

# APPENDIX A

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

20<sup>th</sup> 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.

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.

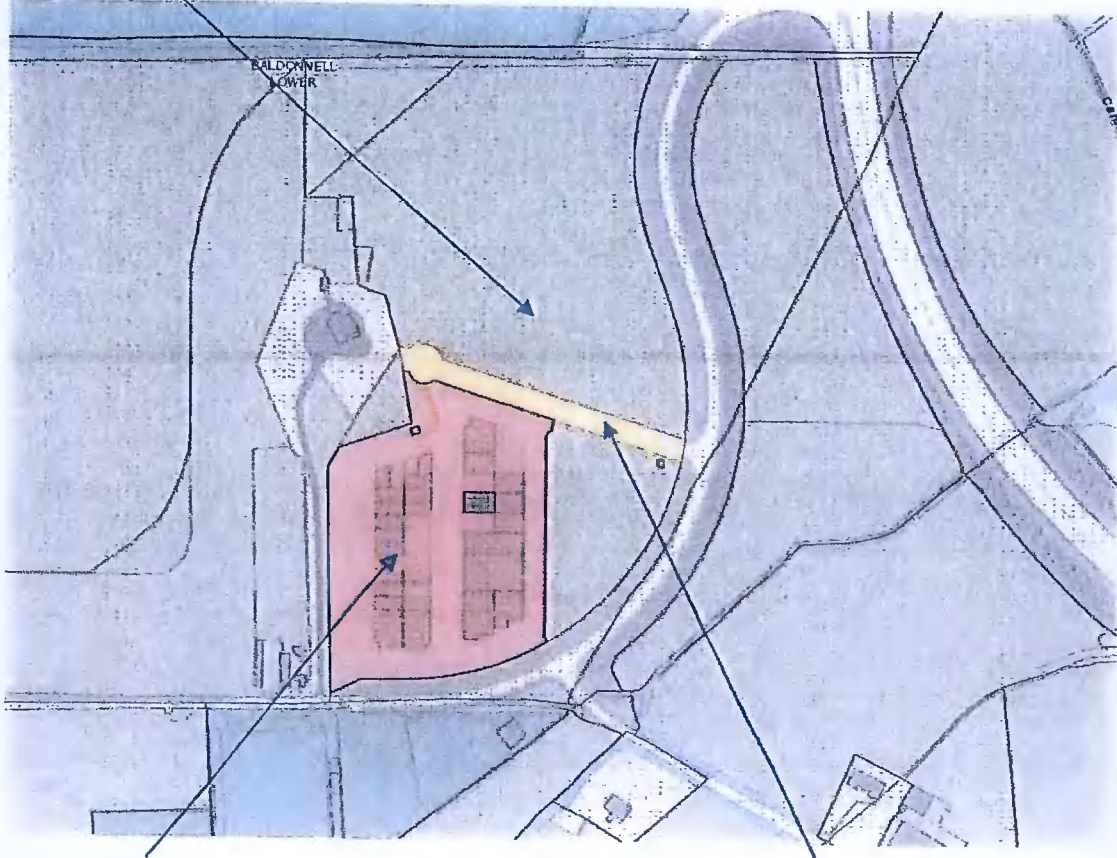
If you have any queries please do not hesitate to contact the undersigned on 01 426 3626.

