

## SOUTH DUBLIN COUNTY COUNCIL



### INTERNAL MEMORANDUM

#### Public Realm Planning Report

**Development:**

Construction of a single storey Discount Foodstore Supermarket with ancillary off-licence use (with mono-pitch roof and overall building height of c. 6.74 metres) measuring c. 2,207sq.m gross floor space with a net retail sales area of c. 1,410sq.m; Construction of a vehicular access point to Main Street Upper and associated works to carriageway and including partial removal of boundary wall / facade, modification of existing footpaths / public realm and associated and ancillary works including proposed entrance plaza area; Demolition of part of an existing rear / southern single storey residential extension (and related alterations to remaining structure) of Kelly Estates building; The original Kelly Estates building (a protected structure - Eircode: D22 Y9H7) will not be modified; Demolition of detached single storey accommodation/ residential structure and ancillary wall/ fence demolitions to rear of existing Kelly Estates building; Demolition of existing single storey (stable) building along Main Street and construction of single storey retail /cafe unit on an extended footprint measuring c. 118sq.m and associated alterations to existing Main Street boundary facade; Renovation and change of use of existing (vacant) two storey vernacular townhouse structure to Main Street, and single storey extension to rear, for retail/ commercial use (single level throughout) totalling c. 61sq.m; Repair and renewal of existing Western and Eastern burgage plot tree and hedgerow site boundaries; Provision of associated car parking, cycle parking (and staff cycle parking shelter), pedestrian access routes and (ramp and stair) structures (to / through the southern and western site boundaries to

facilitate connections to potential future development), free standing and building mounted signage, free standing trolley bay cover /enclosure, refrigeration and air conditioning plant and equipment, roof mounted solar panels, public lighting, hard and soft landscaping, boundary treatments and divisions, retaining wall structures, drainage infrastructure and connections to services/ utilities, electricity Substation and all other associated and ancillary development and works above and below ground level including within the curtilage of a protected structure.

**Location:** Main Street Upper, Newcastle, Co Dublin  
**Applicant:** Lidl Ireland GmbH  
**Reg. Ref:** SD22A/0312 AI  
**Report Date:** 20/12/2022  
**Recommendation:** **GRANT WITH CONDITIONS**  
**Planning Officer:**

#### **STATUTORY LOCAL POLICY**

#### **South Dublin County Development Plan, 2022-2028**

#### **Section 3.3.6 Protection of Trees and Hedgerows**

Policy NCBH11

#### **Section 3.4.3 Landscapes**

Policy NCBH14

#### **Section 4.0.1 GI and Climate Action**

Policy GI1: Overarching

#### **Section 4.2.1. Biodiversity**

Policy GI2: Biodiversity

#### **Section 4.2.2. Sustainable Water Management**

Policy GI3: Sustainable Water Management

Policy GI4: Sustainable Drainage Systems

POLICY GI5: Climate Resilience

#### **SECTION 4.2.4 Recreation and Amenity (Human Health and Wellbeing)**

Policy GI6

#### **Section 4.2.5 Landscape, Natural, Cultural and Built Heritage**

Policy GI7

#### **Section 8.7.1 Principles guiding public open space provision**

Policy COS5: Parks and Public Open Space – Overarching

**Section 8.7.4 Delivery of Public Open Space and Contributions in Lieu**

**Section 8.7.5 Quality of Public Open Space**

**Section 8.7.6 Play Facilities**

**Section 12.4.3 Riparian Corridors**

**The Public Realm Section has assessed the proposed development in accordance with the policies and objectives of the County Development Plan 2022-2028 and with best practice guidelines and recommends the following CONDITIONS be applied:**

**1. Implementation of Revised Landscape Masterplan**

The landscaping scheme shown on Drawing No. 077622\_LP\_01 Landscape Plan and associated plans shall be implemented in full, within the first planting season following completion of the development, in addition:

- a) All hard and soft landscape works shall be completed in full accordance with the submitted Landscape Plan (Drawing No. 077622\_LP\_01) and Soft Landscape Plan (Drawing No. 077622\_PP\_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 the CDP 2022-2028.**

**2. Landscape Management**

Prior to commencement of development a landscape management plan, including long term design objectives, levels and gradients, management responsibilities and maintenance schedules for all for all public open space areas shall be submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved management plan.

**REASON: To ensure satisfactory landscape treatment and that the maintenance of the all public open space areas to be TIC is feasible, in accordance with the policies and objectives contained within CDP 2022-2028.**

### **3. Green Space Factor**

The applicant has achieved the appropriate Green Space Factor of **0.5** for the site as required by **GI5 Objective 4** of the CDP 2022-2028.

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

### **4. Green Infrastructure Plan**

The submitted Green Infrastructure Plan (Drawing No. 077622\_GI\_01) prepared by Austen 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.**

### **5. 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**

### **4. 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 relevant policies of the CDP 2022-2028.**

#### **5. SuDS Maintenance Plan**

The submitted SUDS Maintenance Plan contained prepared by SDS Design Engineers Ltd shall be implemented in full by the applicant. The development shall be carried out in accordance with the submitted SUDS Maintenance Plan.

