

Elaine Gibson Rowan Engineering
Unit 14, Scurlockstown Business Park
Trim
Co. Meath

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

Decision Order Number: 0686	Date of Decision: 01-Jun-2022
Register Reference: SD22A/0051	Date: 05-May-2022

Applicant: Coffey Construction Ltd.

Development: Land recontouring/infilling works on c 16,000sq.m of a folio size of c 2.4 ha (allowing buffers); the volume of material to be placed on the site is c 35,000sq.m with an average fill level of c 3.5m above existing - the material is clean, inert soil and stone from the Saggart Water Reservoir construction site located directly adjacent to the north of the proposed infill site; a small section of hedgerow (6m wide) will be required to be removed between Saggart Water Reservoir construction site and the proposed infill site to allow access for lorries and infill equipment onto the proposed infill site.

Location: Saggart, Slade, Dublin 24,

Floor Area:

Time extension(s) up to and including:

Additional Information Requested/Received: 11-Apr-2022 /05-May-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 5 May 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. Drainage.
 - (a) All development shall be carried out in compliance with Irish Water Standards codes and practices.
 - (b) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use.
 - (c) All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.
3. Implementation of Landscape Plans
The submitted Landscape Plan (Dwg. No. J1387-LH-004) which includes mitigation hedgerow planting shall be implemented in full, within the first planting season following completion of the development (completion of works on site). In addition:
 - a) All hard and soft landscape works shall be completed in full accordance with the approved Landscape Plan.
 - 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 the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

4. Tree and Hedgerow Protection Measures

No development shall commence on site until adequate steps have been taken in accordance with (Section 8 of BS 5837:2012 Trees in relation to design, demolition and construction) to safeguard all existing trees and hedgerows on the site against damage prior to or during building works, including the erection of fencing. These fences shall be erected to the extent of the crown spread of the trees/hedgerows, or where circumstances prevent this, to a minimum radius of 2 metres from the trunk of the tree/centre line of the hedgerow and such protection shall be retained until the development has been completed. No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage to the root structure of the trees.

REASON: These details are necessary to safeguard existing trees and hedgerows on the site, in accordance with policy G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 of the CDP 2016-2022.

5. Ecological Impact Assessment

The applicant shall implement all relevant recommendations and mitigation measures proposed within the submitted Ecological Impact Assessment prepared by Noreen McLoughlin (Environmental Consultant). The mitigation measures that shall be implemented include:

Before and During the Infilling Works

- i. All infilling works must be confined to the development site only and should adhere to all standard best practice measures. Work areas should be kept to the minimum area required to carry out the proposed works area and should be clearly marked out in advance of the proposed works. These measures must be undertaken from initial site works until the completion of all works on site.
- ii. The portion of hedgerow that is to be removed along the northern site boundary must be done outside the bird nesting season (March-September). No mature trees must be removed to facilitate this entrance.
- iii. The plans for the infilling development allowed for a 10m unfilled buffer zone along the perimeter of the site, which includes all hedgerows, treelines and the riparian zone of the River Camac. It is vital that this 10m buffer is adhered to for the protection of birds, mammals and water quality. Prior to the commencement of works on the site, this buffer zone will be fenced off with Saturday fencing, which ideally should be mammal proof. There must be no storage of machinery, soil or other material within this buffer zone. All existing vegetation in this buffer zone should be maintained.
- iv. As per the plans submitted and in accordance with the Construction and Environment Management Plan (CEMP). A silt barrier will be installed at the edge of the 10m buffer zone along the Camac River and the drain that occurs along the eastern site boundary. This silt fence must be sturdy and inspected regularly for weaknesses and deficiencies.
- v. The silt fence proposed will be a permeable geotextile barrier installed vertically on support and entrenched in the ground.
- vi. All chemicals, fuels, oils, greases and hydraulic fluids will be stored outside of this site and away from any watercourse in bunded compounds.

vii. There will be no re-fueling on site

viii. All soil material will be visually inspected for signs of potential contamination. Should any contamination be identified, the relevant soils will be stored separately, sampled and disposed of by licensed waste contractor (as required).

ix. The mammal survey prepared by Brian Keely identified a small number of trees on site that have bat potential. These trees must be retained. If at any stage it is considered necessary to remove these trees, they must be inspected by a bat specialist prior to felling.

