

Comhairle Chontae Atha Cliath Theas

PR/1359/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0143 **Application Date:** 18-May-2022
Submission Type: Additional **Registration Date:** 30-Sep-2022
Information

Correspondence Name and Address: John Dempsey Architect Apt. 13, 'Liffey', Cois Abhainn, Sallins Road, Clane, Co. Kildare

Proposed Development: Replace condition 4 (stating a limit of 15 children) Ref. SD03A/0384 with a new limit of 32 children in sessional care in compliance with current ratios of floor area to number of children as set out in the childcare act 1991 (Early Years Service) Regulations 2016.

Location: 2, Tynan Hall Park, Kingswood Heights, Dublin 24

Applicant Name: Linda Mair, Kingswood Childcare

Application Type: Permission

(CS)

Description of Site and Surroundings

Site Description

This large corner site is located at the junction of Tynan Hall Park and Ballymount Road, facing onto the roundabout. The subject site contains a detached dwelling with two-storey extension to side.

Site Area: Stated as 0.0394Ha

Proposal

The proposed development consists of the following:

- Replace condition 4 (stating a limit of 15 children) Ref. SD03A/0384 with a new maximum increased limit of 32 children in sessional care.
- No new additional floor area proposed.

Zoning

The site is subject to land-use zoning objective – ‘RES’ – ‘To protect and/or improve residential amenity.’

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Consultations

Roads Department – **Additional Information** recommended or **conditions** to be attached to any grant.

TUSLA – No report received

Surface Water Drainage – No objection subject to **conditions**.

Irish Water – No objection subject to **conditions**.

Screening for Strategic Environmental Assessment

No overlap indicated with the relevant environmental layers.

Submissions/Observations /Representations

A submission signed by a number of neighbouring properties objecting to the proposal was received. Concerns include:

- Increased noise levels and increased levels of disruption to neighbouring properties.
- The shed structure to the rear has already contributed to increased noise levels.
- Increased traffic from dropping off and picking up more children.
- There is already minimal car parking available outside the preschool.

The objection/s and submission/s lodged with the application have been considered in the overall assessment of the development

Relevant Planning History

SD03A/0384: The development consists of two storey extension at side of existing two storey detached house consisting of a creche, toilet on the ground floor, conservatory, first floor of the existing house and extension shall remain residential. This application shall be read with the previous application Ref. No. S99A/0703.

Decision: **GRANT PERMISSION.**

Pre-Planning Consultation

None recorded for this development.

Relevant Policy in South Dublin County Development Plan 2016 – 2022

Section 3.10.0 Early Childhood Care and Education

Policy C8 (a) Childcare Facilities:

'It is the policy of the Council to support and facilitate the provision of good quality and accessible childcare facilities at suitable locations in the County.'

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Policy C8 Objective 3:

'To support the provision of small scale childcare facilities in residential areas subject to appropriate safeguards to protect the amenities of the area, having regard to noise pollution and traffic management.'

Section 6.4.4 Car Parking

Policy TM7 Car Parking

Section 11.4.1 Bicycle Parking Standards

Table 11.22: Minimum Bicycle Parking Rates

Section 11.4.2 Car Parking Standards

Table 11.23: Maximum Parking Rates (Non-Residential)

Section 11.8.1 Environmental Impact Assessment

Section 11.8.2 Appropriate Assessment

Section 11.3.0 Land Uses

Section 11.3.10 Home Based Economic Activity

'The Planning Authority will assess the suitability of the residential site to accommodate the proposed home based economic activity having regard to the size and scale of the site and dwelling, the prevailing density of the area, the availability of adequate safe car parking and the general compatibility of the nature of the use with the site context.'

Section 11.3.11 Early Childhood Care and Education

'In residential areas the conversion of detached and semi-detached dwellings will be considered at appropriate locations, subject to the protection of residential amenity... in instances of partial conversion from residential to childcare, the proposal shall be assessed as a Home Based Economic Activity.'

