

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

AN BORD PLEANÁLA
LDG- 077591-25
ABP- _____
27 JAN 2025
Fee: € 220 Type: CLG
Time: 12.48 By: MANO

Friday, 24th January 2025
[By Hand]

FIRST PARTY (DEVELOPMENT CONTRIBUTION ONLY) APPEAL

Dear Sir / Madam,

Re: Appeal against Development Contribution Condition (Condition no. 24) and Special Development Contribution (Condition no. 25) in relation to a Notification of Decision to Grant Permission for the proposed development of a Media Park at a site located in the townlands of Coolscudden, Brownstown and Milltown, West of Grange Castle Business Park, Newcastle, Co. Dublin.

South Dublin County Council Reg. Ref. SD24A/0087W

1.0 INTRODUCTION

1.1 Grounds of this Appeal

This First Party Development Contribution Appeal has been prepared by Tom Phillips + Associates, Town Planning Consultants, 80 Harcourt Street, Dublin 2 on behalf of the Applicant, Lens Media Limited.¹

The appeal relates to a Decision by South Dublin County Council to issue a *Notification of Decision to Grant Planning Permission* (by order dated 19th December 2024), for development which proposes the development of a Media Park to include the construction of 6 no. Stage buildings (buildings 1,2,3,11,13 &14), 4 no. workshops (buildings 15,16,17 &18), TV studio and reception (building 4), 2-storey Dining Hall with ancillary 100 seat theatre (building 6), Standalone café (building 5), 3 no. single storey production suites (buildings 7,8 & 9), 3-storey car parking deck (building 19) and outdoor stage area associated with the TV Studio and Reception Building. We enclose a copy of the decision with this appeal.

The Applicants welcome the positive Decision of South Dublin County Council to grant planning permission. However, we submit that Conditions No. 24 and 25 have been incorrectly applied and do not conform to the '*Development Contribution Guidelines*',

¹ 11 Adelaide Road, Dublin 2, D02 TR79



published by the Department of the Environment, Community and Local Government in January 2013.

In summary, we consider that the amount of the General Development Contribution (Condition 24) has not taken account of floor areas comprising ancillary substation, plant and switch rooms, which in total amount to a significant quantum of floor space. Section 2.1 of this letter provides additional elaboration on this point and proposes a reduced figure which we consider is more representative of the applicability of the South Dublin Development Contributions scheme.

In addition, we question the application of the Special Development Contribution (Condition 25) to the applicant's development. We consider that the extent of impact on the junction at Newcastle Village from the Media Park development has been interpreted incorrectly in the South Dublin County Council Planning Report and is not consistent with the findings of the Applicant's Traffic and Transport Assessment (TTA) prepared by Barret Mahony. The TTA concludes that the development will have a limited overall impact on the junction in question, which is expected to diminish over time with the adoption of more ambitious mode share targets, as outlined in the Applicant's extensive Mobility Management Plan.

In the first instance the Applicants are requesting that the Board omit condition 25 from the decision, as we do not consider the upgrades referred to in the condition as being essential to the delivery of the Media Park, nor do we consider the junction to be in imminent need of upgrade or in danger of being overloaded in the short term by the Media Park development, based on the findings of the Applicant's TTA.

Further to this the Applicants have queries about the manner in which costs for the proposed upgrade of this junction have been estimated by the Council and subsequently apportioned to the Applicant's development. The Planning Authority acknowledge that the upgrade of the junction is intended to serve the overall development of the area including the Grange Castle Business Park. However, we note that a recent nearby permitted warehousing development (South Dublin Planning Reg Ref: SD23A/0301) with a significant car parking allocation has not been subject to a similar Special Development Contribution.

This Appeal is made under the provisions of Sections 139 and 48 (10)(b) of the Planning & Development Acts 2000 (as amended) and relates to Development Contributions levied on the development.

A cheque in the sum of €220 representing the Appeal fee for a Development Contribution Only Appeal is enclosed.

2.0 CONDITIONS BEING APPEALED

2.1 Condition No. 24 – Section 48 Development Contribution

Condition 24 of the permission states the following:

The developer shall pay to the Planning Authority a financial contribution of €8, 859, 898.08 (Eight million, eight hundred and fifty nine thousand, eight hundred and ninety eight euros and eight cents), in respect of public infrastructure and facilities benefiting



development within 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 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority

The above amount has been calculated using the Total Gross Floor Area of the scheme and using the current rate for industrial / commercial development of €119.52 per sq. m. However, we consider that the Planning Authority have neglected to include for certain exemptions, as outlined in the *South Dublin County Council Development Contributions Scheme 2021 – 2025*. Section 11 of the scheme outlines circumstances where no contribution or a reduced contribution should apply. We note sections (xxii) and (xxiii) in this regard.