x. Any additional mitigation measures outlined in the mammal reports prepared by Brina Keely following the survey work in January/February 2021 must be adhered to in full. These measures including that the contractor maintains a regular watching brief along all topsoil stored on site for potential establishment of badger setts during the construction phase. In addition, it was also recommended that prior to construction works commencing that an ecologist undertake an otter walkover survey along the Camac Post Infilling Works

i. Any landscaping at the end of the infilling works should involve the planting of native Irish species that are indigenous to the site. Suitable species would be hawthorn, willow and alder. The characteristics of newly planted hedgerows should mimic those in the surrounding area. Invasive species must not be used. Any landscape plan must be cognizant of the sensitivity of the natural habitats surrounding the site. Herbicides should be avoided during all phases of the construction and operation as these chemicals can have detrimental impacts upon local populations of pollinators.

ii. Bare soil should be seeded as soon as possible with grass seed. This will minimize erosion into the River Camac.

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

iv. Any future land spreading of the land post reseeded should only be done in accordance with the measures outlined in S.I. 605 of 2017. Land-spreading should adhere the guidance in this legislation, and it should conform to any nutrient management plan set out for the source farm.

REASON: In the interests of protecting and enhancing the biodiversity of the environment, in accordance with policies IE1 Objective 5, IE7 Objective 5, G2 Objective, G3 Objective 2, G4 Objective 2, HCL1 Objective 1, HCL1 Objective 2, HCL1 Objective 3, HCL15 Objective 3, and other policies relating to Biodiversity within the CDP 2016-2022.

6. Construction and Environmental Management Plan

The applicant shall ensure that the submitted Construction and Environmental Management Plan (CEMP) prepared by Rowan Engineering Consultants (Rowan) LTD. is implemented and adhered to in full. The CEMP covers the activities relating to the proposed infill works and its objective and purpose is to avoid adverse impacts caused by proposed development works.

Mitigation Measures to be implemented on site during the construction phase shall include:

(i) All site development works shall adhere to best practice.

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

(iii) Prior to the commencement of the infill of the site, the site manager and the contractor should be aware of the ecological sensitivity of the site, both in terms of the protection of surface water and groundwater.

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

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

(vi) In order to protect water quality in the River Camac, all site preparation and construction works shall conform to all guidelines within the document inland Fisheries Habitats during Construction and Development Works and River Sites

(www.fisheriesireland.ie) and the updated guidelines entitled Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters (2016). Guidelines in the CIRIA Construction industry Research and Information Association) Publications including C532 – Control of Water Pollution from Construction, Guidance for Consultants and Contractors should also be followed.

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

(viii) Hydrocarbon/Fluid Management measures shall include:

a. Fuels, oils, greases and hydraulic fluids will not be stored onsite

b. No refueling or lubrication of equipment shall take place

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

7. Landscape and ecological management plan (Also referred to as a Habitat or Biodiversity Management Plan)

No works in connection with the development hereby approved shall commence unless a landscape and ecological management plan (LEMP) has been submitted to the planning authority. The LEMP shall include the following:

(a) Description and evaluation of features to be managed.

(b) Ecological trends and constraints on site that might influence management.

(c) Aims and objectives of management.

(d) Appropriate management options for achieving aims and objectives.

(e) Prescriptions for management actions.

(h) Ongoing monitoring and remedial measures.

(i) Details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured by the developer with the management bodies responsible for its delivery.

The plan shall also set out how contingencies and remedial action will be identified, agreed and implemented so biodiversity objectives with the submitted Ecological Impact Assessment can be achieved. The development shall be carried out in accordance with the approved LEMP.

REASON: In order to protect and enhance biodiversity in the environment

8. Landscape and Visual Impact Assessment

The applicant shall implement all relevant recommendations and mitigation measures proposed within the submitted Landscape and Visual Impact Assessment prepared by Macroworks. In addition, the applicant shall ensure that the infilled area will be covered with topsoil and seeded to integrate the proposed development with its surroundings.

REASON: To assess the likely landscape and visual effects of the proposed development on the receiving environment and to identify landscape and visual mitigation measures in accordance with all relevant policies relating to heritage, landscape and visual amenity contained within the CDP 2016-2022.

9. 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.

10. 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.

11. Archaeological Recording.

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

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

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.

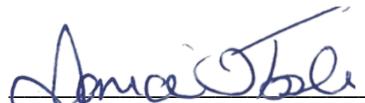
The Developer is advised that under the provisions of the Construction Products Regulation 2013 (No.305/2011-CPR) All products sourced for use in building process must conform with the statutory requirements of the CPR. For more information on these responsibilities see <http://ec.europa.eu/enterprise/sectors/construction/legislation>.

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**

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

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

Telephone 01-858 8100