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

Decision Order Number: 0642	Date of Decision: 19-May-2022
Register Reference: SD21A/0327	Date: 22-Apr-2022

Applicant: Greenwalk Development Ltd.

Development: A residential development of 77 dwellings comprised of 63 two storey houses and 14 apartments & duplex units accommodated in one 3 storey building. The proposed houses are comprised of 8 two bed houses & 55 three bed houses; the proposed apartments & duplex units are comprised of 7 one bed apartments at ground floor & 7 three bed duplex units overhead. The proposed development also provides for all associated site development & infrastructural works, car & bicycle parking, open spaces, hard & soft landscaping, boundary treatments and bin & bicycle storage; access to the development will be via a new vehicular entrance at the south-west corner of the site off the Old Naas Road. Permission is also sought to demolish the existing building on site approximately 455sq.m. all on a site area of 2.28Ha, at Gordon Park, Old Naas Road, Kingswood, Dublin 22 bounded to the west by the Old Nass Road, to the south by the Silken Park development and is located in the townland of Brownsbarn.

Location: Gordon Park, Old Naas Road, Kingswood, Dublin 22

Floor Area:

Time extension(s) up to and including:

**Additional Information
Requested/Received:**

02-Feb-2022 /22-Apr-2022

**Clarification of Additional
Information Requested/Received:**

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 22nd April 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. Modification.
 - (a) This is a permission for 63 no. dwelling units.
 - (b) 14 no. duplex units (units 64 to 77) and associated parking, and communal open space are omitted from this permission.
 - (c) The pedestrian path running north-south along the western boundary of the site shall be included in the development, with details to be agreed.
 - (d) Prior to commencement, the applicant shall secure the written agreement of the Planning Authority to the following details:
 - (i) temporary boundary treatments and services arrangements for the area of development where units are omitted.
 - (ii) the parking space for unit 1, which shall be provided alongside the parking space for unit 2; and
 - (iii) the parking space for unit 49, which shall be provided alongside the parking space for unit 48.

Note: Unit numbers given are as per drawing 2112 P 1001 'Proposed Site Layout' lodged on 22nd April 2022.

REASON: To ensure the development is not premature pending the adoption of a Local Area Plan as per CS6 SLO2 of the South Dublin County Council Development Plan 2016

- 2022; and that it is not contrary to Policies UC1, UC6, and R8 of the County Development Plan, and to allow for future development featuring local centre services on the northern portion of the site another a separate planning application.

3. Connections.

The pedestrian connections between the proposed development at the site to the south shall be provided with low walled boundaries, or an alternative boundary treatment that provides for enhanced visibility of and through the connection, maximises passive surveillance, and ensures visual permeability between adjoining streets and open spaces. Prior to the commencement of development, the applicant, developer or land owner shall obtain the written agreement of the Planning Authority to final layout, landscaping and boundary treatment details of the two pedestrian connections to the south.

REASON: To protect residential amenities.

4. Public Footpaths and Pedestrian Crossings.

(a) The proposed development shall include a pedestrian crossing point across Old Naas Road, connecting the development to the western side of the road.

(b) The proposed development shall include footpath improvements to the western side of Old Naas Road along the length of the development.

(c) Prior to commencement of development, the location, design, and construction details of the pedestrian crossings to be constructed by the applicant/developer and at their own expense shall be for the written agreement of the Planning Authority. The agreed plan, along with the written agreement of the roads department shall be lodged to the planning file. The written commitment of the developer to implement the agreed plan shall also be lodged to the file.

(d) Prior to commencement of development, the design and construction details of footpath improvements on the western side of Old Naas Road for the entire length of the development, to be constructed by the applicant/developer and at their own expense, shall be agreed with the Planning Authority in writing.

REASON: in the interest of pedestrian and traffic safety.

