

HW Planning
5, Joyce House
Barrack Square
Ballincollig
Co. Cork

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

Decision Order Number:	0805	Date of Decision:	11-Jul-2023
Register Reference:	SD22A/0401	Date:	14-Jun-2023

Applicant: Emmaville Limited

Development: Demolition of the 4 existing shed structures on site within the curtilage of the protected structure; Retention and conversion of Scholarstown House (Protected Structure) into two residential units comprised of 1 two bed and 1 three bed units served by private open space in the form of ground floor terrace; The proposed works to Scholarstown House include but are not limited to internal re-configuration; Re-location of the staircase to its original location within the house; Removal of non-original features including the closing up of non-original openings; Creation of a new door opening within the existing alcove, and the blocking up of a window opening both located on the northern elevation; Construction of an apartment block ranging in height from 3 to 5 storeys containing 74 apartment units comprised of 32 one bed apartments, 33 two bed apartments, and 9 three bed apartments all served by private open space in the form of balconies and/or ground floor terraces; The proposed development also includes 100sq.m of residential amenities and facilities consisting of but not limited to a reception, communal amenity room and parcel room; The development will be served by a total of 40 car parking spaces and 183 cycle parking spaces accessed via a new pedestrian and vehicular access off Orlagh Grove with the existing entrances on Scholarstown Road and Orlagh Grove being re-configured to provide for pedestrian and cycle access; All ancillary development works required to facilitate the development including but not limited to, plant rooms, a substation, bin stores, landscaping, boundary treatments and lighting; The proposed development comprises the carrying out of works to a protected structure: Scholarstown House (RPS Ref: 322).

Location: Scholarstown House, Scholarstown Road, Dublin 16

Floor Area:

Time extension(s) up to and including:

Additional Information Requested/Received: 15-Dec-2022/08-May-2023,

Clarification of Additional Information Requested/Received: 31-May-2023 /14-Jun-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 the 8th of May 2023 and Clarification of Further Information received on the 14th of June 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:
Revised plans that incorporate all of the following amendments unless otherwise agreed-
 - (a) Screening to the relevant balconies to mitigate overlooking of Scholarstown House.
 - (b) Apartment Nos. 0206, 0207, 0306 and 0307 reconfigured so that the opaque windows on the southern elevation are to non-habitable rooms only (i.e., bathrooms).
 - (c) Glazed balustrades proposed on balconies and terraces replaced with metal railings in the interest of visual amenity.

(d) Apartment Nos. 0008 and 0009 moved and/or reduced in size (and possibly the apartments above) to provide for a larger privacy strip along the front (south-east) of the terraces. Sufficient space shall be provided for planting.

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

3. Architectural Conservation

Prior to the commencement of development the applicant/developer shall submit for the written agreement of the Planning Authority, following consultation with South Dublin County Council's Architectural Conservation Officer if necessary, the following:

(a) The proposed development shall be carried out in accordance with the details and particulars provided in the Method Statement and Schedule of Works (Submitted in response to Response to Further Information (RFI)) as part of an overall Conservation Strategy which shall include any necessary repairs and maintenance work. Works shall be carried out adhering to best conservation practice and principles.

(b) A suitably qualified Conservation Architect or Conservation Professional with proven expertise and experience in the area of Architectural Conservation shall continue to be engaged to supervise and oversee the proposed works to the existing Protected Structure (Scholarstown House, RPS Ref. 322), ensuring that all conditions relating to the architectural conservation and status of the existing building are addressed and submitted for agreement with the Councils Architectural Conservation Officer as set out below. South Dublin County Councils Architectural Conservation Officer shall be informed when works commenced and shall be provided with a final Work Programme in order to facilitate site inspections.

(c) The proposed works including refurbishment, repairs and interventions to the Protected Structure (Scholarstown House, RPS Ref. 322) shall be carried out in accordance with the particulars as detailed in the Method Statement and Schedule of Works submitted as part of the formal response to RFI. All works shall be carried out in accordance with good conservation practice and principles ensuring minimal intervention and no damage or risk to the original built fabric.

- Those areas being affected by new opes or widening of new opes/interventions or new additions shall be made good using the appropriate materials and methods.

- A maintenance programme shall be submitted detailing on-going maintenance in highlighting areas of repair and maintenance to include roof, roof valley and rainwater goods. Long-term access to the roof/valley shall be considered and detailed in the compliance with this condition.

(d) Safety measures shall be put in place during the proposed works on site. A Safety Statement shall be provided detailing how the existing structures will be protected during demolition works and site clearance/excavation and construction. Details shall include how the Protected Structure and original architectural features and fixtures will be protected during works. Details shall also be included as to how the site will be accessed during the works and location of site set up etc.

A safety statement shall be submitted for written agreement with the Councils Architectural Conservation Officer prior to the commencement of development. Once works commence on site the Councils Architectural Conservation Officer shall be contacted with regard to inspecting the safety measures put in place to safeguard and protect the Protected Structures on site.

