

Comhairle Chontae Atha Cliath Theas

PR/0232/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD21A/0340 **Application Date:** 14-Dec-2021
Submission Type: New Application **Registration Date:** 14-Dec-2021
Correspondence Name and Address: Peter McGillen 'Burgage', Blessington, Co. Wicklow
Proposed Development: Build agricultural farm shed positioned on existing hard standing area and completion of access road as granted under Ref. SD13A/0067.
Location: Calliaghstown Upper, Rathcoole, Co Dublin
Applicant Name: Bernard Glennon
Application Type: Permission

(CS)

Description of Site and Surroundings

Site Area The site area is stated as 0.6932 hectares.

Site Description

The site is located in the townland of Calliaghstown in a rural area of Rathcoole. The site is elevated, comprised of a single large field with a number of hedgerows and slopes downwards from north to south. The ground level of public road to the north is stated as 334.5m and the ground level on the southern site boundary is stated as 250.0m. The land level forms a plateau towards the centre of the field. The eastern section of the site is bounded by the narrow Sladmore Road, the southern boundary is the administrative boundary with County Kildare. The northern and western boundaries are formed with adjoining fields. The boundary with the field to the south is formed by a low hedgerow and a double line of mature trees. An entrance gate serving the lands is located on the Sladmore Road. There are significant protected views looking south towards the subject site from Lees Lane Road and the subject site is located to the south-west of Protected Prospect No.8 Saggart Hill. As the site slopes downwards in a north-south direction this mitigates against adverse visual impact. The site is located immediately to the east of the Brittas Gravel Complex County Geological Site, as mapped on the SDCC Development Plan 2016-2022. It is noted that only the area where the shed is proposed is outlined in red and the remaining field in the applicants' ownership is outlined in blue.

Proposal

The proposed development comprises of the following:

- Construction of an agricultural farm shed positioned on existing hard standing (c.294sq.m).
- Shed will be used to accommodate the storage of farm machinery, hay and feed for livestock.

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- Completion of access road as granted under Reg. Ref. SD13A/0067.
- Proposed works measure c.294sq.m.

Zoning

This area is under the zoning objective 'HA - DM' – *to protect and enhance the outstanding natural character and amenity of the Liffey Valley Dodder Valley and Dublin Mountain Areas.*

Consultations

Surface Water Drainage – **Additional Information** recommended.

Irish Water – Refer to EHO recommended.

Environmental Health – Acceptable subject to **condition**.

Parks Department – Grant with **conditions**.

Roads Department – No objection subject to **conditions**.

Inland Fisheries – No report received to date.

TEAGASC – No report received to date.

SEA Sensitivity Screening

Overlap identified with 'high amenity Dublin Mountains 2016' and 'site of geological interest 2016' layers. However, it is noted that the site is located immediately to the east of the Brittas Gravel Complex County Geological Site, as mapped on the SDCC Development Plan 2016-2022.

Submissions/Observations /Representations

None.

Relevant Planning History

SD13A/0067: Retention of agricultural entrance gateway, access road, hard standing area 1380sq.m. and horse exercise track.

Decision: **GRANT PERMISSION FOR RETENTION.**

ED21/0046: Storage of hay & feed for Livestock. Also storage of farm machinery for safety purposes.

Decision: **DECLARED NOT EXEMPT.**

Relevant Enforcement History

S5241. Live case remains open.

S4460. Case now closed.

Pre-Planning Consultation

None.

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Relevant Policy in South Dublin County Council Development Plan (2016 – 2022)

This area is under the zoning objective 'HA - DM' – *to protect and enhance the outstanding natural character and amenity of the Liffey Valley Dodder Valley and Dublin Mountain Areas.*

Section 11.3.4 (iii) Wastewater Treatment

Policy HCL1 Heritage, Conservation and Landscapes

Section 9.2.0 Landscapes

Policy ET9 Rural Economy

It is the policy of the Council to support sustainable rural enterprises whilst protecting the rural character of the countryside and minimising environmental impacts.

Policy HCL7 Landscapes

It is the policy of the Council to preserve and enhance the character of the County's landscapes particularly areas that have been deemed to have a medium to high Landscape Value or medium to high Landscape Sensitivity and to ensure that landscape considerations are an important factor in the management of development.