5. Ecology and Environment.

(A) (i) Prior to commencement of development, the applicant shall submit and obtain written agreement of the Planning Authority for a site specific Construction Environmental Management Plan. The CEMP shall identify potential impacts and mitigating measures, and a mechanism for ensuring compliance with environmental legislation, and ensure best construction practices including measures to prevent and control the introduction of pollutants and deleterious matter to surface water and measures to minimise the generation of sediment and silt. Precautions must be taken to ensure there is no entry of solids, during the connection of pipe work, or at any stage to the watercourse on-site.

(ii) The CEMP shall identify those measures required as per the Ecological Impact Assessment (see below).

(iii) The CEMP shall be accessible at the site throughout the construction phase.

(iv) A suitably qualified Ecological Clerk of Works should be appointed to monitor and direct the implementation of both the CEMP and the mitigation measures recommended in the Ecological Impact Assessment.

- (B) (i) The mitigation measures recommended in the Ecological Impact Assessment shall be implemented as part of the development.
- (ii) Prior to commencement of works, the applicant shall obtain the written agreement of the Planning Authority to any alterations to the scheme required as per the Ecological Impact Assessment, and to a proposal outlining how they will implement the measures required in the Ecological Impact Assessment.

The measures provided for in the Ecological Impact Assessment can be summarised as follows (please refer to pages 44 - 52 of the Ecological Impact Assessment Report for full breakdown):

1. Construction phase surface water management measures;
 2. Vegetation:
 - Careful removal of dead wood/leaves and storage in an 'out of the way' area to provide compensatory hedgehog habitat during the construction phase;
 - Construction materials (i.e. plastic sheeting and netting) to be stored off the ground overnight;
 - Removal of hibernation habitats such as logs and scrub/hedgerow should not take place between 1st November and 1st March, and it is recommended that this take place during September/October;
 - Removal of potential bird nesting sites (hedgerow, scrub and treelines) shall take place outside of the nesting season (1st March to 31st August);
 - Pre-removal surveys of vegetation to be carried out by a qualified ecologist if occurring during the nesting season, and nests/young birds protected;
 - Any trees to be removed in the period of late August to late October/early November in order to protect potential bat roosts;
 - Appropriate measures for removal of any tree with 'moderate' bat roosting potential (Bat Tree Assessment, Pre-felling bat survey, derogation licence from the NWPS)
 - Specific procedures for felling trees;
 3. Noise Control: Control of noise measures to be set out in the CEMP
 4. Night-time lighting
 - Bat-friendly night-time lighting to include 25% dimming between hours of 12 midnight and 6am;
 - Night-time lighting of the site to be kept to a minimum during construction phase;
 5. Habitat enhancement;
 - Provision of holes in walls and fences at ground level to facilitate a 'hedgehog highway' through the site;
 - Provide details of these features to new occupants;
 - Provide 5+ bat boxes through the site to provide future roosting opportunities, such as on:
 - Eaves of taller buildings
 - Mature trees being retained
- All under the supervision of a qualified ecologist.

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

6. Street Lighting

Public Lighting and Landscaping Plan

- a) Prior to the commencement of development, the applicant shall agree in writing an integrated public lighting scheme and Landscape Plan with the Planning Authority. Once

agreed, the scheme shall be constructed/installed to taking in charge standards at the expense of the developer and to the satisfaction of South Dublin County Council Lighting Department, after consultation as necessary with the SDCC Heritage Officer and SDCC Public Realm Department.

b) The Public Lighting scheme and Landscaping Plan shall be integrated and agreed with the Planning Authority.

c) The site shall be landscaped in accordance with a comprehensive landscape plan, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This scheme shall include the following:

A. A Landscape Masterplan to scale of not less than 1:500 showing –

i. The species, variety, number, size and locations of all proposed planting

ii. Details of Hard landscape works, specifying surface material and furniture

iii. Details of natural SuDs features

iv. Details of proposed play provision

v. Detailed Sections and Elevations

B. Specifications for mounding, leveling, cultivation and other operation associated with plant and grass establishment

C. A timescale for implementation

D. Areas to be taken in Charge

(d) The applicant shall submit a letter from their consulting ecologist confirming that the detail of measures described under 'Mitigation Measure 4: Night-Time Lighting' in the Ecological Impact Assessment has been adhered to in the final Public Lighting Plan.

