

Date | 31 March 2025  
Our ref | 01445645  
Your ref |

**FAO: "RZLT Map"**  
**Active Land Management Unit**  
**Planning and Property Development Department**  
**Block 4, Floor 3, Civic Offices**  
**Wood Quay, Dublin 8, D08**

**By Online Submission:** [RZLT@dublincity.ie](mailto:RZLT@dublincity.ie)

**Residential Zoned Land Tax - Part 22A of the Taxes Consolidation Act 1997**  
**Submission made under Section 653E(4) of the Taxes Consolidation Act 1997 in respect of Maldron Hotel,**  
**Merrion Rd, Dublin 4, D04 K5C2**

Dear Sir or Madam

This submission is made on behalf of our client, [REDACTED] Maldron Hotel, Merrion Road, Dublin 4, D04 K5C2 (the **Hotel**).

We enclose at **Appendix I**, a Tailte Éireann map with the Hotel and the land upon which it is built identified. The Hotel has been included in the Residential Zoned Land Tax (**RZLT**) draft map for 2026 prepared by your offices, pursuant to Section 653C of the Taxes Consolidation Act 1997 (**TCA**) (Parcel ID: DCC000064194).

The site on which the Hotel is located, was originally the site of the [REDACTED] acquired the site and planning permission was granted to demolish the existing building and construct the Hotel and adjoining residential units. The Hotel was completed in 2022 and was built in accordance with Dublin City Council's (**DCC's**) development plan for the planning area, being Zoned Z1. We have enclosed copies of the parent permission at **Appendix II** to this submission.

We are making this submission on behalf of [REDACTED] pursuant to Section 653D TCA (as read in accordance with the application of Section 653M TCA), seeking the exclusion of the Hotel and its site from the final RZLT map for 2026.

Our client is seeking the exclusion of the Hotel from the draft RZLT map on the basis that:

- The Hotel/site is zoned for a mixture of uses, including residential use, and it is not reasonable to consider the hotel to be "vacant or idle land" within the meaning of Section 653A of the TCA;
- The Hotel is an authorised development (within the meaning of the Planning and Development Act 2000, the **Act**), which: (i) in use as premises in which a trade or profession is being carried on (that of hotel keeping), (ii) is liable to commercial rates and (iii) it is reasonable to consider the Hotel provides services to residents of adjacent residential areas;

- The site is required for occupation by social and recreational infrastructure and facilities; and
- The Hotel/the site is not land which the RZLT legislation is designed to target.

## Background information relating to the Hotel and land

The Hotel and adjoining apartments were constructed on the site of the former [REDACTED] with the Hotel formally opening in September 2022. The development was authorised and was made on foot of several grants of planning permission by DCC (copies of which are included at **Appendix II**).

The Hotel has operated on the site since completion of the development and [REDACTED] pays commercial rates in respect of the Hotel. The Hotel has 140 rooms, a bar and restaurant and four meeting rooms, which are open for hire to the public. The Hotel currently employs 57 staff members, 51 of which live in Dublin.

[REDACTED] sold the adjoining residential apartments to the [REDACTED] following completion of development, but [REDACTED] continues to own and operate the Hotel, which is the focus on our submission.

## Grounds for exclusion of Hotel from the DCC RZLT map

- The land on which the Hotel is built is zoned for a mixture of uses, including residential use, and it is not reasonable to consider the Hotel to be “vacant or idle land” within the meaning of Section 653A of the TCA*

Section 653B(c)(ii) TCA provides that where:

- land is included in a development plan, in accordance with Section 10(2)(a) of the Act, or local area plan, in accordance with section 19(2)(a) of the Act and zoned for a mixture of uses, including residential use; and
- it is not reasonable to consider that such land is “vacant or idle land” within the meaning of Section 653A of the TCA,

then such land should not satisfy the relevant criteria inclusion in the relevant RZLT map and should therefore be excluded from such RZLT map.

“Vacant or idle land” for these purposes is defined in Section 653A TCA as being land which, having regard only to development (within the meaning of the Act) which is not unauthorised development (within the meaning of the Act), is not required for, or integral to, the operation of a trade or profession being carried out on, or adjacent to, the land in question.