Yours sincerely,

Eoghan Coughlan  
Director

**APPENDIX A**

**JMC Vans application**



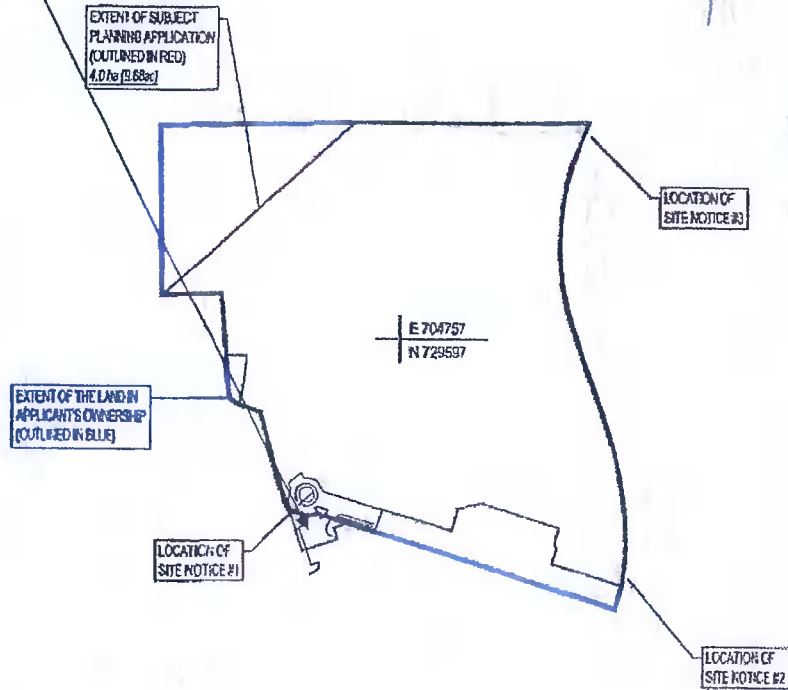
Folio DN219704F

Folio DN228024F

Registered Office: 88 Harcourt Street, Dublin 2, Ireland.  
Registered in Ireland with the Central Bank of Ireland. Registration No: C175731.  
Regulated by the Central Bank of Ireland as a qualifying investor alternative investment fund pursuant the European Union  
(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 Curivan