REASON: In the interests of public safety, biodiversity, residential amenity and visual amenity.

7. Bat and Bird Boxes.

Prior to the occupation of the buildings a scheme to provide bird boxes and bat boxes/tubes on the site shall be submitted to and approved in writing by the Planning Authority. The agreed scheme shall be implemented before the buildings are occupied and thereafter maintained.

REASON: To encourage wildlife on the site.

8. Ecology - Mitigation Measures.

The following mitigation measures shall be implemented:

(a) Public lighting in the scheme to shall be limited in brightness, coverage, and times of use, so as to limit or completely mitigate the impact on bats, as per the 'ideals' on p14 of the Bat Survey Report unless otherwise agreed by the Planning Authority in writing.

(b) Native planting shall be used throughout the scheme where removed vegetation is being replaced, as per the recommendations on p15 of the Bat Survey Report.

REASON: in the interest of biodiversity and to facilitate bats.

9. Implementation of Revised Landscape Masterplan

The landscaping scheme shown on the submitted Landscape Masterplan Dwg No. 21578-2-101 (and associated detailed plans and submitted Landscape Design Statement prepared by Cunnane Stratton Reynolds) shall be implemented in full, within the first planting season following completion of the development, in addition:

a) All hard and soft landscape works shall be completed in full accordance with the

approved Landscape Masterplan Dwg No. 21578-2-101.

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) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within three years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted

REASON: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area, in accordance with the policies and objectives contained within Section 8.3.0 Public Open Space Hierarchy and Landscape Setting of the CDP 2016-2022

2. Retention of Landscape Architect

i) Prior to the commencement of any permitted development, the developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and shall notify the planning authority of that appointment in writing prior to commencement.

ii) A Practical Completion Certificate is to be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority in accordance with the permitted landscape proposals.

iii) Installation of attenuation tree pits shall be supervised by the project landscape architect.

CONDITION

REASON: In the interests of residential and visual amenity and to ensure full and verifiable implementation of the approved landscape design

3. Landscape Management and Maintenance

PRIOR TO COMMENCEMENT OF DEVELOPMENT a Landscape and SUDS Management Plan which includes long term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved Landscape and SUDS Management Plan. CONDITION

REASON: To provide for the satisfactory future maintenance of this development in the interest of visual amenity.

4. Taking in Charge

(a) All areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

(b) A map delineating those areas to be taken in charge by the Local Authority and details of the legally constituted management company contract, and drawings/particulars

describing the parts of the development for which the legally-constituted management company would have responsibility shall be submitted to, and agreed in writing with, the planning authority before any of the residential or commercial units are made available for occupation. The management scheme shall provide adequate measures for the future maintenance of public open spaces, roads and communal areas. **CONDITION**
REASON: To provide for the satisfactory future maintenance of this development in the interest of residential amenity

4. SUDS IMPLEMENTATION

Prior to the occupation of the buildings the submitted SuDS scheme shall be implemented within a timescale to be agreed and approved by the Planning Authority and thereafter managed and maintained in accordance with the approved details and submitted management and maintenance plan. **CONDITION**

REASON: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies under Section 8.4.0 Sustainable Urban Drainage Systems of the CDP 2016-22 in particular G5 Objective 1 and G5 Objective 2.

6. Arboricultural Method Statement

The applicant shall submit a detailed Arboricultural Method Statement (AMS). The AMS shall include justification and mitigation for any tree removal proposed and details of how trees will be protected at all stages of the development. Recommendations for tree surgery works and details of any tree surgery works necessary will be required as will the method and location of tree protection measures, the phasing of protection methods where demolition or construction activities are essential within root protection areas and design solutions for all problems encountered that could adversely impact trees (e.g. hand digging or thrust-boring trenches, porous hard surfaces, use of geotextiles, location of site compounds, office, parking, site access, storage etc.). All works shall be carried out in accordance with the agreed AMS. **CONDITION**

REASON: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policy G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 of the CDP 2016-2022.

