

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Chief Executive's Order

PR/1503/21

Reg. Reference: SD21A/0159 **Application Date:** 17-Jun-2021
Submission Type: Additional **Registration Date:** 21-Oct-2021
Information

Correspondence Name and Address: 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

EPA – no response received

H.S.E. Environmental Health Officer – no objections

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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 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)

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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

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

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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
- 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.

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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 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

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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:

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.

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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.
- 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

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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 address 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 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

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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 Assessing Screening Report, together with the nature of the development, and the distance from Natura sites, it is not considered that the proposed development 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

Request Further Information.

(CM)

Further Information

Further information requested on 10th August 2021 and received on 21st October 2021. The original 6-month period for the return of additional information expires on 10th February 2022.

Further Consultations

Roads

Recommends Refusal.

Environmental Services

Recommends Clarification of Additional Information.

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Irish Water	No objection, subject to conditions.
Public Realm	No objection, subject to conditions.
Water Pollution	No objection, subject to conditions.

Further Observations/Submissions

None.

Relevant National and European Policy and Statutory Documents

S.I. No. 126/2011 - European Communities (Waste Directive) Regulations 2011 – in particular, Article 27 of those Regulations.

By-Product Guidance Note: A Guide to by-products and submitting a by-product notification under Article 27 of the European Communities (Waste Directive) Regulations 2011 (S.I. No. 126 of 2011), Environmental Protection Agency, May 2020.

Guidance on Soil and Stone By-Products in the Context of Article 27 of the European Communities (Waste Directive) Regulations, 2011, Version 3, Environmental Protection Agency, 2019.

Note on Process and Interaction with SD21A/0171

The original decision on this application was made prior to the decision on SD21A/0171, which sought an Environmental Impact Assessment Report to cover that proposal and the subject proposal of this report.

Responses to each application were received and are being assessed simultaneously. It is the recommendation at time of writing that an EIA is not required (see report under SD21A/0171), but that development on this site and under SD21A/0171 will be subject to a determination by the EPA under Article 27 of the 2011 regulations (See above), that the material being spread on the subject site is a by-product suitable for re-use, and not a waste product.

It is therefore possible to grant permission for development without undertaking an Environmental Impact Assessment.

Assessment of Additional Information

Item 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.

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(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.

Response

- (a) The material is predominantly soil with some naturally occurring stones. The material consists of slightly sandy, slightly gravelly, clays. Bore hole testing results are provided.
- (b) The subject field is described as being quite wet in nature and having limited agricultural use. The applicant states that increased soil thickness would improve the land's capacity for agricultural use.
- (c) The applicant has not received advice as per item 1(c).

Assessment

The responses to (a) and (b) are adequate. The applicant should obtain advice from a relevant and suitably qualified statutory body or agricultural consultant as to how the site can be improved for agriculture. This should inform the final method and schedule of works. This can be addressed by **condition of permission**.

Item 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.

Response

The applicant confirms that the source site (the reservoir site) is also the source site for works described under ED21/0004. The applicant simultaneously states that the two sites are not related to each other.

The applicant has not extended the red line to include the reservoir site to the north (SD18A/0180). The applicant states that this is because the application site to the north already has permission.

Assessment

The applicant has split the reservoir development into several smaller projects; applications SD18A/0180, SD21A/0159, SD21A/0171 and ED21/0004 all relate to the same development, and should have properly been the subject of a single application for permission. That being said, the applicant may now seek approval for these projects through the Article 27 process, and so the consideration of environmental impacts is not hampered by project splitting.

The applicant's response to the issue of the red line is not an adequate response to the query. The *development* the applicant is applying for permission for is taking place across the two sites. The site compound will be located on the reservoir site, and a section of hedgerow is proposed to be removed between the two sites to facilitate movement of material.

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As noted further on in this report, the provision of a blue line, or extension of the red line boundary, will be required in this instance. This should be done by way of **clarification of additional information**, and the applicant will likely need to readvertise the application.

Item 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 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.

Response

- (1) Traffic will not enter the local road as material will be transported from the source site to the destination site through a break in the hedgerow between the two sites, which border one another.
- (2) A geotechnical report has been provided. It concludes that the excavation slope shall not exceed 40 degrees and the long-term surcharge loading to top of embankment is not to exceed 5kPa, to ensure stability.
- (3) The applicant has provided a drawing showing the welfare and compound facilities in the source site (SD18A/0180 refers), outside the red line boundary.

