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

<b>Decision Order Number:</b>	<b>1245</b>	<b>Date of Decision:</b>	<b>03-Oct-2022</b>
<b>Register Reference:</b>	<b>SDZ22A/0007</b>	<b>Date:</b>	<b>06-Sep-2022</b>

**Applicant:**

Adamstown Station & Boulevard Ltd.

**Development:**

Comprising Phase 1 of the Adamstown Boulevard Development Area and consists of 38,768.21sq.m. of residential development to be constructed in a mix of housing and apartment units, with 423 residential units proposed in total (of which 166 units are subject to the application for outline permission); The housing units for which permission is being sought are on a site of 9.22Ha shall comprise 75 two bedroom units, 113 three bedroom units and 69 four bedroom units, ranging from 2 to 3 storeys in height; Outline permission is sought on a site of 0.54Ha for the apartment block, which shall range from 5 to 9 storeys in height and comprises 11 studio units, 76 one bedroom units and 79 two bedroom units; All residential units are provided with private open space, in the form of private rear gardens or balconies; The proposed development includes approximately 0.95 Ha of public open space in the form of a linear open space located on the east of the site stretching between Adamstown Way and Station Road and a pocket park located in the north-west of the site. 488 car parking spaces are proposed in total. 433 of these are allocated to the housing element of the development, and 55 are allocated to the apartments. A total of 52 visitor spaces are provided across the site; A total of 6 disabled spaces and 6 EV spaces are proposed. 40 secure bicycle parking spaces are provided in 4 locations throughout the site. 3 ESB Substations are also provided; Vehicular access to serve the development is provided from the existing Adamstown Avenue and Adamstown Way from the west and north, Station Road to the south and Stream Road, which bisects the Boulevard Development Area. A new bus turning circle, along with bus lay-bys are proposed on the south of the site on Station Road; The development includes the provision of ancillary site

development works, boundary treatments and landscape works; This development amends aspects at the interface between the proposed development and the development at The Crossings currently under construction and permitted under Reg. Ref. SDZ20A/0017 (as amended by SDZ21A/0021) on lands bounded generally to the north by Adamstown Way and the Aderrig Development Area, currently under development subject to planning permissions Reg. Ref. SDZ20A/0017 (as amended by SDZ21A/0021) and Reg. Ref. SDZ21A/0014; to the east by currently undeveloped lands within the Adamstown Station Development Area as well as the railway overpass and its approach road known locally as 'the farmer's bridge'; to the south by the existing railway line and to the west by undeveloped agricultural lands; This application is being made in accordance with the Adamstown Planning Scheme 2014, as amended, and relates to a proposed development within the Adamstown Strategic Development Zone Planning Scheme Area, as defined by Statutory Instrument No. 272 of 2001.

**Location:** In the townlands of Gollierstown & Aderrig, Adamstown, Lucan, Co. Dublin

**Floor Area:**

**Time extension(s) up to and including:**

**Additional Information Requested/Received:** 30-Jun-2022 /06-Sep-2022

**Clarification of Additional Information Requested/Received:**

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

### **FIRST SCHEDULE**

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 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 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 6 September 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. No Development Shall Take Place Until an Application for Permission Consequent to the Grant of Outline Permission.  
No development (for which outline permission has been granted) shall take place until an application for permission consequent on the grant of outline permission, has been granted permission in respect of details relating to layout, siting, height, design, external appearance and means of access thereto.  
REASON: In the interests of the proper planning and development of the area.
3. Section 36 of the Planning and Development Act 2000, (as amended).  
(a) any subsequent application for permission pursuant to this outline permission shall be made not later than 3 years beginning on the final grant date of outline permission.  
(b) this outline permission shall cease to have effect at the end of 3 years beginning on the final grant date of outline permission unless the subsequent application for permission pursuant to the outline permission is made within that period.  
REASON: To accord with Section 36 of the Planning and Development Act 2000, (as amended).
4. Apartments.  
The applicant shall ensure that the proposed housing mix is in keeping with the Apartment Guidelines, when an application permission consequent on the grant of outline permission is made.  
REASON: In the interests of sustainable development.
5. Phasing.  
A total of 423 residential units comprising houses and apartments is hereby permitted. In accordance with the details submitted the following shall apply:  
(a) Prior to the commencement of development, the developer/landowner shall submit for written agreement of the Planning Authority, a detailed phasing schedule for the lands in their ownership (specifying units numbers and densities) in the context of the delivery of units in the overall SDZ development. The sequence in which works are carried out shall be subject to the written agreement of the Planning Authority. Individual blocks shall generally be completed in full as part of a single phase of construction.  
(b) Following written agreement of a phasing schedule with the Planning Authority, a plan shall also be submitted identifying the units completed at each stage of development.  
(c) No unit in the development hereby approved, shall be occupied until the required facilities and infrastructure in the previous development phase have been completed to the satisfaction of the Planning Authority.  
REASON: In the interest of clarity and to ensure that development occurs at a pace whereby it is supported by the necessary infrastructure in accordance with the

