

# Comhairle Chontae Atha Cliath Theas

**PR/0682/22**

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

**Reg. Reference:** SD22A/0100      **Application Date:** 07-Apr-2022  
**Submission Type:** New Application      **Registration Date:** 07-Apr-2022

**Correspondence Name and Address:** Sweco Ireland Limited Quarter, Lapps Quay, Cork, T12 Y3ET

**Proposed Development:** Retention of existing building (159.25) currently not in use. Proposed use is intended as a recycling facility and this will be subject to a separate application.

**Location:** 518B, Grants Crescent, Greenogue Business Park, Rathcoole, Co. Dublin

**Applicant Name:** Pdraig Thornton Waste Disposal Ltd. t/a Thorntons Recycling

**Application Type:** Retention

(COS)

### **Description of Site and Surroundings**

Site Area: stated as 0.0159 Hectares on the application.  
Site Visit: 12<sup>th</sup> of May 2022.

### **Site Description**

The subject site is located in northern part of Greenogue Industrial Estate. The overall site consists of buildings located in the north (front) part of the site. The subject building is an open shed structure located centrally to the front of the site, west of the other main building onsite. The remainder of the overall site consists of hard surfacing with various ancillary structures including a weigh bridge. The site has planted boundaries. The site is bounded to the east and west by industrial/warehousing sites, to the north by Grants Crescent and to the south by a storage yard. Vehicular access (gated) to the site is from Grants Crescent. A tributary of the Griffeen River is located 40m to the west along Grants Rise.

### **Proposal**

**Retention** permission is being sought for an existing building (159.25) currently not in use. Proposed use is intended as a recycling facility, and this will be subject to a separate application.

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### Zoning

The subject site is subject to zoning objective 'EE': *'To provide for enterprise and employment related uses'* under the South Dublin County Development Plan 2016-2022.

### Consultations

Water Services – additional information requested.

Irish Water – no objection subject to conditions.

Roads Department – additional information requested.

Public Lighting – no comments.

Public Realm – no comment or objection.

H.S.E. Environmental Health Officer – no objection.

Transport Infrastructure Ireland – letter received.

Irish Aviation Authority – letter received.

SEA Sensitivity Screening – no overlap indicated.

### Submissions/Observations /Representations

No third-party submissions received.

Transport Infrastructure Ireland submitted a letter stating that they have no observations to make on the application. Irish Aviation Authority also submitted a letter stating that they have no observations on this application from the Safety Regulation Division Aerodromes. These letters are noted.

### Relevant Planning History

#### *Subject site*

SD15A/0074

Waste Handling/Materials Storage/Transfer Building 561sq.m & 12m high plus ancillary site works on the site of the existing waste handling facility. **Permission granted. It does not appear as though this building was constructed, and that this permission was fully implemented.**

Condition 2 states:

*The permission for an increase in waste throughput from 5,000 to 16,000 tonnes per annum is for a period of five years from the date of this order. The level of throughput shall then be reduced to 5,000 tonnes per annum unless, prior to that date, planning permission has been granted for continuation of the increased waste throughput.*

*REASON: To enable the impact of the development to be re-assessed, having regard to the limited size of the site and the potential traffic impact on the adjoining road network from operations during the five period.*

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SD06A/1097 & ABP Ref. PL 06S.223831

Change of use of the existing building from a warehouse to a waste and materials transfer station. **Permission granted. Third party appeal against decision. Appeal withdrawn.**

Condition 3 states:

*The tonnage of waste for disposal shall be less than 5000 tonnes per annum.*

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

SD05A/0292

Revised site plan, site boundaries, building footprint, floor plans and elevations comprising the construction of 2 no. blocks (previously 1 no. block), overall height 8.25m, (previously 11.25m) totalling 876sq.m. (previously 1,204sq.m.) of warehousing including 120sq.m. (previously 355sq.m. on 2 floors) of integral related office accommodation on ground floor, 58sq.m. of staff facilities on ground floor, 178sq.m. of mezzanine storage at first floor plus 2,840sq.m. of yard for storage and distribution of goods associated with the warehouse use, (each block totalling 438sq.m. warehousing including 60sq.m. of integral related office accommodation on ground floor, 29sq.m. of staff facilities on ground floor, 89sq.m. of mezzanine storage at first floor plus 1,420sq.m. of yard for storage and distribution of goods associated with the warehouse use) together with entrances, outfall drains, services utilities, boundary fences, landscaping, planting paving and associated site development work all at previously approved site 518 (Reg. Ref. SD03A/0066 - PL 06S.204281), Phase 5. **Permission granted.**

SD03A/0066 & ABP Ref. PL 06S.204281

Construct 98,252m.sq. of industrial/warehousing units in 20 no. blocks (varying from 8 to 17m high) including 17,298m.sq. of integral related office accommodation on two/three floors together with Alymer Road College Lane Link Road, partial realignment of Alymer Road and College Lane, partial realignment of River Griffeen and tributaries, provision for park, access roads, outfall drains, service utilities, sub-stations, boundary fences/walls, landscaping, planting, paving parking, associated site development works and demolition of existing dwelling (Further significant information which includes revisions to the boundary of the site on the north eastern boundary giving an increase in area of 1.21 hectares for alterations to the link road outlined in green between College Lane and the Alymer Road. Omission of 3 roundabouts, alteration to the horizontal and vertical alignment and inclusion of 1 new roundabout. Also included further details relating to the architectural/visual aspects of the development, additional landscape details for the parkland area and altered road, additional information and drainage). (This application is accompanied by an environmental impact statement. **Permission granted by SDCC. First and third party appeals against condition(s) and decision. An Bord Pleanala decided to grant permission.**

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### **Relevant Enforcement History**

None identified in APAS.

### **Pre-Planning Consultation**

PP131/21

Thorntons Recycling wishes to engage with SDCC in relation to existing and potential future development at this site. Thorntons Recycling is currently finalizing the purchase of the SkipTrans Ltd. waste collection business and, as part of that process, has an option for the purchase of the site at Unit 518B, Grants Crescent, Jordanstown, Greenogue Business Park, Rathcoole, Dublin 24, currently operating under waste facility permit number WFP-DS-11-0002-06.

### **Relevant Policy in South Dublin County Council Development Plan 2016 – 2022**

*Section 1.12.0 Employment Lands*

*Section 4.2.0 Strategic Policy For Employment*

*Policy ET1 Economic and Tourism Overarching Policies and Objectives*

*It is the policy of the Council to support sustainable enterprise and employment growth in South Dublin County and in the Greater Dublin Area, whilst maintaining environmental quality.*

*Policy ET2 Enterprise and/or Residential Led Development in Regeneration Zones*

*It is the policy of the Council to facilitate and support the regeneration of underutilised industrial areas that are proximate to urban centres and transport nodes and to promote and support more intensive compatible employment and/or residential led development in regeneration zones.*

*Policy ET3 Enterprise and Employment (EE)*

*It is the policy of the Council to support and facilitate enterprise and employment uses (hightech manufacturing, light industry, research and development, food science and associated uses) in business parks and industrial areas.*

*ET3 Objective 5:*

*To ensure that all business parks and industrial areas are designed to the highest architectural and landscaping standards and that natural site features, such as watercourses, trees and hedgerows are retained and enhanced as an integral part of the scheme.*

*ET3 Objective 6:*

*To ensure that business parks and industrial areas are designed to promote walking, cycling and public transport.*

*Section 6.4.4 Car Parking*

*Policy TM7 Car Parking*

*Section 7.1.0 Water Supply & Wastewater*

*Policy IE1 Water & Wastewater*

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*Section 7.2.0 Surface Water & Groundwater*