(xxii) Substations, Switch Rooms shall be exempt.

(xxiii) Ancillary plant rooms (where plant is not core activity/operation) shall be exempt.

Given the scale of the overall scheme, when the combined floor area of the above referenced spaces is combined, it amounts to a not insignificant quantum of floor space.

The floor areas referred to can be summarised as follows:

Buildings 1,2,3,11,13 &14 (Sound Stages)

MV Switchroom 1 = 29m²
MV Switchroom 2 = 19m²
Plumbing Plant = 59m²
Total = 107m²

When totalled across the 6 stage buildings this equates to **642 sq. m** of floor space.

Building 04 TV Studios + Reception

Plumbing Plant 48m²
MDF/LV Room 30m²
MV Switchboard Room 18m²
MV Switchboard Room 5m²
Plumbing Plant 7m²



Sub Total – **108 sq. m**

Building 06 Dining

MV Room **15m2**

Building 15,16,17 and 18 (Workshops)

Plumbing Plant 7m2 (x4 = 28m2)

MV Switchboard Room 8m2 (x4 = 32m2)

ICT Room 9m2 (x4 = 36m2)

Sub Total – **96 sq. m**

Building 20 Offices

Plumbing Plant 8m2

External Services Rooms 7m2

Sub Total – **15 sq. m**

In addition, the development includes a standalone substation amounting to **236 sq. m**.

When all of the above areas are combined, it provides for an approx. total of floor space exempt from development contributions of **1,112 sq. m**

When the Figure of €119.52 per sq. m is applied to these areas it results in a potential reduction in contributions of **€132,906.24**

We are therefore requesting that the Board amend condition 24 in accordance with the above rationale and to the effect that the developer shall instead pay to the Planning Authority a financial contribution of €8,726,991.84 (Eight million, seven hundred and twenty six thousand, nine hundred and ninety one euros and eighty four cents).

2.2 Condition No. 25 – Section 48 Special Development Contribution

Condition 25 of the permission states the following:

The developer shall pay a special contribution of €143, 112 to the planning authority in respect of specific exceptional public infrastructure costs for facilities that will benefit this development within the area of the planning authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with Section 48 (2) c of the Planning and Development Acts 2000 (as amended). The works pertaining to this special contribution are the junction upgrades at the R120 Newcastle Village-Peamount Road.

The contribution will be for works on the improved alignment, signalised traffic management and improved pedestrian and cycle facilities at the junction. The special contribution shall be paid prior to occupation of the development, or in such phased payments as the planning authority may facilitate. Indexation in accordance with the



Chartered Surveyors of Ireland Construction Tender Price Index will apply annually on 1st January, effective from 1st January 2025.

The Applicants were surprised by the inclusion of condition 25 on the Decision to Grant, particularly given the remote nature of the junction at Newcastle Village from the site, at approx. 4km to the south. The junction had not been raised as a concern by the Planning Authority in the context of the development at either pre-application or Further Information stages. We note that the Development Contributions Guidelines for Planning Authorities refer to Special Development Contributions as follows:

A special development contribution may be imposed under section 48(2)(c) where specific exceptional costs, which are not covered by the general contribution scheme, are incurred by a local authority in the provision of public infrastructure or facilities which benefit very specific requirements for the proposed development, such as a new road junction or the relocation of piped services. The particular works should be specified in the condition. Only developments that will benefit from the public infrastructure or facility in question should be liable to pay the development contribution

The principal public infrastructure that will benefit the proposed scheme, is the Nangor Road extension and associated upgrades to the R120 which have already been allocated funding under the current South Dublin Development Contribution scheme.

The Applicants do not consider that the junction of the R120 at Newcastle Village to the South, will serve to benefit the very specific requirements of the proposed development, as alluded to in the excerpt from the guidelines above. Having reviewed the final Chief Executive Order on the decision, we consider that both the level of impact on the junction from the Applicant's development, and the level of benefit that will be derived by the Applicants from its upgrade have been overstated by the Planning Authority.

The junction was assessed within the Traffic and Transport Assessment (TTA), prepared by Barret Mahony Consulting Engineers, which concluded that the junction is currently operating under capacity, and will continue to operate within its design capacity for some years to come, notwithstanding the delivery of the Media Park and other foreseeable projects in the area.

This is at odds with commentary on page 74 of the SDCC Chief Executive Order which states the following:

The information provided in the TTA indicates that the proposed development will add a significant traffic volume to what is an already over capacity junction. This together with other planned and near future development is likely to lead to significant problems at the R120 Newcastle village junction.