requirements of the Adamstown SDZ Planning Scheme 2014, as amended.

6. Park and Ride.

(a.) Unless otherwise agreed in writing, Phase three of the permitted development, as detailed in the submitted documents, shall not commence until an alternative Park and Ride facility has been granted by the Planning Authority.

(b.) Unless otherwise agreed in writing, the applicant shall collect and submit monitoring data every 6 months in relation to existing Park and Ride facility until Phase 3 of the permitted development is commenced. This shall include data around the level of usage and the profile of users.

REASON: In the interests of sustainable transport.

7. Amendments.

Prior to the commencement of development the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:

Revised plans that incorporate all of the following amendments-

(a) Revised details, as set out in 'Architectural Brochure', received on 6 September 2022, unless otherwise agreed in writing

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

8. Materials and Finishes

Prior to the commencement of development the applicant shall submitted materials and finishes of the development for the written agreement of the Planning Authority.

REASON: in the interests of visual amenity.

9. Restrictions on Signage.

Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no 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.

10. NTA.

The existing bus turning circle shall be maintained until the proposed new bus turning circle is fully operational. The applicant shall liaise with the Local Authority and the NTA to agree the exact design of bus facilities proposed as part of the application, in particular the number, location and design of bus stops required to serve the proposed development. The applicant shall submit these details, for the written agreement of the Planning Authority, prior to the commencement of development.

REASON: In the interests of sustainable transport.

11. Water Services.

Prior to the commencement of development, the applicant shall submit a drawing and report showing a cross section of proposed tree pits. Tree pits where road gullies drain to shall direct water to the top of tree pit and have an over flow channel to prevent tree roots being flooded during heavy rainfall. Examples of SuDS designs and tree pits can be found in the South Dublin County Council SuDS Guide (SDCC Sustainable Drainage

Explanatory Design and Evaluation Guide).

REASON: In the interests of sustainable drainage.

12. Flood.

All floor levels shall be a minimum of 500mm above the highest known flood level for the site

- The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.

- All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

REASON: In the interests of sustainable drainage and public health.

13. Irish Water Connection Agreement.

(a) Prior to the commencement of development the applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

(b) All development shall be carried out in compliance with Irish Water Standards codes and practices

REASON: In the interest of public health and to ensure adequate water/wastewater facilities.

14. 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.

i) Installation of attenuation tree pits shall be supervised by the project landscape architect.

REASON: In the interests of residential and visual amenity, climate action and to ensure full and verifiable implementation of the approved landscape design

15. Landscape Plan/Planting Plan.

A maximum of two weeks from 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 the applicant, owner or developer shall have lodged with the Planning Authority:

a) A fully detailed landscape plan, to be agreed with Public Realm, with full works specification, that accords with the specifications and requirements of the Council's Public Realm Section. The landscape Plan shall include hard and soft landscape details; including levels, sections and elevations in addition the applicant is requested to submit a fully detailed Planting Plan for the development.

b) The planting plan shall clearly set out the following:

i. Location of species types, schedule of plants noting species, planting sizes and proposed numbers/densities where appropriate

ii. Implementation timetables.