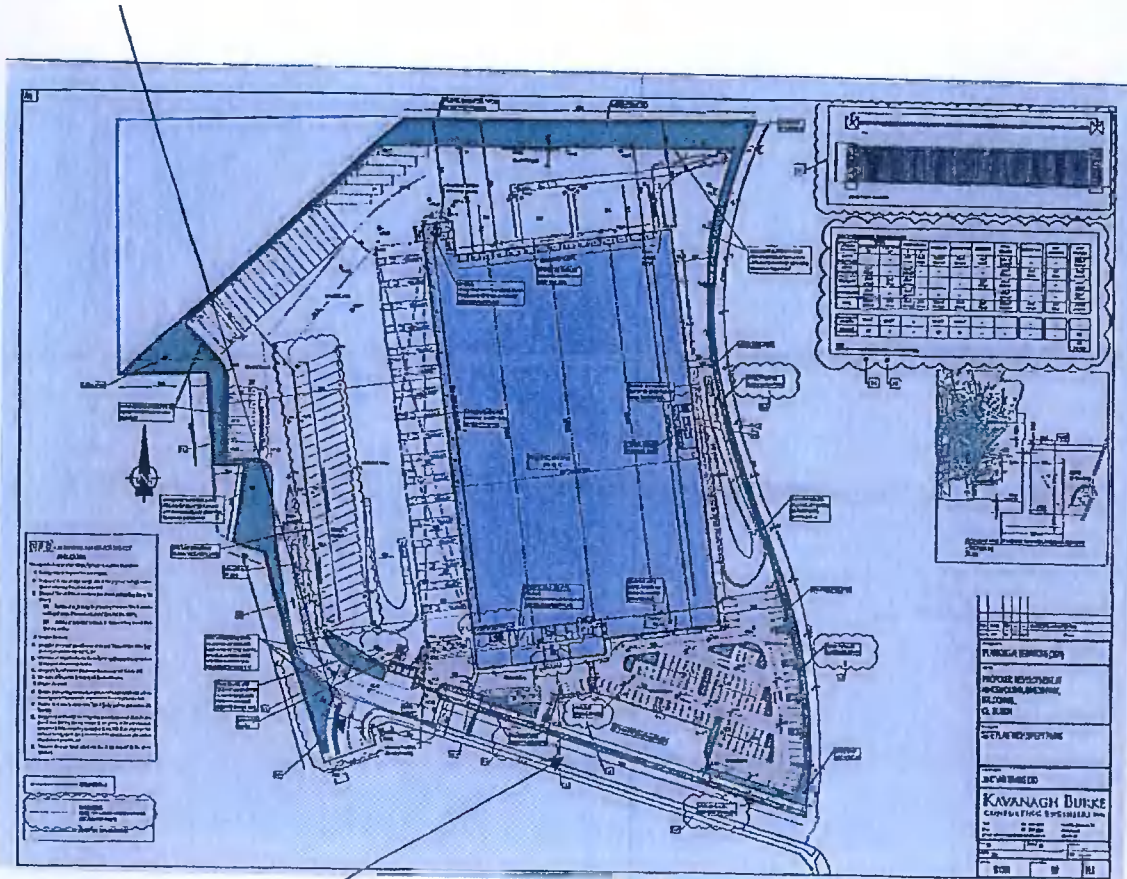
Appendix B

Lands within our ownership



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Lands within our ownership



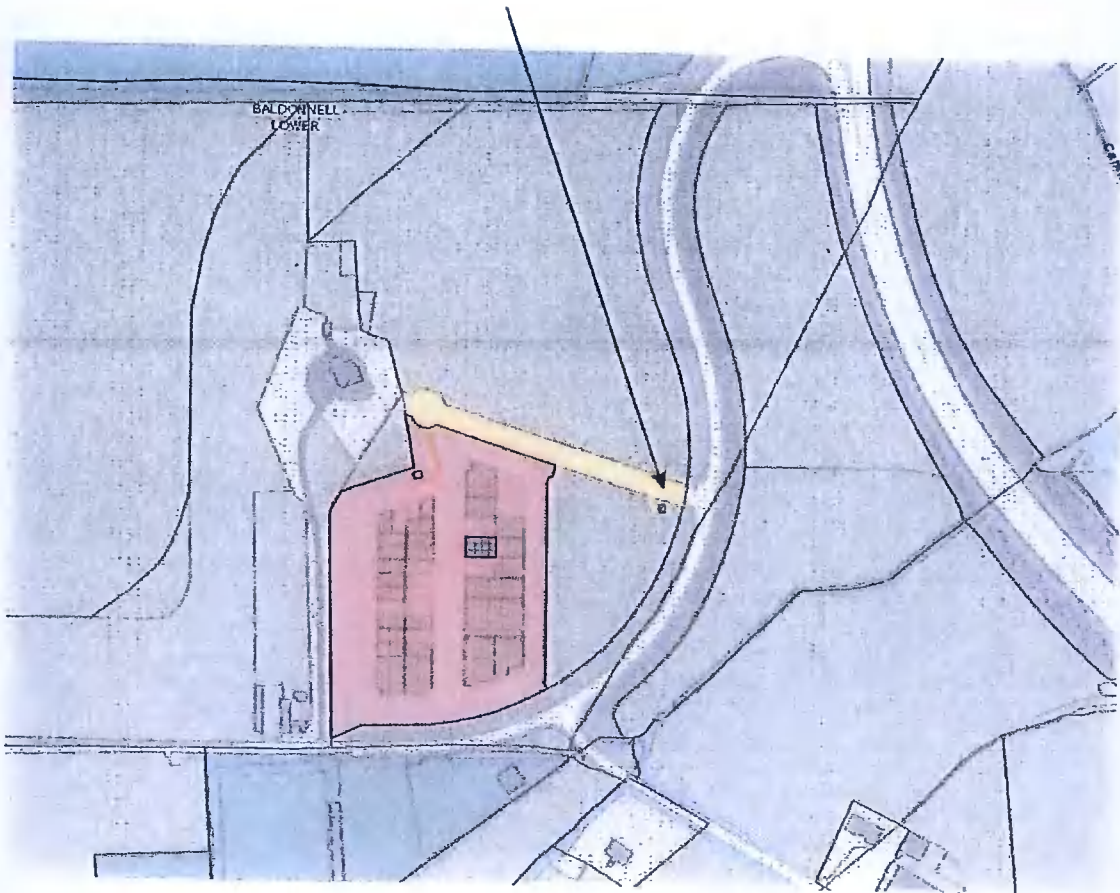
Right of way to our lands

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**APPENDIX C**

**Location of security gate for existing Kingswood Business Park**



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

14<sup>th</sup> 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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Directors: Eoghan Coughlan, Joseph Christie and Christian Curran

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.

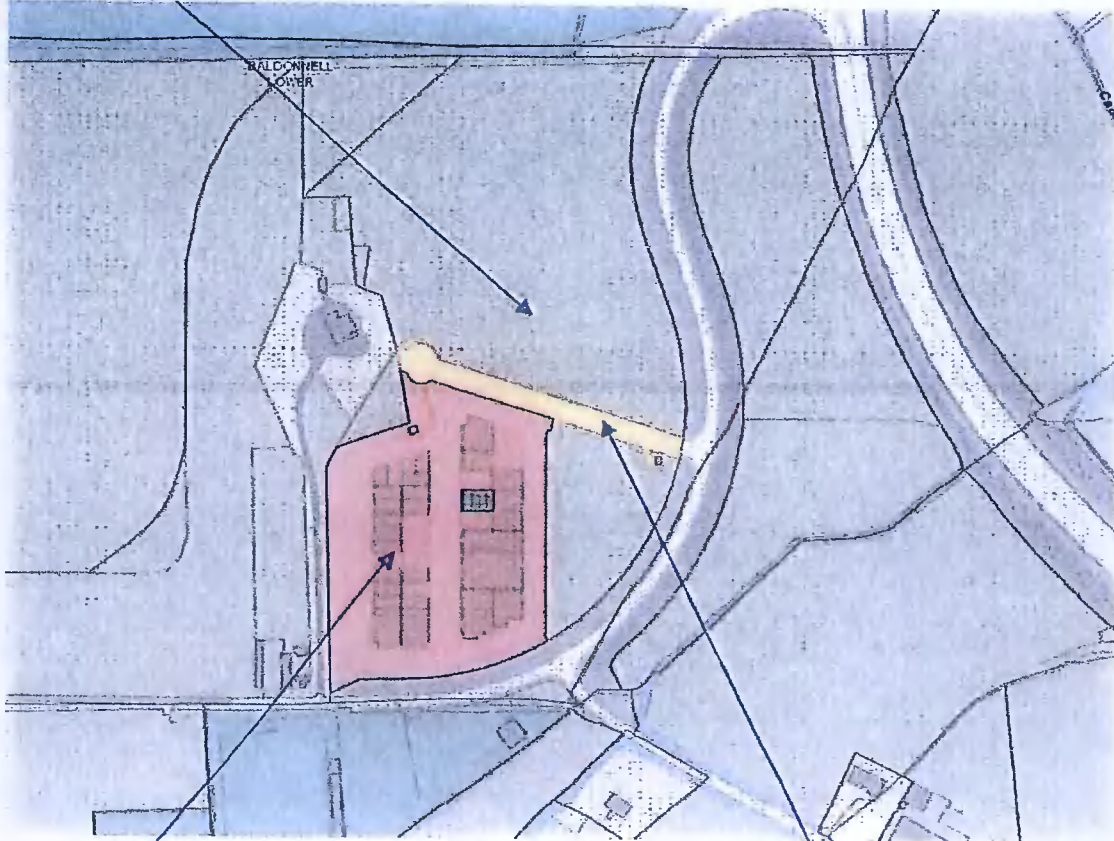
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Yours sincerely,