7. Tree and Hedgerow Protection Measures

Prior to the commencement of construction works on site, the applicant shall submit a tree protection plan for the approval of the Public Realm Section. Tree protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:

- a) The location of the trees to be retained and their root protection areas and canopy spreads (as defined in BS 5837: 2012 Trees in relation to design, demolition and construction);
- b) The position and construction of protective fencing around the retained trees (to be in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction).
- c) The extent and type of ground protection, and any additional measures required to safeguard vulnerable trees and their root protection areas.
- d) An arboricultural impact assessment which evaluates the direct and indirect impacts of the proposed development on the trees to be retained and proposed mitigation.
- e) An arboricultural method statement to demonstrate that operations can be carried out

with minimal risk of adverse impact on trees to be retained.

f) A method statement for any works proposed within the root protection areas of the trees shown to be retained.

e) A meeting with the Project Landscape Architect, Site Foremen, the appointed Arborist and a Parks Superintendent from the Public Realm Section shall take place on-site to inspect that:

i. all tree pruning & tree felling has been carried out appropriately and

ii. that the protective fencing has been erected prior as per the submitted Tree Protection Plan This fencing is to remain in place for the duration of the project.

The approved tree protection measures shall be retained in situ until the development has been completed. **CONDITION**

REASON: In order to ensure adequate protection for the trees and hedges on the site during the construction of development, and in the interests of the visual amenity of the area.

8. Tree Bond and Arboricultural Agreement

Prior to the commencement of any permitted development or any related construction activity or tree felling on the site, the applicant shall lodge a Tree and Hedgerow Bond to the value of €98,778.24 with the Planning Authority. This is to ensure the protection of trees on and immediately adjacent to the site to make good any damage caused during the construction period.

The bond lodgement shall be coupled with an Arboricultural Agreement, with the developer, empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree/hedgerow or trees/hedgerows on or immediately adjoining the site, or the appropriate and reasonable replacement of any such trees/hedgerows which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development. Any replacement planting shall use large semi-mature tree size(s) and species or similar as may be stipulated by the planning authority.

An Arboricultural Assessment Report and Certificate is to be signed off by a qualified Arborist after the period of 3 years of completion of the works. Any remedial tree surgery, tree felling works recommended in that Report and Certificate shall be undertaken by the developer, under the supervision of the Arborist. The bond will only be refunded upon receipt by SDCC Public Realm Section of a satisfactory post-construction arboricultural assessment, carried out by a qualified arborist and provided that the hedges/trees proposed for retention are alive, in good condition with a useful life expectancy. **CONDITION**

REASON: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 of the CDP 2016-2022.

9. Play

Details of play proposals to be agreed with Public Realm. Play proposals should include accessible play features. All play equipment should be of predominantly natural materials with unstructured play included in the proposed design. Details of all play equipment, and safety surface, along with specifications and proof that all equipment conforms to European Standards EN 1176-1-11 and EN 1177 Playground equipment and surfacing

shall be submitted prior to the commencement of development. Post installation certification by the Royal Society for the Prevention of Accidents will also be a requirement. An Indicative Play Map showing types of play and age groups catered for shall also be submitted. **CONDITITON**

REASON: in the interest of ensuring safe, quality play provision and the proper, sustainable development in compliance with best practice guidance.

10. Bird and Bat Boxes

Prior to the occupation of the buildings a scheme to provide bird boxes and bat boxes/tubes on the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the buildings are occupied and thereafter maintained. **CONDITION**

REASON: To encourage wildlife on the site.

10. Retention of Landscape Architect.

i) Prior to the commencement of any permitted development, the developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and shall notify the planning authority of that appointment in writing prior to commencement.

ii) A Practical Completion Certificate is to be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority in accordance with the permitted landscape proposals.

iii) Installation of attenuation tree pits shall be supervised by the project landscape architect.