iii. Detailed proposals for the future maintenance/management of all landscaped areas

c) Issues to be agreed include:

- i. Street trees and lighting conflicts (adjust position to ensure number of street trees proposed):
  - Linear Park (25 No.): position lights on the built (housing) side of the street, not within the linear park and adjoining green areas which act as a green corridor.
  - Adamstown Avenue: Southern side - 1 No.
  - North-South Avenue: West side – 1 No.
  - Side Street 1: East side - 2 No.
  - Side Street 5: East side - 2 No.
- ii. Taking in charge areas to be low maintenance and not require the use of herbicides.
  - The Soft Landscape Outline Specification involves extensive herbicide use for maintenance.
  - All footpaths within the linear park to be concrete (compacted gravel path cannot be maintained without spraying).
  - Maintenance of swales.
- iv. Swales to be shown on landscape plans (planting and maintenance to be agreed)
- iii SuDS Tree pit details:
  - Geotextile wrapping of soil layers to be omitted due to potential for clogging and water logging
  - Surface water run-off to be directed to tree pits via overland flow and be allowed to percolate through the soil profile mimicking natural systems. (Remove pipe to the subsurface in tree pit Type A.)
- iii. Planting (and maintenance) for areas to be taken in charge: Woodland planting in pocket park, swales, streetscape planting.
- iv. Natural and Accessible Play:

- The water play unit is designed for use in a sand pit. An enclosed area is required to keep dogs out.
  - Play item details (to be agreed)
  - Consider a ramp to allow access for wheelchair and ride on mower to access the inside of the oval enclosure within the pocket park.
- The applicant should contact the Public Realm Department to agree the above Landscape Details.

REASON: To ensure satisfactory landscape treatment of the site.

## 16. Implementation of Landscape Plans

The Landscape Plans once agreed, shall be implemented in full, within the first planting season following completion of the development (completion of construction works on site) and prior to occupation of the new dwellings.

- a) All hard and soft landscape works shall be completed in full accordance with the approved Landscape Plan.
- b) All trees, shrubs and hedge plants supplied shall comply with the requirements of BS: 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of BS: 4428 (1989) Code of Practice for General Landscape Operations (excluding hard surfaces).
- c) All new tree plantings shall be positioned in accordance with the requirements of Table 3 of BS 5837: 2012. Trees in Relation to Design, Demolition and Construction –

Recommendations.

d) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within three years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.

REASON: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area, in the interests of biodiversity, amenity and climate action and in accordance with the relevant green infrastructure, landscape and environmental policies and objectives contained of the CDP.

#### 17. Mitigation Measures

The mitigation measures and commitments identified in the Ecological Assessment, Bat Survey and Archaeological Assessment and other plans and particulars submitted with the planning application, as amended by the additional information received on 6 September 2022, shall be implemented in full by the developer, except as otherwise may be required in order to comply with other conditions.

REASON: In the interest of the protection of the environment.

#### 18. Archaeology.

a. Prior to the commencement of development, the applicant shall engage the services of a suitably qualified archaeologist to carry out an archaeological assessment of the development site. No sub-surface developmental work, including geotechnical test pits, should be undertaken until the archaeological assessment has been completed and commented on by the Department of Housing, Local Government and Heritage. Any such assessment should be submitted for the written agreement of the Planning Authority.

b. The archaeologist shall carry out any relevant documentary research and inspect the development site. The archaeological assessment shall include the results of a geophysical survey and test trenching that shall be carried out at locations chosen by the archaeologist (licensed under the National Monuments Acts 1930-2004), having consulted the site drawings and the National Monuments Service of the Department of Housing, Local Government and Heritage. Buffer zones should be established around recorded monuments DU017-035---Class: Enclosure and DU017-036---Class: Enclosure.

c. Having completed the work, the archaeologist shall submit a written report stating their recommendations to the Planning Authority and to the Department of Housing, Local Government and Heritage for their written agreement. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required.

REASON: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

#### 19. Energy.

The measures and commitments identified in the Energy and Sustainability Report and particulars submitted with the planning application, as amended by the additional information received on 6 September 2022, shall be implemented in full by the developer, except as otherwise may be required in order to comply with other conditions.

