

# Comhairle Chontae Atha Cliath Theas

**PR/0545/22**

## Record of Executive Business and Chief Executive's Order

**Reg. Reference:** SD22A/0024      **Application Date:** 03-Mar-2022  
**Submission Type:** New Application      **Registration Date:** 03-Mar-2022

**Correspondence Name and Address:** Diana Nurk, KRA Visionary E11A Network  
Enterprise Park, Kilcoole, Co Wicklow

**Proposed Development:** Replacement of existing asbestos roof covering with a new Kingspan insulated roof panels; replacement of rooflights with new and installation of a roof mounted solar photovoltaic panels to include all ancillary works and services.

**Location:** Heiton Steel, Ashfield, Naas Road, Clondalkin, Dublin

**Applicant Name:** Chadwicks Group

**Application Type:** Permission

### **Description of Site and Surroundings:**

#### Site Area

Stated as 0.9ha

#### Site Description

The site is a steel distributor located off the Naas Road. The area to which the application relates is adjacent to the northern site boundary of the overall Heiton Steel landholding. Industrial development lies to the north/west. The Luas Depot lies beyond the open space to the east. A tree belt lies between the site and the adjacent burial ground. The application site is generally flat, consisting of hardstanding areas, and is industrial in nature, with areas of open storage.

### **Proposal:**

Permission is sought for:

- Removal of existing asbestos roof covering and replacement with new insulated roof paneling.
- Replacement of roof lights with 26 new 100mm x 1626mm roof lights.
- Installation of 616 PV Solar panels at roof level covering an area of 1,180sq.m.
- All associated site works and related utilities and works.

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### **Zoning:**

The subject site is designated with the 'EE' zoning objective – 'to provide for employment and enterprise related uses' in the South Dublin County Development Plan 2016-2022.

The Site is located within the Department of Defence Conical Surface.

### **SEA Sensitivity Screening**

Indicates no overlap.

### **Consultations:**

Drainage and Water Services: No objection, subject to conditions.

Irish Water: No objection, subject to conditions.

Transport Infrastructure Ireland: No objection.

### **Submissions/Observations /Representations**

None received.

### **Relevant Planning History**

#### **Application Site**

**SD21A/0029** - Retention for 2 bay portal frame, additional floor area to existing industrial unit. Permission for roofing of 2 bay portal frame structure; extension to existing industrial unit; construction of a concrete resurfaced area in main yard; minor internal layout and elevational revisions to existing industrial unit and all associated site works including underground surface water attenuation and related utilities and works. **SDCC Decision:** Additional Information sought, decision pending.

**SD14A/0245** - Part use of the existing maintenance building and yard for the storage, assembly and engraving of monuments; minor alterations to the existing maintenance building and yard including a new door and window in the north elevation; the creation of an administration office for the cemetery and ancillary uses, associated internal alterations, retention of flat roof over part of building and retention of palisade fencing and gate adjacent to the building; the relocation of the approved and existing monument display area from its current location adjacent to the administration building, to a location beside the existing maintenance building and yard; the conversion of part of the administration building from the permitted office and retail use to chapel use; the provision of a car park containing 105 spaces to the west of the access road, in the location where a car park was previously approved under Reg. Ref. S98A/0406; retention of the existing stone sign and gate pier adjacent to the main entrance to the cemetery. **Permission and Retention Granted** (only overlaps a small element of the site)

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**SD02A/0510** - Two single storey storage units, sewerage treatment installation and percolation area serving the proposed two units and an existing adjoining industrial unit. **Permission Granted** (only overlaps a small element of site)

**S00A/0379** - Provide new single storey industrial unit providing 1466sq.m. floor space including office and toilet, and new external gantry crane. **Permission Granted**

**S99A/0831** - Demolition of existing entrance porch and the erection of a two storey office extension and new single storey office entrance lobby providing a total additional gross floor area of 345sq.m., together with associated site works and car parking. **Permission Granted**

