

John Spain Associates
39, Fitzwilliam Place
Dublin 2

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

Decision Order Number:	1602	Date of Decision:	15-Dec-2022
Register Reference:	SD22A/0099	Date:	24-Nov-2022

Applicant: Blackwin Limited

Development: Construction of 5 warehouse / logistics units (Units 1, 2 3, 4 and 6), Including ancillary office use and entrance / reception areas over two levels, with maximum heights of c. 17.09 metres and a combined total gross floor area (GFA) of 20, 158sq.m; Each warehouse / logistics unit includes car parking to the front, and service yards, including HGV loading bays, to the rear of each unit; Signage zones are proposed for each unit; A total of 200 car parking spaces and 110 cycle spaces are provided for the 5 warehouses / logistics units; Construction of 3 three storey own-door office buildings (Block SA, SB and SC) with maximum heights of c. 13.45 metres and a combined GFA of 4, 194sq.m; Signage zones are proposed at the entrances to the buildings; A total of 77 car parking spaces, 50 cycle parking spaces and a bin storage area are provided for the proposed office buildings; Construction of a cafe/restaurant unit with a maximum height of c. 6.09 metres and a GFA of 213sq.m to be located in the south western section of the site; The proposal includes signage for the unit, associated outdoor seating and a bin store; 14 car parking spaces and 10 cycle spaces are provided for the cafe/restaurant unit; The proposal includes 5 ESB substation buildings; The development is to be accessed off Ballymount Avenue and Calmount Road and includes for alterations and upgrades to the public footpaths and road; The development provides for vehicular and service access points, associated internal access roads, circulation areas and footpaths; The proposal includes landscaping and planting, entrance signage, boundary treatments, lighting, PV panels, green roofs, underground foul and storm water drainage network, including connections to the foul and surface water drainage network on the public roads, attenuation areas and all

associated site works and development.

Location: Site at Calmount Road and Ballymount Avenue, Ballymount Industrial Estate, Dublin 12

Floor Area:

Time extension(s) up to and including:

Additional Information Requested/Received: 31-May-2022/12-Sep-2022

Clarification of Additional Information Requested/Received: 10-Oct-2022 /24-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 12 September 2022 and Clarification of Further Information received on 24 November 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. Amendments.
Prior to the commencement of development the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:
Revised plans that incorporate all of the following amendments-
 - (a) The proposed Public Art;
 - (b) A temporary cycle track linking the proposed cycle track on the eastern arm of Calmount Road to the existing cycle track on the northern arm of Ballymount Avenue.
This section of cycle track should be designed and built to National Cycle Manual

standards. On commencement of the Bus Connects junction upgrade, the cycle track shall be re-aligned to the NTA design and landscaped where necessary.

REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.

3. Amendments.

Prior to the commencement of development the applicant, owner or developer shall liaise with the Planning Authority and the NTA to determine whether there have been any revisions to the bus connects proposal. Where relevant, prior to the commencement, the applicant shall submit revised plans incorporating these changes to the Planning Authority.

REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.

4. Roads.

a. All items and areas for taking in charge shall be undertaken to a taking in charge standard.

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

c. Prior to the commencement of development, a developed Construction & Demolition Waste Plan shall be agreed with the Planning Authority. The written commitment of the developer to implement the agreed plan shall also be lodged to the file.

d. A Mobility Management Plan shall be completed within six months of opening of any unit. The Mobility Management Plan shall be submitted for the written agreement of the Planning Authority.

e. The applicant shall ensure that the potential future road connection to Ballymount Road is kept free from development and is reserved for a through road unless permission is granted otherwise on these lands.

REASON: In the interest of sustainable transport.

5. Mitigation Measures

The mitigation measures and commitments identified in the Space Extensive Enterprises statement, Archaeological Assessment, Ecological Assessment and Glint and Glare Analysis and other plans and particulars submitted with the planning application, as amended by the additional information and clarification of additional information received, shall be implemented in full by the developer, except as otherwise may be required in order to comply with other conditions.

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

6. Floorspace.

No additional floorspace shall be formed by means of internal horizontal division within the buildings hereby permitted unless authorised by a prior grant of planning permission.

REASON: To control the intensity of development and to ensure that adequate car parking and service facilities will be provided within the development.

7. Further Development.

No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant,

telecommunication aerials, antennae or equipment, unless authorised by a further grant of planning permission or agreed in writing by the Planning Authority prior to the commencement of development.

REASON: To protect the visual amenities of the area.

8. Storage.

No goods or waste products shall be placed or stored externally to the commercial units. The site shall not operate as a low-tier site under the Seveso Directive without a further planning permission and the site shall have monitoring systems in place to ensure it does not surpass the relevant thresholds.

REASON: In the interest of the visual amenities of the area, public health, and to protect car parking.

9. Signage.

No advertising sign(s) or structure(s) (including any signs installed to be visible through windows), banners, canopies, flags, or other projecting elements shall be erected except those, which are exempted development, without the prior approval of the Planning Authority or An Bord Pleanála on appeal.

REASON: In the interest of visual amenity, compliance with development plan policies and the proper planning and sustainable development of the area.

10. Hours of Operation.

Prior to the occupation of each unit, the applicant / owner shall submit details of the proposed occupier and the associated opening hours and hours of operation for the written agreement of the Planning Authority.