REASON: In the interests of residential and visual amenity and to ensure full and verifiable implementation of the approved landscape design

11. Landscape Management and Maintenance

Prior to commencement of development, a Landscape and SUDS Management Plan which includes long term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) shall be submitted to and approved by the Planning Authority. The development shall be carried out in accordance with the approved Landscape and SUDS Management Plan.

REASON: To provide for the satisfactory future maintenance of this development in the interest of visual amenity.

12. SUDS Implementation.

Prior to the occupation of the buildings the submitted SuDS scheme shall be implemented within a timescale to be agreed and approved by the Planning Authority and thereafter managed and maintained in accordance with the approved details and submitted management and maintenance plan.

REASON: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies under Section 8.4.0 Sustainable Urban Drainage Systems of the CDP 2016-22 in particular G5 Objective 1 and G5 Objective 2.

13. Trees.

(A) Arboricultural Method Statement.

The applicant shall submit a detailed Arboricultural Method Statement (AMS). The AMS shall include justification and mitigation for any tree removal proposed and details of how trees will be protected at all stages of the development. Recommendations for tree surgery works and details of any tree surgery works necessary will be required as will the method and location of tree protection measures, the phasing of protection methods where demolition or construction activities are essential within root protection areas and design solutions for all problems encountered that could adversely impact trees (e.g. hand digging or thrust-boring trenches, porous hard surfaces, use of geotextiles, location of site compounds, office, parking, site access, storage etc.). All works shall be carried out in accordance with the agreed AMS.

(B) Prior to the commencement of construction works on site, the applicant shall submit a tree protection plan for the approval of the Public Realm Section. Tree protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:

- I) The location of the trees to be retained and their root protection areas and canopy spreads (as defined in BS 5837: 2012 Trees in relation to design, demolition and construction);
 - II) The position and construction of protective fencing around the retained trees (to be in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction).
 - III) The extent and type of ground protection, and any additional measures required to safeguard vulnerable trees and their root protection areas.
 - IV) An arboricultural impact assessment which evaluates the direct and indirect impacts of the proposed development on the trees to be retained and proposed mitigation.
 - V) An arboricultural method statement to demonstrate that operations can be carried out with minimal risk of adverse impact on trees to be retained.
 - VI) A method statement for any works proposed within the root protection areas of the trees shown to be retained.
 - VII) A meeting with the Project Landscape Architect, Site Foremen, the appointed Arborist and a Parks Superintendent from the Public Realm Section shall take place on-site to inspect that:
 - all tree pruning & tree felling has been carried out appropriately and
 - that the protective fencing has been erected prior as per the submitted Tree Protection Plan This fencing is to remain in place for the duration of the project.
- The approved tree protection measures shall be retained in situ until the development has been completed.

REASON: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policy G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 of the CDP 2016-2022.

14. Tree Bond.

Prior to the commencement of any permitted development or any related construction activity or tree felling on the site, the applicant shall lodge a Tree and Hedgerow Bond to the value of €98,778.24 with the Planning Authority. This is to ensure the protection of trees on and immediately adjacent to the site to make good any damage caused during the construction period.

The bond lodgement shall be coupled with an Arboricultural Agreement, with the developer, empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree/hedgerow or trees/hedgerows on or immediately adjoining the site, or the appropriate and reasonable replacement of any such trees/hedgerows which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development. Any replacement planting shall use large semi-mature tree size(s) and species or similar as may be stipulated by the planning authority.

An Arboricultural Assessment Report and Certificate is to be signed off by a qualified Arborist after the period of 3 years of completion of the works. Any remedial tree surgery, tree felling works recommended in that Report and Certificate shall be undertaken by the developer, under the supervision of the Arborist. The bond will only be refunded upon receipt by SDCC Public Realm Section of a satisfactory post-construction arboricultural assessment, carried out by a qualified arborist and provided that the hedges/trees proposed for retention are alive, in good condition with a useful life expectancy.

