

**An Rannóg Talamhúsáide, Pleanála agus Iompair
Land Use, Planning & Transportation Department
Telephone: 01 4149000 Fax: 01 4149104 Email: planning.dept@sdublincoco.ie**

**Ciaran Farrell,
Rowan Engineering Consultants Ltd.
Unit 14, Scurlockstown Business Park
Trim
Co. Meath**

**NOTIFICATION OF DECISION TO GRANT PERMISSION
PLANNING AND DEVELOPMENT ACT 2000 (as amended) & PLANNING
REGULATIONS THEREUNDER**

Decision Order Number: 0285	Date of Decision: 28-Feb-2022
Register Reference: SD21A/0171	Date: 01-Feb-2022

Applicant: Ciaran Farrell, Coffey Construction Ltd.

Development: Land recontouring/infilling works on C. 38,000sq.m of a folio size of C.5.3HA (allowing buffers); the volume of material to be placed on the site C.91,000m³ with an average fill level of C.3.5m above existing.

Location: Saggart, Co. Dublin

Floor Area:

Time extension(s) up to and including:

Additional Information Requested/Received: 23-Aug-2021/21-Oct-2021,

Clarification of Additional Information Requested/Received: 18-Nov-2021/01-Feb-2022

DECISION TO: Pursuant to the Planning & Development Act 2000 (as amended), it is hereby decided, 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 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 decision is subject to the said conditions.

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 condition(s) set out hereunder is thereby in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

Conditions and Reasons:

1. Development to be in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on 21st October 2021 and Clarification of Further Information received on 1st February 2022, 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. Specification of Works.
 - (a) The total soil to be imported onto the site and spread shall not exceed 25,000 cubic metres and shall be laid to a level of no more than 1.5 metres above existing ground level.
 - (b) The profile and in particular the slope of the infill material shall adhere to the proposals assessed in the Temporary Works Design Report (Slope Stability Check for Filling of Hurleys Field) provided on 1st February 2022, or a subsequent such report agreed with the Planning Authority in writing as per the other conditions of this permission.
 - (c) Following importation and spreading of the infill material, the material shall be covered with topsoil, reseeded, and returned to agricultural use.
REASON: To ensure development is appropriately managed and to protect the visual and environmental amenities of the area.
3. Flooding.
Prior to commencement of development, the applicant shall obtain the written agreement of the Planning Authority (after prior consultation with the Environmental Services Department if necessary), to:
 - A drawing showing the location of the flood zone according to OPW CFRAM maps,
 - A drawing showing that proposed infill will be located outside of that flood zone;
 - A revised note on Slope Stability to show that any revised siting/layout of infill area retains stability;
 - A drawing showing that the route of protective fencing erected to demarcate demarcate a 10m buffer strip with boundary hedgerows, shall also demarcate the area within the flood zone, where that area is outside the 10m buffer strip.

REASON: To protect a flood plain and to protect public health.

4. Silt Fencing.

Prior to commencement of works, the applicant shall supply the Planning Authority with details of the type of silt fencing proposed to be used and obtain written agreement.

REASON: To ensure protection of the river and adjoining road network.

5. Soil.

The soil at the source site shall continuously monitored to confirm that the content of the soil is consistent with previous assessments. If the materials appears to be less stable, or less likely to adhere to the ground surface, than those materials previously assessed, works shall cease and the applicant shall inform the Planning Authority and obtain written agreement to alternative arrangements for the storage of the infill material.

REASON: To ensure the stability of the proposed development.

6. Method Statement.

The works shall adhere to the Risk Assessment Method Statement lodged with the Planning Authority on 1st February 2022, subject to any changes which may be agreed in writing with the Planning Authority. The agreed Method Statement shall be made available on-site for inspection throughout the duration of the works.

REASON: To ensure works are appropriately undertaken.

7. Protection of the Camac River.

(a) Prior to commencement of works, and notwithstanding any other conditions of this permission, the applicant shall obtain written agreement of the Planning Authority to final versions of the following documents:

- The Risk Assessment Method Statement;
- The Construction Traffic Management Plan;
- Construction Environmental Management Plan; and
- Construction and Waste Demolition Management Plan;

as may be necessary to account for protection measures for the Camac River from any impacts arising from the increased vehicular movements and road cleaning/maintenance along Castle Road arising from this development.

(b) The minimum setback distance from any works to the top of the bank of the River Camac shall be 10 metres. The existing 10m Riparian strip shall remain in its current state.

