



15th June 2023

Land Use, Planning & Transportation Department,
South Dublin City Council,
County Hall,
Tallaght,
Dublin 24,
D24 A3XC

Re:

**Compliance with Planning Condition No. 28 of
Grant of Permission Ref. SDZ22A/0010.
Permitted development in the
Clonburris Urban Centre (CUC-S4)
and Clonburris South East (CSE-S1 & CSE-S2)
of the Clonburris Strategic Development Zone (SDZ).**

Dear Sir/ Madam,

1.0. Introduction

- 1.1.** On behalf of our client, Kelland Homes Ltd., we, Armstrong Fenton Associates, of 13 The Seapoint Building, 44/45 Clontarf Road, Clontarf, Dublin 3, D03 A0H3, wish to submit the following and enclosed details of compliance with the planning condition no. 28 attached to the grant of permission under Ref. SDZ22A/0010
- 1.2.** An order to grant permission under Ref. SDZ22A/0010 was issued by South Dublin County Council on 3rd April 2023. The permitted 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)
- 1.3.** The development, as applied for, consisted of, *inter alia*, 294 no. dwellings, creche and retail / commercial unit. It should be noted that the grant of permission received includes for 32 no. conditions which have appropriately amended the development as applied for. These amendments are detailed in the various individual compliance submissions being issued to the Planning Authority for agreement.
- 1.4.** The subject compliance submission relates to **Condition No. 28** of the grant of permission received i.e., the submitted cash deposit / bond for the permitted development. The details of our compliance submission in relation to **Condition No. 28** can be found in section 2 below. Appendix A of this compliance letter details the full list of enclosures which accompany this compliance submission – please refer to same in conjunction with the reminder of this compliance letter.



2.0. Compliance Submission

Subject Condition (Condition No. 28)

2.1. Condition No. 28 of the grant of permission received relates to submitted cash deposit / bond for the permitted development. Condition No. 28 reads as follows:

“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.”

Compliance Submission for Condition No. 28

In compliance with Condition No. 28 of the grant of permission received, Appendix A at the end of this compliance letter provides for a full list of enclosures submitted as part of the subject compliance submission - please refer to the submitted drawings for full details - however, for convenience, the following sub-subsections refer the reader to the relevant drawings for each part of the condition of the grant of permission received.

2.2. Regarding Condition No. 28 of the grant of permission received, we wish to place on record that the developer, Kelland Homes Ltd, has previously been in contact with the Bonds and Contributions Section of South Dublin County Council (SDCC), namely **Conor Tiernan** of SDCC, and is currently liaising with the Bonds and Contributions Section over the required bond / cash deposit for the provision and satisfactory completion and maintenance until taken in charge by SDCC. Infrastructure to be taken in charge by SDCC will be subject to the agreement of a taking in charge plan which is being submitted to the Planning Authority as part of another compliance submission for another condition of the grant of permission received.

We confirm that the agreement empowering the Planning Authority to apply such security, or part thereof, to the satisfactory completion or maintenance of any part of the development is also currently subject to ongoing negotiation between the developer and the relevant section of SDCC. The form and amount of the security is currently under ongoing negotiation between the developer and the Bonds and Contributions Section of South Dublin County Council.



3.0. Conclusions & Enclosures

- 3.1. We fully consider the submitted cash deposit / bond showing compliance for the permitted development to be appropriate and in compliance with the grant of permission received. For clarity we confirm that, once agreed, all units will be provided in accordance with the agreed scheme, as per condition of the grant of permission.
- 3.2. We respectfully request that the Planning Authority assess the submitted cash deposit / bond for the permitted development in a judicious manner so development can progress as soon as possible, and much needed housing be provided on the subject site.
- 3.3. This compliance submission has been sent electronically via email to the Planning Authority as requested by the compliance section of South Dublin County Council. Should circumstances have changed and printed hard copies of this compliance submission now be required please do not hesitate to contact us at alison@armstrongfenton.com or by telephone number on (01) 47 93 140. Appendix A below provides for a full list of enclosures forming part of the subject compliance submission – please refer to same for details.
- 3.4. We trust all the above and submitted are in order and we look forward to hearing back from the Planning Authority confirming that the submitted cash deposit / bond is acceptable and in compliance with **Condition No. 28** of the grant of permission received.

Yours Sincerely,

Alison Nash
Planner

Armstrong Fenton Associates



Appendix A: Full List of Enclosures

Prepared by Armstrong Fenton Associates:

Drawing no.	Title	Scale
N/A	Compliance Condition No. 28 Cover Letter	A4 Letter

