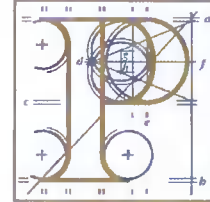


Our Case Number: ABP-313123-22

Planning Authority Reference Number: SD21A/0239



An
Bord
Pleanála

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24



Date: 28 March 2022

Re: Alterations to existing granted permissions; reconfiguration of ground floor, alterations to elevations and alterations to site plan.
Kingswood Business Park, Baldonnel, Dublin 22.

Dear Sir / Madam,

Enclosed is a copy of an appeal under the Planning and Development Act, 2000, (as amended).

Submissions of documents etc., to the Board. N.B. Copies of I-plans are not adequate, all drawings and maps should be to scale in accordance with the provisions of the permission regulations.

1. The planning authority is required to forward specified documents to the Board under the provisions of section 128 and section 37(1)(b) of the Planning and Development Act, 2000, (as amended). Please forward, **within a period of 2 weeks beginning on the date of this letter, the following documents:-**

- (i) a copy of the planning application made to the planning authority and a copy of any drawings, maps (including ordnance survey number) particulars, evidence, a copy of any environmental impact statement, other written study or further information received or obtained by your authority in accordance with regulations under the Acts. If practicable, the original of any drawing with coloured markings should be provided or a coloured copy,
- (ii) a copy of any technical or other reports prepared by or for the planning authority in relation to the application,
- (iii) a certified copy of the relevant Manager's Order giving the decision of the planning authority,
- (iv) a copy of the notification of decision given to the applicant,
- (v) particulars of the applicant's interest in the land or structure, as supplied to the planning authority,
- (vi) a copy of the published notice and a copy of the text of the site notice erected on the land or structure,

Tell	Tel	(01) 858 8100
Glaó Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Riomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

- (vii) a copy of requests (if any) to the applicant for further information relating to the application under appeal together with copies of reply and documents (if any) submitted in response to such requests,
- (viii) a copy of any written submissions or observations concerning the proposed development made to the planning authority,
- (ix) a copy of any notices to prescribed bodies/other authorities and any responses to same,
- (x) a copy of any exemption application/certificate within Part V of the 2000 Act, (as amended), applies,
- (xi) a copy of the minutes of any pre-planning meetings.

2. To ensure that the Board has a full and complete set of the material specified above and that it may proceed with full consideration of the appeal, please certify that the planning authority holds no further material relevant to the case coming within the above list of items by signing the certification on page 3 of this letter and returning the letter to the Board.

3. In addition to the documents mentioned above, please supply the following:- Particulars and relevant documents relating to previous decisions affecting the same site or relating to applications for similar development in near proximity. "History" documents should include;

- a) Certified Manager's Order,
- b) the site location, site layout maps, all plans and
- c) particulars and all internal reports.
- d) details of any extensions of time given in respect of previous decisions.

Copies of I-plan sheets are not adequate.

Where your records show that a decision was appealed to the Board, it would be helpful if you would indicate the Board's reference.

Submissions or observations by the planning authority.

4. As a party to the appeal you may, under section 129 of the 2000 Act, (as amended), make submissions or observations in writing to the Board in relation to the appeal within a **period of 4 weeks beginning** on the date of this letter. Any submissions or observations received by the Board outside of that period shall not be considered, and where none have been validly received, the Board may determine the appeal without further notice to you.

Contingency Submission

5. If the decision of your authority was to refuse permission, you should consider whether the authority wishes to make a contingency submission to the Board as regards appropriate conditions which, in its view, should be attached to a grant of permission should the Board decide to make such a grant. In particular, your authority may wish to comment on appropriate conditions which might be attached to a permission in accordance with section 48 and/or 49 of the 2000 Planning Act (Development / Supplementary Development Contributions) including any special condition which might be appropriate

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D01 V902 D01 V902

under section 48(2)(c) of the Act. Any such contingency submission, in circumstances which your authority decided to refuse permission, would be without prejudice to your authority's main submission in support of its decision.

Please quote the above appeal reference number in any further correspondence.

I hereby certify that the planning authority has complied with section 128 and section 37(1)(b) of the 2000 Act, (as amended), and that all material relevant to (ABP-313123-22) the request at 1 on page 1 of this letter has been forwarded.

Signed: _____

Print:(_____)

Date: _____

Yours faithfully,



Uiam Halpin
Direct Line: 01-8737280

BP07

Teil (01) 858 8100
Glaio Áitiúil 1890 275 175
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Láithreán Gréasáin www.pleanala.ie
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Baile Átha Cliath 1 Dublin 1
D01 V902 D01 V902



**An Rannóg Talamhúsáide, Pleanála agus Iompair
 Land Use, Planning & Transportation Department**

Telephone: 01 4149000 Fax: 01 4149104 Email: planning.dept@sdublincoco.ie

Goldstein Propoerty ICAV
 88, Harcourt Street
 Dublin 2

AN BORD PLEANALA
 LDG- 050572 - 22
 ABP- _____
 24 MAR 2022
 Fee: € 20 Type: Carex
 Time: B-55 By: Hand

Date: 29-Sep-2021

Dear Sir/Madam,

Register Ref: SD21A/0239
Development:

Alterations to an existing granted planning application (previously granted permissions Reg. Ref. SD18A/0314 [ABP-304148-19], SD19A/0408, SD20A/0187); reconfiguration of the ground floor area consisting of a new ancillary storage area to the proposed building's eastern elevation measuring 75sq.m, at mezzanine level; change of use of 57sq.m of warehouse floor area to staff facilities due to the following, addition of single storey fire protected corridor from Office A to in the south-west corner of the warehouse, overall 45sq.m floor area addition; addition of stairs from warehouse to mezzanine level, overall 12sq.m floor area addition; elevation alterations, introduction of covered glazed structure at the main Office entrance to the front (southern) elevation, overall height 6.18m; introduction of Integrated Modular Louvre System to Charging Area to the front (southern) and side (eastern) elevation; change of colour of southern elevation warehouse canopy to Anthracite; introduction of fire escape doors to the side (eastern) elevation; site plan alterations, omission of an existing roundabout and provision of revised road junction with an access/egress to the proposed development and to the existing Business Park; provision of a new boundary fence Type A to the southern and eastern site boundary; introduction of additional 26 HGV parking spaces to the western concrete yard (overall area 1547sq.m) and the omission of car parking at the same location; introduction of 8 van parking spaces (overall area 240sq.m) and rearrangement of the car parking spaces due to introduction of the above changes, plus addition of gas tank and generator; associated drainage layout adjustments due to the inclusion of the above alterations; all other details such as landscaping, external surface finishes etc. will remain as per the aforementioned granted planning applications.

