

# Comhairle Chontae Atha Cliath Theas

**PR/1456/22**

## Record of Executive Business and Chief Executive's Order

**Reg. Reference:** SD22A/0150      **Application Date:** 24-May-2022  
**Submission Type:** Additional      **Registration Date:** 26-Oct-2022  
Information

**Correspondence Name and Address:** HA Design Studio 36, Mount Street Upper, Dublin 2

**Proposed Development:** Relocation of 3 fuel pumps and the reconfiguration of permitted fuel islands from 1 long fuel island and 1 small fuel island to now provide for 3 small fuel islands, demolition/removal of single storey building along southern boundary and 1 new truck wash to south-western boundary of site; Planning permission is sought to remove 1 existing truck wash along the western boundary, demolition/removal of existing storage building to the western boundary and alterations to internal road layout to include directional arrows.

**Location:** Lands at Kingswood Truck Wash, Old Naas Road, Kingswood Cross, Dublin 22

**Applicant Name:** Bradawl Limited

**Application Type:** Permission and Retention

(CM)

### **Description of site and surroundings**

The subject site is located between the Old Naas Road and the N7, north of a residential area known as Brownsbarn Wood. The site accommodates a truck wash facility.

Site Area – Stated as 0.566 Ha.

Site Visit: 18/07/2022

### **Proposal**

**Permission and Retention for:**

- Relocation of 3 fuel pumps and the reconfiguration of permitted fuel islands from 1 long fuel island and 1 small fuel island to now provide for 3 small fuel islands;
- demolition/removal of single storey building along southern boundary and 1 new truck wash to south-western boundary of site;

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- Planning permission is sought to remove 1 existing truck wash along the western boundary, demolition/removal of existing storage building to the western boundary and alterations to internal road layout to include directional arrows.

### **Zoning**

'EE' – "To provide for enterprise and employment related uses."

The site is located in close proximity to 'RES' zoned residential area, immediately to the south.

### **SEA Monitoring**

The western perimeter of the site is within SFRA flood zones A and B, where it bounds the N7.

### **Consultations Received**

|                        |                                  |
|------------------------|----------------------------------|
| Public Realm           | Requests Additional Information. |
| Roads                  | Requests Additional Information. |
| Environmental Services | Requests Additional Information. |

### **External**

|                  |                                      |
|------------------|--------------------------------------|
| Irish Water      | Requests Additional Information.     |
| Dept. of Defence | No objection, subject to conditions. |

### **Observations/Representations/Submissions**

A third party submission has been received from a resident of Brownsbarn Wood. The issues raised are as follows:

- Proposed wash facility was built without permission.
- Wash facility is directly adjacent to the boundary of the residential estate. The facility adjoins a public green.
- Metal barrier has been proposed but does not run the full length of the boundary and is not tall enough.
- Boundary is unsafe and children and pets can climb through.
- Truck activities create a noise nuisance, in addition to the significant noise pollution residents experience from the N7.
- Fuel and exhaust fumes are spreading to the communal area.
- Boundary trees have been removed, leading to problem of overlooking. Management company has attempted to mitigate this without success.
- View from houses has been ruined.
- Houses have been devalued.

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### **Planning History**

SD16A/0326: Provision of 3 HGV fuelling pumps located adjacent to the existing truck wash with 2 fuel dispensing islands, 2 illuminated totem signs (c.6.5m in height), 5 underground diesel storage tanks (40,000 litre capacity in each). Ancillary lighting and site landscaping works. Access to development is provided off the Old Naas Road and permission is also sought for the reinstatement and extension of the public footpath located directly north and south of the existing entrance to the site.

Decision: Grant permission.

SD16A/0080: Provision of 3 HGV fuelling pumps located adjacent to the existing truck wash with 2 fuel dispensing islands, 2 illuminated totem signs (c.6.5m in height), 5 underground diesel storage tanks (40,000 litre capacity in each); ancillary lighting and site landscaping works. Access to the development is provided off the Old Naas Road with minor upgrade works proposed at the existing entrance to the site.

Decision: Refuse permission for the following reason:

1. The applicant has not shown the correct visibility for this development, which shall be 2.4 metres x 49 metres. Drawing 971/15/3a is incorrect showing nearly 2 metres of footpath in front of the property directly to the south. In reality the footpath is approximately 800mm. In addition, the increased vehicular usage of this sub-standard entrance would lead to an increased likelihood of traffic hazard. The Planning Authority therefore has serious concerns and is not satisfied that the proposed development provides for safe access to the facility as a result of inadequate sightlines at the point of entry onto the public road and it would, therefore, endanger public safety by reason of traffic. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

SD14A/0142: 60,000 litre banded **over ground diesel storage tank and self-service pumps** for sale of diesel for commercial vehicles and all ancillary works.

**Declared withdrawn.**

SD13A/0039: Replace 2 existing **advertising signs** with 1 advertising sign.

**Decision: Refuse Permission for Retention**

*1. Having regard to the nature, scale and location proximate to a National Primary route (N7) of the free-standing advertising structure, the proposed development would result in a distraction to vehicle drivers and would endanger public safety by reason of traffic hazard.*

*2. The proposed free-standing advertising structure would conflict with the policies of the Planning Authority in respect of the restriction of non-essential advertising structures, or any advertising structure which would impact injuriously on amenity, the built environment or road*

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*safety. The proposed free-standing advertising structure would be visually obtrusive and out of character with the prevailing pattern of industrial development in the vicinity. The proposed development would, therefore, seriously injure the visual amenities of the area and would be contrary to the proper planning and development of the area.*

SD10A/0102: Outdoor truck wash and equipment room.

**Decision: Permission granted subject to conditions.**

SD06A/0722: 1 no. signage currently measuring 7.25m wide and 2.44m high.