HCL7 Objective 2:

To ensure that development is assessed against Landscape Character, Landscape Values and Landscape Sensitivity as identified in the Landscape Character Assessment for South Dublin County (2015) in accordance with Government guidance on Landscape Character Assessment and the National Landscape Strategy.

Section 8.1.0 Green Infrastructure Network

Policy G2 Green Infrastructure Network

Section 8.2.0 Watercourses Network

Policy G3 Watercourses Network

Section 9.2.1 Views and Prospects

Table 9.2: Prospects to be Preserved and Protected

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Policy HCL8 Views and Prospects

Section 9.3.0 Natural Heritage Sites

Section 9.3.1 Natura 2000 Sites

Table 9.3 Natura 2000 Sites

Policy HCL12 Natura 2000 Sites

Section 9.3.2 Natural Heritage Areas

Table 9.4 Proposed Natural Heritage Areas

Policy HCL13 Natural Heritage Areas

Section 9.3.5 Non-Designated Areas

Policy HCL15 Non-Designated Areas

Section 9.4.0 Public Rights of Way and Permissive Access Routes

Policy HCL16 Public Rights of Way and Permissive Access Routes

Section 9.7.0 Sites of Geological Interest

Table 9.6 County Geological Sites for Protection

Policy HCL19 Geological Sites

Section 11.7.2 Energy Performance in New Buildings

Section 11.8.2 Appropriate Assessment

Relevant Government Policy & Guidelines

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

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Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities DoEHLG (2009)

Assessment

The main issues for consideration are:

- Zoning and Council Policy;
- Visual Impact;
- Parks & Landscaping;
- Traffic and Access;
- Environmental Health;
- Services & Drainage;
- Screening for Appropriate Assessment (AA);
- Screening for Environmental Impact Assessment (EIAR).

Zoning and Council policy

This area is under the zoning objective 'HA - DM' – *to protect and enhance the outstanding natural character and amenity of the Liffey Valley Dodder Valley and Dublin Mountain Areas*. The use of lands for agriculture is permitted in principle in this zoning subject to compliance with the SDCC Development Plan 2016-2022.

Visual Impact

The agricultural shed structure (c.294sq.m.) will be located to the south of the subject site. The shed will have a pitched roof with a ridge height of c.5.5m and an eaves height of c.4.3m. It will have a length of c.28.0m and a width of c.11.6m.

The topography of the site slopes downwards in a north-south direction from the public road (Lees Lane Road) to the north to the southern site boundary. The cover letter and drawings submitted show that no ground excavation works are proposed as the shed will be constructed on a flat level plateau towards the centre of the field.

The applicant states in the cover letter submitted that the shed will be positioned on an existing hard standing area (1380sq.m.) which was granted permission for retention as per Reg. Ref. SD13A/0067. It is also noted that the existing access road to the south east was granted permission for retention as per Reg. Ref. SD13A/0067.

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Section 9.2.1 Views and Prospects (HCL) Policy 8 of the SDCC Development Plan 2016-2022 states that *'It is the policy of the Council to preserve Views and Prospects and the amenities of places and features of natural beauty or interest including those located within and outside the County'*.

There are significant protected views looking south towards the subject site from Lees Lane Road and the subject site is located to the south-west of Protected Prospect No.8 Saggart Hill. However, as the site slopes downwards in a north-south direction this mitigates against any potential adverse visual impact. The proposed materials for the shed consist of concrete block with sand/cement external finish and a dark green cladding for the roof section. Considering the design and siting of the shed the proposal would not have a significant adverse visual impact on the landscape including on views and prospects. The proposal would visually accord with the character of the area and would comply with the SDCC Development Plan 2016-2022.

The completion of the proposed access road as granted permission for retention under Reg. Ref. SD13A/0067 is covered in the Traffic & Access section of this report. The entrance gate and access road serving the lands is located on the Sladmore Road to the south east of the subject site.

Parks & Landscaping

A report as received from the Parks Department recommending a grant with **conditions**. An extract taken from the Parks report states the following:

Existing Trees and Hedgerows

The Public Realm Section has some concerns regarding the potential impact of this proposed development on the existing hedgerow and trees located along the southern boundary of the proposed development.

1. Tree Retention

*No trees, shrubs or hedges located to the south of the proposed development shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased with five years from the completion of the development; shall be replaced with trees, shrubs or hedge plants of similar size and species. Details of replacement planting shall require the written approval of the Public Realm Section. **CONDITION***

REASON: To ensure the continued wellbeing of the trees in the interests of the amenity and environmental quality of the locality.

