

AFEC International
Unit B6, Swords Enterprise Park
Feltrim Road
Swords
Co. Dublin

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

Decision Order Number: 0177	Date of Decision: 16-Feb-2023
Register Reference: SDZ22A/0011	Date: 20-Jan-2023

Applicant: Department of Education

Development: The proposed primary school will extend to c3, 355sq.m will be 2 storeys in height and will comprise 16 no. classrooms with an additional 2 classroom Special Educational Needs Unit; a General Purpose Hall and all ancillary teacher and pupil amenities and facilities. The proposed development also provides for hard and soft play areas, including 2 no. outdoor ball courts, bicycle parking, staff car parking, vehicle drop off and set down areas. Photovoltaic Panels (PV) are proposed on roofs in addition to EV Charging Points and a packaged Biomass heating plant. The proposed development also provides for all landscaping and boundary treatments and all associated site development works. Access to the site will be via a new junction and access road off Thomas Omer Way. The new access road will run south off Thomas Omer Way and then west into the site. The proposed access road is in accordance with the Clonburris Strategic Development Zone (SDZ) Planning Scheme and incorporates public lighting, footpaths and cycle tracks. A further pedestrian / cycle only connection to Thomas Omer Way is also proposed along the western green corridor, west of the proposed school building.

Location: Thomas Omer Way, Balgaddy, Lucan, Dublin

Floor Area:

Time extension(s) up to and including:

**Additional Information
Requested/Received:**

26-Sep-2022 /20-Jan-2023

**Clarification of Additional
Information Requested/Received:**

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 20 January 2023, 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. Temporary Road.
 - (a) The access road permitted as per drawing SDP-AFEC-05-00-DR-A-1002 Rev P02 shall be temporary only and its use as an access to the school shall cease once vehicle access has been delivered to the east of the permitted roundabout within the current application site.
 - (b) Prior to the cessation of use of the temporary access road, the applicant shall submit details of revised landscaping and set down areas for the written agreement of 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.
3. Amendments.
Unless otherwise agreed in writing, 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 north / south street shall have a carriageway of no greater than 6m;
 - (b) A cycle track shall be provided along the proposed north / south street;

(c) The proposed footpath / cycle track along the proposed north / south street shall be continued to the site boundary to connect to the SDZ lands to the east. An opening with interim gates shall also be provided at this location to match the full width of the proposed SDZ access road;

(d) Details of temporary measures at the end of the cycle lane adjacent to the hedgerow to ensure the area is secure prior to the delivery of the cycle lane to the south of the hedge. These measures shall be removed once the connection is in place.

(e) A maximum of 18 car parking spaces

(f) The gradient of the access does not exceed 2.5% over the last 6 metres of approach to the public road

(g) The green corridor provided to the west of the site shall be designed to a Taking In Charge standard and applicant shall provide a drawing showing the area to be taken in Charge.

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

4. Irish Water Connection Agreement.

Prior to the commencement of development the applicant or developer shall enter into water and wastewater connection agreements with Irish Water.

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

5. Drainage.

(a) The surface water attenuation volume proposed of 690m³ is undersized by approximately 12% for a 1 in 100 year storm event. Prior to the commencement of development, the applicant shall submit a revised drawing and report showing increased surface water attenuation volume for the development. The surface water attenuation should be provided by SuDS in so far as this is possible.

(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.

6. Hours of Operation.

The applicant shall encourage use of GP hall, open space area and associated facilities outside of school hours/ term time.

REASON: To maximise community gain and in the interest of the proper planning and sustainable development of the area.

7. Roads.

a. Prior to the commencement of development, a Public Lighting Design for the development shall be submitted and agreed by the Public Lighting team of SDCC.

b. Prior to the commencement of development, a developed demolition and waste management report shall be submitted for the written agreement of the Planning Authority.

c. Prior to the commencement of development, a construction traffic management plan shall be submitted for the written agreement of the Planning Authority.

d. Prior to the commencement of development A developed Construction & Demolition Waste Management Plan (C&DWMP) for the written agreement of the Planning Authority.

e. Prior to the commencement of development, a revised construction detail drawing shall be submitted and agreed by the roads department. The construction details of the roads and parking spaces shall be in accordance with the SDCC Appendix 6 Taking in Charge Standards.

REASON: In the interest of sustainable transport.

8. Mobility Management.

The Applicant shall ensure the Mobility Management Plan is updated accordingly after year 1 and that mode share targets for sustainable modes are revised upwards as the subject measures are implemented and the catchment area of the school reduces over time and the surrounding area develops.

REASON: In the interest of sustainable transport.

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. 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.

11. 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.

12. Archaeological Monitoring.

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

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

13. 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.

14. Bat Mitigation

The recommendations and mitigation measures contained within the Bat Survey Report prepared by Ecofact shall be implemented in full by the applicant.

REASON: In the interest of protecting the Environment.

15. SuDS.

Prior to the commencement of development, the applicant shall contact the drainage engineer and landscape architect (lcolleran@sdblincoco.ie and bharkin@sdblincoco.ie) to agree alterations to the drainage scheme required to comply with SDCC Guidance on Sustainable Drainage. Following agreement of these measures, they shall be submitted to the Planning Authority for agreement in writing.

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

16. Implementation of Landscape Plans

The Landscape Plans (including Suds) once agreed, shall be implemented in full, within the first planting season following completion of the development (completion of construction works on site) and prior to occupation of the new school.

REASON: In the interest of amenity, biodiversity and climate action, compliance with Development Plan Policy, the provision, establishment and maintenance of a reasonable standard of landscape and proper planning and sustainable development of the area.

17. Retention of Arborist/Tree Protection

The arborist shall visit the site at a minimum on a monthly basis, to ensure the implementation of all of the recommendations in the tree reports and plans.

Prior to the submission of the Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of any works on site, the arborist shall submit a Tree Protection Plan and submit photographs and confirmation that fencing for retained trees meets BS5837:2012. Trees in Relation to Design, Demolition and Construction – Recommendations for the written agreement of the Public Realm Section..

REASON: To ensure and give practical effect to the retention, protection and sustainability of trees and hedgerows during and after construction of the permitted development biodiversity, climate action and visual amenity

18. 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. 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.

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

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

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: Notwithstanding any grant of planning permission; if an applicant requires permission to access local authority land (e.g. public footpaths, public open space or roadways) in order to access utilities, or for any other reason; please apply via

<https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

NOTE: The applicant shall notify the Irish Aviation Authority and the Department of Defence regarding any cranes likely to penetrate ICAO surfaces.

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**

17-Feb-2023

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