

Comhairle Chontae Atha Cliath Theas

PR/1296/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0372 **Application Date:** 19-Aug-2022
Submission Type: New Application **Registration Date:** 19-Aug-2022

Correspondence Name and Address: Alan Mc Donnell 31, Saint John's Court, Clondalkin, Dublin 22, D22E5W6

Proposed Development: The proposed development will consist of:
(1) Conversion of existing garage to living space. (2) A first floor side extension above the existing structure. (3) A redesigned porch/entrance. (4) A ground floor extension to the rear. (5) A redesigned front boundary wall and all associated site works.

Location: 22, Old Bawn Park, Dublin 24. D24 VH9D.

Applicant Name: Emlyn Brennan & Anita Berney

Application Type: Permission

(CS)

Description of Site and Surroundings:

Site Area: 0.0246

Site Description:

The site is located within the established Old Bawn Park residential estate and contains a semi-detached 2 storey dwelling with a pitched roof profile and with an attached garage to the side. There is also an entrance porch element to the front of the existing dwelling. The streetscape is characterised by other semi-detached dwellings of similar form and appearance with a mainly uniform building line. It is noted there is a street tree on the grass verge in front of the dwelling.

Proposal:

The proposed development consists of the following:

- Garage conversion & insertion of new front window.
- First floor side extension.
- New redesigned porch/entrance with pressed metal fascia and flat roof.
- Ground floor rear extension with flat parapet roof & 3 no. rooflights.
- Widen existing vehicular entrance from c.3m to 5.5m and construct new front boundary wall and install new entrance gates/railings.
- Proposed works measure c.62.12sq.m.

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Zoning:

The subject site is subject to zoning objective RES - 'To protect and/or improve Residential Amenity'.

Consultations:

Surface Water Drainage – No report received to date.

Irish Water – No report received to date.

SEA Sensitivity Screening

No overlap indicated for relevant environmental layers.

Submissions/Observations /Representations

None.

Relevant Planning History

None recorded for subject site.

Adjacent sites

S01A/0853: 23 Old Bawn Way, Old Bawn, Tallaght, Dublin 24.

Extension to front and rear with new pitched roof to front, sides and rear of existing surgery.

Decision: **GRANT PERMISSION.**

Relevant Enforcement History

None.

Pre-Planning Consultation

None.

Relevant Policy in South Dublin County Council Development Plan 2022 - 2028

Section 6.8.2 Residential Extensions

Policy H14 Residential Extensions

- It is the policy of the Council to support the extension of existing dwellings subject to the protection of residential and visual amenities.

Policy H14 Objective 1:

- To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 12: Implementation and Monitoring and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).

Section 12.5.3 Density and Building Heights

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Section 12.6 Housing – Residential Development

Section 12.6.8 Residential Consolidation

Extensions

- The design of residential extensions should have regard to the permitted pattern of development in the immediate area alongside the *South Dublin County Council House Extension Guide (2010)* or any superseding standards.

Section 12.6.7 Residential Standards

Section 6.7.5 Privacy and Security

Section 6.7.4 Internal Residential Accommodation

Section 12.10.1 Energy Performance in New Buildings

Section 12.3.2 Appropriate Assessment

Section 12.3.3 Environmental Impact Assessment

The design of residential extensions should accord with the South Dublin County Council House Extension Guide (2010) or any superseding standards.

Attic conversions and dormer windows:

- Locate dormer windows as far back as possible from the eaves line (at least three tile courses).
- In the case of a dormer window extension to a hipped roof, ensure it sits below the ridgelines of the existing roof and matches the materials used in the main house.
- Relate dormer windows to the windows and doors below in alignment, proportion, and character.

Overlooking and loss of privacy:

- Provide frosted or opaque glass windows with restricted openings in bathrooms, halls, and stairways.

South Dublin County Council House Extension Design Guide (2010)

Relevant Government Guidelines

Sustainable Residential Development In Urban Areas - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government (2008).

Quality Housing for Sustainable Communities-Best Practice Guidelines, Department Environment, Heritage, and Local Government, (2007).

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Relevant Government Policy

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

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

Section 5 – Dublin Metropolitan Area Strategic Plan, in Regional, Spatial and Economic Strategy 2019 – 2031.

Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government (2008).

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

Quality Housing for Sustainable Communities-Best Practice Guidelines, Department Environment, Heritage, and Local Government, (2007).

Assessment

The main issues for the assessment are:

- Zoning and Council Policy
- Residential and Visual Amenity
- Parks & Landscaping
- Access & Parking
- Services and Drainage
- Screening for Appropriate Assessment (AA)
- Screening for Environmental Impact Assessment (EIAR).

Zoning and Council Policy

The site is located in an area that is zoned 'RES' 'to protect and/or improve residential amenity.' A residential extension is permitted in principle subject to its accordance with the relevant provisions in the Development Plan 2022-2028 and the SDCC House Extension Design Guide 2010.

