



Planning and Development Acts 2000 to 2017

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD17A/0041.

Appeal by David and Anne Kennedy of Mandalay, Friarstown, Bohernabreena, Dublin against the decision made on the 8th day of September, 2017 by South Dublin County Council to grant subject to conditions a permission to HWBC Allsop and Capamie Limited care of Fenton Associates of Unit 13, The Seapoint Building, 44-45 Clontarf Road, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: The construction of the Main Link Street as shown in the Ballycullen - Oldcourt Local Area Plan 2014 with access onto the Oldcourt Road at Gunny Hill to the east and the Bohernabreena Road to the west. The Link Street consists of a single 7 metre wide carriageway including footpaths, cycle paths, bus bays, traffic calming measures, public lighting and tree planted grass margins having total length of approximately 1516 meters on a net development area of approximately 7.7 hectares and will provide access and connections to lands designated for residential development in the Ballycullen Oldcourt Local Area Plan. The Link Street incorporates pipes and ducts to accommodate for future services including surface water attenuation and other piped and wire services. The Link Street will be constructed in part over the existing twin watermains that traverse the site and will follow as far as possible the existing contours of 109 metres to the west and 107 metres to the east with a mid-high point of 114 metres and a mid low point

of 104 metres approximately, minimising cut and fill and will incorporate at grade pedestrian, vehicular and cycle junctions onto the Oldcourt and Bohernabreena Road, all on lands at Oldcourt & Bohernabreena, Tallaght, Dublin.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the provisions of the South Dublin County Council Development Plan 2016-2022 and the Ballycullen - Oldcourt Local Area Plan 2014 including specific provision for the proposed street as an objective of the Local Area Plan, the location of the site and the pattern of existing development in the area, the zoning of the site, the nature, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or the amenities of property in the vicinity and would be acceptable in terms of traffic and pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the receiving environment, the Appropriate Assessment Screening Report submitted with the application and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is not, therefore, required.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and as amended by the further plans and particulars received by the planning authority on the 13th day of July, 2017, except as may be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Given that the Ballycullen Oldcourt Local Area Plan, in Appendix 6: Street Typologies for Plan Lands requires a carriage width of 5.6 metres for the Main Link Street (option 2) and DMURS states the standalone lane width on Arterial and Link Street should be 3.25 metres, and given the function of the street as a main east-west link between Oldcourt Road and Bohernabreena Road, it is considered that the carriageway approved in this decision should be no greater than 6.5 metres in width. In this regard, prior to the lodgement of a commencement notice within the meaning of Part II of the Building Control Regulations 1997, the applicant, owner or developer, or any other person with an interest in the land to which the development relates shall lodge with the planning authority the following:
- (a) fully detailed revised plans, detailing and providing for a revised carriageway no greater than 6.5 metres in width and all the requirements set out below, along with;
 - (b) the written confirmation of the Council's Roads Department and Planning Department of their agreement to these revised plans,
 - (c) written commitment to carry out the development in accordance with the required revised plans, and,
 - (d) the receipt for all these requirements has been acknowledged in writing as an acceptable lodgement from the applicant, owner or developer by the planning authority. The revised plans required to be lodged with the planning authority shall provide for all of the following:
 - (i) full details of the revised street design, in greater than 6.5 metres in width and all associated layout amendments.

Reason: To ensure full compliance with Appendix 6: Street Typologies for Plan Lands of the Ballycullen/Oldcourt Local Area Plan 2014 (as amended 2017) and with the Design Manual for Urban Roads and Street, and in the interest of the proper planning and sustainable development of the area.

3. There shall be no retaining walls provided on any part of the development and cut-and-fill proposed across the entire site shall be kept to a minimum. In this regard, prior to the lodgement of a commencement notice within the meaning of Part II of the Building Control Regulations 1997, the applicant shall lodge with the planning authority for formal written agreement plans and sections fully detailing cut-and-fill proposed across the entire site of the development and clearly demonstrating how all levels are being balanced between minimising earthworks, providing a development plateau protection against flooding, and the maintenance of gravity foul and storm water discharge from the site. Furthermore, in this regard, the difference between the existing and proposed levels across the entire site shall not exceed 2 metres.