The site on which the Hotel is built is Zoned Z1, the zoning classifies numerous non-residential uses as permissible uses, namely:

### *Z1 – Permissible Uses*

*..., buildings for the health, safety and welfare of the public, childcare facility, community facility, cultural/recreational building and uses, delicatessen, education, embassy residential, enterprise centre, halting site, home-based economic activity, medical and related consultants, open space, place of public worship, public service installation, ..., shop (local), sports facility and recreational uses, training centre.*

As you know, the Dublin City Development Plan 2022-2028 characterises a permissible use as which is generally acceptable in principle in the relevant zone, but which is subject to normal planning considerations, including the policies and objectives outlined in the plan.

There are even more non-residential uses characterised as “Open for Consideration”:

## Z1 – Open for Consideration Uses

*Allotments, beauty/ grooming services, bed and breakfast, betting office, Build to Rent residential, café/tearoom, car park, civic and amenity/recycling centre, garden centre/plant nursery, guesthouse, hostel (tourist), **hotel**, industry (light), laundromat, live/work units, media-associated uses, mobility hub, off-licence, off-licence (part), office, park and ride facility, petrol station, pigeon loft, postal hotel/motel, primary health care centre, public house, residential institution, restaurant, student accommodation, veterinary surgery. [Emphasis added]*

The development of the site as a hotel with adjoining residential apartments was a permitted use and consistent with the land's zoning (being zoned for a mixture of uses, including residential use).

In our view, it is clear from the planning applications and the Zoning requirements that the mixed use development of the hotel and adjoining apartments was permissible in a Zoning Z1 development area and that the development was authorised.

The land upon which the Hotel is built is clearly not vacant or idle land, as it is integral to the trade of hotel keeping which is carried on by the Hotel.

Working through the relevant conditions to satisfy for the exclusion in Section 653B(c)(ii) TCA to apply:

- ***Is the land zoned for the mixture of uses, including residential?*** Yes, see above relating to Zoning Z1.
- ***Was the development of the land an authorised development within the meaning of the Act?*** Yes, the development was authorised by DCC (so the Hotel is not an unauthorised development).
- ***Is the land required for, or integral to, the operation of a trade or profession being carried out on, or adjacent to the land?*** Yes, the land has been purpose built and developed into the Hotel, and is integral to the trade of hotel keeping carried on by WPL.

As the relevant conditions are satisfied, the exclusion in Section 653B(c)(ii) TCA should apply here and the Hotel/land should be excluded from the DCC RZLT final map for 2026.

- ii. *The Hotel is an authorised development (within the meaning of the Act), which: (i) is in use as premises in which a trade or profession is being carried on (that of hotel keeping), (ii) is liable to commercial rates and (iii) it is reasonable to consider the Hotel provides services to residents of adjacent residential areas*

The above exclusion is provided for in Section 653B(a)(i) TCA and applies in relation to land which is “solely or primarily for residential use”. In our view, as the Hotel and the land on which it is built is Zoned Z1, the land is rightly categorised as being zoned for a mixture of uses, including residential use and accordingly this element of our submission is advanced as an alternative to the submission in Section I, in the event that the planning authority concludes that the land is not zoned for a mixture of uses including residential use.

As set out above and as evidenced by the relevant planning documents, the Hotel is an authorised development, which: (i) is in use as premises in which a trade or profession is being carried on (that of hotel keeping) and (ii) is liable to commercial rates.

It is also reasonable to consider the Hotel provides services to residents of adjacent residential areas.

As noted above, the hotel has a bar/restaurant and four meeting rooms, which are open for hire to the public. It functions as a form of community hotel for local residents, in that it provides for a number of community and social facilities and functions which would be missed and would be a loss to the local community if the Hotel wasn't operating.

The Hotel hosts social functions for families, such as family lunches, and providing hospitality in connection with other major family events such as christenings, communions and funerals. Local residents also utilise its bar and restaurant throughout the week.

As some further examples of its function and service in the local community, in 2024/2025 the Hotel and its staff:

- Have hosted Venture Business Network meetings on a weekly basis with local business networks.
- Hosted a number of Dun Laoghaire chamber lunch and learn networking events throughout 2024, with more networking events to be held in 2025.
- Hosted the St Conleth's College quiz night at the Hotel, and sponsored St Conleth's College senior cup team jersey.
- Sponsors the Blackrock Business Network's Leprechaun Chase on St Patrick's Day.
- Hosts Blackrock College coffee mornings.
- Host Christmas parties for nursing staff from St Vincent's and Blackrock Clinic (nearby hospitals).
- The Hotel's meeting rooms are primarily used/booked by local companies.

The Hotel also provides employment opportunities within the local area.

In our view, the Hotel clearly provides services to residents of adjacent residential areas.