**Decision: Refuse Permission for Retention**

*1. The sign for retention by reason of its size/location and fronting onto the N7, would act as a distraction to motorists on the Naas Road (part of National Primary Route N7) and would compete with statutory road signage thereby causing a traffic hazard which would endanger public safety and would therefore be contrary to the proper planning and sustainable development of the area.*

*2. The proposed development by reason of its scale, bulk and visual impact, on a national primary route, would seriously injure the visual amenities of the area and materially contravene the objection of the Planning Authority relating to advertising structures as set out in Section 5 of the current South Dublin County Development Plan. The proposed development would set an undesirable precedent and would be contrary to the proper planning and sustainable of the area*

### **Planning Enforcement**

None.

### **Pre-Planning Consultation**

None recorded or indicated on the application form.

### **Relevant Policy in the South Dublin County Development Plan 2016 – 2022**

Chapter 4 Economic Development and Tourism

Policy ET1 Overarching

Policy ET3 Enterprise and Employment

Section 11.1.1 Land Uses

Section 11.1.1 (iv) Transitional Areas

Section 11.2.3 Environmental Hazard Management

Section 11.2.3 (ii) Noise

Section 11.4.1 Bicycle Parking Facilities

Section 11.4.2 Car Parking Standards

Section 11.8.2 Appropriate Assessment

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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.

**Waste Management Plan for the Dublin Region 2005-2010**, Dublin City Council, Dun Laoghaire-Rathdown County Council, Fingal County Council and South Dublin County Council, (2005).

**The Planning System and Flood Risk Management Guidelines for Planning Authorities** Department of the Environment, Heritage and Local Government and OPW (November 2009).

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

### **Assessment**

The main issues for assessment are:

- Zoning and Council Policy
- Visual Impact
- Access, Transport and Parking
- Public Realm
- Water
- Aviation Safety
- Environmental Health
- Screening for Appropriate Assessment
- Screening for Environmental Impact Assessment

### **Zoning and Council Policy**

Under the South Dublin County Development Plan 2016 - 2022, the site is subject to zoning objective 'EE' – 'To provide for enterprise and employment related uses.' 'Industrial-General' is permitted in principle in 'EE' zoned areas.

The site is in a transitional area, being located adjacent to 'RES' zoned lands ("To protect and/or improve residential amenities."). As per section 11.1.1 (iv) of the South Dublin County Development Plan 2016 – 2022,

“Abrupt transitions in scale and use should be avoided adjacent to the boundary of land use zones. Development proposals in transition areas should seek to avoid development that would be detrimental to the amenities of the contiguous zone. For example, regard

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should be had to the use, scale and density of development proposals in zones abutting residential or rural areas in order to protect residential or rural amenity, as appropriate.”

The development for which retention is sought involves the installation of a truck wash apparatus, which is considered to have noticeable impacts of a visual and acoustic, and air quality nature. The development has also included the removal of a number of boundary trees which previously formed a boundary screen between the two sites.

### Visual Impact and Residential Amenity

The apparatus is visible from the adjoining residential area and in particular the residential green. A third party has also noted that it is visible from their windows and balconies. The apparatus is approx. 6m in height.

The main visual impact however arises due to the removal of trees which previously marked and screened the boundary between this industrial site and the adjoining residential. Such a screen would also have provided a barrier to noise and air pollutants.

The new apparatus is considered to have a noise and air quality impact arising both from its use as a truck wash, and also due to the movement of trucks into, through, and out of the truck wash.

The applicant has not provided any of the following information, which would be required to adequately assess the impact of the development on adjoining the adjoining residential area:

- Noise Impact Assessment / Acoustic Design Statement
- Assessment of Air Quality / odour impact.
- Arboricultural Impact Assessment, the baseline conditions for which include the position, size and health of trees prior to their removal as part of unauthorised development.
- Boundary treatment elevation drawings and CGI drawings, showing previous boundary condition versus proposed boundary condition.

The applicant should be requested to provide the above as part of **additional information**. Revised plans should also be sought, showing any necessary replacement, mitigation and enhancement measures to restore the previous boundary condition, to move the truck wash to an adequate distance away from the residential area.

### Public Realm

In addition to the issue of residential amenity, the removal of trees as part of unauthorised development raises questions in relation to ecology, including green infrastructure, biodiversity and sustainable drainage / flood management.

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The Public Realm Report reads as follows:

### **Landscape Plan**

There are concerns with the lack of information submitted in relation to the landscape scheme for the proposed development. The applicant has not provided a suitable landscape plan or a detailed planting plan for the proposed development. The applicant is therefore requested to provide a detailed landscape plan which includes a boundary treatment plan and detailed planting plan for the proposed development. The applicant shall provide a fully detailed landscape plan with full works specification, that accords with the specifications and requirements of the Council's Public Realm Section. The landscape Plan shall include hard and soft landscape details, including; levels, sections and elevations, boundary detailed and detailed design of SUDS features. The landscape proposals to be prepared by a suitably qualified landscape architect.

### **Potential Impact of Proposed Development on Existing Boundary Planting and Neighbouring Residential Properties**

The applicant has not provided any information as to the impact of the proposed development on existing planting (hedges and trees) especially along the southern boundary. The proposed development is in close proximity to neighbouring residential properties therefore in order to minimize potential negative visual impact of the development and associated noise generated by the proposed truck wash the applicant is requested to provide details of proposed mitigation planting along this southern boundary. The proposed mitigation planting should include native hedge and tree planting. In order to provide mitigation for the loss of the existing planting from the site the applicant shall provide a detailed landscape plan which includes significant mitigation in the form of boundary planting.

### **SUDS**

There is a lack of SuDS (Sustainable Drainage System) shown for the proposed development. Natural SUDS features shall be incorporated into the proposed drainage system. The SUDS shall be an integrated multi-disciplinary approach which locally addresses water quality, water

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quantity, and provides for amenity and biodiversity enhancement which meets the objectives of South Dublin County Council Development Plan 2016-2022.

A SuDS strategy should be developed for the proposed development which takes account of quantity, quality, and amenity issues. The design of SuDS features is required to be of high quality to achieve a multifunctional space for amenity, biodiversity and surface water management. The proposed SuDS features should aid the maintenance of the existing greenfield runoff rates or potentially reduce the amount of surface water entering the piped surface water system.

