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

<b>Decision Order Number:</b>	<b>0523</b>	<b>Date of Decision:</b>	16-May-2023
<b>Register Reference:</b>	SDZ22A/0017	<b>Date:</b>	19-Apr-2023

**Applicant:** Cairn Homes Properties Limited

**Development:** Construction of 157 dwellings within the Clonburris South-West Development Area of the Clonburris Strategic Development Zone (SDZ) Planning Scheme 2019 consisting of, 81 houses comprising of 4 two bedroom houses, 65 three bedroom houses and 12 four bedroom houses (all two storey with associated private open space and car parking; 76 apartment units consisting of 26 one bedroom and 50 two bedroom units within Block 1 (4 storeys); Vehicular access will be provided from the permitted street under SDZ21A/0022 and the permitted Clonburris Southern Link Street (SDZ20A/0021) and R113 (Fonthill Road) to the east; All ancillary site development works including footpaths, landscaping boundary treatments, public and private open space areas, car parking (170 spaces) and bicycle parking (170 spaces), single storey ESB substations, bin and bicycle stores and all ancillary site development/construction works all on wider lands bounded generally by the Dublin-Cork railway line to the north, undeveloped lands and Grand Canal to the south and undeveloped lands and the Fonthill Road (R113) to the east, in accordance with the Clonburris Strategic Development Planning Scheme Area, as defined by Statutory Instrument No. 604 of 2015.

**Location:** Within the townland of Cappagh, Clonburris, Dublin 22

**Floor Area:**

**Time extension(s) up to and including:**

**Additional Information** 07-Feb-2023 /19-Apr-2023

**Requested/Received:**

**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 the 19 April 2023 a, 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:  
Unless otherwise agreed revised plans that incorporate all of the following amendments-  
(a) The ground floor single aspect north facing apartment shall be amalgamated with the adjacent apartment. All upper floor north facing single aspect apartments shall be redesigned to provide additional private amenity space. An updated Schedule of Accommodation, HQA and Schedule of Areas shall be provided.  
**REASON:** To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.
3. Mitigation Measures.  
All mitigation measures set out in the documentation submitted in support of the application, including in particular those set out in the Archaeological Assessment, Ecological Impact Assessment, Bat Assessment, Energy Statement and Building Life Cycle Report shall be implemented in full.  
**REASON:** In the interest of the protection of the environment.

4. 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.

5. Occupation subject to service connection.

No dwelling unit shall be occupied until all the services (drainage, water supply, electricity and or other energy supply, public lighting and roads) for each dwelling unit have been completed thereto and are operational.

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

6. 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.

7. 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.

8. 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.

9. Prevention of Spillage or Deposit of Debris on Adjoining Public Roads During Construction Works.

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

(i) a site specific plan making provision as set out below for the prevention of spillage or deposit of clay, rubble or other debris on adjoining public roads during the course of any construction works that fully complies with all of the requirements of the Council's Roads Maintenance, Traffic Management, and Waste Enforcement Sections as appropriate, The agreed plan shall provide for all of the following:

(a) The agreed number, location, type and use of suitable facilities for vehicle cleansing and wheel washing provided on site to contain all clay, rubble or other debris within the site prior to commencing of construction, such facilities to be maintained in a satisfactorily operational condition during all periods of construction.

(b) Location of all on-site car parking facilities provided for site workers during the course of all construction activity.

(c) Provision for dust suppression measures in periods of extended dry weather.

(d) Provision for the flexible use of a road sweeper if an acute situation on the adjoining public road requires it.

(e) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.

(f) Storage of construction materials is not permitted on any public road or footpath, unless agreed in writing with the Planning Authority, having regard to the prior reasonable justification and circumstances of any such storage.

REASON: In the interest of protecting the amenities of the area and in the interest of public safety and the sustainable maintenance of adjoining roads and footpaths.

