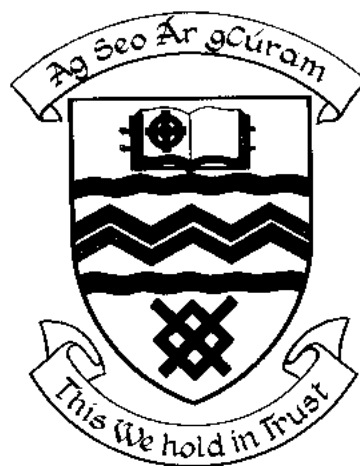


**SOUTH DUBLIN COUNTY COUNCIL
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Nicholas O'Dwyer Ltd.
Unit 4E, Nutgrove Business Park
Nutgrove Avenue
Rathfarnham
Dublin 14

**NOTIFICATION OF DECISION TO GRANT PERMISSION
PLANNING AND DEVELOPMENT ACT 2000, &
PLANNING REGULATIONS THEREUNDER**

Decision Order Number: 1867	Date of Decision: 24-Aug-2006
Register Reference: SD06A/0553	Date: 30-Jun-2006

Applicant:

Oxygen Environmental Ltd.

Development:

Amendments to existing planning permission (Register References SD04A/0354 and SD04A/0425) in respect of waste processing and recycling facility to include: (a) extension and modification to the existing recycling facility with total floor area of 2705 sq.m. (the total floor area of existing and proposed building will be 13672sq.m.); (b) construction of a two-storey administration building with total floor area of 520sq.m; (c) site works to include new vehicular entrance at administration building, carparking area and new revised location of previously approved weighbridges, weighbridge office and entrance: (d) new ESB substation; (e) extension of existing operating hours to 24 hours, Monday to Sunday. There is an existing EPA Waste Licence ref. 208-1 for this site.

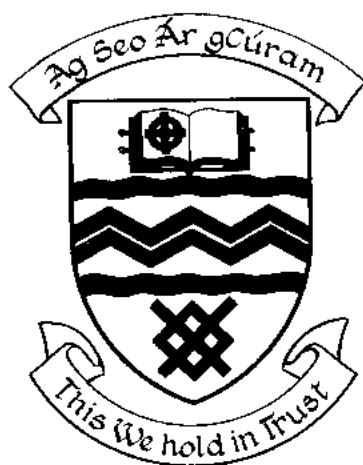
Location:

Merrywell Industrial Estate, Lower Ballymount

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Road, Ballymount, Dublin 22.

Floor Area:

Time extension(s) up to and including:

Additional Information Requested/Received: /

Clarification of Additional Information Requested/Received: /

DECISION TO: Pursuant to the Planning & Development Act 2000, 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 permission is hereby **GRANTED** 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 2004-2010 and subject to the (11) 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. The development shall be carried out in its entirety in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.

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REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.

2. a) All drainage works for this development shall comply with the Greater Dublin Regional Code of Practice for Drainage Works which can be viewed/downloaded from <http://environment.southdublin.ie> (click-publication then specifications).
b) Prior to commencement of the development all foul drainage drawings for the development shall be submitted to the Drainage Engineer (South Dublin County Council Deansrath, Nangor Road, Clondalkin, Dublin 22) for agreement.

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

3. a) The proposed foul sewer is crossing the gated vehicular entrance and existing road. Applicant shall submit bedding and backfill details showing the protection of this sewer from heavy duty vehicles prior to commencement of development.
b) Prior to commencement of the development all foul drainage drawings for the development shall be submitted to the Drainage Engineer (South Dublin County Council Deansrath Depot, Nangor Road, Clondalkin, Dublin 22) for agreement.

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

4. a) It is noted that the applicant proposes to build the input storage building over the existing 100mm watermain. Prior to commencement of development the applicant shall submit a revised watermain layout which shall show the existing 100mm watermain relocated to a position of at least three metres from the proposed building.
b) There is 850mm public watermain crossing the proposed vehicular entrance and gate. Prior to commencement of development the applicant shall submit bedding and backfill showing protection of this watermain from heavy duty vehicles.
c) Prior to commencement of the development all water drawings for the development shall be submitted to the Water Maintenance Engineer (South Dublin County Council Deansrath Depot, Nangor Road, Clondalkin, Dublin 22) for agreement.
d) This development shall comply with South Dublin County Council Specifications for Laying of Water Mains which can be viewed/downloaded from <http://environment.southdublin.ie> (click-publication then specification).
e) If not already metered, the development shall have its own commercially metered connection to the public watermain and full 24 hour storage.

