

Comhairle Chontae Atha Cliath Theas

PR/0083/23

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0139 **Application Date:** 12-May-2022
Submission Type: Additional **Registration Date:** 19-Dec-2022
Information

Correspondence Name and Address: Savills Commercial Ireland Ltd. 33, Molesworth Street, Dublin 2

Proposed Development: Removal of an existing totem signage pole and installation of a new three-sided, 3.34 metre tall, partially internally illuminated totem sign. Five non-illuminated new fascia signs on the south elevation of Unit 10 and all associated works.

Location: Unit 10, John F Kennedy Avenue, John F Kennedy Industrial Estate, Dublin, D12 NX74

Applicant Name: BOC Gases Ireland Ltd.

Application Type: Permission

(AOCM)

Description of Site and Surroundings:

Site Area: stated as 0.5 hectares.

Site Description:

The site contains a single storey industrial building with ancillary offices and surrounding hardstanding. An area of concrete is laid out for parking that exists to the front of the building and there is currently a steel fence bounding the site to the south and east. Other industrial buildings are located on adjoining sites to the north and west. The area is characterised by industrial development. Naas Road runs to the south of the site.

Proposal:

Permission is sought for the following:

- Removal of an existing totem signage pole
- Installation of a three sided 3.34m tall, partially illuminated totem sign.
- Installation of five, non-illuminated, fascia signs on south elevation of Unit 10

Zoning:

The site is subject to zoning objective 'REGEN' – *'To facilitate enterprise and/or residential led regeneration.'*

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Consultations:

City Edge Delivery Team- No objections

Roads – **Additional information** recommended.

Surface Water Drainage – **Additional information** recommended.

Irish Water – **Additional information** recommended.

Transport Infrastructure Ireland – No response received.

SEA Sensitivity Screening

Indicates overlap with the following layers:

- Southern part of site – SFRA A 2016 and SFRA B 2016

Submissions/Observations /Representations

Submission expiry date – 17 June 2022

No submissions or objections received.

Relevant Planning History

SD20A/0350: Change of use of land and building to allow for the storage (internal and external), distribution and direct trade/retail sale of gas and gear products; customer engineering services workshop; new roller shutter on rear elevation; new window and door security shutters; new vehicle gates; new security screens along existing southern boundary fencing; new 63sq.m single storey external storage container; external open storage areas; vehicular parking and all associated works. **Permission granted.**

ED20/0030: The proposed BOC operation would comprise internal/ external storage and distribution of BOC Gases products. In addition, an element of direct retail/ trade sales would be conducted using the existing trade counter. **Declared not exempt.**

ED19/0011: Thermal upgrade, window change, external wall finishes change, insertion of roller shutter doors & associated works. **Declared exempt.**

SD17A/0414: Demolition of existing single storey office building (330sq.m) attached to side and front of existing service workshop building and construction of new replacement single storey office extension (170sq.m) to side and front of existing service workshop building, construction of a new single storey service bay extension (100sq.m) to north side of existing service workshop building, recladding the front of the existing service workshop building including raising height of existing parapet, forming 1 door ope with roller shutter door and 1 fire exit door to front of existing service workshop building and forming 3 door opes with roller shutter doors and 1 fire exit door to rear of existing service workshop building, with attached illuminated building sign and ancillary site works including the relocation of existing site entrance. **Grant permission.**

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SD04A/0824: Extending existing enclosed yard by providing a gate at existing vehicular entrance at JFK Avenue, replacing part of existing low boundary wall with new low wall and fence along JFK avenue, and along adjoining property, revising existing parking layout and providing 10 additional car spaces. **Grant permission.**

Relevant Enforcement History

None recorded for subject site.

Pre-Planning Consultation

None recorded for subject site.

Relevant Policy in South Dublin County Council Development Plan 2016-2022

CS6 SLO 1:

To initiate a plan led approach to the sustainable regeneration of the brownfield lands in the Naas Road / Ballymount REGEN zoned lands. The plan led approach will include the preparation of a masterplan in 2019 with a view to preparing a Local Area Plan or other appropriate mechanism for the Regeneration (REGEN) and Local Centre (LC) at Walkinstown zoned lands. The masterplan will provide a framework for the sequential and phased development of the lands, integrating sustainable transport, land use and blue and green infrastructure. The spatial planning of the area will be informed by the Naas Road Framework Plan (2010).