Location: Kingswood Business Park, Baldonnel, Dublin 22.
Applicant: JMC Van Trans Ltd.
Application Type: Permission
Date Rec'd: 27-Aug-2021

I wish to acknowledge receipt of your submission in connection with the above planning application. The appropriate fee of €20.00 has been paid and your submission is in accordance with the appropriate provisions of the Planning and Development Regulations 2001(as amended). The contents of your submission will be brought to the attention of the Planning Officer during the course of consideration of this application.

This is an important document. You will be required to produce this document to An Bord Pleanála if you wish to appeal the decision of the Council when it is made. You will be informed of the decision in due course. Please be advised that all current applications are available for inspection at the public counter and on the Council's Website, www.sdublincoco.ie.

You may wish to avail of the Planning Departments email notification system on our website. When in the *Planning Applications* part of the Council website, www.sdublincoco.ie, and when viewing an application on which a decision has not been made, you can input your email address into the box named "*Notify me of changes*" and click on "*Subscribe*". You should automatically receive an email notification when the decision is made. Please ensure that you submit a valid email address.

Please note: If you make a submission in respect of a planning application, the Council is obliged to make that document publicly available for inspection as soon as possible after receipt. Submissions are made available on the planning file at the Planning Department's public counter and with the exception of those of a personal nature, are also published on the Council's website along with the full contents of a planning application.

Yours faithfully,

M. Furney
for Senior Planner

**GOLDSTEIN PROPERTY ICAV
FOR GOLDSTEIN PROPERTY FUND I**

20th September 2021

Planning Department,
South Dublin County Council,
County Hall,
Tallaght,
Dublin 24

PLANNING REFERENCE: SD21A/0239

APPLICANT: JMC Van Trans Ltd

DEVELOPMENT ADDRESS: Kingswood Business Park, Baldonnel, Dublin 22.

PROPOSED DEVELOPMENT: Alterations to an existing granted planning application (previously granted permissions Reg. Ref. SD18A/0314 [ABP-304148-19], SD19A/0408, SD20A/0187); reconfiguration of the ground floor area consisting of a new ancillary storage area to the proposed building's eastern elevation measuring 75sq.m, at mezzanine level; change of use of 57sq.m of warehouse floor area to staff facilities due to the following, addition of single storey fire protected corridor from Office A to in the south-west corner of the warehouse, overall 45sq.m floor area addition; addition of stairs from warehouse to mezzanine level, overall 12sq.m floor area addition; elevation alterations, introduction of covered glazed structure at the main Office entrance to the front (southern) elevation, overall height 6.18m; introduction of Integrated Modular Louvre System to Charging Area to the front (southern) and side (eastern) elevation; change of colour of southern elevation warehouse canopy to Anthracite; introduction of fire escape doors to the side (eastern) elevation; site plan alterations, omission of an existing roundabout and provision of revised road junction with an access/egress to the proposed development and to the existing Business Park; provision of a new boundary fence Type A to the southern and eastern site boundary; introduction of additional 26 HGV parking spaces to the western concrete yard (overall area 1547sq.m) and the omission of car parking at the same location; introduction of 8 van parking spaces (overall area 240sq.m) and rearrangement of the car parking spaces due to introduction of the above changes, plus addition of gas tank and generator; associated drainage layout adjustments due to the inclusion of the above alterations; all other details such as landscaping, external surface finishes etc. will remain as per the aforementioned granted planning applications.

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(Alternative Investment Fund Managers Directive) Regulations (SI No. 257 of 2013), as amended, and established as an umbrella fund with
segregated liability between sub-funds.
Directors: Eoghan Coughlan, Joseph Christie and Christian Curran

Dear Planner,

We wish to make a submission in relation to the above noted planning permission application. Following a review of the planning file we continue to have serious concerns in relation to this application for the reasons set out below and in particular the continued failure by the applicant to seek our consent to include lands owned by us in the planning application.

Background

In July 2021, the applicant was refused planning permission for a similar development on this site. We enclose a copy of our submission placed on that file for your information. Planning application SD21A/0115 was refused for the following four reasons;

1. The application is deficient as it is unclear whether the applicant owns the entire application site. In the absence of such information, the Planning Authority considers the proposal contrary to the proper planning and sustainable development of the area.

2. The site is within land that has a zoning objective OS - To preserve and provide for open space and recreational amenities. The South Dublin County Development Plan 2016 - 2022 states that the use class of warehousing and car parking is not permitted within lands zoned for this objective. Thus, the proposed development would contravene the 'OS' land-use zoning objective and would therefore contravene the South Dublin County Development Plan 2016 - 2022 and the proper planning and sustainable development of the area.

3. The proposed development, by way of the design of the fencing, the intrusion of hardstanding into an area zoned as open space, resulting in significant soil sealing in a sensitive location of the County and the erosion of existing open space, would negatively impact on the visual amenities of the area, would seriously diminish the County's requirement to protect and enhance the environmental capacity and ecological function of open spaces (G4 Objective 1) and to connect 'parks and areas of open space with ecological and recreational corridors to aid the movement of biodiversity' (G4 Objective 2) and if granted would be contrary to objectives of the South Dublin County Council Development Plan and be contrary to the proper planning and sustainable development of the area.

4. The proposed development requiring the introduction of underground attenuation systems, to provide for industrial-type uses on lands zoned for open space would be contrary to Objective IE2 Objective 5 which seeks to limit surface water run-off from new developments through the use of SUDS and 'avoid the use of underground attenuation and storage tanks' and would be contrary to Objective G5 Objective 1 which promotes and supports the development of SUDS to maximise the amenity and biodiversity value of these systems, and if granted the proposed development would be contrary the objectives of the South Dublin County Council Development Plan and be contrary to the proper planning and sustainable development of the area.

Kingswood Business Park

Kingswood Business Park 'KBP' comprises 43 enterprise units which accommodate multiple businesses. The 43 units are carved out of folio DN219704F highlighted red on the map at appendix A.

We own 12 units together with the common areas. A third-party management company is appointed by the owners of the 43 units to maintain and manage the common areas.

KBP is accessed through a shared road highlighted in yellow at appendix A. At the entrance to this road is a security gate (indicated at Appendix C) and the lighting for the main avenue together with the security is managed and paid for by KMP and not the applicant. In addition, the main avenue continues to be landscaped and maintained by the management company of KMP. The main avenue has been secured and maintained by the owners of the 43 enterprise units since KMP became operational in 2007.