*Policy IE2 Surface Water & Groundwater*

*Section 7.3.0 Flood Risk Management*

*Policy IE3 Flood Risk*

*Section 7.5.0 Waste Management*

*Section 7.5.1 Waste and Resource Policy and Legislation*

*Policy IE5 Waste Management*

*Section 7.6.0 Major Accidents Directive*

*Policy IE6 Major Accidents*

*Section 7.7.0 Environmental Quality*

*Policy IE7 Environmental Quality*

*Section 8.0 Green Infrastructure*

*Policy G5 Sustainable Urban Drainage Systems*

*Policy G6 New Development in Urban Areas*

*Section 9.3.1 Natura 2000 Sites*

*Policy HCL12 Natura 2000 Sites*

*Section 10.0 Energy*

*Policy E3 Energy Performance in Existing Buildings*

*Policy E5 Waste Heat Recovery & Utilisation*

*Table 11.18: Key Principles for Development within Enterprise and Employment Zones*

*Section 11.2.5 Enterprise and Employment Areas*

*Section 11.2.7 Building Height*

*Section 11.4.1 Bicycle Parking Standards*

*Table 11.22: Minimum Bicycle Parking Rates*

*Section 11.4.2 Car Parking Standards*

*Table 11.23: Maximum Parking Rates (Non-Residential)*

*Section 11.4.4 Car Parking Design and Layout*

*Section 11.4.6 Travel Plans*

*Section 11.6.1 (i) Flood Risk Assessment*

*Section 11.6.1 (ii) Surface Water*

*Section 11.6.1 (iii) Sustainable Urban Drainage System (SUDS)*

*Section 11.6.1 (iv) Groundwater*

*Section 11.6.1 (v) Rainwater Harvesting*

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*Section 11.6.1 (vi) Water Services*

*Section 11.6.3 Environmental Hazard Management*

*Section 11.6.3 (i) Air Quality*

*Section 11.6.3 (ii) Noise*

*Section 11.6.3 (iii) Lighting*

*Section 11.6.4 Major Accidents – Seveso Sites*

*Section 11.6.5 Waste Management*

*Section 11.6.5 (iii) Waste Recovery and Disposal Facilities*

*Section 11.7.1 Energy Performance In Existing Buildings*

*Section 11.8.1 Environmental Impact Assessment*

*Section 11.8.2 Appropriate Assessment*

### **Relevant Government Policy & Guidelines**

*Project Ireland 2040 National Planning Framework, Government of Ireland, (2018).*

*Regional Spatial & Economic Strategy 2019 - 2031, Eastern & Midlands Regional Assembly, (2019).*

*A Waste Action Plan for a Circular Economy Ireland's National Waste Policy 2020-2025, Department of Communications, Climate Action and Environment, (2020).*

*The Eastern-Midlands Region (EMR) Waste Management Plan 2015-2021 (2015).*

*Waste Management Plan for the Dublin Region 2005-2022*

*The Planning System and Flood Risk Management - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government & OPW, (2009).*

*Circular PL 2/2014 Flooding Guidelines.*

*NTA Greater Dublin Area Transport Strategy 2020.*

*Smarter Travel – A Sustainable Transport Future. A New Transport Policy for Ireland 2009 – 2020, Department of Transport, (2009).*

*Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, (2009).*

*OPR Practice Note PN01 Appropriate Assessment Screening for Development Management (March 2021).*

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### Assessment

The main issues for assessment relate to:

- Zoning and Council Policy;
- Visual Impact;
- Residential Amenity;
- Traffic, Access and Parking;
- Services and Drainage;
- Environmental Health;
- Environmental Impact Assessment; and
- Appropriate Assessment.

### *Zoning and Council Policy*

The subject site is located within zoning objective 'EE': *'To provide for enterprise and employment related uses'*. The proposal is for the retention of an open shed building not currently in use. The applicant states this building was used previously as a storage shed supporting previous waste management operations at the site. They state that the previous use of the shed has been discontinued and it is currently not in use. The purpose of this application they state is to regularise this building.

