

Comhairle Chontae Atha Cliath Theas

PR/0712/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0106 **Application Date:** 14-Apr-2022
Submission Type: New Application **Registration Date:** 14-Apr-2022
Correspondence Name and Address: DMOD Architects Cathedral Court, New Street,
Dublin 8
Proposed Development: Installation of 279 solar PV panels on the roof of the
Eatto building.
Location: Eatto, John F Kennedy Road, John F Kennedy
Industrial State, Dublin 12
Applicant Name: Lochna Investments Limited
Application Type: Permission

(CS)

Description of Site and Surroundings:

Site Area:
Stated as 0.186ha

Site Description:

The application site comprises an industrial unit occupied by Eatto Ltd. situated within the established John F Kennedy Industrial Estate, Dublin 12. Access to the site is provided off John F Kennedy Road to the west of the site. The site is bound by industrial units of a similar size and form. BOC Gases Ireland identified as an 'Upper-Tier Seveso Site' is situated to the east of the site.

Proposal:

The proposed development comprises of the following;

- Upgrading of existing roof by installing insulated panels.
- The installation of 279 no. roof mounted solar photovoltaic (PV) panel system on the roof of an existing industrial unit with a coverage area of c.1084sqm.
- Installation of additional rooflights.
- Proposed works measure c.1084sq.m.

SEA Sensitivity:

No overlap identified with relevant environmental layers.

It is noted that BOC Gases Ireland identified as an 'Upper-Tier Seveso Site' is situated to the east of the site.

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Zoning:

The subject site is subject to zoning objective 'REGEN' – '*To facilitate enterprise and/or residential led regeneration*' under the South Dublin County Council Development Plan 2016-2022.

Consultations:

Surface Water Drainage – No objections subject to **conditions**.

Irish Water – Not Applicable.

City Edge Project – no significant concerns in relation to the proposal.

Defence Forces – No report received to date.

Submissions/Observations /Representations

None received.

Relevant Planning History

SD06A/0831: To construct a new 65.47sq. m. ground floor extension to the side of existing premises including internal alterations, to erect a new grey palisade fence 2.4 metres high with entrance gates to replace existing low level wall to the front boundary and new grey palisade fence 2.4 metres high to the side boundary.

Decision: **GRANT PERMISSION.**

Adjacent sites

SD20A/0030: Unit 2E, John F Kennedy Avenue, John F Kennedy Industrial Estate, Dublin 12.

Installation of roof mounted solar photovoltaic panels to include all ancillary works and services.

Decision: **GRANT PERMISSION.**

SD03A/0823: Unit 2E, John F Kennedy Avenue, John F Kennedy Industrial Estate, Dublin 12.

Proposal: Proposed refurbishment and alterations of existing industrial premises to include raising and replacement of existing asbestos roofing with profiled metal roof sheeting, use of profiled metal cladding to raise sides, front and end walls and new external signage.

Decision: **GRANT PERMISSION.**

Relevant Enforcement History

None traced to subject site.

Pre-Planning Consultation

None recorded for the subject application.

Relevant Policy in South Dublin County Council Development Plan 2016 - 2022

Section 4.3.2 Employment and Residential in Regeneration Zones

ET Policy 2 Enterprise and/or Residential Led Development in Regeneration Zones.

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It is the policy of the council to facilitate and support the regeneration of underutilised industrial areas that are proximate to urban centres and transport nodes and to promote and support more intense compatible employment and/or residential led development in regeneration areas.

Section 10.0 Energy

The energy targets set out in EU legislation have been translated into the National Renewable Energy Action Plan (NREAP) 2010 and the National Energy Efficiency Action Plan (NEEAP) 2013- 2020 (updated in 2014). Ireland plans to achieve the binding EU 2020 targets under the NREAP by delivering approximately 40% of energy consumption from renewable sources in the electricity sector, 12% in the heat sector and 10% in the transport sector.

The NEEAP sets out how the Government aims to deliver a 20% reduction in energy demand (over average 2001-2005 levels) across the whole economy through a range of energy efficiency measures. The Government believes that the public sector should lead by example and has assigned an energy demand reduction target of 33% to the public sector.

ENERGY (E) Policy 1 Responding to European and National Energy Policy & Legislation

It is the policy of the Council to respond to the European and National Energy Programme through the County Development Plan – with policies and objectives that promote energy conservation, increased efficiency and the growth of locally based renewable energy alternatives, in an environmentally acceptable and sustainable manner.

10.1.0 Energy Planning in South Dublin County

South Dublin County Council has adopted a proactive approach to addressing the energy challenge by addressing energy use and efficiency in existing and new building stock and identifying low carbon and renewable energy opportunities in the County.

South Dublin County Council signed up to the EU Covenant of Mayors in June 2012. The Covenant of Mayors is an initiative of the European Commission that brings together Mayors from across Europe, in a shared voluntary commitment to reducing CO2 emissions by a minimum of 20% by 2020.