Relevant Government Guidelines

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

Circular letter PL 3/2016 Re: Childcare Facilities operating under the Early Childcare and Education (ECCE) scheme, Department of the Environment, Community and Local Government (2016).

Childcare Facilities Guidelines, Department of Environment, Heritage and Local Government (2001)

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We like this Place - Guidelines for Best Practice in the Design of Childcare Facilities Dept Justice, Equality and Law Reform (2002)

Child Care (Pre-School Services) (No 2) Regulations 2006 (as amended), Department of Health & Children.

Assessment

The main issues for assessment are

- Zoning and Council policy;
- Childcare facility and residential amenity;
- Access and Parking;
- Services & Drainage;
- Screening for Appropriate Assessment (AA).
- Screening for Environmental Impact Assessment (EIAR);

Zoning and Council Policy

The site is subject to zoning objective Local Centre, 'RES' – 'To protect and/or improve residential amenity'. Home Based Economic Activities (including partial use of a residential dwelling for childcare) are 'open for consideration' under the South Dublin County Development Plan 2016 - 2022, and therefore may be acceptable to the Planning Authority subject to detailed assessment against the principles of proper planning and sustainable development, and the relevant policies, objectives and standards set out in the County Development Plan.

The proposed childcare use has already been assessed in principle under SDCC Reg. Ref. SD03/0384 and the site has been found to be suitable for use as a childcare facility, subject to appropriate management of the sessions provided.

The extension/intensification of the use of the building by increasing enrolment in the preschool session from 15 to 32 children is therefore considered to be appropriate subject to assessment of the potential impact of the additional session on the residential amenity of the area.

It is noted that the applicant does not specify if the increase in the no. of children relates to the morning or afternoon preschool session. The applicant does not specify the days and the times for these sessions and the applicant does not specify the number of existing staff members and the number of proposed additional staff members.

Condition.4 as per previously permitted SD03A/0384 specified that:

*The maximum number of children in the childcare facility at any one time shall not exceed **fifteen.***

Reason: In the interests of proper planning and sustainable development.

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It is noted that Condition 5 as per previously permitted SD03A/0384 specified that:

*The hours of operation shall be **restricted to 7.30am to 6.30pm, Monday to Friday and excluding public holidays.***

Reason: In the interests of clarity.

Childcare Facility and Residential Amenity

As per Departmental Circular PL 3/2016 'Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme', the contents of Appendix 1 of the 2001 Childcare Guidelines have not been taken into account in the assessment of this application. The Child and Family Agency, also known as Tusla, is responsible for inspecting pre-school services under, and enforcing compliance with the 2001 and 2006 Childcare (Pre-School Facilities) Regulations.

Under section 11.3.11 of the County Development Plan, proposals for partial use of a dwelling as a childcare facility shall be assessed as Home Based Economic Activity. The relevant section on Home Based Economic Activity (section 11.3.10), contains the following guidance for assessing applications:

'The Planning Authority will assess the suitability of the residential site to accommodate the proposed home based economic activity having regard to the size and scale of the site and dwelling, the prevailing density of the area, the availability of adequate safe car parking and the general compatibility of the nature of the use with the site context.'

In the context of a proposal to intensify a permitted use (SD03A/0384) by way of increasing enrolment, the relevant criterion from the above policy is adequate safe car parking. The proposed extension of increasing enrolment would otherwise not alter the suitability of the use in the context of the above criteria. The proposal is therefore acceptable subject to assessment of car parking provision in the area.

The proposal for increasing enrolment at the preschool is considered to have no significant adverse impact on the amenities of the area.

Access and Parking

The Roads Department has issued a report recommending **Additional information** be requested or **conditions** be attached in the event of a grant.

An extract taken from the Roads report states the following:

Prior to commencement of any works in the public domain, and 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.

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Description:

The existing creche facility is situated in close proximity to the Ballymount Rd/Tynan Hall Pk roundabout, with a continuous white line/hatching laid outside the front/entrance of the house. On street parking or set-down is not permitted. Tynan Hall is a cul de sac with one entrance only.

It is proposed to increase the maximum student number rate to 32no. which would more than double the current limit of 15no.

A local TTA (Transport and Traffic Assessment) Report will be required.

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

1. A local TTA (Transport and Traffic Assessment) Report is required detailing the following:
 - a. Existing situation of how children and dropped-off/picked-up
 - b. Existing traffic movements using AutoTRAK analysis of vehicle access/egress/parking
 - c. Existing parking arrangements (Set down, residents, staff)
 - d. Peak drop-off/pick-up times
 - e. Are drop-offs staggered?

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

1. 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.
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. The vehicular access point shall not exceed a width of 3.5 meters.
4. Any gates shall open inwards and not outwards over the public domain.
5. 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.
6. 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.

Having regard to the Roads report it is considered appropriate to request the above **Additional Information**.

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Services & Drainage

Both Irish Water and Surface Water Drainage have issued reports recommending no objection subject to **conditions**. An extract taken from the Irish Water report states the following:

IW Recommendation: No Objection

- 1. The applicant shall sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.*
- 2. All development shall be carried out in compliance with Irish Water Standards codes and practices.*
- 3. Any proposals by the applicant to divert or build over existing water or wastewater services shall be submitted to Irish Water for written approval prior to works commencing.*
- 4. Separation distances between the existing Irish Water assets and proposed structures, other services, trees, etc. have to be in accordance with the Irish Water Codes of Practice and Standard Details.*

REASON: To ensure adequate provision of water and wastewater facilities

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

An extract taken from the Surface Water Drainage report states the following:

Flood Risk No Objection:

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.

It is considered appropriate to attach the above **conditions** 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.

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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 Issues

Development Contributions

- No physical works or change of use are proposed. The application relates only to increasing enrolment at the preschool.
- Assessable area is nil.

Strategic Environmental Assessment Monitoring

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Childcare Facilities	Nil
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.0394

Conclusion

Request **additional information** to clarify the following:

- Does the increase in children from 15 to 32 relate to the morning and/or afternoon session.
- The days and the times for these sessions that the increase in children relates to.
- number of existing staff members and the number of proposed additional staff members.
- Roads requirements.

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Recommendation

Request Further Information.

Further Information

- Further Information was requested on 11/07/2022.
- Further Information was received on 30/09/2022.

No submissions/observations on the further information have been made.

Further information

The following Further Information was requested.

Item 1: Roads Requirements.

1. The applicant is requested to submit a local TTA (Transport and Traffic Assessment) Report detailing the following:

- a. Existing situation of how children and dropped-off/picked-up
- b. Existing traffic movements using AutoTRAK analysis of vehicle access/egress/parking
- c. Existing parking arrangements (Set down, residents, staff)
- d. Peak drop-off/pick-up times
- e. Are drop-offs staggered, if so, provide details of same?

Item 2: Preschool Details.

The applicant is requested to submit the following information regarding the preschool:

(a). Does the increase in children from 15 to 32 relate to the morning and/or afternoon session.

Please provide details of same.

(b). The days and the times for these sessions that the increase in children relates to.

(c). The number of existing staff members and the number of proposed additional staff members.

Further Consultations

Roads Department – No objections.

Further Submissions/Observations

None received.

Assessment

Item 1: Roads Requirements.

The applicant has submitted a cover letter and drawing in an attempt to address the request for additional information. An extract taken from the cover letter states the following:

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ADDITIONAL INFORMATION

Graphic and Written Report on the Daily operation of crèche in reply to request for Additional Information from South Dublin Co Council Planning Dept. dated 12 July'22

This purpose built approved crèche extension to the property at 2, Tynan Hall Kingswood Heights D24 opened c.2000 and no further extensions have been constructed in the interim.

The national ratio of sq/m to child reduced over the interim period, generating a figure of 32 children possible in the available floor area. The crèche has operated with this number of children since c 2009. This application seeks to rectify an inadvertent error on behalf of the owners of not modifying Condition 6 of their planning permission which specified 15 children. The vehicular and pedestrian daily movement as outlined below and on the accompanying Graphic Daily Vehicle and Pedestrian layout plan of the surrounding catchment area has been operating since 2009.

There are 3 parking spaces at the front of the crèche and 3 further public spaces on Tynan Hall Park and along the adjoining roads. The applicant Linda Mair will issue copies of the enclosed 'Dwell Time' notices to all her customers before start of the upcoming term.

The crèche employs 7 rostered staff of which 5 are always on the premises.

1. Traffic Movement 1 (coloured orange)

Doors open at 8am Mon – Fri

From 8 -8.45am 15 children are dropped into crèche involving perhaps 8 -10 cars

2. Pedestrian Movement 2 (coloured blue)

At 8.45 -9.15am 10 of these children are walked by members of staff around the corner to St Killian's Primary School where they will stay until they are walked back to crèche by staff at two collection times of 1.30pm and 2.30pm

Between 8.45 -9am there are only be 3- 5 children left at crèche waiting for ECCE

Pre -school to start at 9am

John Dempsey Architect M.R.I.A.I

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3. Pedestrian movement 3 (coloured yellow)

At 9am the ECCE opens with 15 children in Room 1 who have been delivered to the premises on foot by their parents/guardians who live locally. These children's session is from 9 -12pm

A further session with 11 children in Room 2 commences from 9.15 – 12.15pm. These children are also local.

4. The small room already has 3-5 children so the max occupancy is 29-31 children

5. After parent/guardian collections between 12.15 – 1.30pm approx. 10-12 children remain in the crèche

6. A further session of ECCE (pre-school) with 11 children commences from 12.30 – 3.30pm

DWELL TIME NOTICE (to be issued to all parents/ guardians)

Dear Customers,

In the interest of our neighbours we would like to request that you limit your Dwell Time at the premises while dropping off your child.

Conclusion:

Based on the proposed application, information provided and support of local community, it is concluded that the crèche would continue to operate in a consistent, safe and efficient manner with a new formalised limit of 32 children. Both the existing operational measures outlined and the introduction of several new measures including staggered start times, reduced dwell time and more should improve conditions further.

Based on review of the additional information received the Roads Department have issued a report recommending no objections. An extract taken from the Roads report states the following:

Prior to commencement of any works in the public domain, and 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.

Description:

Replace condition 4 (stating a limit of 15 children) Ref. SD03A/0384 with a new limit of 32 children in sessional care in compliance with current ratios of floor area to number of children as set out in the childcare act 1991 (Early Years Service) Regulations 2016.

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Roads Related Additional Information Requested by SDCC:

1. *The applicant is requested to submit a local TTA (Transport and Traffic Assessment)*

Report detailing the following:

- a. *Existing situation of how children and dropped-off/picked-up*
- b. *Existing traffic movements using AutoTRAK analysis of vehicle access/egress/parking*
- c. *Existing parking arrangements (Set down, residents, staff)*
- d. *Peak drop-off/pick-up times*
- e. *Are drop-offs staggered, if so, provide details of same?*

Applicant Submitted Response to Additional Information Request:

The applicant has submitted a report on the daily operation of the creche along with an accompanying drawing.

The applicant has also included a copy of a "Dwell Time Notice" to be issued to all customers before the start of the term.

Roads Department Assessment:

Having observed the operation of the creche during peak drop off and collection times (11:30am to 12:30pm on 19/10/2022) SDCC Roads Department is satisfied that the traffic and parking numbers generated is not excessive. During the site visit, the maximum number of cars dropping off or collecting children at any one time was 5 No. These vehicles were observed to be parked safely and spread out around available on-street parking areas on the estate. Cars had a set down time of approximately 2 minutes. It was also noted on this occasion that cars from neighbouring properties were able to egress safely.

It should be noted that under the Road Traffic (Traffic and Parking) Regulations, 1997, parking within 5m of a road junction is prohibited. SDCC Roads Department considered the installation of double yellow lines outside the property in question, however, during the site visit there was no traffic hazards observed so this was deemed unnecessary.