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Residential & Visual Amenity

Garage Conversion & Larger Porch

It is proposed to convert the existing attached side garage into a playroom. The existing garage has a garage door that projects outwards from the main front building line by c.0.94m and aligns with the existing porch sliding door. The proposed garage conversion will see the replacement of this garage door with a new window and the increased projection to the front to c.1.54m. A playroom and bathroom will be provided for to replace the garage. The playroom will be accessed via a door to the right hand side of the main porch sliding door before entering the main dwelling.

The new proposed porch will project outwards from the main front building line by c.1.54m and will align with the front of the new playroom. Although the SDCC House Extension Design Guide 2010 limits front extensions to a depth of projection of 1.5m. In this instance the additional 0.04 metres is considered to be minor in nature given that a driveway length of c.7m will remain following construction of the front extension. The existing roof for the porch is flat and the proposed roof will also be flat but will be set slightly higher and will have a pressed metal finish. This would visually accord with the character of the area.

First floor extension to side & front

The first floor side extension will be constructed over the existing garage and will be built to the boundary with the immediate neighbour to the east (No. 20 Old Bawn Park). The rear of the first floor side extension will align with the main rear building line of the existing dwelling. The first floor front extension will project outwards from the main front building line of the existing dwelling by c.1.54m and will be finished with an apex pitched element to front façade. This would visually accord with the character of the area and would not have a significant adverse impact on residential and visual amenity.

Single storey rear extension

The single storey rear extension will be slightly offset from the walls with both neighbouring properties to the east and west. The extension will project outwards from the main rear building line by c.4.473m and will span a width of c.8.457m. It will have a flat parapet roof with a parapet height of c.2.95m and will have 3 no. roof lights. A reasonable level of private open space will remain post completion and there will be no overbearing impact on neighbouring properties in the vicinity.

Widening of vehicular entrance

The existing vehicular entrance measures a width of c.3m and the applicant now proposes to increase this width to c.5.5m by moving the pillar to the west further westwards. The applicant also proposes to install a new gate to fit the widened vehicular entrance. In the interest of visual amenity and in the interest of preserving on street car parking, in the event of a grant this width

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shall be limited by **condition** to a maximum width of 3.5m. This is discussed further in the access and parking section of this report.

Parks & Landscaping

A report was received from the Parks Department raising concerns for the existing street tree. The report recommended a grant with **conditions** in the event of a grant. An extract taken from the Parks report states the following:

COMMENTS:

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

Protection of Existing Street Tree

The Public Realm Section would have some concerns regarding the proximity of the proposed works to facilitate the widening of the existing driveway entrance and the potential impacts on the existing street tree and its roots. The proposed area (grass margin) to be ditched in order to accommodate the widening of the existing entrance should be reduced to the minimum area possible in order to avoid any potential damage to the tree roots in addition in order to ensure the protection of the existing street trees in the adjacent grass margin, suitable tree protection fencing must be erected prior to all construction operations occurring on site. Ideally an exclusion zone of a minimum of 3 meters should be created with fencing around the base of the tree in order to minimise the impact of any proposed construction/excavations works in the grass margin. Prior to commencing any construction on site, protective fencing should be erected around the street tree to form an exclusion zone. This tree protection fencing must be in accordance with BS 5837: 2012.

The Public Realm Section has assessed the proposed development in accordance with the policies and objectives of the County Development Plan 2022-2028 and with best practice guidelines and recommends the following:

1. Tree Bond

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, a Bond or bank draft to the value of €1,500 shall be lodged with the Planning Authority as a security for the protection of the existing street tree in the grassed margin to the side of the site during the course of the development works. The release of the bond will be considered a minimum 12 months after the completion of all site works, at the discretion of the Landscape/Public Realm Section. This will involve assessment of whether the trees specified for retention have been preserved in their prior condition and have suffered no damage and the developer has complied with the requirements of the Planning Authority in relation to tree protection.

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REASON: In the interest of the proper planning and sustainable development of the area, street tree protection, and the maintenance of the county's green infrastructure.

2. Protection of Street Tree in Grass Margin

In order to ensure the protection of the existing street, prior to commencing any construction on site, protective fencing should be erected around the street tree to form an exclusion zone. This tree protection fencing must be in accordance with BS 5837: 2012. The protective fencing is to coincide, as

far as is practical, with the root protection area (RPA), unless otherwise agreed. all weather notices shall be securely fixed to the fence words such as 'construction exclusion zone - no access'. The following measures are particularly important:

(i) Materials are never to be stacked within the root spread of the tree.

(ii) No oil, tar, bitumen, cement or other material is to be allowed to contaminate the ground.

(iii) Trees to be retained should not be used as anchorages for equipment or for removing stumps, roots or other trees, or for other purposes;

(iv) No notices, telephone cables or other services should be attached to any part of the tree.