Assessment

- (1) The proposal to cut through the hedgerow does not appear in the planning notices and does not appear to have been relayed to the applicant's ecological consultant. The Ecological Impact Assessment has been prepared on the basis that no treelines or hedgerows will be removed. See item 7 below. This should be addressed by a **clarification of additional information**.
That issue notwithstanding, the Roads Department does not object to the proposal. The proposal may change pending clarification of additional information, however.
- (2) Environmental Services and Water Pollution have each signalled their acceptance of the report. It should be noted however that another drawing (Figure 6, Flood Risk Assessment) shows a much steeper slope at the site's edge. This drawing should be revised or accurate, authoritative, site sections provided by way of **clarification of additional information**. The Planning Authority is intent on ensuring that no polluting or destructive slippage of materials in the River Camac can occur as a result of this development, and notes the potential for increased extreme weather events in the very near future due to the effects of climate change.

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- (3) The Roads Department has recommended refusal on the grounds that the development includes construction activity outside the red line. It is possible to facilitate this arrangement without requiring the extension of the red line. The applicant should, however, provide a Site Location Map with confirmation of a blue line, as appropriate (this was not provided with the initial application. This should be done as **clarification of additional information**.

Item 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.

Response

Surface Water

- (1) The applicant has provided a Flood Risk Assessment report.
- (2) The applicant has provided a Construction Environmental Management Plan. It is proposed to provide silt fencing and a minimum 10m buffer area from the Camac River. Infilling is not proposed in the 100 year flood zone.

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- (3) The infilled areas will be levelled and suitable reseed mix will be sown which will be beneficial for agricultural purposes.

Flood Risk

- (1) See Flood Risk Assessment. The project, subject to mitigation measures proposed, will not be at risk from flooding nor will it exacerbate flooding in the immediate vicinity or wider area.
- (2) See Flood Risk Assessment. Maps have been submitted.
- (3) A 10m buffer is allowed for, and no infill is proposed on the 1-100 yr flood zone.

Assessment

It should be noted that there is some infill proposed on the flood zone, but, as per the Flood Risk Assessment, the applicant has provided for a compensatory storage area to which flood waters would flow.

The Environmental Services Department has assessed the above and concludes that a clarification of additional information is required. This relates not to the substance of the proposals, but to the details of the proposed fill levels and topography, as follows:

- 1.1** Water Services have concerns regarding the steep side slopes of infill area proposed in close proximity to the Camac River. Figure 6 within the submitted Site Specific Flood Risk Assessment shows a wall of infill material approximately 9m in height in close proximity to the River which would be susceptible to collapse during/after a period of rainfall. The applicant is required to demonstrate how the proposed infill area will not collapse, allowing infill material to pollute the Camac River to the south. Terracing of material and shallow side slopes shall be considered regarding demonstrating sufficient structural integrity of the proposed infill area.
- 1.2** The applicant is requested to submit a drawing showing cross sections of proposed infill areas adjacent to the River Camac. The drawing shall include slope gradients of the infill area a lot the interface with the River to the south.
- 1.3** The applicant is requested to submit a drawing in plan view showing the distance from proposed infill area to the top of the river bank to the south along the length of the river bank.

It is reasonable to seek revised and authoritative drawings as **clarification of additional information**.

Item 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.

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(b) More detailed sections taken from a variety of positions showing the proposal in the context of the site and surrounding area.

Response

The applicant has submitted photomontages and a Landscape and Visual Impact Assessment. It concludes that 'Based on the landscape and visual impact judgements provided throughout this LVIA, the proposed infill development... is not considered to give rise to any significant landscape or visual impacts.' The report characterises potential impacts as moderate-slight in the short-term, reducing as the development progresses and the land is seeded and planted. The overall impact is stated to be 'slight-imperceptible'.

The applicant has not provided 'detailed section taken from a variety of positions'.

Assessment

The response is adequate. It is considered that the proposed development would not have a significant or detrimental impact on the surrounding landscape.

This is one aspect of the development that requires a reappraisal on the basis of the loss of a section of trees/hedgerow to bring material into the site. An 'update' commentary by the applicant's Landscape and Visual consultant should be provided as **clarification of additional information**.

Item 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.

Response

The applicant refers to the LVIA in their response to this item. The applicant considers it unnecessary to provide any screening or screen planting.

Assessment

The Public Realm Department has recommended as a condition that the site is covered with topsoil and seeded; subject to this measure, the impact of the development is acceptable to the Public Realm Department. This is noted.

Item 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.

