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

Decision Order Number: 0478	Date of Decision: 02-May-2023
Register Reference: SDZ22A/0010	Date: 03-Apr-2023

Applicant: Kelland Homes Ltd

Development: Kelland Homes Ltd. intends to apply for permission for development on a site area of 6.3Ha, on lands within the townland of Cappagh, Dublin 22. The proposed development is located west of the Ninth Lock Road, south of the Dublin-Cork railway line, north of Cappaghmore housing estate and Whitton Avenue, and east of an existing carpark / park & ride facility at the Clondalkin Fonthill train station and the R113 (Fonthill Road). The proposed development is located within the Clonburris Strategic Development Zone (SDZ), within the development areas of (i) Clonburris South East (i.e. CSE-S1 & CSE-S2) and (ii) part of Clonburris Urban Centre (i.e. CUC-54), as identified in the Clonburris SDZ Planning Scheme 2019. The proposed development consists of the construction of 294 no. dwellings, creche and retail / commercial unit, which are comprised of: 118 no. 2, 3 & 4 bed, 2 storey semi-detached and terraced houses, 104 no. 2 & 3 bfd duplex units accommodated in 10 no. 3 storey buildings, 72 no. 1 & 2 bedroom apartments in 2 no. 4 & 6 storey buildings, 1 no. 2 storey creche (c.520.2m²), 1 no. 2 storey retail /commercial unit (c.152.1m²). Access to the development will be via the permitted road network (under Ref. SDZ20A/0021) which provides access from the Ninth Lock Road to the east and the R113 (Fonthill Road) to the west. The proposed development will connect into the permitted Infrastructural works as approved under the Clonburris Strategic Development Zona Planning Scheme (2019) and permitted under Ref. SDZ20A/0021, with the proposed development connecting into the permitted surface water drainage attenuation systems i.e. 1 no. pond, 3 no. modular underground storage systems and 1 no. detention basin combined with modular

underground systems. The proposed wastewater infrastructure will connect into a permitted foul pumping station and pipe network within proposed road corridors to facilitate drainage connections to future wastewater drainage infrastructure within the adjoining SOZ lands (Including future Irish Water pumping station permitted under SDZ21A/0006). The proposed development also provides for all associated site development works above and below ground, public & communal open spaces, hard & soft landscaping and boundary treatments, surface car parking (401 no. spaces), bicycle parking (797 no. spaces), bin & bicycle storage, public lighting, plant (M&E), utility services & 4 no. ESB sub-stations. This application is being made in accordance with the Clonburris Strategic Development Zone Planning Scheme 2019 and relates to a proposed development within the Clonburris Strategic Development Planning Scheme Area, as defined by Statutory Instrument No. 604 of 2015.

Location: The proposed development is located west of the Ninth Lock Road, south of the Dublin-Cork railway, line, north of Cappaghmore housing estate and whitton Avenue, and east of an existing carpark/park, & ride facility at the Clondalkin, Fonthill train station

Floor Area:

Time extension(s) up to and including:

Additional Information Requested/Received: 29-Aug-2022/28-Nov-2022,
04-Jan-2023/03-Apr-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 the 28th of November 2022 and Clarification of Further Information received on the 3rd of April 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. Amendments.
Prior to the commencement of development the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:
Unless otherwise agreed revised plans that incorporate all of the following amendments-
 - (a) The reconfiguration/omission of House Nos. 127 to 142 (inclusive) and replacement with house/duplex types that increase the density of this area. The residential density shall be increased so that Clonburris South East Sub Sector 1 (CSE-S1) meets the Average Net Density - Low Margin (-5dph) outlined in Table 2.13.1 of the Clonburris SDZ Planning Scheme 2019. The applicant shall confirm the total no. of units.
 - (b) A revised design for Block K so that the 2 no. duplex units are omitted and replaced with commercial/retail floorspace.
 - (c) Revised boundary plan clearly showing the proposed boundary treatments for the scheme. The northern and eastern boundaries should be revised so that any boundary walls along these boundaries are no more than 1.0m in height. Planting and landscaping shall be reduced in height and/or provide for adequate passive surveillance.
 - (d) The bin storage areas shall include green roofs / walls, where feasible.REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.
3. 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.
4. Occupation subject to service connection.
No dwelling unit shall be occupied until all the services (drainage, water supply, electricity and or other energy supply, public lighting and roads) for each dwelling unit have been completed thereto and are operational.
REASON: In the interest of the proper planning and sustainable development of the area.
5. 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.

