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

Decision Order Number:	0785	Date of Decision:	07-Jul-2023
Register Reference:	SD22A/0428	Date:	12-Jun-2023

Applicant: De La Salle Limited

Development: Permission for a development previously granted (and now lapsed) under Reg. SD07A/0367 & SD16A/0338; Warehousing Block B4 (11.55m high) divided into 8 units totalling 3, 484sq.m including 720sq.m ancillary offices / staff facilities on two floors and 2, 764sq.m warehousing area; Completion of ancillary carparking adjacent to the subject block and throughout the overall site, services, utilities, landscaping (including new flood mitigation berm to the northeast & southeast of the subject block), drainage works including additional surface water attenuation system plus all site development works.

Location: Block B4, Site B, Aerodrome Business Park, Collegeland, Rathcoole, Co. Dublin

Floor Area:

Time extension(s) up to and including:

Additional Information Requested/Received: 12-Jan-2023 /12-Jun-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 12/06/2023, 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. Landscape Plans
The proposed landscaping scheme shown on the Landscape Masterplan and Planting Plan (Dwg. No. KHI-JBAI-XX-XX-DR-L-0001) prepared by JBA Consulting shall be implemented in full, within the first planting season following completion of the development, in addition:
 - a) All hard and soft landscape works shall be completed in full accordance with the submitted plans.
 - b) All trees, shrubs and hedge plants supplied shall comply with the requirements of BS: 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of BS : 4428 (1989) Code of Practice for General Landscape Operations (excluding hard surfaces).
 - c) All new tree plantings shall be positioned in accordance with the requirements of Table 3 of BS 5837: 2012. Trees in Relation to Design, Demolition and Construction – Recommendations.
 - d) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within three years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.
 - e) The height of proposed berms/mounding shall be increased and proposed boundary planting bulked up in order to reduce the visual impact of the proposed development.

REASON: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area, improve amenity and reduce the visual impact of the development, in accordance with the policies and objectives contained within the CDP 2022-2028.

3. Sustainable Urban Drainage Systems (SuDS)

Prior to the commencement of development, the applicant shall provide revised plans demonstrating additional natural SUDS features as part of proposed drainage system for the development such as detention basins, filter drains, swales etc. in order to remove the need for underground attenuation. In addition, the applicant shall demonstrate the treatment train, biodiversity value and amenity value of the SUDS proposed.

As per Section 12.11 (iii) of CDP 2022-2028 only in exceptional cases and at the discretion of the Planning Authority, where it is demonstrated that SuDS devices are not feasible, approval may be given to install underground attenuation tanks or enlarged pipes in conjunction with other devices to achieve the required water quality. Such alternative measures will only be considered as a last resort. The development should seek to maximise the use of permeable surfaces, as well as opportunities for stormwater attenuation and storage through SuDS and limit the use of underground attenuation and storage. The applicant shall submit a revised drawing in plan and cross-sectional view showing additional SuDS which removes the requirement for underground attenuation tanks such as:

- Green / Blue Roofs
- Swales
- Green areas
- Permeable Paving
- Tree Pits
- Pond/s

The applicant must demonstrate on a drawing the surface water attenuation capacity in m³ for each SuDS system.

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 the policies and objectives of the County Development Plan 2022-2028.

4. SUDS Management Plan

Prior to the commencement of development, a comprehensive SUDS Management Plan shall be submitted, for the written agreement of the Planning Authority. The SUDS Management Plan shall demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan shall also be included as a demonstration of how the system will function following implementation.

REASON: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with relevant policies and objectives contained within the CDP 2022-2028.

5. Green Space Factor (GSF)

Prior to the commencement of development, the applicant shall demonstrate how they will achieve a GSF score of 0.5. The applicant shall engage with Public Realm Section in order to discuss and agree appropriate greening and GI interventions in order to make up the shortfall. Additional measures that should be considered for incorporation into the landscape design proposals in order to enhance the Green Space Factor, biodiversity and ecology values of the site include the following:

- Additional Open Space and Street Trees Planting: Street trees proposed should include SUDS features and provide bioretention and bio attenuation.
 - Miyawaki/Mini woodland Style Planting: Consideration could be given to the inclusion of Mini-woodland Style Planting – inclusion of mini woodland style planting contributes to GSF (SDCC CDP 2022-28 Policy GI5 Objective 4) and Climate Action / Tree management Strategy (SDCC CDP 2022-28 Policy GI5 Objective 3)
 - Use of native and pollinator friendly planting – perennial planting and pollinator friendly bulb planting
 - Tree & Plant Quantities: Increases in tree numbers and planted areas wherever possible through increases in planting density.
 - Specification enhancements with regard to biodiversity and native plants should be included in the detailed design for the site.
 - Inclusion of Bird & Bat Boxes
 - Use of Wildflower Seed Mixes that are of native provenance.
 - Improvements in the SuDS Design - applicant should seek to implement additional opportunities for bioretention and bio-attenuation, inclusion of green roofs, swales, suds trees pits etc. Any proposed swales should include check dams to improve bio-retention and should be detailed to maximise rooting space for planting. Applicant should refer to SDCC's SuDS Explanatory, Design & Evaluation Guide, which is available on below link: [sdcc-sustainable-drainage-explanatory-design-and-evaluation-guide.pdf](#)
- 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 of the CDP 2022-2028

6. Irish Water Watermain

Prior to the commencement of development, the applicant shall submit a drawing showing the distance between proposed development and the outside diameter of existing 400mm diameter watermain south east of site. This drawing must be agreed with the Planning Authority and must show all relevant infrastructure in the area to allow for accurate assessment.

REASON: In the interest of public health and to ensure protection of water facilities

7. Electric Vehicle Charging

EV charging shall be provided and shall comprise a minimum of 20% of the total parking spaces provided. The remainder of the parking spaces shall be constructed to be capable of accommodating future charging points as outlined in SDCC CDP section 12.7.5.

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

8. Irish Water – Feasibility and Connection Agreements
Prior to the commencement of development, the applicant shall submit the following for agreement with the Planning Authority:
 - A. A confirmation letter of feasibility from Irish Water to water services in SDCC.
 - B. Water / wastewater connection agreement(s) with Irish Water.REASON: In the interest of public health and to ensure adequate water facilities.
9. Construction Traffic Management Plan
Prior to commencement of development, the applicant shall submit the Construction Traffic Management Plan for the written agreement of the Planning Authority.
REASON: In the interest of proper planning and sustainable development.
10. Construction and Demolition Resource Waste Management Plan
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.
11. Mobility Management Plan and Public Lighting.
 - a) A Mobility Management Plan is to be completed within six months of opening of the proposed development. The Mobility Management Plan shall be submitted for the written agreement of the Planning
 - b) Prior to commencement of development a Public Lighting Design for the development shall be submitted to the South Dublin County Council Lighting Department for written agreement.REASON: In the interest of proper planning and sustainable development and sustainable transport.
12. Environmental Health.
 - A. 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.
 - B. 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.
 - C. During the construction / demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances.

- D. 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).
 - E. Any connections to the main sewer must be connected so as not to give rise to a public health nuisance.
 - F. Generators and high duty compressors shall be provided with localised barriers or acoustic enclosures as appropriate.
 - G. Noisy plant shall be sited away from sensitive properties as far as practicable.
 - H. All rooms, passageways, sanitary accommodation, and lobbies shall be ventilated to the outer air. Provision of adequate ventilation shall be provided throughout the proposed development:
 - a. In the case of natural ventilation, openings to the external air equivalent to a minimum of 5% of the floor area must be provided
 - b. Otherwise, mechanical ventilation capable of achieving the following air changes per hour:
 - i. stores 3 air changes per hour
 - ii. entrance halls/corridors 3-5 air changes per hr
 - iii. staff areas 4-8 air changes per hour
 - iv. WC's 3 air changes per hour
 - v. WC lobbies 2 air changes per hour
 - vi. Offices 4-6 air changes per hr
 - I. Signage or lighting to be used on site during both construction and the on-going operation of the development must not be intrusive to any light sensitive location including residential properties in close proximity to the development.
 - J. Clearly audible or impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of the noise level.
 - K. 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.
 - L. The applicant shall put in place a pest control contract for the site for the duration of the construction works.
- REASON: in the interests of proper planning and sustainable development.

13. Signage.

No advertising sign(s) or structure(s) (including any signs installed to be visible through windows), banners, canopies, flags, or other projecting elements shall be erected except those, which are exempted development, without the prior approval of the Planning Authority or An Bord Pleanála on appeal.

REASON: In the interest of visual amenity, compliance with development plan policies and the proper planning and sustainable development of the area.

14. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €392, 193.88 (Three Hundred and Ninety-Two Thousand, One Hundred and Ninety-Three Euros and Eighty Eight 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.

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**

07-Jul-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