A drainage system needs to be developed which sustainably manages surface water through a natural hydrological regime or SUDS scheme within the development. The philosophy of SUDS is an integrated multi-disciplinary approach which locally addresses water quality, water quantity, and provides for amenity and habitat/biodiversity enhancement. SuDS that should be considered for the development include:

- Bio retention systems
- Infiltration systems
- Tree pits
- Channel rills
- Permeable paving
- swales

Revised proposals to be provided by the applicant in this regard. Response should include revised layout and drawings.

In addition, the Public Realm Department recommends three items of **additional information** regarding:

- landscaping design and rationale with details relating to planting, levels, sections, elevations, detailed SUDs design
- green infrastructure proposals to mitigate the impact of the removal of established trees and boundary vegetation.
- Detailed SUDs proposals.



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The items are appropriate. In particular, in relation to SUDs, it is noted that the site abuts a flood zone. It is also noted that the hard surfacing area has increased as part of the unauthorised development.

### **Access, Transport and Parking**

The Roads department has sought the following **additional information**:

Applicant to provide a revised set of drawings which shows:

- a. Existing yard layout
- b. Proposed islands with dimensions
- c. Proposed parking arrangements (bike/car/truck)
- d. Proposed lining arrangement
- e. AutoTRAK path and analysis for
  - i. Fuelling area approach/exit (each of the paths)
  - ii. Truck wash approach/exit

These points are acceptable and can be included in a request for **additional information**.

In addition to the above points, it is considered necessary to seek a written rationale and assessment of the additional fuel island on the capacity, frequency, and intensity of operations on the site. This should detail the expected additional traffic, additional activities that can reasonably be expected to be occurring on-site at any one time, and any related matters. This can be provided by the applicant as part of **additional information**.

### **Water**

The Environmental Services Department seeks additional information in relation to SUDs and flood risk. This is appropriate (as per Public Realm comments).

Irish Water has sought a full drainage layout. This is an appropriate request for additional information.

### **Aviation Safety**

The Department of Defence has recommended two conditions in the event of a grant of permission, relating to the construction phase, as follows:

- Notify the department 30 days in advance of use of cranes
- Use adequate bird control measures on-site.

These conditions are appropriate if new construction is granted as per a grant of permission.

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### **Environmental Health**

The applicant has provided no assessment of noise and air quality arising from operation of the unauthorised development. This should be required by **additional information**.

### **Screening for Environmental Impact Assessment**

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

### **Screening for Appropriate Assessment**

The applicant has not provided information regarding screening for appropriate assessment, nor have drainage layout or SUDs details been provided. Irish Water maps show that a nearby surface water pipe leads directly into the Camac River, providing a direct hydrological connection with Dublin Bay. Given the nature of the proposed operations on the site and the potential for pollutants to be diverted into the Camac River, the applicant should provide a screening report for Appropriate Assessment as part of **additional information**.

### **Conclusion**

Given the sensitive boundary between the subject site and residential area to the south and given the potential impacts of the operations on-site on residential amenity, human health, and the potential ecological impacts of the development, it is necessary to obtain further information on the basis of appropriate surveys. The applicant should also be given the chance to alter the design and siting of the proposed works.

### **Recommendation**

Request Further Information.

### **Further Information**

- Further Information was requested on 18/07/2022.
- Further Information was received on 26/10/2022.

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

### **Further information**

The following Further Information was requested.

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### **Item 1: Noise Impact Assessment**

The applicant is requested to provide a Noise Impact Assessment which should address the following:

- (a) How the development has impacted within the residential area of Brownsbarn Wood, in particular those houses and the public green closest to the development site.
- (b) How the development can be altered to reduce any such impact identified under (a).
- (c) If applicable, how the development has been designed - or redesigned as the case may be - to ensure no negative impacts on the adjoining residential area.

### **Item 2: Air Quality.**

The applicant is requested to provide an Air Quality and Odour Assessment which should address the following:

- (a) How the development has impacted within the residential area of Brownsbarn Wood, in particular those houses and the public green closest to the development site.
- (b) How the development can be altered to reduce any such impact identified under (a).
- (c) If applicable, how the development has been designed - or redesigned as the case may be - to ensure no negative impacts on the adjoining residential area.

### **Item 3: Trees.**

The applicant shall undertake a Tree Survey and, using all available information, provide an Arboricultural Impact Assessment to provide:

- (a) a clear record of the trees removed as part of the unauthorised development which has already taken place;
- (b) a clear record of the remaining trees;
- (c) a protection plan for the remaining trees;
- (d) a planting plan to replace the removed trees or otherwise to restore and/or enhance the previous boundary condition.

The proposals shall have regard both to the impact on the adjoining residential area and on ecological considerations (biodiversity, green infrastructure, sustainable drainage, flooding).

### **Item 4: Boundary Treatment.**

The applicant is requested to provide elevation and site section drawings at a scale of no less than 1:200, as follows:

- (a) (i) Elevation Drawings showing the prior boundary condition at the boundary with Brownsbarn Wood.
- (ii) Site Sections drawings through that boundary showing the relationship between the development site and Brownsbarn Wood prior to the unauthorised works.

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- (b) (i) Elevation Drawings showing the existing boundary condition at the boundary with Brownsbard Wood.
- (ii) Site Sections drawings through that boundary showing the relationship between the development site and Brownsbarn Wood at present.
- (c) (i) Elevation Drawings showing the proposed boundary condition at the boundary with Brownsbard Wood if alterations are proposed.
- (ii) Site Sections drawings through that boundary showing the proposed relationship between the development site and Brownsbarn Wood if alterations are proposed.

### **Item 5: Landscape Plan.**

There are concerns with the lack of information submitted in terms of a landscaping scheme and boundary treatment for the proposed development. The applicant is requested to provide a landscape design including details of boundary treatment for the proposed development.

- (a) The applicant shall provide a detailed landscape plan with full works specification, that accords with the specifications and requirements of the Public Realm Section. The landscape Plan shall include hard and soft landscape details; including levels, sections and elevations, detailed design of SUDs features including integrated/bio retention tree pits.
- (b) In addition, the applicant is requested also submit a landscape rationale. The landscape proposals to be prepared by a suitably qualified landscape architect.