REASON: In the interest of the protection of the environment.

## 20. Street Lighting

A maximum of two weeks from the date of any Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of works on site the applicant, owner or developer shall have lodged with the Planning Authority for written agreement:

A Public Lighting Scheme for the development as approved, designed to provide for high quality public lighting throughout the public realm of the site, prepared by competent public lighting design consultants to BS5489: European Lighting Standard EN13201 2013 or the latest NSAI (National Standards Authority of Ireland) versions approved, and the SDCC Specification for Public Lighting Installations in Residential and Industrial Developments: Revision 2 dated 14/10/2016.

Completed Lighting Design and Electrical designs to serve the entire development including details of the overall height of all proposed equipment shall be lodged with the Public Lighting Scheme. The public lighting scheme shall be contained within the public realm of the development as approved, entirely in areas to be offered for taking in charge or subject to the responsibility in perpetuity of an approved management company.

Appropriate natural or artificial lighting or both shall be provided and maintained throughout car parking areas.

The external lighting scheme shall be designed to minimise potential glare and light spillage and shall be positioned and/or cowled away from residential properties. No lighting column shall be located within the eventual canopy spread of any proposed street tree or other tree as the case may be. The public lighting design consultants should consult with the Council's Parks section in this regard.

In addition, no dwelling unit/commercial unit shall be occupied on any street until the public lighting provided for that street is operational fully in accordance with the agreed Public Lighting Scheme for the overall development.

The applicant, owner or developer may consult with the Council's Public Lighting Section before lodging the required plan for agreement.

REASON: In the interests of public safety and amenity, to prevent light pollution and in the interests of the proper planning and sustainable development of the area.

## 21. Part V.

The applicant, owner or developer, or any other person with an interest in the land to which the development as approved relates shall, prior to the lodgement of a commencement notice within the meaning of Part II of the Building Control Regulations 1997:

(i) enter into an agreement with the Housing Authority for compliance with the Part V of the Planning and Development Act 2000 (as amended) as referred to in the South Dublin County Council Development Plan 2022-2028, providing, in accordance with that section, for the matters referred to in paragraph (a) or (b) of subsection (3) of section 96, and

(ii) when the agreement with the Housing Authority for compliance with the Part V of the Planning and Development Act 2000 is finalised to the satisfaction of the Housing Authority, a certified copy of the agreement shall be lodged with the Planning Authority To promote social integration consistent with policies/objectives of the Councils Housing Strategy as contained in the South Dublin County Council Development Plan 2022-2028.



## 22. Inland Fisheries Ireland.

(a) Prior to the commencement of development, the applicant shall submit a Construction Environmental Management Plan (CEMP) for the written agreement of the Planning Authority. This shall:

- incorporate site specific, appropriate, and flexible mitigation measures
- include appropriately designed, sized, and maintained drainage measures

(b) Construction works shall be planned in a manner which prevents extensive tracts of soils from being exposed at any time and arrangements shall be made for the control and management of any contaminated water resulting from construction entering any drainage network within or beyond the site boundaries and subsequently entering an adjoining water course.

(c) All construction should be in accordance with the CEMP Management Plan.

(d) best practice shall be implemented in relation to any activities that may impact on surface water (stream and river). Any indirect discharges to surface streams present on or near the site must not impact negatively on the system. Comprehensive surface water management measures shall be implemented at the construction and operational stage to prevent any pollution of local surface waters.

(e) Pipe laying activity poses a high risk of suspended solid contamination of surface waters, if pumping is required from excavations such as thrust and reception pits or land trenches along the route then, water shall be treated by either infiltration over land, discharge to a suitably sized and sited settlement pond or other appropriate treatment infrastructure before discharge to any existing drainage network or watercourse. There shall be no direct pumping of contaminated water from the works to a watercourse at any time.

(f) Precautions shall be taken to ensure there is no entry of solids, during the connection of pipework, or at any stage to the existing surface water system. The environmentally sensitive design and implementation of surface water discharge structures would be required to ensure protection of ecological integrity at point of discharge.