We wish to challenge the assertions made above, as the conclusions of the Applicant's TTA are as follows:

The Peamount Road priority junction (Junction No. 4) at present operates within capacity, and will continue to do so with the proposed development in place. Queuing and delays are at low levels, with a minimum of 12% space capacity predicted to exist in 2026 with all predicted development in place. By 2031 with all predicted



development in place this junction will be at capacity. By 2041, the junction would be over capacity, assuming the network flow increases utilised have actually materialized

The above conclusions were based on conservative assumptions of significant network flow increases over the period. On the basis of the above, we submit to the Board that the junction in question is not currently over capacity, as alluded to by the Planning Authority and moreover is at no risk of reaching capacity in the short term as a result of this development or others in the vicinity. The correct mechanism to secure funding for its future upgrade would therefore be to include a policy to this effect in an upcoming Development Plan and/ or Development Contribution Scheme, thereby ensuring that associated costs are collected in an equitable manner from all permitted developments.

On the basis of the above, we are requesting that the Board omit condition 25, seeking a Special Development Contribution.

However, should the Board be minded to retain this condition, we would request that the methodology of the Planning Authority in estimating the Applicant's contribution to these works be examined carefully. The Planning Authority, in their report, correctly indicated that a Special Development Contribution must be

amenable to implementation under the terms of Section 48(12) of the Planning Act; therefore, it is essential that the basis for the calculation of the contribution should be explained in the planning decision. This means that it will be necessary to identify the nature/scope of works, the expenditure involved and the basis of the calculation, including how it is apportioned to the particular development.

Notwithstanding our contention that the Condition should be omitted, the cost of upgrading the junction appears to have been estimated in an arbitrary manner by the Planning Authority with little justification at €500,000. We do not consider that this amounts to a satisfactory identification of the nature/scope of works and expenditure involved.

Moreover, the means of apportioning a cost to the Applicants has been arrived at by carrying out a measure of traffic flows generated by the proposal and comparing the baseline levels to arrive at a figure of 28%.

As outlined in Table 2-2 of the TTA, flows from the development are predicted to have a much lower impact on the junction; estimated at 6.2% in 2026 and decreasing to 5.5% by 2041. On this basis, we do not consider that the Applicants should be responsible for 28% of the total cost of the upgrades, particularly when there remains uncertainty over the overall cost.

We note commentary in the Planner's Report to the effect that *"the scope of the required works, the expenditure involved, and the percentage of contribution can be agreed with the developer prior to occupation/ operation of the development."* However, in light of the wording of the condition which states that the developer "shall" pay the specified amount, the Board will no doubt agree that there is limited scope to negotiate on this with the Planning Authority at a later date. Perhaps it was the intention of the Planning Authority to include an agreement clause in the condition but this was not borne out in the final wording.

The junction as analysed in the Barret Mahony TTA, indicates it will be within capacity by 2031 and only marginally over capacity by 2041. These assumptions are also based on quite a conservative estimate that network flows will increase by over 20% in the intervening years.



Given the move toward sustainable transport policies it is both unlikely and undesirable that this scenario plays out in the coming years.

The Applicants for their part have prepared an ambitious Mobility Management Plan as part of the application for the scheme. The Board will note that conditions 12, 13 and 14 of the South Dublin Decision to Grant relate to matters of mobility management. Condition 13 requires that the Applicants review their mobility management measures at 5 year intervals with South Dublin County Council, while condition 14 formalises the Applicant's commitment to implement a shuttle bus service to serve the development. The Applicants will therefore be held to their commitments with regard to mobility and in providing a private shuttle bus service, are in our view going above and beyond to minimise their impact on the local road network. In light of this, it is in our view inappropriate to seek further funding from the Applicants to upgrade a junction which will be of little benefit to their development.

In summary, we request that the Board move to omit condition 25 in the first instance as we consider the Special Development Contribution has been unfairly applied to the Applicants, while other similar recent permissions in the vicinity have not been subject to the same contribution.

