

John Spain Associates
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Dublin 2

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

Decision Order Number:	1370	Date of Decision:	27-Oct-2022
Register Reference:	SDZ21A/0023	Date:	30-Sep-2022

Applicant: Hugh McGreevy & Sons Ltd.

Development: 455 residential units (including a mixture of 2 and 3 storey semi-detached and terraced houses, and duplex units and apartments in 3 and 4 storey blocks), new internal roads and footpaths, site access, public open space, car parking, cycle stores, landscaping, bin stores, foul and surface water drainage, boundary walls and fences, ESB substations and all associated site development works. Private and semi-private open space to serve the proposed units will be provided in the form of balconies, terraces and gardens; including revisions to the permitted / under construction Celbridge Link Road (part of Loop Road 3), permitted under Reg. Ref SDZ17A/0009, associated with the provision of access to the development, parallel parking bays, and public lighting; 58 two bed, two storey, terraced houses (Type E1, E2, E3, J1 & J2); 6 three bed, two storey, semi-detached houses (Type 11); 190 three bed, two storey, terraced houses (Type A 1, A2, A3, B1, 82, C1, C2, C3, D1, D2, F1, F2, 11 & 12); 5 three bed, three storey, terraced houses (Type H); 6 four bed, two storey, terraced houses (Type K1, K2); 7 apartment Blocks (Blocks B, D, E, G, H, I & K) containing 111 apartments/duplexes including 32 one bed apartments, 22 two bed and 57 three bed duplex apartments over 3 storeys; 4 apartment Blocks (Blocks A, C, J & L) containing 37 apartments/duplexes including 8 no. one bed apartments, 29 three bed duplex apartments over 4 storeys; 1 apartment Block (Block F) containing 42 apartments including 2 one bed apartments and 40 two bed apartments over 4 storeys on a site located to the south of Tubber Lane, in the north-west of the Adamstown SDZ lands and to the west and south-west of the permitted/under construction Tubber Lane Phase 2 development (Reg. Ref: SDZ19A/0008, as amended under Reg. Ref: SDZ20A/0014).

Location: Tubber Lane, Adamstown, Lucan, Co. Dublin.

Floor Area:

Time extension(s) up to and including:

Additional Information Requested/Received: 22-Feb-2022, 02-Aug-2022

Clarification of Additional Information Requested/Received: 05-Jul-2022, 30-Sep-2022

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 5 July 2022 and the Clarification of Additional Information received on 30 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. Phasing.
A total of 454 residential units comprising houses and duplex 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.

3. Roads.

a. The applicant shall ensure roads are built to the boundary, where linked to future development. No ransom strips should be created.

b. The applicant shall submit a Road Safety Audit for the proposed development. Prior to the commencement of development, the applicant shall submit a Stage 1 Road Safety Audit for the entire site. Where relevant, a Stage 2 Road Safety Audit shall also be submitted prior to commencement of development.

c. All items and areas for taking in charge shall be undertaken to a taking in charge standard. Prior to the commencement of 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.

d. Prior to the commencement of development, the applicant shall submit a Construction Traffic Management Plan for the written agreement of the Planning Authority. The agreed plan, along with the written agreement of the roads department shall be lodged to the planning file. The written commitment of the developer to implement the agreed plan shall also be lodged to the file.

e. Prior to the commencement of development, the applicant shall submit a public lighting scheme for the written agreement of the Planning Authority.

f. Prior to the commencement of development, the Applicant shall submit revised plans for the written agreement of the Planning Authority that indicate 6.0m reversing space behind all perpendicular parking, unless otherwise agreed in writing. If it is not possible to achieve 6.0m reversing space, then the Applicant shall submit revised plans for the written agreement of the Planning Authority that indicate parallel spaces.

g. Unless otherwise agreed in writing, prior to the commencement of development, the applicant shall submit revised plans for the written agreement of the Planning Authority that indicate the dimensions of footpaths, buffer strips and carriageway widths conform to the ASDG. i.e., homezones carriageways are 4.8m wide and have a 1.2m shared footpath, Avenues have a minimum footpath width of 2.5m the buffer space shall be 0.8m.

REASON: in the interests of safety and sustainable transport.

4. Drainage.

(a) Swale side slopes shall be of shallow gradient (max 1 in 4 slope) to allow maintenance.

(b) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

(c) 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 public health, the proper planning and sustainable

development of the area and in order to ensure adequate water supply and drainage provision.

5. Irish Water Connection Agreement.

1 Water

a) Where the applicant proposes to connect to a public water/wastewater network operated by Irish Water, the applicant must 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.

