works to the grass verge to the front of the subject site would be minor in nature and would not have a

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significant adverse impact on the environment and on biodiversity. As the Roads Department have recommended limiting the maximum vehicular entrance width to 3.5m this will allow for greater vehicular clearance from the existing street tree. The vehicular entrance should be located as far away as possible from the existing street tree in the event of a grant by **condition**.

It is considered appropriate to attach **condition** No.2 and to also attach a **tree bond** in the event of a grant. Condition 1 can be omitted as it is not considered to be relevant in the context of this application.

Services and Drainage

Both Irish Water and Surface Water Drainage have recommended Additional Information be requested.

An extract taken from the Irish Water report states the following:

1 Water

1.1 All development shall be carried out in compliance with Irish Water Standards codes and practices.

2 Foul

2.1 The applicant has not submitted foul water drainage plans for the proposed development. The applicant is required to submit a drawing showing existing and proposed foul water drainage layouts up to and including the point of connection to the public foul water sewer. The drawing shall include the location of all Aj's, manholes, pipe size, material type and direction of flow. The drawing shall clearly show that the foul and surface water systems are discharging to separate pipe networks.

2.2 All development shall be carried out in compliance with Irish Water Standards codes and practices.

Notwithstanding the report from Irish Water it is considered the above may be dealt with by way of **condition** in the event of a grant.

An extract taken from the Surface Water Drainage report states the following:

Surface Water Report: ***Further Information Required:***

1.1 The applicant is required to submit a drawing showing existing and proposed surface water drainage layouts up to and including the point of connection to the public surface water sewer. The drawing shall include the location of all Aj's, manholes, pipe size, material type and

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direction of flow. The drawing shall clearly show that the foul and surface water systems are discharging to separate pipe networks. Maps of the mains foul and surface water drainage networks may be obtained, if available, for required locations in South Dublin County Council by emailing: servicemaps@sdublincoco.ie.

1.2 The applicant is required to submit a drawing showing plan and cross sectional views of proposed SuDS (Sustainable Drainage Systems) features for the development

All works shall comply with the Building Regulations -Technical guidance document- Part H Drainage and Wastewater disposal

The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.

All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

Notwithstanding the report from Surface Water Drainage it is considered the above may be dealt with by way of **condition** in the event of a grant.

Screening for Appropriate Assessment (AA)

Having regard to the distance of the proposed development from any Natura 2000 sites, the nature and scale of the proposed development in the context of the surrounding developments, it is not considered that the proposed development is likely to have a negative effect on a Natura 2000 site and therefore a Stage 2 Appropriate Assessment is not required.

Environmental Impact Assessment (EIAR)

Having regard to the nature and scale of the proposed development and pursuant to Schedule 5 of the Planning and Development Regulations 2001 (as amended), the proposal is not a class of development for which a mandatory Environmental Impact Assessment Report is required. Additionally, having regard to the distance of the site from nearby sensitive receptors, the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Other Considerations

Development Contributions

- Two storey side extension measuring.
- Single storey rear extension.
- New hipped roof to existing dwelling to cover part of two storey side extension.
- Existing sunroom to rear will be demolished and part of new single storey rear extension will be built on this same footprint.

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- Total proposed works measure c.72sq.m.
- 40sq.m. exemption remains.
- Assessable area is 32sq.m.

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Residential – Single storey side extension	72sq.m.
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.0737

Conclusion

Having regard to the provisions of the South Dublin County Council Development Plan 2016-2022, the Planning Authority is satisfied that subject to conditions the development is consistent with the Development Plan provisions and the proper planning and sustainable development of the area and accordingly a grant of permission is recommended.

Recommendation

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, for the reasons 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 condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

FIRST SCHEDULE

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2016 - 2022 and subject to the conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

Conditions and Reasons

1. Development in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety fully 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.

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2. (a) External Finishes.

All external finishes shall harmonise in colour or texture that is complementary to the house or its context.

REASON: In the interest of visual amenity.

(b) Restriction on Use.

The house and the proposed extension shall be jointly used as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes, and the extension shall not be sold, let (including short-term letting), leased or otherwise transferred or conveyed, by way of sale, letting or otherwise save as part of the single dwelling unit.

REASON: To prevent unauthorised development.

(c) Drainage - Irish Water.

(i). All development shall be carried out in compliance with Irish Water Standards codes and practices.

(ii). The applicant has not submitted foul water drainage plans for the proposed development. Prior to commencement of development the applicant shall submit a drawing showing existing and proposed foul water drainage layouts up to and including the point of connection to the public foul water sewer. The drawing shall include the location of all Aj's, manholes, pipe size, material type and direction of flow. The drawing shall clearly show that the foul and surface water systems are discharging to separate pipe networks.