Reason: To ensure full compliance with Objectives GI18, GI19 and GI20 of the Ballycullen/Oldcourt Local Area Plan 2014 (as amended 2017) requiring that buildings, streets and spaces should respond and flow with the area's contours and natural drainage features and Development Plan H16 Objective 1 which seeks to ensure that all developments including buildings, streets and spaces are designed and arranged to respond to and complement the sites natural contours and natural drainage features in accordance with the recommendations of the Urban Design Manual – A Best Practice Guide (2009), and in the interest of the proper planning and sustainable development of the area.

4. Prior to the lodgement of a commencement notice within the meaning of Part II of the Building Control Regulations 1997, the applicant, owner or developer, or any other person with an interest in the land to which the development relates shall lodge with the planning authority
 - (a) fully detailed revised plans detailing and providing for all the requirements set out below, along with,

- (b) the written confirmation of the Council's Roads Department of their agreement to these revised plans,
- (c) a written commitment to carry out the development in accordance with the required revised plans and;
- (d) the receipt for all these requirements has been acknowledged in writing as an acceptable lodgement from the applicant, owner or developer by the planning authority. The revised plans required to be lodged with the planning authority shall provide for all of the following:-
 - (1) construction details of all items to be taken in charge. All items for taking in charge shall be undertaken to a taking in charge standard. No development shall take place until these items have been agreed,
 - (2) a public lighting scheme to be prepared in conjunction with the planning authority. Once agreed, the scheme shall be constructed/installed to taking in charge standards at the expense of the developer and to the satisfaction of the planning authority,
 - (3) prior to commencement of any works in the public domain, and in order to comply with the Roads Act 1993, Section 13, Paragraph 10, a Road Opening Licence shall be secured from the planning authority. Under this Act, non-compliance constitutes an offence,
 - (4) the applicant shall provide a financial contribution of €45,000 for the provision of traffic calming measures to address any speeding issues that may occur post construction and Taking in Charge,
 - (5) the location, detailed design and construction details of the pelican crossing shall be constructed by the applicant/developer and at their own expense,
 - (6) the detailed design and construction details of the signalised

junctions with the Bohernabreena Road and the Oldcourt Road shall be constructed by the applicant/developer and at their own expense,

(7) the location, design and construction details of a temporary bus turning area shall be constructed by the applicant/developer and at their own expense.

Reason: In the interest of pedestrian and traffic safety and the proper planning and sustainable development of the area.

5. The proposed site street locations located within close proximity to culverts and natural drainage features shall be revised as Objective GI17 of the LAP states prohibits the culverting of watercourses and requires structures adjacent to watercourses to be set back a minimum distance from the top of the bank. In this regard, prior to the lodgement of a commencement notice within the meaning of Part II of the Building Control Regulations 1997, the applicant, owner or developer, or any other person with an interest in the land to which the development as approved relates shall lodged with the planning authority
- (1) fully detailed revised plans detailing and providing for all the requirements set out below, along with,
 - (2) the written confirmation of the planning authority of their agreement to these revised plans,
 - (3) a written commitment to carry out the development fully in accordance with the revised plans, and,
 - (4) the receipt for all these requirements has been acknowledged in writing as an acceptable lodgement from the applicant, owner or developer by the planning authority. The revised plans required to be lodged with the planning authority shall provide for all of the following:-

- drawing number 162075-2101 (sheet 1 of 5) – side street on northern side of the street shall be relocated a minimum of 10 metres to the west,
- drawing number 162075-2102 (Sheet 2 of 5) – side street on the northern side of the street at culvert 1 shall be relocated a minimum of 10 metres to the west and side street on the southern side of the street shall be relocated a minimum of 10 metres to the east,
- drawing number 162075-2103 (Sheet 3 of 5) – side street on the northern side of the street at culvert 2 shall be relocated a minimum of 10 metres to the east and side street on the southern side of the street shall be relocated a minimum of 10 metres to the east,
- drawing number 162075-2103 (Sheet 3 of 5) – side street on the southern side of the street at culvert 3 shall be relocated a minimum of 10 metres to the east,
- drawing number 162075-2104 (Sheet 4 of 5) – side street on the southern side of the street at culvert 4 shall be relocated a minimum of 10 metres to the west.