Ownership

We are the registered owner of folio DN219704F which is highlighted red at appendix A. We also have a full right of way over folio DN228024F coloured yellow on appendix A which is the main access road for KBP and the applicant's development. Following an inspection of the planning file it is very clear that the applicant is continuing to include lands in their planning application which are not within their ownership, please refer to appendix B. Further, consent is also required from us in relation to the lands in folio DN228024F which is the main access road.

No consent has been sought from us or been provided by us to allow the applicant include our lands in their planning application and to also seek to amend the existing road infrastructure. Further, no agreement whatsoever exists to facilitate JMC Vans carrying out works to our lands.

The access and existing security arrangements have been enjoyed by all the owners of KBP for over 15 years. This has been communicated to the applicant. Further, the applicant is on full notice that any attempt by them to unilaterally remove or relocate the security gate and/or alter the existing access arrangement (i.e. the removal of the roundabout in favour of a new junction) will be strongly defended by us. Further, if required we will take any steps deemed necessary to preserve our rights, such steps may include seeking an *ex-parte* application for injunctive relief in the courts.

Security

Prior to the business park becoming operational in 2007 a security gate was erected at the entrance to KBP. This gate is powered by the substation supplying electricity to KMP and within our ownership. From a review of the planning file it would appear that JMC Vans are proposing to unilaterally remove the security gate which has provided pertinent security for KMP since the park opened in 2007.

The proposal by JMC Vans to remove this security gate is a fundamental breach of our rights and the rights of the other owners of KMP.

Proposed Works

It would appear that JMC Vans are going to provide a new access arrangement from the main avenue into our property. We have not had sight of any technical appraisals or had the opportunity to appoint our own engineers to assess whether or not the proposed works can safely ensure the adequate flow of traffic to and from our property and the other owners of KMP. We respectfully request that the

applicant immediately engage with us in a constructive manner and ceases their hostile efforts to injure our rights as property owners.

There is a substantial volume of traffic passing through KMP at all times. Vehicles range from cars, vans, trucks and large HGV trucks. It is very concerning that JMC Vans are unilaterally attempting to alter access arrangements to our property and the other owners which is heavily trafficked.

From a review of the plan, it would appear that KMP will have to yield at the junction, this has not been the case since 2007. Further, we have concerns that the left turn proposed is inadequate to facilitate the large HGV Trucks and that these vehicles will be required to cross over the middle of the junction for safe access.

In summary, we are surprised that despite our previous concerns and correspondence together with the previous planning application being refused that the applicant is continuing to seek to alter our lands absent consent. This is in our view an abuse of our rights as property owners and the planning process.

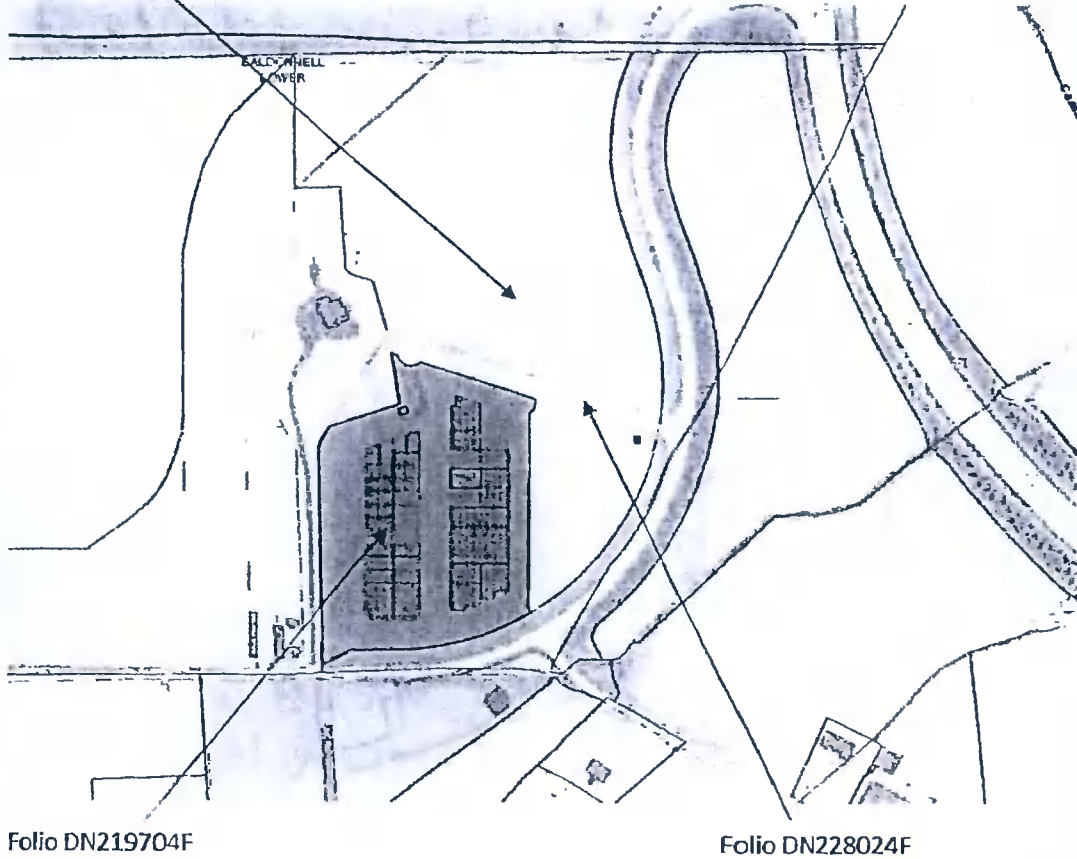
If you have any queries please do not hesitate to contact the undersigned on 01 426 3626.