South Dublin County Council took part in an EU funded energy project from May 2011 to November 2013, in partnership with the Town & Country Planning Association (TCPA) and eight other European local authorities. The EU Intelligent Energy Europe (IEE) supported Leadership for Energy Action & Planning (LEAP) project, aimed to increase the ability of participating local authorities to pioneer and promote the use of sustainable energy measures and the move towards a low carbon local economy, with minimal greenhouse gas emissions.

The main technical output arising from participation in the LEAP project has been the preparation of the South Dublin Sustainable Energy Action Plan 2013 (SEAP). The South Dublin SEAP analyses the County's energy consumption and carbon dioxide (CO2), emissions and sets

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out a series of measures to reduce energy consumption and CO2 emissions, through a range of energy actions across sectors. The SEAP was approved by the elected members of South Dublin County Council in May 2013 and was verified by the EU Covenant of Mayors – Joint Research Centre in April 2014.

ENERGY (E) Policy 2 South Dublin Spatial Energy Demand Analysis

It is the policy of the Council to implement the recommendations of the South Dublin Spatial Energy Demand Analysis (SEDA) in conjunction with all relevant stakeholders, promoting energy efficiency and renewable energy measures across the County.

E2 Objective 2:

To seek to reduce reliance on fossil fuels in the County by reducing the energy demand of existing buildings, in particular residential dwellings.

E2 Objective 3:

To promote the generation and supply of low carbon and renewable energy alternatives, having regard to the opportunities offered by the settlement hierarchy of the County and the built environment

E2 Objective 4:

To support the recording and monitoring of renewable energy potential in the County in partnership with other stakeholders including the Sustainable Energy Authority of Ireland (SEAI) and City of Dublin Energy Management Agency (CODEMA).

E2 Objective 6:

To require, where feasibly practical and viable, the provision of PV solar panels in new public buildings (e.g. Council buildings, school buildings, hospitals, health centres, community centres, sports facilities, libraries, Garda stations etc), for electricity generation/storage and/or water heating so as to reduce energy costs, minimise carbon emissions and reduce our dependence on imported fossil fuels.

ENERGY (E) Policy 3 Energy Performance in Existing Buildings

It is the policy of the Council to promote high levels of energy conservation, energy efficiency and the use of renewable energy sources in existing buildings

E3 Objective 1:

To ensure that medium to large scale residential and commercial developments are designed to take account of the impacts of climate change, including the installation of rainwater harvesting systems and that energy efficiency and renewable energy measures are incorporated in accordance with national building regulations, policy and guidelines.

ENERGY (E) Policy 7 Solar

It is the policy of the Council to promote the development of solar energy infrastructure in the

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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.

Section 10.2.5 SOLAR ENERGY

Section 11.7.0 ENERGY

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,*
- *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 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 7.7.0 Environmental Quality

Policy IE6 Environmental Quality

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

Policy E3 Energy Performance in Existing Buildings

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Section 11.2.1 Design Statements

Section 11.2.4 Regeneration Zone

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 11.7.1 Energy Performance In Existing Buildings

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 2019 - 2031, Eastern & Midlands Regional Assembly, 2019.

Ireland's transition to Low Carbon Energy Future 2015-2030, Department of Communications, Climate Action and Environment, (December 2015).

Towards Nearly Zero Energy Building in Ireland – Planning for 2020 and Beyond, Department of the Environment, Community and Local Government (2012).

National Renewable Energy Action Plan – NREAP

Delivering a sustainable energy future for Ireland – the Energy Policy Framework 2007-2020

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

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Assessment

The main issues for assessment relate to the following;

- Zoning and Council policy,
- Visual Amenity,
- Aviation Safety,
- City Edge Project,
- Services & Drainage,
- Screening for Appropriate Assessment (AA),
- Screening for Environmental Impact Assessment (EIAR),

Zoning and Council policy

The site has the zoning objective 'REGEN' which seeks 'To facilitate enterprise and/or residential led regeneration' under the South Dublin County Council Development Plan 2016-2022.

The REGEN zoning includes a Specific Local Objective (SLO) for the area, namely CS6 SLO1. The SLO seeks to deliver a plan led approach to the redevelopment of the brownfield lands in the wider Naas Road/Ballymount area. This process has commenced and in conjunction with lands in Dublin City Council the City Edge Project has been established which has a long term plan for the area and for the REGEN zoned lands.

CS6 SLO 1:

To prepare a Ballymount Local Area Plan for lands zoned REGEN, EE, and LC, stretching southwest from Walkinstown Roundabout along the Greenhills Road (including those areas adjacent to Greenhills Estate) to the M50, north from there to the Red Cow, east from there along the Naas Road to the city boundary, and along the boundary back to Walkinstown Roundabout. The subject Local Area Plan to be concluded by the end of 2018; and the lands north of this between the M50, the Grand Canal and city boundary currently zoned EE to be considered for inclusion in this plan. The Naas Road Framework Plan (2010) to be taken into consideration during the preparation of the Local Area Plan.