REASON: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 of the CDP 2016-2022.

15. Play.

(a) Details of play proposals to be agreed with the Planning Authority after consultation as necessary with the Public Realm Department. Play proposals should include accessible play features. All play equipment should be of predominantly natural materials with unstructured play included in the proposed design.

(b) Details of all play equipment, and safety surface, along with specifications and proof that all equipment conforms to European Standards EN 1176-1-11 and EN 1177 Playground equipment and surfacing shall be submitted prior to the commencement of development.

(c) Post installation certification by the Royal Society for the Prevention of Accidents shall be submitted to the Planning Authority upon completion.

(d) An Indicative Play Map showing types of play and age groups catered for shall be submitted.

REASON: in the interest of ensuring safe, quality play provision and the proper, sustainable development in compliance with best practice guidance.

16. Irish Water Connection Agreement.

Prior to the commencement of development the applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

REASON: In the interest of public health and to ensure adequate water/wastewater facilities.

17. Drainage - Surface Water.

The disposal of surface water, shall fully comply with all of the technical requirements of the Council's Water Services Section. In this regard, prior to the commencement of development, the applicant/developer shall submit the following for the written agreement of the Planning Authority:

- (a) Fully detailed foul and surface water drainage plans for the proposed development as approved showing location of all manholes, AJs etc located within the site boundary up to and including point of connection to the public sewer that fully accords with the requirements Council's Water Services Section and or Irish Water,
- (b) 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.
- (c) 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, safety, the proper planning and sustainable development of the area and in order to ensure adequate and appropriate surface water drainage provision.

18. Taking in Charge.

Prior to the commencement of development, the applicant/owner shall submit the following for the written agreement of the Planning Authority:

A plan indicating any part of the development, as approved, intended to be offered for Taking-in-Charge to the Planning Authority, such areas shall be fully consistent with the Planning Authority's Taking-in-Charge policy and requirements. The plan shall make provision for all of the following:

- (a) All drainage and service ducts including accessories are fully located in, and accessible from, areas to be offered for Taking-in-Charge.
- (b) Where applicable any wayleaves in favour of SDCC shall be fully executed prior to being offered for Taking-in-Charge.
- (c) Site features to be retained and protected within any part of the approved development intended to be offered for Taking-in-Charge.
- (d) Any external common areas of the development as approved that it is intended to be retained in private ownership.

REASON: In the interest of the proper planning and sustainable development of the area and to provide clarity on the nature and extent of areas intended to be offered for Taking-in-Charge to the Planning Authority.

19. Access, Transport and Parking.

- (a) Prior to commencement of development a developed Construction & Demolition Waste Management Plan shall be agreed in writing with the Planning Authority.
- (b) Prior to commencement of development a Construction Traffic Management Plan shall be agreed in writing with the Planning Authority.
- (c) All items and areas for taking in charge shall be undertaken to a taking in charge standard. Prior to development the applicant shall submit construction details of all items to be taken in charge. No development shall take place until these items have been agreed.

REASON: in the interest of traffic and pedestrian safety.

20. Public Realm Facilities for Charging Electric Vehicles.

Prior to the commencement of development, the applicant/owner shall submit the following for the written agreement of the Planning Authority:

- (i) a revised site layout plan clearly setting out full details of the location of all proposed facilities and equipment in the public realm (whether to be offered for taking in charge or not) for charging electric vehicles, including details of the overall height, design, colour and all safety features of such equipment including isolation of power supply, and measures to provide for suitable pedestrian safety, along with completed Electrical designs to serve the development as approved prepared by competent electrical design consultants all of which have been agreed with the Council's Roads Section, and
- (ii) Agreed arrangements for the operation and management of such facilities for charging electric vehicles, along with:

All facilities for charging electric vehicles should be clearly marked as being designated for Electric Vehicle charging. Appropriate signage clearly indicating the presence of a Charge Point or Points should also be erected. All Charge Points fitted in publicly accessible areas should be capable of communicating usage data with the National Charge Point Management System and use the latest version of the Open Charge Point Protocol (OCCP). The facilities for charging electric vehicles should also support a user identification system such as Radio Frequency Identification (RFID).

