

Sweco Ireland Limited
Glandore
3rd Floor, City Quarter
Lapps Quay
Cork

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

Decision Order Number: 1177	Date of Decision: 19-Sep-2022
Register Reference: SD22A/0310	Date: 25-Jul-2022

Applicant: Padraig Thornton Waste Disposal Ltd.

Development: A new waste handling building (561sqm and 12m high); Use of an existing building (159 sqm and 7.5m high) granted retention under SD22A/0100 for waste handling; elevational treatment including signage to the northern facade of the existing building granted retention under SD22A/0100; continued use of the existing building (427 sqm and 8.2m high) granted permission under SD06A/1097 and all ancillary site works. The development will comprise an activity requiring a review of the existing waste facility permit (WFP-DS-11-0002-06). The proposed development includes an increase in the total maximum annual waste intake to 20,000 tonnes. An Environmental Impact Assessment Report has been submitted with this application.

Location: Unit 518B, Grants Crescent, Jordanstown, Greenogue Business Park, Rathcoole, Dublin 24

Floor Area:

Time extension(s) up to and including:

Additional Information Requested/Received: /

Clarification of Additional Information Requested/Received: /

DECISION TO: Pursuant to the Planning & Development Act 2000 (as amended), it is hereby decided, for the reasons set out in the First Schedule hereto, to **GRANT PERMISSION** for the said development in accordance with the said plans and particulars, subject to the conditions specified in the Second Schedule hereto, the reasons for the imposition of the said conditions being as set out in the said Second Schedule and the said decision is subject to the said conditions.

FIRST SCHEDULE

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2022 - 2028 and subject to the condition(s) set out hereunder is thereby in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

Conditions and Reasons:

1. Development in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, 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. Materials and Finishes
Prior to the commencement of development the applicant shall submitted details of the materials and finishes of the development for the written agreement of the Planning Authority.
REASON: In the interest of visual amenity.
3. Green Infrastructure and Landscaping
Prior to the commencement of development the applicant/developer is requested to submit, for the written agreement of the Planning Authority, a revised landscape plan and details that incorporates green infrastructure elements. This shall include, where possible, surface water attenuation through the implementation of SuDS (Sustainable Drainage Systems) features (i.e. permeable paving etc.). The applicant/developer should address compliance with G15 Objective 4 of the South Dublin County Development Plan 2022-2028.
REASON: To provide for green infrastructure and ensure compliance in this regard with the South Dublin County Development Plan 2022-2028.
4. Surface Water
Prior to the commencement of development the applicant/developer is requested to submit, for the written agreement of the Planning Authority:
 - (a) A report showing surface water attenuation calculations for the proposed development. Details must include the total site area (m²), area of hard standing surface (m²), landscaping details, permeable paving (if any) and their respective run off coefficients.
 - (b) A drawing showing the plan and cross sectional views of the proposed rainwater harvesting tank. Details of this shall also be addressed in relation to:

- Details on the overflow design of the tank
 - Details on how the harvested rainwater will be used on site
- (c) A report and drawing showing how much surface water attenuation (m3) is proposed in SuDS (Sustainable Drainage Systems).

REASON: To ensure surface water drainage is appropriately provided for.

5. Protection/Retention of Existing Trees.

Existing trees shall be retained and shall be protected from damage during building operations in accordance with a Tree Protection Plan prepared by a suitably qualified Arborist carrying professional indemnity insurance.

Only those trees detailed for removal on the plan, submitted to the Planning Authority for written agreement prior to commencement of development, shall be removed. All other trees on the site shall be retained and shall be protected from damage for the duration of the works on site, to the satisfaction of the Planning Authority in accordance with BS 5837: 2012.

All existing trees to be retained shall be enclosed by stout protective fencing, located at a suitable distance as detailed in BS: 5837 – 2012 – ‘Trees in Relation to Design, Demolition and Construction’. This protective fencing shall be erected no later than two weeks of the date of any Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of any works on site, and before any materials are brought onto site and prior to the commencement of any works associated the proposed development.

The Planning Authority shall be notified in writing when protective measures are commencing and also in writing when they have been completed.

The protective fencing shall at all times be maintained intact and in good order for the duration of the construction works. Any damage caused to the protective fence shall be repaired immediately.

No materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the protective fence(s), nor shall any changes in ground level be made within the fence(s) unless previously agreed in writing by the Planning Authority.

In the event that trees become damaged or otherwise defective during construction period, South Dublin County Council shall be notified as soon as reasonably practicable and remedial action agreed and implemented at the developer own expense.

Any necessary tree felling and surgery works shall be first agreed on-site and subsequently in writing with the Planning Authority prior to the commencement of the development.