Eoghan Coughlan  
Director

**APPENDIX A**

**JMC Vans application**



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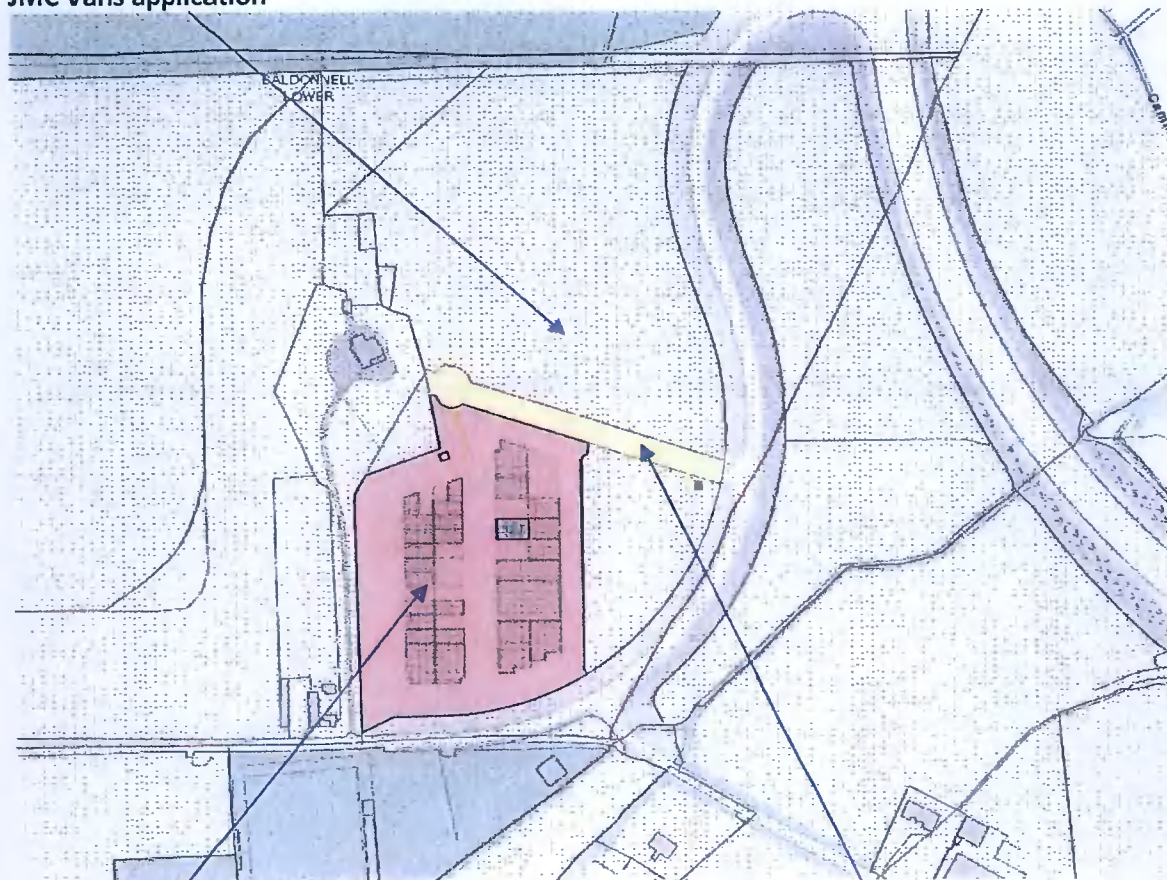
## APPENDIX B

## APPENDIX C



# Appendix B Map 2

## JMC Vans application



Folio DN219704F

Folio DN228024F

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