

# Comhairle Chontae Atha Cliath Theas

**PR/0882/22**

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

**Reg. Reference:** SD22A/0065      **Application Date:** 23-Feb-2022  
**Submission Type:** Significant      **Registration Date:** 14-Jun-2022  
Additional  
Information

**Correspondence Name and Address:** Thorton O'Connor 1, Kilmacud Road Upper,  
Dundrum, Dublin 14

**Proposed Development:** Provision of a warehouse unit with ancillary office and staff facilities and associated development. The building will have a maximum height of 15.5m with a gross floor area of 13,604sq.m including a warehouse area (12,568sq.m), staff facilities (489sq.m) and ancillary office area (538sq.m). The development will also include a vehicular and pedestrian entrance to the site from Magna Avenue, a separate HGV entrance from Magna Drive; 69 ancillary car parking spaces; covered bicycle parking; HGV parking and yards'; level access good doors; dock levellers; access gates; signage; hard and soft landscaping; lighting boundary treatments; ESB substation; sprinkler tank and pump house; an all associated site development works above and below ground.

**Location:** Magna Avenue and Magna Drive, Citywest, Dublin 24

**Applicant Name:** Rockface Development Limited

**Application Type:** Permission

(CM)

### **Description of site and surroundings**

The site is an undeveloped greenfield site in Fortunestown located on Magna Drive. It is bound to the east by industrial development, to the west by a larger greenfield site upon which residential development has been granted under ABP-306602-20.

Site Area – Stated as 3.03 Ha.

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### Proposal

Provision of a **warehouse unit** with ancillary **office and staff facilities** and associated development. The building will have a maximum height of 15.5m with a gross floor area of 13,604sq.m including:

- a warehouse area (12,568sq.m),
- staff facilities (489sq.m)
- and ancillary office area (538sq.m).

The development will also include:

- a vehicular and pedestrian entrance to the site from Magna Avenue, a separate HGV entrance from Magna Drive;
- 69 ancillary car parking spaces;
- covered bicycle parking;
- HGV parking and yards;
- level access good doors;
- dock levellers;
- access gates;
- signage;
- hard and soft landscaping;
- lighting boundary treatments;
- ESB substation;
- sprinkler tank and pump house;
- and all associated site development works above and below ground.

### Zoning

'EE' – "To provide for enterprise and employment related uses."

The site is located in close proximity to 'RES-N' zoning, immediately to the west.

### SEA Monitoring

No overlaps indicated with the relevant layers.

### Consultations Received

Environmental Services Department	No objection, subject to use of swales.
Roads	Requests Additional Information.
Public Realm	Requests Additional Information.

### External

HSE Environmental Health Officer	No objection, subject to conditions.
Irish Water	No objection, subject to conditions.
Department of Defence	Requests Additional Information.

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### Observations/Representations/Submissions

None Received.

### Planning History

**SD08A/0588** – Permission **granted** for A light industrial / storage warehouse unit with 3 storey ancillary offices plus a single storey stand alone ESB Sub-station, car parking and associated site development works.

**SD08A/0588/EP** – Extension of duration for above permission granted in 2013 for a period of five years. Permission has withered and was not implemented.

### Adjoining Site

**SHD3ABP-306602-20** – Permission granted by An Bord Pleanála despite a recommendation for refusal by South Dublin County Council, for strategic housing development as follows: Construction of a residential development of **463 dwellings comprising 353 apartments, 89 houses and 21 duplex apartments**, creche (c.587.8sq.m) and community building (c.141sq.m) as follows: (A) 353 apartments in 7 apartment buildings (with balconies or terraces [including communal terraces] as follows: Block 1 (6 storeys with a part 7 storey level) of 57 apartments; Block 2(6 storeys with a part 7 storey level) of 47 apartments; Block 3 (6 storeys over undercroft/semi-basement with a part 7 storey level) of 56 apartments with car parking and ancillary plant/storage at basement level; Block 4 (6 storeys over undercroft/semi-basement with a part 7 storey level) of 56 apartments with car parking and ancillary plant/storage at basement level; Block 5 (6 storeys with a part 7 storey level) of 47 apartments; Block 6 (6 storeys over undercroft/semi-basement with a part 7 storey level) of 58 apartments with car parking and ancillary plant/storage at basement level; Block 7 is 6 storeys of 32 apartments (creche at ground and first floor) with outdoor play area. (B) 89 houses; House types 1A, 2A, 4, 4A- 3 storey to front [2 storey to rear] remainder of house types 2 storey. (C) 21 duplex apartments in 2 3-storey buildings. (D) Single storey community building including management office, 3 single storey ESB substations, single storey bicycle and bin stores. (E) 401 car parking spaces (including 3 car sharing spaces) to serve overall development and 364 bicycle spaces ([for apartments] with apartment bicycle storage provided internally at ground floor level for apartment blocks 1-7). (F) Provision of public open space areas within the development (including playground areas and communal open space areas); all ancillary landscape works, public lighting, planting and boundary treatments including regrading/re-profiling of site where required as well as provision of footpaths and cycle paths. (G) Vehicular access to the proposed development will be from the Citywest Road (N82) and will include pedestrian crossings and works to facilitate access (including vehicular and footpath/bridges over stream/ditch), secondary vehicular and pedestrian access to boundary to lands to north (currently under construction) and pedestrian to boundary to

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Magna Drive. (H) Provision of surface water and underground attenuation and all ancillary site development work.

### **Planning Enforcement**

None.

### **Pre-Planning Consultation**

None recorded or indicated on the application form.