3.0 DESCRIPTION OF CURRENT PROPOSAL

Lens Media Limited are seeking a 10-year planning permission for the development of a Media Park at a 22.6 ha site located in the townlands of Coolscudden, Brownstown and Milltown, west of Grange Castle Business Park, Newcastle, County Dublin. The site is bounded by the Grand Canal to the north. The proposed development includes the construction of:

- 6 no. Stage buildings (buildings 1,2,3,11,13 &14) ranging in height between c. 20m and c. 23 m and comprising 11 no. Internal sound stages with overhead catwalks and 2-storey ancillary production offices including office space, plant and switch rooms, toilets, ICT rooms, staff toilets and showers and rooftop plant (totalling c. 35,187 sq. m);
- 4 no. workshops (buildings 15,16,17 &18) ranging in height between c. 9m and c. 10.5 m and comprising internal workshop areas, staff toilets and showers, ICT, plant and switch rooms (totalling c. 18,244 sq. m);
- TV studio and reception (building 4) comprising 3 no. TV studios (c. 17.8m height) and various supporting spaces across 3 floors including backstage shooting area, green rooms, hair and makeup rooms, production suites with ancillary offices, wardrobe, laundry room, Technical support offices, vision dept, lighting dept, pro service, run and crew kit room, chief engineer office, studio manager office, scenic store, props store, cameras and grip room, lighting and electrical room, plant room, sound control rooms, vision rooms, recording rooms and toilets at ground floor level; standard dressing rooms, tv post production spaces, kitchen and crew area, toilets, mechanical/electrical room, technical offices, media store at first floor level; star dressing rooms, tv post production, lounge and kitchen and toilets at second floor level; Single storey reception building to include guest holding areas, VIP and Guest service, security offices, staff toilets, showers and locker rooms (c. 10,875sq. m);
- 2-storey Dining Hall with ancillary 100 seat theatre (building 6) comprising indoor and outdoor dining areas, kitchen, storage and mechanical rooms, toilets and 3 no. meeting



rooms at ground floor level; office space and covered outdoor balconies at First floor level (c. 4,351sq. m)

- Standalone café (building 5) (c. 96 sq. m)
- 3 no. single storey production suites (buildings 7,8 & 9) comprising offices, conference room, kitchenette, communal areas and toilets (totalling c. 795 sq. m);
- 3-storey car parking deck (building 19) (c. 14,782sq.m) to include 438 no car parking spaces (including 100 no. EV and 27 no. disabled) with ancillary offices (building 20) (c. 4,307sq.m) refuse recycling area and rooftop plant; and
- Outdoor stage area associated with the TV Studio and Reception Building;
- Site landscaping to include: an amenity walkway and biodiversity area along the northern boundary of the site; public realm and planting areas in the vicinity of TV Studio and Reception Building and production suite offices; green roofs; and boundary treatments.
- Hard standing to include 'backlot' area (c. 14,160 sq.m) and 'shooting lanes' (c.18,900 sq.m) to facilitate outdoor filming;
- Electrical Substation (c 236 sq. m);
- primary and secondary gate houses (buildings 10 & 12)(c. 19 sq. m each)

The proposed development will include the provision of 516 no. surface car parking spaces (including 96no. EV, 13 no. disabled and 13 no. EV / disabled); 'Basecamp' area to provide 36 no. Large Vehicle parking spaces & 3 no. bus parking spaces to front of reception building as well as provision of Bicycle parking to include 274 no. covered spaces and 96 no. external spaces.

Additional works to include removal of existing wall and vegetation at south western boundary; provision of bin store adjacent to the proposed 'backlot' area and additional waste storage area adjacent to proposed dining hall; proposed pump station; rooftop PV panels (Buildings 17 & 18);rooftop plant; Building signage; LED video screen on eastern elevation of TV studio and reception building; public lighting; drainage and services provision; boundary treatments (including security fencing); piped site wide services; pedestrian and cycle links and all ancillary works and services necessary to facilitate construction and operation.

The primary proposed vehicular, cyclist and pedestrian entrance from the newly constructed Grange Castle West Access Road will be located at the eastern boundary of the site with a secondary vehicular access at the southeastern corner of the site.

4.0 CONCLUSION

We are requesting that the Board amend condition 24 of the South Dublin County Council Decision to Grant and reduce the total amount of contribution to reflect various exemptions that are allowed for in the South Dublin Development Contribution Scheme.

We further request that the Board omit condition 25 of the Decision to Grant, as we do not consider the rationale for the inclusion of this Special Development Contribution has been adequately justified by the Planning Authority. In addition, we consider there to be inconsistencies in the manner in which this Special Contribution has been calculated and apportioned to the Applicants.



In accordance with Section 48 (10)(c) of the Planning and Development Act 2000, as amended, provided no other third party appeals are received on the decision of South Dublin County Council, there should be no impediment to the Final Grant of permission being issued by the Planning Authority in advance of the above matters being adjudicated on by the Board.

We look forward to hearing the decision of An Bord Pleanála in due course.

Yours sincerely

Bernard Dwyer
Associate
Tom Phillips + Associates

Encl.

