

**Armstrong Fenton Associates
Unit 13, The Seapoint Building
44/45, Clontarf Road
Dublin 3**

Date : 16-Jan-2024

Reg. Ref. : SD21A/0327/C18-3
Proposal : A residential development of 77 dwellings comprised of 63 two storey houses and 14 apartments & duplex units accommodated in one 3 storey building. The proposed houses are comprised of 8 two bed houses & 55 three bed houses; the proposed apartments & duplex units are comprised of 7 one bed apartments at ground floor & 7 three bed duplex units overhead. The proposed development also provides for all associated site development & infrastructural works, car & bicycle parking, open spaces, hard & soft landscaping, boundary treatments and bin & bicycle storage; access to the development will be via a new vehicular entrance at the south-west corner of the site off the Old Naas Road. Permission is also sought to demolish the existing building on site approximately 455sq.m. all on a site area of 2.28Ha, at Gordon Park, Old Naas Road, Kingswood, Dublin 22 bounded to the west by the Old Nass Road, to the south by the Silken Park development and is located in the townland of Brownsbarn.

Condition 18:

Taking in Charge.

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

A plan indicating any part of the development, as approved, intended to be offered for Taking-in-Charge to the Planning Authority, such areas shall be fully consistent with the Planning Authority's Taking-in-Charge policy and requirements. The plan shall make provision for all of the following:

(a) All drainage and service ducts including accessories are fully located in, and accessible from, areas to be offered for Taking-in-Charge.

(b) Where applicable any wayleaves in favour of SDCC shall be fully executed prior to being offered for Taking-in-Charge.

(c) Site features to be retained and protected within any part of the approved development intended to be offered for Taking-in-Charge.

(d) Any external common areas of the development as approved that it is intended to be retained in private ownership.

REASON: In the interest of the proper planning and sustainable development of the area and to provide clarity on the nature and extent of areas intended to be offered for Taking-in-Charge to the Planning Authority.

Location : Gordon Park, Old Naas Road, Kingswood, Dublin 22
Applicant : Greenwalk Development Ltd.
Application Type: Compliance with Conditions

Dear Sir/Madam,

I refer to your submission received on 14-Nov-2023 to comply with Condition No 18 of Grant of Permission No. SD21A/0327, in connection with the above.

In this regard I wish to inform you that the submission received is deemed **partially** compliant.

Comments:

“Documents provided by Applicant:

The Applicant has provided the following information to demonstrate compliance with Condition No.18:

- Cover Letter, prepared by Armstrong Fenton Associates,
- *Taking in charge and Management Company*, drawing, prepared by Conroy Crowe Kelly Architects.

Assessment:

A decision was issued on 15 November 2022 that a submission in relation to Condition 18 was not compliant as *“The applicant should submit the construction details of all areas to be taken in charge. This would help determine whether the areas are fully consistent with the Planning Authority’s Taking-in-Charge policy and requirements.”*

A subsequent submission was made in January 2023 and, by letter dated 28 March 2023, was agreed compliant. This submission related specifically to Condition 18(a).

The current submission appears to be in relation to all items of Condition 18.

The Roads Department have reviewed the submission and have stated that all elements of Condition 18 have been addressed to their satisfaction.

Water Services have reviewed the submission and have noted that some drainage infrastructure is to be taken in charge on lands remaining under the control of the management company. It will be necessary to maintain access to this infrastructure for SDCC. The applicant has not explicitly stated how access will be facilitated in their submission, in particular wayleaves aren't mentioned, as required under 18(b). Further detail in relation to this is considered necessary.

Conclusion:

Having regard to the information submitted, requirements laid out in Condition No. 18 and the responses of the Roads Department and Water Services, the Planning Authority consider that Condition No. 18 is **partially compliant**, and the Applicant should be informed. “

“Condition 18(b) requires, where applicable any wayleaves in favour of SDCC shall be fully executed prior to being offered for Taking-in-Charge. It is noted that some drainage infrastructure is to be taken in charge on areas under management company control. Details about how access is to be maintained to this infrastructure is required, including detail of wayleaves or other such arrangements.”

Yours faithfully,

M.C.

for Senior Planner