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

Chapter 4 Economic Development and Tourism

Policy ET1 Overarching

Policy ET3 Enterprise and Employment

Section 11.1.1 Land Uses

Section 11.1.1 (iv) Transitional Areas

Section 11.2.3 Environmental Hazard Management

Section 11.2.3 (ii) Noise

Section 11.4.1 Bicycle Parking Facilities

Section 11.4.2 Car Parking Standards

Section 11.8.2 Appropriate Assessment

### **Fortunestown Local Area Plan 2012**

### **Relevant Government Policy**

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

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

**Waste Management Plan for the Dublin Region 2005-2010**, Dublin City Council, Dun Laoghaire-Rathdown County Council, Fingal County Council and South Dublin County Council, (2005).

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

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

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### **Assessment**

The main issues for assessment are:

- Accuracy of Notices
- Zoning and Council Policy
- Visual Impact and residential amenity
- Access, Transport and Parking
- Public Realm
- Drainage
- Aviation Safety
- Screening for Appropriate Assessment
- Screening for Environmental Impact Assessment

### **Accuracy of Notices**

The planning notices identify the height of the structure as being 15.5m. Elevation drawings show the building to be as high as 16.5m in places. This should be reflected on **revised notices** by **additional information**, or else revised drawings provided showing that the development would be consistent with the original planning notices.

### **Zoning and Council Policy**

Under the South Dublin County Development Plan 2016 - 2022, the site is subject to zoning objective 'EE' – 'To provide for enterprise and employment related uses.' 'Industrial-General' is permitted in principle in 'EE' zoned areas.

The site is in a transitional area, being located adjacent to 'RES-N' zoned lands ("To provide for new residential communities in accordance with approved area plans."). As per section 11.1.1 (iv) of the South Dublin County Development Plan 2016 – 2022,

“Abrupt transitions in scale and use should be avoided adjacent to the boundary of land use zones. Development proposals in transition areas should seek to avoid development that would be detrimental to the amenities of the contiguous zone. For example, regard should be had to the use, scale and density of development proposals in zones abutting residential or rural areas in order to protect residential or rural amenity, as appropriate.”

### **Fortunestown Local Area Plan**

The southern portion of the site is within the Fortunestown Local Area Plan lands. The Plan identifies the south and west frontage of the site as a primary street with built frontage. This particular designation is also identified for the SHD site to the west, however this was disregarded by An Bord Pleanála in their decision under ABP-306602-20. Consequently, building frontage out onto one side of Magna Drive is highly unlikely to create a 'street' and applying this objective selectively to the subject site would not serve an urban design function.

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### **Visual Impact and Residential Amenity**

The proposed warehouse would be 16.5m in size above ground, and presents a wide façade of 140m to the west (the most sensitive receptor, being a residential site with permission). This curtain wall façade will be treated with composite insulating cladding panels with various shades of grey and some spandrel windows. A green wall is also proposed. The south-west corner is tapered and a vertical feature window is provided at that location, beneath a signage area. Aside from a fire door at ground level, there is no activity on the western façade and it fronts directly onto landscaped surrounds. The entire building is to be screened behind a berm and planted trees.

In terms of height, the proposed development is not as tall as that permitted on the adjoining site, and so no undue transition is suggested to occur here.

### Sunlight/Daylight Impact

The layout and design of the permitted development on the adjoining site is known. The proposed warehouse would appear to be separated by approx. 40 metres from permitted buildings opposite, and is located west, south-west and north-west of permitted units on the adjoining site. There are also some existing residential dwellings to the south, slightly uphill of the site. Given the mass and height of the proposed building, and given the precautionary policy advised under section 11.1.1 (iv) of the County Development Plan, sunlight/daylight impacts on the adjoining developments are a key concern on this site.

The applicant has provided a report entitled “Daylight, Sunlight and Overshadowing Assessment.” The report considers vertical sky component (VSC) and shadow plots to measure the potential impact on habitable rooms in adjoining developments. The report shows that there will be a negligible detrimental impact to daylight levels in the permitted development to the west and existing dwellings to the south. The findings in the report are accepted.

### **Access, Transport and Parking**

The Roads Department has recommended 3 items of additional information. The report expresses satisfaction with the car parking ratio. The applicant is proposing the maximum parking rate possible for a ‘Zone 2’ development of this size (the Roads Report quotes the maximum figure for Zone 1, but this development is well connected to the 77A bus route and will be well connected to Fortunestown Luas once the adjoining development is delivered).

The three items of additional information are as follows:

1. The applicant shall submit a detail design of proposed vehicular and pedestrian accesses from Magna Avenue and Magna Drive, visibility splays shall be demonstrated at the proposed vehicular accesses.

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1. The applicant shall submit a swept path analysis for any emergency vehicle movements that would occur within the site.
2. The applicant is requested to submit a revised layout of not less than 1:200 scale showing 10% vehicular parking spaces (7no.) to be equipped with electrical charging points. 100% of spaces must be provided with electrical ducting and termination points to allow for the provision of future charging points. REASON: In the interest of sustainable transport.

It is considered reasonable that these issues are the subject of a request for **additional information**.

The Roads Report also notes that the adjoining roads are not taken in charge and that the applicant should obtain the consent of adjoining parties to works on those roads. This should also be the subject of a **request for additional information**.

### **Public Realm**

The applicant has provided a landscape rationale, landscape & visual impact assessment, and tree report & survey. The Public Realm Department report seeks **additional information** on 6 grounds. The report reads as follows:

In relation to the above proposed development, this section has reviewed the application and has the following comments:

#### Landscape Plan

In addition to the submitted landscape plans and landscape rationale the applicant is requested to submit soft landscape details to include detailed planting plans and planting schedules, stating species/varieties, quantities, sizes, rootball presentation and spacings. The applicant should propose native species where possible to encourage biodiversity and support pollinators within the landscape. The landscape plan and associated planting plan should be prepared by a suitable qualified landscape architect.

#### Green Infrastructure

The applicant is requested to submit green infrastructure proposals to help mitigate and compensate for the impact of the proposed development on this green field site and the removal of a hedgerow. These proposals shall include additional landscape details, SUDS measures (such as permeable paving, green roofs, filtration planting, above ground attenuation ponds etc) and planting for carbon sequestration and pollination to support the local Bat population. Response shall include drawings.