The applicant states that they are currently in the process of evaluating the future use of the overall site for the purposes of waste management operations. They state that the future use of the subject building is intended to support waste recycling operations. However, they advise that any such use of the building will be subject to a separate planning application for the overall site.

Permission was previously granted on-site for waste and materials transfer use. While the subject structure is not currently in use, it is considered to be intrinsically linked with the permitted use of the site. That being said, without specific details of the use, the Planning Authority is unable to definitively state that the use of the subject unit would not materially impact the receiving environment. Considering that the applicant has specifically excluded the use of the structure from the subject application and has also stated that the intended future use of the site is not known, seeking further information on this point is not considered reasonable. Accordingly, it is recommended that a **condition** be imposed requiring the submission of a separate planning application in relation to the use of the subject structure. It is considered that this approach allows for the impact of the use of the subject structure to be fully assessed by the Planning Authority.

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### ***Visual Impact***

The development for retention is an existing open shed building approx. 159.25sq.m in size. The building is located approx. 8.41m from the front boundary. It is set forward of the front building line of the other existing (permitted) building. The shed has a pitched roof and is approx. 6.8m in height at the eaves and approx. 7.3m in height at roof ridge (increases slightly to approx. 6.9m and 7.5m at the south end). The building does not sit higher in overall height than the existing building onsite. The subject building is approx. 12.6m in width and approx. 14.7m in length. The height, form and scale are therefore considered to be acceptable.

The building is an open shed type of structure. There is no wall on the rear elevation, this is open. There are high level openings on the northern (front) elevation. Materials are largely a mix of a block wall (front elevation), corrugated sheeting, metal framing and boards. The building appears unfinished in some places (open framing and boards). A site visit of the site confirms that the building is vacant with some waste materials stored inside. Along the northern (front) elevation of the building is a planted kerb.

Given the incompleteness of the building, the Planning Authority does have some concerns in relation to its visual impact. This is having regard to Policy ET3 Objective 5 and Table 11.18 under the County Development Plan, which are to ensure buildings within EE zoned land are designed and finished to a high standard.

It is noted that alterations to this building may also be required as part of the future intended planning application for the use of the site. However, it is considered that the elevational treatment of the structure should be addressed as part of this application. A **condition** should be attached in the event of a grant of permission requiring for improvements to the elevations. It is noted that Public Realm have no comment or objection to the proposed development.

### ***Residential Amenity***

The nearest existing residential development to the subject site is to the north-east, over 700m from the site. Therefore, based on the separation distance it is considered that the proposal would not materially harm the amenity of existing residents.

### ***Traffic, Access and Parking***

The Roads Department have reviewed the proposed development and request additional information:

#### ***Description:***

*This application is for the retention of an existing building (159.25m<sup>2</sup>) currently not in use. Proposed use is intended as a recycling facility, and this will be subject to a separate application.*



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*The subject building is part of the overall unit 518B which has a combined area of 536m<sup>2</sup> SDCC Roads Department requires the location of the parking to be identified, including mobility impaired spaces, EV charging spaces and bicycle parking spaces.*

*Roads recommend that additional information be requested from the applicant:*

*1. The applicant is requested to submit a revised layout of not less than 1:100 scale the location and number of parking spaces to be provided at the development. Please refer to Table 11.23: Maximum Parking Rates (Non-Residential) – from the SDCC County Development Plan 2016-2022.*

*2. The applicant is requested to submit a revised layout not less than 1:100 scale showing the bicycle parking within the development. Please refer to Table 11.22: Minimum Bicycle Parking Rates– SDCC County Development Plan 2016-2022.*

*Note: All external bicycle parking spaces shall be covered.*

*Should the permission be granted, the following conditions are suggested:*

*1. The applicant shall provide 5% of vehicular parking spaces for mobility impaired users, and 10% vehicular parking spaces to be equipped with electrical charging points, REASON: In the interest of sustainable transport.*

The proposal is for the retention of an open shed structure. The Planning Authority does not consider that the retention of the shed would significantly increase the intensity of the use permitted on the site. Any increase in intensity of this use would require planning permission. The use of the shed is also to be confirmed by way of condition. It is therefore considered that the above requested item does not need to be addressed at this time.