(g) All discharges must follow the European Communities (Surface Water) Regulations 2009 and the European Communities (Groundwater) Regulations 2010, or any discharge Licences issued by the Local authorities.

(h) The applicant shall ensure that that the receiving foul and storm water infrastructure has adequate capacity to accept predicted volumes from this development during construction and post construction phases with no negative repercussions for the quality of any receiving waters.

(i) the applicant shall appoint and retain the services of a designated, suitably experienced person during the construction phase, to monitor and ensure all agreed environmental mitigation measures are implemented and functioning correctly. Prior to the commencement of development, the applicant shall notify the planning authority of that appointment in writing .The contact details of this appointed person should be provided to the Planning Authority and all relevant agencies, including IFI.

(j) The Department of Housing, local Government and Heritage have recently published the following interim guidance document on Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas Water Sensitive Urban Design Best Practice Interim Guidance Document which should be considered when designing drainage systems. The applicant shall ensure this guidance is followed, where relevant.

<https://www.gov.ie/en/publication/10d7c-nature-based-solutions-to-the-management-of-rainwater-and-surface-water-runoff-in-urban-areas-best-practice-interim-guidance-document/>

REASON: In the interests of public health and to ensure no negative impact on fisheries status.

23. Regulation of Institutional Investment in Housing - Houses and/or duplex unit-type development.

(a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each housing unit), pursuant to Section 47 of the Planning and Development Act 2000 (as amended), that restricts all residential units permitted to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified residential units, in which case the planning authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

REASON: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

24. Services to be Underground.

All public services to the proposed development, including electrical, information and communications technology (ICT) telephone and street lighting cables and equipment shall be located underground throughout the entire site. There shall also be provision for broadband throughout the site in accordance with the Planning Authority's policy and requirements.

REASON: In the interests of the visual amenities of the area, the proper planning and sustainable development of the area and compliance with the Council's Development Plan.

25. Restriction on Use and Occupancy.

Each proposed residential unit shall be used and occupied as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes, (including short-term letting).

REASON: To prevent unauthorised development.

26. Occupation subject to service connection.

No dwelling unit shall be occupied until all the services (drainage, water supply, electricity and or other energy supply, public lighting and roads) for each dwelling unit have been completed thereto and are operational.

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

27. Street Naming and Dwelling Numbering.

Prior to the commencement of any works on site the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority,

(i) A street naming and dwelling/unit numbering scheme, for the development as approved that is in accordance with the Planning Authority's policy and requirements for such schemes, along with associated proposed signage for the scheme.

The agreed number shall be placed on each house upon completion so as to be clearly legible from the proposed access road or the public realm, and the agreed street name in both Irish and English, or Irish only shall be erected at the beginning of each street in a manner to be clearly legible, and in accordance with Planning Authority's requirements.

The development name should,

1. Avoid any duplication within the county of existing names, and

2. Reflect the local and historical context of the approved development, and

3. Comply with,

(a) Development Plan policy, and

(b) The guidelines on naming and numbering of the Department of the Environment, Heritage and Local Government, and

(c) Have regard to the Guidelines issued by the Place Names Commission (An Coimisiún Logainmneacha) and

(d) Preferably make exclusive use of the Irish language.

Proposals for an apartment name and numbering scheme and associated signage shall be lodged with the Planning Authority prior to 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.

The applicant, developer, or owner is advised to consult with Naming and Numbering section of the Planning Authority in advance of lodging the required scheme.

REASON: In the interest of the proper planning and sustainable development of the area and compliance with the South Dublin County Council's Development Plan.

28. Management Company.

A. Prior to the commencement of development the applicant/owner shall submit the following for the written agreement of the Planning Authority.

(i) A plan clearly identifying and dimensioning the external common areas of the development to be retained in private ownership by an owners' management company (OMC) under the Multi-Unit Developments Act 2011, or other acceptable legal entity prior to the occupation of the [first residential unit], and this plan shall also clearly identify and dimension any areas of the approved development intended to be offered for taking in charge by the Council, and,

(ii) A detailed building lifecycle report which shall include an assessment of long term running and maintenance costs as they would apply on a per residential unit basis at the time of approval of the development, as well as demonstrating what measures have been specifically considered by the developer to effectively manage and minimise costs for the benefit of all potential residents.