10. Public Realm Facilities for Charging Electric Vehicles.

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

(i) a revised site layout plan clearly setting out full details of the location of all proposed facilities and equipment in the public realm (whether to be offered for taking in charge or not) for charging electric vehicles, including details of the overall height, design, colour and all safety features of such equipment including isolation of power supply, and measures to provide for suitable pedestrian safety, along with completed Electrical designs to serve the development as approved prepared by competent electrical design consultants all of which have been agreed with the Council's Roads Section, and  
(ii) Agreed arrangements for the operation and management of such facilities for charging electric vehicles, along with:

All facilities for charging electric vehicles should be clearly marked as being designated for Electric Vehicle charging. Appropriate signage clearly indicating the presence of a Charge Point or Points should also be erected. All Charge Points fitted in publicly accessible areas should be capable of communicating usage data with the National

Charge Point Management System and use the latest version of the Open Charge Point Protocol (OCCP). The facilities for charging electric vehicles should also support a user identification system such as Radio Frequency Identification (RFID).

REASON: In the interests of the proper planning and sustainable development of the area, to provide for improved urban air quality, reduced noise pollution and to support the transition to a low carbon future.

#### 11. SuDS.

a. Prior to commencement of development, the applicant shall submit a drawing and report to show what the discharge rate in litres/second is from proposed site. The applicant shall show how and where discharge rate of surface water is proposed for the development.

b. Prior to commencement of development, the applicant shall submit a revised drawing showing the surface water layout that includes the location and method of discharge rate from proposed site. Show what the discharge rate for proposed site is. The applicant shall show on the drawing what surface water attenuation is provided in m3 and where surface water attenuation is provided.

c. Prior to the commencement of development, the applicant shall provide a revised layout / landscaping plan that indicated additional e SuDS (Sustainable Drainage Systems) in proposed development such as a Green Roof, Swales, permeable paving and other such SuDS. Examples of SuDS can be found in the SDCC SuDS Guide at: [sdcc-sustainable-drainage-explanatory-design-and-evaluation-guide.pdf](#). The applicant shall provide additional details including details of filter strips, road edge detail showing how water accesses the swales/tree pits and bioretention areas, further detail on Tree pits. The applicant shall also demonstrate the amenity and biodiversity value of SuDS measures.

d. The applicant shall contact water services and the Public Realm Department in SDCC to discuss above issues before resubmitting above documents and drawing.

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.

#### 12. 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.

i) Installation of attenuation tree pits shall be supervised by the project landscape architect.

REASON: In the interests of residential and visual amenity, climate action and to ensure full and verifiable implementation of the approved landscape design

#### 13. Landscape Plan/Planting Plan.

A maximum of two weeks from 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, owner or developer shall have lodged

a revised detailed landscape plan with the Planning Authority:

This shall integrate retained and enhanced hedgerows and trees, tree planting and SuDS drainage to provide strong green infrastructure links throughout the development in accordance with Clonburris SDZ Planning Scheme, Parks and Landscape Strategy, Biodiversity Management Plan and SDCC County Development Plan (2022-2028).

The revised Landscape Proposals shall incorporate:

- i. Details of all natural SuDS features including swales, rain gardens, bioretention areas, tree pits, kerbing, filter strips to be provided as requested.
- ii. Revised tree and hedgerow protection measures: show extent and position of tree and hedgerow protection fences including retention of Hedge 8.
- iii. Planting on green corridors should use the Miyawaki technique (3-5/m<sup>2</sup>) in order to establish quickly and reduce maintenance costs. This will require an establishment period and maintenance of 5 years for newly planted woodland areas prior to taking in charge.
- iv. All playspace surfacing in Public Open Space areas to be engineered woodchip surfacing.
- v. Details of all play items and natural play features to be provided and agreed with SDCC Public Realm Section. Play areas must be universally accessible.

Landscape Proposals shall reflect any alterations required by other conditions to deliver the required green infrastructure

REASON: To ensure satisfactory landscape treatment of the site.