### **Item 6: Green Infrastructure.**

The applicant is requested to submit green infrastructure proposals to help mitigate and compensate for the impact of the proposed development on existing boundary vegetation. These proposals shall include additional landscape details, SUDS measures (such as permeable paving, green roofs, filtration planting, above ground attenuation ponds etc) and planting for carbon sequestration and pollination. Response shall include drawings.

### **Item 7: Sustainable Drainage.**

The applicant has not proposed any SuDS (Sustainable Drainage Systems) features for the proposed development. The applicant is requested to submit plans and cross-sectional views clearly showing proposed Sustainable Drainage Systems (SuDS) features for the development.

- a) A drawing to show how surface water shall be attenuated to greenfield run off rates. It is unclear how much attenuation in total is provided for the development. Submit a report and drawing showing how much surface water attenuation in m<sup>3</sup> is provided for the development. Also submit a drawing showing where the surface water attenuation will be provided for the development.
- b) The applicant shall show natural SUDS features for the development such as Green roofs, swales, tree pits, permeable paving, and other such SuDS and show what attenuation capacity is provided by such SuDS.
- c) The applicant is requested to submit a comprehensive SUDS Management Plan to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water

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drainage network. A maintenance plan should also be included as a demonstration of how the system will function following implementation.

d) Demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development.

e) Tree pits incorporating SUDS features should include a deep cellular water storage/attenuation area below the surface which acts as a soak away allowing surface water to infiltrate into the ground.

f) The applicant is requested to refer to the recently published 'SDCC Sustainable Drainage Explanatory, Design and Evaluation Guide 2022' for acceptable SUDS tree pit details.

g) The applicant is requested to submit a report showing surface water attenuation calculations for proposed development.

### **Item 8: Roads.**

The applicant is requested to provide a revised set of drawings which shows:

- (a) Existing yard layout
- (b) Proposed islands with dimensions
- (c) Proposed parking arrangements (bike/car/truck)
- (d) Proposed lining arrangement
- (e) AutoTRAK path and analysis for
- (i) Fuelling area approach/exit (each of the paths)
- (ii) Truck wash approach/exit

### **Item 9: Operations.**

The applicant is requested to provide a written rationale and comment on the additional fuel island and truck wash, with regards to their impact on the capacity, frequency, and intensity of operations on the site. This should detail the expected additional traffic, additional activities that can reasonably be expected to be occurring on-site at any one time, and any related matters.

### **Item 10: Flood Risk.**

The applicant is requested to submit a flood risk report to show what if any flood risk there is for proposed and existing development.

### **Item 11: Screening for Appropriate Assessment.**

The applicant has not provided information regarding screening for appropriate assessment, nor have drainage layout or SUDs details been provided. Irish Water maps show that a nearby surface water pipe leads directly into the Camac River, providing a direct hydrological connection with Dublin Bay. Given the nature of the proposed operations on the site and the potential for pollutants to be diverted into the Camac River, the applicant should provide a screening report for Appropriate Assessment as part of additional information.

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### **Further Consultations**

Irish Water – **Clarification of Additional Information.**

Surface Water Drainage – **Clarification of Additional Information.**

Environmental Health – acceptable subject to **conditions.**

Parks Department – Grant with **conditions.**

Roads Department – no objections subject to **conditions.**

### **Further Submissions/Observations**

None received.

### **Assessment**

#### **Item 1: Noise Impact Assessment**

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

#### **Response:**

**Please review attached report as prepared by Dalton Acoustics Ltd. / Sound Test Ireland**

Based on review of the additional information submitted the Environmental Health Officer (EHO) has issued a report recommending the following with regard to noise:

***Decision:** This application is acceptable to this office subject to the following:*

#### *Noise*

*1. To control, limit and prevent the generation of Environmental Noise Pollution from occurring the Environmental Health Department of South Dublin County Council, hereby informs you that :*

*The use of machinery, plant, or equipment (which includes pneumatic drills, generators and the movement on and off the site of construction vehicles) is NOT PERMITTED outside the following hours*

*- Before 07.00 hours on weekdays, Monday to Friday*

*- Before 09.00 hours on Saturdays.*

*- After 19.00 hours on weekdays, Monday to Friday.*

*- After 13.00 hours on Saturdays.*

*- Not permitted at any time on Sundays, Bank Holidays or Public Holidays.*

*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*

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*area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.*

*2. 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.*

*REASON: In the interest of public health.*

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

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

### Item 2: Air Quality.

The applicant has submitted an Air Quality and Odour Assessment report in an attempt to address the request for additional information. An extract taken from the cover letter submitted states the following:

#### **Response:**

**Please review attached report as prepared by AWN Consulting.**

The report prepared by AWN Consulting concludes that no significant impacts to air quality are predicted during construction or operational phases of the proposal. An extract taken from the report states the following:

#### **7.0 CONCLUSIONS**

No significant impacts to air quality are predicted during the construction or operational phases of the proposed development. Specifically, it has been determined that the proposed development will not result in any significant impacts in relation to air quality or odour at the

residential area of Brownsbarn Wood or the nearby public green areas. Once the dust minimisation measures outlined in Section 6.1 are implemented, fugitive emissions of dust from the site during construction will be insignificant and pose no nuisance to nearby receptors.