6. Council Housing Strategy.

That 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 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 2016-2022.

7. Management Company.

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

(i) A plan clearly identifying and dimensioning the external common areas of the development to be retained in private ownership by an owners' management company (OMC) under the Multi-Unit Developments Act 2011, or other acceptable legal entity

prior to the occupation of the [first residential unit], and this plan shall also clearly identify and dimension any areas of the approved development intended to be offered for taking in charge by the Council, and;

(ii) A detailed building lifecycle report which shall include an assessment of long term running and maintenance costs as they would apply on a per residential unit basis at the time of approval of the development, as well as demonstrating what measures have been specifically considered by the developer to effectively manage and minimise costs for the benefit of all potential residents.

The said external common areas of the development to be retained in private ownership indicated in the plan required shall not be taken in charge by the Council and shall instead be maintained in perpetuity by an Owners' Management Company set up for this purpose pursuant to the Companies Acts, 1963 as amended and the Multi-Unit Developments Act 2011.

B. Continued membership of an Owners' Management Company set up for this purpose pursuant to the Companies Acts, 1963 as amended and the Multi-Unit Developments Act 2011 shall be compulsory for all owners for the time being of property within the development.

C. No development shall take place under this permission until the applicant, owner or developer has lodged for the written agreement of the Planning Authority:

(i) A copy of the Certificate of Incorporation of the said Company responsible for the external common areas of the development to be retained in private ownership has been lodged with the Planning Authority in respect of the plan required above.

D. Any changes to the status or nature of the Owners' Management Company shall be notified to the Council forthwith.

E. The Owners' Management Company shall hold insurance for public liability risk at all times for all areas under its control or responsibility.

REASON: To ensure a proper standard of residential development and maintenance of the private areas within the development and compliance with the South Dublin County Council Development Plan.

8. Prevention of Spillage or Deposit of Debris on Adjoining Public Roads During Construction Works.

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

(i) a site specific plan making provision as set out below for the prevention of spillage or deposit of clay, rubble or other debris on adjoining public roads during the course of any construction works that fully complies with all of the requirements of the Council's Roads Maintenance, Traffic Management, and Waste Enforcement Sections as appropriate, The agreed plan shall provide for all of the following:

(a) The agreed number, location, type and use of suitable facilities for vehicle cleansing and wheel washing provided on site to contain all clay, rubble or other debris within the site prior to commencing of construction, such facilities to be maintained in a satisfactorily operational condition during all periods of construction.

(b) Location of all on-site car parking facilities provided for site workers during the course of all construction activity.

(c) Provision for dust suppression measures in periods of extended dry weather.

(d) Provision for the flexible use of a road sweeper if an acute situation on the adjoining public road requires it.

(e) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.

(f) Storage of construction materials is not permitted on any public road or footpath, unless agreed in writing with the Planning Authority, having regard to the prior reasonable justification and circumstances of any such storage.

REASON: In the interest of protecting the amenities of the area and in the interest of public safety and the sustainable maintenance of adjoining roads and footpaths.

9. Public Realm Facilities for Charging Electric Vehicles.

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

- (i) a revised site layout plan clearly setting out full details of the location of all proposed facilities and equipment in the public realm (whether to be offered for taking in charge or not) for charging electric vehicles, including details of the overall height, design, colour and all safety features of such equipment including isolation of power supply, and measures to provide for suitable pedestrian safety, along with completed Electrical designs to serve the development as approved prepared by competent electrical design consultants all of which have been agreed with the Council's Roads Section, and
- (ii) Agreed arrangements for the operation and management of such facilities for charging electric vehicles, along with:

All facilities for charging electric vehicles should be clearly marked as being designated for Electric Vehicle charging. Appropriate signage clearly indicating the presence of a Charge Point or Points should also be erected. All Charge Points fitted in publicly accessible areas should be capable of communicating usage data with the National Charge Point Management System and use the latest version of the Open Charge Point Protocol (OCCP). The facilities for charging electric vehicles should also support a user identification system such as Radio Frequency Identification (RFID).

REASON: In the interests of the proper planning and sustainable development of the area, to provide for improved urban air quality, reduced noise pollution and to support the transition to a low carbon future.

