

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Chief Executive's Order

PR/1078/21

Reg. Reference: SD21A/0159 **Application Date:** 17-Jun-2021
Submission Type: New Application **Registration Date:** 17-Jun-2021

Correspondence Name and Address: Ciaran Farrell, Rowan Engineering Consultants Ltd.
Unit 14, Scurlockstown Business Park, Trim, Co.
Meath

Proposed Development: Land recontouring/infilling works on c.16,000sq.m. of
a folio size of c.2.4ha (allowing buffers); volume of
material to be placed on site is c.35,000m³ with an
average fill level of c.3.5m above existing.

Location: Slade, Saggart, Co. Dublin

Applicant Name: Coffey Construction Ltd.

Application Type: Permission

(BH)

Description of Site and Surroundings

Site Description

The application site is located to the south of Saggart close to the junction of Castle Road and Slade Road. The site currently consists of a green field and is located to the south of the water reservoir. The general character of the area is rural in nature but there is a mixture of commercial, agricultural and residential properties located in the area.

Site Area

Stated as 2.4 Ha.

Proposal

The proposal consists of the following:

- Land recontouring/infilling works on c.16,000sq.m of a folio size of c.2.4ha (allowing buffers)
- volume of material to be placed on site is c.35,000m³ with an average fill level of c.3.5m above existing.

Zoning

The application site is subject to zoning objective – 'RU' - To protect and improve rural amenity and to provide for the development of agriculture.

Consultations

Environment, Public Realm & Water – no response received

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Chief Executive's Order

EPA – no response received
H.S.E. Environmental Health Officer – no objections
Heritage – no response received
Irish Water – no objections
Public Realm – Additional Information
Roads – Additional Information
Waste Management – no response received
Water Services – Additional Information

Screening for Strategic Environmental Assessment:

Indicates overlap with the following layers:

- Rural 2016
- SFRA A 2016
- SFRA B 2016

Submissions/Observations/Representations

Submission expiry date: 21st July 2021.

A submission has been received that has raised the following concerns:

- Destination of infill site to Citywest Executive Golf Course, scorching of golf course
- Application ED21/0004
- Proposal would be contrary to application ED21/0026.
- Impact on ecology.

The issues raised in the third-party submission have been taken into account in the assessment of the proposal.

Relevant Planning History

ED21/0026

A new water reservoir is being constructed at Saggart Waterworks (Fairgreen, Saggart ED, Saggart, Co. Dublin, D22 W1HD) as granted under Planning approval SD18A/018. Coffey seek to infill a boundary field with excavation materials which will be produced as an integral by-product in the construction process. Rowan seek to confirm that this would be planning exempt under Sch 2 Planning and Development act 2001 – 2019. Declared not exempt.

SD18A/0180

Permission granted for (1) Provision of a new 100,000m³ covered reservoir approximately 31,520sq.m with height above ground up to 6.7m approximately without hand railing on the roof (up to 7.9m approximately with hand railing). (2) Provision of an adjoining inlet valve house approximately 1560sq.m with height above ground up to 9.0m approximately without hand railing (approximately 10.2m with hand railing). (3) Provision of an adjoining outlet valve house approximately 575sq.m with height above ground up to 9.0m approximately without hand railing (approximately 10.2m with hand railing). (4) Provision of a new building (OCSE building) housing an ESB substation, chlorination plant and associated equipment, de-chlorination plant, a backup

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Chief Executive's Order

power generator, controls and welfare facilities; approximately 25m by 17m in plan and approximately 9.6m high to the apex. (5) 2 banded silo tanks with overall height of approximately 5.9m above ground level adjacent to the new OSEC building surrounded by a security wall. (6) Demolition of the existing buried reservoirs and redundant above ground buildings/structures. (7) New site entrance from Castle Road. (8) Landscaping and fencing works. The proposed development includes all associated site development works, hardstanding areas, provision of drainage collection systems with hydrocarbon interceptor and attenuation systems and provision of a temporary construction compound area. All necessary ancillary pipework, mechanical and electrical services, plant, instrumentation, automation and controls and equipment. All of the above is proposed on a site of approximately 13.5 hectares.

ED10/0011

Land Reclamation at Slade, Saggart declared not exempt.

Pre-Planning Consultation

None recorded for this development.