The said external common areas of the development to be retained in private ownership indicated in the plan required shall not be taken in charge by the Council and shall instead be maintained in perpetuity by an Owners' Management Company set up for this purpose pursuant to the Companies Acts, 1963 as amended and the Multi-Unit Developments Act 2011.

B. Continued membership of an Owners' Management Company set up for this purpose pursuant to the Companies Acts, 1963 as amended and the Multi-Unit Developments Act 2011 shall be compulsory for all owners for the time being of property within the development.

C. No development shall take place under this permission until the applicant, owner or developer has lodged for the written agreement of the Planning Authority.

(i) A copy of the Certificate of Incorporation of the said Company responsible for the external common areas of the development to be retained in private ownership has been lodged with the Planning Authority in respect of the plan required above.

D. Any changes to the status or nature of the Owners' Management Company shall be notified to the Council forthwith.

E. The Owners' Management Company shall hold insurance for public liability risk at all times for all areas under its control or responsibility.

REASON: To ensure a proper standard of residential development and maintenance of the private areas within the development and compliance with the South Dublin County Council Development Plan.

29. Permission Required for Class 1 & 3 Exemptions.

Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001 as amended, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations and any statutory provision replacing or amending them shall take place within the curtilage of the proposed development without a prior grant of planning permission.

REASON: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the dwelling, compliance with Development Plan policy, and in order to protect the residential amenity of the area.

30. Prevention of Spillage or Deposit of Debris on Adjoining Public Roads During Construction Works.

Prior to the commencement development, the applicant/owner shall submit the following for the written agreement of the Planning Authority.

(i) a site specific plan making provision as set out below for the prevention of spillage or deposit of clay, rubble or other debris on adjoining public roads during the course of any construction works that fully complies with all of the requirements of the Council's Roads Maintenance, Traffic Management, and Waste Enforcement Sections as appropriate. The agreed plan shall provide for all of the following.

(a) The agreed number, location, type and use of suitable facilities for vehicle cleansing and wheel washing provided on site to contain all clay, rubble or other debris within the site prior to commencing of construction, such facilities to be maintained in a satisfactorily operational condition during all periods of construction.

(b) Location of all on-site car parking facilities provided for site workers during the course of all construction activity.

(c) Provision for dust suppression measures in periods of extended dry weather.

(d) Provision for the flexible use of a road sweeper if an acute situation on the adjoining public road requires it.

(e) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.

(f) Storage of construction materials is not permitted on any public road or footpath, unless agreed in writing with the Planning Authority, having regard to the prior reasonable justification and circumstances of any such storage.

**REASON:** In the interest of protecting the amenities of the area and in the interest of public safety and the sustainable maintenance of adjoining roads and footpaths.

### 31. Public Realm Facilities for Charging Electric Vehicles.

Prior to the commencement of development, the applicant/owner shall submit the following for the written agreement of the Planning Authority.

- (i) a revised site layout plan clearly setting out full details of the location of all proposed facilities and equipment in the public realm (whether to be offered for taking in charge or not) for charging electric vehicles, including details of the overall height, design, colour and all safety features of such equipment including isolation of power supply, and measures to provide for suitable pedestrian safety, along with completed Electrical designs to serve the development as approved prepared by competent electrical design consultants all of which have been agreed with the Council's Roads Section, and
- (ii) Agreed arrangements for the operation and management of such facilities for charging electric vehicles, along with:

All facilities for charging electric vehicles should be clearly marked as being designated for Electric Vehicle charging. Appropriate signage clearly indicating the presence of a Charge Point or Points should also be erected. All Charge Points fitted in publicly accessible areas should be capable of communicating usage data with the National Charge Point Management System and use the latest version of the Open Charge Point Protocol (OCCP). The facilities for charging electric vehicles should also support a user identification system such as Radio Frequency Identification (RFID).