Reason: To ensure full compliance with Objective G117 of the Ballycullen/Oldcourt Local Area Plan 2014 (as amended 2017) which requires that structures adjacent to watercourse be set back a minimum distance and in the interest of the proper planning and sustainable development of the area.

6. Given the cycle lanes indicated at the junction of Oldcourt Road and along

Oldcourt Road provide for merging which is located within 5 metres of the junction which is not consistent with Section 4.4.1.1 of the National Cycle Manual that states in relation to merging and splitting:- “Merging and splitting facilities that are located close to junctions increase the junctions complexity. They can generate turbulence within the traffic system and may increase the risk of accidents”. Prior to the lodgement of a commencement notice within the meaning of Part II of the Building Control Regulations 1997, the applicant, owner or developer, or any other person with an interest in the land to which the development as approved relates shall lodge with the planning authority

- (1) fully detailed revised plans detailing and providing for all the requirements set out below, along with,
- (2) the written confirmation of the planning authority of their agreement to these revised plans,
- (3) a written commitment to carry out the development fully in accordance with the required revised plans, and
- (4) the receipt for all these requirements has been acknowledged in writing as an acceptable lodgement from the applicant, owner or developer by the planning authority. The revised plans required to be lodged with the planning authority shall provide for all of the following:-
 - (i) Proposed cycle lanes indicated at the junction of Oldcourt Road and along Oldcourt Road shall be consistent with the National Cycle Manual in terms of distance from junctions.

Reason: In the interest of road safety and the proper planning and sustainable development of the area.

7. Given the planning authority has expressed serious concerns regarding the proposed gradient of 5% between chainage 1400 to the junction with Oldcourt Road, prior to the lodgement of a commencement notice within the meaning of Part II of the Building Control Regulations 1997, the applicant shall lodge with the planning authority
- (1) fully detailed revised plans detailing and providing for all the requirements set out below, along with,
 - (2) the written confirmation of the planning authority of their agreement to these revised plans,
 - (3) a written commitment to carry out the development fully in accordance with the required revised plans, and,
 - (4) the receipt for all these requirements has been acknowledged in writing as an acceptable lodgement from the applicant, owner or developer by the planning authority. The revised plans required to be lodged with the planning authority shall provide for all of the following:
 - (i) the gradient of 5% between chainage 1400 to the junction with Oldcourt Road shall be reduced to 3%, and
 - (ii) any resulting amendments to embankments shall be fully detailed.

Reason: In the interest of pedestrian and traffic safety, the overall amenity of the street and the proper planning and sustainable development of the area.

8. As there is insufficient attenuation calculations shown for 23.55 hectares to

attenuate lands within blue line where future housing development will occur and surface water attenuation calculations are only shown for road and not the entire landholding within blue line of 23.55 hectares and there being no drawing showing a master plan of locations and sizes of attenuation ponds or SUDS features or other attenuation systems of entire landholding within blue line of 23.55 hectares, prior to the lodgement of a commencement notice within the meaning of Part II of the Building Control Regulations 1997, the applicant shall lodge with the planning authority for the agreement of the Water Services Section

- (1) fully detailed revised plans detailing and providing for all the requirements set out below, along with,
- (2) the written confirmation of the water services section of their agreement to these revised plans,
- (3) a written commitment to carry out the development in accordance with the required revised plans, and,
- (4) the receipt for all these requirements has been acknowledged in writing as an acceptable lodgement from the applicant, owner or developer by the planning authority. The revised plans required to be lodged with the planning authority shall provide for all of the following:-
 - (i) the overall post development catchment areas for each attenuation pond/basin, integrated constructed wetlands and proposed stormtech system or equivalent within the blue line of landholding of 23.55 hectares,
 - (ii) a surface water report and drawing showing post development catchment characteristics post development link road and post development housing development. The report shall show permeability factors of each catchment area,

- (iii) drawings showing surface water attenuation locations and systems of entire landholding within blue line of development. The drawings shall include a network of link road and overall post housing developments. The drawings shall include the type and location of attenuation ponds, integrated constructed wetlands, attenuation systems such as stormtech arched type systems or equivalent, hydro brake, flow control devices and interceptors on surface water network. The drawing shall show the location of all road gullies, manholes and surface water drains, attenuation system of roads and the surface water attenuation system type and location for post housing developments.