Yours sincerely,

Eoghan Coughlan
Director

APPENDIX A

JMC Vans application



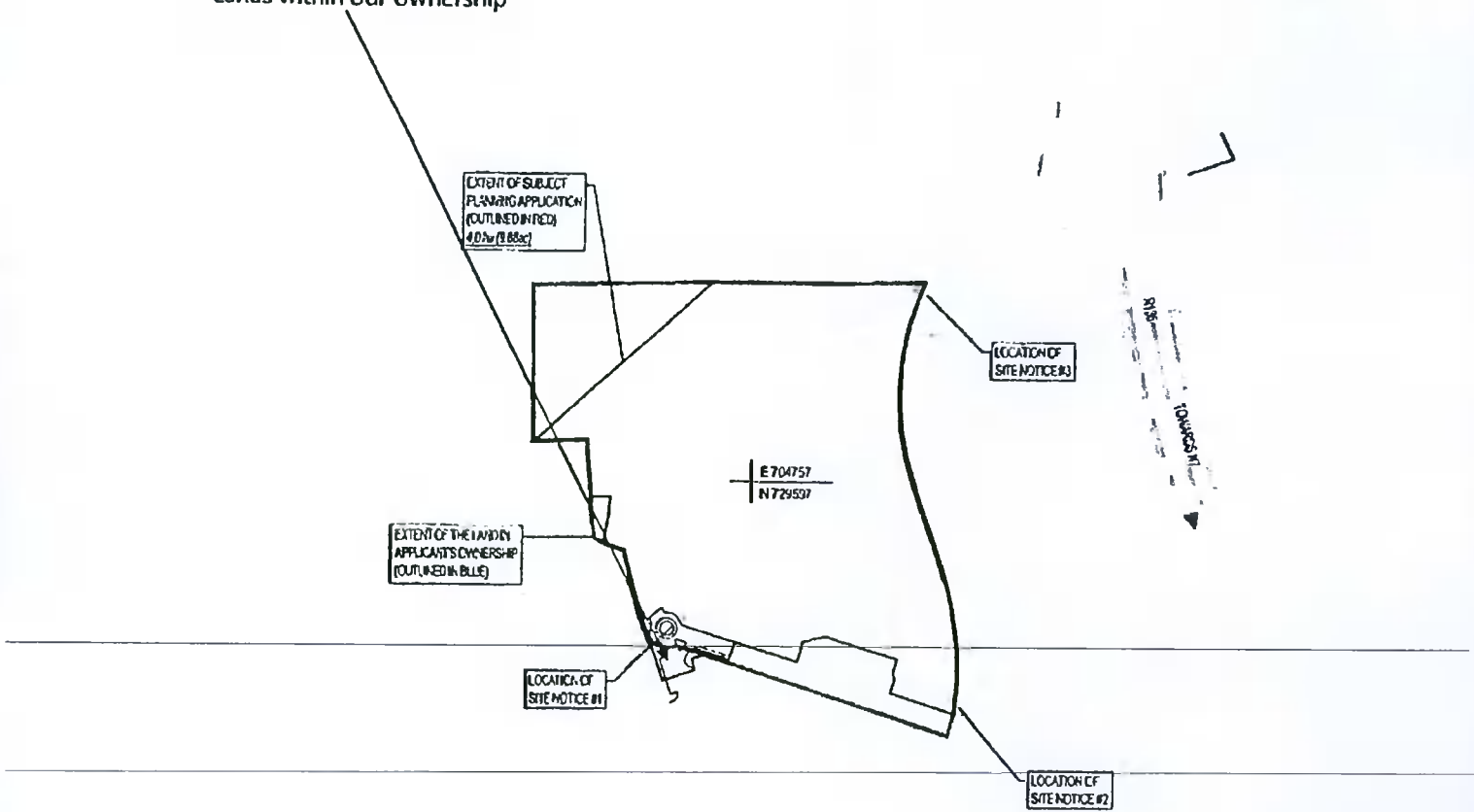
Folio DN219704F

Folio DN228024F

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Directors: Eoghan Coughlan, Joseph Christie and Christian Curryvan

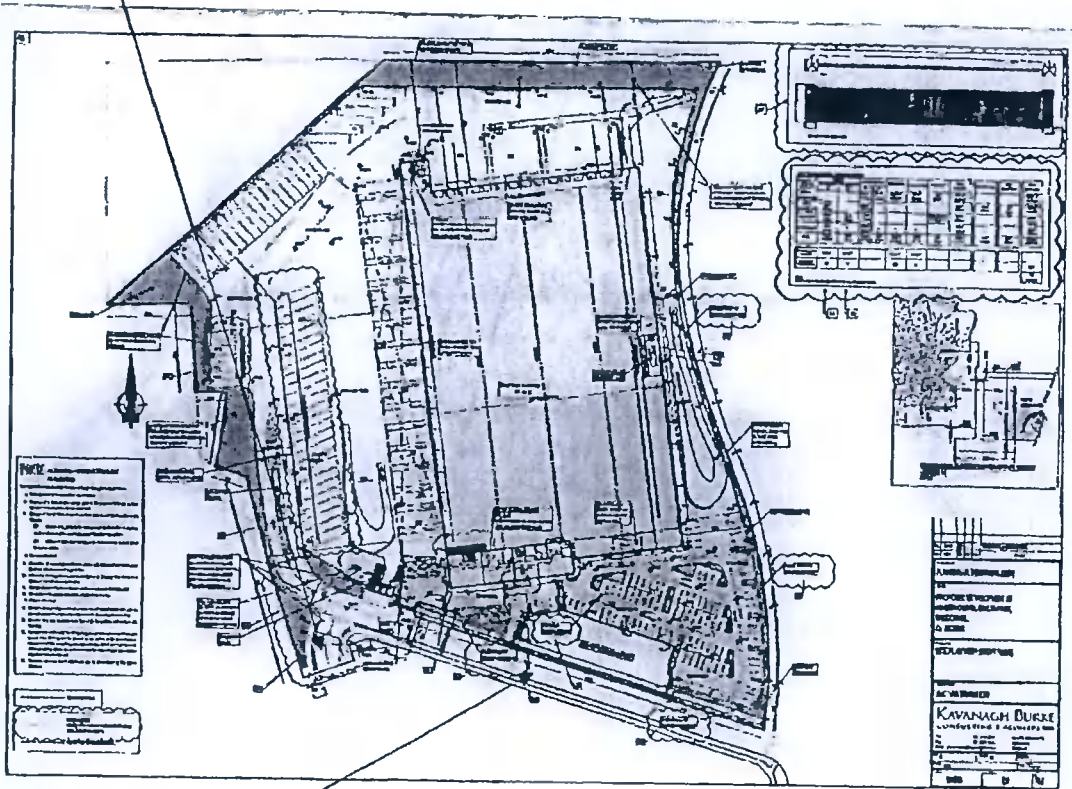
Appendix B

Lands within our ownership



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Directors: Eoghan Coughlan, Joseph Christie and Christian Curran