REASON: In the interests of the proper planning and sustainable development of the area, to provide for improved urban air quality, reduced noise pollution and to support the transition to a low carbon future.

21. Management Company.

A. Prior to the commencement of development the applicant/owner shall submit the following for the written agreement of the Planning Authority:

- (i) A plan clearly identifying and dimensioning the external common areas of the development to be retained in private ownership by an owners' management company (OMC) under the Multi-Unit Developments Act 2011, or other acceptable legal entity prior to the occupation of the [first residential unit], and this plan shall also clearly identify and dimension any areas of the approved development intended to be offered for taking in charge by the Council, and;
- (ii) A detailed building lifecycle report which shall include an assessment of long term running and maintenance costs as they would apply on a per residential unit basis at the time of approval of the development, as well as demonstrating what measures have been specifically considered by the developer to effectively manage and minimise costs for the benefit of all potential residents.

The said external common areas of the development to be retained in private ownership indicated in the plan required shall not be taken in charge by the Council and shall instead be maintained in perpetuity by an Owners' Management Company set up for this purpose pursuant to the Companies Acts, 1963 as amended and the Multi-Unit Developments Act 2011.

- (iii) A management scheme which shall provide adequate measures for the future maintenance of public open spaces, roads and communal areas.

B. Continued membership of an Owners' Management Company set up for this purpose pursuant to the Companies Acts, 1963 as amended and the Multi-Unit Developments Act 2011 shall be compulsory for all owners for the time being of property within the development.

C. No development shall take place under this permission until the applicant, owner or developer has lodged for the written agreement of the Planning Authority:

(i) A copy of the Certificate of Incorporation of the said Company responsible for the external common areas of the development to be retained in private ownership has been lodged with the Planning Authority in respect of the plan required above.

D. Any changes to the status or nature of the Owners' Management Company shall be notified to the Council forthwith.

E. The Owners' Management Company shall hold insurance for public liability risk at all times for all areas under its control or responsibility.

REASON: To ensure a proper standard of residential development and maintenance of the private areas within the development and compliance with the South Dublin County Council Development Plan.

22. Street Naming and Dwelling Numbering.

Prior to the commencement of any works on site the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:

(i) A street naming and dwelling/unit numbering scheme, for the development as approved that is in accordance with the Planning Authority's policy and requirements for such schemes, along with associated proposed signage for the scheme.

The agreed number shall be placed on each house upon completion so as to be clearly legible from the proposed access road or the public realm, and the agreed street name in both Irish and English, or Irish only shall be erected at the beginning of each street in a manner to be clearly legible, and in accordance with Planning Authority's requirements. The development name should:

1. Avoid any duplication within the county of existing names, and
2. Reflect the local and historical context of the approved development, and
3. Comply with;
 - (a) Development Plan policy, and
 - (b) The guidelines on naming and numbering of the Department of the Environment, Heritage and Local Government, and
 - (c) Have regard to the Guidelines issued by the Place Names Commission (An Coimisiún Logainmneacha) and
 - (d) Preferably make exclusive use of the Irish language.

Proposals for an apartment name and numbering scheme and associated signage shall be lodged with the Planning Authority prior to the date of any Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of any works on site.

The applicant, developer, or owner is advised to consult with Naming and Numbering section of the Planning Authority in advance of lodging the required scheme.

REASON: In the interest of the proper planning and sustainable development of the area and compliance with the South Dublin County Council's Development Plan.

23. Restriction on Use and Occupancy.

Each proposed residential unit shall be used and occupied as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes, (including short-term letting).

REASON: To prevent unauthorised development.