11.2.4 REGENERATION ZONE

Development in Regeneration zones will be assessed against the relevant criteria within the Urban Design Manual, the Design Manual for Urban Roads and Streets and/or the Retail Design Manual as appropriate. A Design Statement (see Section 11.2.1 Design Statements) accompanying development proposals in Regeneration (REGEN) zones should also address the following criteria:

Demonstrate a clear transition towards a more urban form of development and a traditional street network.

Address connectivity and linkages in the area and demonstrate that the development of the site would not give rise to isolated piecemeal pockets of residential development that are disconnected from shops, amenities and/or other residences.

Residential development should not be introduced at ground floor level adjacent to busy roads, and/or roads that are subject to significant movements by Heavy Goods Vehicles (HGVs).

Given the transitional nature of Regeneration zones, precautions will be taken to ensure that the potential for noise pollution, air pollution or other nuisance from established industrial uses will not exceed acceptable environmental standards. The Planning Authority may seek a report from a suitably qualified person to identify and quantify sources of noise pollution, air pollution, or nuisance, assess the potential impacts on the proposed development and provide a series of

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recommendations to mitigate the impacts of any pollutants insofar as possible (e.g., orientation and layout of dwellings, positioning of openings and insulation).

It may be necessary to consider improvements to the surrounding road and street network in conjunction with the Planning Authority, to calm traffic and improve pedestrian and cyclist access.

7.6.0 Major Accidents Directive

It is the policy of the Council to have regard to the provisions of the Major Accidents Directive (European Council Directive 2012/18/EU) and the technical advice of the Health and Safety Authority (HSA) in relation to identified SEVESO sites in the County.

IE6 Objective 1:

To have regard to and implement Policy & Approach of the Health & Safety Authority to the Control of Major Accident Hazards (COMAH) Risk-based Land-use Planning, HSA (2010) with particular emphasis on societal risk and the Individual Risk Matrix for Land Use Planning.

Section 6.4.4 Car Parking

Policy TM7 Car Parking

Section 7.1.0 Water Supply & Wastewater

Policy IE1 Water & Wastewater

Section 7.2.0 Surface Water & Groundwater

Policy IE2 Surface Water & Groundwater

Section 7.3.0 Flood Risk Management

Policy IE3 Flood Risk

Section 7.5.1 Waste and Resource Policy and Legislation

Policy IE5 Waste Management

Section 7.6.0 Major Accidents Directive

Policy IE6 Major Accidents

7.7.0 Environmental Quality

Policy IE6 Environmental Quality

Section 8.0 Green Infrastructure

Policy G5 Sustainable Urban Drainage Systems

Policy G6 New Development in Urban Areas

Section 9.2.4 Grand Canal

Policy HCL11 Grand Canal

Section 9.3.1 Natura 2000 Sites

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Policy HCL12 Natura 2000 Sites

Section 9.3.2 Natural Heritage Areas

Policy HCL13 Natural Heritage Areas

Section 10.0 Energy

Policy E3 Energy Performance in Existing Buildings

Policy E4 Energy Performance in New Buildings

Policy E5 Waste Heat Recovery & Utilisation

Table 11.18: Key Principles for Development within Enterprise and Employment Zones

Section 11.2.1 Design Statements

Section 11.2.4 Regeneration Zone

Section 11.2.5 Enterprise and Employment Areas

Section 11.2.7 Building Height

Section 11.4.1 Bicycle Parking Standards

Table 11.22: Minimum Bicycle Parking Rates

Section 11.4.2 Car Parking Standards

Table 11.23: Maximum Parking Rates (Non Residential)

Section 11.4.4 Car Parking Design and Layout

Section 11.4.6 Travel Plans

Section 11.6.1 (i) Flood Risk Assessment

Section 11.6.1 (ii) Surface Water

Section 11.6.1 (iii) Sustainable Urban Drainage System (SUDS)

Section 11.6.1 (iv) Groundwater

Section 11.6.1 (v) Rainwater Harvesting

Section 11.6.1 (vi) Water Services

Section 11.6.3 Environmental Hazard Management

Section 11.6.3 (i) Air Quality

Section 11.6.3 (ii) Noise

Section 11.6.3 (iii) Lighting

Section 11.6.4 Major Accidents – Seveso Sites

Section 11.6.5 Waste Management

Section 11.7.2 Energy Performance In New Buildings

Section 11.8.1 Environmental Impact Assessment

Section 11.8.2 Appropriate Assessment

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Relevant Government Policy & Guidelines

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

Regional Spatial and Economic Strategy, Eastern & Midlands Regional Assembly, 2019.

Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities DoEHLG, 2009.

Assessment

The main issues for assessment concern the following:

- Zoning and Council policy
- Roads
- Services, Drainage and the Environment
- Appropriate Assessment
- Environmental Impact Assessment

Zoning and Policy

South Dublin County Development Plan 2016 - 2022

The site is subject to zoning objective 'REGEN' – *'To facilitate enterprise and/or residential led regeneration.'* Advertisements and Advertising Structures are permitted in principle under this zoning objective.

Schedule 6: Outdoor Advertising Strategy of the Development Plan, which came into force on December 9th, 2019, and sets out the Councils policies in relation to outdoor advertising.

For the purposes of the advertising strategy, the site is located in Zone 5, where outdoor advertising is open for consideration subject to compliance with development management standards.

The existing signpost on site does not appear to be active and its removal is considered acceptable.

Following Variation 5 of the County Development Plan, the criteria in section 11.2.8 should be applied to signs on the outside of a building. In terms of the requirements of this section, the relevant criteria are listed below with an assessment of each:

- In general, signs on a building should only advertise goods or services that are associated with the premises and no more than 2 advertising signs should be erected on any elevation. *5 signs are proposed on the southern elevation, in excess of the 2 generally acceptable signs. 3 signs over the office element of the building would comprise the*

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company branding, including one directly over the entrance, with a larger sign on the industrial part of the building of similar design. In addition, a larger sign advertising drive-thru gas collections would be located above a garage door on the industrial element of the building. It is considered that provision of 5 signs on this elevation is excessive at this site and no rationale has been provided for this number of signs. A condition should be attached in the event of a grant removing the 2 no. smaller signs that are not above the entrance, resulting in a total of 3 no. signs on the southern elevation.

- *Signs should generally be limited to the ground floor of a building unless located directly over the entrance to a major commercial or retail building. The existing unit is a single storey part office, part industrial unit. All fascia signs proposed would therefore be at ground floor level, with a sign located directly above the office entrance and also above the drive-thru gas collection. This is considered acceptable.*
- *Signs should be simple in design and integrate with the architectural language of the building and not obscure any architectural features. The fascia signs would be red with the company branding on, clearly advertising the user of the building, along with the drive-thru sign. The signs are considered to be simple and integrate sympathetically with the existing building. On this basis the signs are considered acceptable.*
- *Signs should be proportionate to the scale of the building to which they are attached and sensitive to the surrounding environment. The fascia signs are scaled proportionately to the areas of the building where they are proposed. In this regard they are considered acceptable.*
- *Any sign or associated structure should not create an obstruction to pedestrian or cyclist movement or create a traffic hazard. The Roads Department have not raised any concerns regarding pedestrian or cyclist movement or traffic hazard as a result of the totem sign. The fascia signs are not considered to present any risk to traffic.*
- *Careful consideration should be given to the materials used in the construction of a sign and the methods used to light it. No lighting or illumination is indicated for the fascia signage. This is considered acceptable, and a condition should be included requiring any future lighting or illumination of these signs to require planning permission. The totem sign would be partially illuminated however details of this have not been provided and should be requested as additional information.*

With regard to the totem sign, the plans and elevations submitted do not appear to be consistent, showing the location of the vertical lighting strip inconsistently. Sufficient information in relation to the illumination of the sign, and the proposed materials, have not been provided and should be requested as **additional information** along with revised, accurate, plans and elevations.

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Roads

The Roads Department have reviewed the application and have recommended the following **additional information**:

- 1. The proposed signage shall meet the criteria for signage as outlined in SDCC CDP section 11.2.8. and table 11.19.
A maximum of two advertising signs are allowable per elevation. The applicant to submit a revised drawing showing the proposed signage to the south elevation.*
- 2. The applicant shall submit a revised structural drawing which details the totem signage foundation and structural make-up.*

In the event of a grant, the Roads Department recommend the following **condition** is included:

- 1. The level of illumination of the lighting for the signs shall be reviewable at any time by the Roads Department in the interests of traffic safety, and adjustments shall be made by the applicant at their own expense if required to do so by South Dublin County Council.*

It is considered that the number of advertising signs can be reduced by condition. As stated elsewhere in this report, a total of 3 signs is considered acceptable in this instance and should be guaranteed by condition. With regard to the totem sign, it is considered appropriate to request the **additional information**.