2 Foul

a) Where the applicant proposes to connect to a public water/wastewater network operated by Irish Water, the applicant must 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.

Reason: In the interest of public health and to ensure adequate water facilities.

6. 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.

7. 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.

8. 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.

9. 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.

10. Council Housing Strategy.

That 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 2016-2022, 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.

REASON: To promote social integration consistent with policies/objectives of the Councils Housing Strategy as contained in the South Dublin County Council Development Plan 2016-2022.

11. 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.

12. Inland Fisheries.

The following requirements of Inland Fisheries Ireland shall be adhered to on site;

(a) Construction works shall be in line with a detailed Construction Management Plan (CMP) specific to this site which shall identify potential impacts and mitigating measures and provide a mechanism for ensuring compliance with environmental legislation and statutory consents. The Construction Management Plan shall detail and ensure Best Construction Practices including measures to prevent and control the introduction of pollutants and deleterious matter to surface and groundwater and measures to minimise the generation of sediment and silt. In the event that any invasive plant species are located on site the CMP shall address their containment and appropriate treatment (further information available at www.invasivespeciesireland.com).

(b) Only clean and uncontaminated surface water shall be discharged from the site to the local surface water network. Precautions shall be taken to ensure there is no entry of solids to the Tubbermaclugg Catchment during the connection of pipework to the existing surface water system

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

13. Vehicle Cleansing and Wheel Washing.

(a) The applicant shall ensure that suitable facilities for vehicle cleansing and wheel washing, to the satisfaction of the Area Engineer, are provided on site prior to commencing of earthworks and that such facilities are maintained in a satisfactorily operational condition during all periods of earthworks.

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

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

(d) The applicant shall ensure that on-site car parking facilities are provided in accordance with Council requirements and standards to the satisfaction of South Dublin County Council, are made available for site workers during the course of construction.

(e) The applicant shall maintain all footpaths and roads affected by the development

works in a safe and tidy condition in accordance with the requirements of the Council's Roads Section or the Council's Area Engineer.

REASON: In the interest of the amenity, safety and maintenance of adjoining roads and footpaths.

14. 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.

15. 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.

16. 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.

17. Archaeological Monitoring.

(a) The applicant/developer shall employ a qualified Archaeologist, licensed to carry out Archaeological Monitoring of all sub-surface works carried out within the proposed development site. This will include the archaeological monitoring of the removal of topsoil, the excavation of trenches for foundations, services, access roadway, etc. associated with the proposed development.

(i) Any Test trenches will be excavated at locations chosen by the archaeologist (licensed under the National Monuments Acts 1930-2004), having consulted the site drawings.

(ii) Having completed the work, the archaeologist shall submit a written report to the Planning Authority and to the Department of Culture, Heritage and the Gaeltacht. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required and the Department of Culture, Heritage and the Gaeltacht will advise the Applicant/Developer with regard to these matters.

(iii) No site preparation or construction work shall be carried out until after the archaeologist's report has been submitted and permission to proceed has been received in writing from the Planning Authority in consultation with the Department of Culture, Heritage and the Gaeltacht.

REASON: To facilitate the recording and protection of any items of archaeological significance that the site may possess.

18. 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.

19. 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.

20. Mitigation Measures.

All mitigation measures set out in the documentation submitted in support of the application, including in particular those set out in the Ecological Impact Assessment, Energy Statement, Building Life Cycle Report, Flood Risk Assessment and Traffic Impact Assessment, shall be implemented in full.

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

21. Regulation of Institutional Investment in Housing - Mixed unit-type development.

(a) Prior to the commencement of any house or duplex unit in 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 house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000 (as amended), that restricts all houses and duplex 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 specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit 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 housing units, in which case the planning authority shall confirm in writing to the applicant 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.

22. Part V.

(a) Prior to the commencement of development, the applicant shall review the Part V proposal to reflect a better unit mix and better spread of units. The applicant is requested to contact Housing Strategy in this regard. The agreed details shall be submitted for the written agreement of the Planning Authority.

(b) Prior to the commencement of development, the applicant shall submit details of any changes to units required in conjunction with item (a) for the written agreement of the Planning Authority.

REASON: In the interests of Part V housing provision.

23. Irish Aviation Authority.

The applicant shall notify the Irish Aviation Authority and Weston Airport of intention to commence crane operations with at least 30 days prior notification of their erection.

REASON: In the interests of aviation safety.