REASON: To protect biodiversity, water quality and public health.

8. Construction and Demolition Waste Management Plan.

(a) All construction waste arising from the development of the site as approved shall be managed in accordance with all relevant statutory provisions and the agreed Construction and Demolition Waste Management Plan lodged with the Planning Authority on 1st February. The Plan is subject to any changes required by conditions of this permission, or any other changes which shall be agreed in writing with the Planning Authority prior to commencement of works.

(b) The Construction and Demolition Waste Management Plan shall be made available for inspection on the work site for the duration of works.

(c) A record of daily checks that the works are being undertaken in accordance with the

site specific Construction Waste Management Plan shall be kept for inspection by the planning authority.

(d) The plan should also be informed by any Construction Traffic Management Plan required to be prepared and agreed that addresses intended construction practice for the development, including hours of working, construction traffic access route and noise management measures and details of measures to protect watercourses on or adjoining the site from the spillage or deposit of clay, rubble, waste or other debris. This aspect of the final plan shall include provision for protection of the Camac River at its crossing under Castle Road, from dust and road sweeping.

(e) In addition, copies of waste disposal/recovery records, including waste collector dockets/invoices and weighbridge dockets, shall be maintained on site during the works and made available, at all reasonable times, for inspection by Authorised Persons as appointed under the Waste Management Act 1996, as amended. A Waste Transfer Form shall accompany the transportation of all hazardous waste arising from the development works, in accordance with the European Communities (Shipment of Hazardous Waste Exclusively within Ireland) Regulations 2011. Waste operations shall only be carried out at such time as authorisation pursuant to the Waste Management Act 1996, as amended, has been obtained.

REASON: In the interests of public safety, compliance with Development Plan Policy and sustainable waste management.

9. Ecology.

The following mitigation measures contained in the applicant's Ecological Impact Assessment Report shall be undertaken as part of the works:

During Works:

(a) All infilling works must be confined to the development site only and should adhere to all standard best practice measures. Works areas should be kept to the minimum area required to carry out the proposed works and the area should be clearly marked out in advance of the proposed works. These measures must be undertaken from initial site works until the completion of all works on site.

(b) The 10m buffer zone along the existing hedgerows should be marked out and fenced off prior to the commencement of works there should be no storage of soil machinery in this buffer zone.

(c) There must be no disturbance to any riparian habitats along the banks of the Camac River.

(d) All Chemicals, fuels, Oils, greases and hydraulic fluids should be stored outside of this site and away from watercourses in bunded compounds.

(e) There must be no re-fueling on site.

Post Infilling Works

(f) The existing hedgerows around the site should be managed for the benefit of wildlife. Traditional methods of laying the hedgerow should be considered rather than the straight flailing of the top. An occasional shrub should be allowed grow to provide suitable nesting habitats for birds, whilst it will increase the supply of berries for foraging birds.

(g) Any landscaping at the end of the infilling works should involve the planting of native Irish species that are indigenous to the site. Suitable species would hawthorn, willow and alder. The characteristic of newly planted hedgerows should mimic those in

the surrounding area. Invasive species must not be used. Herbicides must not be used. Herbicides should be avoided during all phases of the construction and operation as these chemicals can have detrimental impacts upon local populations of pollinators.

(h) Bare soil should be seeded as soon as possible with grass seed

(j) The remaining perimeters of the site should be managed at a low intensity level post infilling. They should not be cleared of vegetation, sprayed with herbicide or re-seeded. This will allow for the protection of mammals and water quality post infilling. Cutting of the grass once a year in late summer will promote biodiversity and the growth of flowering herbaceous plants. This will be a benefit to local pollinating insects.

REASON: To ensure the protection of the natural Heritage of the site including Water Features in accordance with policies, in accordance with policies IE1 Objective 5, IE7 Objective 5, G2 Objective, G3 Objective 2, G4 Objective 2, HCL1 Objective 1, HCL1 Objective 2, HCL1 Objective 3, HCL15 Objective 3, and other policies relating to Biodiversity within the CDP 2016-2022.

10. Construction Environmental Management Plan (CEMP).

The Construction Environmental Management Plan shall be implemented on-site as per the Plan submitted on 1st February 2022. The CEMP shall be updated as necessary and any updates shall be agreed in writing with South Dublin County Council. The Plan shall be accessible at all times on site during the works. The following mitigation measures contained in the CEMP are to be implemented on-site, as are any additional measures required by other conditions of this permission or any requirements of the EPA:

All proposed mitigation measures and recommendations contained within the submitted the Construction Environmental Management Plan should be implemented in full by the applicant. The mitigation measures that shall be implemented on site during the construction phase shall include:

(a) All site development works shall adhere to best practice

(b) The works areas must be kept to a minimum area required to carry out the proposed works and the area should be clearly marked out and cordoned off in advance of work commencement.