Copy of Decision to Grant (South Dublin County Council Planning Register: SD24A/0087W)

Bernard Dwyer
80, Harcourt Street
Dublin 2
D02 F449

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

Decision Order Number:	1422	Date of Decision:	19-Dec-2024
Register Reference:	SD24A/0087W	Date:	25-Oct-2024

Applicant: Lens Media Ltd

Development: The proposed development includes the construction of: 6 no. Stage buildings (buildings 1, 2, 3, 11, 13 & 14) ranging in height between c. 20m and c. 23 m and comprising 11 no. Internal sound stages with overhead catwalks and 2-storey ancillary production offices including office space, plant and switch rooms, toilets, ICT rooms, staff toilets and showers and rooftop plant (totalling c. 35, 187 sq. m); 4 no. workshops (buildings 15, 16, 17 & 18) ranging in height between c. 9m and c. 10.5 m and comprising internal workshop areas, staff toilets and showers, ICT, plant and switch rooms (totalling c. 18, 244 sq. m); TV studio and reception (building 4) comprising 3 no. TV studios (c. 17.8m height) and various supporting spaces across 3 floors including backstage shooting area, green rooms, hair and makeup rooms, production suites with ancillary offices, wardrobe, laundry room, Technical support offices, vision dept, lighting dept, pro service, run and crew kit room, chief engineer office, studio manager office, scenic store, props store, cameras and grip room, lighting and electrical room, plant room, sound control rooms, vision rooms, recording rooms and toilets at ground floor level; standard dressing rooms, tv post production spaces, kitchen and crew area, toilets, mechanical/electrical room, technical offices, media store at first floor level; star dressing rooms, tv post production, lounge and kitchen and toilets at second floor level; Single storey reception building to include guest holding areas, VIP and Guest service, security offices, staff toilets, showers and locker rooms (c. 10, 875sq. m); 2-storey Dining Hall with ancillary 100 seat theatre (building 6) comprising indoor and outdoor dining areas, kitchen, storage and mechanical rooms, toilets and 3 no. meeting rooms at ground floor level; office space and covered outdoor balconies at First floor level (c. 4, 351sq. m) Standalone café

(building 5) (c. 96 sq. m) 3 no. single storey production suites (buildings 7, 8 & 9) comprising offices, conference room, kitchenette, communal areas and toilets (totalling c. 795 sq. m); 3-storey car parking deck (building 19) (c. 14, 782.sq.m) to include 438 no car parking spaces (including 100 no. EV and 27 no. disabled) with ancillary offices (building 20) (c. 4, 307sq.m) refuse recycling area and rooftop plant; and Outdoor stage area associated with the TV Studio and Reception Building; Site landscaping to include: an amenity walkway and biodiversity area along the northern boundary of the site; public realm and planting areas in the vicinity of TV Studio and Reception Building and production suite offices; green roofs; and boundary treatments. Hard standing to include backlot area (c. 14, 160 sq.m) and 'shooting lanes' (c.18, 900 sq.m) to facilitate outdoor filming; Electrical Substation (c 236 sq. m); primary and secondary gate houses (buildings 10 & 12) (c. 19 sq. m each) The proposed development will include the provision of 516 no. surface car parking spaces (including 96no. EV, 13 no. disabled and 13 no. EV / disabled); Basecamp area to provide 36 no. Large Vehicle parking spaces & 3 no. bus parking spaces to front of reception building as well as provision of Bicycle parking to include 274 no. covered spaces and 96 no. external spaces. Additional works to include removal of existing wall and vegetation at south western boundary; provision of bin store adjacent to the proposed backlot area and additional waste storage area adjacent to proposed dining hall; proposed pump station; rooftop PV panels (Buildings 17 & 18);rooftop plant; Building signage; LED video screen on eastern elevation of TV studio and reception building; public lighting; drainage and services provision; boundary treatments (including security fencing); piped site wide services; pedestrian and cycle links and all ancillary works and services necessary to facilitate construction and operation. The primary proposed vehicular, cyclist and pedestrian entrance from the newly constructed Grange Castle West Access Road will be located at the eastern boundary of the site with a secondary vehicular access at the southeastern corner of the site.

Location: Site located in the townlands of Coolscudden, Brownstown and Milltown, West of Grange Castle Business Park, Newcastle, Co. Dublin

Floor Area:

Time extension(s) up to and including:

Additional Information Requested/Received: 13-Jun-2024/24-Oct-2024,

**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 24th October 2024, 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. Duration of Permission.
This construction phase of this permission is for a period of ten (10) years from the date of the final grant of permission and the use/operational phase of this permission is not time-bound.
REASON: In the interest of the proper planning and sustainable development of the area.
3. Design Amendments
Prior to the commencement of the permitted use, the developer shall submit the following for the written agreement of the Planning Authority and implementation thereafter:
 - a) Details of all external signage on buildings and throughout the site. Signage shall be assessed in compliance with the South Dublin County Development Plan 2022-2028.
 - b) The location and design of the public art feature.REASON: In the interests of visual amenity.
4. Mitigation Measures.
All mitigation measures set out in the documentation submitted in support of the application, including in particular those set out in the EIAR Main Report, Appendices and Addendum and Ecological Impact Assessment Report shall be implemented in full.
REASON: In the interest of the protection of the environment.