In terms of policy, there is significant policy support within the South Dublin County Council County Development Plan 2016-2022 to support and encourage the provision of climate adaptation measures inclusive of the provision of solar panels. In this regard, the principle of the proposed development is consistent with the zoning objectives and policies of the County Development Plan, subject to site-specific assessment below.

The industrial unit on the site is existing within a long established industrial estate and the proposed development comprising the installation of solar panels at roof level will not intensify the use of the site. Furthermore, it will not be detrimental to the achievement of the land use objective for the wider area in the medium to long term.

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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.'

It is noted that the proposed output is not indicated in the application. Clarification received via email from the applicant confirms that the output of the proposed installation will be:

- Power: 80Kw = 0.08MW

and therefore an EIA is not required, as 0.08MW falls significantly short of 300MW.

Visual Amenity

The proposed development would comprise the installation of 279 no. solar photovoltaic panels for the purposes of renewable energy generation mounted on the roof of the existing industrial unit. The panels would comprise a total area of 1084sqm and would be tilted at an angle of 14.6 degrees. The industrial unit building has a roof area of c.1084sqm and a number of rooflights are currently installed in the roof. The industrial building has a main pitched roof and a smaller pitched roof.

The drawings submitted indicate that the PV panels would be fixed to rails, parallel to the existing roof surface at the eastern and western elevation. The proposed development will not significantly alter the structure as it currently exists. The structure, therefore, remains similar in design, scale and external finish detail to the existing industrial premises.

Having regard to the overall area of the proposed solar PV panels to be installed on the roof of an industrial unit within an industrial estate, no adverse visual impact is anticipated.

Aviation Safety

The applicant states that c.1084sq.m of the roof of the existing industrial unit would be covered with solar PV panels. The details submitted indicate that the panels are fixed at roof level and do not rotate. In terms of aviation, the subject site is not located within any of the Department of Defence's restrictions zones. It is noted that the application was referred to the Department of Defence however no report has been received to date. Details relating to glint and glare have been submitted with the application and whilst the proposal is not considered a significant issue in this specific instance, in the interests of safety, it is considered reasonable to attach a glint and glare **condition** in the event of a grant of permission to ensure aviation safety.

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City Edge Project

A report was received from the City Edge Project Team outlining that the proposal would not have a significant adverse impact on the City Edge Plan. An extract taken from the City Edge report states the following:

It is considered that the upgrade/replacement of the roof to the subject industrial unit and the installation of solar panels, as per the description of the proposal, would not prejudice the preparation of a statutory plan for the City Edge area, which will follow on from the Strategic Framework. The City Edge Team therefore have no significant concerns in relation to the proposal.

The above report is noted.

Services & Drainage

A report was received from Surface Water Drainage recommending no objections subject to **conditions**. An extract taken from the Surface Water Drainage report states the following:

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

Water Report: N/A

Foul Drainage Report: N/A

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

Screening for Appropriate Assessment (AA)

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 of a house extension. 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 (EIAR)

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no real 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.

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Other considerations

Development Contributions

The proposed development consists of the installation of roof mounted solar photovoltaic (PV) panels system on an existing industrial unit covering a stated area of c.1084sqm. Details submitted confirms the output of the proposed installation will be:

- Power: 80kW=0.08MW

The South Dublin Development Contributions Scheme 2016-2020 under section (xvi) states that, 'renewable energy development with a capacity up to 0.5MW will be exempt'.

Therefore, the proposed development is exempt from development contributions.

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Roof mounted solar photovoltaic (P.V.) system	1084sqm
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.186ha

Conclusion

Having regard to the policy set out in the current South Dublin County Development Plan 2016-2022 and the scale and design of the proposed development, it is considered that, subject to the conditions set out below, the proposed installation of rooftop solar PV panels on an industrial unit within an established industrial estate would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the provisions of the South Dublin County Council 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.

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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. 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.
3. 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:

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- 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. Glint/Glare Assessment regarding Aviation.

Prior to the commencement of development, the applicant/owner shall submit the following to the Planning Authority:

(a) 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, efficiency or regularity of aircraft generally and/or of Air Corps operations.

(ii) the proposed development - inclusive of the solar panels - will not affect the safety, efficiency or regularity of aviation operations or the emergency services (e.g. Coast Guard helicopters) operated in the vicinity of Tallaght Hospital.

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

5. Drainage - Irish Water.

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

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

(c). 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.

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.

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

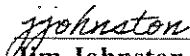
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REG. REF. SD22A/0106

LOCATION: Eatto, John F Kennedy Road, John F Kennedy Industrial State, Dublin 12



Jim Johnston,
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:

8/6/22



Eoin Burke, Senior Planner