(v) Cement mixing should not be carried out within the canopy/protected area of the tree.

(vi) Soil levels are to be maintained as existing within the root spread of the tree. Any alteration to soil levels in an area up to one and a half times the diameter of the tree.

REASON: To ensure the safety and well-being of the trees on and adjacent to the subject site that are to remain after building works are completed, in accordance with relevant policies of the CDP 2022-2028.

It is considered appropriate to attach the above **conditions** in the event of a grant.

Access & Parking

A report was received from the Roads Department recommending **additional information** be requested or **conditions** be attached in the event of a grant. An extract taken from the Roads Department states the following:

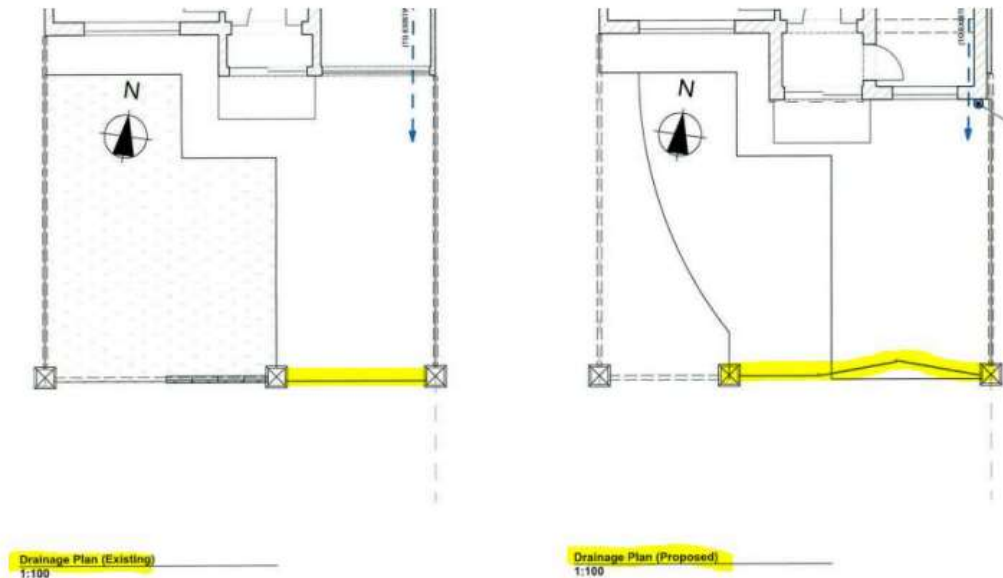
5. Redesigned front boundary wall:

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5. Redesigned front boundary wall:



The applicant has provided little detail re proposed amendments to the front boundary wall. An excerpt from the submitted drainage drawing is shown above. SDCC Roads Department standard condition states that a vehicular access point shall not exceed a width of 3.5 meters.

Applicant to submit a revised drawing which complies with this condition.

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

1. Applicant to submit revised and clearly dimensioned plan/elevation drawings that show a vehicular access point which does not exceed 3.5m in width.

Reason: In the interest of pedestrian safety.

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

- 1. The vehicular access point shall not exceed a width of 3.5 meters.*
- 2. The boundary walls at vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.*
- 3. Any gates shall open inwards and not outwards over the public domain.*
- 4. All vehicles parked in the driveways must exit the site in a forward direction. No vehicles to reverse onto the public roadway at any time.*
- 5. Where applicable, the entrance apron shall be dished and widened to the full width of the proposed widened driveway entrance and shall be constructed to the satisfaction of South Dublin County Council's Road Maintenance Department, and*

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at the applicant's expense.

It is considered that the above may be dealt with by way of **condition** in the event of a grant. However, it is not considered appropriate to attach condition no. 4 as this condition is not enforceable.

Services & Drainage

No reports have been received from Surface Water Drainage or Irish Water. Notwithstanding this it is considered that standard drainage **conditions** shall be attached in the event of a grant.

Screening for Appropriate Assessment (AA)

The subject site is not located within nor within close proximity to a European site. The proposed development is located within an established residential area and comprises of a house extension. Having regard to:

- the small scale and domestic nature of the development,
- the location of the development in a serviced urban area, and
- the consequent absence of a pathway to the European site,

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

Screening for Environmental Impact Assessment (EIAR)

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no real 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.

Other Considerations

Development Contributions

- Garage conversion, First floor side extension, new porch, single storey rear extension.
- Proposed works measure 62.12sq.m. (as stated).
- No previous extension.
- 40sq.m. remains.
- Assessable area is 22.12sq.m.

