

South Dublin County Council

An Rannóg Talamhúsáide, Pleanála agus Iompair

Land Use, Planning & Transportation Department

Telephone: 01 4149000 Fax: 01 4149104 Email: planningdept@sdbulincoco.ie

**BMA Planning
Taney Hall
Eglinton Terrace
Dundrum
Dublin 14**

Date: 20-Jul-2022

**PLANNING & DEVELOPMENT ACT, 2000 (as amended) AND PLANNING
REGULATIONS THEREUNDER**

Register Reference: SDZ21A/0014/C25

Development: Development of 227 dwellings (24,513.8sq.m gross floor area); 95 3-bed, 2 storey terraced houses and associated gardens; 28 4-bed, 3 storey terraced houses and associated gardens; 48 3-bed, 2 storey duplex apartments over 48 2-bed apartments (3 storey buildings with 2 storey duplex over single level ground floor unit) and associated communal and private open space; 4 3-bed, 2 storey duplex apartments over 4 3- bed, 2 storey duplex apartments (4 storey buildings with 2 storey duplex over 2 storey duplex) and associated communal and private open space; all associated site and development works including roads, central public open space (0.12ha), car parking (361 spaces), bicycle parking (168 spaces), bin storage areas, 2 ESB substations (22sq.m), associated pedestrian footpaths and cycle paths, hard and soft landscaping and boundary treatment. A section of the East - West Avenue Road (referred to as Airlie Park Road) along the northern boundary of the site is included in the current application and 2 access points are proposed to this road; development is accessed from roads already approved or under construction. The road to the south (referred to as Adamstown Way) was permitted under SDZ06A/0005 and bounds the site to the south and 1 access point is proposed to this road. 4 access points are proposed to the east and west (2 each). The Celbridge Link Road permitted under SDZ17A/0009 bounds the site to the west and the north-south road to the eastern boundary (referred to as Linear Park Road) was permitted under SDZ20A/0017. 17 spaces were permitted under SDZ17A/0009 providing a total of 378 spaces for this development.

Condition 25 Section 47 agreement.

Location: Development Area 8, Adderig, Adamstown, Lucan, Co. Dublin

Applicant: Quintain Developments Ireland Ltd. Development Area 8, Adderig, Adamstown, Lucan, Co. Dublin

Application Type: Compliance with Conditions

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Dear Sir/Madam,

With reference to the above, I wish to acknowledge receipt of your submission in compliance with condition (s) of the planning permission, received on 25-May-2022.

This submission has been deemed not compliant.

Comments:

Having regard to the requirements laid out in Condition No. 25 and the documents provided by the Applicant the Planning Authority consider that Condition No. 25 has been not been fully complied with, and the Applicant should be informed accordingly. In order to achieve compliance with Condition No. 25 the Applicant should provide an amended Draft Section 47 Agreement which addresses the concerns set out in the *Assessment* section of this Report. It is advised that the Applicant should engage with the Planning Authority prior to the re-submission of the compliance documents in relation to Condition No. 25.

“A number of concerns arise in relation to the Draft Section 47 Agreement provided by the Applicant:

- *Agreement is not entered into between the Applicant of the original Application (Quintain Developments Ireland Limited) and the Council, but instead Clear Real Estate Holdings Limited.*

It is noted that the application was initially made by Quintain Developments Ireland Limited, yet the Draft Section 47 Agreement is between Clear Real Estate Holdings Limited and South Dublin County Council.

Item (A) listed under ‘Recitals’ appears to indicate that ‘The Developer (Clear Real Estate Holdings Limited applied to the Council for permission’. However, the original Application was submitted by Quintain Developments Ireland Limited. The Draft Section 47 Agreement does not sufficiently clarify the relationship between Clear Real Estate Holdings Limited and Quintain Developments Limited, nor does it sufficiently detail the interests of Clear Real Estate Holdings Limited in the subject site.

- *The company registration number for the Developer is not stated.*
- *The planning application reference number (SDZ21A/0014) is not indicated under Item (E) of the Recitals section.*
- *Paragraph 1.1 does not explicitly and clearly state that the conditions of permission shall prevail over any contradiction between the conditions attached to the permission and any of the plans, drawings and documents referred to in the Planning Application or the Further Information submitted and that nothing in the Draft Section 47 Agreement shall override anything contained in or agreed under a Conditions of Permission.*

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- *Paragraph 2(d) of the Draft Section 47 Agreement should make reference to the entirety of Section 96(3) rather than specifically sub-section (b).*
- *Paragraph 3.1(a) does not explicitly and clearly state that the term of the agreement shall expire in the event of any future extension of duration of permission and any grant of permission which by its nature extends the lifetime of the permission for this development or amends the permitted development in any way.”*

Yours faithfully,

Z.McAuley
for Senior Planner