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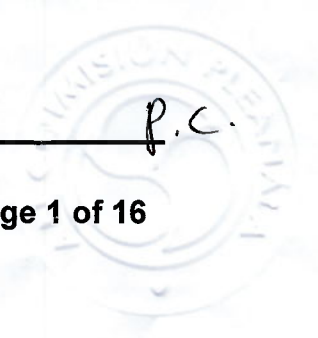
**Planning and Development Act, as amended**

**Planning Authority: South Dublin County Council**

**Planning Register Reference Number: SD24A/0071**

**APPEAL** by Joseph Bohan and by others against the decision made on the 21<sup>st</sup> day of March, 2025 by South Dublin County Council to grant subject to conditions a permission to Geotechnical Site Investigations in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Mixed use development consisting of 44 number residential units and six number commercial units in three number blocks as follows, (A) Block V1 accommodates 16 number units consisting of eight number two-bed ground floor apartments and eight number three-bed duplex units at first and second floor level, (B) Block V2 accommodates one number coffee shop and one number local scale shop at ground floor level and 12 number apartments at first, second and third floor levels consisting of six number one-bed apartments and six number two-bedroom apartments, (C) Block V3 accommodates four number local scale shops at ground floor level and 16 number apartments at first, second and third floor levels consisting of six number one-bed apartments, six number two-bedroom apartments and four number three-bed duplex apartments, (D) undercroft car parking, bin storage, bike storage, landscaping and planting, outfall drainage and all



associated site development works, all at Main Street and New School Road, Newcastle, County 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.**

## **Reasons and Considerations**

Having regard to the provisions of the South Dublin County Development Plan 2022-2028, the central location of the site within Newcastle village and to 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 be an appropriate type, form, scale and density of development supported by policy set out in the South Dublin County Development Plan 2022-2028, including zoning objectives 'VC': 'To protect, improve and provide for the future development of Village Centres' and 'RES-N': 'To provide for new residential communities in accordance with approved area plans' and the design would be consistent with the existing Architectural Conservation Area (Newcastle village). The Commission also concluded that the development would not seriously injure the residential and visual amenities of the area and can be accommodated within the road network without giving rise to an unacceptable traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 21<sup>st</sup> day of February 2025, except as may otherwise 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. This permission is for the construction of a mixed-use development comprising 39 residential units and five number commercial units.

**Reason:** In the interest of clarity.

3. Prior to commencement of development, the developer shall submit revised plans for the written agreement of the planning authority to provide for the following modifications or as otherwise agreed:
  - (a) setback the third floor of Block V3 by removing apartment numbers 14, 15 and 16 as per the Block V3 – Amended Design Plan Layouts Drawing Number 007A1 submitted to the planning authority on the 21<sup>st</sup> day of February 2025. Apartment layouts for numbers 13 and 17 (including balconies) shall be amended to respond to the setback.

- (b) Apartment numbers 5 and 10 in Block V3 shall be omitted and the floor space incorporated into Apartment numbers 4, 6, 9 and 11 or as otherwise amended to respond to this requirement.
- (c) Revised landscape design for the Village Plaza shall omit the play area and provide active frontages.
- (d) Plans, elevational and contiguous elevational drawings of existing and proposed boundary treatments along all site boundaries.

**Reason:** In the interests of visual amenity, residential amenity and to provide a village plaza in accordance with the South Dublin County Development Plan 2022-2028.

- 4. Details of materials detailing colours, finishes and textures of all the external finishes to the proposed development to include images and justification for chosen materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

- 5. Prior to commencement of development, the developer shall submit revised plans and/or details for the written agreement of the planning authority or as otherwise agreed:
  - (a) The developer shall submit a completed Road Safety Audit.
  - (b) The developer shall submit a revised layout of not less than 1:200 scale showing the location and reduced number of car parking spaces to be provided at the development. Refer to Table 12.25: Maximum Parking Rates, from the South Dublin County Development Plan 2022-2028 and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning

Authorities issued by the Department of Housing, Local Government and Heritage in July, 2023.

- (c) The developer shall submit a revised layout of not less than 1:200 scale showing the location and number of bicycle parking spaces to be provided at the development. Refer to Table 12.23: Minimum Parking/Storage Rates from the South Dublin County Development Plan 2022-2028 and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in July, 2023.
- (d) The developer shall submit a revised layout at an appropriate scale showing the location of commercial vehicle set down delivery/ collection and a refuse vehicle set down areas within the development, not on the public roads.
- (e) The developer shall submit details of the location, design and construction of the pedestrian areas in the public realm to be constructed by the developer and at their own expense. The public footpath shall be extended along the northern edge of the site to the east and west boundary to a taking in charge standard and at the applicant's expense.