24. Archaeology.

a. 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, shall be undertaken until the archaeological assessment has been completed and submitted for the written agreement of the Planning Authority.

b. The archaeologist shall carry out any relevant documentary research and inspect the development site. An archaeological geophysical should be carried out and a programme of test excavation 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.

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. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required. Any such measures shall be agreed in writing.

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

25. Environmental Health.

1. No heavy / noisy construction 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.

2. 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.

3. 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.

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

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

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

7. 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.

8. Signage or lighting to be used on site during both construction and the on-going operation of the development must not be intrusive to any light sensitive location including residential properties in close proximity to the development. REASON: In the interests of Environmental Health, public safety and the proper planning and sustainable development of the area.

26. Waste.

The applicant shall ensure the measures set out in the Construction Waste and Environmental Management Plan are adhered to.

REASON: In the interests of protecting the environment.

27. Street Trees.

Unless otherwise agreed in writing, 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 amend the proposed development to incorporate the following and submit for the written agreement of the Planning Authority:

A. Street trees along the main avenues every 2 parallel parking spaces.

B. SuDs tree pit with engineered soil to run continuous along the main avenues throughout the development/main Celbridge Road, on both sides as per previously agreed detail in SDZ17A/0009.

C. Tree species on avenues as previously agreed for SDZ17A/0009.

D. Street trees to be a minimum 18-20cm girth at planting and to be predominantly native and/or pollinator friendly species.

E. Street trees on all streets in the public realm, integral to the street, outside the

footpath on both sides as follows:

- i. Unit No: 38-51 6 Street Trees
- ii. Unit No: 52-60 5 Street Trees
- iii. Unit No: 93 - 101 4 Street Trees
- iv. Unit No: 101-118 9 Street Trees
- v. Unit No. 229 - 234 1 additional Street tree
- vi. Unit No: 229 - 251 7 Street trees
- vii. Unit No: 234 - 258 8 Street Trees
- viii. Unit No: 235 - 239 4 Street trees
- ix. Unit No: 235 - 284 8 Street Trees
- x. Unit No 252 - 257 4 Street trees
- xi. Unit No: 285 - 291 4 Street trees
- xii. Unit No. 291 - 294 3 Street Trees
- xiii. Unit No. 291 - 285 4 Street trees
- xiv. Unit No. 311 - 395 10 Street Trees
- xv. Unit No. 312 - 317 3 street trees
- xvi. Unit No. 318 - 326 4 Street trees
- xvii. Unit No. 343 - 337 5 Street trees
- xviii. Unit No. 343 - 351 5 Street trees
- xix. Unit No 352 - 356 2 street trees
- xx. Unit No. 369 - 373 2 street trees
- xxi. Unit No. 374 - 383 6 street trees
- xxii. Unit No. 389 - 401 2 Street Trees
- xxiii. Unit No. 393 – 398 6 Street trees
- xxiv. Unit No. 402 – 412 7 Street Trees
- xxv. Unit No. 446 – 448 4 Street Trees
- xxvi. Unit No. 449 – 453 3 Street Trees
- xxvii. Outside Block F minimum 8 street trees (only 4 street trees have been provided in a 120m length of street. A spacing of 14m between trees allows for lights between these trees without being 5m of a lamppost)

F SuDs tree pit details to be as per previously agreed detail in SDZ17A/0009.

REASON: In order to comply with the Adamstown SDZ scheme.

28. SuDS

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 submit revised plans for the written agreement of the Planning Authority that include the following:

- i) Street trees with SuDS tree pits/continuous trenches as outlined above.
- ii) A detail for swales that provides amenity and biodiversity as well as water treatment and attenuation.
- iii) Landscape proposals and Engineers Drainage drawings to be consistent with respect to SuDS provision

REASON: In the interests of sustainable drainage.

29. Taking in Charge.

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 submit revised plans for the written agreement of the Planning Authority that include the following:

A management plan for the retained hedgerow and ditch behind units 446 – 453 to ensure this area is maintained so it does not cause excessive overshadowing of gardens and it is kept clear of debris/litter etc

REASON: in the interests of residential amenity.