### Adjacent Sites

**SD18A/0064** - The provision of a new left in left out junction on the N7 for the Red Cow Luas Park and Ride (with provision of extension of cycle and pedestrian facilities)' revised 'gateway' access (and provision internal access points to adjoining lands); and the closure of the existing left in left out junction serving the Luas Park and ride on the N7; Construction of new internal access roads and roundabout (with shared cyclist and pedestrian access) M C. 447m in length, to tie into existing roundabout on the L1019 to serve the Luas 'Park and Ride'. Proposed new extended merge lane of c.254m (to relevant standards), including extension to segregation island along southern side of N7 Naas Road; Provision of new relocated bus stop; Revised access arrangement to Gas Networks Ireland installation (to be accessible at all times during construction and operational phases); All associated and ancillary works, including demolition of former SDS warehouse building of C.9,060sq.m site development works, landscaping, lighting and drainage/attenuation works (including attenuation basin and surface water to lands located in adjacent Newlands Cross Cemetery on lands located to the east of Red Cow Luas Park & Ride Depot adjacent to the L1019, to the south of the N7 Naas Road, within the townlands of Bushelloaf, Ballymount Great and Redcow, Newlands Cross, Dublin 22 **Permission Granted SDCC; Permission Refused ABP**

**SD05A/0769** - Construction of a new Tram Workshop Extension (approx. 880sq.m) to the existing Red Cow Luas Depot... **Permission Granted**

**SD03A/0418** - Alterations to north (N7 facing) elevation... **Permission Granted**

**SD03A/0418** - Alterations to North (N7 facing) elevation... **Permission Granted**

**S00A/0291** - A new galvanised plastic coated steel fence, replacing the existing fence... **Permission Granted**

**S99A/0894** - New crematorium. **Permission Granted**

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### **Relevant Enforcement History**

None recorded.

### **Pre-Planning Consultation**

None recorded.

### **Relevant Policy in South Dublin County Council Development Plan (2010-2016)**

*Section 1.12.0 Employment Lands*

*Section 4.2.0 Strategic Policy For Employment*

*Policy ET1 Economic and Tourism Overarching Policies and Objectives*

It is the policy of the Council to support sustainable enterprise and employment growth in South Dublin County and in the Greater Dublin Area, whilst maintaining environmental quality.

*Policy ET3 Enterprise and Employment (EE)*

It is the policy of the Council to support and facilitate enterprise and employment uses (hightech manufacturing, light industry, research and development, food science and associated uses) in business parks and industrial areas.

*Section 6.4.4 Car Parking*

*Policy TM7 Car Parking*

*Section 7.1.0 Water Supply & Wastewater*

*Policy IE1 Water & Wastewater*

*Section 7.2.0 Surface Water & Groundwater*

*Policy IE2 Surface Water & Groundwater*

*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 7.6.0 Major Accidents Directive*

*Policy IE6 Major Accidents*

*7.7.0 Environmental Quality*

*Policy IE6 Environmental Quality*

*7.8.1 Casement Aerodrome*

*Policy IE8 Casement Aerodrome*

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*Section 8.0 Green Infrastructure*

*Policy G5 Sustainable Urban Drainage Systems*

*Policy G6 New Development in Urban Areas*

*Section 9.3.1 Natura 2000 Sites*

*Policy HCL12 Natura 2000 Sites*

*Section 10.0 Energy*

*Section 10.2.5 Solar Energy*

*Policy E3 Energy Performance in Existing Buildings*

*Policy E4 Energy Performance in New Buildings*

*Policy E5 Waste Heat Recovery & Utilisation*

*Table 11.18: Key Principles for Development within Enterprise and Employment Zones*

*Section 11.2.5 Enterprise and Employment Areas*

*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 11.6.4 Major Accidents – Seveso Sites*

*Section 11.6.5 Waste Management*

*Section 11.7.0 Energy*

*Section 11.7.2 Energy Performance In New Buildings*

*11.7.5 Solar Energy*

*Development proposals for solar energy development must:*

- *Prioritise south facing aspects and have an inclination of between approximately 35 and 50 degrees, depending on the use of solar PV or solar thermal technologies,*

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- *Be designed to take account of over-shadowing from other solar installations on site and from existing elements of the built environment such as chimneys, parapet, roof plant equipment, taller buildings and structures in the immediate vicinity,*
- *Ensure that the siting and design of proposals have regard to the visual amenities of the surrounding area, and*
- *Consider the provisions of the Water Framework Directive, Habitats Directive and other environmental and built heritage issues.*

*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).

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

**OPR Practice Note PN01 Appropriate Assessment Screening for Development Management** (March 2021)

### **Assessment**

The main issues for assessment are:

- Zoning and Council Policy
- Asbestos Material
- Visual Impact
- Residential Amenity
- Access and Parking
- Landscaping
- Drainage and Water Services
- Aviation
- Appropriate Assessment
- Environmental Impact Assessment.

### ***Zoning and Council Policy***

The site is located in an area zoned EE – Industry-General, Industry-Light, Industry-Special are 'permitted in principle' within the zoning matrix. The proposed replacement of the roof and installation of PV panels to the existing industrial unit, as well as the other supporting works, are therefore considered acceptable in principle.