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In order to minimise any potential adverse visual impact it is considered appropriate to attach the above **condition** in the event of a grant.

Traffic and Access

The entrance gate and access road serving the lands is located on the Slademoore Road to the south east of the subject site. A report was received from the Roads Department recommending no objections subject to **conditions**. An extract taken from the Roads report states the following:

Prior to commencement of any works in the public domain, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10, a Road Opening Licence must be secured from South Dublin County Council, Roads Maintenance Department.

Description

The retention of an agricultural shed. A previous planning was granted for the access road to this development (SD13A/0067) the roads report note that the development shall be used for agricultural purposes only. As there are no amendments to the access road or access from the public road, the roads department have no observations.

*No Roads objections subject to the following **conditions**:*

1. The structure is used for agricultural purposes only.

It is considered appropriate to attach the above **condition** in the event of a grant. It is also considered appropriate to attach all relevant **conditions** for the access road as granted permission for retention as per Reg. Ref. SD13A/0067.

Environmental Health

The Environmental Health Officer (EHO) has issued a report recommending the proposal is acceptable subject to **conditions**. An extract taken from the EHO report states the following:

*The above proposal is acceptable to the Environmental Health Department – subject to the following **condition(s)**:*

Construction Phase

Noise

1. To control, limit and prevent the generation of Environmental Noise Pollution from occurring the Environmental Health Department of South Dublin County Council, hereby informs you that :

The use of machinery, plant, or equipment (which includes pneumatic drills, generators and the movement on and off the site of construction vehicles) is NOT PERMITTED outside the following hours

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- *Before 07.00 hours on weekdays, Monday to Friday*
- *Before 09.00 hours on Saturdays.*
- *After 19.00 hours on weekdays, Monday to Friday.*
- *After 13.00 hours on Saturdays.*
- *Not permitted at any time on Sundays, Bank Holidays or Public Holidays.*

Reason: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

Air Quality

During the construction / demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances.

Reason: To contain dust arising from construction / demolition in the interests of public health and to prevent nuisance being caused to occupiers of buildings in the vicinity.

It is considered appropriate to attach the above **conditions** in the event of a grant.

Services & Drainage

Surface Water Drainage has issued a report recommending Additional Information be requested regarding requirements for Surface Water Drainage. It is noted that Irish Water has referred the application to the EHO for comment. An extract taken from the Surface Water Drainage report states the following:

*Surface Water Report: **Further Information** Required:*

1.1 Submit a drawing showing the surface water layout for proposed development.

1.2 Submit a drawing showing what SuDS (Sustainable Drainage Systems) are proposed for the development. Examples of SuDS include

- *Green area detention areas*
- *Swales*
- *Filter drains*
- *And other such SuDS.*

1.3 The applicant is required to submit a revised drawing showing plan & cross-sectional views, dimensions, and location of proposed soakaway. Any proposed soakaway shall be located fully within the curtilage of the property and shall be:

- i) At least 5m from any building, public sewer, road boundary or structure.*
- ii) Generally, not within 3m of the boundary of the adjoining property.*
- iii) Not in such a position that the ground below foundations is likely to be adversely affected.*

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- iv) 10m from any sewage treatment percolation area and from any watercourse / floodplain.*
v) Soakaways must include an overflow connection to the surface water drainage network.
Flood Risk No Objection

The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.

All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

Notwithstanding the report from Surface Water Drainage, it is considered the above may be dealt with by way of **condition** in the event of a grant.

Screening for Appropriate Assessment (AA)

Having regard to the distance of the proposed development from any Natura 2000 sites, the nature and scale of the proposed development in the context of the surrounding developments, it is not considered that the proposed development is likely to have a negative effect on a Natura 2000 site and therefore a Stage 2 Appropriate Assessment is not required.

Environmental Impact Assessment (EIAR)

Having regard to the nature and scale of the proposed development and pursuant to Schedule 5 of the Planning and Development Regulations 2001 (as amended), the proposal is not a class of development for which a mandatory Environmental Impact Assessment Report is required. Additionally, having regard to the distance of the site from nearby sensitive receptors, the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Other Considerations

Development Contributions

- Development subject of this application for agricultural shed is c.294sq.m.
- Assessable area is nil.