30. Ecological Mitigation.

a) The mitigation measures proposed in section 7 of the EcIA (Wilson, December 2021) shall be implemented in full, i.e.:

i. Maximum retention of existing trees and hedgerows: no construction activity to take place on site until tree and hedgerow protection measures have been implemented. A tree bond is required is required (see below). Prior to the commencement of any construction operations, Public Realm require to see tree protection fencing for approval/sign off.

ii. Sediment Control practices.

iii. Contactors briefing prior to the commencement of construction

iv. Protection measures for birds

v. Protection measures for Bats – further bat inspections to be submitted prior to the commencement of development (EcIA page 29).

vi. Recommendations regarding reduction of light disturbance to be implemented. There shall be no light spill from the proposed development into the retained areas of linear vegetation.

b) 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 an Ecological Clerk of Works (ECoW) shall be appointed for the duration of the project. The contact details of the Ecological Clerk of Works shall be forwarded to the SDCC Heritage Officer prior to any works commencing (including enabling or initial clearance works). The ECoW will agree a Biodiversity Management Plan with the Heritage Officer which shall be based on the ecological mitigation measures as set out in Section 7 of the submitted EcIA and in subsequent FI amendments relating to ecological mitigation measures. The ECoW will oversee and ensure the implementation of the mitigation measures as detailed and will, prior to the commencement of any works, liaise with the project contractor to ensure appropriate incorporation of ecological mitigation measures into the Construction Environmental Management Plan/Method Statement and Lighting Plans and to oversee the implementation of same.

The appointed Ecological Clerk of Works to contact SDCC Parks Superintendent to attend a site visit and demonstrate all measures have been implemented.

REASON: In the interests of wildlife protection.

REASON: In the interests of ecological protection.

31. Retention of Arborist

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 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 commencement of development. The consultant shall visit the site, as appropriate and at a minimum monthly basis, to ensure the implementation of all of the recommendations in the tree reports and plans.

REASON: To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.

32. Tree and Hedgerow 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 construction works on site, The applicant shall submit to Public Realm for agreement:

a) An updated the tree retention, tree protection, tree works and arboricultural report to reflect the retention of trees and hedgerows as set out in the latest Landscape Proposals. Clarify the retention of hedge 4a.

b) 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.

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

iii) The arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees. 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. The certificate shall be submitted to the planning authority for written agreement upon completion of the works.

REASON: To ensure the protection of trees to be retained on site in the interests of climate adaptation, proper planning and sustainable development.

33. 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 including any related construction activity or tree felling, the applicant shall lodge a Tree and Hedgerow Bond to the value of €759,245 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 to be retained on and immediately adjacent to the site.

34. Retention of Landscape Architect

- 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 applicant, owner or developer shall appoint and retain the services; and notify the planning authority of the appointment in writing of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and 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.
- iii) Installation of attenuation tree pits shall be supervised by the project landscape architect.

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

35. Play

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) The applicant, owner or developer shall appoint and retain the services; and notify the planning authority of the appointment in writing of a Specialist Play Company with experience of natural play.

b) The Specialist Play Company shall submit for agreement play proposals that address the following:

Where possible all play equipment should be of predominantly natural materials with unstructured play included in the proposed design. The playground designer/landscape architect should contact SDCC public realm section to discuss the play items proposed including the inclusion of universally accessible equipment. Where possible the applicant should consider the use of engineered woodchip as playground surfacing material.

- i. Details of play items to be agreed with the Public Realm Section. Play proposals should include accessible features.
- ii. Details of all play equipment, and safety surface, along with specifications and proof that all equipment conforms to European Standards EN 1176-1-11 and EN 1177 Playground equipment and surfacing shall be submitted prior to the commencement of development.
- iii. Post installation certification by the Royal Society for the Prevention of Accidents will be a requirement.
- iv. An Indicative Play Map showing types of play and age groups catered for shall also

be submitted.

REASON: in the interests of adequate play area provision.

36. Implementation of Landscape Plans

Prior to the commencement of development, the applicant shall submit a revised landscape plan incorporating changes as required by other conditions of this Planning Permission, i.e in relation to street tree/blue-green infrastructure, SuDS, areas for taking in charge, play and boundaries.

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.
- e) Badger protection fencing to be paladin type with buried mesh. Details need to be agreed with Public Realm. Include a gate for maintenance access.
- f) Landscape Proposals to be consistent with engineers proposals for SuDS.
- g) All street trees to have SuDS Tree Pits/bioretenion features.
- h) Swale details to be provided that provides all 4 pillars of SuDs including amenity and biodiversity. Refer SDCC Sustainable Drainage Explanatory Design and Evaluation Guide 2022.
- i) Street trees size to be minimum 18-20cmg at planting and be predominantly native and pollinator friendly.

REASON: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area, in accordance with SDCC policies and objectives for landscape, natural heritage and green infrastructure.

37. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €4,727,535.11 (four million seven hundred and twenty seven thousand five hundred and thirty five euro and eleven 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.

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

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

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

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

Signed on behalf of the South Dublin County Council.

Pamela Hughes
for **Senior Planner**

01-Nov-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