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### SuDS

A SuDS strategy should be developed for the proposed development which takes account of quantity, quality, and amenity issues. The design of SuDS features is required to be of high quality to achieve a multifunctional space for amenity, biodiversity and surface water management. The proposed SuDS features should aid the maintenance of the existing greenfield runoff rates or potentially reduce the amount of surface water entering the piped surface water system.

The current proposed drainage system needs to be developed further in order to sustainably manage surface water through a natural hydrological regime or SUDS scheme within the development. The philosophy of SUDS is an integrated multi-disciplinary approach which locally addresses water quality, water quantity, and provides for amenity and habitat/biodiversity enhancement. SuDS that should be considered for the SHD development include:

- Bio retention systems
- Infiltration systems
- Tree pits
- Channel rills
- Green area detention basins
- swales

Where possible in addition to the SUDS features proposed the applicant should provide the following:

- Demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development.

Revised proposals to be provided by the applicant in this regard. Response should include revised layout and drawings.

### Existing Trees

Existing, mature trees can be significant assets to new developments, they add a sense of place, maturity and beauty, provide valuable screening, shelter, privacy and support wildlife. Within built developments, retention of existing trees is often desirable and achievable, subject to arboricultural assessment, impacts and feasibility studies. However, trees can be lost because of the impacts of construction activities associated with new developments. It is essential to conserve existing trees where possible and suitable to do so. The Council recognises the importance of existing trees and requires that they be given adequate consideration at all stages of the development process, from feasibility stage to post completion management.

In addition to the submitted Tree Report and Survey, the applicant is requested to submit the following information in accordance BS 5837:

- i) Arboricultural Impact Assessment
- ii) Tree Constraints Plan



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- iii) Tree Protection Plan
- iv) Arboricultural Method Statement (AMS)

The Public Realm Section has assessed the proposed development in accordance with the policies and objectives of the County Development Plan 2016-2022 and with best practice guidelines and recommends the following additional information be provided:

1. The applicant is requested to submit comprehensive and detailed landscape proposals for the development, prepared by a qualified Landscape Architect. Such proposals should include a scaled landscape plan(s) with cross-sections, showing the layout and hard and soft treatment of all boundaries, features, external areas and green spaces. The proposals shall be accompanied by specifications for materials, workmanship and maintenance, together with proposed design details. Hard landscape details are to include, where applicable, those for any proposed lighting, seating, kerbing, boundaries, edging, surfacing and water features. Soft landscape details are to include detailed planting plans and planting schedules, stating species/varieties, quantities, sizes, rootball presentation and spacings. The landscape plan shall be accompanied by a timescale for its implementation, including a minimum 18-month landscape maintenance period and defects liability clause

2. In addition to the Tree Report and Survey submitted the applicant is requested to provide an Arboricultural Impact Assessment, Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement, all in accordance with, BS 5837: 2012 Trees in relation to design, demolition and construction -recommendations. The report shall be carried out by an independent, qualified Arborist and shall include all of the following:

i) Arboricultural Impact Assessment: a thorough, detailed and realistic analysis and assessment of the likely impacts of the proposed development on the surveyed trees and hedges; along with a summary table of the tree population and quantification of impacts/losses etc. (total number surveyed and total numbers/percentage to be retained and felled respectively).

ii) Design Iteration- Adjustments, Revisions to Proposed Site Layout: subsequent to and arising from the Impacts Assessment, the applicant's design team [especially arborist, consulting architect(s) and engineer(s)] shall demonstrate in their submission, that it has sufficiently explored and investigated layout alternatives, to achieve an optimal solution that meets South Dublin County Councils Tree Strategy and its Development Plan standards in respect of tree preservation and tree retentions, as appropriate

iii) Tree Constraints Plan: a scaled site plan (1:500@A1) showing the impacts of all surveyed trees in relation to the site layout of the proposed development.

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iv) Tree Protection Plan: a scaled site plan (1:500@A1) of the proposed development, clearly showing and distinguishing (by colour coding) those trees and hedges to be retained and protected and those to be removed ; showing alignments of Tree Protection Fencing and areas to be excluded from construction activities and compound(s), site office(s), plant, equipment and materials storage. Root Protection Areas (RPAs') of all trees and hedgerows to be clearly shown on this drawing.

v) Arboricultural Method Statement: clear and practically-achievable measures to be used during the construction period, for the protection and management of all trees and hedges that are to be retained, as shown in the Tree Protection Plan.

vi) Summary Table: Summary of all trees and hedgerow proposed for removal and retention to include numbers and percentages.

vii) The applicant is requested to submit pictures of the existing trees/hedgerows subject to any tree protective fencing. This shall include a location map of where each picture was taken from.

3. The applicant has provided little or no information as to the landscape and visual impact of the proposed development. The applicant is requested to provide a detailed landscape and visual impact assessment including photo montages for the proposed development.

4. Having regard to the size, scale and height of the proposed development, the applicant is requested to submit a Visual Impact Assessment identifying key viewpoints to the site from the surrounding area, including CGI of existing views and views of the proposed development.

5. Given the potential for the presence of Japanese Knotweed (*Reynoutria japonica*) within the proposed development site, the applicant is required to provide the following:

- A detailed survey must be undertaken by an approved environmental consultant for the presence of Japanese Knotweed and this must be submitted for the approval of the Planning Authority.

- If present on site an Invasive Species Management Plan must be provided which details how the Japanese Knotweed will be addressed. This Invasive Species Management Plan must be prepared by suitably qualified specialist who can demonstrate experience and technical abilities in invasive species management and control.