Lands within our ownership

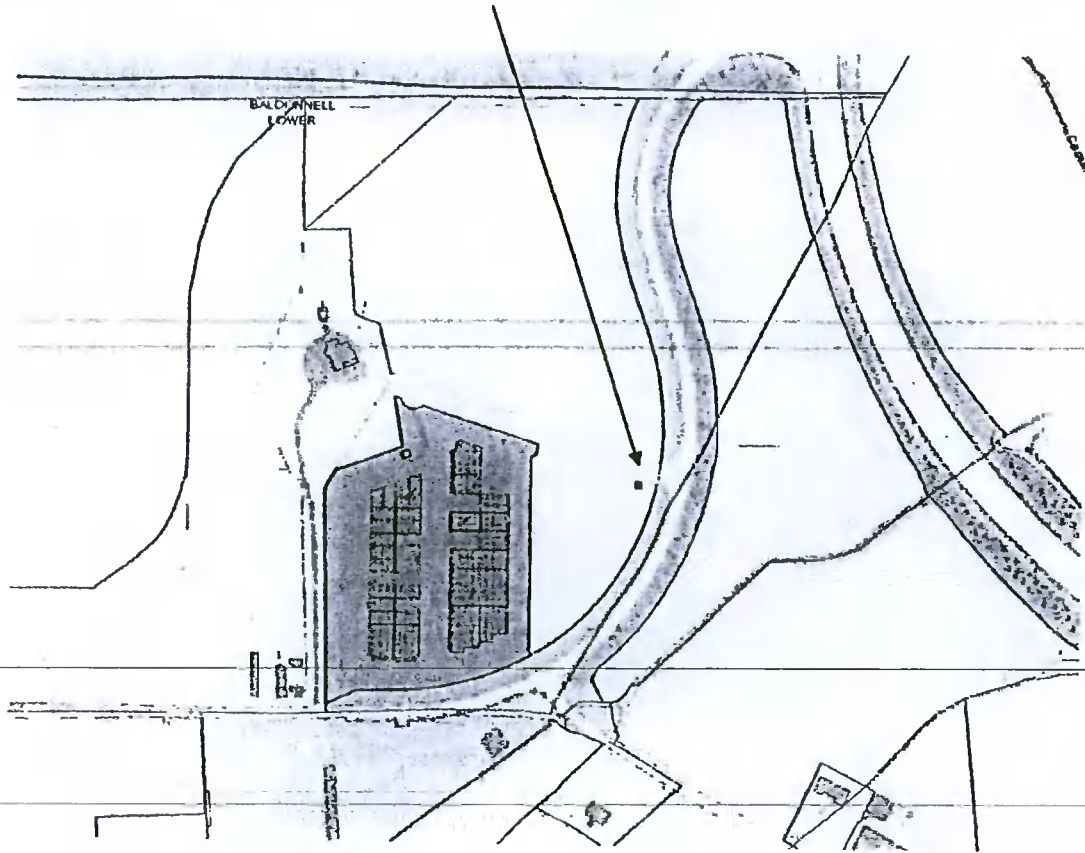


Right of way to our lands

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Directors: Eoghan Coughlan, Joseph Christie and Christian Currihan

APPENDIX C

Location of security gate for existing Kingswood Business Park



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segregated liability between sub-funds.
Directors: Eoghan Coughlan, Joseph Christie and Christian Currivan

**GOLDSTEIN PROPERTY ICAV
FOR GOLDSTEIN PROPERTY FUND I**

14th June 2021

Planning Department,
South Dublin County Council,
County Hall,
Tallaght,
Dublin 24

PLANNING REFERENCE: SD21A/0115

APPLICANT: JMC Van Trans Ltd

DEVELOPMENT ADDRESS: Kingswood Business Park, Baldonnel, Dublin 22.

PROPOSED DEVELOPMENT: Further alterations to an existing granted planning application (previously granted permissions Reg. Ref. S018A/0314 (ABP-304148-19); SD19A/0408; S020A/0187); alterations consist of site plan alterations; revised site boundary to suit new arrangement of additional land used as concrete yard and HGV parking; omission of an existing roundabout and provision of a road junction with an access/egress to the proposed development and to the existing business park; provision of a new boundary fence type A to the southern and eastern site boundary; associated drainage adjustments; all other details will remain as per the aforementioned granted planning applications.

Dear Planner,

We wish to make a submission in relation to the above noted planning permission application. Following a review of the planning file we have serious concerns in relation to this application for the reasons set out below and in particular the failure by the applicant to seek our consent to include lands owned by us in the planning application.

Background

By way of background we are the owners of the adjoining folios DN219704F and have a full right of way over folio DN228024F coloured yellow on the map at Appendix A. Collectively these folios comprise Kingswood Business Park 'KWMP'.

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segregated liability between sub-funds.
Directors: Eoghan Coughlan, Joseph Christie and Christian Currihan

KWMP is a business park comprising 43 enterprise units which accommodate multiple businesses. The 43 units are carved out of folio DN219704F highlighted red on the map at appendix A. We own 12 units together with the common areas. A third-party management company is appointed by the owners of the 43 units to maintain and manage the common areas.

KWBP is accessed through a shared road highlighted in yellow at appendix A. At the entrance to this road is a security gate and the lighting for the main avenue together with the security is managed and paid for by KWMP. In addition, the main avenue continues to be landscaped and maintained by the management company of KWMP and not the applicant. The main avenue has been secured and maintained by the owners of the 43 enterprise units since the KWMP became operational in 2007.

In November 2019 we held a meeting on site with a representative of JMC Vans 'the applicant'. At the meeting it was signalled to us that JMC Vans would like to carry out works to the main avenue and roundabout to assist safe access to their development. We both agreed that the roundabout presently existing was defective. Further, the existing security gate at the entrance to KWMP was discussed and it was noted that this gate would need to be maintained. It was agreed that JMC Vans would consider the works with their engineer and revert to us with a proposal.

In March 2021, JMC Vans met with the management company of KWMP to discuss their proposed works. No maps were produced and it was agreed that engineering drawings and traffic flows would be presented to the owners of KWMP via the management company. In May we contacted JMC Vans as we became aware that site notices had been erected. It was a surprise to learn that JMC Vans proceeded to unilaterally lodge a planning application for works to our land and the removal of a security gate which has been enjoyed by KWMP since 2007.

The planning application requires consent from us as the works impact a folio which is in our ownership and a folio to which we have a full right of way.

Ownership

As outlined above we are the registered owner of folio DN219704F which is highlighted red at appendix A. We also have a full right of way over folio DN228024F coloured yellow on appendix A. Following an inspection of the planning file it is very clear that the applicant included lands in their planning application which are not within their ownership, please refer to appendix B. Further, consent is also required from us in relation to the lands in folio DN228024F which is the main access road.

No consent has been sought from us or been provided by us to allow the applicant include our lands in their planning application. Further, no agreement whatsoever exists to facilitate JMC Vans carrying out works to our lands.

Security

Prior to the business park becoming operational in 2007 a security gate was erected at the entrance to KWMP. This gate is powered by the substation supplying electricity to KWMP and within our ownership. From a review of the planning file it would appear that JMC Vans are proposing to

unilaterally remove the security gate which has provided pertinent security for KWMP since the park opened in 2007.

The proposal by JMC Vans to remove this security gate is a fundamental breach of our rights and the rights of the other owners of KWMP. The matter has been referred to our legal advisors to take immediate steps to preserve our rights.

Proposed Works

It would appear that JMC Vans are going to provide a new access arrangement from the main avenue into our property. We have not had sight of any technical appraisals or had the opportunity to appoint our own engineers to assess whether or not the proposed works can safely ensure the adequate flow of traffic to and from our property and the other owners of KWMP.

There is a substantial volume of traffic passing through KWMP at all times. Vehicles range from cars, vans, trucks and large HGV trucks. It is very concerning that JMC Vans are unilaterally attempting to alter access arrangements to our property which is heavily trafficked.

From a review of the plan, it would appear that KWMP will have to yield at the junction, this has not been the case since 2007. Further, we have concerns that the left turn is inadequate to facilitate the large HGV Trucks and that these vehicles will be required to cross over the middle of the junction for safe access.

In summary, we have very serious concerns regarding this planning application which affects our land. No consent has been provided to the making of a planning application on our lands, no engineering drawings or other have been presented to us to confirm the safe passage of traffic to and from KWMP, in addition, the applicant is proposing to unilaterally remove the security arrangements for KWBP.

The applicant has made a very blatant attempt to frustrate our rights as property owners and has shown complete disregard for the health and safety of all users of KWBP. KWBP with multiple businesses is heavily trafficked and it is important that all affected parties are fully engaged to devise the most appropriate solution to allow KWPM and the JMC Vans development to operate effectively and safely.

The matter has also been referred to our legal advisors who will now seek immediate steps to preserve our rights as property owners.

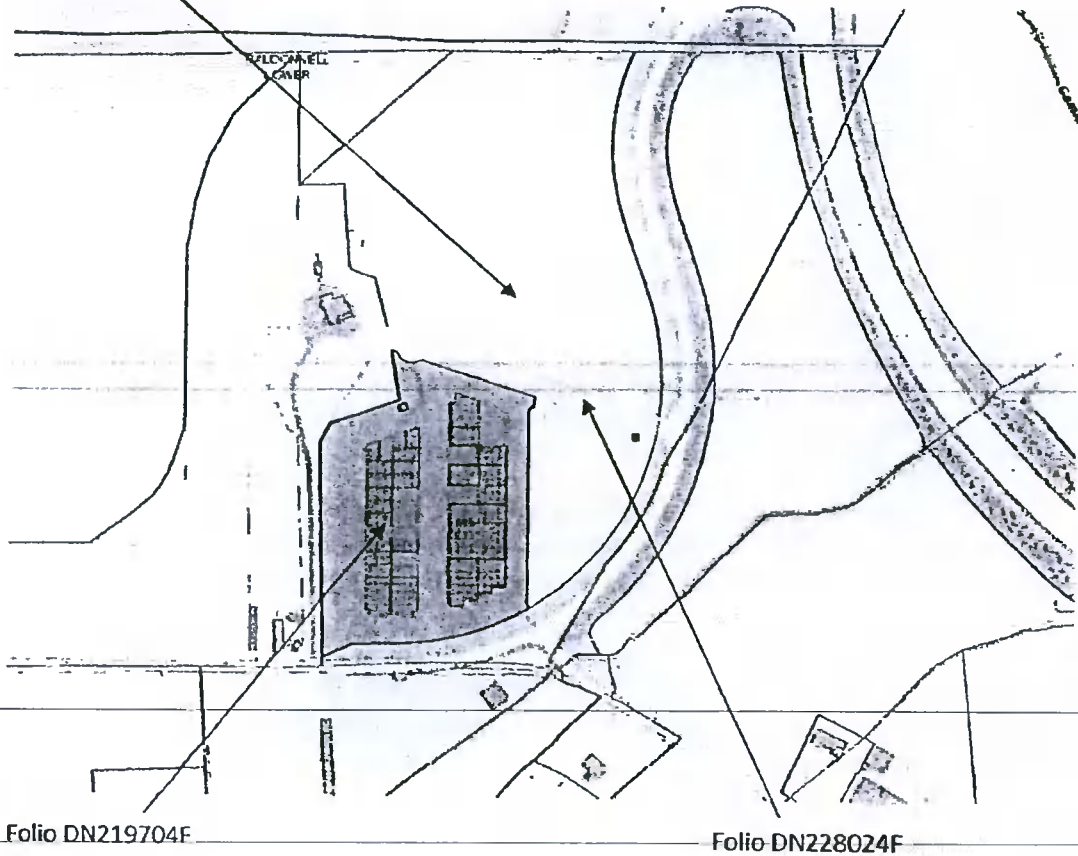
If you have any queries please do not hesitate to contact the undersigned on 01 426 3626.