5. Retention of Landscape Architect (Public Realm)
Prior to commencement of development, the developer shall appoint a suitably qualified Landscape Architect as a Landscape Consultant for the duration of the construction phase and advise the Planning Authority (Public Realm) of same in writing prior to commencement. A Practical Completion Certificate, signed by the Landscape Architect, shall be provided to the Planning Authority upon the satisfactory completion of all landscape works.
REASON: In the interests of the visual amenities, landscape quality and green infrastructure of the areas, as well as orderly development.
6. Public Realm - Landscaping
Prior to the commencement of the development hereby permitted, the applicant/developer shall submit for the written agreement of the Planning Authority (Public Realm) and implementation thereafter details of the wildflower seed mix prior to any seeding on site.
REASON: In the interests of the visual amenities, landscape quality and green infrastructure of the areas, as well as orderly development.
7. 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.
8. Drainage - Irish Water.
 - (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.
 - (d) The applicant/developer shall comply with South Dublin County Council SuDS (Sustainable Drainage Systems) Guide.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.
9. Energy Statement
The Developer must ensure that all proposed energy efficiency measures as contained within the Energy Statement TGD L Compliance Report are delivered.
REASON: In order to comply with the policies and objectives of Section 12.10.1 of the County Development Plan 2022-2028.
10. Taking in Charge.
 - (a) All areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.
 - (b) A map delineating any areas to be taken in charge by the Local Authority and details of the legally constituted management company contract, and drawings/particulars describing the parts of the development for which the legally-constituted management company would have responsibility shall be submitted to, and agreed in writing with, the

planning authority (Roads) before the permitted use commences. The management scheme shall provide adequate measures for the future maintenance of public open spaces, roads and communal areas.

REASON: To provide for the satisfactory future maintenance of this development in the interest of residential amenity

11. Roads

- a. All items and areas for taking in charge shall be undertaken to a taking in charge standard.
- b. Prior to commencement of development a Public Lighting Design for the development must be submitted and agreed by the Planning Authority (Roads) and thereafter implemented
- c. Any road sign proposed and or to be installed shall comply with most up to date Chapter 5 (REGULATORY SIGNS) of the Traffic Signs Manual.
- d. The proposed development shall make provision for the charging of electric vehicles. 100% of surface car parking spaces must be provided with electrical ducting and termination points to allow for the provision of future charging points. Details of how it is proposed to comply with these requirements including details of the design of, and signage for, the electric charging points (where they are not in areas to be taken in charge) shall be submitted to, and agreed in writing with, the planning authority (Roads) prior to the commencement of development.

REASON: In the interests of residential amenity, public safety, compliance with Development Plan policy and the proper planning and sustainable development of the area.

12. Mobility Management Plan.

Prior to commencement of the permitted use on the site, the applicant shall submit an updated mobility management plan with details of the plans to promote an improved sustainable travel mode share targets and implement thereafter. For example, website updates and social media posts of bus timetables, shuttle bus timetables and route as well as train timetables.

REASON: In the interests of sustainable travel

13. Public Transport.

Five years after opening and at 5-year intervals thereafter, the applicant shall submit a review of the travel mode share targets for the development to the Planning Authority (Roads) for written agreement. The review will contain updated mode share targets with reduced car parking use and/or more active management of car parking spaces, increased shuttle bus services, and an update on public transport links. The new mode share percentages and actions should accommodate all the travel demands generated at the proposed development at that time and the increase in the mode share of sustainable modes of transport.

REASON: In the interest of promoting the use of sustainable modes of transport.

14. Shuttle Bus.

Prior to the commencement of the permitted use, the developer shall submit to the Planning Authority (Roads) a detailed shuttle bus management plan and shall operate/implement same thereafter. This plan shall include but not be limited to the following sections:

- a) Details of route and frequency to potential users of the site on an ongoing basis that

shows a responsive approach to the numbers of people travelling to and from the subject site etc.

b) Details showing sufficient shuttle bus provision to cater for the number of projected staff/contractors/other users travelling to and from the subject site

c) Details of the bus drop off/set down areas in a convenient and central part of the site for users of the service

d) Wayfinding signage and bus shelter for the shuttle bus service

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

15. Environmental Health Officer

Construction Phase

Noise

As outlined in Chapter 11 of the EIAR, Noise & Vibration, and the Construction Environmental Management Plan, adherence to the referenced controls as listed is expected.