#### 14. Implementation of Landscape Plans

The Landscape Plans once agreed, shall be implemented in full, within the first planting season following completion of the development (completion of construction works on site) and prior to occupation of the new dwellings.

- a) All hard and soft landscape works shall be completed in full accordance with the approved Landscape Plan.
- 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.

REASON: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area, in the interests of biodiversity, amenity and climate action and in accordance with the relevant green infrastructure, landscape and environmental policies and objectives contained of the CDP.

#### 15. Construction Consultation and Local Liaison

- (a) Prior to the commencement of development, the applicant/owner shall submit the following to the Planning Authority:

(i) the names, job functions and phone numbers (both fixed line and mobile numbers) of all key personnel for the construction of the development as approved. Subsequently all changes in these personnel or particulars in the course of construction must also be notified to the Council as soon as they occur.

(b) The applicant/owner or developer shall provide occupiers of noise sensitive properties within 100 metres of agreed construction access points to the development as approved with appropriate contact details which may be used in the event that any such person wishes to inform the operator of any incident that could give rise to a disruptive aspect of construction activity, or otherwise to make an observation in respect of an aspect of construction activity.

(c) A public notice shall be erected and maintained at the agreed construction access points. This notice shall contain the name of the operating company and contact details, including out of hours contact, which may be used in the event that any person wishes to contact the operator in respect of any disruptive aspect of construction activity.

REASON: In the interests of amenity, public health and safety, the avoidance of unnecessary disruptive aspect of construction activity and the proper planning and sustainable development of the area.

#### 16. Drainage.

(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.

(c) All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

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.

#### 17. 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.

#### 18. Restriction on Use and Occupancy.

Each proposed residential unit shall be used and occupied as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes, without a specific grant of planning permission for same (including short-term letting).

REASON: To prevent unauthorised development.

#### 19. Materials and Finishes

Prior to the commencement of development the applicant/developer shall submit materials and finishes of the development for the written agreement of the Planning Authority.

REASON: in the interests of visual amenity.



## 20. Roads

Prior to the commencement of development the applicant/developer shall submit, for the written agreement of the Planning Authority, unless otherwise agreed:

- (a) a developed Construction & Demolition Waste Management Plan (C&DWMP)
- (b) a developed Construction Traffic Management Plan

REASON: In the interest of road, pedestrian and cyclist safety, residential amenity and compliance with Clonburris SDZ Planning Scheme.

## 21. Environmental Health

1. 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.

2. 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.

3. 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.

4. 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.

5. 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).

6. Any connections to the main sewer must be connected so as not to give rise to a public health nuisance.

7. Clearly audible or impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of the noise level.

8. The applicant shall put in place a pest control contract for the site for the duration of the construction works.

9. 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.

REASON: In the interests of environmental health.

## 22. Aviation.

Given the proximity to Casement Aerodrome, operation of cranes shall be coordinated with Air Corps Air Traffic Services, no later than 28 days before use, contactable at [airspaceandobstacles@defenceforces.ie](mailto:airspaceandobstacles@defenceforces.ie) or 01-4037681

Due to the proximity to Casement Aerodrome, the developer shall implement adequate bird control measures during the construction phase to mitigate the effects of birds on Air Corps flight operations.

Given the proximity to Casement Aerodrome this area may be subject to a high level of noise from aircraft operating in the vicinity of the aerodrome.

Given the proximity of the development to Casement Aerodrome, should negative effects become apparent on air or ATC operations as a result of the photovoltaic cells, then the

owner shall take measures necessary to mitigate these effects to an acceptable level, without delay.

REASON: In the interests of aviation safety and protecting the amenities of the area.

23. 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.

24. Regulation of Institutional Investment in Housing - Houses and/or duplex unit-type development.

(a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each housing unit), pursuant to Section 47 of the Planning and Development Act 2000 (as amended), that restricts all residential units permitted to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified residential units, in which case the planning authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

REASON: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

25. Phasing.

Prior to the commencement of development the applicant/developer shall submit for the written agreement of the Planning Authority a detailed phasing programme for the approved development that fully accords with the requirements of the Planning Authority.