Please note that Japanese Knotweed can be far more extensive than the visible parts on the surface and that the underground parts of the plant may extend laterally up to 7 metres beyond this. Therefore, this survey must also note any knotweed adjoining the

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site. If Japanese Knotweed is confirmed, full details of a scheme for its eradication and/or control shall be submitted to and approved by the Planning Authority prior to the commencement of work on site.

6. A comprehensive SUDS Management Plan shall be submitted to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan shall also be included as a demonstration of how the system will function following implementation. Additional natural SUDS features shall be incorporated into the proposed drainage system for the development such as rain gardens, detention basins, filter drains, swales etc. In addition, the applicant shall provide the following:

- Demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development.
- The applicant is referred to the recently published SDCC SuDS Design Guide for further information and guidance.

The above is considered reasonable and can be the subject of a **request for additional information**. Photomontages have been submitted though additional views are sought.

In particular, the proposed underground drainage storage tank is of considerable size. In the context of a greenfield development, there isn't any need for such a tank if sustainable drainage features are used as per South Dublin County Council policy.

### Drainage

Irish Water has stated no objection, subject to conditions.

The Environmental Services Department has stated no objection, subject to a single condition:

“Prior to commencement of development submit a revised drawing showing swales with an overflow connection to the surface water system as part of SuDS (Sustainable Drainage System).”

As stated above, it is considered that on a greenfield site, natural SUDs and features such as blue roofs should capture, retain and direct rainwater to ground such that underground storage is not necessary excluding severe weather events. The applicant should be requested to adopt a natural SuDs strategy excluding the use of an underground tank unless sufficient reasons are shown for the inclusion of one. This can be the subject of a **request for additional information**.

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### Aviation Safety

The Department of Defence has objected to the development on the basis of height. The development would not be as tall as the permitted development under ABP-306602-20, and is not particularly tall for a warehouse.

The Department lists the following reasons (imperial measurements updated to metric by the author):

a. The International Civil Aviation Organisation (ICAO) is an agency of the United Nations. It sets out the 'Standards and Recommended Practices' (SARP'S) for international aviation through the publication of 19 annexes.

ICAO Annex 14 deals with airport surfaces to be protected to ensure safe instrument flight procedures at airports.

ICAO Annex 14 Obstacle Limitation Surfaces (OLS) are established at Casement Aerodrome.

b. A 15m warehouse at the proposed development location will penetrate the Inner Horizontal Surface (IHS), which is intended to protect aircraft which are visually maneuvering in the vicinity of an aerodrome. This surface begins at 131.6m above mean sea level (AMSL).

From the location information that is provided, it appears that the elevation of the site in question is approximately 125m. The planned warehouse will be 15m high giving a total height above sea level of 140m.

c. The area of the proposed development is regularly overflowed by the following types of visually maneuvering aircraft:

1. Fixed wing aircraft operating in the standard and low-level Casement Aerodrome circuit patterns. The standard circuit pattern altitude is 1,300ft AMSL [396.24 m] and the low-level pattern altitude is 800ft AMSL [243.84 m].

2. Helicopter training traffic, operating to/from runway and non-runway locations at Casement Aerodrome, particularly when Runway 28 (previously Runway 29) is active

3. Helicopter traffic joining/departing Casement Aerodrome from/to South and South East.

d. The Department of Defence is not satisfied that the proposed development will not negatively impact flight operations in the vicinity of Casement Aerodrome. New penetrations of the IHS should not be permitted unless the new object is shielded by an existing immovable obstacle or, after an aeronautical study, it is found not to have a negative impact on safety or regularity of operations. It is not known whether the Developer has considered or provided any documentation on this matter.

e. In the event that this application is granted, the operation of cranes should be coordinated with Air Corps Air Traffic Services, no later than 28 days before use, contactable at [airspaceandobstacles@defenceforces.ie](mailto:airspaceandobstacles@defenceforces.ie) or 01-4037681.

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f. As the authority on military aviation, the Department of Defence wish to have an Independent Aviation Assessment carried out and submitted to us for our appraisal.

It is considered that the building is unlikely to have a major impact given the relative height of building on adjoining sites. However, it would be prudent to allow the applicant to respond to the Department's submission by way of **additional information**. The applicant should be requested to provide:

- Aviation Safety Assessment
- Section drawing (as per the advice in the Draft County Development Plan) showing relative land levels to the aerodrome.

### 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

See below tables for screening for appropriate assessment.

**Table 1: Description of the project and site characteristics**

<b>Planning File Reference</b>	SD21A/0065
<b>Brief description of the project</b>	See description of development.
<b>Brief description of site characteristics</b>	See above description.
<b>Application accompanied by a NIS Y/N</b>	No.

**Table 2: Identification of European Sites which may be impacted by the project**

<b>European Site</b>	<b>List of Qualifying Interest/ Special Conservation Interest</b>	<b>Distance from proposed development (km)</b>	<b>Connections (Source-Pathway- Receptor)</b>	<b>Considered further in screening Y/N</b>
Glenasmole Valley SAC	3 Qualifying Interests <a href="#">CO001209.pdf (npws.ie)</a>	3.7	None.	No
Wicklow Mountains SAC	13 Qualifying Interests <a href="#">ConservationObjectives.rdl (npws.ie)</a>	5.3	None.	No
Rye Water Valley / Carton SAC	3 qualifying interests (see applicant's AA Screening Report)	8.4	None.	No
Red Bog,	1 qualifying interest (see	11.8	None.	No

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Kildare SAC	applicant's AA Screening Report)			
Poulaphouca Reservoir SPA	See applicant's report.	11.8	None.	No.
Wicklow Mountains SPA	2 Qualifying Interests - Merlin (Falco columbarius) [A098] Peregrine (Falco peregrinus) [A103] <a href="#">CO004040.pdf (npws.ie)</a>	>15	None.	No
South Dublin Bay SAC	4 Qualifying Interests <a href="#">ConservationObjectives.rdl (npws.ie)</a>	14.3	Weak hydrological pathway via River Camac and discharges from Ringsend WWTP.	Yes
South Dublin Bay and River Tolka Estuary SPA	14 Qualifying Interests <a href="#">ConservationObjectives.rdl (npws.ie)</a>	14.3		Yes.
North Bull Island SPA	See applicants' report.	>15		Yes.