**REASON:** In the interests of the proper planning and sustainable development of the area, to provide for improved urban air quality, reduced noise pollution and to support the transition to a low carbon future.

### 32. Construction Consultation and Local Liaison

(a) Prior to the commencement of development, the applicant/owner shall submit the following to the Planning Authority.

(i) the names, job functions and phone numbers (both fixed line and mobile numbers) of all key personnel for the construction of the development as approved. Subsequently all changes in these personnel or particulars in the course of construction must also be notified to the Council as soon as they occur.

(b) The applicant/owner or developer shall provide occupiers of noise sensitive properties within 100 metres of agreed construction access points to the development as approved with appropriate contact details which may be used in the event that any such person wishes to inform the operator of any incident that could give rise to a disruptive aspect of construction activity, or otherwise to make an observation in respect of an aspect of construction activity.

(c) A public notice shall be erected and maintained at the agreed construction access points. This notice shall contain the name of the operating company and contact details,

including out of hours contact, which may be used in the event that any person wishes to contact the operator in respect of any disruptive aspect of construction activity.

REASON: In the interests of amenity, public health and safety, the avoidance of unnecessary disruptive aspect of construction activity and the proper planning and sustainable development of the area.

### 33. On-Site Tree Protection.

Prior to the submission of the Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of any works on site including any related construction activity or tree felling, the applicant shall lodge a Tree and Hedgerow Bond to the value of €110,000 with the Planning Authority. This is to ensure the protection of trees on and immediately adjacent to the site to make good any damage caused during the construction period.

The bond lodgement shall be coupled with an Arboricultural Agreement, with the developer, empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree/hedgerow or trees/hedgerows on or immediately adjoining the site, or the appropriate and reasonable replacement of any such trees/hedgerows which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development. Any replacement planting shall use large semi-mature tree size(s) and species or similar as may be stipulated by the planning authority.

An Arboricultural Assessment Report and Certificate is to be signed off by a qualified Arborist after the period of 3 years of completion of the works. Any remedial tree surgery, tree felling works recommended in that Report and Certificate shall be undertaken by the developer, under the supervision of the Arborist. The bond will only be refunded upon receipt by SDCC Public Realm Section of a satisfactory post-construction arboricultural assessment, carried out by a qualified arborist and provided that the hedges/trees proposed for retention are alive, in good condition with a useful life expectancy.

REASON: To ensure the protection, safety, prudent retention and long-term viability of trees and hedgerows to be retained on and immediately adjacent to the site.

### 34. 1. Management Agreement – Western Biodiversity Area

Prior to the submission of the Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of any works on site, the applicant, owner or developer shall have lodged with the Planning Authority for agreement with Public Realm section:

A management plan for the biodiversity area to the west of the site that does not negatively affect the residential amenity of houses along this boundary. Houses backing onto hedgerows typically present problems due to overshadowing from the hedgerow and difficulty of access to maintain same.

REASON: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area, in the interests of biodiversity, amenity and climate action and in accordance with the relevant green infrastructure, landscape

and environmental policies.

35. Retention of Arborist/Tree Protection

i) Prior to the submission of the Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of any works on site, the developer shall engage the services of a Professional Member of Arboricultural Association who is an independent, qualified arborist, for the entire period of construction activity.

ii) The applicant shall inform the planning authority in writing of the appointment and name of the consultant, prior to the submission of the Commencement Notice. The consultant shall visit the site at a minimum on a monthly basis, to ensure the implementation of all of the recommendations in the tree reports and plans.

iii) Prior to the submission of the Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of any works on site, the arborist shall submit a revised Tree Protection Plan and submit photographs and confirmation that fencing for retained trees meets BS5837:2012. Trees in Relation to Design, Demolition and Construction – Recommendations for the written agreement of the Public Realm Section. No construction equipment, machinery or material shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by this fencing, and in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree/hedge to be retained.

v) All works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998:2010 Tree Work – Recommendations.

vi) The clearance of any vegetation including trees and scrub shall be carried out outside the bird-breeding season (1st day of March to the 31st day of August inclusive) or as stipulated under the Wildlife Acts 1976 and 2000.

vii) The arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees.

viii) A completion certificate is to be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report.

viii) The certificate shall be submitted to the planning authority for written agreement upon completion of the works.