Services, Drainage and the Environment

Water Services has reviewed the application and have recommended **additional information** is sought as follows:

- 1.1 Submit a drawing in plan and cross-sectional view showing the distance between the foundation of proposed totem sign and existing 300mm surface water sewer east of site. The minimum setback distance to existing surface water sewer shall be 3m as per Greater Dublin Regional Code of Practice for Drainage Works.*

Irish Water have reviewed the application and have also recommend **additional information** is sought as follows:

- 1.1 Submit a drawing showing the distance between the foundation of proposed totem sign and any adjacent watermains.*
- 2.1 Submit a drawing showing the distance between the foundation of proposed totem sign and any adjacent wastewater.*

It is considered appropriate to request to recommended additional information to ensure compliance with Irish Water codes and practices.

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Screening for Appropriate Assessment

The subject site is not located within nor within close proximity to a European site. The proposed development is in the John F Kennedy Industrial Estate, an established industrial area. The development comprises the provision of new signage.

Having regard to:

- the small scale of the development,
- the location of the development, and
- the consequent absence of a pathway to the European site,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

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 real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Conclusion

Having regard to the provisions of the South Dublin County Council Development Plan 2016-2022, the proposal is considered acceptable in principle, subject to acceptable provision of the following additional information:

- Accurate plans and elevations of the proposed totem pole, including detail on the proposed materials and illumination.
- A structural drawing which details the totem signage foundation and structural make-up
- A drawing in plan and cross-sectional view showing the distance between the foundation of proposed totem sign and existing 300mm surface water sewer east of site. The minimum setback distance to existing surface water sewer shall be 3m as per Greater Dublin Regional Code of Practice for Drainage Works.
- A drawing showing the distance between the foundation of proposed totem sign and any adjacent watermains and/or wastewater
- A revised elevation removing the 2 no. fascia signs on the southern elevation that are not above the entrance.

Recommendation

Request Further Information.

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Further Information

Further Information was requested on 06/06/22.

Further Information was received on 19/12/22.

Consultations

Water Services

No objection

Irish Water

No objection, **conditions** recommended.

Submissions/Observations

No further submissions/observations received.

Assessment of Further Information

The Further Information requested was as follows:

1. *The applicant has not provided sufficient, consistent, drawings in relation to the proposed totem signage. To allow for a full assessment of this proposal the applicant is requested to submit the following:*
 - *Accurate plans and elevations of the proposed totem pole, including detail on the proposed materials and illumination. Drawings should include all key measurements, including the height of the sign and the depth of any projecting elements.*
 - *A structural drawing which details the totem signage foundation and structural make-up*
 - *A drawing in plan and cross-sectional view showing the distance between the foundation of proposed totem sign and existing 300mm surface water sewer east of site. The minimum setback distance to existing surface water sewer shall be 3m as per Greater Dublin Regional Code of Practice for Drainage Works.*
 - *A drawing showing the distance between the foundation of proposed totem sign and any adjacent watermains and/or wastewater.*

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Assessment

The applicant has submitted the additional information as requested.

Section 12.5.7 specifies the criteria that signage must comply with, with Table 3.19 stating specific restrictions on use and design criteria for different types of signs.

In terms of the criteria, there is no change from the 2016 – 2022 Development Plan criteria. It is considered that the totem sign complies with the criteria contained at Section 12.5.7. In relation to Table 13.19, the restrictions on use and design criteria are as follows:

Free Standing Advertisement Displays

- *Generally, not appropriate. May be considered at the entrances to shopping centres / major commercial premises and service stations.*
- *A maximum of 7m in height. Freestanding signs on petrol station forecourts should not extend above the height of the canopy.*

The sign is considered to fall most closely under this category as it is a free-standing sign. While it is not located at the entrance to a shopping centre or major commercial premise, it is replacing an existing sign as part of wayfinding within an industrial estate to demarcate a commercial unit. As such, it is considered appropriate and acceptable at this location. The sign is approximately 3.5m in total height, significantly below to 7m maximum. The applicant has specified that only parts of the totem sign would be illuminated. This is considered acceptable. The applicant has not addressed the discrepancy between the plan and elevations of the totem sign. A **condition** should be attached in the event of a grant requiring the applicant to submit consistent plans and elevations of the totem sign, for written agreement, prior to the commencement of development.