**Table 3: Assessment of Likely Significant Effects**

<b>Identify all potential direct and indirect impacts (alone or in combination) that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project:</b>	
<b>Likely Impacts</b>	<b>Possible Significance of Impacts (duration, magnitude etc.)</b>
<p>Construction phase</p> <ul style="list-style-type: none"> <li>• Uncontrolled releases of silt, sediments and/or other pollutants to air due to earthworks</li> <li>• Surface water run-off containing silt, sediments and/or other pollutants into nearby waterbodies.</li> <li>• Surface water run-off containing silt, sediments and/or other pollutants into the local groundwater.</li> <li>• Waste generation during the Construction Phase comprising soils, construction and demolition wastes.</li> <li>• Increased noise, dust and/or vibrations as a result of construction activity.</li> <li>• Increased dust and air emissions from construction traffic.</li> <li>• Increased lighting in the vicinity as a result of construction activity.</li> </ul>	None.
Operational phase e.g.	None.

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<ul style="list-style-type: none"> <li>• Surface water drainage from the Site of the Proposed Development.</li> <li>• Increased lighting in the vicinity emitted from the Proposed Development; and</li> <li>• Increased human presence in the vicinity as a result of the Proposed Development.</li> </ul>	
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<b>Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?</b>
Yes
No

**Table 4: Screening Determination Statement**

<b>Assessment of significance of effects:</b>		
<b>Describe how the proposed development (alone or in-combination) is/is <u>not likely</u> to have <u>significant</u> effects on European site(s) in view of its conservation objectives.</b>		
<b>Conclusion:</b>		
	<b>Indicate (X)</b>	<b>Recommendation</b>
<b>It is clear that there is no likelihood of significant effects on a European site</b>	X	The proposal can be screened out. Appropriate assessment not required.
<b>It is uncertain whether the proposal will have a significant effect on a European site</b>		Request further information to complete screening Request NIS Refuse permission
<b>Significant effects are likely</b>		Request NIS Refuse permission
<b>Completed by</b>	SDCC Planning Department	
<b>Date</b>	19 <sup>th</sup> April 2021.	

**Conclusion**

The proposed development requires additional assessments and should be the subject of a request for additional information.

**Recommendation**

Request Additional Information.

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### **Significant Additional Information**

Additional information was requested on 19<sup>th</sup> May 2022 and received on 14<sup>th</sup> June 2022. The additional information was accompanied by revised notices and was deemed significant additional information. Submissions were therefore opened and accepted until 27<sup>th</sup> June 2022.

### **Further Consultations**

Environmental Services	No objection, subject to conditions.
Roads	No objection, subject to conditions.
Public Realm	No objection, subject to conditions.
Department of Defence	No response received.

### **Further Observations/Submissions/Representations**

None.

### **Assessment of Additional Information**

#### **Item 1**

Sustainable Drainage Systems.

The applicant is requested to submit a comprehensive SUDS Management Plan and revised drainage and landscape drawings. The Plan should demonstrate - unless absolutely impossible - that this greenfield site can be developed without the need for significant underground storage of water. The Plan should demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network to greenfield run-off rates. A maintenance plan should also be included as a demonstration of how the system will function following implementation. Additional natural SUDS features shall be incorporated into the proposed drainage system for the development such as blue roofs, rain gardens, detention basins, filter drains, swales etc. In addition, the applicant should provide the following:

- Demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development.
- The applicant is referred to the recently published SDCC SuDS Design Guide for further information and guidance.

#### **Response**

The applicant is proposing an attenuation system which will integrate SUDs measures. The features of the system are shown in the response as follows:



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- *Tree Pits (at the car parking area for source control as per landscaping details).*
- *Trapped Road Gullies (to collect run-off from all type of paved surfaces).*
- *Permeable paving (to the access road to the carparking).*
- *Grasscrete paving (to the car parking bays and to the fire tender access).*
- *Green roof (to the ancillary office roof).*
- *Restricted discharge (to the outlets of all attenuation systems for regional control).*
- *Silt trap and petrol interceptor (to the inlets of all attenuation systems for pollution prevention).'*

### Assessment

Each of the Public Realm Department and the Environmental Services Department has stated no objection on the basis of the submission. A SUDs management condition is proposed. This is acceptable.

### **Item 2**

Landscape Proposals.

The applicant is requested to submit comprehensive and detailed landscape proposals for the development, prepared by a qualified Landscape Architect. Such proposals should include a scaled landscape plan(s) with cross- sections, showing the layout and hard and soft treatment of all boundaries, features, external areas and green spaces. The proposals shall be accompanied by specifications for materials, workmanship and maintenance, together with proposed design details. Hard landscape details are to include, where applicable, those for any proposed lighting, seating, kerbing, boundaries, edging, surfacing and water features. Soft landscape details are to include detailed planting plans and planting schedules, stating species/varieties, quantities, sizes, rootball presentation and spacings. The landscape plan shall be accompanied by a timescale for its implementation, including a minimum 18-month landscape maintenance period and defects liability clause.

### Response

The applicant has provided revised Landscape Plans.

### Assessment

The Public Realm Department has assessed the plans and states no objection on the basis of the submission. A condition to agree final details and retain a landscape architect is proposed. This is acceptable.

### **Item 3**

Trees.