1. No 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. Where intrusive machinery is required to be used at short notice, the main contractor shall ensure that nearby sensitive locations are informed prior to works commencing.

3. Noise due to the normal operation of the proposed development, expressed as L_{Aeq} over 15 minutes at the façade of a noise sensitive location, shall not exceed the daytime background level by more than 10 dB(A) and shall not exceed the background level for evening and night time.

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

5. The applicant shall ensure that the design of the noise sources at the facility and the associated abatement measures will ensure that tonal or nuisance noise will not arise at the Noise Sensitive Locations (NSLs) due to the facility operation.

6. The applicant shall put in place management procedures and a maintenance program for the external plant. All mechanical plant items such as motors, pumps, generators etc. shall be regularly maintained to ensure that excessive noise generated by any worn or rattling components is minimised.

7. Compliance verification through noise monitoring should be carried out during construction and operational phases of the development to ensure levels as outlined in the EIAR are achieved minimizing impact on Noise Sensitive locations

Air

Air:

As outlined in Chapter 9 of the EIAR, Air Quality, and the Construction Environmental Management Plan, adherence to the referenced controls as listed is expected.

8. During the construction 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.

Pest Control

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

Operational Phase

Noise:

10. Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any residence, adjoining premises or public place in the vicinity.

Lighting

11. The lighting to be used on site must not be intrusive to any light sensitive location including residential properties, public areas or commercial buildings in close proximity to the development.

Refuse

12. 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.

REASON: In the interest of public safety.

16. Aviation

The applicant/developer shall contact the Irish Aviation Authority, Weston Airport, and the Property Management Branch of the Department of Defence in relation to all crane operations, with a minimum of 30 days prior notification of their erection.

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

17. 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.

18. Archaeology

1. The developer shall engage a suitably qualified archaeologist to monitor (licenced under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, and/or dredging associated with the development. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary.

2. A Method Statement for the licenced archaeological monitoring, to be approved by this Department, will include methodology for the preservation by record of features AA1-AA5 that were identified during testing under Licence 20E0486.

3. 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 this Department, regarding appropriate mitigation [preservation in-situ/excavation].

4. 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.

19. Department of Housing, Local Government and Heritage - Nature Conservation

1. Prior to the commencement of development, the developer shall install two artificial holts (with the agreement of Waterways Ireland) in the southern bank of the Grand Canal adjoining the development site as a compensation measure to provide secure refuges for otter in this area and to enhance biodiversity; one of the artificial holts to be located as near to the west of the Gollierstown ponds as feasible and the other holt close to the western boundary of the development site and both to be concealed by the planting of suitable shrubs.

2. Prior to the commencement of development, the developer shall submit for the written agreement of the Planning Authority modified landscaping proposals for the swales and wildflower meadow within the development site and implement same thereafter to allow the establishment of vegetation on them from the existing soil seed bank and by natural dispersal, in order to preserve local native plant biodiversity within the Grand Canal pNHA.

REASON: To ensure the avoidance of any adverse effects on this species arising from the proposed development and to preserve the biodiversity value of the Grand Canal PHA

20. Biodiversity Management Plan (BMP)

The developer shall submit a Biodiversity Management Plan (BMP) for agreement with the Planning Authority's (Heritage Officer and Public Realm) and implement thereafter. The BMP will act to effectively co-ordinate and oversee the implementation of all proposed (and additional) biodiversity protection and mitigation measures listed or referred in associated submitted documents including, but not restricted to, the revised EIAR, the Landscape Plan, Lighting Plans, roads and transport strategies, and the Construction Management Plan.

The BMP will be prepared by a competent and experienced ecologist who will liaise closely with all relevant construction and design teams and their plans, to ensure biodiversity protection measures are agreed and, where relevant, are put in place prior to the commencement of development e.g. appropriate protective fencing of the Grand Canal corridor and any hedgerows proposed for retention.

The implementation of the BMP will be overseen by an Ecologist and/or an Ecological Clerk of Works with experience in the co-ordination of biodiversity protection and enhancement measures across all aspects of development construction and operation. The BMP will oversee the implementation of appropriate measures for biodiversity as proposed in the Landscape Plan, including reaching agreement of detailed green roof design and species for planting, ensuring maximum benefit to pollinating insects by availing of native species and ensuring that no non-native species are used e.g. *Sedum album*.

