

South Dublin County Council,
Planning Department,
County Hall,
Tallaght,
Dublin 24.
D24 YNN5

E: planningdept@sdblincoco.ie

Date: 18th April 2023
JSA Ref.: PT 18145

Dear Sir/Madam,

RE: DETAILS OF COMPLIANCE WITH CONDITIONS NO. 2(B) AND NO. 3 OF THE PERMITTED WAREHOUSING / LOGISTICS, OFFICE AND CAFÉ / RESTAURANT DEVELOPMENT AT CALMOUNT ROAD AND BALLYMOUNT AVENUE, BALLYMOUNT INDUSTRIAL ESTATE, DUBLIN 12

SDCC REG. REF.: SD22A/0099

CONDITION NO. 2(B) AND CONDITION NO. 3- TRANSPORT / NTA

Introduction

On behalf of the applicant, Blackwin Limited, The Herbert Building, The Park, Carrickmines, Dublin 18, we hereby wish to submit a compliance submission in respect to Condition No. 2(b) and Condition No. 3 of Reg. Ref.: SD22A/009 for which the final grant of permission by the Planning Authority is dated the 3rd of February 2023.

The subject permission relates to *inter alia* the construction of five no. warehouse/logistics units, 3 no. own door office buildings, a café unit, and all associated development.

This submission, as outlined below, relates to Condition No. 2(b) and Condition No. 3 and is submitted in soft copy format only.

A summary response to each condition is provided below with reference to accompanying Cover Letter and drawing no. 210175-DBFL-TR-SP-DR-C-1026 prepared by DBFL Consulting Engineers.

Condition 2(b) reads as follows:

"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:

Managing Director: John P. Spain
Executive Directors: Paul Turley | Rory Kunz | Stephen Blair | Blaine Cregan
Senior Associate Directors: Luke Wymer | Meadhbh Nolan | Kate Kerrigan
Associate Directors: Ian Livingstone | Tiarna Devlin
John Spain Associates Ltd. trading as John Spain Associates. Directors: J. Spain, S. Spain.
Registered in Ireland No. 396306. Registered Office: 39, Fitzwilliam Place, Dublin 2 D02 ND61. VAT No. IE 6416306U

Revised plans that incorporate all of the following amendments-

(b) A temporary cycle track linking the proposed cycle track on the eastern arm of Calmount Road to the existing cycle track on the northern arm of Ballymount Avenue. This section of cycle track should be designed and built to National Cycle Manual standards. On commencement of the Bus Connects junction upgrade, the cycle track shall be re-aligned to the NTA design and landscaped where necessary.

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

Response to Condition No. 2(b)

In response to the foregoing condition, we refer to the Cover Letter and accompany drawing no. 210175-DBFL-TR-SP-DR-C-1026 prepared by DBFL Consulting Engineers which demonstrates the temporary cycle track infrastructure linking the western arm of Calmount Road to the existing cycle track on the northern arm of Ballymount Avenue.

Whilst Condition No. 2(b) refers to providing a temporary cycle track linking the 'eastern' arm of Calmount Road the reference to eastern is considered to be an error, as it is clear from the Planner's Report's that the comments raised throughout the application (i.e. as part of the FI Request and the CFI Request) related to the proposed cycle link to the south east corner of the application site, in respect of the western arm of Calmount Road. Therefore, the proposals for the temporary cycle track relate to linking the proposed cycle track on the western arm of Calmount Road (i.e. not the eastern arm as referenced in the condition) to the existing cycle track on the northern arm of Ballymount Avenue.

DBFL Consulting Engineers confirm that the additional off-site infrastructure works providing the cycle track have been design having regard to the National Cycle Manual standings. The infrastructure will be temporary in nature and the works will be implemented by the applicant and remain in place until such time in the future that they are replaced by the works associated with the NTA's Greenhills / Clondalkin to City Centre Core Bus Corridor works at the adjoining Calmount Rd / Ballymount Ave junction. As of the 17th of April 2023, the NTA have yet to submit the planning application for these Core Bus Corridor works to An Bord Pleanála (ABP). In January 2023, the NTA confirmed to DBFL Consulting Engineers that it remains an aspiration to submit its planning application for the Greenhills / Clondalkin to City Centre CBC scheme to ABP in March / April 2023.

Until such time that the NTA CBC scheme works are constructed, the requested temporary bicycle infrastructure will provide a continuous cycle connection along the two key travel desire lines as required by SDCC.

Condition No. 3 reads as follows:

“3. Amendments.

Prior to the commencement of development the applicant, owner or developer shall liaise with the Planning Authority and the NTA to determine whether there have been any revisions to the bus connects proposal. Where relevant, prior to the commencement, the applicant shall submit revised plans incorporating these changes to the Planning Authority.

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

Response to Condition No. 3

In response to the foregoing condition, we refer to the Cover Letter prepared by DBFL Consulting Engineers which confirms that the applicant has liaised with the NTA's Bus Connects' Manager with the objective of establishing the status of the Core Bus Corridor (CBC) works. Subsequently, the NTA confirmed on the 18th January 2023 that it is their aspiration to submit the Greenhills/Clondalkin to City Centre CBC schemes planning application to An Bord Pleanála in March/April 2023, and the NTA could not advise at this stage on the estimated duration of the planning process nor when construction of these specific CBC works may commence.

DBFL Consulting Engineers understand that the BusConnect proposals issued by the NTA in November 2022 remain the most up to date proposals. It was confirmed as part of the CFI Response, that the proposals are consistent with the NTA's Greenhills/Clondalkin to City Centre Core Bus Corridor scheme (with the exception of the cycle link, as addressed under Condition 2(b) above). Therefore, no revised plans are required in this regard. Nonetheless, DBFL Consulting Engineers encourage the planning authority to also liaise with the NTA if required, should the Planning Authority require further confirmation that there have been no changes incorporated in this immediate area, and that the NTA scheme layout as of November 2022 remains valid, as detailed in the permitted development.

Conclusion

We would be grateful if you could review the attached documentation and issue a letter of confirmation that the proposal complies with the requirements of Condition No. 2(b) and Condition No. 3.

Under Section 34(5)(a)(i-ii) and Section 34(5)(b) of the Planning and Development Act, 2000, as amended, we note that planning authorities have 8 weeks (or such longer period as may have been agreed in writing with the applicant) to agree planning compliance submissions on points of detail. Where the provisions of section 34(5)(a) do not occur within 8 weeks or such longer period that may have been agreed, then in accordance with section 34(5)(b), the authority shall be deemed to have agreed the points of detail as so submitted.

Thus, we trust that the Planning Authority will review the documentation submitted within the timeframes provided.

Please do not hesitate to contact us if you require any additional information or clarification in respect to the above.

Yours sincerely,



John Spain Associates