Relevant Policy in South Dublin County Development Plan 2016 – 2022

Section 4 Economic Development & Tourism

Policy ET9 Rural Economy

Section 7 Infrastructure & Environmental Quality

Section 7.1.0 Water Supply & Wastewater

Policy IE1 Water & Wastewater

Section 7.2.0 Surface Water & Groundwater

Policy IE2 Surface Water & Groundwater

Section 7.3.0 Flood Risk Management

Policy IE3 Flood Risk

Section 7.5.1 Waste and Resource Policy and Legislation

Policy IE5 Waste Management

Section 8 Green Infrastructure

Policy G1 Overarching

Policy G2 Green Infrastructure Network

Policy G3 Watercourse Network

Section 9 Heritage, Conservation & Landscapes

Policy HCL1 Overarching

Policy HCL2 Archaeological Heritage

Policy HCL7 Landscapes

Policy HCL12 Natura 2000 Sites

Policy HCL15 Non-Designated Areas

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Chief Executive's Order

Section 11 Implementation

Section 11.1.1 Land Use Zoning Tables

Section 11.4.5 Traffic and Transport Assessments

Section 11.5.1 Archaeological Heritage

Section 11.5.5 Landscape

Section 11.6.1 (i) Flood Risk Assessment

Section 11.6.1 (ii) Surface Water

Section 11.6.1 (iii) Sustainable Urban Drainage System (SUDS)

Section 11.6.1 (iv) Groundwater

Section 11.6.1 (v) Rainwater Harvesting

Section 11.6.1 (vi) Water Services

Section 11.6.3 Environmental Hazard Management

Section 11.6.3 (i) Air Quality

Section 11.6.3 (ii) Noise

Section 11.6.3 (iii) Lighting

Section 11.6.5 Waste Management

Section 11.8.1 Environmental Impact Assessment

Section 11.8.2 Appropriate Assessment

Relevant Government Guidelines

Project Ireland 2040 National Planning Framework, Government of Ireland, 2018.

Regional, Spatial & Economic Strategy 2020-2032 (RSES), Eastern & Midlands Regional Assembly (2019)

- Section 5 – Dublin Metropolitan Area Strategic Plan, in Regional, Spatial and Economic Strategy 2019 – 2031.

Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, (2009).

The Planning System and Flood Risk Management - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government & OPW, (2009).

Assessment

The main issues for assessment are the following:

- Zoning and Council Policy
- Residential Amenity
- Parking and Access
- Services, Drainage and the Environment

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Chief Executive's Order

- Landscaping and Visual Impact
- Ecology and Heritage
- Environmental Impact Assessment
- Appropriate Assessment

Zoning and Council Policy

The application site is subject to zoning objective – 'RU' - To protect and improve rural amenity and to provide for the development of agriculture. A long-term road proposal is indicated as being located to the north of the site on the CDP index map.

The application proposes the movement of soil from a site that is currently under construction for a water reservoir to the application site. The applicant has stated that they consider that the proposal would fall under 'Public Services' which is permitted in principle under the RU zoning objective as 'the infill site is adjacent to the approved Irish Water development and the generation of soil material from the project is inextricably linked to the wider plans under Irish Water's remit'. However, the definition of 'Public Services' as per Schedule 5 of the CDP 'includes all service installations necessarily required by electricity, gas, telephone, radio, telecommunications, television, drainage and other statutory undertakers' and therefore generally refers to the actual infrastructure associated with the public service. The proposal is to remove soil from a site that has been granted permission for a water reservoir that is currently under construction and as such the soil is a by-product of excavation to facilitate a development that was deemed to fall under 'Public Services' in application SD18A/0180 rather than a Public Service itself. It is therefore considered that the soil proposed to be moved to the application site could not be considered under the definition of 'Public Services'. There is no definition of excavated soil or anything similar in Schedule 5 of the CDP and the proposal is therefore considered to fall under 'Other uses' as per section 11.1.1 (iv) of the CDP. The CDP states that uses that fall under this category will be considered on a case-by-case basis in relation to conformity with the relevant policies, objectives and standards contained within the Plan, particularly in relation to the zoning objective of the subject site and its impact on the development of the County at a strategic and local level.

The applicant has provided very limited information on the potential impact of the proposal on the ability of the fields, where the soil is proposed to be moved to, to support agriculture should permission be granted, and the proposal implemented in the future. The applicant has mentioned at the beginning of their cover letter in section 1.3 that the 'proposal would be for the benefit of agricultural land' but has not elaborated upon this statement. Given the RU zoning objective which is 'To protect and improve rural amenity and to provide for the development of agriculture' it is considered necessary for the applicant to provide more justification for the proposal and to elaborate on how the movement of soil into the existing fields would impact on the lands ability to provide suitable land for the development of agriculture. There is also reference to materials other than soil including stone within other supporting documents and further clarity on how these materials would

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Chief Executive's Order

affect the ability of the land to support agriculture is deemed necessary. This is recommended to be sought as **additional information** given the zoning objective and lack of information submitted.

