

Comhairle Chontae Atha Cliath Theas

PR/0470/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0051 **Application Date:** 15-Feb-2022
Submission Type: New Application **Registration Date:** 15-Feb-2022

Correspondence Name and Address: Elaine Gibson Rowan Engineering 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 2.4 ha (allowing buffers); the volume of material to be placed on the site is c 35,000sq.m with an average fill level of c 3.5m above existing - the material is clean, inert soil and stone from the Saggart Water Reservoir construction site located directly adjacent to the north of the proposed infill site; a small section of hedgerow (6m wide) will be required to be removed between Saggart Water Reservoir construction site and the proposed infill site to allow access for lorries and infill equipment onto the proposed infill site.

Location: Saggart, Slade, Dublin 24,
Applicant Name: Coffey Construction Ltd.
Application Type: Permission

(SW)

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 2.4 ha (allowing buffers);

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- the volume of material to be placed on the site is c 35,000sq.m with an average fill level of c 3.5m above existing - the material is clean, inert soil and stone from the Saggart Water Reservoir construction site located directly adjacent to the north of the proposed infill site;
- a small section of hedgerow (6m wide) will be required to be removed between Saggart Water Reservoir construction site and the proposed infill site to allow access for lorries and infill equipment onto the proposed infill site.

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

Roads – Request additional information.

Water Services – No objections, subject to conditions.

Parks - Request additional information.

Heritage Officer – No report received at time of writing.

Architectural Conservation Officer - No report received at time of writing.

EHO - No report received at time of writing.

TII - No report received at time of writing.

Irish Water - No objections, subject to conditions.

Inland Fisheries Water – No report received at time of writing.

Department of Housing, Local Government & Heritage - Request additional information.

Screening for Strategic Environmental Assessment:

Indicates overlap with the following layers:

- Rural 2016
- SFRA A 2016
- SFRA B 2016

Submissions/Observations/Representations

Relevant Planning History

Application site

SD21A/0159

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. **Permission Refused**

Reason 1:

The applicant has failed to provide adequate clarification and assurance as to the stability of the steeper slopes on the edge of the proposed infill area, which may interact with the Camac River and the flood plain of that river to the south-west. The applicant has failed to satisfactorily show, either

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by additional commentary from their geotechnical consultant, or by specifying the gradient of the slopes at the edge of the infill area, that the infill proposal would be safe and would not be subject to possible sliding during heavy rain events. The applicant has therefore failed to show that the proposed development would not risk serious danger to human health or the environment, or risk serious water pollution or pollution associated with waste disposal. Overall, a grant of permission would therefore be prejudicial to public health and the contrary to the proper planning and sustainable development of the area.

Reason 2:

The proposed removal of hedgerows to the north of the site is not described in the planning notices and would contravene condition 2 of reg. ref. SD18A/0180 unless covered by a new planning permission, or a new agreement under condition 2 of SD18A/0180.

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.**

ED10/0011

Land Reclamation at Slade, Saggart **declared not exempt.**

Adjacent sites:

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) 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

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electrical services, plant, instrumentation, automation and controls and equipment. All of the above is proposed on a site of approximately 13.5 hectares. **Permission Granted**

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

Section 11.6.1 (i) Flood Risk Assessment

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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
- Previous Reasons for Refusal
- Residential Amenity
- Parking and Access
- Services, Drainage and the Environment
- Landscaping and Visual Impact
- Ecology and Heritage
- Environmental Impact Assessment
- Appropriate Assessment

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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 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.

Under SD21A/0159, the applicant was requested to clarify the following:

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.*

In response to this, the applicant stated:

- (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.
- (a) 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.
- (b) The applicant has not received advice as per item 1(c).

The officer report for SD21A/0159 concluded the responses to (a) and (b) were both adequate and the applicant should obtain advice from a relevant and suitably qualified statutory body or

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agricultural consultant as to how the site can be improved for agriculture. This should inform the final method and schedule of works and was proposed to be addressed by condition of permission. Given the similarities in the proposals, it is considered the same approach should apply to this application. Details should therefore be sought via additional information.

It is noted that the proposal in this instance is the same as the previous proposal and, as such, the applicant is seeking to address the previous reasons for refusal.