REASON: In the interest of residential amenity, and the proper planning and sustainable development of the area.

11. Drainage.

(a) Prior to the commencement of development, the applicant shall submit a revised drawing clearly showing all petrol interceptors installed upstream of attenuation systems, in accordance with The Greater Dublin Regional Code of Practice for Drainage Works. All flow control devices should also be installed downstream of any attenuation system.

(b) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use.

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

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

12. Irish Water Connection Agreement.

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

REASON: In the interest of public health and to ensure adequate water/wastewater facilities.

13. Public Lighting.

A maximum of two weeks from the date of any Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of works on site the applicant, owner or developer shall have lodged

with the Planning Authority:

- (i) A Public Lighting Scheme including all electrical design, for the development as approved, designed to provide for high quality public lighting throughout the public realm of the site, prepared by competent public lighting design consultants to the current editions of both the European Lighting Standard ISEN13201 and the SDCC Specification for Public Lighting Installations in Residential and Industrial Developments: along with:
- (ii) Written confirmation from the Council's Public Lighting Section that the scheme is fully in compliance with the above standards applicable, and
- (iii) A written commitment to implement the agreed Public Lighting Scheme in full, and maintain it to taking in charge standards in perpetuity or until taken in charge by the Council,
- (iv) All the above requirements have been acknowledged in writing as acceptable by the Planning Authority.

The public lighting scheme shall be contained exclusively within the public realm of the development as approved, entirely in areas to be offered for taking in charge or subject to the responsibility in perpetuity of an approved management company.

Appropriate natural or artificial lighting or both shall be provided and maintained throughout car parking areas.

The external lighting scheme shall be designed to minimise potential glare and light spillage and shall be positioned and/or cowled away from residential properties, public roads and any bat roosts or areas with bat activity. No lighting column shall be located within the eventual canopy spread of any proposed street tree or other tree as the case may be. The public lighting design consultants should consult with the Council's Public Realm section in this regard.

In addition, no dwelling unit/commercial unit shall be occupied on any street until the public lighting provided for that street is operational fully in accordance with the agreed Public Lighting Scheme for the overall development.

The applicant, owner or developer may consult with the Council's Public Lighting Section before lodging the required plan to them for agreement.

REASON: In the interests of public safety and amenity, to prevent light pollution and in the interests of the proper planning and sustainable development of the area.

14. 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

15. Green Space Factor.

The applicant has not achieved the appropriate Green Space Factor of 0.5 for the site. Prior to the commencement of development, the Applicant shall liaise with the Public

Realm department to determine what additional measures can be provided. Following this and prior to the commencement of development, the applicant shall submit these details for the written agreement of the Planning Authority.

REASON: Ensuring that new development meets minimum standards for the provision of GI, in accordance with policy G15 Objective 4 and other relevant policies of the CDP 2022-2028

16. Green Infrastructure Strategy

The submitted Green Infrastructure Strategy prepared by Murray and Associates 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.

17. Landscape Management and Maintenance

The submitted Landscape and SUDS Management Plan contained within the submitted Landscape Architects Report shall be implemented in full by the applicant. The development shall be carried out in accordance with the submitted Landscape and SUDS Management Plan. The landscape management plan shall be carried out as approved.

REASON: To provide for the satisfactory future maintenance of this development in the interest of visual amenity.

18. Taking in Charge.

(a) All areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

(b) A map delineating those areas to be taken in charge by the Local Authority and details of the legally constituted management company contract, and drawings/particulars describing the parts of the development for which the legally-constituted management company would have responsibility shall be submitted to, and agreed in writing with, the planning authority before any of the residential or commercial units are made available for occupation. The management scheme shall provide adequate measures for the future maintenance of public open spaces, roads and communal areas.

REASON: To provide for the satisfactory future maintenance of this development in the interest of residential amenity

19. SUDS IMPLEMENTATION

Prior to the occupation of the buildings the submitted SuDS scheme 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 and maintenance plan.

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.

20. Bird and Bat Boxes

Prior to the occupation of the buildings a scheme to provide bird boxes and bat boxes/tubes on the site shall be submitted to and approved in writing by the Planning Authority. The agreed scheme shall be implemented before the buildings are occupied and thereafter maintained.

REASON: To encourage wildlife on the site

21. Boundary Treatment

Prior to the occupation of the development, details of a scheme of the means of enclosure shall be submitted to and approved in writing by the Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the submitted details and maintained as approved.

REASON: In order to ensure high quality landscaping for the boundaries of the site in the interests of visual amenity and to safeguard the residential amenity of neighbouring occupiers, in accordance with the policy and objective H15 Objective 3 of the CDP 2016-2022.

22. Services to be Underground.

All public services to the proposed development, including electrical, information and communications technology (ICT) telephone and street lighting cables and equipment shall be located underground throughout the entire site. There shall also be provision for broadband throughout the site in accordance with the Planning Authority's policy and requirements.

REASON: In the interests of the visual amenities of the area, the proper planning and sustainable development of the area and compliance with the Council's Development Plan.

23. 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.

24. 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, 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.

25. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €2, 213, 112.84 (two million, two hundred and thirteen thousand, one hundred and twelve euro and eighty four cent), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

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

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

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

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

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

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

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

Signed on behalf of the South Dublin County Council.

Pamela Hughes
for **Senior Planner** **16-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