It is noted that concerns have been raised via a submission received about soil movement to a site that is located to the north-east of the application site. This site was the subject of a Section 5 declaration (ED21/0004) where the applicant sought to establish whether an area of land that was formally a golf course could be used as a temporary playing pitch for St Mary's GAA. However, application ED21/0004 did not provide any assessment on the movement of soil into the site nor does the movement of soil from the reservoir site to the site associated with application ED21/0004 form a part of the current application SD21A/0159. It is also noted that Figure 2.6 of the applicant's report includes reference to 'Pairc Mhuire Entrance 3' which does appear to be located close to the site associated with application ED21/0004 and therefore it would be important for the applicant to clarify that their proposal does not consist of works outside of the application site.

It is also noted that the applicant has only included the field where the soil would be transported to rather than the adjacent field where the soil would be removed from and transported to the application site, within their redline boundary. It would therefore be important for the applicant to provide an accurate redline boundary taking into account all areas of land that form part of the proposed development, particularly when the applicant has described the activities of both sites as being inextricably linked. It is recommended that these matters are addressed via a request for **additional information**. Should there be an amendment of the original position of the redline boundary, then it is likely that the application would have to be readvertised.

Residential Amenity

Environmental Health Officers have assessed the proposal in terms of Public Health and have not raised any concerns. Residential properties are located to the south and west of the site, with the closest located approximately 120m away. The applicant has submitted a Noise Impact Assessment with the proposal which has examined expected noise levels during infill activities and operating activities including material inspection and wheel washing. The report concludes that noise levels would be compliant with daytime noise limits and proposes that dump trucks should only be permitted to tip soil and stone in the centre of the site to reduce noise.

Therefore, subject to suitable conditions in relation to noise and operation, given the distance from the nearest residential properties, it is considered that the proposal would not be materially harmful to residential amenity.

Parking and Access

The Roads Department has assessed the proposal and provided the following comments:

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Chief Executive's Order

The applicant proposes the soil and stone would be transported through an existing linkage between both land parcels using site machinery. Truck movements would be avoided on the local road network.

The main site will be accessed via an entrance along the northern site boundary, which leads to the construction site of the new Saggart Irish Water Reservoir that is under construction.

The applicant has submitted a sketch of the site access for the main water reservoir.

The Roads Department have requested the following additional information:

- 1. The applicant shall submit a detail Traffic Assessment report on the traffic generated from the proposed and current development on all local road networks which facilitate vehicular traffic associated with the proposed and current permitted development and background traffic at these locations.*
- 2. The applicant shall submit, Geotechnical Engineer report on the stability of the proposed embankment.*
- 3. The Applicant shall submit details associated with temporary roads at the proposed development, showing location of site compounds/welfare facilities and pedestrian routes.*

Conclusion

The applicant has stated that trucks would access the site from the water reservoir site to the north. However, these trucks are likely to create activity in the surrounding area and road network and therefore it is considered reasonable to request a Traffic Assessment taking into account the proposed activities as well as the other items requested by Roads. This is recommended to be sought as **additional information**.

Services, Drainage and the Environment

Water Services have assessed the proposal and have raised concerns with surface water and flooding, with comments provided below:

Surface Water

- 1.1** Water Services have concerns that the proposed development will result in an increased surface water run off rate from the site which would exacerbate flooding issues downstream. The applicant is required to submit a report which demonstrates that surface water run off rates will not be increased from the site.
- 1.2** The applicant is required to clarify what water pollution and silt pollution mitigation measures are implemented as part of the development. Silt fencing shall also be included as part of these silt prevention measures.

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Chief Executive's Order

1.3 The applicant is required to clarify what the long term proposals are for the development. How long will the fill remain in the proposed location and will the site be reseeded with grass or reinstated in any way to its natural state?