Reason: In the interest of public health and the proper planning and sustainable development of the area.

9. A maximum of two weeks from the date of the Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of works, a Bond or bank draft to the value of €70,000 shall be lodged with the planning authority as a security for the protection of the existing hedgerows, as per Tree Protection Plans, by Arborist Felim Sheridan, including Hedgerow 3 and The Oldcourt Townland Boundary in its entirety as per the Council's required Hedgerow Protection Policy during the course of the development works. This bond will be released twelve months after the completion of all site works at the discretion of the Landscape/Public Realm Section. This will involve assessment of whether the hedges 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 hedgerow protection.

Reason: In the interest of the proper planning and sustainable development of the area, hedgerow protection, and the maintenance of the country's green infrastructure.

10. As it is proposed to use the Triangular Field Network on the north as a detention basin and wet pond, prior to the lodgement of a commencement notice within the meaning of Part II of the Building Control Regulations 1997, the applicant, owner or developer, or any other person with an interest in the land to which the development as approved relates shall lodge with the planning authority for the agreement of the Water Services Section

- (a) fully detailed revised plans detailing and providing for all the requirements set out below, along with,
- (b) the written confirmation of the Council's Water Services Section of their agreement to these revised plans,
- (c) a written commitment to carry out the development fully in accordance with the required revised plans, and;
- (d) the receipt for all these requirements has been acknowledged in writing as an acceptable lodgement from the applicant. The revised plans required to be lodged with the planning authority shall provide for all of the following:
 - (i) the details of the Triangular Field Network in use as a detention basin and wet pond.

Reason: To ensure full compliance with the Ballycullen/Oldcourt Local Area Plan 2014, (as amended 2017) with regard to the protection and use of natural drainage features and the protection of the Triangle Field Network to the north of the Main Link Street in the interest of the proper planning and sustainable development of the area.

11. Identified potential bat roosts shall be felled during the period of minimum bat and bird activity (September, October and February) during mild weather conditions and the felled trees shall be kept on site for 24 hours. Documentary evidence of the felling of identified potential bat roosts in accordance with this condition shall be maintained by the applicant.

A number of other measures for the protection of bats are required. In this regard prior to the lodgement of a commencement notice within the meaning of Part II of the Building Control Regulations 1997, the applicant, owner or developer, or any other person with an interest in the land to which the development as approved relates shall lodge with the planning authority for the agreement of the parks and landscape section and the heritage officer.

- (a) fully detailed revised plans detailing and providing for all the requirements set out below, along with,
- (b) the written confirmation of the Council's parks and landscape section and the heritage officer of their agreement to these revised plans,
- (c) a written commitment to carry out the development fully in accordance with the required revised plans, and,
- (d) the receipt for all these requirements has been acknowledged in writing as an acceptable lodgement from the applicant, owner or developer by the planning authority. The revised plans required to be lodged with the planning authority shall provide for all of the following:-
 - (i) bat commuting routes shall be provided through the development area to the southern edge. This will require a link of hedgerows/treelines using H2, H3, H4 and H7 as the main commuting routes for common pipistrelles and soprano pipistrelles. This is required to be a dark zone along these linear features to reduce impact on local bat populations and to allow commuting. The details of which shall be noted in the public lighting scheme to be agreed,

- (ii) new roosting sites shall be provided along the southern edge of the development. This shall be provided through the erection of a bat box scheme. Bat tubes shall be inserted as part of culverts required to pass over streams location in the area (for example, FW4 along H3/H4 and FW4 along H7),
- (iii) a new hedgerow/treeline of native tree species shall be planted along the entire southern boundary of the development to provide a barrier from the urban elements of the proposed development. Sections along this hedgerow, treeline shall be planted to create small areas of woodland (0.1 hectare in area) comprised of native tree species.

Reason: In the interest of the protection of bat roosts and the proper planning and sustainable development of the area.

12. The landscape plan for the entire development as approved shall be revised and agreed with the local authority, and 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 buildings.

- All hard and soft landscape works shall be completed in accordance with the approved landscape plans.
- 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).