(iii). All development shall be carried out in compliance with Irish Water Standards codes and practices.

(iv). Prior to commencement of development the applicant shall submit a drawing showing existing and proposed surface water drainage layouts up to and including the point of connection to the public surface water sewer. The drawing shall include the location of all Aj's, manholes, pipe size, material type and direction of flow. The drawing shall clearly show that the foul and surface water systems are discharging to separate pipe networks. Maps of the mains foul and surface water drainage networks may be obtained, if available, for required locations in South Dublin County Council by emailing: servicemaps@sdblincoco.ie.

(v). The applicant shall submit a drawing showing plan and cross sectional views of proposed SuDS (Sustainable Drainage Systems) features for the development.

(vi). All works shall comply with the Building Regulations -Technical guidance document- Part H Drainage and Wastewater disposal.

(vii). The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.

(viii). All works for this development shall comply with the requirements of the Greater

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Dublin Regional Code of Practice for Drainage Works.

(ix). The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.

(x). There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

(xi). All drainage works for this development shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works.

REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.

(d) Minimise Air Blown Dust.

During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.

REASON: In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

(e) Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall only be operated on the site between 7.00 hours and 19.00 hours weekdays and between 9.00 hours and 13.00 hours on Saturdays. No works shall take place at any time on Sundays, Bank Holidays or Public Holidays.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

The applicant or developer shall also endeavour to engage in local consultation in respect

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of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following:

- Schedule of works to include approximate timeframes
- Name and contact details of contractor responsible for managing noise complaints
- Hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise.

REASON: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

3. Roads issues

- (a) The vehicular access points shall be limited to a width of 3.5 meters.
 - (b) The boundary walls at vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.
 - (c) Footpath and kerb shall be dished and widened, and the dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the applicant's expense. The footpath and kerb shall be dished and widened to the full width of the proposed widened driveway entrance.
 - (d) Any gates shall open inwards and not out over the public domain.
- REASON: In the interest of proper planning and sustainable development.

4. Tree Protection.

- (a) The existing street tree(s) in the adjoining grass verge(s) to the front of the site shall be retained and protected, both above and below ground, from damage during construction works.
- (b) No building materials, machinery, soil or debris shall be stored or deposited on the grass verges at any time during the construction of the proposed development.
- (c) Any damaged roadside margins shall be reinstated.
- (d) suitable tree protection fencing should be installed in order to protect the existing tree during construction works. Protective tree fencing must be erected prior to all construction operations occurring on site. Fencing to be in accordance with BS 5837: 2012. This fencing, enclosing the tree protection areas must be installed prior to any plant, vehicle or machinery access on site. Fencing must be clearly signed 'Tree Protection Area – No Construction Access'. No Excavation, plant vehicle movement, materials or soil storage is to be permitted within the fenced tree protection area.

REASON: In the interests of visual amenity and of protecting existing trees from inappropriate storage, mixing or application of cement-based products or other phytotoxic materials that are likely to have a detrimental effect upon tree(s) in the grassed margin.

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5. Tree Bond.

A maximum of two weeks from the date of the Commencement Notice and prior to the commencement of works on site, a Bond or bank draft to the value of €1,500 shall be lodged with South Dublin County Council as a security for the protection of the existing street tree in the grassed margin during the course of the development works.

This bond will be released twelve months after the completion of all site works once it has been ascertained that the tree specified for retention has been preserved in its prior condition and has suffered no damage and the developer has complied with the requirements of the Planning Authority in relation to tree protection.

REASON: In the interest of tree protection and the proper planning and sustainable development of the area.

6. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €3,343.68 (three thousand three hundred and forty three euros and sixty eight cents), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contribution shall be paid prior to commencement of development, or in such phased payments as the Planning Authority may facilitate. Contributions shall be payable at the rate pertaining to the year in which implementation of the planning permission is commenced as outlined in the South Dublin County Council Development Contribution Scheme 2021 - 2025.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

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NOTE: The applicant or developer should ensure that all necessary measures shall 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 and to ensure that any such instances arising are remedied immediately.

NOTE: Waste, arising from the site, must be kept to a minimum, segregated where appropriate, and disposed in accordance with the Waste Management Regulations 2007, as amended. Transport of such waste, must be by an authorised waste permit holder. Waste disposal records must be maintained and made available, for inspection by Authorised Persons appointed under the Waste Management Act 1996, as amended. A Waste Transfer Form shall accompany the transportation of all hazardous waste arising from the construction works.


NOTE: A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

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**REG. REF. SD21B/0616
LOCATION: 33, Ballyroan Heights, Dublin 16**



**Jim Johnston,
Senior Executive Planner**

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

Date: _____

11/2/22



Eoin Burke, Senior Planner