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Based on review of the additional information submitted the Environmental Health Officer (EHO) has issued a report recommending the following with regard to air quality and odour:

### *Air Quality*

*3. During the operational phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances.*

*REASON: To contain dust arising from construction in the interests of public health and to prevent nuisance being caused to occupiers of buildings in the vicinity.*

### *General Impact*

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

*REASON: In the interests of public health and to contain dust arising from demolition and to prevent nuisance being caused to occupiers of buildings in the vicinity.*

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

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

### Item 3: Trees.

The applicant has submitted a Tree Survey and Arboricultural Impact Assessment report in an attempt to address the request for additional information. An extract taken from the cover letter submitted states the following:

#### **Response:**

Please review attached report as prepared by **Charles McCorkell Arboricultural Consulting and Jane McCorkell Design.**



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Based on review of the additional information submitted the Parks Department have issued a report recommending a grant with **conditions**. An extract taken from the Parks report states the following:

### *6. Tree Protection*

*(i) To ensure the protection of trees to be retained within the site, the developer shall implement all the recommendations pertaining to tree retention, tree protection and tree works, as detailed in the submitted Arboricultural Report and associated Tree Protection Plan prepared by Charles McCorkell. The arborist shall carry out a post construction tree survey on the condition of the retained trees. A completion certificate shall 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 Public Realm Section for written agreement upon completion of the works. The developer shall also be made aware of their obligations to constantly assess and survey the trees after construction because of the potential impact and the age/condition of these trees as outlined in the tree survey. Reason: To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.*

*(ii) No drainage or service runs (including cables, pipes or similar services) shall be laid beneath the canopy of any tree identified for retention or within any fenced protection zone unless otherwise agreed in writing by the local planning authority.*

*REASON: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality and in accordance with relevant policies and objectives in the CDP 2022-2028.*

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

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

### Item 4: Boundary Treatment.

The applicant has submitted revised boundary treatment drawings in an attempt to address the request for additional information. An extract taken from the cover letter submitted states the following:

#### **Response:**

**Please review enclosed compliance drawings No. AI-200 prepared by HADS.**

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The boundary treatment details submitted are considered to be broadly acceptable in this instance. The Planning Authority considers the applicant has satisfactorily responded to the request for additional information for this item.

### Item 5: Landscape Plan.

The applicant has submitted a revised landscape plan, report and drawings in an attempt to address the request for additional information. An extract taken from the cover letter submitted states the following:

#### Response:

Please review enclosed report and drawings as prepared by Jane McCorkell Design.

Based on review of the additional information submitted the Parks Department have issued a report recommending a grant with **conditions**. An extract taken from the Parks report states the following with regard to the above item:

*The Public Realm Section has assessed the proposed development in accordance with the policies and objectives of the County Development Plan 2016-2022 and with best practice guidelines and recommends the following CONDITIONS be applied:*

#### *1. Implementation of Landscape Masterplan*

*The landscaping scheme shown on drawing No. PP381-01-01 Landscape Masterplan and described within the associated Landscape Design Report submitted by Jane McCorkell shall be implemented in full, within the first planting season following completion of the development, in addition:*

*a) All hard and soft landscape works shall be completed in full accordance with the submitted Landscape Masterplan (Dwg. No. PP381-01-01)*

*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*

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*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 the policies and objectives of the CDP 2022-2028.*

### *2.Retention of Landscape Architect*

*i)Prior to the commencement of any permitted development, the developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and shall notify the planning authority of that appointment in writing prior to commencement.*

*ii)A Practical Completion Certificate is to be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority in accordance with the permitted landscape proposals.*

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

*REASON: In the interests of residential and visual amenity and to ensure full and verifiable implementation of the approved landscape design.*

It is considered appropriate to attach the above **conditions** in the event of a grant. The Planning Authority considers the applicant has satisfactorily responded to the request for additional information for this item.

### Item 6: Green Infrastructure.

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

#### **Response:**

**Please review enclosed report and drawings as prepared by Tent Engineering Ltd.**

Based on review of the additional information submitted the Parks Department have issued a report recommending a grant with **conditions**. An extract taken from the Parks report states the following with regard to the above item:

### *3.Green Infrastructure and Green Space Factor (GSF)*

*The applicant shall submit the following information relation to Green Infrastructure and the Green Space Factor in accordance with the quoted policies and sections of the South Dublin County Development Plan 2022 - 2028:*

*(a) To demonstrate how they intend to reduce fragmentation of existing green infrastructure. The applicant should provide a green infrastructure plan showing connections through the site and connections to wider GI network.*

*(b) To demonstrate how the appropriate Greening Factor will be achieved for the relevant land use zoning objective. See link to the Green Space Factor Worksheet: Related Documents - SDCC*

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*REASON: In the interests of the amenity and environmental quality of the locality and to assimilate the development into its surroundings, in accordance with policy GI5 Objective 4 and other relevant policies relating to GI within the CDP 2022-2028.*

### *4.Green Space Factor (Minimum Score Not Achieved)*

*In cases where proposed development does not meet the minimum required score and the Council agree that the minimum score is not achievable on the site; the Council will engage with the applicant to help determine an alternative GI solution, to ensure that the proposed development does not detract from the local environment and makes a positive contribution to local GI provision. Where site-specific constraints do not allow for adequate landscaping features in line with minimum requirements a developer will be permitted to provide alternative GI interventions or contributions to make up for this shortcoming, see below. Those GI measures ultimately chosen will be dictated by the site-specific context and will be subject to agreement with Council. The applicant shall therefore contact the Public Realm Section to agree alternative GI interventions or contributions to make up for this shortcoming.*

*REASON: Ensuring that new development meets minimum standards for the provision of GI, in accordance with policy GI5 Objective 4 and other relevant policies of the CDP 2022-2028.*

It is considered appropriate to attach the above **conditions** in the event of a grant. The Planning Authority considers the applicant has satisfactorily responded to the request for additional information for this item.