(c) Prior to the commencement of the infill on site, the site management and the contractors should be made aware of the ecological sensitivity of the site, both in terms of the protection of surface water and groundwater.

(d) All site works must follow those specified in the Construction Management Plan.

(e) Efficient construction practices and sequences shall be employed on site, and this will minimize soil erosion and potential pollution of local watercourses with soil erosion and potential pollution of local watercourses with soil and sediment. Unnecessary clearance of vegetation shall be avoided. Works within the site shall be avoided during periods of heavy rainfall.

(f) In order to protect water quality in the River Camac, all site preparation and construction works shall conform to all guidelines within the document Inland Fisheries Ireland Requirements for the Protection of Fisheries Habitats during Construction and Development Works and River Sites (www.fisheriesireland.ie) and the updated guidelines entitled Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters (2016). Guidelines in the CIRIA (Construction Industry Research and Information Association) Publications including C532 – Control of Water Pollution

from Construction, guidance for Consultants and Contractors should also be followed.

(g) A buffer zone between construction works and the river shall be maintained at all phases of construction and operation. There must be no deposition of soil within this buffer strip.

(h) Hydrocarbon/Fluid management measures shall include:

(j) Fuels, oils, greases and hydraulic fluids will not be store onsite

(k) No refueling or lubrication of equipment shall take place on-site.

REASON: To ensure the protection of the natural Heritage of the site including Water Features in accordance with policies, in accordance with policies IE1 Objective 5, IE7 Objective 5, G2 Objective, G3 Objective 2, G4 Objective 2, HCL1 Objective 1, HCL1 Objective 2, HCL1 Objective 3 , HCL15 Objective 3, and other policies relating to Biodiversity within the CDP 2016-2022.

11. Removal of Trees and Hedgerows.

No removal of trees/scrub/hedges shall be carried out on site between 1st March and 31st August inclusive in any year, unless otherwise approved in writing by the Planning Authority.

REASON: To protect and enhance species in accordance with policies, in accordance with policies IE7 Objective 5, G2 Objective, G3 Objective 2, G4 Objective 2, HCL15 Objective 3, and other policies relating to Biodiversity within the CDP 2016-2022.

12. Biodiversity.

Prior to the commencement of Development detailed proposals for biodiversity enhancement across the site to be submitted to the Local Planning Authority.

REASON: To ensure that the development makes appropriate provision for the protection, enhancement, creation and management of biodiversity in accordance with relevant policies in the CPD 2016-2022

13. Archaeological Monitoring, Recording and Reporting.

(a) Should archaeological material be discovered during the course of Archaeological Monitoring, the applicant shall facilitate the archaeologist in fully recording the material. The applicant shall also be prepared to be advised by the Department with regard to the appropriate course of action, should archaeological material be discovered.

(b) Should archaeological material be discovered during the course of Archaeological Monitoring, the applicant shall facilitate the archaeologist in fully recording the material. The applicant shall also be prepared to be advised by the Department with regard to the appropriate course of action, should archaeological material be discovered.

(c) The archaeologist shall prepare and submit a report, describing the result of the Archaeological Monitoring, to the Local Authority and the Development Application Unit of the Department of Environment, Heritage and Local Government within six weeks following completion of Archaeological Monitoring.

REASON: To facilitate the recording and protection of any items of archaeological significance that the site may possess.

14. Weighbridge.

A weighbridge shall be installed at the access to the subject site and records shall be kept and be made available for inspection on-site, to record the total tonnage of infill material

brought onto the site.

REASON: To adequately manage the development.

15. Construction Traffic Management Plan.

(a) Prior to commencement of works, the applicant shall obtain the written agreement of the Planning Authority (following consultation with the Roads Department as necessary), to a revised Construction Traffic Management Plan. The revised plan shall include provision for the relevant points in part (b).

(b) The following traffic management measures shall be undertaken on-site:

(i) Traffic Management measures shall be implemented for the full duration of the haulage in line with the DOT Chapter 8 of the Traffic Signs Manual, relating to Temporary Traffic Measures and Signs for Roadworks. Due to the close proximity to the Slae Road junction, measures will require that the Traffic Management is non-automated, and that Traffic Management operatives supervise the Traffic Management at all times.