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Development Contributions

Planning Reference Number	SD22B/0372
Summary of permission granted & relevant notes:	Residential Extension – 62.12sq.m.
Are any exemptions applicable?	Yes
If yes, please specify:	The first 40 square metres of an extension to a house (including garages and conversion of attic to habitable areas) shall be exempt (subsequent extensions or extensions above 40 square metres to be charged at the residential rate per square metre). This exemption will not apply to development for which retention permission is sought.
Is development commercial or residential?	Residential
Standard rate applicable to development:	104.49
% reduction to rate, if applicable (0% if N/A)	0
Rate applicable	€104.49
Area of Development (m2)	62.12
Amount of Floor area, if any, exempt (m2)	40
Total area to which development contribution applies (m2)	22.12
Total development contribution due	€2,311.31

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Residential – rear extension	62.12sq.m.
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.0246

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Conclusion

Having regard to the 'RES' land-use zoning of the area, the relevant policies and objectives of the South Dublin County Development Plan 2022 – 2028, and the recommendations and the South Dublin House Extension Design Guide 2010, the development seeking permission would accord 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.

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 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 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. (a) External Finishes.
All external finishes shall harmonise in colour or texture that is complementary to the house or its context.
REASON: In the interest of visual amenity.
(b) Restriction on Use.
The house and the proposed extension shall be jointly used as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes, and the extension shall not be sold, let (including short-term letting), leased or otherwise transferred or conveyed, by way of sale, letting or otherwise save as part of the single dwelling unit.
REASON: To prevent unauthorised development.

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(c) Drainage - Irish Water.

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

(ii) 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.

(iii) All drainage works for this development shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works.

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.

(d) 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.

(e) Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall only be operated on the site between 7.00 hours and 19.00 hours weekdays and between 9.00 hours and 13.00 hours on Saturdays. No works shall take place 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

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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.

3. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €2,311.31 (Two thousand three hundred and eleven Euros and thirty one 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.

4. Roads Requirements.

- (a). The vehicular access point shall not exceed a maximum width of 3.5 meters.
- (b). The boundary walls at vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.
- (c). Any gates shall open inwards and not outwards over the public domain.
- (d). Where applicable, the entrance apron shall be dished and widened to the full width of the proposed widened driveway entrance and shall be constructed to the satisfaction of South Dublin County Council's Road Maintenance Department, and at the applicant's expense.

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

5. Parks Requirements.

(a). Tree Bond

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, a Bond or bank draft to the value of €1,500 shall be lodged with the Planning Authority as a security for the protection of the existing street tree in the grassed margin to the side of the site during the course of the development works. The release of the bond will be considered a minimum 12 months after the completion of all site works, at the discretion of the Landscape/Public Realm Section. This will involve assessment of whether the trees specified for retention have been preserved in their prior condition and have suffered no damage and the developer has complied with the requirements of the Planning Authority in relation to tree protection.

(b). Protection of Street Tree in Grass Margin.

In order to ensure the protection of the existing street, prior to commencing any construction on site, protective fencing should be erected around the street tree to form an exclusion zone. This tree protection fencing must be in accordance with BS 5837: 2012.

The protective fencing is to coincide, as

far as is practical, with the root protection area (RPA), unless otherwise agreed. All weather notices shall be securely fixed to the fence with words such as 'construction exclusion zone - no access'. The following measures are particularly important:

(i) Materials are never to be stacked within the root spread of the tree.

(ii) No oil, tar, bitumen, cement or other material is to be allowed to contaminate the ground.

(iii) Trees to be retained should not be used as anchorages for equipment or for removing stumps, roots or other trees, or for other purposes;

(iv) No notices, telephone cables or other services should be attached to any part of the tree.

(v) Cement mixing should not be carried out within the canopy/protected area of the tree.

(vi) Soil levels are to be maintained as existing within the root spread of the tree. Any alteration to soil levels in an area up to one and a half times the diameter of the tree.

To ensure the safety and well-being of the trees on and adjacent to the subject site that are to remain after building works are completed, in accordance with relevant policies of the CDP 2022-2028 and in the interest of the proper planning and sustainable development of the area, street tree protection, and the maintenance of the county's green infrastructure.

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

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adjoining property, the consent of the adjoining property owner is required.

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: Waste, arising from the site, must be kept to a minimum, segregated where appropriate, and disposed in accordance with the Waste Management Regulations 2007, as amended. Transport of such waste, must be by an authorised waste permit holder. Waste disposal records must be maintained and made available, for inspection by Authorised Persons appointed under the Waste Management Act 1996, as amended. A Waste Transfer Form shall accompany the transportation of all hazardous waste arising from the construction works.

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.


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REG. REF. SD22B/0372

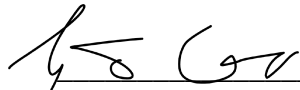
LOCATION: 22, Old Bawn Park, Dublin 24. D24 VH9D.



Jim Johnston,
Senior Executive 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: 13/10/22



Gormla O'Corrain, Senior Planner