While the Hotel should be excluded from the DCC RZLT final map for 2026 on the basis of Section 653B(c)(ii) TCA (mixed zoned land which is not vacant or idle land), if the land was adjudged to be primarily or solely residential, the Hotel would in that scenario meet the conditions for exclusion under Section 653B(a)(i) TCA. The Hotel provides services to local residents, be it in relation to hospitality facilities, hosting social events or in its role in local community activities (with local schools and businesses).

*iii. The site is required for occupation by social and recreational infrastructure and facilities;*

Given the uses outlined above, the Hotel can be considered part of the social and recreational infrastructure of the area and fall for exclusion from the map on this ground too.

*iv. The Site is not land which the RZLT legislation is designed to target*

It is unjust and against the intention of the legislation to levy the tax against it and we submit that the above exclusions, as a matter of law, must be interpreted and applied in that light.

The Hotel and the land upon which it is built is not land which the RZLT is seeking to target (land being held and not utilised for development). Our client has developed the site into the Hotel, in accordance with the relevant zoning requirements and with the benefit of planning permission.

The Government's RZLT Guidelines for Planning Authorities<sup>1</sup>, notes that the purpose of the RZLT: *"is to activate existing planning permissions and zonings where housing is permitted and where the land is connected to, or has access to services, but remains undeveloped. It is primarily intended to influence behaviour towards increased housing output."*<sup>2</sup>

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<sup>1</sup> Residential Zoned Land Tax - Guidelines for Planning Authorities June 2022

<sup>2</sup> Residential Zoned Land Tax - Guidelines for Planning Authorities June 2022 at page 3.

The Government's Guidelines go on to note that: *"As the aim of the taxation measure is to activate vacant or underused land for provision of housing, land which is located within mixed use zones, which permit a variety of uses including residential should only be considered to be in scope for the tax where they are vacant or idle."*

The intention of the RZLT legislation is to activate unused or passive land for residential development, not to penalise taxpayers who have undertaken authorised development of sites in accordance with relevant planning requirements. Furthermore, it is submitted that Dublin City Council's statutory obligations support a finding that the site satisfies the relevant conditions to satisfy exclusion from the RZLT Map. Dublin City Council is acting as planning authority in this context and is therefore required to adhere to its obligation to take such steps within its powers as may be necessary for securing the objectives of the development plan as provided for in Section 15 of the Planning and Development Act 2000. It is submitted that Dublin City Council should not adopt an artificial or unduly restrictive interpretation of its own land use zonings where that would result in the imposition of a tax intended to bring an end to that use.

As noted above, the Hotel pays commercial rates, employs 57 staff members and provides a variety of services for residents of its local area. The Hotel was completed in 2022 with the approval of Dublin City Council, so to put such a property within scope of a tax designed to activate unused or passive land for residential development is entirely inappropriate.

## Precedents

There are precedents for removing hotels from residential zoned land tax maps in similar circumstances:

i. *Maldron Hotel, Kevin Street Upper, Portobello, Dublin 8 (DCC RZLT Number RZLT 000210)*

Site excluded from Dublin City Council map on the basis that the lands do not satisfy Section 653B(c)(i) of the Taxes Consolidation Act 1997 as:

- the lands accommodate an authorised development (hotel, granted permission under ABP Reference PL 29S 245162);
- the lands are in use and operating as a trade (a hotel);
- the lands are liable to commercial rates (confirmed by DCC rated department, dated 30/04/2024);, and
- provide a level of local service to the residential community surrounding the hotel along with a key role as providing services to local residents, such as hospitality facilities.

ii. *Clayton Hotel, Monivea Road, Ballybrit, Galway (Parcel ID: GCLA00001351)*

Site excluded from the Galway City Council map on the basis that the land is occupied by an existing hotel use which supports the surrounding residential community, an authorised commercial use which is subject to commercial rates.

## Conclusion

As the Hotel and its site does not satisfy the statutory criteria for inclusion on the RZLT map, it follows that it must be removed from the DCC RZLT map.