- 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'.
- 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 the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

13. Prior to the lodgement of a commencement notice within the meaning of Part II of the Building Control Regulations 1997, the applicant shall lodge with the planning authority for the agreement of the Parks and Landscape Department.
- fully detailed revised plans detailing and providing for all the requirements set out below, along with,
 - the written confirmation of the Council's parks and landscape services department of their agreement to these revised plans,
 - a written commitment to carry out the development in accordance with the required revised plans, and,
 - the receipt for all these requirements has been acknowledged in writing as an acceptable lodgement from the applicant by the planning authority. The revised plans required to be lodged with the planning authority shall provide for all of the following:-
 - suitable street tree planting,

- (ii) public lighting scheme developed in conjunction with the Council's lighting section,
- (iii) dimensions for the parallel car parking embedded into the grassed margins.

The applicants landscape architect shall be fully qualified and experienced and shall liaise with the parks and landscape services section sufficiently prior to submission of the agreed landscape plan.

Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a reasonable standard of landscape.

14. No development shall commence on this site until the developer has retained the professional services of a qualified landscape architect, as a landscape consultant, throughout the life of the site development works; and shall notify the planning authority of that appointment in writing prior to commencement of works on site. The developer shall engage the landscape consultant to procure, oversee and supervise the landscape contract for the implementation of the permitted landscape proposals. When all landscape works are inspected and completed to the satisfaction of the landscape consultant, her/she shall prepare, sign and submit a practical completion certificate (PCC) to the planning authority's parks and landscape services, as verification that the approved landscape plans and specification have actually been fully implemented.

Reason: To ensure full and verifiable implementation of the approved landscape design proposals for the permitted development, to the approved standards and specification.

15. The project arboriculturist shall be retained by the developer for the duration of the project, to pay periodic site visits as appropriate to ensure that construction works will not compromise the agreed and approved tree protection, to ensure general strict adherence of the developer with all recommendations laid out in the Arborist's report and to offer any further advice to the developer on the matter of trees as may be required from time to time.

Reason: In the interest of tree protection, retention and preservation, biodiversity and amenity.

16. Prior to the lodgement of a commencement notice within the meaning of Part II of the Building Control Regulations 1997, the applicant shall lodge with the planning authority for the agreement of the planning department.

- (a) fully detailed revised plans detailing and providing for all the requirements set out below, along with,
- (b) the written confirmation of the Council's planning department of their agreement to these revised plans,
- (c) a written commitment to carry out the development in accordance with the required revised plans, and,
- (d) the receipt for all these requirements has been acknowledged in writing as an acceptable lodgement from the applicant by the planning authority. The revised plans required to be lodged with the planning authority shall provide for all of the following:-
 - (i) details of storage of site vehicles for all phases of construction,
 - (ii) details of staff compounds for all phases of construction,

(iii) details of staff welfare facilities for all phases of construction, and

(iv) details of wheel cleaning facilities for all phases of construction.

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

17. Archaeological monitoring shall consist of the following:

(a) the applicant shall employ a qualified archaeologist to monitor under licence all ground works associated with the development,

(b) should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department of Culture, Heritage and the Gaeltacht with regard to any necessary mitigating action (e.g. preservation in situ, or excavation) and shall facilitate the archaeologist in recording any material found, and

(c) the planning authority and the Department of Culture, Heritage and the Gaeltacht shall be furnished with a report describing the results of the monitoring.

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

18. As the application currently provides insufficient detail regarding (Figure 41 of Planning Report) the proposed point(s) of connection to existing watermains to service lands to north and south of proposed link road, and the existing 6 inch/4 inch watermain supply on Bohernabreena Road and 160 millimetres on Oldcourt Road are insufficient for the proposed development of circa 900 – 1,000 units. Revised proposals shall be lodged with the planning authority for all of the following:

The proposed development shall be connected to the existing 500 millimetre Boherboy Line F watermain which traverses the proposed Oldcourt Road/Main Link Street junction. An existing valved and blanked branch connection was provided under the Boherboy WSS for this purpose to the south of Beechdale Estate. A distributor watermain is required along the proposed link road with associated bulk metre(s), pressure reducing valve(s), telemetry outstation(s), kiosk(s) and utility ducting at take-off point(s) to service new District Metered Area(s). A previous response to Irish Water regarding PCE reference CUST16675 indicated the requirement for a telemetered connection off the 500 millimetre watermain.

