

Donna Ryan,
Downey Planning
29, Merrion Square
Dublin 2

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

Decision Order Number:	0398	Date of Decision:	17-Apr-2023
Register Reference:	SD22A/0096	Date:	21-Mar-2023

Applicant: Lorat Trading Ltd.

Development: Demolition of some of the existing structures on site to include a portion of an existing rubble wall; the rear extension of an existing cottage; existing structures, storerooms, and sheds to the west and north of Muldowney's Pub; the reconfiguration, renovation, and extension of the existing cottages on site to provide for 2 two bedroom units; the reconfiguration and renovation of Muldowney's Pub and storage yard; the construction of 21 residential units within 2 three storey blocks to the rear and side of Muldowney's Pub as follows: Block A will provide 6 one bedroom units, giving a total of 6 apartments in this building; Block B will provide for a mix of 3 one bedroom and 12 two bedroom units, giving a total of 15 units within this Block; private open space will be provided in the form of balconies with communal open space provided in the centre of the site. The development will also include the provision of a pedestrian access from Main Street and a pedestrian and vehicular access via the existing car-park entrance to the rear of Muldowney's Pub; Provision of 32 carparking spaces and 44 bicycle spaces, all ancillary hard and soft landscaping, boundary treatment, ESB sub-station, signage, bin and bike stores and all engineering and site development works necessary to facilitate the development.

Location: Muldowney's Pub, Main Street, Rathcoole, Co. Dublin

Floor Area:

Time extension(s) up to and including:

Additional Information 30-May-2022/07-Mar-2023,

Requested/Received:

Clarification of Additional Information Requested/Received: 14-Mar-2023 /21-Mar-2023

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 07/03/2023 and 21/03/2023, 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. Apartment Amendments
Prior to the commencement of development the applicant shall make the following amendments to the scheme and submit revised plans, elevations and other relevant drawings as necessary for the written agreement of the Planning Authority:
 - A. Own Door Access
Own door access is required to create street level activation and improve a sense of security. Access from a private internal courtyard does not achieve these aims. Units 0.1 and 0.2 shall be amended to provide own door access directly from the internal access street. The relocation of the footpath to the building side of the internal access road will facilitate ease of access for these units. In revising the layouts of these units, the applicant should note that private amenity space must not be accessed from bedrooms and sufficient privacy buffers should be provided around all sides of private amenity space.
 - B. Balcony / Terrace Access from Bedrooms
Private open space accessible exclusively from bedrooms is not acceptable. The applicant shall revise the layouts of units 0.1, 0.2, 1.1, 1.2, 2.1 and 2.2 to ensure that private balconies and terraces are primarily accessed from living areas. Access from bedrooms will only be acceptable if this is a secondary access.
 - C. Winter Gardens

The winter gardens serving Units 1.4 and 2.4 shall be relocated to the western elevation. This will reduce overlooking of the outside play area serving the school and could assist in providing improved sound screening for these areas of open space. In amending the location of these winter gardens, regard should be had to the requirements of the Architectural Conservation Officer (ACO) to improve the articulation of the building through varying heights, levels and roof profiles.

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

3. Architectural Conservation – Schedule of Materials

Prior to the commencement of development, the applicant shall submit schedules and drawings as required, for the written agreement of the Planning Authority, addressing the following:

A. New development at this location needs to provide a greater level of architectural interest and character. The proposed block needs to achieve a backdrop to add architectural quality and interest to the rear of the existing single-storey cottages and existing public house. It is considered that although the design has improved with the reduction of the development to one block and with setback, variation is required which can be either delivered by providing non-material/minor variations in height, levels and roof profiles to reflect a typical streetscape which provides visual interest and variety in design/styles. Alternatively, the use of colour with varying palettes of materials would also assist in providing architectural merit and defining the architectural quality required within the Village, as part of creating new design and architectural character within the Architectural Conservation Area.

B. A Schedule of materials and finishes shall be submitted, including samples and images of the final palette of materials and finishes, by way of confirming final material finishes and colours and should address the above item. This Schedule shall include full details on materials and finishes for all elements of the proposed development. Given the sites location within an Architectural Conservation Area it is extremely important that the overall materials and finishes should reflect this in providing a more sensitive development with minimal visual impact.

REASON: To ensure the proposed development is of high quality and reflects the overall design ethos detailed in the Design Rational (Additional Information submission) and to ensure high quality design and finish for new build within an ACA.