The proposed location of the site compound, and the exact routes of all water mains, foul and surface water sewers shall be marked out on site, and agreed with the Planning Authority’s Public Realm Section prior to the commencement of any works on site, so as to minimise damage to trees which could result from excavation works, storage of materials and construction of temporary access roadway.

REASON: In the interests of proper planning and sustainable development, compliance with Development Plan policy, visual amenity and the protection of existing trees and biodiversity.

6. Construction Environmental Management Plan

Prior to the commencement of development, the applicant/developer shall submit a site-specific Construction Management Plan (CEMP) for the written agreement of the Planning Authority. The CEMP should detail and ensure Best Construction Practices

including measures to prevent and control the introduction of pollutants and deleterious matter to surface water and measures to minimise the generation of sediment and silt. Details around storage of construction materials, dust suppression and construction-related fuel and oil and roofed bunds that exclude rainwater shall be included. The developer must take precautions to ensure there is no entry of solids, during the connection of pipework, or at any stage to the existing surface water system. Flooding incidences during the construction phase should also be considered as part of the preparation of the CEMP. The CEMP should provide for the assignment of a designated, suitably experienced, and person during the construction phase, to monitor and ensure all environmental mitigation measures are implemented and functioning correctly and related record of checks shall be maintained and made available for inspection.

REASON: In the interests of good water quality, flood-risk management and the proper planning and sustainable development of the area.

7. Environmental Impact Assessment Report

All mitigation and management measures recommended in the submitted EIAR shall be implemented on the site.

REASON: In the interests of minimising the environmental effects of the development

8. Environmental Health

(a) The applicant shall adhere to the noise and vibration monitoring and mitigation measures outlined in the EIAR (chapter7) submitted as part of this planning permission request.

(b) No equipment or machinery (to include pneumatic drills, construction vehicles, generators, etc) shall be operated on or adjacent to the construction site before 07:00 hours on weekdays and 09:00 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.

(c) Where intrusive machinery is required to be used at short notice, the main contractor shall ensure that nearby sensitive locations are informed prior to works commencing.

(d) Noise due to the normal operation of the proposed development, expressed as L_{Aeq} 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.

(e) The applicant shall ensure that the design of the noise sources at the facility and the associated abatement measures will ensure that tonal or nuisance noise will not arise at the Noise Sensitive Locations NSLs due to the facility operation.

(f) The applicant shall put in place management procedures and a maintenance program for the external plant. All mechanical plant items such as motors, pumps, etc shall be regularly maintained to ensure that excessive noise generated by any worn or rattling components is minimised.

(g) The applicant shall adhere to the remedial or reductive measures outlined in the EIAR (section 8 Air Quality and Climate Change) submitted as part of this planning permission request. This includes the detailed mitigation measures for both the construction phase and the operational phase of the development.

(h) The development shall be so operated that there will be no emissions of malodours, gas, dust, fumes or other deleterious materials, on site as would give reasonable cause for annoyance to any person in any residence, adjoining premises or public place in the

vicinity

(i) Any connections to the main sewer must be connected so as not to give rise to a public health nuisance.

(j) The applicant shall put in place a pest control contract for the site for the duration of the construction works.

(k) A suitable location for the storage of refuse shall be provided during the construction and operational phase of the development so as to prevent a public health nuisance.

REASON: In the interests of public health.

9. 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.

10. Restrictions on Signage.

Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no further advertisement signs (including any signs installed to be visible through windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the development or within the curtilage of the site, unless authorised by a grant of planning permission.

REASON: To protect the visual amenities of the area and in the interest of the proper planning and sustainable development of the area.

11. Signage Not Internally Lit.

The proposed signage shall not be internally illuminated.

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

12. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €55,404.36 (Fifty five thousand, four hundred and four euros and thirty six cents), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local

Authority.

NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

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.

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

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

From March 1, 2014, the Building Control (Amendment) Regulations 2013 (SI 80 of 2013) come into effect. All Commencement Notices for works greater than 40sq.m are obliged to be accompanied by a number of certified undertakings as described by these Regulations.

Please note that upon receipt of this document you are obliged to remove the planning site notice in compliance with Article 20 of the Planning and Development Regulations 2001, as amended.

Please note that any valid submissions or observations received in accordance with the provisions of the Planning and Development Regulations 2001, as amended, have been considered in the determination of this application.

Signed on behalf of the South Dublin County Council.

Pamela Hughes
for **Senior Planner**

21-Sep-2022

NOTES

(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications related to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of two months beginning on the date of the Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations, 2001 should be consulted.

(A) APPEALS

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

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

Telephone 01-858 8100