Yours sincerely,

Eoghan Coughlan
Director

APPENDIX A

JMC Vans application



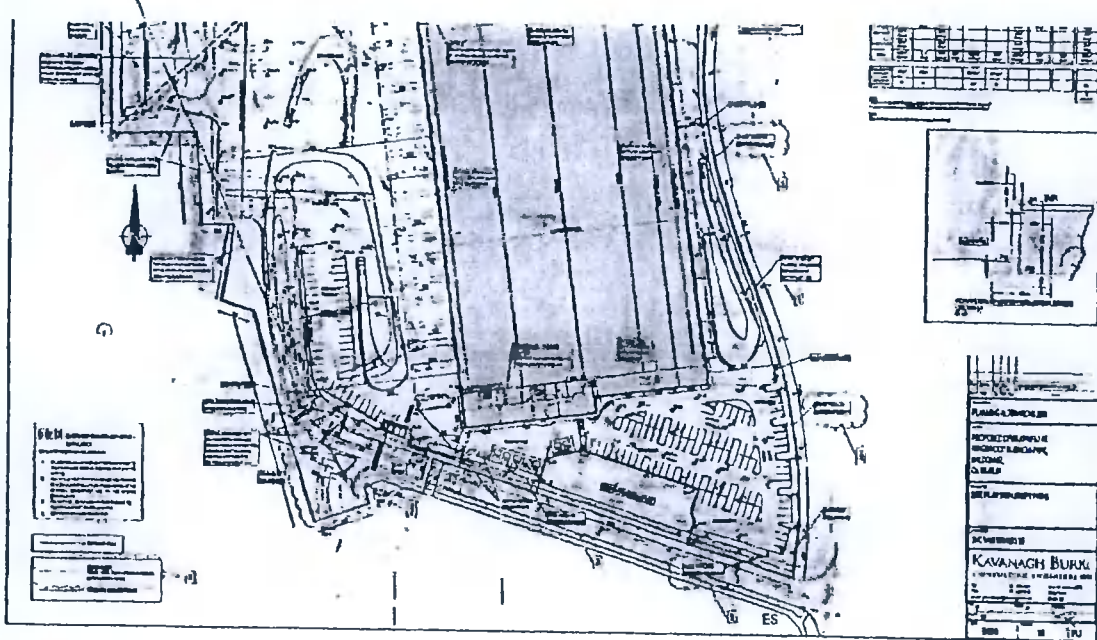
Folio DN219704F

Folio DN228024F

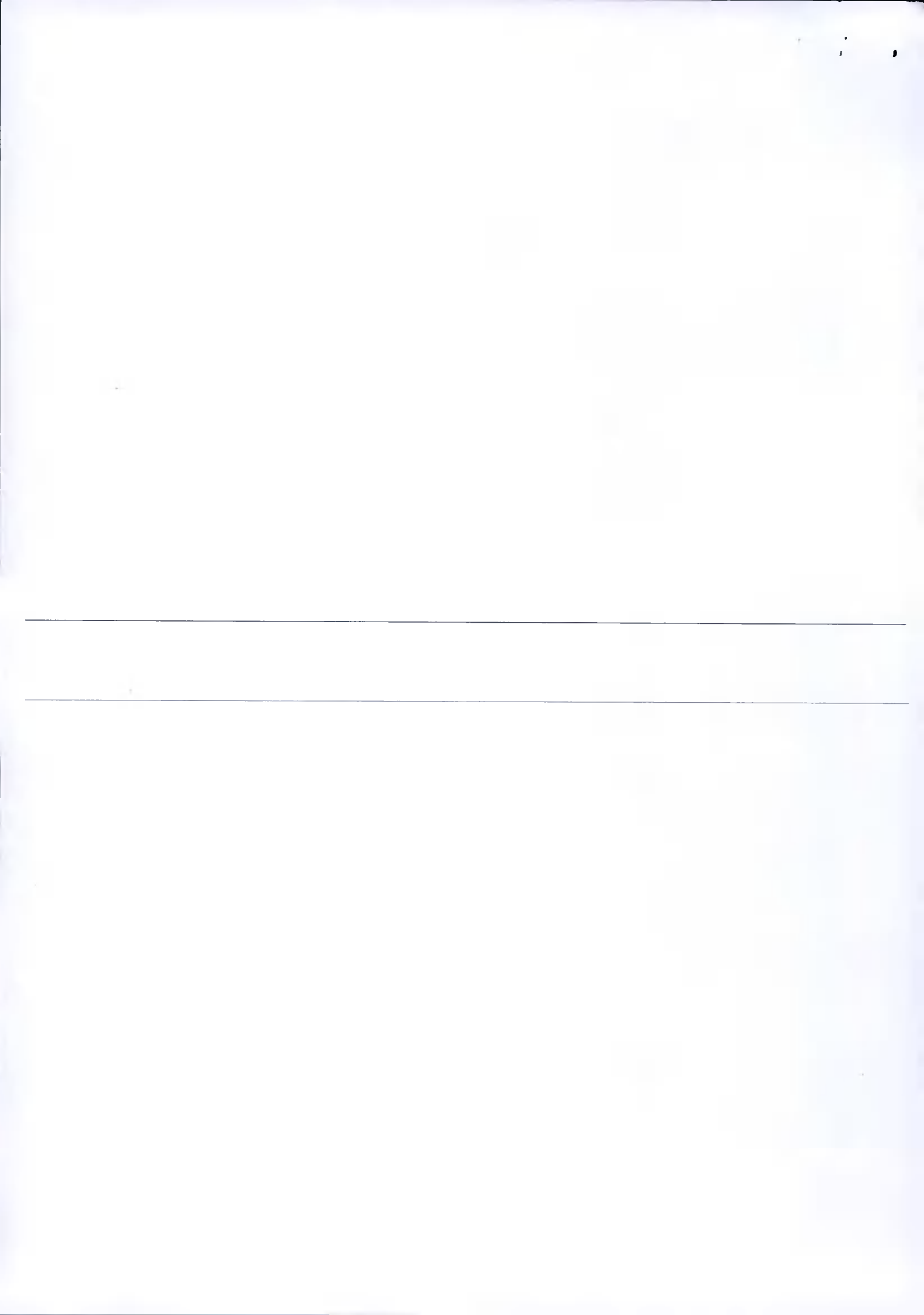
Registered Office: 88 Harcourt Street, Dublin 2, Ireland.
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Directors: Eoghan Coughlan, Joseph Christie and Christian Curran

Appendix B

Lands within our ownership



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Directors: Eoghan Coughlan, Joseph Christie and Christian Curfvan



