

# Comhairle Chontae Atha Cliath Theas

PR/0384/22

## Record of Executive Business and Chief Executive's Order

**Re: Amendment under Section 146A of the Planning and Development Act 2000 (as amended) – Register Reference SDZ21A/0014.**

Planning permission was granted under Register Reference SDZ21A/0014 for Development of 227 dwellings (24,513.8sq.m gross floor area); 95 3-bed, 2 storey terraced houses and associated gardens; 28 4-bed, 3 storey terraced houses and associated gardens; 48 3-bed, 2 storey duplex apartments over 48 2-bed apartments (3 storey buildings with 2 storey duplex over single level ground floor unit) and associated communal and private open space; 4 3-bed, 2 storey duplex apartments over 4 3- bed, 2 storey duplex apartments (4 storey buildings with 2 storey duplex over 2 storey duplex) and associated communal and private open space; all associated site and development works by Order dated 21/02/2022. Condition no. 21 attached to the grant of permission stated:

*Implementation of Landscape Plans.*

*(a) The landscape plans (Doyle + O'Troithigh landscape – architecture Drawing No. s LP-01-CFI (14.01.22) LP-02-CFI (18.01.22) and LD-01-CFI (17.01.22) as submitted to the Planning Authority shall be carried out within the first planting season following substantial completion of overall construction works.*

*(b) All trees, shrubs and hedge plants supplied shall comply with the requirements of BS: 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of BS: 4428 (1989) Code of Practice for General Landscape Operations (excluding hard surfaces).*

*(c) All new tree plantings shall be positioned in accordance with the requirements of Table 3 of BS 5837: 2012 'Trees in Relation to Design, Demolition and Construction – Recommendations'.*

*(d) All Planting shall be adequately protected from damage until establishment. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.*

*(e) The applicant shall retain the services of a suitably qualified Landscape Architect throughout the duration for the site development works.*

*(f) The applicant's Landscape architect shall provide a certificate of completion with the approved landscape proposals within six months of substantial completion of the development.*

*REASON: In the interests of residential and visual amenity, biodiversity, climate action and sustainable development and in accordance with the relevant green infrastructure and environmental policies and objectives contained within SDCC County Development Plan 2016-2022.*

Following correspondence from the applicant, it is considered that the condition should be amended by the addition of the following to Condition 21(a):

*The verge detail and tree pits for the Celbridge Link Road shall be carried out in accordance with Planning Reference SDZ17A/0009.*

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Under Section 146A of the Planning & Development Act, 2000 (as amended), a planning authority may amend a planning permission granted by it for the purposes of –

- (i) Correcting any clerical error therein,
- (ii) 'facilitating the doing of anything pursuant to the permission or decision where the doing of that thing may reasonably be regarded as having been contemplated by a particular provision of the permission or decision or the terms of the permission or decision taken as a whole but which was not expressly provided for in the permission or decision, or
- (iii) otherwise facilitating the operation of the permission or decision.'

It is considered that this amendment is not material in terms of the development or the decision and will facilitate the operation of the permission.

Therefore, it is recommended that Condition 21(a) be amended accordingly.

Colm Harte

Colm Harte,  
Senior Executive Planner

**ORDER:** That Condition no. 21(a) attached to the grant of permission in respect of planning application Register Reference SDZ21A/0014 be amended as per above recommendation and that a revised Notification of Grant be issued.

Date: 3/3/22

E. Burke

Eoin Burke,  
Senior Planner