Flooding

- 2.1** The proposed development site is located within Flood Zone A according to OPW's (Office of Public Works) CFRAM maps and South Dublin County Council's Strategic Flood Risk Assessment 2016-2022. The applicant is required to submit a site-specific flood risk assessment report with the inclusion of a justification test in compliance with OPW Flood Risk Management Guidelines for Planning Authorities. The report shall demonstrate how flood risk will not be exacerbated on the site as well as upstream and downstream of the development. Details of the measures and design features to prevent/mitigate the risk of flooding to the proposed development and to adjoining lands shall be submitted.
- 2.2** Submit a map showing the location of the site and proposed infill works in relation the OPW CFRAM flood risk zones.
- 2.3** The applicant is required to submit a drawing showing the distance between the proposed development and the top of the bank of the watercourse to the south of the site. The minimum setback distance from any works to the top of the bank of the watercourse shall be 10 metres. The existing 10m Riparian strip shall remain in its current state.

Conclusion

Given the volume of soil proposed to be moved into the site, the changes proposed to the landscape, the proximity of a water source and the presence of flood zones, it is recommended that the applicant addressed the issues raised by Water Services through the submission of additional information.

Irish Water have assessed the proposal and have no objections subject to conditions.

Landscaping and Visual Impact

The Public Realm section have assessed the proposal and raised significant concerns with the lack of an EIA submitted, the lack of a Construction and Environmental Management Plan, and the lack of information on landscape and visual impact.

Commentary on the requirement for an EIA is contained in the relevant section below. It is noted that the applicant has referred to 'proposals for new planting' within section 3.3.3 of their planning report but have not provided any details of these proposals. Given the quantity of soil that is proposed to be deposited at the site and the additional height of 3.5m that would be generated, the requirements of policy HCL7 of the CDP, the sites location within the Athgoe and Saggart Hills Landscape Character Area, the rural nature of the site and the proximity to protected views located to the south of the site, it is recommended that the applicant submits a landscaping plan, Visual

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Chief Executive's Order

Impact Assessment and more detailed sections to establish what the potential impact of the proposal would be on the landscape and surrounding area.

The applicant has referenced a Construction Environmental Management Plan within their planning report that was prepared for the water reservoir site which was assessed under application SD18A/0180. However, this report was prepared and assessed in 2018, concerns land that is outside the redline boundary of the current application site and is unclear how it relates to the current proposal and what is now proposed. Given the quantity of soil that is proposed to be moved into the site it is considered that an updated report reflecting the site and contents of the current proposal should be sought as **additional information**.

Ecology and Heritage

The proposal would see the movement of a significant amount of soil to an existing field and site adjacent to the Camac River, both of which support existing ecosystems. The applicant has submitted a Biological Water Quality Assessment of the River Camac. However, this report only gives an indication of the current water quality rather than an assessment of the potential impact the proposal would have on the water course. Given the volume of soil proposed to be moved to this location, there are concerns about the lack of information submitted in relation to ecology and the potential impact that the proposal could have. It is therefore recommended that the applicant submits a full ecological report including surveys of the land that should be carried out by a suitably qualified individual. This is recommended to be sought as **additional information**.

Given the potential for archaeological artefacts in the area it is recommended that conditions regarding monitoring are attached to any grant of permission.

Environmental Impact Assessment

Having regard to the content of the proposal and the thresholds set out in Schedule 5 of the Planning and Development Regulations (as amended), the proposal does not appear to fall under a criterion that requires a mandatory EIA.

Appropriate Assessment

The applicant has provided an Appropriate Assessment Screening Report prepared by Rowan Consulting Engineers. The report has assessed the proposal to identify whether there would be any significant impacts on designated sites and identifies six such sites within a 15km radius of the application site. The report concludes that there will be no significant negative effects upon the Natura 2000 sites either individually or in combination with other plans and projects.

Having regard to the Appropriate Assessment Screening Report, together with the nature of the development, and the distance from Natura sites, it is not considered that the proposed development

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Chief Executive's Order

would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

Conclusion

There are concerns with the lack of information, supporting documents and justification submitted with the application, particularly given the quantity of material proposed to be used. It is therefore recommended that the applicant submits additional information in relation to the RU zoning objective including the ability of the site to support agriculture, clarification on any connections with another site to the north-east, the redline boundary, a Traffic Assessment, geotechnical engineer report, temporary roads, surface water and flooding, landscaping and visual impact, a Construction Environmental Management Plan, and ecology and heritage.