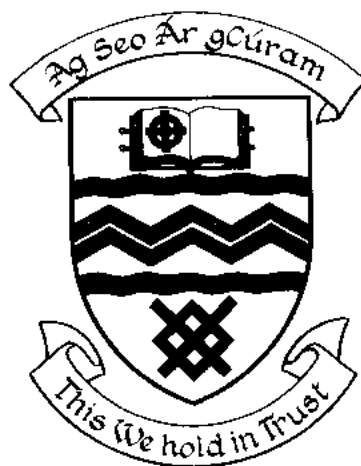
REASON: In the interest of proper planning and sustainable development of the area.

5. a) Dishing of kerb, construction of driveway aprons shall be to the satisfaction of Building Control and with the approval of the Developer of Merrywell Industrial Estate.
b) Relocation/alteration to street furniture shall be at applicant's own expense if

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necessary.

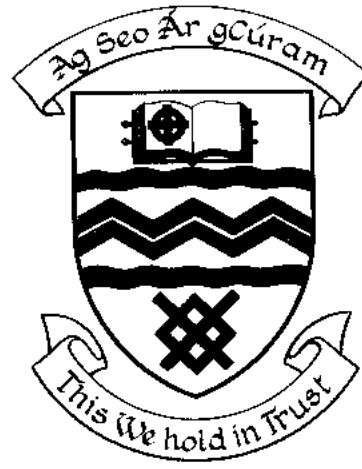
c) Continuation of footpath along site frontage up to Ballymount Road Lower junction.
REASON: In the interest of traffic safety and the proper planning and sustainable development of the area.

6. Apart from the departures permitted under this permission, the development shall be constructed in accordance with the agreements entered into under planning permissions Reg. Ref: SD 04A/0354 AND SD04A/0425.
REASON: In the interest of orderly development.
7. Noise due to the normal operation of the proposed development, expressed as Laeq over 15 minutes in a noise sensitive location, shall not exceed the background level for the night time.
REASON: In the interest of public health.
8. Clearly audible and impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of the noise level.
REASON: In the interest of public health.
9. Noise due to the normal operation of the proposed development, expressed as Laeq over 1 hour at the façade of a noise sensitive location, shall not exceed the daytime background level by more than 10 dB (A).
REASON: In the interest of public health.
10. During the construction/demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. 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.
11. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators as necessary to ensure that the noise level as expressed as Laeq over 15 minutes at 1 meter from the facade of any noise sensitive location does not exceed the background level by more than 10 dB(A) for daytime and shall not exceed the background level for evening and nighttime.

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REASON: In the interest of public health.

12. The developer shall pay the sum of €271,190.25 (two hundred and seventy one thousand one hundred and ninety euro and twenty five cent) (updated at the time of payment in accordance with changes in the Tender Price Index) to South Dublin County Council as a contribution towards expenditure in respect of public infrastructure and facilities benefiting development in the area of the planning authority and that is provided, or that it is intended will be provided, by or on behalf of the County Council as provided for in the Contribution Scheme for the County made by the Council. This contribution to be paid before the commencement of development on the site.

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.

13. Before the development is commenced, the developer shall lodge with the South Dublin County Council a cash deposit of €15,997.21 (fifteen thousand nine hundred and ninety seven euro and twenty one cent) (updated at the time of payment in accordance with changes in the Tender Price Index), or a bond of an Insurance Company of €26,662.27 (twenty six thousand six hundred and sixty two euro and twenty seven cent) (updated at the time of payment in accordance with changes in the Tender Price Index), or other security to secure the provision and satisfactory completion and maintenance to taking-in-charge standard of roads, footpaths, sewers, watermains, drains, public lighting and other services required in connection with the development.

REASON: To ensure the satisfactory completion of the development.

Note 1: The applicant/developer is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 a person shall not be entitled solely by reason of a permission to carry out any development.

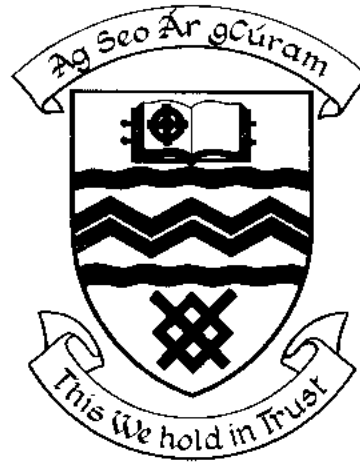
Note 2: The applicant/developer is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

Note 3: Water cannot be guaranteed at all times due to lack of adequate volumes of treated water to consumers in the Greater Dublin Region. However, there is a water

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network adjacent to the proposed development.

Signed on behalf of the South Dublin County Council.

for 

Senior Executive Officer

24-Aug-2006

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