REASON: To ensure the orderly implementation and proper planning and sustainable development.

## 26. Archaeology.

1. The developer shall engage a suitably qualified archaeologist to monitor (as an extension of Licence No. 22E0719 under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks and/or dredging within the development site. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary.

2. An updated Method Statement for the licensed archaeological monitoring, to be approved by this Department, will include methodology for the preservation by record of features that were discovered during testing under Licence No. 22E0719.

3. Should additional archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with this Department, regarding appropriate mitigation [preservation in-situ/excavation].

4. The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with this Department, shall be complied with by the developer.

5. Following the completion of all archaeological work on site and any necessary post excavation specialist analysis, the planning authority and this Department shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

REASON: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

## 27. SDZ Phasing.

Prior to the commencement of development, or as otherwise agreed in writing with the Planning Authority, the developer/landowner shall submit the following for written agreement of the Planning Authority;

(a) The total no. of units permitted and the designation of these units to a phase(s) of the Planning Scheme,

(b) Subject to (a), occupation of units cannot proceed until the minimum delivery in the relevant preceding phase as per Table 4.3 Phasing Table (or as otherwise amended by the Development Agency) in the Planning Scheme is agreed in writing by the Planning Authority as delivered or otherwise agreed in writing with the Planning Authority having regard to the Planning Scheme.

(c) The designation in part a) shall provide cumulative details for the occupied units in the SDZ per Phase including written agreement of relevant landowners in the SDZ or landowner representative to the designation proposed;

REASON: To ensure the orderly implementation and proper planning and sustainable development of the Planning Scheme for Clonburris.

## 28. Cash Deposit/Bond

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 Pleanála for determination.

REASON: To ensure the satisfactory completion and maintenance of the development until taken in charge.

29. Financial Contribution

The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting in 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 Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the Planning Authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the Planning Authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

REASON: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Contribution Scheme made under section 48 of the Act be applied to the permission.

30. Kildare Route Financial Contribution

The developer shall pay to the Planning Authority a supplementary development contribution pursuant to the provisions of Section 49 Planning & Development Act 2000, as amended, towards the expenditure incurred in the provision of the Kildare Route Project which facilitates this development. The contribution shall be paid prior to commencement of development or in such phased payments as the Planning Authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the Planning Authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a Supplementary Contribution be made in respect of the upgrade of the Irish Rail, Kildare Route Project.

31. Condition:

A. Prior to the commencement of the development on the apartment building located in the west of the application site, the applicant shall demonstrate the following, unless otherwise agreed in writing;

- i. The feasibility of the bridge and the requirement for and extent of an associated embankment;
- ii. Retention of the existing hedgerow;
- iii. Removal/ Relocation of the car parking within the area to the west of the apartment block, ensuring a parking ratio of approx. 0.4 is maintained for the apartments and the overall on / off curtilage parking requirement is in accordance with the scheme.

Revised layout / landscaping plans should be provided if necessary;

- iv. Should an embankment be required, demonstration that the revisions would not impact on the daylight and sunlight of the consented apartments;

B. Should the applicant fail to demonstrate full compliance with Part A above, the apartment block and associated infrastructure and open space shall be omitted.  
REASON: To ensure that the proposed development would not prejudice the delivery of key infrastructure with the Clonburris Strategic Development Zone area and ensures the protection of the existing Ecological Infrastructure.

32. Prior to the commencement of the development on the apartment building located in the west of the application site, and unless otherwise agreed in writing, the developer shall engage with Planning Authority in relation to the provision of ducting within the apartment building scheme that shall be capable of connecting directly into any shared duct network provided by the South Dublin County Council or associated body. Where required, details of this connection shall be provided to and agreed in advance of the construction of the ducting network within the site area.

REASON: To ensure the orderly implementation and proper planning and sustainable development.

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**

17-May-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