**Reason:** In the interests of sustainable transport and safety.

- 6. Prior to the occupation of the residential units hereby permitted, the developer shall submit confirmation from the Department of Education on the transfer of lands to provide for the new primary school at Taobh Chnoic (CS9 SLO3), subject to their confirmation of need.

**Reason:** To ensure compliance with CS9 SLO3 of the South Dublin County Development Plan 2022-2028.

7. Drainage arrangements including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit to the planning authority, for written agreement, the following:
  - (a) A report to include revised surface water attenuation calculations for the proposed development and the surface types proposed such as roofs, green roofs, roads, permeable paving, and grass and their associated areas in square metres. The report shall show the surface water attenuation provided and required in metres cubed.
  - (b) A drawing in plan and cross-sectional view to show the type of Sustainable Drainage Systems (SuDS) proposed to attenuate surface water and how much attenuation is provided by SuDS. A combination of SuDS features shall be used to provide an overall solution. Overflow pipes shall be provided from SuDS features to the surface water network where practical.

**Reason:** In the interest of public health and surface water management.

8. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Éireann.

**Reason:** In the interest of public health.

9. (a) The site shall be landscaped in accordance with a comprehensive scheme of landscaping prepared by a suitably qualified Landscape Architect, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include details of all and soft landscaping, levels, sections and elevations, lighting, design of Sustainable Drainage Systems, street tree provision, boundary treatments, play areas and existing green infrastructure assets on

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the site. Plans shall include underground services, proposed lighting or other features likely to impact on the delivery of the landscape plan. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

- (b) Prior to commencement of development, the developer shall submit a Green Infrastructure Plan for the written agreement of the planning authority.

**Reason:** In the interests of visual amenity and landscape quality of the area.

- 10. (a) Prior to the commencement of development, the developer shall, following consultation with the planning authority as appropriate, submit for the written agreement of the planning authority, a Tree/Hedgerow Protection Plan in accordance with BS 5837:2012, along with an Arboricultural Method Statement.
- (b) Tree/hedgerow protection measures agreed under (a) above shall be fully implemented.

**Reason:** To ensure the protection of trees and hedgerows in accordance with the South Dublin County Development Plan 2022-2028.

11. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any residential unit and any commercial unit.

**Reason:** In the interests of amenity and public safety.

12. Prior to the occupation of each commercial unit, the developer shall submit, for the written agreement of the planning authority, details of the proposed hours of operation for each individual unit.

**Reason:** To protect the amenities of the area.

13. All external shopfronts and signage shall be in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to the provision of such shopfronts and signage. Where agreement cannot be reached between the developer and the local authority, the matter shall be referred to An Coimisiún Pleanála for determination. The signage shall be lit by external illumination only.

**Reason:** In the interest of visual amenity.

14. (a) The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development. Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the National Monuments Service as appropriate a method statement for written

agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should 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 the National Monuments Service, regarding appropriate mitigation (preservation in-situ/excavation).

- (b) The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.
- (c) Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service 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.

15. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

16. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interest of visual amenity.

17. Proposals for an estate/street name, duplex and apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

18. A plan containing details for the management of waste within the residential units, including the provision of facilities for the storage, separation and collection of the waste, and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

19. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse,
  - (b) location of areas for construction site offices and staff facilities,
  - (c) details of site security fencing and hoardings,
  - (d) details of on-site car parking facilities for site workers during the course of construction,
  - (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,
  - (f) measures to obviate queuing of construction traffic on the adjoining road network,
  - (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,

- (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works,
- (i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (j) 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,
- (k) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil,
- (l) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains, and
- (m) a record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

**Reason:** In the interests of amenities, public health and safety and environmental protection.

20. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The Resource Waste Management Plan shall include specific proposals as to how the Resource Waste Management Plan will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed Resource Waste Management Plan shall be made available for inspection at the site office at all times.

**Reason:** In the interests of reducing waste and encouraging recycling.

21. Having regard to the proximity to Casement Aerodrome, operation of cranes shall be co-ordinated with Air Corps Traffic Services, no later than 30 days before use.

**Reason:** In order to ensure the safety of aviation operations in the adjacent aerodrome/airport.

22. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Coimisiún Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

23. (a) Prior to the commencement of any house or duplex unit in 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 house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant houses and duplex 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 specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit 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 housing units, in which case the planning authority shall confirm in writing to the applicant 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.

24. Prior to 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 Coimisiún Pleanála for determination.

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

25. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development 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 Development 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 Coimisiún 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 Development Contribution Scheme made under section 48 of the Act be applied to the permission.



**Patricia Calleary**

**Planning Commissioner of An Coimisiún**

**Pleanála duly authorised to authenticate**

**the seal of the Commission.**

Dated this 12<sup>th</sup> day of March 2026.