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No Roads objections.

The Planning Authority considers the applicant has satisfactorily responded to the request for additional information for this item.

Item 2: Preschool Details.

The applicant has submitted a cover letter and drawing in an attempt to address the request for additional information. An extract taken from the cover letter states the following:

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3. Pedestrian movement 3 (coloured yellow)

At 9am the ECCE opens with 15 children in Room 1 who have been delivered to the premises on foot by their parents/guardians who live locally. These children's session is from 9 -12pm

A further session with 11 children in Room 2 commences from 9.15 – 12.15pm. These children are also local.

4. The small room already has 3-5 children so the max occupancy is 29-31 children

5. After parent/guardian collections between 12.15 – 1.30pm approx. 10-12 children remain in the crèche

6. A further session of ECCE (pre-school) with 11 children commences from 12.30 – 3.30pm

DWELL TIME NOTICE (to be issued to all parents/ guardians)

Dear Customers,

In the interest of our neighbours we would like to request that you limit your Dwell Time at the premises while dropping off your child.

Conclusion:

Based on the proposed application, information provided and support of local community, it is concluded that the crèche would continue to operate in a consistent, safe and efficient manner with a new formalised limit of 32 children. Both the existing operational measures outlined and the introduction of several new measures including staggered start times, reduced dwell time and more should improve conditions further.

- (a). The applicant has clarified that the increase in children from 15 to 32 relates to the maximum total number of children that will attend morning and afternoon sessions.
- (b). The applicant has provided the times for these sessions but has not provided the days applicable.
- (c). The applicant has not provided the number of existing staff and the number of proposed additional staff members.

Overall, it is considered that the applicant has satisfactorily responded to the request for additional information for this item.

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Other Issues

Development Contributions

- No physical works or change of use are proposed. The application relates only to increasing enrolment at the preschool.
- Assessable area is nil.

Strategic Environmental Assessment Monitoring

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Childcare Facilities	Nil
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.0394

Conclusion

Having regard to the provisions of the South Dublin County Council Development Plan 2022-2028, the Planning Authority is satisfied that subject to conditions the development is consistent with the Development Plan provisions and the proper planning and sustainable development of the area and accordingly a grant of permission is recommended.

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 to be in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety in accordance with the parent permission SD03A/0384 save for (i) plans, particulars and specifications lodged with the application, and (ii) as amended by Further Information received on 30/09/2022,

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as well as (iii) 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. Roads Requirements.

(a). 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.

(d). Any gates shall open inwards and not outwards over the public domain.

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

3. Maximum No. of Children.

The maximum number of children in the childcare facility at any one time shall not exceed thirtytwo (32).

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

4. Times of Operation.

The hours of operation shall be restricted to 7.30am to 6.30pm, Monday to Friday and excluding public holidays as per condition 5 of previously permitted SD03A/0384.

REASON: In the interests of clarity.

5. Services & Drainage.

(a). The applicant shall sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.

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

(c). Any proposals by the applicant to divert or build over existing water or wastewater services shall be submitted to Irish Water for written approval prior to works commencing.

(d). Separation distances between the existing Irish Water assets and proposed structures, other services, trees, etc. have to be in accordance with the Irish Water Codes of Practice and Standard Details.

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

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

REASON: To ensure adequate provision of water and wastewater facilities.

6. Revert to Residential Use.

The part of the house used as a childcare facility shall not be separated independently from the main house through sale or letting. When no longer required for use as a childcare facility, use of that part of the house shall revert to residential use as part of the main house.

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REASON: In the interests of maintaining residential amenity of the area.

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

NOTE: The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

NOTE: A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.


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REG. REF. SD22A/0143

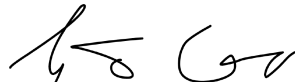
LOCATION: 2, Tynan Hall Park, Kingswood Heights, Dublin 24



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: 27/10/22_____



Gormla O'Corrain, Senior Planner