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Response

The applicant has submitted an Ecological Impact Assessment, which recommends certain mitigation measures and concludes with these measures, the development will have a neutral impact on biodiversity in the area, both when considered on its own and in combination with other sites.

Assessment

The Public Realm Department has recommended the following condition:

The applicant shall implement all relevant recommendations and mitigation measures proposed within the submitted Ecological Impact Assessment prepared by Whitehill Environmental. The mitigation measures that shall be implemented include:

Before and During the Infilling Works

- (i) All infilling works must be confined to the development site only and should adhere to all standard best practice measures. Work areas should be kept to the minimum area required to carry out the proposed works area and should be clearly marked out in advance of the proposed works. These measures must be undertaken from initial site works until the completion of all works on site.
- (ii) The plans for the infilling development allowed for a 10m unfilled buffer zone along the perimeter of the site, which includes all hedgerows, treelines and the riparian zone of the River Camac. It is vital that this 10m buffer is adhered to for the protection of birds, mammals and water quality. Prior to the commencement of works on the site, this buffer zone will be fenced off with Saturday fencing, which ideally should be mammal proof. There must be no storage of machinery, soil or other material within this buffer zone. All existing vegetation in this buffer zone should be maintained.
- (iii) As per the plans submitted and in accordance with the Construction and Environment Management Plan (CEMP). A silt barrier will be installed at the edge of the 10m buffer zone along the Camac River and the drain that occurs along the eastern site boundary. This silt fence must be sturdy and inspected regularly for weaknesses and deficiencies.
- (iv) The silt fence proposed will be a permeable geotextile barrier installed vertically on support and entrenched in the ground.
- (v) All chemicals, fuels, oils, greases and hydraulic fluids will be stored outside of this site and away from any watercourse in bunded compounds.
- (vi) There will be no re-fueling on site
- (vii) All soil material will be visually inspected for signs of potential contamination. Should any contamination be identified, the relevant soils will be stored separately, sampled and disposed of by licensed waste contractor (as required).

Post Infilling Works

- (i) Any landscaping at the end of the infilling works should involve the planting of native Irish species that are indigenous to the site. Suitable species would be hawthorn, willow and alder. The characteristics of newly planted hedgerows should mimic those in the surrounding area. Invasive species must not be used. Any

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landscape plan must be cognizant of the sensitivity of the natural habitats surrounding the site. Herbicides should be avoided during all phases of the construction and operation as these chemicals can have detrimental impacts upon local populations of pollinators.

- (ii) Bare soil should be seeded as soon as possible with grass seed. This will minimize erosion into the River Camac.
- (iii) The remaining perimeters of the site should be managed at a low intensity level post infilling. They should not be cleared of vegetation, sprayed with herbicide or re-seeded. This will allow for the protection of mammals and water quality post infilling. Cutting of the grass once a year in late summer will promote biodiversity and the growth of flowering herbaceous plants. This will be of benefit to local pollinating insects.
- (iv) Any future land spreading of the land post reseeded should only be done in accordance with the measures outlined in S.I. 605 of 2017. Land-spreading should adhere the guidance in this legislation and it should conform to any nutrient management plan set out for the source farm.

REASON: To ensure the protection of the natural Heritage of the site including Water Features in accordance with policies, in accordance with policies IE1 Objective 5, IE7 Objective 5, G2 Objective, G3 Objective 2, G4 Objective 2, HCL1 Objective 1, HCL1 Objective 2, HCL1 Objective 3 , HCL15 Objective 3, and other policies relating to Biodiversity within the CDP 2016-2022.

Overall, the Ecological Impact Assessment is considered to be a robust and reasonable statement with mitigation measures which should be undertaken on-site. However, the EcIA has been prepared on the basis that the hedgerows and trees lining the site will be retained. The report therefore fails to take into account, the applicant's proposal to remove a section of this hedgerow/tree line on the northern boundary of the site.

The EcIA refers to this as 'boundary 1' and reports the following:

- Badgers use this hedgerow for foraging and shelter. No setts have been found but excavated holes, latrines and trails suggest regular use of parts of the site by badgers. Badger snuffle holes were observed close to the eastern boundary of the site.
- A number of mammal trails were located close to the north-eastern perimeter of the site.
- Bats were found to be present along the northern boundary of the subject site, for commuting and foraging. As no removals were proposed, no bat survey was undertaken.
- Some of the trees on site may be suitable for bat roosts.
- The treelines and hedgerows on the site would normally provide good nesting, perching and feeding sources for local birds, and the site is likely to be of local value for birds.
- The treelines and hedgerows around the site generally provide important feeding sites, nesting areas and safe commuting corridors for local bird populations and small mammals.