Previous Refusal Reasons

Reason 1:

The applicant has failed to provide adequate clarification and assurance as to the stability of the steeper slopes on the edge of the proposed infill area, which may interact with the Camac River and the flood plain of that river to the south-west. The applicant has failed to satisfactorily show, either by additional commentary from their geotechnical consultant, or by specifying the gradient of the slopes at the edge of the infill area, that the infill proposal would be safe and would not be subject to possible sliding during heavy rain events. The applicant has therefore failed to show that the proposed development would not risk serious danger to human health or the environment, or risk serious water pollution or pollution associated with waste disposal. Overall, a grant of permission would therefore be prejudicial to public health and the contrary to the proper planning and sustainable development of the area.

The applicant has provided the following to address the previous refusal:

- Slope stability check report – this concludes slopes up to 40 degrees are acceptable and the proposed development is 30 degrees
- Long term surcharge loading to top of embankment not to exceed 5kPa.

The applicant has adequately addressed the previous reason for refusal.

Reason 2:

The proposed removal of hedgerows to the north of the site is not described in the planning notices and would contravene condition 2 of reg. ref. SD18A/0180 unless covered by a new planning permission, or a new agreement under condition 2 of SD18A/0180.

The applicant has not included the removal of the hedge in the notices. The applicant has adequately addressed the previous reason for refusal.

Residential Amenity

There were no significant concerns regarding the impact of the previous proposal on residential amenity and that remains the case for the current application.

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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 proposed 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 detail of the site access from the main water reservoir”.

Additional information has been requested.

Services, Drainage and the Environment

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

Landscaping and Visual Impact

The Public Realm Section has 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.

The Parks and Public Realm Department has reviewed the application and has recommended additional information regarding landscape plans and mitigation planting.

Ecology and Heritage

The Parks and Public Realm Department has reviewed the application and has recommended conditions regarding ecology.

The department has recommended additional information regarding ecology.

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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 prepare 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

It is noted that the applicant has submitted information to overcome the previous reasons for refusal, however, there further information is required to address specific matters, such as landscaping and archaeology.

Recommendation

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

1. The applicant is requested to provide details of advice that they have 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 submit:
 - (1) a detailed 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) details associated with temporary roads at the proposed development, showing location of site compounds/welfare facilities and pedestrian routes.
3. The applicant is requested to provide:
 - (a) A fully detailed landscape plan, to be agreed with Public Realm, with full works

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specification, that accords with the specifications and requirements of the Council's Public Realm Section.

(b) A fully detailed planting plan; the planting plan shall clearly set out the following:

(i) Location of species types, schedule of plants noting species, planting sizes and proposed numbers/densities where appropriate

(ii) Implementation timetables.

(iii) Detailed proposals for the future maintenance/management of all landscaped areas.

The landscape proposals shall ensure no net loss of existing tree cover within the subject site to which the development applies.

4. To compensate for the portion of hedgerow to be removed the applicant is requested to provide a scheme of replacement hedgerow planting; the location and extent of the replacement planting shall be agreed with the Public Realm Section. The new proposed planting should aim to match the existing hedgerow as far as possible. Species composition will be as follows:

- 40% Hawthorn (*Crataegus monogyna*)
- 30% Blackthorn (*Prunus spinosa*)
- 10% Field Maple (*Acer campestre*)
- 5% Wild Cherry (*Prunus avium*)
- 5% Hazel (*Corylus avellana*)
- 5% Guelder-rose (*Viburnum opulus*)
- 5% Holly (*Illex Aquifolium*)

In order to ensure the hedge will establish well the planting specification will be as follows:

(i) Trench – 900-1000mm wide by 500-600mm deep dug. Sides and base aerated. Trench half filled with well-rotted Farm Yard Manure and back filled with spoil. Growth rates and survival of whips is dramatically improved where this preparation is undertaken.

(ii) Plants – whips to be used should be 60-80cm tall.

(iii) Planting – The planting shall be carried out between December and March. Whips will be notch planted into the prepared and refilled trench in a double staggered row 30cm between rows and 30cm between plants in the row, to achieve on average a planting rate of five whips per metre. A one metre wide weed free strip will be maintained for at least two years after planting. Once planted the new whips will be protected on both sides with stock fencing topped with two strands of barbed wire to prevent browsing damage by livestock and to prevent damage to whips by other means. The fence will be placed 1 metre from the base of the whips which will allow protection and space to grow. Two years after planting the hedgerow will be inspected and any dead or diseased whips will be replaced to ensure that a continuous hedge is established.

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REG. REF. SD22A/0051

LOCATION:- Saggart, Slade, Dublin 24,

Colm Harte

**Colm Harte,
Senior 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:

11/4/22



Eoin Burke, Senior Planner