This BMP will clearly outline the identified possible impacts on biodiversity, including existing habitats (hedgerows, Grand Canal corridor etc.) and species e.g. bats, badgers, and birds, as detailed in the individual ecological surveys.

The BMP shall clearly detail the mitigation measures proposed to minimise impacts and

to protect habitats and species during both the construction phase and the operational phase. A 5-year schedule of on-going biodiversity monitoring programmes will be proposed for agreement with the Planning Authority's Heritage Officer.

At least 6 appropriate locations will be identified and agreed for the inclusion of multi-unit swift nesting bricks, while the installation of a specifically designed bat roost structure is to be located at an appropriate and agreed location within the restricted dark corridor along the Grand Canal.

The BMP will oversee the implementation of appropriate bat protective lighting throughout the proposed development site, but most particularly in the zone adjacent to the Grand Canal Corridor, to ensure minimal impact on the darker corridor of the Grand Canal for bats and otter, and other light sensitive species.

The BMP shall clearly detail a timetable for a 5-year monitoring programme of the individual biodiversity elements identified (birds, bats, badgers, hedgerows, pNHA protected strip), and shall allow for the alteration of any feature implicated in detected negative impacts e.g. lighting, fencing, should negative impacts be detected.

The engagement of any additional expert personnel required to address specific mitigation measures included in the BMP is advised, e.g. monitoring of Gloden Plover, bat roost and Swift nest monitoring.

REASON: To ensure the protection of protected species and habitat.

21. Resource and Waste Management Plan.

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 submitted to the Planning Authority (Waste Regulation) and retained as part of the public record. The RWMP must be submitted to the Planning Authority (Waste Regulation) 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.

22. Construction Traffic Management Plan (Roads)

Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a Traffic Management Plan (TMP) for the construction phase of the development for the written agreement of the Planning Authority (Roads).

(a) The TMP shall incorporate details The details shall also include details of the construction site entrance, site hoarding, site compound, staff parking, pedestrian access, wheel washing, road sweeping and public road remediation measures as well as details of the road network to be used by construction traffic.

(b) Should the development include oversized loads, the details should also detail of the haul routes for same and proposals for the protection of bridges, culverts and other structures to be traversed, as may be required.

The agreed TMP shall be implemented in full during the course of construction of the development.

REASON: In the interest of sustainable transport and safety

23. Construction & Environmental Management Plan.

Prior to the commencement of development, the applicant/developer shall submit a site-specific Construction & Environmental Management Plan (CEMP) for the written agreement of the Planning Authority. The CEMP should detail and ensure Best Construction Practices including measures to prevent and control the introduction of pollutants and deleterious matter to surface water and measures to minimise the generation of sediment and silt. Details around storage of construction materials, dust suppression and construction-related fuel and oil and roofed bunds that exclude rainwater shall be included. The developer must take precautions to ensure there is no entry of solids, during the connection of pipework, or at any stage to the existing surface water system. Flooding incidences during the construction phase should also be considered as part of the preparation of the CEMP. The CEMP should provide for the assignment of a designated, suitably experienced, and person during the construction phase, to monitor and ensure all environmental mitigation measures are implemented and functioning correctly and related record of checks shall be maintained and made available for inspection.

REASON: In the interests of public health and the proper planning and sustainable development of the area.

24. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €8, 859, 898.08 (Eight million, eight hundred and fifty nine thousand, eight hundred and ninety-eight euros and eight cents), in respect of public infrastructure and facilities benefiting development within 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 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

25. Special Contribution

The developer shall pay a special contribution of €143, 112 to the planning authority in respect of specific exceptional public infrastructure costs for facilities that will benefit this development within the area of the planning authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with Section 48 (2) c of the

Planning and Development Acts 2000 (as amended). The works pertaining to this special contribution are the junction upgrades at the R120 Newcastle Village-Peamount Road. The contribution will be for works on the improved alignment, signalised traffic management and improved pedestrian and cycle facilities at the junction. The special contribution shall be paid prior to occupation of the development, or in such phased payments as the planning authority may facilitate. Indexation in accordance with the Chartered Surveyors of Ireland Construction Tender Price Index will apply annually on 1st January, effective from 1st January 2025.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority

NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

NOTE: The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

NOTE: A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

NOTE: The applicant shall notify the Irish Aviation Authority and the Department of Defence regarding any cranes likely to penetrate ICAO surfaces.

NOTE: Notwithstanding any grant of planning permission; if an applicant requires permission to access local authority land (e.g. public footpaths, public open space or roadways) in order to access utilities, or for any other reason; please apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

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 20-Dec-2024
for Senior Planner

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