If you have any queries or require any further information, please do not hesitate to contact [REDACTED]  
[REDACTED]

Yours faithfully

*A&L Goodbody LLP*

A&L Goodbody LLP

**Enc**

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## **APPENDIX I – TAILTE ÉIREANN MAP OF HOTEL/LAND**

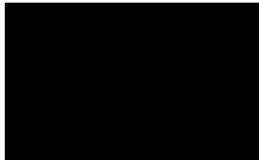
## **APPENDIX II – RELEVANT PLANNING DOCUMENTATION**

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**An Roinn Pleanála & Forbairt Maoin**  
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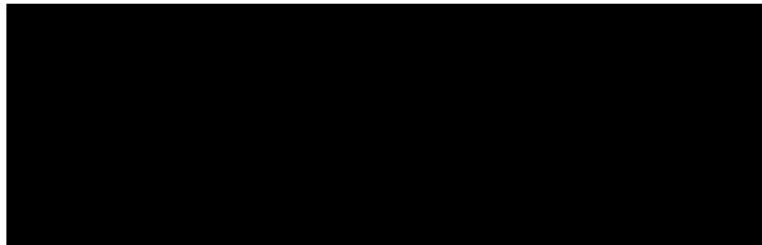
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**THIS IS AN IMPORTANT LEGAL DOCUMENT AND SHOULD BE PLACED WITH YOUR TITLE DEEDS**

Application No.  
Registration Date  
Decision Date  
Decision Order No  
Date of Final Grant  
Grant Order No  
Location  
Proposal



The proposed development of the hotel site comprises the demolition of all existing buildings and structures on site and the construction of a new mixed-use building that ranges in height between 1 and 9-storey over basement level to provide a replacement hotel of approximately 6,634.7 sq.m of hotel (140 bedrooms) fronting onto Merrion Road, together with 57 no. residential units (comprising 9 x 1 bedroom; 38 x 2 bedroom and 10 x 3 bedroom units comprising) at first to 6th floor level, to the side (south) and rear (west) of the hotel block fronting Bellevue Avenue. Proposed roof terraces serving the residential units at 1st to 8th floor (rooftop) levels.

The basement and ground level car park provides 138 car parking spaces, 76 bicycle parking spaces together with ancillary plant, storage and waste storage areas with ESB sub-station and switch room at ground floor level.

A new ramped vehicular access/ egress is provided off Bellevue Avenue serving the ground and basement level car park. The existing vehicular access off Bellevue Avenue close to the junction with Merrion Road shall be retained to provide a secondary vehicular access/ egress for passenger service vehicles and delivery vehicles. The existing vehicular access onto Merrion Road shall be closed and a new gate-controlled vehicular egress point onto Merrion Road at the north-eastern corner of the site is proposed for such servicing vehicles.

The proposed development on the car park site comprises site clearance works and the construction of a new pocket park (public open space) of approximately 177 sq.m at the western end of the site with frontage onto Bellevue Avenue.

To the east thereof is a terraced row of 5 no. 3-bedroom, part single,



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part 2-, part 3-storey town houses with integrated single garages, accessed of the southern side of Bellevue Avenue with ancillary private roof terraces at 2nd floor level.  
Attached to the town houses at the eastern end of the site is a proposed 4-storey apartment block comprising of 8 no. apartments (5 x 1 bed units and 3 x 2 bed units) with balconies at 1st, 2nd and 3rd floor levels to the front and rear of the block. A total of 8 no. ancillary cycle storage spaces are provided at ground level within the communal amenity space to the rear of the block at ground level. A combination of hard and soft landscaping measures are proposed to the communal and ancillary amenity spaces and areas of public realm.

Applicant  
Application Type



## **NOTIFICATION OF GRANT OF PERMISSION**

**PERMISSION** for the development described above has been granted under the Planning & Development Acts 2000 (as amended) subject to the following conditions.

### **Condition(s) and Reasons for Condition(s)**

1. Insofar as the Planning & Development Act 2000 (as amended) and the Regulations made there under are concerned the development shall be carried out in accordance with the plans, particulars and specifications lodged with the application, as amended by the Further Information received on 23/11/17, save as may be required by the conditions attached hereto. For the avoidance of doubt, this permission shall not be construed as approving any development shown on the plans, particulars and specifications, the nature and extent of which has not been adequately stated in the statutory public notices.

Reason: To comply with permission regulations.

2. The developer shall pay the sum of [REDACTED] to the Planning Authority as a contribution towards expenditure that was and/ or is proposed to be incurred by the Planning Authority in respect of public infrastructure and facilities benefitting development in the administrative area of the Authority as provided for in the approved Section 48 (Planning and Development Act 2000 as amended) Contribution scheme for Dublin City Council.

The amount due is payable on commencement of development. Phased payment of the contribution will be considered only with the agreement of Dublin City Council Planning Department. Applicants are advised that any phasing agreement must be finalised and signed prior to the commencement of development.

Reason: It is considered reasonable that the payment of a development contribution should be

NOT2perm

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made in respect of the public infrastructure and facilities benefitting development in the administrative area of the Local Authority.

3. The proposed pocket park, which was previously identified as public open space, shall be designated at "communal open space" for use by the residents of the development whereby the future maintenance of it will be the sole responsibility of the management company.

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

4. Prior to the commencement of development the applicant shall consult and agree in writing with the Parks Department financial compensation in lieu of their 10% public open space requirement.

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

5. (a) The site and building works required to implement the development shall only be carried out between the hours of:

Mondays to Fridays - 7.00a.m. to 6.00p.m.

Saturday - 8.00a.m. to 2.00p.m.

Sundays and Public Holidays - No activity on site.

(b) Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from Dublin City Council. Such approval may be given subject to conditions pertaining to the particular circumstances being set by Dublin City Council.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

6. (a) During the construction and demolition phases, the proposed development shall comply with British Standard 5228 " Noise Control on Construction and open sites Part 1. Code of practice for basic information and procedures for noise control."

(b) 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 premises in the neighbourhood or to a person lawfully using any public place. In particular, the rated noise levels from the proposed development shall not constitute reasonable grounds for complaint as provided for in B.S. 4142. Method for rating industrial noise affecting mixed residential and industrial areas.

Reason: In order to ensure a satisfactory standard of development, in the interests of residential

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amenity.

7. The following Environmental Health Officer requirements shall be complied with:

- (i) Prior to the demolition of any structures on site, an asbestos survey of the buildings to be demolished must be carried out. The proposed methodology for the removal of asbestos materials and monitoring of air quality must be submitted for the written agreement of the Air Quality Monitoring and Noise Control Unit
- (ii) With regard to the demolition and construction phases of the development, a Construction Management Plan shall be prepared on behalf of the developer and contractor. This Construction Management Plan shall be submitted to, and agreed in writing, by the Planning Authority, prior to commencement of development. This plan shall be developed with reference to the

Code of Practice for Construction and Demolition produced by the Air Quality Monitoring and Noise Control Unit of Dublin City Council.

Reason: In order to ensure a satisfactory standard of development, in the interests of residential amenity.

8. a. Prior to the commencement of any works, a Construction and Demolition Waste Management Plan must be furnished to and approved by Dublin City Council having regard to Circular WPR 07/06 - Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects - published by the DECLG, July 2006

b. In the event that hazardous soil, or historically deposited waste is encountered during the construction phase, the contractor must notify Dublin City Council and provide a Hazardous/Contaminated Soil Management Plan, to include estimated tonnages, description of location, any relevant mitigation, destination for disposal/treatment, in addition to information on the authorised waste collector(s).

c. Prior to the commencement of any storage of waste on-site, the applicant must consult with the Waste Regulation Unit of Dublin City Council.

d. Monthly reports regarding the management of the waste during works, must be forwarded electronically to the Waste Regulation Unit of Dublin City Council [waste.regulation@dublincity.ie](mailto:waste.regulation@dublincity.ie)

e. The works must comply with the following:

- i) Waste Management Act 1996, as amended.
- ii) Dublin City Council Waste Bye-Laws 2013 (Bye-Laws for the storage, presentation and collection of Household and Commercial waste) or any revision thereof.
- iii) Eastern & Midlands Regional Waste Management Plan 2015-2021.

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iv) Best Practice Guidelines on the Preparation of Waste Management Plans for the Construction and Demolition Projects – DECLG 2006.

v) Waste Management (Hazardous Waste) (Amendment) Regulations S.I. No 73/2000

vi) National Hazardous Waste Management Plan 2014-2020

vii) Article 27 of the European (Waste Directive) Regulations S.I. No 126 of 2011

viii) Any other relevant Waste Management related regulations

ix) Dublin City Development Plan (Current Version)

REASON: In order to ensure a satisfactory standard of development.

## 9. Waste (Standards for apartment blocks)

The application shall comply with the following waste management requirements in the planning process:

a. The requirements set out in the Dublin City Council Bye-Laws for the Storage, Presentation and Collection of Household and Commercial Waste, 2013 or any revision thereof, must be adhered to and, in particular, the requirement in the Bye-Laws to segregate waste into separate fractions to facilitate the collection of dry recyclables, organic kitchen/garden waste and residual waste in line with Waste Management (Food Waste) Amendment Regulations 2015 (S.I. 190 of 2015) and the European Union (Household Food Waste and Bio-waste) Regulations 2015 (S.I. 191 of 2015) and the Eastern - Midlands Region Waste Management Plan 2015-2021.

b. Waste storage issues should be considered at the initial apartment design stage to ensure access for all (including people with disabilities) in a brightly lit, safe and well designed area, spacious enough for easy manoeuvrability, good ventilation and ready access if required for the control of potential vermin.

c. Where storage is provided in a basement area sufficient access and egress must be provided to enable receptacles to be moved easily from the storage area to an appropriate collection point on the public street nearby.

d. The following are also requirements:

i. Receptacles that are designed for reuse, with the exception of specific areas designated by a local authority as being only suitable for the collection of non-reusable receptacles such as bags, ideally of 1,100 Litre capacity, must be used.

ii. To provide a three bin collection system for residents in communal collection schemes, for each



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type of waste; general waste, dry recyclables and organic food/garden waste. A proposal on the three bin system including bin quantity, type and frequency of collection must be submitted in writing to the Waste Regulation Unit in Dublin City Council for agreement.

iii. Sufficient space must be provided to accommodate the separate collection of dry recyclables and organic kitchen waste/garden waste.

iv. Suitable wastewater drainage points should be installed in the receptacle storage area for cleaning and disinfecting purposes.

REASON: In order to ensure a satisfactory standard of development.

#### 10. Waste (Standards for Commercial/Industrial Developments)

a. The requirements set out in the Bye-Laws for the Storage, Presentation and Collection of Household and Commercial Waste, 2013 or any revision thereof must be adhered to and, in particular, the requirement to segregate waste into separate fractions to facilitate the collection of dry recyclables, organic kitchen/garden waste and residual waste in line with Waste Management (Food Waste) Regulations 2009 (S.I. 508/2009), and the Waste Management (Food Waste) Amendment Regulations S.I. 190 of 2015, and the Eastern - Midlands Region Waste Management Plan 2015-2021.

b. The following are also requirements:

i) Receptacles that are designed for reuse, with the exception of in specific areas designated by a local authority as being only suitable for the collection of non-reusable receptacles such as bags, ideally of 1,100L capacity, must be used.

ii) Adequate storage space for a minimum of 1 No. 1,100 Litre receptacle.

iii) Sufficient space must be provided to accommodate the separate collection of dry recyclables and organic food/garden waste.

iv) Adequate space and height for a standard Refuse Collection Vehicle (RCV) to access site.

v) Sufficient access and egress must be provided to enable receptacles to be moved easily from the storage area to an appropriate collection point on the public street nearby.

vi) Receptacle storage areas must not be visible from or on a public street.

vii) The receptacle storage areas should be designed so that each receptacle within the storage area is accessible to occupants/employees of the development (including people with disabilities)

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viii) Suitable wastewater drainage points should be installed in the receptacle storage area for cleaning and disinfecting purposes

ix) Waste storage areas should not present any safety risks to users and should be well-lit

x) Adequate ventilation of waste storage areas so as to minimise odours and potential nuisance from vermin/flies

REASON: In order to ensure a satisfactory standard of development.

11. The following Roads and Traffic Planning Division requirements shall be complied with:

(i) Prior to commencement of development, and on appointment of a contractor, a Construction Management Plan shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including traffic management, hours of working, noise management measures and off-site disposal of construction/demolition waste.

(ii) At least one car parking space shall be permanently assigned to each residential unit and shall be solely reserved for this purpose. A Parking Management Plan shall be prepared for the site and submitted for the written agreement of Dublin City Council. This shall indicate how spaces will be assigned and segregated by use and how use of the car parking will be continually managed.

(iii) Cycle Parking to Development Plan standards shall be provided throughout the development. This shall be secure, conveniently located, sheltered and well lit.

(iv) The vehicular egress onto Merrion Road shall be solely used by service vehicles and shall operate as left out only.

(v) The applicant shall liaise with Dublin Bus and the National Transport Authority regarding the proposed relocation of the bus stop and shelter along Merrion Road. All costs associated with the relocation of the bus stop and shelter will be at the expense of the applicant.

(vi) The applicant shall undertake to implement the measures outlined in the Mobility Management Plan and to ensure that future tenants of the proposed development comply with this strategy. A Mobility Manager for the overall scheme shall be appointed to oversee and co-ordinate the preparation of individual plans.

(vii) Driveway entrance to townhouses shall not have outward opening gates.

(viii) Footpath and kerb to be dished and new entrance provided to the requirements of the Area Engineer, Roads Maintenance Department.

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(ix) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of development, shall be at the expense of the developer.

(x) The developer shall be obliged to comply with the requirements set out in the Code of Practice.