### ***Services and Drainage***

Water Services have reviewed the proposed development and request additional information in relation to surface water:

*1.1 The applicant has not submitted surface water drainage plans for the proposed development. The applicant is required to submit a drawing showing existing and proposed surface water drainage layouts up to and including the point of connection to the public surface water sewer.*

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*1.2 The applicant shall include SuDS (Sustainable urban Drainage Systems) features for the proposed development such as but not limited to the following:*

- *Permeable Paving*
- *Grasscrete*
- *Water Butts*
- *Rain Gardens,*
- *Planter boxes with overflow connection to the public surface water sewer.*

Irish Water has reviewed the proposed development and has no objection subject to standard conditions relating to connection agreements.

As stated previously in this report, it is not considered that the shed for retention would result in an increase in the intensity of use of the site. No new connections are proposed. It is therefore considered that the above requested items do not need to be addressed at this time.

### ***Environmental Health***

The H.S.E. Environmental Health Officer has reviewed the proposed development and state that the proposal is acceptable, provided that the proposed use as a recycling facility will be subject to a separate application. This is noted and agreed.

### ***Screening for Environmental Impact Assessment***

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### ***Screening for Appropriate Assessment***

The applicant has not provided information to assist the screening for Appropriate Assessment. The subject site is not located within nor within close proximity to a European site. The development involves retention of an open shed structure.

Having regard to:

- the scale and nature of the development,
- the location of the development, and
- the consequent absence of a pathway to the European site,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

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### **Development Contributions**

**Retention** of an open shed structure associated with a waste facility site 159.25sq.m

### **SEA monitoring**

Building Use Type Proposed: Residential

Floor Area: 159.25sq.m

Land Type: Brownfield/Urban Consolidation.

Site Area: 0.0159 Hectares.

### **Conclusion**

Having regard to the:

- provisions of the South Dublin County Development Plan 2016-2022,
- the established character of the area, and
- the nature and scale of the proposed development,

it is considered that, subject to compliance with the conditions set out below, the proposed development for retention would be in compliance with Council policy, would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Recommendation**

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant Permission for Retention for the said development in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

## **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 conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

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### **SECOND SCHEDULE**

#### **Conditions and Reasons**

1. Development to be in accordance with submitted plans and details.  
The development shall be retained and completed fully in accordance with plans, particulars and specifications lodged with the application, save as may be required by other conditions attached hereto.  
REASON: To ensure that the development is in accordance with the permission and that effective control is maintained.
2. Use of Shed  
This grant of retention permission relates solely to the subject structure as constructed and does not permit the use of the structure for any purpose. The use shall be subject of a separate planning application.  
REASON: To clarify the scope of the planning permission and ensure the impact of the use of the structure is fully assessed and mitigated prior to commencement of any such use.
3. 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.
4. 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

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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.

### 5. Elevational treatment

Within 6 months of the grant of permission, or a timeframe otherwise agreed in writing with the Planning Authority, the applicant shall submit revised drawings, including floor plans and elevational drawings, showing improvements to the elevational treatment of the building for retention for the written agreement of the Planning Authority. Once approved, these amendments shall then be carried out within 6 months of the written agreement.

REASON: To ensure that the development is visually acceptable and in the interest of the proper planning and sustainable development of the area.

### 6. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €1,571.80 (one thousand five hundred and seventy one euros and eighty 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

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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](mailto:customerservice@water.ie).

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 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.

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**REG. REF. SD22A/0100**

**LOCATION: 518B, Grants Crescent, Greenogue Business Park, Rathcoole, Co. Dublin**

*Colm Harte*

**Colm Harte,  
Senior Executive Planner**

**ORDER:** A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for Retention for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

**Date:**

1/6/22



**Eoin Burke, Senior Planner**