In addition to the Tree Report and Survey submitted the applicant is requested to provide an Arboricultural Impact Assessment, Tree Constraints Plan, Tree Protection Plan and

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Arboricultural Method Statement, all in accordance with, BS 5837: 2012 Trees in relation to design, demolition and construction -recommendations. The report shall be carried out by an independent, qualified Arborist and shall include all of the following:

- i) Arboricultural Impact Assessment: a thorough, detailed and realistic analysis and assessment of the likely impacts of the proposed development on the surveyed trees and hedges; along with a summary table of the tree population and quantification of impacts/losses etc. (total number surveyed and total numbers/percentage to be retained and felled respectively).
- ii) Design Iteration- Adjustments, Revisions to Proposed Site Layout: subsequent to and arising from the Impacts Assessment, the applicant's design team [especially arborist, consulting architect(s) and engineer(s)] shall demonstrate in their submission, that it has sufficiently explored and investigated layout alternatives, to achieve an optimal solution that meets South Dublin County Councils Tree Strategy and its Development Plan standards in respect of tree preservation and tree retentions, as appropriate
- iii) Tree Constraints Plan: a scaled site plan (1:500@A1) showing the impacts of all surveyed trees in relation to the site layout of the proposed development.
- iv) Tree Protection Plan: a scaled site plan (1:500@A1) of the proposed development, clearly showing and distinguishing (by colour coding) those trees and hedges to be retained and protected and those to be removed ; showing alignments of Tree Protection Fencing and areas to be excluded from construction activities and compound(s), site office(s), plant, equipment and materials storage. Root Protection Areas (RPAs') of all trees and hedgerows to be clearly shown on this drawing.
- v) Arboricultural Method Statement: clear and practically-achievable measures to be used during the construction period, for the protection and management of all trees and hedges that are to be retained, as shown in the Tree Protection Plan.
- vi) Summary Table: Summary of all trees and hedgerow proposed for removal and retention to include numbers and percentages.
- vii) The applicant is requested to submit pictures of the existing trees/hedgerows subject to any tree protective fencing. This shall include a location map of where each picture was taken from.

### Response

The applicant has provided a tree survey and impact assessment. All trees surveyed are off-site.

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### Assessment

The Public Realm Department has stated no objection on the basis of the submission. This is acceptable.

### **Item 4**

Additional Views.

Additional verified views and section drawings should be provided showing the relationship between the proposed development and permitted development to the west, and existing development to the south, as additional information. The applicant may wish to consult with the Planning Department prior to lodgement of additional views.

### Response

The applicant has provided additional views as requested.

### Assessment

This request originated with the Public Realm Department, which has stated no objection on the basis of the submission.

Having considered the views available, it would appear that the structure would not have a such a detrimental visual impact on adjoining residential development which is in the process of being constructed, as to warrant a refusal of permission. The proposed development reflects the zoning objectives which – unusually – provide for business park type premises to be located directly adjacent to a new residential area. In this context, the visual impact while not positive, is reasonably expected.

### **Item 5**

Invasive Species.

Given the potential for the presence of Japanese Knotweed (*Reynoutria japonica*) within the proposed development site, the applicant is required to provide the following:

- A detailed survey must be undertaken by an approved environmental consultant for the presence of Japanese Knotweed and this must be submitted for the approval of the Planning Authority.
- If present on site an Invasive Species Management Plan must be provided which details how the Japanese Knotweed will be addressed. This Invasive Species Management Plan must be prepared by suitably qualified specialist who can demonstrate experience and technical abilities in invasive species management and control.

Please note that Japanese Knotweed can be far more extensive than the visible parts on the surface and that the underground parts of the plant may extend laterally up to 7 metres beyond this. Therefore, this survey must also note any knotweed adjoining the site. If Japanese Knotweed is confirmed, full details of a scheme for its eradication and/or control shall be

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submitted to and approved by the Planning Authority prior to the commencement of work on site.

### Response

The applicant's revised Ecological Impact Assessment Report states that no Japanese knotweed has been recorded at the site, and that no Invasive Species Management Plan is required.

### Assessment

The response is adequate and no Invasive Species Management Plan is required. The Public Realm Department, from which the request originated, has stated no objection on the basis of the submission.

### **Item 6**

Letter of Consent.

The entrances to the development site are located off a road which is not taken in charge. The applicant should show that they have consent to connect to the road network.

### Response

A letter from McCartan & Burke solicitors has been included with the submission. This letter affirms that the applicant has the legal right and necessary consent to connect to the private roads and services in Magna and Citywest Business Parks.

### Assessment

The response is acceptable.

### **Item 7**

Access, Transport and Parking.

The applicant is requested to submit:

(a) a detail design of proposed vehicular and pedestrian accesses from Magna Avenue and Magna Drive, visibility splays shall be demonstrated at the proposed vehicular accesses.

(b) a swept path analysis for any emergency vehicle movements that would occur within the site.

(c) a revised layout of not less than 1:200 scale showing 10% vehicular parking spaces (7no.) to be equipped with electrical charging points. 100% of spaces must be provided with electrical ducting and termination points to allow for the provision of future charging points. REASON: In the interest of sustainable transport.

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### Response

The applicant has provided a series of plans showing swept path analysis, sightlines, electrical vehicle charging points, and a response from the consulting engineers.

### Assessment

The Roads Department has assessed the submission and is satisfied with the response to each of the points.

### **Item 8**

Aviation Safety.

(a) The proposed development would breach in the inner horizontal surface (the 'relevant obstacle limitation surface') around Casement Aerodrome. The Inner Horizontal Surface of Casement Aerodrome is at elevation 131.6m OD. As per the request of the Department of Defence, the applicant is invited to submit an Aviation Safety Assessment.

(b) The applicant is requested to provide a longitudinal section drawing with the following details:

For the development:

- The elevation OD of the highest point, and elevation OD of the predominant heights, of the proposed development; and
- Elevations OD for a range of reference points at existing ground levels on the subject site.

For the relevant aerodrome/airport:

- The OD elevations of the relevant runway threshold, and its distance from the proposed development; and
- The horizontal distance of the subject site from the relevant runway.