Recommendation

I recommend that **ADDITIONAL INFORMATION** be requested from the applicant with regard to the following:

1. Having regard to the nature of the proposal and the RU zoning objective of the application site, which seeks to 'protect and improve rural amenity and to provide for the development of agriculture', the applicant is requested to submit the following information:
 - (a) Clarification on whether stone is also proposed to be deposited at the site as well as soil as there is reference within some of the supporting documents to stone but not within the description of development. This should include the quantity of stone proposed to be deposited.
 - (b) What impact the proposal would have on the sites ability to support agriculture in the future and further justification for the proposal given the RU zoning objective.
 - (c) Details of advice that the applicant has received from statutory bodies associated with agriculture on the suitability of the proposal to support agriculture following the proposed deposit of materials.
2. The applicant is requested to clarify whether the deposit of soil is connected to other sites in the area other than the application site as there are references to a site to the north-east including the former golf course associated with application ED21/0004. The applicant is also requested to clarify why the redline boundary does not include the site to the north where the water reservoir is located as connections are made within the supporting documents including the excavation of soil and truck routes. Should the redline be amended to reflect all works then it is likely that the application would have to be readvertised.
3. The Roads Department has raised concerns with the proposal from a traffic and transport perspective. Given the quantity of material proposed to be used and site context the applicant is requested to submit the following:
 - (1) A Traffic Assessment report on the traffic generated from the proposed and current

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Chief Executive's Order

development on all local road networks which facilitate vehicular traffic associated with the proposed and current permitted development and background traffic at these locations.

(2) A Geotechnical Engineer report on the stability of the proposed embankment.

(3) Details associated with temporary roads at the proposed development, showing the location of site compounds/welfare facilities and pedestrian routes.

4. Water Services has raised concerns in relation to surface water and flooding. Given the quantity of material proposed to be deposited, the proximity of a water source and presence of flood zones the applicant is requested to submit the following:

Surface Water

(1) Water Services have concerns that the proposed development will result in an increased surface water run off rate from the site which would exacerbate flooding issues downstream. The applicant is requested to submit a report which demonstrates that surface water run off rates will not be increased from the site.

(2) The applicant is requested to clarify what water pollution and silt pollution mitigation measures are implemented as part of the development. Silt fencing should also be included as part of these silt prevention measures.

(3) The applicant is requested to clarify what the long term proposals are for the development. How long will the fill remain in the proposed location and will the site be reseeded with grass or reinstated in any way to its natural state?

Flooding

(1) The proposed development site is located within Flood Zone A according to OPW's (Office of Public Works) CFRAM maps and South Dublin County Council's Strategic Flood Risk Assessment 2016-2022. The applicant is requested to submit a site-specific flood risk assessment report with the inclusion of a justification test in compliance with OPW Flood Risk Management Guidelines for Planning Authorities. The report shall demonstrate how flood risk will not be exacerbated on the site as well as upstream and downstream of the development. Details of the measures and design features to prevent/mitigate the risk of flooding to the proposed development and to adjoining lands shall be submitted.

(2) The applicant is requested to submit a map showing the location of the site and proposed infill works in relation the OPW CFRAM flood risk zones.

(3) The applicant is requested to submit a drawing showing the distance between the proposed development and the top of the bank of the watercourse to the south of the site. The minimum setback distance from any works to the top of the bank of the watercourse shall be 10 metres.

5. There are concerns about the potential visual impact on the proposal and the lack of information submitted. Given the quantity of material proposed to be deposited, the additional height, the site context and requirements of policy HCL7 of the CDP the applicant is requested to submit the following:

(a) A Landscape and Visual Impact Assessment, that should have regard to the site and surrounding area, any protected views and the requirements of policy HCL7 of the CDP.

(b) More detailed sections taken from a variety of positions showing the proposal in the

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Chief Executive's Order

context of the site and surrounding area.

6. There are concerns with the lack of information submitted regarding landscaping. The applicant is requested to submit a detailed proposed and existing landscaping plan to include any planting that is proposed to act as screening.
7. There are concerns with the lack of information submitted in relation to ecology given the greenfield nature of the site and the presence of the Camac River, both of which can support existing flora and fauna. Having regard to the site context and the requirements of policy HCL15 of the CDP, the applicant is requested to submit a full Ecological Impact Assessment of the site and surrounding area, to include any mitigation measures. The report should be prepared by a suitably qualified individual.
8. Given the quantity of material proposed to be deposited at the site and the site context, the applicant is requested to submit a Construction Environmental Management Plan.

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Chief Executive's Order

REG. REF. SD21A/0159

LOCATION: Slade, Saggart, Co. Dublin

B Henn

**Barry Henn,
Executive Planner**

ORDER: I direct that **ADDITIONAL INFORMATION** be requested from the applicant as set out in the above report and that notice thereof be served on the applicant.

Date: 10/8/21

Jason Frehill

Jason Frehill, Senior Planner