**REASON: To provide for the satisfactory future maintenance of this development in the interest of visual amenity, in accordance with relevant policies of the CDP 2022-2028.**

#### **6. Tree Works**

Prior to the commencement of construction works on site, a meeting with the Project Landscape Architect, Site Foremen, the appointed Arborist and a representative from the Public Realm Section shall take place on-site to inspect that:

- i. all tree pruning & tree felling has been carried in accordance with BS 3998:2010 Tree Work – Recommendations
- ii. That the protective fencing has been installed in accordance with BS5837:2012

All tree felling, surgery and remedial works shall be completed prior to the commencement of construction works. All works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998:2010 Tree Work – Recommendations. The clearance of any vegetation including trees and scrub shall be carried out outside the bird-breeding season (1st day of March to the 31st day of August inclusive) or as stipulated under the Wildlife Acts 1976 and 2000.

**REASON: To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development in accordance with relevant policies of the CDP 2022-2028.**

#### **7. Tree and Hedgerow Protection**

In order to ensure the protection of hedgerows and trees to be retained within the site, the applicant shall implement all recommendations pertaining to Tree Protection within the submitted

Arboricultural Report and associated Tree Protection Plan (Drawing No. 077622\_TP\_01) prepared by Austen Associates.

Prior to works commencing on site, tree protection fencing will need to be erected to protect the tree and hedge vegetations root zone from impacts by the construction works. The fencing needs to be 2.3m high and constructed in accordance with Figure 2 of BS5837 2012 using vertical and horizontal scaffold bars well braced together with the verticals spaced out at a maximum of 3m centres. Onto this, weld mesh panels are to be securely fixed with wire or scaffold clamps. Signs need to be attached to these fences warning people to 'Keep out'.

No construction equipment, machinery or material shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by this fencing, and in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree/hedge to be retained.

**REASON: To ensure the protection, safety, prudent retention and long-term viability of trees to be retained on and immediately adjacent to the site in accordance with relevant policies of the CDP 2022-2028.**

#### **8. Retention of Arborist during Construction Works**

A Project Arborist shall be retained by the developer for the duration of the project, to pay periodic site visits as appropriate to ensure that construction works will not compromise the agreed and approved tree protection, to ensure general strict adherence of the developer with all recommendations laid out in the submitted Tree and Hedgerow Survey and Assessment Report and to offer any further advice to the developer on the matter of trees as may be required from time to time.

**REASON: In the interest of the tree protection, retention and preservation, biodiversity and amenity in accordance with relevant policies of the CDP 2022-2028.**

#### **9. Tree and Vegetation Survey, Assessment, Management and Protection Measures**

The recommendations contained within the submitted Tree and Vegetation Survey, Assessment, Management and Protection Measures Report prepared by prepared by Austen Associates shall be implemented in full by the applicant.

**REASON: To protect and enhance areas of biodiversity, in accordance with relevant policies and objectives of the CDP 2022-2028.**

#### **9. Burgage Plot Boundary Assessment**

The recommendations contained within the submitted Burgage Plot Boundary Assessment Report prepared by Austen Associates shall be implemented in full by the applicant.

**REASON: To protect and enhance areas of biodiversity, in accordance with relevant policies and objectives of the CDP 2022-2028.**

#### **10. Tree Bond and Arboricultural Agreement**

Prior to the commencement of any permitted development or any related construction activity or tree felling on the site, the applicant shall lodge a Tree and Hedgerow Bond to the value of **€49,389.12** with the Planning Authority. This is to ensure the protection of trees on and immediately adjacent to the site to make good any damage caused during the construction period.

The bond lodgement shall be coupled with an *Arboricultural Agreement*, with the developer, empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree/hedgerow or trees/hedgerows on or immediately adjoining the site, or the appropriate and reasonable replacement of any such trees/hedgerows which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development. Any replacement planting shall use large semi-mature tree size(s) and species or similar as may be stipulated by the planning authority.

An *Arboricultural Assessment Report and Certificate* is to be signed off by a qualified Arborist after the period of 3 years of completion of the works. Any remedial tree surgery, tree felling works recommended in that Report and Certificate shall be undertaken by the developer, under the supervision of the Arborist. The bond will only be refunded upon receipt by SDCC Public Realm Section of a satisfactory post-construction arboricultural assessment, carried out by a qualified arborist and provided that the hedges/trees proposed for retention are alive, in good condition with a useful life expectancy. **CONDITION**

**REASON: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with relevant policies and objectives of the CDP 2022-2028.**

#### **10. Ecological Impact Assessment Report**

The recommendations and mitigation measures contained within the Ecological Impact Assessment Report prepared by Altemar shall be implemented in full by the applicant.

**REASON: To protect and enhance areas of biodiversity, in accordance with relevant policies and objectives of the CDP 2022-2028.**

**10. Biodiversity Management Plan**

Given the numerous policies and objectives regarding Green Infrastructure in the County Development Plan 2022-2028 it is requested that an overarching Biodiversity Management Plan shall be submitted by the applicant. The plan shall indicate how biodiversity and green infrastructure is to be enhanced and developed on this site during construction and into the future, taking into account matters that include the following:

- i. Protection of existing trees and woodland plantations on site
- ii. Protection and enhancement measures for bats
- iii. The use of SUDS and Climate Adaption Measures

**CONDITION**

**REASON: To protect and enhance areas of biodiversity, in accordance with relevant policies and objectives of the CDP 2022-2028.**

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**Prepared By: Oisín Egan**  
**Executive Parks Superintendent**

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**Endorsed By: Laurence Colleran**  
**Senior Executive Parks Superintendent**