(e) Drawings and details of revised external materials and finishes for the new apartment building, including revised elevational drawings, a Schedule of Materials and Finishes and the necessary images and samples of the final materials and finishes for all elements. The revised proposals shall provide more variety in elevational treatment and the contemporary use of more traditional materials as proposed in the use of metal cladding to reflect the former agricultural use of the site in association with Scholarstown House. REASON: To ensure that any works relating to the Protected Structure are carried out correctly, that it is appropriately safeguarded to prevent any possible damage and that the materials and finishes for new development within the curtilage of a Protected Structure are appropriate in terms of finish and colour and are of a high quality, delivering the design ethos proposed.

4. Traffic and Transport

Prior to the commencement of development the applicant/developer shall submit for the written agreement of the Planning Authority, following consultation with South Dublin County Council's Roads Department and Active Travel Section where necessary, the following:

- (a) A traffic survey(s) showing the current conditions at the Scholarstown Roundabout and the retail access on Orlagh Grove, for additional week days (Monday and Friday) during school term. The analysis shall also clarify/detail the amount of traffic from surrounding completed and planned developments that was included in traffic growth factors. The findings of the surveys shall inform the preparation of the Mobility Management Plan and a Car Parking Strategy as required by part (e) below.
- (b) Revised plans incorporating pedestrian and cyclist measures and infrastructure along Orlagh Grove from the southern end of the site that adjoins the application site to the south, up to the roundabout at Scholarstown Road. This shall include road markings, improvements to the existing accesses to the site that adjoins the application site to the south and/or improvements to the footpath along this part of Orlagh Grove. All works shall be located within lands within the applicant's or South Dublin County Council's control.
- (c) Revised plans for the vehicular access to the site off Orlagh Grove demonstrating compliance with the Design Manual for Urban Roads and Streets and the National Cycle Manual, NTA (2011) or any superseding document.
- (d) The pedestrian and cyclist site access to Scholarstown Road to the north revised to be an appropriate design for cyclists. The potential removal of or changes to the existing gates shall be reviewed having regard to architectural conservation.
- (e) A Mobility Management Plan and a Car Parking Strategy following the completion of the abovementioned traffic survey(s), consideration to be given to dedication of some of the approved car parking spaces to a residents' car club.
- (f) Details of a Public Lighting Design that accords with South Dublin County Council's taking in charge standards.
- (g) A Construction Traffic Management Plan.
- (h) All bicycle parking spaces shall be constructed in line with the National Cycle Manual, NTA (2011), or any superseding document.

The above works, once agreed with the Planning Authority, shall be undertaken at the applicant's expense.

REASON: In the interest of sustainable transport and traffic safety.

5. 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.

6. 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.

7. Implementation of Landscape Masterplan

The landscape scheme shown on drawing No. 22159-2-100 Landscape Masterplan shall be implemented in full, within the first planting season following completion of the development, in addition:

- i) All hard and soft landscape works shall be completed in full accordance with the submitted Landscape Masterplan (Dwg. No. 22159-2-100).
- ii) 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).
- iii) 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.
- iv) 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.
- v) Play area to be revised to include the following additional items:
 - Wheelchair accessible roundabout or trampoline
 - A flat swing, bucket swing and two baby swings can be provided as part of a combination swing set.
 - Dutch Disk for older children
 - Large Climbing Frame
 - Embankment slide.

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

8. 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.

9. Landscape Management

Prior to the commencement of development the applicant/developer shall submit, for the written agreement of the Planning Authority, a landscape management plan, including long term design objectives, levels and gradients, management responsibilities and maintenance schedules for all for all public open space areas. The development shall be carried out in accordance with the approved management plan.

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

10. Sustainable Urban Drainage Systems (SUDS)

Prior to the commencement of development the applicant/developer shall submit, for the written agreement of the Planning Authority, revised proposals for Sustainable Urban Drainage Systems (SUDS) including the following:

(a) A revised site layout drawing(s) with the inclusion of additional SUDS. The proposed surface water attenuation is currently undersized by approximately 40%. Additional SUDS may include:

- Green and Blue roofs
- Rain gardens with overflow connection to a public surface water sewer
- Bioretention rain gardens with an overflow connection to a public surface water sewer
- Swales
- Basins
- Wetlands and ponds
- Permeable pavement with other SuDS, considering Biodiversity
- SUDS Tree pits

(b) A report or revised drawing in cross sectional plan showing how surface is to be attenuated under permeable paving.

(c) A comprehensive SUDS Management Plan that demonstrates that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network.

(d) A SUDS maintenance plan demonstrating 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 the policies and objectives contained within the CDP 2022-2028.

11. Additional Tree Planting

Prior to the commencement of development the applicant/developer shall submit, for the written agreement of the Planning Authority, details of additional tree planting as part of the landscape proposals in order to ensure that there is a positive net gain in terms of new tree proposed compared to those being removed. As a minimum existing tree lost should be replaced on a 3:1 ratio basis. Full details of all proposed tree planting shall be provided on a detailed planting plan. This planting plan will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period. Any trees that are found to be dead, dying, severely damaged or diseased within three years of the completion of the building works shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

REASON: To and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance relevant policies here.