REASON: To ensure and give practical effect to the retention, protection and sustainability of trees and hedgerows during and after construction of the permitted development biodiversity, climate action and visual amenity and to ensure the protection, safety, prudent retention and long-term viability of trees and hedgerows to be retained on and immediately adjacent to the site.

36. (i) The proposed development shall make provision for the charging of electric vehicles. In the case of on-curtilage/driveway parking, 100% of spaces must be provided with electrical connections, to allow for the provision of future charging points. In the case of surface car parking spaces, 100% of spaces must be provided with electrical ducting and termination points to allow for the provision of future charging points, and 10% of surface car parking spaces must be provided with electric vehicle charging points initially. Details of how it is proposed to comply with these requirements including details of the design of, and signage for, the electric charging points (where they are not

in areas to be taken in charge) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. REASON: In the interest of sustainable transport.

(ii) Prior to commencement, the number and positions of the uncontrolled pedestrian crossings needs to be agreed in writing with the Roads department of the Planning Authority.

(iii) Prior to commencement the applicant shall submit a Stage 1 Road Safety Audit. The Road Safety Audit shall be agreed in writing with the Planning Authority prior to the commencement of development.

(iv) Prior to the commencement of development, the applicant shall agree in writing a public lighting scheme with South Dublin County Council Lighting Department. Once agreed, the scheme shall be constructed/installed to taking in charge standards at the expense of the developer and to the satisfaction of South Dublin County Council Lighting Department.

(v) Prior to commencement, a developed Construction Management Plan and a Construction Traffic Management Plan, shall be agreed in writing with the Planning Authority.

(vi) A Mobility Management Plan is to be completed 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.

(vii) All items and areas for taking in charge including areas currently in SDCC's charge shall be undertaken to a taking in charge standard. Prior to development the applicant shall submit construction details of all items to be taken in charge. No development shall take place until these items have been agreed.

(viii) Any roads item for Taking in Charge must be in accordance with Appendix 6 of the SDCC Taking in Charge standards.

### 37. Environmental Health Officer

i. The development must be constructed as per the design parameters set out under section 6 of the Acoustic report conducted by iAcoustics dated the 18th of August 2022. The specifications set out with regard to Glazing, Ventilation and external wall construction must be completed as recommended within the specified report.

ii. Prior to completion of the development the applicant is required to submit an Acoustic Verification report to the Environmental Health Department of South Dublin County Council. The report must confirm whether the minimum performance standards set out under section 6 of the Acoustic report conducted by iAcoustics dated the 18th of August 2022 have been complied with.

The Acoustic Verification report should include performance specifications for any changes/modifications which have been adopted which may impact on noise intrusion.

iii. 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.

Any work outside of these hours shall only be permitted following a written request to the Planning Authority and 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 unwanted noise outside the hours



stated above.

iv. Noise levels arising from construction activities shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give rise to a noise nuisance affecting a person in any premises in the neighbourhood.

v. 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.

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

vii. During the construction / 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.

REASON: In the interests of Environmental Health, public safety and the proper planning and sustainable development of the area.

### 38. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €2,995,011.50 (Two Million, Nine Hundred and Ninety Five Thousand and Eleven Euro and Fifty Cent), 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.

### 39. Prior to the commencement of development, the applicant shall submit a revised layout of not less than 1:200 showing a turning area at the end of Homezones adjacent to the linear park or an autotrack showing vehicle manoeuvres to allow safe turning for the written agreement of the Planning Authority. Thereafter the permission shall be implemented in accordance with these agreed details.

REASON: In the interests of traffic safety

In order to comply with The Roads Act 1993 Section 13 Paragraph 10, a Road Opening Licence must be secured from South Dublin County Council, Roads Maintenance Department before the commencement of any works in the public domain

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

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

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

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

Signed on behalf of the South Dublin County Council.

  
for **Senior Planner**

**06-Oct-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