

Sadhbh O'Connor,
Thornton O'Connor Town Planning
1, Kilmacud Road Upper
Dundrum
Dublin 14.

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

Decision Order Number: 1575	Date of Decision: 12-Dec-2022
Register Reference: SD22A/0290	Date: 30-Nov-2022

Applicant: Rockface Development

Development: The development will comprise the provision of a warehouse with ancillary office and staff facilities and associated development. The warehouse will have a maximum height of 18 metres with a gross floor area of 11, 691 sq.m including a warehouse area (10, 604 sq.m), ancillary staff facilities (499 sq.m) and ancillary office area (588 sq.m); The development will also include: a vehicular and pedestrian entrance to the site from Kingswood Road to the north-east; a separate HGV entrance from Kingswood Avenue to the south-east; 64 ancillary car parking spaces; bicycle parking; HGV parking and yard; level access goods doors; dock levellers; access gates; hard and soft landscaping; canopy; lighting; boundary treatments; ESB substation; plant; and all associated site development works above and below ground; 2.56 Ha site at Kingswood Road and Kingswood Avenue, Citywest Business Campus, Dublin 24; The lands are generally bounded to the south-east by Kingswood Avenue, to the south-west by an ancillary car park associated with Citywest Business Campus, to the north-west by Kingswood Business Centre and Ardsolus Residential Development and to the north-east by Kingswood Road.

Location: Kingswood Road & Kingswood Avenue, Citywest Business Campus, Dublin 24. The lands are generally, bounded to the south-west by Kingsw, Citywest Business Campus, Dublin 24

Floor Area:

Time extension(s) up to and including:

Additional Information Requested/Received: 22-Aug-2022 /03-Nov-2022,

Clarification of Additional Information Requested/Received: 23-Nov-2022 / 30-Nov-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 03/11/2022, 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. Aviation.
 - A. Given the proximity to Casement Aerodrome, operation of cranes shall be coordinated with Air Corps Air Traffic Services, no later than 28 days before use, contactable at airspaceandobstacles@defenceforces.ie or 01-4037681
 - B. Due to the proximity to Casement Aerodrome, the developer shall produce a Wildlife Aviation Impact Assessment and implement adequate bird control measures during the construction phase to mitigate the effects of birds on Air Corps flight operations.
REASON: In the interest of aviation safety
3. Mobility Management Plan
A Mobility Management Plan shall be completed within six months of opening of the proposed development. The Mobility Management Plan shall be submitted for the written agreement of the Planning Authority.
REASON: In the interest of mobility management.

4. Waste Management

The scale and complexity of the works proposed in this development is greater than the thresholds stipulated in the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D Projects (2021). As a result, the development is classed as a Tier 2 Project as referred to in the Guidelines. Therefore, prior to the commencement of development, the developer or any agent acting on its behalf shall prepare a bespoke Construction and Demolition Resource Waste Management Plan (RWMP) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall:

- include specific proposals as to how the RWMP will be measured and monitored for effectiveness.
- follow the requirements set out in Sections 4 & 5 and meeting the minimum content requirements set out in Appendix C of Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D Projects (2021)
- be submitted to the planning authority for written agreement prior to the commencement of development.

All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

REASON: In the interest of proper waste management.

5. Environmental Health

A. Noise

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. Air Quality

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

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

6. Irish Water

Prior to the commencement of development, the applicant or developer shall enter into water and wastewater connection agreement(s) with Irish Water. All development shall be carried out in compliance with Irish Water Standards codes and practices.

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

7. Implementation of Landscape Masterplan

The landscaping scheme shown on (Dwg. No. P-01) Landscape Masterplan and

associated plans shall be implemented in full, within the first planting season following completion of the development including:

- Sections and Boundary Treatments (Dwg. No. P-02)
- Planting Plan/Specifications (Dwg. No. P-03)
- Hard Boundary, Green Wall, SUDS, Bird and Bat Boxes (Dwg. No. P-04)

In addition:

- a) All hard and soft landscape works shall be completed in full accordance with the submitted Landscape Masterplan (Dwg. No. P-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 contained within Section 8.3.0 Public Open Space Hierarchy and Landscape Setting of the CDP 2016-2022

8. 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.

9. Green Infrastructure Report and Landscape Rationale

The Green Infrastructure Plan and Landscape Architectural Proposal contained within the submitted Green infrastructure Report and Landscape Rationale prepared by Enviroguide Consulting Engineers

shall be implemented in full by the applicant.

REASON: In order to ensure the protection and enhancement of Green Infrastructure in the County through the provision of green infrastructure elements as part of the design process in accordance with relevant policies of the CDP 2022-2028.

10. Landscape Management and Maintenance Plan

The submitted Landscape Management and Maintenance Plan prepared by Enviroguide Consulting Engineers shall be implemented in full by the applicant.

REASON: To provide for the satisfactory future maintenance of this development in the interest of visual amenity in accordance with policies with the South Dublin County Development Plan CDP 2022-2028

11. SUDS Management Plan

The submitted SUDS Management Plan contained within the submitted Drainage Design Report prepared by Kavanagh Burke Consulting Engineers shall be implemented in full by the applicant.

REASON: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies with the South Dublin County Development Plan CDP 2022-2028.

12. SUDS IMPLEMENTATION

Prior to the occupation of the buildings the submitted SuDS scheme as contained within the submitted Drainage Design Report prepared by Kavanagh Burke Consulting Engineers and shown on drawings D1736-D3-Drainage & Watermain Layout PL2 and D1736-D4-SuDS and Drainage Details PL2 shall be implemented within a timescale to be agreed and approved by the Planning Authority and thereafter managed and maintained in accordance with the approved details and submitted management plan.

REASON: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies with the South Dublin County Development Plan CDP 2022-20282.

13. Surface Water Attenuation

The proposed attenuation provided of 1, 425 m³ is undersized by approximately 10%. The applicant is required to submit a revised drawing and report showing additional surface water attenuation provided by means of SuDS systems (Sustainable Drainage Systems). SuDS features could include but are not limited to:

- Bioretention basin
- Rain garden
- Planter box
- Other such SuDS

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

14. EV Charging

A minimum of 20% of car parking spaces shall be provided with EV charging.

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

15. Taking in Charge

Any areas proposed for taking in charge shall be to a taking in charge standard that ensures ease of maintenance. A taking in charge drawing shall be submitted to SDCC, clearly identifying what sections if any are proposed to be taken in charge by SDCC. If a management company is taking in charge public open space the management company's details shall be submitted with the written confirmation and a detailed drawing.

REASON: To ensure that designs, materials and specifications shall meet with the requirements of the Local Authority in accordance with policies with the South Dublin County Development Plan CDP 2022-2028

16. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €1, 154, 603.16 (One Million One Hundred and Fifty Four Thousand Six Hundred and Three Euro and Sixteen Cents), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

NOTE: 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.

NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

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

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

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

NOTE: The applicant/developer is advised that the most up to date South Dublin County Council Taking in Charge Policy and associated documents can be found at the following location <https://www.sdcc.ie/en/services/planning/commencement-and-completion/completion/taking-in-charge-policy-standards>.

NOTE: Adequate provision should be made to facilitate access to and the use of the development, buildings, facilities and services by disabled persons, including sanitary conveniences. The minimum requirements should be as per Part M of the Building Regulations.

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**

12-Dec-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