Implementation and Monitoring (IM)

For the relevant 'obstacle limitation surfaces':

- The elevation(s) OD and the slope of any 'obstacle limitation surface(s)' extending above the site, as defined within current ICAO "Annex 14" requirements, and in accordance with current IAA Guidance Material 1.

For the surroundings:

- Elevations OD of the tops of existing permanent obstacles in the vicinity of the site if applying the principle of 'shielding' (in accordance with International Civil Aviation Organisation (ICAO) and IAA Guidance Material in relation to this).

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### Response

The applicant has submitted an Aviation Safety Report which contains the relevant section drawings. The report notes that circling is not permitted south of Casement Aerodrome and suggests that as per ICAO guidelines the protection of the inner horizontal surface is not needed.

The report concludes that the site is fully shielded owing to the presence of taller buildings on adjoining sites and on sites between the building and the aerodrome.

### Assessment

The parapet level of the proposed building is 139.3m OD

The parapet levels of permitted buildings above this level under construction on the adjoining site (Reg. Ref. ABP3SHD-306602) range from 140.6m to 142.55m OD.

The Department of Defence sought the additional information in its original submission on the proposal. The Department of Defence has not made a submission on the additional information submitted.

In absence of such a submission, it is considered that the site will be fully shielded. There are a number of higher buildings in the area, but most relevantly, the permitted development on the adjoining site (which is under construction), will have higher finished roof levels than the proposed development.

### **Item 9**

Planning Notices.

The planning notices identify the height of the structure as being 15.5m. Elevation drawings show the building to be as high as 16.5m in places. This should be reflected on revised notices by way of additional information, or else revised drawings provided showing that the development would be consistent with the original planning notices.

### Response

The applicant has submitted copies of a revised site notice and newspaper notice which each explicitly correct the error in the initial notice.

### Assessment

The revised notices are acceptable. The correct procedure with regard to public and third party consultation has been followed.

### **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

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can, therefore, be excluded at preliminary examination and a screening determination is not required.

### Screening for Appropriate Assessment

See below tables for screening for appropriate assessment.

**Table 1: Description of the project and site characteristics**

<b>Planning File Reference</b>	SD21A/0065
<b>Brief description of the project</b>	See description of development.
<b>Brief description of site characteristics</b>	See above description.
<b>Application accompanied by a NIS Y/N</b>	No.

**Table 2: Identification of European Sites which may be impacted by the project**

European Site	List of Qualifying Interest/ Special Conservation Interest	Distance from proposed development (km)	Connections (Source-Pathway- Receptor)	Considered further in screening Y/N
Glenasmole Valley SAC	3 Qualifying Interests <a href="#">CO001209.pdf (npws.ie)</a>	3.7	None.	No
Wicklow Mountains SAC	13 Qualifying Interests <a href="#">ConservationObjectives.rdl (npws.ie)</a>	5.3	None.	No
Rye Water Valley / Carton SAC	3 qualifying interests (see applicant's AA Screening Report)	8.4	None.	No
Red Bog, Kildare SAC	1 qualifying interest (see applicant's AA Screening Report)	11.8	None.	No
Poulaphouca Reservoir SPA	See applicant's report.	11.8	None.	No.
Wicklow Mountains SPA	2 Qualifying Interests - Merlin (Falco columbarius) [A098] Peregrine (Falco peregrinus) [A103] <a href="#">CO004040.pdf (npws.ie)</a>	>15	None.	No
South Dublin Bay SAC	4 Qualifying Interests <a href="#">ConservationObjectives.rdl (npws.ie)</a>	14.3	Weak hydrological pathway via River Camac and discharges from Ringsend WWTP.	Yes
South Dublin Bay and River Tolka Estuary SPA	14 Qualifying Interests <a href="#">ConservationObjectives.rdl (npws.ie)</a>	14.3		Yes.
North Bull Island SPA	See applicants' report.	>15		Yes.

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**Table 3: Assessment of Likely Significant Effects**

<b>Identify all potential direct and indirect impacts (alone or in combination) that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project:</b>	
<b>Likely Impacts</b>	<b>Possible Significance of Impacts (duration, magnitude etc.)</b>
<p>Construction phase</p> <ul style="list-style-type: none"> <li>• Uncontrolled releases of silt, sediments and/or other pollutants to air due to earthworks</li> <li>• Surface water run-off containing silt, sediments and/or other pollutants into nearby waterbodies.</li> <li>• Surface water run-off containing silt, sediments and/or other pollutants into the local groundwater.</li> <li>• Waste generation during the Construction Phase comprising soils, construction and demolition wastes.</li> <li>• Increased noise, dust and/or vibrations as a result of construction activity.</li> <li>• Increased dust and air emissions from construction traffic.</li> <li>• Increased lighting in the vicinity as a result of construction activity.</li> </ul>	None.
<p>Operational phase e.g.</p> <ul style="list-style-type: none"> <li>• Surface water drainage from the Site of the Proposed Development.</li> <li>• Increased lighting in the vicinity emitted from the Proposed Development; and</li> <li>• Increased human presence in the vicinity as a result of the Proposed Development.</li> </ul>	None.