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Agricultural – shed and access road	294sq.m
Land Type	Site Area (Ha.)
Agricultural	0.6932

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Conclusion

Having regard to the:

- provisions of the South Dublin County Council Development Plan 2016-2022,
- the overall design and scale of the development proposed,

it is considered that, subject to the conditions set out below, the proposed development would not seriously injure the amenities of the area and would therefore be in accordance with the proper planning and sustainable development of the area. It is considered that the application would be in compliance with Council policy.

Recommendation

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant Permission for the said development in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

FIRST SCHEDULE

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2016 - 2022 and subject to the conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

Conditions and Reasons

1. Development in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.
REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.
2. Services & Drainage
Prior to commencement of development the applicant shall submit the following information to the Planning Authority for written agreement:
 - (a) Submit a drawing showing the surface water layout for proposed development.
 - (b) Submit a drawing showing what SuDS (Sustainable Drainage Systems) are proposed for the development. Examples of SuDS include
 - Green area detention areas

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- Swales
- Filter drains
- And other such SuDS.

(c) The applicant shall submit a revised drawing showing plan & cross sectional views, dimensions, and location of proposed soakaway. Any proposed soakaway shall be located fully within the curtilage of the property and shall be:

- (i) At least 5m from any building, public sewer, road boundary or structure.
- (ii) Generally, not within 3m of the boundary of the adjoining property.
- (iii) Not in such a position that the ground below foundations is likely to be adversely affected.
- (iv) 10m from any sewage treatment percolation area and from any watercourse / floodplain.
- (v) Soakaways must include an overflow connection to the surface water drainage network.

(d) The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.

(e) All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

(f) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.

(g) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

(h) All drainage works for this development shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works.

REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.

3. (a) Minimise Air Blown Dust.

During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.

REASON: In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

(b) Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental

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Noise Pollution from occurring during construction activity, Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall only be operated on the site between 7.00 hours and 19.00 hours weekdays and between 9.00 hours and 13.00 hours on Saturdays. No works shall take place at any time on Sundays, Bank Holidays or Public Holidays.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following:

- Schedule of works to include approximate timeframes
- Name and contact details of contractor responsible for managing noise complaints
- Hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise.

REASON: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

4. Reg. Ref. SD13A/0067

The use of the land and associated gate, access track, horse exercise track and hardstanding area shall be restricted to uses for agricultural purposes only. The gate, access track, horse exercise track and hardstanding area shall not be used for the purposes of operating a business or service and shall not be let, or otherwise transferred or conveyed save as part of the overall landholding.

REASON: To restrict the use of the land to agricultural purposes in compliance with the HA DM - Dublin Mountain Area zoning of the land.

5. Agricultural Shed Use.

The use of the agricultural shed building shall be restricted to uses for agricultural purposes to accommodate the storage of farm machinery, hay and feed for livestock and shall not be used for commercial use or as a habitable unit.

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

6. Tree Retention

No trees, shrubs or hedges located to the south of the proposed development shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the completion of the development; shall be replaced with trees, shrubs or hedge plants of similar size and species. Details of replacement planting shall require the written approval of the Public Realm Section.

REASON: To ensure the continued wellbeing of the trees in the interests of the amenity and environmental quality of the locality.

7. Environmental Health

(a) Construction Phase Noise:

To control, limit and prevent the generation of Environmental Noise Pollution from occurring the Environmental Health Department of South Dublin County Council, hereby informs you that :

The use of machinery, plant, or equipment (which includes pneumatic drills, generators and the movement on and off the site of construction vehicles) is NOT PERMITTED outside the following hours

- Before 07.00 hours on weekdays, Monday to Friday
- Before 09.00 hours on Saturdays.
- After 19.00 hours on weekdays, Monday to Friday.
- After 13.00 hours on Saturdays.
- Not permitted at any time on Sundays, Bank Holidays or Public Holidays.

(b). Air Quality:

During the construction/demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances.

REASON: To contain dust arising from construction / demolition in the interests of public health and to prevent nuisance being caused to occupiers of buildings in the vicinity. In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

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

NOTE: The requirements of the HSE Environmental Health Officer shall be ascertained prior to the commencement of development in the interest of public health.

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

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

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REG. REF. SD21A/0340

LOCATION: Calliaghstown Upper, Rathcoole, Co Dublin



Colm Maguire,
Executive Planner

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

Date: 16/2/22



Eoin Burke, Senior Planner