The Roads Department have reviewed the submission and have stated no objection to the development, recommending the following **conditions**:

1. *The level of illumination of the lighting for the signs shall be reviewable at any time by the Roads Department in the interests of traffic safety, and adjustments shall be made by the applicant at their own expense if required to do so by South Dublin County Council.*
2. *The proposed signage shall meet the criteria for signage as outlined in SDCC CDP section 11.2.8. and table 11.19*
 - *A maximum of two advertising signs are allowable per elevation.*

These **conditions** are considered appropriate to ensure long term road safety in the area and compliance with the Development Plan. While the Development Plan states that no more than 2 signs should be provided on any elevation. It is considered that there are two elements to the elevation of the existing building, and that 3 no. signs would be appropriate as they all provide a different function. A **condition** should be included specifying 2 no. signs for omission.

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Water Services have reviewed the application and have stated no objection to the development based on the **additional information** provided.

Irish Water have reviewed the submission and have stated no objection subject to standard conditions that all works shall comply with Irish Water Standards. This condition should be attached in the event of a grant in the interests of maintaining and protecting Irish Water infrastructure.

South Dublin County Development Plan 2022 – 2028

A new Development Plan came into effect for South Dublin on 3rd August 2022. As a result, the development has been reassessed against the plans and policies of this new plan. There are no changes to the land use zoning of the site, and it is considered that the proposal broadly aligns with the policies and objectives of the 2022 – 2028 Development Plan.

There is an increased focus on green infrastructure within the new plan and therefore an additional assessment of the application against these policies and objectives has been undertaken below.

Green Infrastructure

The site does not appear to be located within a Core Area, Primary GI Corridor or Secondary GI Link, as per figure 4.4 of the Development Plan. The site is however located within a Riparian Corridor.

Given the nature of the development, it is not considered that there will be any impacts, as the proposals are of a small scale, mostly relating to elevational signage and the replacement of totem signage. As a result, there is no increase in hard surfacing or a removal of any beneficial green infrastructure assets. While SuDS and landscaping could be improved at the site, it is not considered that this falls within the scope of the current application.

Conclusion

The development subject to conditions, is considered to be consistent with the zoning objective 'REGEN' – *'To facilitate enterprise and/or residential-led regeneration subject to a development framework or plan for the area incorporating phasing and infrastructure delivery'*, and the relevant provisions in the County Development Plan 2022-2028 and is considered acceptable.

Other Considerations

Development Contributions

Application is for signage – Section 11(xviii) states *'signage, shop fronts, entrance gates, railings, fencing, elevational alterations shall be exempt'*. Therefore, no contribution is due.

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SEA Monitoring Information

Building Use Type Proposed:	Signage
Floor Area:	N/A
Land Type:	Industrial
Site Area:	0.5 Hectares.

Conclusion

Having regard to the provisions of the South Dublin County Council Development Plan 2022-2028 and the overall design and scale of the development proposed it is considered that, subject to conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area. It is considered that the proposal would be consistent with Council policy in relation to signage.

Recommendation

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant Permission for the said development in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

FIRST SCHEDULE

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2022 - 2028 and subject to the conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

Conditions and Reasons

1. Development to be in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on 19/12/2022, 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:

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Revised plans that incorporate all of the following amendments-

(a) The 2 no. smaller signs on the office elevation of the existing building shall be omitted. The only smaller sign permitted under this application is the 1 no. sign immediately above the entrance.

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

3. Signage Illumination

The level of illumination of the lighting for the signs shall be reviewable at any time by the Roads Department and adjustments shall be made by the applicant at their own expense if required to do so by South Dublin County Council.

REASON: In the interests of traffic safety

4. Irish Water

Where relevant, all works shall comply with Irish Waters Standards Codes and Practices.

REASON: To ensure the protection of Irish Water infrastructure.

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 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.

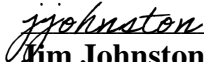
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REG. REF. SD22A/0139

**LOCATION: Unit 10, John F Kennedy Avenue, John F Kennedy Industrial Estate,
Dublin, D12 NX74**



**Jim Johnston,
Senior Executive Planner**

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

Date: 23/01/23_____



**Gormla O'Corrain,
Senior Planner**