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In terms of policy, there is significant policy support within the current Development Plan to support and encourage the provision of climate adaptation measures inclusive of the provision of solar panels, such as that of the proposed development.

ENERGY (E) Policy 7 (Solar) states the following:

*It is the policy of the Council to promote the development of solar energy infrastructure in the County, in particular for on-site energy use, including solar PV, solar thermal and seasonal storage technologies. Such projects will be considered subject to environmental safeguards and the protection of natural or built heritage features, biodiversity and views and prospects.*

The principle of the development to install solar PV panels on the rooftop of an existing industrial building, is generally consistent with the zoning objectives and policies of the County Development Plan, subject to site-specific assessment below.

It is noted that Schedule 5 'Development for the purposes of Part 10' Article 93 Part 2 of the Planning & Development Regulations 2001(as amended), which sets out thresholds for environmental impact assessment, states:

*3(a) Industrial installations for the production of electricity, steam and hot water not included in Part 1 of this schedule with a heat output of 300 megawatts or more.'*

The development comprises the installation of solar PV panels on the rooftop of an existing industrial building with an output below 300 megawatts.

### ***Asbestos Material***

In relation to the removal of asbestos material from the roof of the existing structure, the Applicant should note the following:

- Asbestos waste is hazardous and must be disposed of properly at an appropriate EPA(Environmental Protection Agency) licensed facility.
- The demolition and removal of asbestos material shall be carried out in accordance with the HSA guidelines in managing ACM's (Asbestos Containing Materials) contained within the document 'Asbestos-containing Materials (ACMs) in Workplaces - Practical Guidelines on ACM Management and Abatement 2013'.
- The applicant shall ensure the steps and notifications to be given for the demolition and removal of asbestos containing material set out in the HSA guidelines in managing ACM's (Asbestos Containing Materials) 2013 on demolition sites shall be complied with.

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The Planning Authority considers that in the interests of health and safety, the above items should be attached as CONDITION to any decision to Grant Permission for the proposed development.

### ***Visual Impact***

The building to which this Application pertains is located adjacent to the northern boundary of the wider Heiton Steel site. The proposed works involve amendments to the roof of the existing structure and would not alter the visual appearance of the subject site. Due to their design and positioning on the rooftop, the proposed solar PV panels would not be overly visible or overly dominant in the wider context of the site. The development is therefore considered to be visually acceptable.

The Planning Authority is therefore satisfied that the proposed development will not result in an adverse visual impact on the subject site or surrounding area.

### ***Residential Amenity***

The subject site is located a sufficient distance from the nearest residential dwellings which ensures that there will be no adverse impact to the residential amenity of nearby properties.

### ***Access and Parking***

There is no change proposed to the existing site layout, access arrangements or car parking provision. As such there is no objection to the proposed development from a traffic and transport perspective.

### ***Landscaping and Green Infrastructure***

The Parks and Public Realm Section has stated no comments on the proposal.

### ***Services and Drainage***

The Drainage and Water Services Section has indicated no objection to the proposed development.

### ***Aviation***

The site is to the east of Casement Military Aerodrome. The area is designated as being within a 'conical surface'. Paragraph 11.6.6(ii) defines this as "a large rising 'rim' area just outside the Inner Horizontal Surface and extending at a slope to the height of the outer horizontal surface".

The Application is accompanied by a Glint and Glare Assessment prepared by KRA Renewables in conjunction with Forge Solar. The findings of the Assessment are noted and accepted.

The Department of Defence was not formally consulted in relation to the proposed development. However, having regard to the distance of the subject site to the nearest runway (Casement



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Aerodrome 4.25km to the south west), it is unlikely that the proposed development will have any adverse impact on aviation safety. Nonetheless, it is considered reasonable to request that a letter of agreement on the proposed development be obtained from the Department of Defence by CONDITION prior to commencement, in the event of a grant of permission to ensure there is no adverse impact on aviation safety and the operations of the aerodrome.

### ***Appropriate Assessment***

The subject site is not located within nor within close proximity to a European site. The proposed development is located within an established residential area and comprises the replacement of roof materials and the installation of PV solar panels.