<b>Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?</b>
Yes
No

**Table 4: Screening Determination Statement**

<b>Assessment of significance of effects:</b>
<b>Describe how the proposed development (alone or in-combination) is/is not likely to have significant effects on European site(s) in view of its conservation objectives.</b>
<b>Conclusion:</b>



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	Indicate (X)	Recommendation
<b>It is clear that there is no likelihood of significant effects on a European site</b>	X	The proposal can be screened out. Appropriate assessment not required.
<b>It is uncertain whether the proposal will have a significant effect on a European site</b>		Request further information to complete screening Request NIS Refuse permission
<b>Significant effects are likely</b>		Request NIS Refuse permission
<b>Completed by</b>	SDCC Planning Department	
<b>Date</b>	6 <sup>th</sup> July 2022	

### **Other Considerations**

#### **Bonds & Contributions**

Commercial Warehouse and office – total floor area: 13,604 sqm  
HGV Parking Areas – total area: 1,008 sqm

#### **SEA Monitoring**

Development Type	Industrial/Commercial
Floor Area (Sq.m.)	13,604
Site Type	Brownfield / Urban Consolidation
Site Area (Ha.)	3.03

### **Conclusion**

The applicant has satisfactorily answered all the points raised in the request for additional information. The proposed development would comply with the zoning objective and the relevant policies and objectives of the South Dublin County Development Plan 2016 – 2022; specifically, it would not cause a hazard to overflying aircraft or aircraft operations; and would not be seriously injurious to the residential amenities of the adjoining residential areas. The proposed development 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 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.

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### **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.

### **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 14th June 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. Public Realm.
  - (A) Implementation of Landscape Masterplan  
The landscaping scheme shown on drawing No. FI-01 Landscape Masterplan and Section (and associated detailed planting details, boundary treatments plan Dwg No. FI-02 and sections) 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 (Drawing No. FI-01).
    - 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

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### **(B) 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

### **(C) Landscape Management and Maintenance**

A Landscape Management and Maintenance Plan shall be submitted to the planning authority prior to occupation of the development. This Landscape Management and Maintenance Plan shall cover a period of at least three years and shall include details of the arrangements for its implementation. All planting shall be adequately protected from damage until established and maintained thereafter. Any plants which die, are removed or become seriously damaged or diseased in the first 5 years of planting, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

### **3. Sustainable Drainage Systems.**

Prior to the commencement of development a comprehensive SUDS Management Plan shall be submitted to the Planning Authority for written agreement to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan shall also be included as a demonstration of how the system will function following implementation. Additional natural SUDS features shall be incorporated into the proposed drainage system for the development such as, detention basins, filter drains, swales etc. In addition, the applicant shall provide the following:

- Demonstrate the treatment train, biodiversity value and amenity value of the SUDS proposals for the catchment in the residential areas.
- Demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development including drainage / attenuation calculations for same.
- The applicant shall show further proposed SuDS features for the development such as

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green roofs, grass areas, channel rills, swales, permeable paving and other such SuDS and show what attenuation capacity is provided by such SuDS. Bio retention tree pits should be designed so that they enable tree pits to both support healthy tree growth while at the same time to help treat and attenuate water coming from hard landscaping areas.

- Natural Suds measures should be detailed to remove/ reduce the requirement for underground attenuation tanks in line with the development plan objectives.
  - Tree Pits to incorporate SuDS bioretention features and sufficient growing medium. SuDS details need to show how the water drains from the road/pavement hard surface into the SUDS tree pit, clearly outlining how SuDS features within the tree pits will function. The applicant is requested to refer to the recently published 'SDCC Sustainable Drainage Explanatory, Design and Evaluation Guide 2022' for acceptable SUDS tree pit details.
- 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

#### 4. Ecological Impact.

The recommendations and mitigation measures contained within the Ecological Impact Assessment Report prepared by Enviroguide Consulting shall be implemented in full by the applicant.

REASON: To protect and enhance areas of biodiversity, in accordance with policies IE7 Objective 5, G3 Objective 2, G4 Objective 2, HCL15 Objective 3, and other policies relating to Biodiversity within the CDP 2016-2022.

#### 5. 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.

#### 6. Drainage - Irish Water.

(a) The water supply and drainage infrastructure, shall comply with the requirements of 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.

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.

#### 7. Construction & Demolition Waste Management Plan

Prior to commencement of the development, the applicant shall submit a developed Construction & Demolition Waste Management Plan for the written agreement of the Planning Authority.

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REASON: To protect the amenities of the area.

8. Mobility Management Plan.

A revised Mobility Management Plan shall be completed by the future occupant within six months of opening of the proposed development. The Mobility Management Plan shall be submitted for the written agreement of the Planning Authority.

REASON: In the interest of sustainable transport.

9. Irish Aviation Authority.

The applicant shall inform the Irish Aviation Authority of the use of cranes during construction, no less than 30 days in advance of their use on the site.

REASON: To ensure aviation safety.

10. Noise (Operational Phase).

(a) Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any residence, adjoining premises or public place in the vicinity.

(b) Noise due to the normal operation of the proposed development, expressed as Laeq over 15 minutes at the façade of a noise sensitive location, shall not exceed the daytime background level by more than 10 dB(A) and shall not exceed the background level for evening and night time. Clearly audible and impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of the noise level.

(c) Plant equipment with low inherent potential for generation of noise shall be selected and used. Generators and high duty compressors shall be provided with localised barriers or acoustic barriers as appropriate.

REASON: In the interest of public health.

11. 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.

12. 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

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(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 07.00 hours on weekdays, Monday to Friday
- Before 09.00 hours on Saturdays.
- After 19.00 hours on weekdays, Monday to Friday.
- After 13.00 hours on Saturdays.
- Not permitted 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.

### 13. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €1,353,490.00 (one million three hundred and fifty three thousand four hundred and ninety euros), 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

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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](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 is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

NOTE: The requirements of the HSE Environmental Health Officer shall be ascertained prior to the commencement of development in the interest of public health.

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: 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.


**Comhairle Chontae Atha Cliath Theas**


**PR/0882/22**

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

**REG. REF. SD22A/0065**

**LOCATION: Magna Avenue and Magna Drive, Citywest, Dublin 24**

  
\_\_\_\_\_  
Jim Johnston,  
Senior Executive Planner

  
\_\_\_\_\_  
Eoin Burke, Senior Planner

**ORDER:** A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission 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:** 11/7/22

  
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Hazel Craigie, Senior Planner