REASON: In the interests of orderly development.

12. The following Drainage Division requirements shall be complied with:

- (i) The developer is required to comply with the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0 (available from [www.dublincity.ie](http://www.dublincity.ie) Forms and Downloads).
- (ii) Dublin City Council's drainage records are indicative and must be verified on site.
- (iii) A connection from this development to the public Surface Water sewer network will only be granted when the developer has obtained the written permission of the Drainage Division and fulfilled all the planning requirements including the payment of any financial levies. All expense associated with carrying out the connection work are the responsibility of the developer. Developers are not permitted to connect to the public drainage network system without written permission from the Drainage Division. Any unauthorised connections shall be removed by the Drainage Division at the developer's expense. A licence will be required from the Drainage Division to allow the connection work to be carried out. Permission of the Roads Dept must also be obtained for any work in the public roadway.
- (iv) The drainage for the proposed development shall be designed on a completely separate system with a combined final connection discharging into the public combined sewer system.
- (v) To minimise the risk of basement flooding, all internal basement drainage must be lifted, via pumping, to a maximum depth of 1.5 metres below ground level before being discharged by gravity from the site to the public sewer.
- (vi) -The development shall incorporate Sustainable Drainage Systems in the management of stormwater. Full details of these shall be agreed in writing with Drainage Division prior to commencement of construction.
- (vii) The developer shall ensure that an appropriate flood risk assessment shall include the requirements as set out in section 4.8, defended sites, of the Dublin City Development Plan 2016-2022 (SFRA).
- (viii) The outfall manholes from this development must be constructed in accordance with the Code of Practice for Development Works – Drainage.
- (ix) All surface water discharge from this development must be attenuated to two litres per second per hectare.
- (x) An appropriate petrol interceptor shall be installed on the internal drain from the car park. Please refer to section 20 of the Greater Dublin Regional Code of Practice for Drainage Works Version 6.0.
- (xi) All private drain fittings such as, downpipes, gullies, manholes, Armstrong Junctions, etc. Are to be located within the final site boundary. Private drains should not pass through property they do not serve.

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

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13. The following Archaeological requirements shall be complied with:

- a. The developer shall retain a suitably qualified licensed-archaeologist to advise regarding the archaeological implications of site clearance, demolition and/or construction methodology and to make appropriate recommendations for mitigation including detailed survey as necessary.
- b. The developer shall allow for the resolution of archaeology (both on site and necessary post excavation) in the project budget and timetable.
- c. The developer's archaeologist shall undertake licensed archaeological monitoring of all demolition and sub-surface works associated with the development including the breaking and removal of any floor slabs, levelling of ground etc.
- d. The archaeologist shall consult with and forward their Method Statement in advance of commencement to the City Archaeologist.
- e. In the event of archaeological features being located in the course of the monitoring, the developer shall facilitate the archaeologist in fully recording such features, including if necessary the archaeological excavation of such features. In the event of significant archaeological features on site, the archaeologist retained by the developer shall immediately contact the City Archaeologist. The City Archaeologist (in consultation with the National Monuments Service, Department of Arts Heritage and Gaeltacht) shall determine the further archaeological resolution of the site.
- f. A written and digital report (on compact disc) containing the results of the archaeological monitoring shall be forwarded on completion to the City Archaeologist and National Monuments Service, Department Arts Heritage and Gaeltacht.
- g. Following submission of the final report to the City Archaeologist, where archaeological material is shown to be present, the archaeological paper archive shall be compiled in accordance with the procedures detailed in the Dublin City Archaeological Archive Guidelines (2008 Dublin City Council) and lodged with the Dublin City Library and Archive, 138-44 Pearse Street, Dublin 2.

Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.

14. Prior to the commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to and agreed in writing by the Planning Authority.

A panel of the proposed finishes to be placed on site to enable the planning authority adjudicate on the proposals. Any proposed render finish to be self-finish in a suitable colour and shall not require painting. Construction materials and detailing shall adhere to the principles of sustainability and energy efficiency and high maintenance detailing shall be avoided.

Reason: In the interests of orderly development and the visual amenities of the area.

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15. The car park hereby approved shall be retained for ancillary and associated use by the occupiers of the premises and shall not be sold, rented or otherwise sub-let or leased to other parties.

Reason: In the interests of sustainable transportation.

16. The landscape scheme accompanying the application shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within 3 years of planting shall be replaced in the first planting season thereafter. (The landscape scheme shall have regard to the Guidelines for Open space Development and Taking in Charge, copies of which are available from the Parks and Landscape Services Division.