Having regard to:

- the small scale and domestic nature of the development,
- the location of the development in a serviced urban area, and
- the consequent absence of a pathway to the European site,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

### ***Screening for Environmental Impact Assessment***

Having regard to the nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### **Other Considerations**

#### ***Development Contributions***

<b>Development Contributions</b>	
<b>Building Use Type Proposed</b>	<b>Floor Area (sq m)</b>
Roof Replacement and Installation of PV Panels	N/A (no new floor area proposed)
Assessable Area	N/A

The proposed development consists of the replacement of existing roof panels and the erection photovoltaic solar panels. The South Dublin Development Contributions Scheme 2021 – 2025 under section (xvi) states that, 'renewable energy development with a capacity up to 0.5MW will be exempt'.

The output of the proposed PV Panels is below the charge of levy capacity of 0.5 MW and is therefore exempt.

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### **SEA Monitoring Information**

<b>SEA Monitoring Information</b>	
<b>Building Use Type Proposed</b>	<b>Floor Area (sq. m.)</b>
Roof replacement and mounted solar photovoltaic (P.V.) panels	N/A (no new floor area proposed)
<b>Land Type</b>	<b>Site Area (Ha.)</b>
Urban Consolidation	0.9 Ha

### **Conclusion**

Having regard to the provisions of the South Dublin County Council Development Plan 2016-2022, the established character of the area and the nature, the scale of the proposed development, it is considered that it is acceptable in principle, would not seriously injure the amenities of the area or of property in the vicinity and would be in accordance with the provisions of the Development Plan and the proper planning and sustainable development of the area.

### **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 to be in accordance with submitted plans and details.  
The development shall be carried out and completed in its entirety 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,

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and that effective control be maintained.

2. External Finishes.  
All external finishes shall harmonise in colour and texture with the adjoining industrial building.  
REASON: In the interest of visual amenity.
3. Removal of Asbestos.
  - (i) Asbestos on the site shall be disposed of properly at an appropriate Environmental Protection Agency licensed facility.
  - (ii) The demolition and removal of asbestos material shall be carried out in accordance with the HSA guidelines in managing Asbestos Containing Materials contained within the document 'Asbestos-containing Materials in Workplaces - Practical Guidelines on Asbestos-containing Materials Management and Abatement 2013'.
  - (iii) The applicant shall ensure the steps and notifications to be given for the demolition and removal of asbestos containing material set out in the HSA guidelines in managing Asbestos Containing Materials 2013 on demolition sites shall be complied with.  
REASON: In the interest of proper waste management and in the interest of proper planning and sustainable development.
4. Environmental Health Issues.
  - (i) Demolition Phases: Air Quality : During the 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.
  - (ii) The development shall be so operated that there will be no emissions of malodours, gas, dust, fumes or other deleterious materials, no noise or noise vibration on site as would give reasonable cause for annoyance to any person in any residence, adjoining premises or public place in the vicinity.  
REASON: In the interests of public health and to contain dust arising from demolition and to prevent nuisance being caused to occupiers of buildings in the vicinity and 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.
5. Aviation Safety.  
Prior to the commencement of development, the applicant/owner shall submit the following to the Planning Authority:
  - (a) written confirmation that the applicant has forwarded a Glint and Glare Assessment which considers the predicted effect of the proposed solar panels on sensitive aircraft receptors of the proposed development to the Irish Aviation Authority.
  - (b) the written agreement of the Irish Aviation Authority and/or the Air Corps Traffic Service, which states that:
    - (i) the proposed construction works - inclusive of cranes - will not affect the safety,

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efficiency or regularity of aircraft generally and/or of Air Corps operations.

REASON: In the interests of public safety, protecting the environment and in the interests of the amenities of the area.

6. 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.

7. Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no 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 be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor 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

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development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

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 applicant is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

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: Waste, arising from the site, must be kept to a minimum, segregated where appropriate, and disposed in accordance with the Waste Management Regulations 2007, as amended. Transport of such waste, must be by an authorised waste permit holder. Waste disposal records must be maintained and made available, for inspection by Authorised Persons appointed under the Waste Management Act 1996, as amended. A Waste Transfer Form shall accompany the transportation of all hazardous waste arising from the construction works.

NOTE: The applicant shall notify the Irish Aviation Authority and the Department of Defence regarding any cranes likely to penetrate ICAO surfaces.

NOTE: Notwithstanding any grant of planning permission; if an applicant requires permission to access local authority land (e.g. public footpaths, public open space or roadways) in order to access utilities, or for any other reason; please apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

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**REG. REF. SD22A/0024**

**LOCATION: Heiton Steel, Ashfield, Naas Road, Clondalkin, Dublin**

*Colm Harte*

**Colm Harte,  
Senior 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:**

28/4/22

*Eoin Burke*

**Eoin Burke, Senior Planner**