10. Construction Consultation and Local Liaison

(a) Prior to the commencement of development, the applicant/owner shall submit the following to the Planning Authority:

(i) the names, job functions and phone numbers (both fixed line and mobile numbers) of all key personnel for the construction of the development as approved. Subsequently all changes in these personnel or particulars in the course of construction must also be notified to the Council as soon as they occur.

(b) The applicant/owner or developer shall provide occupiers of noise sensitive properties within 100 metres of agreed construction access points to the development as approved with appropriate contact details which may be used in the event that any such person wishes to inform the operator of any incident that could give rise to a disruptive aspect of construction activity, or otherwise to make an observation in respect of an aspect of construction activity.

(c) A public notice shall be erected and maintained at the agreed construction access points. This notice shall contain the name of the operating company and contact details, including out of hours contact, which may be used in the event that any person wishes to

contact the operator in respect of any disruptive aspect of construction activity.

REASON: In the interests of amenity, public health and safety, the avoidance of unnecessary disruptive aspect of construction activity and the proper planning and sustainable development of the area.

11. 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.

12. Irish Water Connection Agreement.

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

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

13. Restriction on Use and Occupancy.

Each proposed residential unit shall be used and occupied as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes, without a specific grant of planning permission for same (including short-term letting).

REASON: To prevent unauthorised development.

14. Materials and Finishes

Prior to the commencement of development the applicant/developer shall submit materials and finishes of the development for the written agreement of the Planning Authority.

REASON: in the interests of visual amenity.

15. Commercial/Retail Units

a) Details of the intended use and occupier of each individual commercial/retail unit in Blocks A and K (whether retail, retail services, café / restaurant or other commercial) shall be agreed in writing with the Planning Authority prior to occupation in order to ensure an appropriate range of uses in the Clonburris Urban Centre.

(b) The permitted commercial/retail units in Blocks A and K shall not be subdivided and / or amalgamated unless revised plans are submitted to the Planning Authority and are agreed in writing prior to the first occupation of each unit.

(c) In any case, no permitted unit shall be subdivided to form more than 2 no. units, and no more than 2 no. permitted units shall be amalgamated without the benefit of a separate planning permission.

(d) Where units are amalgamated or subdivided in accordance with (b) above, the applicant shall submit details of any proposed alterations to the shopfronts where doors are being inserted or removed for the written agreement of the Planning Authority.

REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.

16. Roads

Prior to the commencement of development the applicant/developer shall submit, for the written agreement of the Planning Authority, following consultation with the Roads Department where necessary, the following, unless otherwise agreed:

(a) A revised design and layout for the westernmost local street in CUC-S4 which currently has perpendicular parking on both sides of the street. The street shall conform to the planning scheme providing perpendicular parking opposite any parallel parking for local streets.

(b) A revised design and layout for the proposed southern walkway to the canal corridor that aligns with the layout permitted under Reg. Ref. SDZ21A/0006.

(c) A revised scheme demonstrating that all pedestrian and cycle routes shall be designed to be safe and accessible in accordance with DMURS, Building Regulations and the NTA's National Cycle Manual (2011). Footpaths provided with width corresponding to expected footfall and activity. Footpaths must be a minimum 2 metres in width.

(d) All items and areas for taking in charge shall be undertaken to a taking in charge standard (Appendix 6 of the SDCC Taking in Charge standards). Prior to development the applicant shall submit construction details of all items to be taken in charge. No development shall take place until these items have been agreed.

(e) A Construction Traffic Management Plan. The agreed plan, along with the written agreement of the roads department shall be lodged to the planning file. The written commitment of the developer to implement the agreed plan shall also be lodged to the file.

(f) A public lighting scheme.

(g) Details of the intimate local street/homezone including no on curtilage car parking spaces. Road sections of this street shall be submitted for approval.

(h) A plan showing identifying the car parking spaces in the scheme, differentiating on street and on curtilage car parking spaces.

REASON: In the interest of road, pedestrian and cyclist safety, residential amenity and compliance with Clonburris SDZ Planning Scheme.