### Item 7: Sustainable Drainage.

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

#### Response:

**Please review enclosed report and drawings as prepared by Tent Engineering Ltd.**

Based on review of the additional information submitted the Parks Department have issued a report recommending a grant with **conditions**. An extract taken from the Parks report states the following with regard to the above item:

### *5.SUDS*

*A comprehensive SUDS Management Plan shall be submitted to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan shall also be included as a demonstration of how the system will function following implementation. Additional natural SUDS features shall be incorporated into the proposed drainage system for the development such as, detention basins, filter drains, swales etc. In addition, the applicant shall provide the following:*

*-Demonstrate the treatment train, biodiversity value and amenity value of the SUDS proposals for the catchment in the residential areas.*

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*-Demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development including drainage / attenuation calculations for same.*

*-The applicant shall show further proposed SuDS features for the development such as green roofs, grass areas, channel rills, swales, permeable paving and other such SuDS and show what attenuation capacity is provided by such SuDS. Bio retention tree pits should be designed so that they enable tree pits to both support healthy tree growth while at the same time to help treat and attenuate water coming from hard landscaping areas.*

*-Natural Suds measures should be detailed to remove/ reduce the requirement for underground attenuation tanks in line with the development plan objectives.*

*-Tree Pits to incorporate SuDS bioretention features and sufficient growing medium. SuDS details need to show how the water drains from the road/pavement hard surface into the SUDS tree pit, clearly outlining how SuDS features within the tree pits will function. The applicant is requested to refer to the recently published 'SDCC Sustainable Drainage Explanatory, Design and Evaluation Guide 2022' for acceptable SUDS tree pit details.*

*REASON: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies under Section 8.4.0 Sustainable Urban Drainage Systems of the CDP 2016-22 in particular G5 Objective 1 and G5 Objective 2*

It is considered appropriate to attach the above **conditions** in the event of a grant. The Planning Authority considers the applicant has satisfactorily responded to the request for additional information for this item.

### Item 8: Roads.

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

**Response:**

**Please review attached drawings as prepared by Tent Engineering Ltd.**

Based on review of the additional information submitted the Roads Department have issued a report recommending a grant with **conditions**. An extract taken from the Roads report states the following with regard to the above item:

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*Additional Information Requested by SDCC:*

### **Item 8 - Roads**

The applicant is requested to provide a revised set of drawings which shows,

- (a) Existing yard layout
- (b) Proposed islands with dimensions
- (c) Proposed parking arrangements (bike/car/truck)
- (d) Proposed lining arrangement
- (e) AutoTRAK path and analysis for
  - (i) Fuelling area approach/exit (each of the paths)
  - (ii) Truck wash approach/exit

*Applicant Submitted Response:*

- Please refer to our drawings, 22077-TNT-XX-XX-DR-C-92000,, 22077-TNT-XX-XX-DR-C-92003, and, 22077-TNT-XX-XX-DR-C-92004, which provide further details to support all the above points raised on Item 8.

*Roads Department Assessment:*

*All the additional information items that were requested are satisfactory to the Roads Department.*

*No Roads objections subject to the following **conditions**:*

1. *Prior to commencement the applicant must submit a public lighting design to the SDCC PL Section for their approval.*

### Item 9: Operations.

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

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**Response:**

The applicant wishes to confirm that the proposed development does not result in an intensification of operations on the site. It is submitted to the Council that permission was granted for 3 no. fuel pumps in one long island and one short island under Ref. SD16A/0326. The current proposal also provides for 3 no. fuel pumps in 3 no. fuel islands. However, the additional fuel island will not generate additional capacity or frequency of use noting that there are no additional fuel pumps proposed and that the same number of traffic movements accessing the permitted 3 no. fuel pumps will be experienced as the proposed 3 no. fuel pumps (i.e. the permitted long fuel island comprised 2 fuel pumps which could both be used at the same time.). The current proposal provides for the reconfiguration of the fuel pumps but does not increase the fuel pumps and thus does not increase the number of patrons that can be fuelling their HGVs at the same time. It is also submitted to the council that the truck wash is ancillary to the fuelling pumps and patrons will be accessing the site to avail of fuel with the use of the truck wash ancillary to this (i.e. it is anticipated that 1/3 of HGVs getting fuel will avail of the use of the truck wash after fuelling). It is also important to note that the proposed truck wash will replace the existing and permitted truck wash and therefore there is no additional truck wash proposed on site. Therefore, there is no increase in capacity, frequency or intensity of operations on site noting that the truck wash is proposed to replace the existing truck wash and that there are no additional fuel pumps proposed to that permitted on site with only a reconfiguration of the fuel pumps proposed, it is not anticipated that there will be any additional traffic or activities as a result of the reconfiguration of the fuel pumps and the relocation of the truck wash.

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

**Item 10: Flood Risk.**

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

**Response:**

**Please review attached report as prepared by Tent Engineering Ltd.**

An extract taken from the Flood Risk Assessment report states the following:

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### 1 Executive Summary

Tent Engineering is appointed to provide a Flood Risk Assessment for the proposed development sited at Old Naas Road, Kingswood Cross, Dublin 22. The proposed development includes one truck wash to south-western boundary of site provided with water and foul sewer discharge.

The site is bounded on the West face by Naas Road and on the East face by existing "Kingswood Commercial Vehicle Test Centre" building and Old Naas Road which provides access to the site.

The existing site is area is made of mostly hardstanding (tarmac). As part of the new proposed scheme, the site area is made of mixed hardstanding (tarmac), landscaped area, permeable paving and tree pits for alleviating the Flood Risk and impact.

According to the OPW flood maps, the site is located within a potential flood zone. Following the site specific informations available on flood maps, there is no low, medium or high flood risk shown on our site.

The OPW flood maps are not showing any past flood events on Naas Road, therefore, this road flooding is of no risk to our proposed development. A drain is to be installed at the east-side boundary as a flood prevention measure.

Therefore, our site is considered to be within Flood Zone C.

The justification test is not needed.

No basement is currently present, nor proposed. The FFL remains equal or raised compared to the existing site level.

Surface water on site will be dealt adequately as per drawing '22077-TNT-XX-XX-DR-C-92002 to ensure no local flooding and significant site run off.

Based on review of the additional information submitted Surface Water Drainage have issued a report recommending **Clarification of Additional Information**. An extract taken from the Surface Water Drainage report states the following:

*Surface Water Report: No Objection Subject To:*

*Flood Risk Further Information required:*

*2.1 Submit a flood risk report to show what if any flood risk there is for proposed and existing development.*

*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.*



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Notwithstanding the report received from Surface Water Drainage it is considered that the applicant has already submitted a Flood Risk Assessment report and that this report is satisfactory. However, it is considered appropriate to attach the above **conditions** in the event of a grant. The Planning Authority considers the applicant has satisfactorily responded to the request for additional information for this item.