It is considered necessary that the Ecological Impact Assessment is updated to take account of the proposal to cut through hedgerow on the northern boundary of the site.

The applicant should provide layout drawings with an exact proposal for where the hedgerow will be cut, and to identify any trees to be removed. The development should be reappraised by the

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applicant's ecologist to take account of this proposal, and an update to the Ecological Impact Assessment should be provided (either as a revised report, or as a supplementary report). It appears that a bat survey is necessary, and this should be undertaken. This should all be provided as **clarification of additional information.**

Alternatively, the applicant may wish to revise their traffic plan, retain the trees and hedgerow in situ and use the local road network. This can be proposed and would need to be assessed by the Roads Department: it would be advisable to consult with the Public Realm Department and/or Roads Department as appropriate.

Item 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.

Response

The applicant has provided a Construction Environmental Management Plan. The plan provides for mitigation measures, silt fencing, and emergency response procedures.

Assessment

The Public Realm Department has recommended that the CEMP be implemented and that this be a condition of permission. This is acceptable.

The Water Pollution section has advised that silt trapping is required on the site, the details of which should be agreed. This can be a condition of permission.

Screening for Environmental Impact Assessment

It is considered that the proposed development does not fall under the criteria laid down in Schedule 5 of the Planning and Development Regulations, 2001 as amended, subject to a determination by the Environmental Protection Agency that the materials constitute a by-product and not waste materials.

Screening for Appropriate Assessment

Having regard to the Appropriate Assessing Screening Report, together with the nature of the development, and the distance from Natura sites, it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

Conclusion

The applicant has provided an adequate response to many of the items of additional information. Some items require clarification, and further materials are required.

There is also a new proposal to cut through a field boundary to the north of the site; this is not on the planning notices and not taken into account in either the Ecological Impact Assessment or the Landscape and Visual Impact Assessment.

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The applicant should provide revised reports and re-advertise the development as necessary by way of **clarification of additional information**.

Recommendation

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

1. The applicant is requested to provide a revised Site Location Map, showing the total area of works in red, and any adjoining or nearby areas under the control of the same land-owner, or the applicant, in blue. The applicant will likely be required to re-advertise the application.
2. South Dublin County Council has concerns regarding the steep side slopes of infill area proposed in close proximity to the Camac River. Figure 6 within the submitted Site Specific Flood Risk Assessment shows a wall of infill material approximately 9m in height in close proximity to the River which would be susceptible to collapse during/after a period of rainfall. It is noted that this conflicts with the Geotechnical Engineer report provided. The Planning Authority is intent on ensuring that no polluting or destructive slippage of materials in the River Camac can occur as a result of this development, and notes the potential for increased extreme weather events in the very near future due to the effects of climate change.

The applicant is therefore requested to:

- (a) provide an accurate and authoritative set of layouts and site sections showing the slope on the site to adhere to that described in the Geotechnical Engineering report. The drawings shall include slope gradients of the infill area and the interface with the River to the south.
 - (b) submit a drawing in plan view showing the distance from proposed infill area to the top of the river bank to the south along the length of the river bank.
 - (c) to demonstrate how catastrophic mud flow and land slide can be prevented following periods of exceptionally heavy rain.
3. The proposal to cut through the hedgerow does not appear in the planning notices and does not appear to have been relayed to the applicant's ecological consultant or landscape and visual consultant. The following is required:
Either
(A) Provide for a traffic plan that is acceptable to the SDCC Roads Department but which will not include the removal of any field boundary hedgerows or trees. Recommend consulting with the SDCC Roads Department in advance.
OR
(B) (i) Readvertise the application and include the proposed removal of hedgerows and trees in the revised notices.
(ii) Provide layout drawings showing the proposed area for removal.
(iii) Trees along this boundary to be surveyed, and protection measures proposed for any trees which are to be retained but which are in close proximity to those elements being removed.
(iv) A revised Ecological Impact Assessment, or a supplementary commentary to the EcIA, reflecting the revised proposal.

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(v) As part of (iv), a Bat Survey should be carried out.

(vi) A revised Landscape and Visual Impact Assessment, or a supplementary commentary to the LVIA, reflecting the revised proposal.

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REG. REF. SD21A/0159
LOCATION: Slade, Saggart, Co. Dublin



Jim Johnston,
Senior Executive Planner

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

Dated: 18/11/21



Eoin Burke, Senior Planner