(ii) Road congestion is to be monitored during the works. If excessive congestion is observed, the planning authority reserves the right to reduce the number of truck trips per day.

(iii) A road sweeper must be on site at all times to ensure the road surface remains clean, and that there is no build-up of material in the road's surface course at any point along the road.

A record of daily checks that the works are being undertaken in accordance with the site specific Construction Traffic Management Plan shall be kept for inspection by the Planning Authority.

Storage of construction materials is not permitted on any public road or footpath, unless agreed in writing with the Planning Authority, having regard to the prior reasonable justification and circumstances of any such storage.

REASON: In the interests of residential amenity, public safety, compliance with Development Plan policy and the proper planning and sustainable development of the area.

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.

NOTE: Works under this permission may only take place following a determination by the Environmental Protection Agency under Article 27 of the European Communities (Waste Directive) Regulations (S.I. No. 126 of 2011). Should the EPA determine otherwise, the works shall require a new permission and full Environmental Impact Assessment.

REASON: To ensure compliance with the Planning and Development Act, 2000 as amended, and the 2011 Regulations.

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: 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.

NOTE: Notwithstanding any grant of planning permission; if an applicant requires permission to access local authority land (e.g. public footpaths, public open space or roadways) in order to access utilities, or for any other reason; please apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

The Developer is advised that under the provisions of the Construction Products Regulation 2013 (No.305/2011-CPR) All products sourced for use in building process must conform with the statutory requirements of the CPR. For more information on these responsibilities see <http://ec.europa.eu/enterprise/sectors/construction/legislation>.

From March 1, 2014 the Building Control (Amendment) Regulations 2013 (SI 80 of 2013) come into effect. All Commencement Notices for works greater than 40sq.m are obliged to be accompanied by a number of certified undertakings as described by these Regulations.

Please note that upon receipt of this document you are obliged to remove the planning site notice in compliance with Article 20 of the Planning and Development Regulations 2001, as amended.

Please note that any valid submissions or observations received in accordance with the provisions of the Planning and Development Regulations 2001, as amended, have been considered in the determination of this application.

Signed on behalf of the South Dublin County Council.



for **Senior Planner**

04-Mar-2022

NOTES

(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications related to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of two months beginning on the date of the Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations, 2001 should be consulted.

(B) APPEALS

1. An appeal against the decision may be made to An Bord Pleanála. The applicant or ANY OTHER PERSON who made submissions or observations to the Local Authority may appeal within FOUR WEEKS beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received).
2. Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. In the case of a third party appeal it must be accompanied by the acknowledgement by the Planning Authority of receipt of the submissions/observations. Appeals should be sent to:
The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1.
3. An Appeal lodged by an applicant/ agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below.
4. A party to an appeal making a request to An Bord Pleanála for an Oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (g) below).
5. A person who is not a party to an appeal must pay a fee to An Bord Pleanála when making submissions or observations to An Bord Pleanála in relation to an appeal.
6. If the Council makes a decision to grant permission/grant permission consequent on a grant of outline permission and there is no appeal to An Bord Pleanála against this decision, PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION will be granted by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If any appeal made in accordance with the Acts has been withdrawn, the Council will grant the PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION/RETENTION as soon as may be after the withdrawal.
7. Fees payable to An Bord Pleanála from 10th December 2007 are as follows:
 - (a) Appeal against a decision of a Planning Authority on a planning application relating to commercial development made by the person by whom the planning application was made. where the application relates to unauthorised development.....€4,500.00 or €9,000 if an E.I.A.R. is involved
 - (b) Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made. other than an appeal mentioned at (a)..... €1,500.00 or €3,000.00 if an E.I.A.R. is involved
 - (c) Appeal made by the person by whom the planning application was made, where the application relates to unauthorised development other than an appeal mentioned at (a) or (b)..... €660.00
 - (d) Appeal other than an appeal mentioned at (a), (b), (c) or (f) €220.00
 - (e) Application for leave to appeal..... €110.00
 - (f) Appeal following a grant of leave to appeal..... €110.00
 - (g) Referral €220.00
 - (h) Reduced fee (payable by specified bodies) €110.00
 - (i) Submission or observations (by observer) €50.00
 - (j) Request from a party for an Oral Hearing..... €50.00

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification at Telephone 01-858 8100