### **Item 11: Screening for Appropriate Assessment.**

The applicant has submitted an Appropriate Assessment screening report in an attempt to address the request for additional information. An extract taken from the cover letter submitted states the following:

#### **Response:**

Please review attached report as prepared by **Altamar Environmental Consultants**

The Appropriate Assessment (AA) Screening report concludes that the proposed development will not have a significant impact on the conservation objectives of Natura 2000 sites. An extract taken from the AA screening report states the following:

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### Conclusions

The proposed development site is located within an industrial environment 5.6 km from the nearest Natura 2000 site (Glenasmole Valley SAC). Watercourses and surface runoff are seen as the main potential pathway for impacts on Natura 2000 sites. There is an indirect hydrological connection to European Sites located within Dublin Bay via the proposed surface water drainage strategy. After attenuation onsite, surface water drainage that cannot percolate into the proposed permeable SuDS features onsite will be directed to a bypass interceptor, attenuation tank, hydrobrake and existing storm water sewer located to the south of the site. This network outfalls to the River Camac, a watercourse located 50m from the subject site that outfalls to the River Liffey, and ultimately the marine environment at Dublin Bay. Therefore, there is an indirect hydrological connection to South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and North Bull Island SPA. However, given the distance between the subject site and the nearest Natura 2000 sites along this network (14.2 km to South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA), in the absence of mitigation or SuDS measures, any pollutants or silt that may enter this surface water network will settle, be diluted, or dispersed within the extensive hydrological network and the estuarine/marine environment in the significant intervening distance and will not significantly impact on the qualifying interests of downstream Natura 2000 Sites. Therefore, the proposed development will not have a significant impact on the conservation objectives of Natura 2000 sites. It should be noted that the construction and operation of the proposed development will have to comply with Water Pollution Acts. However, the measures to comply with Water Pollution Acts are not necessary for the protection of Natura 2000 sites.

No Natura 2000 sites are within the zone of influence of this development. Having taken into consideration the distance between the proposed development site to designated conservation sites, and the dilution effect of surface runoff, it is concluded that this development that would not give rise to any significant effects to designated sites. The construction and operation of the proposed development will not impact on the conservation objectives of features of interest of Natura 2000 sites.

This report presents a Stage 1 Appropriate Assessment Screening for the Proposed Development, outlining the information required for the competent authority to screen for appropriate assessment and to determine whether or not the Proposed Development, either alone or in combination with other plans and projects, in view of best scientific knowledge, is likely to have a significant effect on any European or Natura 2000 site.

On the basis of the content of this report, the competent authority is enabled to conduct a Stage 1 Screening for Appropriate Assessment and consider whether, in view of best scientific knowledge and in view of the conservation objectives of the relevant European sites, the Proposed Development, individually or in combination with other plans or projects is likely to have a significant effect on any European site.

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

### *Other Considerations*

#### **Development Contributions**

- Demolition only with regard to 228sq.m.
- Assessable area is nil.

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| <b>SEA Monitoring Information</b>                        |                          |
|--|--------------------------|
| <b>Building Use Type Proposed</b>                        | <b>Floor Area (sq.m)</b> |
| Commercial – relocation of fuel pumps & demolition works | N/A                      |
| <b>Land Type</b>   | <b>Site Area (Ha.)</b>   |
| Brownfield/Urban Consolidation                           | 0.566                    |

### **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 & Grant Retention 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 plans, particulars and specifications lodged with the application, and as amended by Further Information received on 26/10/2022, 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. Environmental Health  
Noise:
  - (a). To control, limit and prevent the generation of Environmental Noise Pollution from

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occurring the Environmental Health Department of South Dublin County Council, hereby informs you that :

The use of machinery, plant, or equipment (which includes pneumatic drills, generators and the movement on and off the site of construction vehicles) is NOT PERMITTED outside the following hours

- Before 07.00 hours on weekdays, Monday to Friday
- Before 09.00 hours on Saturdays.
- After 19.00 hours on weekdays, Monday to Friday.
- After 13.00 hours on Saturdays.
- Not permitted at any time on Sundays, Bank Holidays or Public Holidays.

(b). 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.

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.

Air Quality

(c). During the operational phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances.

REASON: To contain dust arising from construction in the interests of public health and to prevent nuisance being caused to occupiers of buildings in the vicinity.

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

REASON: In the interests of public health and to contain dust arising from demolition and to prevent nuisance being caused to occupiers of buildings in the vicinity and to contain dust arising from construction in the interests of public health and to prevent nuisance being caused to occupiers of buildings in the vicinity.

### 3. Tree Protection

To ensure the protection of trees to be retained within the site, the developer shall implement all the recommendations pertaining to tree retention, tree protection and tree works, as detailed in the submitted Arboricultural Report and associated Tree Protection Plan prepared by Charles McCorkell. The arborist shall carry out a post construction tree survey on the condition of the retained trees. A completion certificate shall be signed off

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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 Public Realm Section for written agreement upon completion of the works. The developer shall also be made aware of their obligations to constantly assess and survey the trees after construction because of the potential impact and the age/condition of these trees as outlined in the tree survey. Reason: To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.

(ii) No drainage or service runs (including cables, pipes or similar services) shall be laid beneath the canopy of any tree identified for retention or within any fenced protection zone unless otherwise agreed in writing by the local planning authority.

REASON: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality and in accordance with relevant policies and objectives in the CDP 2022-2028.

#### 4. Implementation of Landscape Masterplan

1. The landscaping scheme shown on drawing No. PP381-01-01 Landscape Masterplan and described within the associated Landscape Design Report submitted by Jane McCorkell shall be implemented in full, within the first planting season following completion of the development, in addition:

a) All hard and soft landscape works shall be completed in full accordance with the submitted Landscape Masterplan (Dwg. No. PP381-01-01)

b) All trees, shrubs and hedge plants supplied shall comply with the requirements of BS: 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of BS : 4428 (1989) Code of Practice for General Landscape Operations (excluding hard surfaces).

c) All new tree plantings shall be positioned in accordance with the requirements of Table 3 of BS 5837: 2012. Trees in Relation to Design, Demolition and Construction – Recommendations.