4. Method Statement and Schedule of Works

The proposed works to the cottages shall be carried out in accordance with the Method Statement and Schedule of Works submitted as part of the Additional Information request. Works shall adhere to best conservation practice and in accordance with policies in SDCC CDP 2022-2028 for sustainable development and climate change with regard to reducing waste and in accordance with the Life Cycle Report.

REASON: To ensure all works to the existing cottages adhere to best practice and to ensure the development is carried out in accordance with CDP policies for sustainable development and whole Life Cycle requirements.

5. Car and Bicycle Parking

A. The applicant shall allocate one mobility impaired parking space within the pub parking area.

B. The proposed development shall make provision for the charging of electric vehicles.

100% of spaces must be provided with electrical ducting and termination points to allow for the provision of future charging points, and 10% of surface car parking spaces must be provided with electric vehicle charging points initially. Details of how it is proposed to comply with these requirements including details of the design of, and signage for, the electric charging points (where they are not in areas to be taken in charge) shall be submitted to, and agreed in writing with the planning authority, prior to commencement of development.

C. All external bicycle parking spaces shall be covered and designed in line with National Cycle Manual standards.

REASON: In the interest of sustainable and accessible transport.

6. Open Space Provision

Insufficient information has been submitted in relation to proposed open space provision with the Development. Under section 8.7.3 of the 2022-2028 CDP the overall standard for public open space is 2.4 hectares per 1, 000 population. This will be applied to all developments with a residential element, such as the subject proposal. Within that standard, there are specified percentages as set out in Table 8.2 which must, as a minimum, be provided on site.

Public open space shall be provided at the rates specified in Table 8.2 above. Under Table 8.2 the specified percentage of open space for the proposed development is a minimum of 10% of the site area. The applicant is therefore requested to provide in tabular form a clear breakdown of the open space provision within the proposed development. From the documentation submitted it appears that the applicant is only providing communal open space.

It is considered that, based on the very specific circumstances of the subject site, allowance can be made to better utilise the area of open space to the north and consider this as the public open space provision, in accordance with the requirements of Table 8.2 of the Development Plan. Prior to the commencement of development, the applicant shall provide greater detail about proposals to mitigate the absence of public open space provision on site. In this regard the applicant shall liaise with the Public Realm Section and agree suitable proposals within the northern portion of the subject site. Landscape proposals for this area could include the provision of forestry planting along the northern site boundary. Consideration of this area at a later date for use other than open space will not be considered acceptable.

REASON: To safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to meet the relevant requirement in terms of open space provision and relevant policies within the CDP 2022-2028.

7. Internal Footpath

The layout shall be amended to remove footpaths to the rear of all car parking spaces. The footpath shall be provided along the building side of the internal access road, to maximise accessibility and provide safer access to the building and open space areas, utilising likely desire lines of residents and visitors. Within the site, adequate provision must be made for safe crossing for pedestrians where the footpath is separated by the internal access street. Such measures could include dropped kerbs or, preferably, raised tables to provide level grade crossings.

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

area.

8. Play Area

Prior to the commencement of Development, A detailed play strategy using Nature-based Solutions for the subject site shall be submitted and agreed with the Planning Authority in consultation with the Public Realm Section. Such details shall comprise:

- i. A specification of all play equipment to be installed including provision for children with disabilities and special sensory needs;
- ii. A specification of the surface treatment within the play areas; and arrangements for ensuring the safety and security of children using the play areas.

All play equipment and ancillaries shall conform to European Standards EN 1176-1-11 and EN 1177 Playground equipment and surfacing, and to BS/EN standards 2017/18 for Playground Installations for HIC (Head Injury Criterion) and CFH (Critical Fall Height).

REASON: To ensure that the development makes appropriate provision for play and informal recreation in accordance with relevant policies in the CPD 2022 - 2028

9. Landscape Strategy and Landscape Masterplan

Prior to the commencement of Development, the following shall be submitted to the Planning Authority for written agreement:

- a) a revised landscaping strategy including a revised landscape masterplan, which meets the requirement of the Planning Authority in terms of meaningful public open space provision as required under the CDP 2022-2028 and effectively contributes to the amenity, GI and biodiversity. The revised landscape strategy shall include a revised landscaping layout, details of planting, hard surfacing materials, site levels, external lighting, public seating and details of all gradients, ramps and steps within publicly accessible areas of the development. Soft landscaping works shall include: planting plans (at a scale not less than 1:100), written specification of planting and cultivation works to be undertaken and schedules of plants, noting species, plant sizes and proposed numbers / densities and an implementation programme.

In addition, the applicant shall agree with the Public Realm Section enhancement measures/improved landscape proposals for the northern portion of the site in lieu of the lack of open space within the overall subject site. These proposals shall include open space enhancements in terms of improved ecology, biodiversity and green infrastructure measures. Proposals can include Miyawaki/mini woodland style planting. Location and planting method to be agreed with Public Realm. See below relevant Objective with the CDP: GI1 Objective 7: To develop linked corridors of small urban 'Miyawaki' native mini-woodlands, a minimum of 100 sq m in size, to capture carbon and encourage biodiversity in suitable existing built-up areas, in low grade parkland, and other areas of zoned lands where deemed suitable and appropriate.

REASON: To ensure that the development achieves a high standard of design, layout and amenity and makes provision for hard and soft landscaping which contributes to the creation of a high quality, accessible, safe and attractive public realm in accordance with relevant policies in the CPD 2022-2028.

10. Planting Plan

Prior to the commencement of Development, the applicant shall submit to the Planning Authority for written agreement:

- a) a detailed Planting Plan and Planting Schedule stating species/varieties, indicative quantities, sizes, rootball presentation and spacings. Planting mixes should specify a

diverse range of species/varieties/cultivars and a diversity of forms and plant sizes (multi-stems, feathered, semi-matures, etc.); using both native and exotic species and pollinator-friendly native species (in accordance with the All-Ireland Pollinator Plan 2015-2020), all designed to provide vegetation that is visually appealing, bio-diverse, and easily managed.

REASON: To ensure that the development achieves a high standard of design, layout and amenity and makes provision for hard and soft landscaping which contributes to the creation of a high quality, accessible, safe and attractive public realm in accordance with relevant policies in the CPD 2022-2028.

11. 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

12. Sustainable Urban Drainage Systems (SuDS)

Prior to the commencement of development the applicant shall submit for the written agreement of the Planning Authority:

- A. A drawing to show how surface water shall be attenuated to greenfield run off rates.
- B. A drawing to show what SuDS (Sustainable Drainage Systems) are proposed. Examples of SuDS include permeable paving, filter drains, bio-retention tree pits, rains gardens, swales or other such SuDS.
- C. A comprehensive SUDS Management Plan to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan should also be included as a demonstration of how the system will function following implementation.
- D. Additional natural SUDS features should be incorporated into the proposed drainage system for the development such as bio-retention/constructed tree pits, permeable paving, green roofs, filtration planting, filter strip etc. In addition, the applicant should provide the following:
 - i. Demonstrate the treatment train, biodiversity value and amenity value of the SUDS proposals for the catchment in the residential areas.
 - ii. Demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development including drainage / attenuation calculations for same.
 - iii. The applicant shall show further proposed SuDS features for the development such as green roofs, grass areas, channel rills, swales, permeable paving and other such SuDS and show what attenuation capacity is provided by such SuDS. Bio retention tree pits should be designed so that they enable tree pits to both support healthy tree growth while at the same time to help treat and attenuate water coming from hard landscaping areas.

- iv. Natural Suds measures should be detailed to remove/ reduce the requirement for underground attenuation tanks in line with the development plan objectives.
- v. Tree Pits to incorporate SuDS bioretention features and sufficient growing medium. SuDS details need to show how the water drains from the road/pavement hard surface into the SUDS tree pit, clearly outlining how SuDS features within the tree pits will function. The applicant is requested to refer to the recently published ‘SDCC Sustainable Drainage Explanatory, Design and Evaluation Guide 2022’ for acceptable SUDS tree pit details.

E. A revised drawing showing a petrol interceptor upstream of attenuation system close to entry point of same.

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.

13. Removal of Underground Attenuation

Prior to the commencement of development, the applicant shall submit the following for the written agreement of the Planning Authority:

A. Revised SuDS plans for the site, incorporating additional natural SUDS features into the proposed drainage system for the development such as rain gardens, detention basins, filter drains, swales etc. The applicant shall remove the proposal for underground attenuation. Underground attenuation is only to be allowed on sites in specific and exceptional circumstances where no alternative measures can be provided, in accordance with the Development Plan 2022 – 2028.

B. The applicant is requested to fill in Table 14.1 ‘SuDS Rationale and Justification’, included under Item 14 – Sustainable Drainage Systems of the Planners Report. The applicant shall provide clear explanations/rationale for selecting/not selecting additional natural SUDS measures.

REASON: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal, in accordance with policies under the CDP 2022-2028.

14. Green Infrastructure & Green Space Factor

Prior to the commencement of development, the applicant shall submit the following information for the written agreement of the Planning Authority in relation to Green Infrastructure in accordance with the quoted policies and sections of the South Dublin County Development Plan 2022 - 2028:

a) demonstrate how it is intended to reduce fragmentation of existing green infrastructure by providing a green infrastructure plan showing connections through the site and connections to wider GI network.

b) demonstrate how the appropriate Green Space Factor (GSF) will be achieved for the relevant land use zoning objective.

REASON: In the interests of the amenity and environmental quality of the locality and to assimilate the development into its surroundings, in accordance with policy GI5 Objective 4 and other relevant policies relating to GI within the CDP 2022-2028.

15. Tree Survey

Prior to the commencement of development the applicant shall submit the following for the written agreement of the Planning Authority:

- i) A detailed Tree Survey,
- ii) Arboricultural Impact Assessment
- iii) Tree Protection Plan and
- iv) Arboricultural Method Statement,

All in accordance with, BS 5837: 2012 Trees in relation to design, demolition and construction – recommendations

The survey is to include trees within a 10m radius of the proposed development infrastructure and any other trees likely to be impacted by the infrastructure or during the construction works. The exact location and layout of the proposed infrastructure is required and detail of what is proposed for retention or removal.

The Arboricultural Method Statement is to detail clear and practically-achievable measures to be used during the construction period, for the protection and management of all trees that are to be retained, as shown in the Tree Protection Plan.

The report shall be carried out by an independent, qualified Arborist. A tree bond may be required based on the results of the survey.

REASON: To ensure the protection, safety, prudent retention and long-term viability of trees to be retained immediately adjacent to the site

16. Invasive Species Report

Prior to the commencement of development the applicant shall submit for the written agreement of the Planning Authority:

- a) an Invasive Species Report which includes a detailed survey for the presence of invasive species within the subject site (as listed on the third schedule of the European Communities (Birds and Natural Habitats Regulations 2011). If invasive species are found to be present within the subject site the applicant shall submit a site specific Invasive Species Management Plan.

REASON: To ensure the protection of the natural Heritage of the site in accordance with relevant policies and objective of the CDP 2022-2028.

17. Bat Survey

Prior to the commencement of development, the applicant shall submit for the written agreement of the Planning Authority:

- a) a physical bat assessment report conducted between the months of April - September clearly outlining if there is bat value on the proposed site. This shall be conducted by an independent, suitably qualified ecologist. If bats are found on the proposed site or in the near vicinity the applicant shall follow all recommendations by the ecologist and retain the services of the ecologist during the construction period, all findings shall be submitted to SDCC and agreed with SDCC Public Realm Section.

REASON: To ensure the protection of the natural Heritage of the site in accordance with relevant policies and objective of the CDP 2022-2028

18. Services

Prior to the commencement of development, the applicant shall submit a clearly outlined landscape plan & arborists drawing that demonstrates that services will not impinge on the existing and proposed trees and hedgerows, proposed service layouts shall be agreed with SDCC Public Realm Section.

REASON: In the interest of visual amenity, to protect existing and proposed trees and to protect bats

19. Taking in Charge

The applicant shall submit a Taking In Charge drawing that distinguishes between all areas to be offered to SDCC and those that will remain in private ownership or under a management company. This shall be submitted for approval prior to commencement of construction.

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

20. Management Plans

Prior to the commencement of development, the applicant shall submit the following for the written agreement of the Planning Authority:

- A. A developed Construction & Demolition Waste Management Plan (C&DWMP) showing number of loads, haulage routes, times of works, etc..
- B. A Construction Traffic Management Plan
- C. An Operational Waste Management Plan

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

21. Hours of Operation for Outside Areas

The Outdoor Area and Covered Outdoor Area to the east of the Public House shall not be used after 10pm Monday – Sunday. Any alteration to the use of the outside area shall require a separate planning consent, with evidence to demonstrate measures to minimise the impact of noise disturbance on neighbouring properties.

REASON: In the interest of residential amenity.

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. Street Naming and Dwelling Numbering.

Prior to the commencement of any works on site the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:

- (i) A street naming and dwelling/unit numbering scheme, for the development as approved that is in accordance with the Planning Authority's policy and requirements for such schemes, along with associated proposed signage for the scheme.

The agreed number shall be placed on each house upon completion so as to be clearly legible from the proposed access road or the public realm, and the agreed street name in both Irish and English, or Irish only shall be erected at the beginning of each street in a manner to be clearly legible, and in accordance with Planning Authority's requirements.

The development name should:

- 1. Avoid any duplication within the county of existing names, and
- 2. Reflect the local and historical context of the approved development, and
- 3. Comply with;

(a) Development Plan policy, and

(b) The guidelines on naming and numbering of the Department of the Environment, Heritage and Local Government, and

(c) Have regard to the Guidelines issued by the Place Names Commission (An Coimisiún Logainmneacha) and

(d) Preferably make exclusive use of the Irish language.

Proposals for an apartment name and numbering scheme and associated signage shall be lodged with the Planning Authority prior to the date of any 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 applicant, developer, or owner is advised to consult with Naming and Numbering section of the Planning Authority in advance of lodging the required scheme.

REASON: In the interest of the proper planning and sustainable development of the area and compliance with the South Dublin County Council's Development Plan.

24. Council Housing Strategy.

The applicant, owner or developer, or any other person with an interest in the land to which the development as approved relates shall, prior to the lodgement of a commencement notice within the meaning of Part II of the Building Control Regulations 1997:

(i) enter into an agreement with the Housing Authority for compliance with the Part V of the Planning and Development Act 2000 (as amended) as referred to in the South Dublin County Council Development Plan 2022-2028, providing, in accordance with that section, for the matters referred to in paragraph (a) or (b) of subsection (3) of section 96, and

(ii) when the agreement with the Housing Authority for compliance with the Part V of the Planning and Development Act 2000 (as amended) is finalised to the satisfaction of the Housing Authority, a certified copy of the agreement shall be lodged with the Planning Authority.

REASON: To promote social integration consistent with policies/objectives of the Councils Housing Strategy as contained in the South Dublin County Council Development Plan 2022 - 2028.

25. 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.

26. Drainage - Irish Water.

(a) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.

(b) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

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.

27. Permission Required for Class 1 & 3 Exemptions.

Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001 as amended, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Part 1 of Schedule 2 of those

Regulations and any statutory provision replacing or amending them shall take place within the curtilage of the proposed development without a prior grant of planning permission.

REASON: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the dwelling, compliance with Development Plan policy, and in order to protect the residential amenity of the area.

28. Notification of Cranes

Prior to the commencement of development, the applicant shall engage with Casement Aerodrome to ensure that any crane operations do not impact on flight procedures. A minimum of 30 days prior notification of erection of cranes shall be provided to the Irish Aviation Authority and Department of Defence in this regard.

REASON: In the interests of aviation safety

29. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €189,964.50 (One Hundred and Eighty Nine Thousand, Nine Hundred and Sixty Four Euros and Fifty Cents), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Act 2000 (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.

30. Financial - Bond or Cash

Pursuant to this decision, no development shall be commenced until security for the provision, satisfactory completion and maintenance, to the taking in charge standard of South Dublin County Council (outlined in the Councils Taking in Charge Policy), of roads, open spaces, car parks, sewers, watermains, drains and other publicly accessible services required in connection with the development, has been given by:

(A) Lodgement of a cash deposit of €102,858.00 (One Hundred and Two Thousand, Eight Hundred and Fifty Eight Euros) (amount will be updated at the date of commencement of development in accordance with changes in the Tender Price Index), to be retained by South Dublin County Council and applied by South Dublin County Council at its absolute discretion, if roads, open spaces, car parks, sewers, watermains, drains and other publicly accessible services required in connection with the

development are not duly provided, completed and maintained to the taking in charge standard of South Dublin County Council (outlined in the Councils Taking in Charge Policy), or

(B) By lodgement with South Dublin County Council of an approved Insurance Company Bond or a Bond of any Body approved by the Planning Authority in the sum of €118, 300.00 (One Hundred and Eighteen Thousand, Three Hundred Euros) (amount will be updated at the date of commencement of development in accordance with changes in the Tender Price Index) which shall be kept in force until such time as the roads, open spaces, car parks, sewers, watermains, drains and other public services required in connection with the development are provided, completed and maintained to the taking in charge standard of South Dublin County Council (outlined in the Council's Taking in Charge Policy). The bond shall be coupled with an agreement empowering South Dublin County Council to apply such sum or part thereof of said bond to the satisfactory completion of publicly accessible services in the development.

REASON: To ensure that a ready sanction may be available to South Dublin County Council to induce the provision of public services and safeguard amenity in the development.

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.

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 **18-Apr-2023**
for **Senior Planner**

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