12. Revised Play Area

Prior to the commencement of development the applicant/developer shall submit, for the written agreement of the Planning Authority, revised play area proposals to include for imaginative play, constructive play and more active play i.e. climbing, swinging, bouncing spinning etc. Play area to be universally accessible. The applicant is to provide the following additional play items as part of the play proposals for the development:

- (i) Wheelchair accessible roundabout or trampoline
- (ii) A flat swing, bucket swing and two baby swings can be provided as part of a combination swing set.
- (iii) Dutch Disk for older children
- (iv) Large Climbing Frame
- (v) Embankment slide.

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

13. Tree Protection

(i) To ensure the protection of trees to be retained within the site, the applicant/developer shall implement all the recommendations pertaining to tree retention, tree protection and tree works, as detailed in the submitted Arboricultural Report and Tree Protection Plan prepared by Charles McCorkell. The arborist shall carry out a post construction tree survey on the condition of the retained trees. A completion certificate shall be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report. The certificate shall be submitted to the Public Realm Section for written agreement upon completion of the works.

The developer shall also be made aware of their obligations to constantly assess and survey the trees after construction because of the potential impact and the age/condition of these trees as outlined in the tree survey.

(ii) No drainage or service runs (including cables, pipes or similar services) shall be laid beneath the canopy of any tree identified for retention or within any fenced protection zone unless otherwise agreed in writing by the local planning authority.

REASON: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality and in accordance with relevant policies and objectives in the CDP 2022-2028.

14. Tree Bond

A maximum of two weeks from the date of the Commencement Notice and prior to the commencement of works on site, a Bond or bank draft to the value of €26, 394.24 shall be lodged with South Dublin County Council as a security for the protection of the existing trees and hedgerows on site which are to be retained, as per the submitted Arborists Report.

The release of the bond will only be considered:

i) Upon receipt by SDCC Public Realm Section of a satisfactory post-construction arboricultural assessment, carried out by a qualified arborist and provided that the hedges/trees proposed for retention are alive, in good condition with a useful life expectancy.

ii) a minimum twelve months after the completion of all site works once it has been ascertained that all trees/hedgerows specified for retention have been preserved in their prior condition and have suffered no damage and the developer has complied with the requirements of the Planning Authority in relation to tree and hedgerow protection.

The Council reserves the right to partially or fully sequester this bond in order to undertake compensatory planting elsewhere in the vicinity of this site, based on the Councils inspection and estimation of the damage caused.

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

15. Ecological Protection

The applicant/developer shall implement all the mitigation measures detailed in the submitted Ecological Impact Assessment prepared by Altemar Ltd dated the 4th of May 2023 and appended (Appendix 1) Bat Fauna Impact Assessment prepared by Altemar Ltd dated the 19th of October 2022.

REASON: In the interests of the protection of protected flora and fauna.

16. 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.

17. 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.

18. Archaeological Monitoring, Recording and Reporting.

(a) The applicant/developer shall employ a qualified Archaeologist, licensed to carry out Archaeological Monitoring of all sub-surface works carried out within the proposed development site. This will include the archaeological monitoring of the removal of topsoil, the excavation of trenches for foundations, services, access roadway, etc. associated with the proposed development.

(b) Should archaeological material be discovered during the course of Archaeological Monitoring, the applicant shall facilitate the archaeologist in fully recording the material. The applicant shall also be prepared to be advised by the Department with regard to the appropriate course of action, should archaeological material be discovered.

(c) The archaeologist shall prepare and submit a report, describing the result of the Archaeological Monitoring, to the Local Authority and the Development Application Unit of the Department of Environment, Heritage and Local Government within six weeks following completion of Archaeological Monitoring.

REASON: To facilitate the recording and protection of any items of archaeological significance that the site may possess.

19. 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.

20. Minimise Air Blown Dust.

During the construction and or 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. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.

REASON: In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

21. Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be operated on the site before 7.00 hours on weekdays and 9.00 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.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site.

Such noise sensitive locations should be provided with the following:

- Schedule of works to include approximate timeframes
- Name and contact details of contractor responsible for managing noise complaints
- Hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise.

REASON: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

22. 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.

23. 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.

24. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €481,855.97 (Four hundred eighty-one thousand eight hundred fifty-five euros and ninety-seven 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 Acts 2000-2011 (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.

25. Security Bond

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 €247, 456.00 (Two hundred forty-seven thousand four hundred fifty-six 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 €284, 592.00 (Two hundred eighty-four thousand five hundred ninety-two 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 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: A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

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.

NOTE: Notwithstanding any grant of planning permission; if an applicant requires permission to access local authority land (e.g. public footpaths, public open space or roadways) in order to access utilities, or for any other reason; please apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

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**

13-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