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

REASON: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area, in accordance with the policies and objectives of the CDP 2022-2028.

#### 2. Retention of Landscape Architect

i) Prior to the commencement of any permitted development, the developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and shall notify the planning authority of that appointment in writing prior to commencement.

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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 residential and visual amenity and to ensure full and verifiable implementation of the approved landscape design.

### **5. Green Infrastructure and Green Space Factor (GSF)**

Prior to the commencement of development the the applicant shall submit for the written agreement of the Planning Authority the following information relation to Green Infrastructure and the Green Space Factor in accordance with the quoted policies and sections of the South Dublin County Development Plan 2022 - 2028:

(a) To demonstrate how they intend to reduce fragmentation of existing green infrastructure. The applicant should provide a green infrastructure plan showing connections through the site and connections to wider GI network.

(b) To demonstrate how the appropriate Greening Factor will be achieved for the relevant land use zoning objective. See link to the Green Space Factor Worksheet: Related Documents - SDCC

(c). Green Space Factor (Minimum Score Not Achieved) : In cases where proposed development does not meet the minimum required score and the Council agree that the minimum score is not achievable on the site; the Council will engage with the applicant to help determine an alternative GI solution, to ensure that the proposed development does not detract from the local environment and makes a positive contribution to local GI provision. Where site-specific constraints do not allow for adequate landscaping features in line with minimum requirements a developer will be permitted to provide alternative GI interventions or contributions to make up for this shortcoming, see below. Those GI measures ultimately chosen will be dictated by the site-specific context and will be subject to agreement with Council. The applicant shall therefore contact the Public Realm Section to agree alternative GI interventions or contributions to make up for this shortcoming.

**REASON:** Ensuring that new development meets minimum standards for the provision of GI, in accordance with policy GI5 Objective 4 and other relevant policies of the CDP 2022-2028. In the interests of the amenity and environmental quality of the locality and to assimilate the development into its surroundings, in accordance with policy GI5 Objective 4 and other relevant policies relating to GI within the CDP 2022-2028.

### **6. SUDS**

Prior to the commencement of development the applicant shall submit for the written agreement of the Planning Authority a comprehensive SUDS Management Plan to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan shall also be included as a demonstration of how the system will function following implementation. Additional natural SUDS features shall be incorporated into the proposed drainage system for the

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development such as, detention basins, filter drains, swales etc. In addition, the applicant shall provide the following:

- Demonstrate the treatment train, biodiversity value and amenity value of the SUDS proposals for the catchment in the residential areas.
  - Demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development including drainage / attenuation calculations for same.
  - The applicant shall show further proposed SuDS features for the development such as green roofs, grass areas, channel rills, swales, permeable paving and other such SuDS and show what attenuation capacity is provided by such SuDS. Bio retention tree pits should be designed so that they enable tree pits to both support healthy tree growth while at the same time to help treat and attenuate water coming from hard landscaping areas.
  - Natural Suds measures should be detailed to remove/ reduce the requirement for underground attenuation tanks in line with the development plan objectives.
  - Tree Pits to incorporate SuDS bioretention features and sufficient growing medium. SuDS details need to show how the water drains from the road/pavement hard surface into the SUDS tree pit, clearly outlining how SuDS features within the tree pits will function. The applicant is requested to refer to the recently published 'SDCC Sustainable Drainage Explanatory, Design and Evaluation Guide 2022' for acceptable SUDS tree pit details.
- REASON: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies under Section 8.4.0 Sustainable Urban Drainage Systems of the CDP 2016-22 in particular G5 Objective 1 and G5 Objective 2

### 7. Drainage - Surface Water.

The disposal of surface water, shall fully comply with all of the technical requirements of the Council's Water Services Section. In this regard, prior to the commencement of development, the applicant/developer shall submit the following for the written agreement of the Planning Authority:

- (a) Fully detailed foul and surface water drainage plans for the proposed development as approved showing location of all manholes, AJs etc located within the site boundary up to and including point of connection to the public sewer that fully accords with the requirements Council's Water Services Section and or Irish Water,
- (b) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.
- (c) All drainage works for this development shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works.
- (d) The soakaway design to be submitted shall be certified to BRE Digest 365 standard by a suitably qualified person carrying professional indemnity insurance and shall include documented evidence of infiltration test results to demonstrate that the soakaway complies with the requirements of BRE Digest 365.

The revised plans shall provide for a soakaway to be located within the curtilage of the

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property and this shall be:

(i) at least 5m from any buildings, public sewers or structures and not in such a position that the ground below foundations is likely to be adversely affected.

(ii) at least 5m from the nearest road boundary and not within 3m of the boundary of the adjoining site.

(iii) a minimum of 10m from any sewage treatment percolation area.

(iv) at least 10m from any stream / river / flood plain.

In addition only rainwater shall be discharged to soakaways.

(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.

(g). Submit a drawing showing the existing and proposed watermain layout of the development site.

(h). Obtain a letter of confirmation of feasibility from Irish Water for proposed development.

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

(j). Submit a drawing showing the existing and proposed wastewater layout of the development site.

(h). Prior to the commencement of development the applicant or developer shall enter into waste water connection agreement(s) with Irish Water.

REASON: In the interests of public health, safety, the proper planning and sustainable development of the area and in order to ensure adequate and appropriate surface water drainage provision.

### 8. Public Lighting.

Prior to commencement the applicant must submit a public lighting design to the Planning Authority for written approval.

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

### 9. Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no 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 be operated on the site before 7.00 hours on weekdays and 9.00 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 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,



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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 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.

### 10. 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.

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.

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NOTE: The applicant is advised that where industrial effluent is produced or stored a licence may be required under the provisions of the Waste Management Act.

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/0150**

**LOCATION: Lands at Kingswood Truck Wash, Old Naas Road, Kingswood Cross,  
Dublin 22**

  
\_\_\_\_\_  
**Jim Johnston,  
Senior Executive Planner**

**ORDER:** A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission & Grant Retention 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:** 18/11/22

  
\_\_\_\_\_  
**Gormla O'Corrain,  
Senior Planner**