24. Regulation of Institutional Investment in Housing - Houses and/or duplex unit-type development.

(a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each housing unit), pursuant to Section 47 of the Planning and Development Act 2000 (as amended), that restricts all residential units permitted to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified residential units, in which case the planning authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

REASON: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

25. Council Housing Strategy.

The applicant, owner or developer, or any other person with an interest in the land to which the development as approved relates shall, prior to the lodgement of a commencement notice within the meaning of Part II of the Building Control Regulations 1997 or as otherwise agreed:

(i) enter into an agreement with the Housing Authority for compliance with the Part V of the Planning and Development Act 2000 (as amended) as referred to in the South Dublin County Council Development Plan 2016-2022, providing, in accordance with that section, for the matters referred to in paragraph (a) or (b) of subsection (3) of section 96, and

(ii) when the agreement with the Housing Authority for compliance with the Part V of the Planning and Development Act 2000 is finalised to the satisfaction of the Housing Authority, a certified copy of the agreement shall be lodged with the Planning Authority.

REASON: To promote social integration consistent with policies/objectives of the Councils Housing Strategy as contained in the South Dublin County Council Development Plan 2016-2022.

26. Occupation subject to service connection.

No dwelling unit shall be occupied until all the services (drainage, water supply, electricity and or other energy supply, public lighting and roads) for each dwelling unit have been completed thereto and are operational.

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

27. 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.

28. Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no 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 be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor 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 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.

29. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €727,845.99 (seven hundred and twenty seven thousand eight hundred and forty five euros and ninety nine 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 contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

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.

30. Pursuant to this decision, no development shall be commenced until security for the provision, satisfactory completion and maintenance, to the taking in charge standard of South Dublin County Council (outlined in the Councils Taking in Charge Policy), of roads, open spaces, car parks, sewers, watermains, drains and other publicly accessible services required in connection with the development, has been given by:
- (A) Lodgement of a cash deposit of €323,134.00 (three hundred and twenty three thousand one hundred and thirty four euros) (amount will be updated at the date of commencement of development in accordance with changes in the Tender Price Index), to be retained by South Dublin County Council and applied by South Dublin County Council at its absolute discretion, if roads, open spaces, car parks, sewers, watermains, drains and other publicly accessible services required in connection with the development are not duly provided, completed and maintained to the taking in charge standard of South Dublin County Council (outlined in the Councils Taking in Charge Policy), or
- (B) By lodgement with South Dublin County Council of an approved Insurance Company Bond or a Bond of any Body approved by the Planning Authority in the sum of €371,581.00 (three hundred and seventy one thousand five hundred and eighty one euros) (amount will be updated at the date of commencement of development in accordance with changes in the Tender Price Index) which shall be kept in force until such time as the roads, open spaces, car parks, sewers, watermains, drains and other public services required in connection with the development are provided, completed and maintained to the taking in charge standard of South Dublin County Council (outlined in the Council's Taking in Charge Policy). The bond shall be coupled with an agreement empowering South Dublin County Council to apply such sum or part thereof of said bond to the satisfactory completion of publicly accessible services in the development.
- REASON: To ensure that a ready sanction may be available to South Dublin County Council to induce the provision of public services and safeguard amenity in the development.

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: The applicant is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

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: The applicant/developer is advised that the most up to date South Dublin County Council Taking in Charge Policy and associated documents can be found at the following location <https://www.sdcc.ie/en/services/planning/commencement-and-completion/completion/taking-in-charge-policy-standards>.

NOTE: The applicant shall notify the Irish Aviation Authority and the Department of Defence regarding any cranes likely to penetrate ICAO surfaces.

NOTE: Adequate provision should be made to facilitate access to and the use of the development, buildings, facilities and services by disabled persons, including sanitary conveniences. The minimum requirements should be as per Part M of the Building Regulations.

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

27-May-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.

(A) 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).
1. 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.
2. 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.
3. 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).
4. 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.
5. 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.
6. 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