GOLDSTEIN PROPERTY ICAV
88 HARCOURT STREET, DUBLIN 2

22nd March 2022

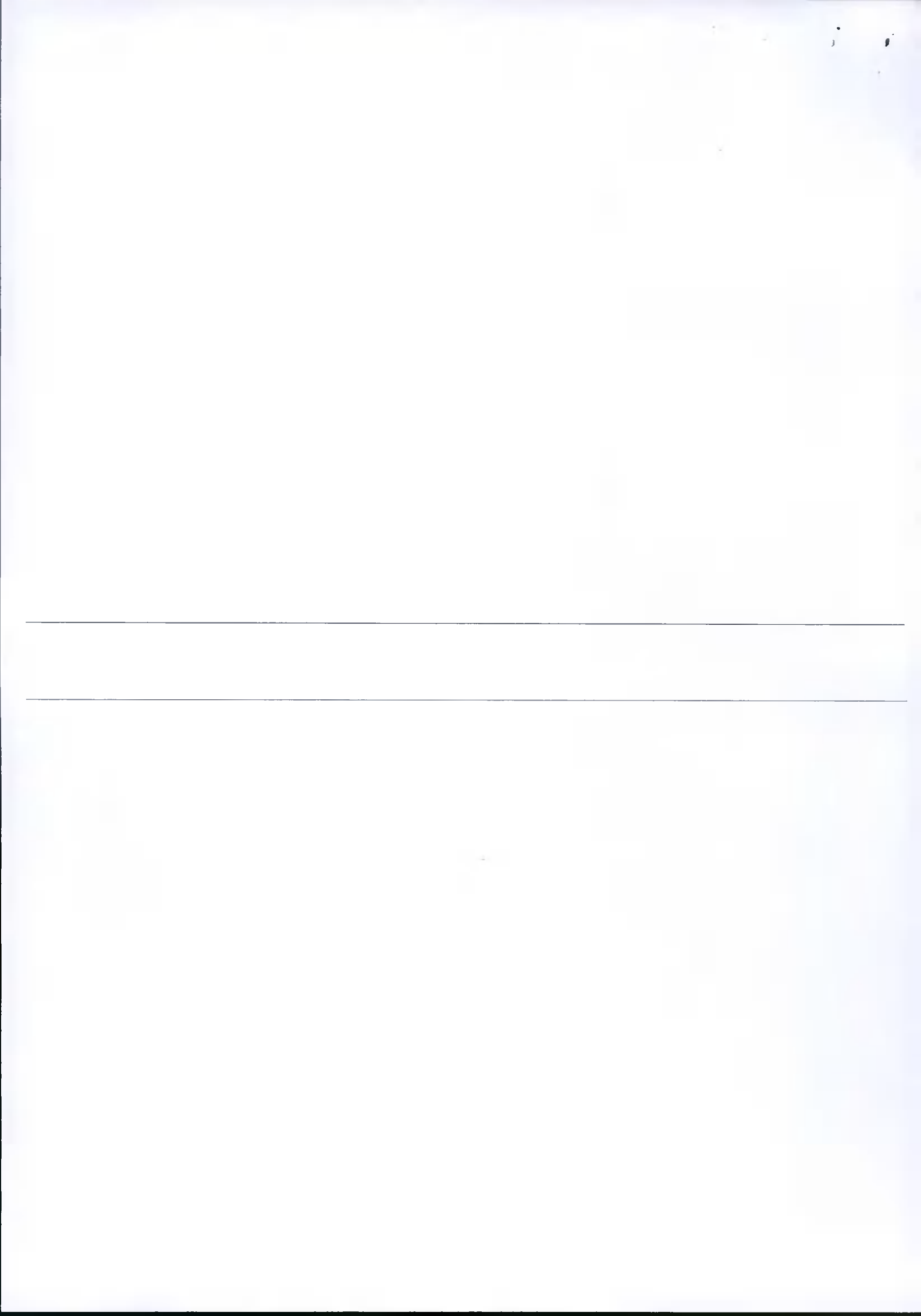
An Bord Pleanála,
64 Marlborough Street,
Dublin 1

SOUTH DUBLIN PLANNING REFERENCE: SD21A/0239

DEVELOPMENT ADDRESS: Kingswood Business Park, Baldonnel, Dublin 22

PROPOSED DEVELOPMENT: Alterations to an existing granted planning application (previously granted permissions Reg. Ref. SD18A/0314 [ABP-304148-19], SD19A/0408, SD20A/0187); reconfiguration of the ground floor area consisting of a new ancillary storage area to the proposed building's eastern elevation measuring 75sq.m, at mezzanine level; change of use of 57sq.m of warehouse floor area to staff facilities due to the following, addition of single storey fire protected corridor from Office A to in the south-west corner of the warehouse, overall 45sq.m floor area addition; addition of stairs from warehouse to mezzanine level, overall 12sq.m floor area addition; elevation alterations, introduction of covered glazed structure at the main Office entrance to the front (southern) elevation, overall height 6.18m; introduction of Integrated Modular Louvre System to Charging Area to the front (southern) and side (eastern) elevation; change of colour of southern elevation warehouse canopy to Anthracite; introduction of fire escape doors to the side (eastern) elevation; site plan alterations, omission of an existing roundabout and provision of revised road junction with an access/egress to the proposed development and to the existing Business Park; provision of a new boundary fence Type A to the southern and eastern site boundary; introduction of additional 26 HGV parking spaces to the western concrete yard (overall area 1547sq.m) and the omission of car parking at the same location; introduction of 8 van parking spaces (overall area 240sq.m) and rearrangement of the car parking spaces due to introduction of the above changes, plus addition of gas tank and generator; associated drainage layout adjustments due to the inclusion of the above alterations; all other details such as landscaping, external surface finishes etc. will remain as per the aforementioned granted planning applications.

APPLICANT: JMC Van Trans Ltd



Dear sir/madam,

We wish to appeal the decision of South Dublin County Council in respect of the above-mentioned planning application.

We lodged a submission citing serious concerns with the planning application lodged, enclosed please find a copy of this submission at Appendix A for your information. The planning authority on the 26th October 2021 sought additional information and in particular Item 1 is of relevance to our submission. The request for additional information is set out below.

The application is requested to submit a letter of consent from the third party who has the right of way on the access road in order for the proposed changed to the existing roundabout and provision of revised road junction. The application should note that an amended site location map/site layout drawing should be submitted showing clearly any right of way in the application land ownership. A letter of consent from the third party who have the right of way on the main access road is required.

On the 1st February 2022 the applicant submitted their response to the planning authority's request. In particular the response to item 1 is as follows;

The applicant has decided not to change the existing HGV's access/egress arrangement to the proposed development, therefore as a part of this Planning Alterations Additional information the existing roundabout will remain unaltered (as per granted planning permissions ref. ref. SD18A/0314, SD19A/0408 and SD20A/0187.

Upon careful examination of the documentation submitted as part of the additional information it is clear that the applicant will interfere with our property for the reasons set out below.

1. The red line boundary on the maps and plans submitted on behalf of the applicant includes a portion of our property. Please refer to appendix B map 1.

We are the registered owner of folio DN219704F which is highlighted in red at appendix B map 2. We also have a full right of way over folio DN228024F coloured yellow on the map at appendix B map 2.

As can be seen form the land registry folio plan our property runs along the edge of the roundabout therefore within the red line boundary on the plans submitted by the applicant.

2. The swept path analysis provided by the applicant clearly demonstrates that vehicles approaching the applicants site need to pass over a traffic island in order to safely enter the roundabout. A portion of the traffic island rests within our folio. Please refer to appendix c and the map of our folio at appendix B map 2.

It is clear to us that the applicant is continuing to include lands in their planning application which are not within their control. Further, the applicant has not sought our consent to include our lands in the planning application. Therefore we question the legal basis for this planning application.

We also wish to bring to the An Bord Pleanála's attention that there is ongoing legal correspondence with the applicants legal advisors in respect of the security gate at the entrance to Kingswood Business Park. This gate has existed at the property since 2007 and has provided security to the business park since that time.

We continue to be surprised by the actions of the applicant despite our numerous submissions to the planning authority and the legal correspondence.

The proposed works as set out above directly interfere with our property and are therefore a blatant abuse of our rights as property owners and the planning process.

If you have any queries please do not hesitate to contact the undersigned on 01 426 3626.

Yours sincerely,

Eoghan Coughlan
Director