In this regard prior to the lodgement of a commencement notice within the meaning of Part II of the Building Control Regulations 1997, the applicant to which the development as approved relates shall lodge with the planning authority for the agreement of Irish Water

- (a) fully detailed revised plans detailing and providing for all the requirements set out below, along with,
- (b) the written confirmation of Irish Water of their agreement to these revised plans,
- (c) a written commitment to carry out the development in accordance with the required revised plans, and,
- (d) the receipt for all these requirements has been acknowledged in writing as an acceptable lodgement from the applicant, by the planning authority. The revised plans required to be lodged with the planning authority shall provide for all of the following:-

- (i) watermain drawings and a report to show proposed point(s) of connection of development to existing watermains to service lands to north and south of proposed link road.

Reason: In the interest of public health and the proper planning and sustainable development of the area.

19. No development shall take place until the applicant, owner or developer has lodged with the planning authority an agreed 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 complies with all of the requirements of the planning authority. 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 commencement of construction and a written commitment that such facilities will be maintained in a satisfactory 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, and
- (d) provision for the flexible use a road sweeper if an acute situation on the adjoining public road requires it.

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.

20. Given the intersection of the Link Street and Bohernabreena Road overlaps with A Site of Geological Interest – Dodder Terraces, as set out in the South Dublin County Council Development Plan 2016 – 2022, prior to the lodgement of a commencement notice within the meaning of Part II of the Building Control Regulations 1997, the applicant, owner or developer, or any other person with an interest in the land to which the development as approved relates shall lodge with the Planning Authority for the agreement of the Council’s Heritage Officer all of the following:

- (a) fully detailed revised plans detailing and providing for all the requirements set out below, along with,
- (b) the written confirmation of the Council’s Heritage Officer of their agreement to these revised plans,
- (c) a written commitment to carry out the development in accordance with the required revised plans, and;
- (d) the receipt for all these requirements has been acknowledged in writing as an acceptable lodgement from the applicant by the planning authority.

The revised plans shall provide for all of the following:

- (i) details of investigations of the street design at the point of overlap with the identified Site of Geological Interest – Dodder Terraces, and
- (ii) mitigation measures proposed to prevent, limit or reduce impacts on the identified Site of Geological Interest – Dodder Terraces based on the investigations carried out.

Reason: In the interest of the protection of Sites of Geological Interest as identified in South Dublin County Council Development Plan 2016 – 2022.

21. Prior to the lodgement of a commencement notice within the meaning of Part II of the Building Control Regulations 1997, the applicant shall lodge with the planning authority, a plan indicating any part of the approved development intended to be offered for Taking-in-Charge along with written commitment that all such areas shall be fully consistent with the Council's Taking-in-Charge policy and requirements. The plan to be lodged shall make provision for all of the following:

- (a) all drainage and service ducts including accessories are fully located in areas to be offered for Taking-in-Charge,
- (b) where applicable any wayleaves in favour of the planning authority shall be fully executed prior to being offered for Taking-in-charge,
- (c) site features to be protected and retained within any part of the approved development intended to be offered for Taking-in-Charge, and
- (d) any external common areas of the development that are intended for retention in private ownership.

Reason: In the interest of the proper planning and sustainable development of the area and to uphold the policies of the planning authority as set out in the South Dublin County Council Development Plan.

22. All construction waste arising from the development of the site shall be managed in accordance with all relevant statutory provisions and an agreed site specific Construction Waste Management Plan. All such waste shall be kept to a minimum, segregated where appropriate, and disposed/recovered at a waste facility authorised under the Waste Management (Facility Permit and Registration) Regulations 2007, as amended, to accept the categories of waste.

At 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 works on site, the applicant shall lodge with the planning authority:-

- (a) a site specific Project Construction Waste and Demolition Management Plan that complies with the requirements both of the Council's waste management section and the Council's waste enforcement and licensing section,
- (b) the written confirmation of the Council's waste management section of their agreement to the Project Construction Waste and Demolition Management Plan,
- (c) a written commitment to carry out the development fully in accordance with the agreed Project Construction Waste and Demolition Management Plan, and,
- (d) these requirements have been acknowledged in writing by the planning authority as an accepted lodgement under this condition.