17. Whitton Avenue

Prior to the commencement of development the applicant/developer shall submit for the written agreement of the Planning Authority, revised plans/drawings for the end of the street adjacent to Whitton Avenue showing the layout that will be in place prior to the connection to Whitton Avenue being facilitated on the adjacent lands. Unless otherwise agreed, the plans/drawings shall include:

(a) The omission of car parking spaces number 25 to 28 (inclusive) and provision for turning at the end of the street (site boundary) for vehicles including a refuse collection vehicle.

(b) A swept path analysis (Autotrack or similar) to demonstrate turning movements.

(c) The plans shall provide for green infrastructure/landscaping to improve the link between the southern hedgerow and the central north-south hedgerow.

(d) No ransom strip shall be left between the end of the street and the site boundary.

REASON: In the interests of facilitating a connection to Whitton Avenue and to comply with the Clonburris SDZ Planning Scheme 2019.

18. Environmental Health

1. The houses and apartments of this development are constructed, as appropriate, using the Glazing and Ventilation specified in the Acoustic Design Statement they have submitted, to ensure the required noise mitigation and minimise the potential for adverse effects to the occupants. It must be ensured that these mitigation measures include all relevant noise sensitive properties, where the proximity to the adjacent rail line may have adverse effects on the occupants of the properties.
2. No heavy / noisy construction equipment or machinery (to include pneumatic drills, construction vehicles, generators, etc) shall be operated on or adjacent to the construction site before 07:00 hours on weekdays and 09:00 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.
3. Noise levels arising from construction activities shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give rise to a noise nuisance affecting a person in any premises in the neighbourhood.
4. During the construction 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.
5. A suitable location for the storage of refuse shall be provided during the construction and operational phase of the development so as to prevent a public health nuisance.
6. Noise due to the normal operation of the proposed development, expressed as Laeq over 15 minutes at the façade of a noise sensitive location, shall not exceed the daytime background level by more than 10 dB(A).
7. Clearly audible or impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of the noise level.
8. Signage or lighting to be used on site during the construction of the development must not be intrusive to any light sensitive location including residential properties in close proximity to the development.
9. The applicant shall ensure that the development shall be operated so that there will be no emissions of malodours, gas, dust, fumes or other deleterious materials on site as would give reasonable cause for annoyance to any person in any residence, adjoining unit or public place in the vicinity.

REASON: In the interests of environmental health.

19. Aviation.

Given the proximity to Casement Aerodrome, operation of cranes shall be coordinated with Air Corps Air Traffic Services, no later than 28 days before use, contactable at airspaceandobstacles@defenceforces.ie or 01-4037681

Due to the proximity to Casement Aerodrome, the developer shall implement adequate bird control measures during the construction phase to mitigate the effects of birds on Air Corps flight operations.

Given the proximity to Casement Aerodrome this area may be subject to a high level of noise from aircraft operating in the vicinity of the aerodrome.

Given the proximity of the development to Casement Aerodrome, should negative effects become apparent on air or ATC operations as a result of the photovoltaic cells, then the owner shall take measures necessary to mitigate these effects to an acceptable level, without delay.

REASON: In the interests of aviation safety and protecting the amenities of the area.

20. Phasing.

Prior to the commencement of development the applicant/developer shall submit for the written agreement of the Planning Authority a detailed phasing programme for the approved development that fully accords with the requirements of the Planning Authority.

REASON: To ensure the orderly implementation and proper planning and sustainable development.

21. SDZ Phasing.

Prior to the commencement of development, or as otherwise agreed in writing with the Planning Authority, the developer/landowner shall submit the following for written agreement of the Planning Authority;

(a) The total no. of units permitted and the designation of these units to a phase(s) of the Planning Scheme,

(b) Subject to (a), occupation of units cannot proceed until the minimum delivery in the relevant preceding phase as per Table 4.3 Phasing Table (or as otherwise amended by the Development Agency) in the Planning Scheme is agreed in writing by the Planning Authority as delivered or otherwise agreed in writing with the Planning Authority having regard to the Planning Scheme.

(c) The designation in part a) shall provide cumulative details for the occupied units in the SDZ per Phase including written agreement of relevant landowners in the SDZ or landowner representative to the designation proposed;

REASON: To ensure the orderly implementation and proper planning and sustainable development of the Planning Scheme for Clonburris.

22. Signage.

Prior to the commencement of development the applicant/developer shall submit for the written agreement of the Planning Authority details of all external signage including in the public realm, and relating to the creche and commercial/retail units.

REASON: In the interest of the amenities of the area/visual amenity.

23. Construction Environmental Management Plan

Prior to the commencement of development, the applicant/developer shall submit a site-specific Construction Environmental Management Plan (CEMP) for the written agreement of the Planning Authority. The CEMP should detail and ensure Best Construction Practices including measures to prevent and control the introduction of pollutants and deleterious matter to surface water and measures to minimise the generation of sediment and silt. Details around storage of construction materials, dust suppression and construction-related fuel and oil and roofed bunds that exclude rainwater shall be included. The developer must take precautions to ensure there is no entry of solids, during the connection of pipework, or at any stage to the existing surface water system. The CEMP should provide for the assignment of a designated, suitably experienced, and person during the construction phase, to monitor and ensure all environmental mitigation measures are implemented and functioning correctly and related record of checks shall be maintained and made available for inspection.

REASON: In the interests of good water quality and the proper planning and sustainable development of the area.

24. Green Infrastructure

Prior to the commencement of development, the applicant shall agree and submit redesigned proposals with the Planning Authority that demonstrate unless otherwise agreed:

- i. A Strategic Green Corridor along the northern boundary of the site adjacent to the Dublin-Cork Railway including natural SUDs and planting along length of boundary (planting options might include Miyawaki style).
- ii. A Local Green Corridor approximately N-S along the eastern boundary incorporating nature based SuDS and planting along length of boundary.
- iii. A Local Green Corridor approximately N-S and E-W along the westernmost local street south of Clonburris Link Street incorporating nature based SuDS: such as bioretention raingardens and additional planting.
- iv. A Local Green Corridor approximately N-S through the centre of the development increasing the tree planting and providing above ground SUDS.
- v. Retention of trees and hedgerow along southern boundary as shown in SDZ. Where hedgerow was removed this is to be replaced with fast growing planting, such as Miyawaki-style planting. No tree works/removals or pruning to take place prior to a site meeting with Public Realm to agree extent of works. No works to take place within the root protection zone/drip line of trees. An area of Public Open Space is required between the hedgerow and the development to allow proper setback for residential amenity and to allow for the Taking in Charge and maintenance of the trees and hedgerow in the future (space for tractor and flail required- minimum space required 6m from base of hedgerow). This should involve either changing the house/dwelling-unit type or omitting House Nos. 01, 25, 26 and 46. The ESB substation adjacent to the southern hedgerow shall be moved elsewhere in the scheme.

REASON: In the interests of adequate Green Infrastructure provision in accordance with the Clonburris SDZ Planning Scheme.

25. Street Trees

Prior to the commencement of any works on site, the applicant, owner or developer shall have lodged with the Planning Authority for written agreement, landscape proposals that demonstrate the following or as otherwise agreed in writing with the Planning Authority:

- a. Street trees required at the following locations: Outside house numbers: 192, 194, 196, 200, 202, 203, 190, 191, 189, 188, 187, 185, 183, 181, 179, 177, 175, 174, 172, 125, 126, 127, 129, 131, 133, 135, 137, 139, 140, 142, 107, 109, 111, 113, 115, 117, 119, 121, 122, 124, 123, 92, 90, 89, 87, 85, 83, 82, To enable the tree to be in the street the footpath should be moved to the inside, (i.e. car parking and tree on the street edge).
- b. Additional street trees required to address the gap in street tree provision along the Local Green Corridor connecting the canal to the urban plaza. Enhanced planting shall be provided by additional street trees, planted swales or small scale SuDS as appropriate to create a Local Green Corridor along this street. The applicant is referred to the Clonburris SDZ Planning Scheme 2019, Clonburris SDZ Parks and Landscape Strategy and DMURS (2019) for guidance on street tree provision and appropriate design layouts for local streets and homezones.

All Street Trees planted within the Public Realm shall have suitable tree pits that incorporates SuDS features including sufficient growing medium. Street Trees to be planted at: • Minimum 18-20m girth along local streets • Minimum 16-18cm girth on

intimate local roads, i.e. homezones.

Landscape masterplan/planting plan to clearly delineate street lighting to ensure street tree proposals are realistic. If this is not currently the case, proposals to be revised to ensure street tree delivery.

REASON: In the interests of adequate Green Infrastructure provision in accordance with the Planning Scheme.

26. Landscape Plan

Prior to the commencement of development, a revised detailed landscape plan, to be agreed with the Planning Authority, with full works specification, that accords with the specifications and requirements of Council.

Unless otherwise agreed, the revised Landscape Proposals shall incorporate:

- i. Revised design for plaza incorporating Green Infrastructure and natural SUDS.
- ii. Revised design of Public Open Space with detention ponds to incorporate shelves and planting.
- iii. Revised open space and play design on open space in east of site, north of link road.
- iv. Revised play design at central open space.
- v. Open space areas along all roads to incorporate natural Suds for attenuation, water treatment, amenity and biodiversity purposes as outlined in SDZ. Details of all natural SuDS features including swales, rain gardens, bioretention tree pits, channel rills, filter strips, ponds, detention basins with lower areas allowed to fill first (low flow channels), wetlands etc. to be agreed with Public Realm
- vi. All hard and soft landscape details; including levels, sections and elevations
- vii. A fully detailed Planting Plan clearly setting out the Location of species types, schedule of plants noting species, planting sizes and proposed numbers/densities where appropriate. Parkland/Open Space tree planting to include a range of semi-mature specimens that are a minimum of 20-25cmg and specimen ornamental trees to include trees that are 30-35 cmg.
- viii. Ornamental wildflower mixes should not be used. Agree wildflower planting with Public Realm.
- ix. Tree and hedgerow protection measures: show extent and position of tree and hedgerow protection fences
- x. Planting plan required for ponds including planted shelves to ensure safety of residents and amenity and biodiversity value.
- xi. Paths directing users into attenuation ponds to be fully accessible – cross sections and levels required.
- xii. Grassed areas and slopes need to provide for safe grass cutting (generally 1 in 8 slope, max 1 in 6) with ride on lawn mowers or tractor with a 16 foot mower pulled behind.
- xiii. Native species shall be used for formal hedging proposed within Clonburris SDZ e.g., residential. Suitable species include hazel *Corylus avellana*, wild privet *Ligustrum vulgare*, guelder rose *Viburnum opulus* and yew *Taxus baccata*.
- xiv. Paths to be concrete or tarmac throughout the development.
- xv. Details of all play items and natural play features to be provided and agreed with SDCC Public Realm Section. All play areas must be universally accessible.

REASON: In the interest of amenity, compliance with Clonburris SDZ Planning Scheme, Parks and Landscape Strategy, Biodiversity Management Plan, SDCC Development Plan Policy; the provision, establishment and maintenance of a reasonable standard of landscape; and proper planning and sustainable development of the area.

27. Regulation of Institutional Investment in Housing - Mixed unit-type development.

(a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000 (as amended), that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

REASON: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

28. Cash Deposit/Bond

Prior to the commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the Planning Authority and the developer or, in default of agreement, shall be referred to An Bord Pleanala for determination.

REASON: To ensure the satisfactory completion and maintenance of the development until taken in charge.

29. Financial Contribution

The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting in 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 Contribution Scheme made under section 48 of the Planning and

Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the Planning Authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the Planning Authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

REASON: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Contribution Scheme made under section 48 of the Act be applied to the permission.

30. Kildare Route Financial Contribution

The developer shall pay to the Planning Authority a supplementary development contribution pursuant to the provisions of Section 49 Planning & Development Act 2000, as amended, towards the expenditure incurred in the provision of the Kildare Route Project which facilitates this development. The contribution shall be paid prior to commencement of development or in such phased payments as the Planning Authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the Planning Authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a Supplementary Contribution be made in respect of the upgrade of the Irish Rail, Kildare Route Project.

31. Mitigation Measures.

All mitigation measures set out in the documentation submitted in support of the application, including in particular those set out in the Archaeological Assessment, Energy Statement and Building Life Cycle Report shall be implemented in full.

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

32. Prior to the commencement of development, the developer or any agent acting on its behalf shall prepare a Construction and Demolition Resource Waste Management Plan (RWMP) as set out in the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of proper planning and sustainable 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.

NOTE: The applicant/developer is advised that the most up to date South Dublin County Council Taking in Charge Policy and associated documents can be found at the following location <https://www.sdcc.ie/en/services/planning/commencement-and-completion/completion/taking-in-charge-policy-standards>.

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

05-May-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