Reason: In the interests of amenity, ecology and sustainable development.

17. Notwithstanding the provisions of the Planning & Development Regulations 2001(As Amended), no advertisement signs (including any signs installed to be visible through the windows); advertisement structures, banners, canopies, flags, or other projecting element shall be displayed or erected on the building or within the curtilage, or attached to the glazing without the prior grant of planning permission.

Reason: In the interests of visual amenity.

18. No additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts or other external plant other than those shown on the drawings hereby approved, unless authorised by a prior grant of Planning Permission.

Reason: To safeguard the amenities of surrounding occupiers and the visual amenities of the area in general.

19. In relation to individual houses the naming and numbering of dwelling units shall be in accordance with a naming and numbering scheme submitted to, and agreed in writing, by the Planning Authority, prior to the occupation of the dwelling(s).

Reason: In the interest of orderly street numbering.

20. Prior to commencement of development, the applicant shall enter into an agreement with the Planning Authority under Section 96 of the Planning & Development Act 2000 (as substituted by Section 3 of the Planning & Development Amendment Act 2002) in relation to the provision of social and affordable housing, in accordance with the Planning Authority's Housing Strategy unless the applicant has applied for and been granted an Exemption Certificate under Section 97 of the Planning & Development Act 2000 - 2010 (as amended).

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Reason: To comply with the requirements of Part V of the Planning & Development Act 2000 - 2010.

21. Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit or a bond of an insurance company/bank .

(a) to secure the satisfactory maintenance, completion and any reinstatement of services/infrastructure currently in the charge of Dublin City Council, including roads, open spaces, car parking spaces, public lighting, sewers and drains.

or

(b) to secure the satisfactory completion of services until taking in charge by a Management Company or by the Local Authority of roads, footpaths, open spaces , street lighting, sewers and drains to the standard required by Dublin City Council.

The form and amount of the security shall be as agreed between the planning authority and the developer, coupled with an agreement empowering the planning authority to apply such security or part thereof.

In the event that land to be used as open space is taken in charge, the title of any such land must be transferred to Dublin City Council at the time of taking in charge.

Reason: To achieve a satisfactory completion of the development.

22. (a) Prior to the commencement of development, the applicant shall delineate on a map those areas which are to be taken in charge for written agreement of the Planning Authority. In relation to those areas not taken in charge a Management Company shall be set up. The Management Company shall provide adequate measures for the future maintenance and repair in a satisfactory manner of private open spaces, roads, footpaths, car park and all services, together with soft and hard landscaping areas, where not otherwise taken in charge by the Local Authority.

Reason: In the interests of the future maintenance of this private development, in the interests of residential amenity and the adequate provision of community facilities.

1. Your attention is drawn to the requirements of the attached "Codes of Practice".

Schedule A: Drainage Division  
Schedule B: Roads, Streets & Traffic Division  
Schedule C: Air Quality Monitoring and Noise Control Unit

N.B. It should be clearly understood that the granting of Planning Permission does not relieve the developer of the responsibility of complying with any requirements under other Codes or legislation affecting the proposal, including the requirements of the Building Regulations, and Waste Management Acts.



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2. A person shall not be entitled solely by reason of a grant of Planning Permission to carry out any development.
3. A grant of Planning Permission does not entitle a person to construct a development that would oversail, overhang or otherwise physically impinge upon an adjoining property without the permission of the adjoining property owner.
4. Please find attached an information note from Irish Water regarding the public water & waste water network.

#### NOTES TO APPLICANT:

- The decision of Dublin City Council in respect of this development does not imply or infer any approval or right to connect to or discharge wastewater to the public sewer network or the right to connect to the public water supply. The Applicant shall, prior to the commencement of Development, make all necessary arrangements with and get all necessary approvals from Irish Water in relation to wastewater discharges and water connections.
- 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 relate 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 8 weeks beginning on the date of the Planning Authority's decision on the second application.
- Where applicable the development contribution rates shall be fixed from the 1<sup>st</sup> of January 2016 to the 31<sup>st</sup> of December 2017. Consideration may be given to applying indexation to rate of contribution effective from 1<sup>st</sup> of January 2018 in consideration of the SCSl Construction Price Index
- In relation to Compliance conditions three copies of compliance drawings will be required by the Planning Authority.

Signed on behalf of the Dublin City Council

\_\_\_\_\_ **for Assistant Chief Executive**

Date \_\_\_\_\_

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