All construction and demolition waste shall be managed in accordance with this plan which shall be prepared in accordance with the 'Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects' published by the Department of the Environment, Heritage and Local Government in 2006 and the provision of the Waste Management Plan for the Dublin Region. The plan shall include details to the satisfaction of the Council's waste management section and the Council's waste enforcement and licensing section for all waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Eastern-Midland Region.

The plan should also be informed by a Construction Traffic Management Plan required to be prepared and agreed that addresses intended construction practice for the development, including hours of working, construction traffic access route and noise management measures and details of measures to protect watercourses on or adjoining the site from the spillage or deposit of clay, rubble, waste or other debris. In addition, copies of waste disposal/recovery records, including waste collector dockets/invoices and weighbridge dockets, shall be maintained on site during construction activity and made available, at all reasonable times, for inspection by Authorised Persons as appointed under the Waste Management Plan 1996, as amended. A Waste Transfer Form shall accompany the transportation of all hazardous waste arising from the development works, in accordance with the European Communities (Shipment of Hazardous Waste Exclusively within Ireland) Regulations 2011. Waste operations shall only be carried out at such time as authorisation pursuant to the Waste Management Act 1996, as amended, has been obtained

Reason: In the interest of public safety, and to ensure compliance with Development Plan policy and sustainable waste management.

23. 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 works on site the applicant, owner or developer shall have lodged with the planning authority.
 - (a) a public lighting scheme for the development as approved, designed to provide for high quality public lighting throughout the public realm of the site, prepared by competent public lighting design consultants to BS5489: European Lighting Standard EN 13201 2013 or the latest NSAI (National Standards Authority of Ireland) versions approved, and the South Dublin County Council's Specification for Public Lighting

Installations in Residential and Industrial Developments: Revision 2 dated 14/10/2016, along with;

- (b) written confirmation of the Council's public lighting section that the scheme is fully in compliance with the above standards applicable,
- (c) a written commitment to implement the agreed Public Lighting Scheme in full, and
- (d) all the above requirements have been acknowledged in writing as acceptable by the planning authority.

Completed lighting design and electrical designs to serve the entire development including details of the overall height of all proposed equipment shall be lodged with the public lighting scheme. The public lighting scheme shall be contained within the public realm of the development as approved, entirely in areas to be offered for taking in charge or subject to the responsibility in perpetuity of an approved management company.

Appropriate natural or artificial lighting or both shall be provided and maintained throughout car parking areas.

The external lighting scheme shall be designed to minimise potential glare and light spillage and shall be posited and/or cowled away from residential properties. No lighting column shall be located within the eventual canopy spread of any proposed street tree or other tree as the case may be. The public lighting design consultants should consult with the Council's Parks section in this regard.

In addition, no dwelling unit/commercial unit shall be occupied on any street until the public lighting provided for that street is operational fully in accordance with the agreed Public Lighting Scheme for the overall development. The applicant, owner or developer may consult with the Council's Public Lighting Section before lodging the requirement plan for agreement.

Reason: In the interest of public safety and amenity, to prevent light pollution and in the interest of the proper planning and sustainable development of the area.

24. The applicant, developer or owner shall construct and maintain to the Council's standard for taking in charge all the roads, including footpaths, verges, public lighting, open space, surface waterdrains, attenuation infrastructure and manholes, forming part of the approved development including where applicable any wayleaves in favour of South Dublin County Council or a management company that will be required.

Reason: In the interest of the proper planning and sustainable development of the area and compliance with the South Dublin County Council Development Plan.

25. 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 ensure compliance with the policies of the planning authority as set out in the South Dublin County Council Development Plan.

26. To control, limit and prevent the generation of unacceptable levels of environmental noise pollution from occurring, no equipment or machinery (to include pneumatic drills, on-site construction vehicles and generators) that could give rise to unacceptable levels of noise pollution levels 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 0700 hours on weekdays and 0900 hours on Saturdays or after 1900 hours on weekdays and 1300 hours on Saturdays, or at any time on Sundays, Bank Holidays or Public Holidays.

Any 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.

The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 25 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations shall be provided with the following:

