

Comhairle Chontae Atha Cliath Theas

PR/0846/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD21A/0281 **Application Date:** 14-Oct-2021
Submission Type: Additional **Registration Date:** 08-Jun-2022
Information

Correspondence Name and Address: O' Connor Whelan 222-224, Harolds Cross Road,
Dublin 6w

Proposed Development: 1 industrial storage building to the west of the main
complex with an area of 465.3sq.m and a height of
8.8m; all associated site works and utility
connections.

Location: Nangor House, New Nangor Road, Gallanstown, Co.
Dublin, D12 F726

Applicant Name: Diageo Baileys Global Supply

Application Type: Permission

Description of Site and Surroundings

Site Area

Stated as 12.28 Hectares.

Site Description

The subject site is located at Nangor House, Gallanstown, which is a complex with an existing industrial use. The site forms part of a larger industrial landholding utilised by the Applicant for production and distribution of their products.

The subject site is bound to the north by the Grand Canal, to the south by the Nangor Road, to the west by the Oak Road and to the east by industrial buildings. A watercourse runs along the western boundary of the site, which connects with the Camac River. A significant tree stand is located along the western boundary, which connects the Camac River in the South with the Grand Canal in the north.

Site Visit

17th and 24th November 2021.

Proposal

The proposed development is comprised of:

- Modifications to an industrial storage building previously permitted under SD20A/0120, increasing the gross floor area from 244sq.m to 465. 3sq.m and increasing the permitted height from 7m to 8.8m.

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- The proposed industrial storage building is located to the west of the main complex and is comprised of a double height shed structure with a pitched roof with a height of 8.8m and a gross floor area of 465.3sq.m. The structure will be utilised for the storage of flavourings required for the production process of the Applicant's product.
- The proposed structure includes 2 roller doors in the northern elevation (5m high) and 2 pedestrian doors in the northern and eastern elevations. The unit will be finished with Kingspan Firesafe Composite Panels with rooflights along the eastern and western elevations.
- All ancillary site works above and below ground.

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 as a consequence of Variation number 3 of the County Development Plan.

Pre-Planning Consultation

None recorded for the subject site.

Relevant Enforcement History

None recorded for the subject site.

SEA Sensitivity Screening

Site is located within SFRA B and close to a pNHA.

Submissions/Observations/Representations

Final date for submissions 17th November 2021.

None received.

Consultations

Drainage and Water Services:	No objection, subject to conditions.
Roads and Transport:	No objection.
Waste Management:	No report received.
Parks and Landscape:	No objection, subject to conditions.
Water Pollution:	No report received.
Heritage Officer:	Refusal recommended.
Waterways Ireland:	No report received.
Environmental Health Officer:	No report received.
Health and Safety Authority:	No report received.
DHLGH:	No report received.

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Delivery Team:

Comment received

Relevant Planning History

Subject Site

SD20A/0120

Permission sought for 2 industrial storage buildings to the west of the main complex; Building no. 1 - 460sq.m with a height of 8.8m; Building no. 2 - 244. 4sq.m with a height of 7.0m; all associated site works and utility connections. **Grant Permission, subject to conditions.** The proposed development of this Planning Application essentially seeks to amend Building No. 2, increasing the height and gross floor area.

SD13A/0078

Enclosure of portion of an existing 'recycle store', a lean-to structure situated at the rear of the site on the northern elevation adjacent to the existing glass intake area. It is proposed to enclose it with profiled cladding on the eastern and northern elevations to form a new label store area circa 14m x 6.1m wide with a fire escape door situated in new northern elevation; a new single storey 8m x 6m steel structure with cladding on three sides will be constructed opposite this area to form a new recycle store area. **Grant Permission, subject to conditions.**

SD06A/0015

Single storey steel framed metal cladded enclosure around the existing materials intake hardstand Area 3, a new single storey 12m side extension to the east of the materials intake Area 9 and a new fire safety road at the rear (north) of the main building with associated site works. **Grant Permission, subject to conditions.**

SD04A/0886

The development consists of the retention of a single storey store-room of 51.837m.sq. within an existing courtyard area. The store-room is glazed on two sides facing into the courtyard and has access to the outdoor space. The selected aluminium glazing used in the store-room matches the existing glazing used throughout the existing factory and office building. **Grant Retention Permission, subject to conditions.**

S00A/0817

The provision of a new vehicle entrance and roadway with security hut, weighbridge, car parking, truck holding areas and signage. **Grant Permission, subject to conditions.**

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

Section 6.4.4 Car Parking Policy

TM7 Car Parking

Section 7.1.0 Water Supply & Wastewater

Policy IE1 Water & Wastewater Section

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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 7.6.0 Major Accidents Directive
Policy IE6 Major Accidents

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 9.2.4 Grand Canal Policy
HCL11 Grand Canal Section

9.3.1 Natura 2000 Sites Policy
HCL12 Natura 2000 Sites

Section 9.3.2 Natural Heritage Areas
Policy HCL13 Natural Heritage Areas

Section 10.0 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 11.2.1 Design Statements
Section 11.2.4 Regeneration Zone

Development in Regeneration zones will be assessed against the relevant criteria within the Urban Design Manual, the Design Manual for Urban Roads and Streets and/or the Retail Design Manual as appropriate. A Design Statement (see Section 11.2.1 Design Statements)

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accompanying development proposals in Regeneration (REGEN) zones should also address the following criteria:

- *Demonstrate a clear transition towards a more urban form of development and a traditional street network.*
- *Address connectivity and linkages in the area and demonstrate that the development of the site would not give rise to isolated piecemeal pockets of residential development that are disconnected from shops, amenities and/or other residences.*
- *Residential development should not be introduced at ground floor level adjacent to busy roads, and/or roads that are subject to significant movements by Heavy Goods Vehicles (HGVs).*
- *Given the transitional nature of Regeneration zones, precautions will be taken to ensure that the potential for noise pollution, air pollution or other nuisance from established industrial uses will not exceed acceptable environmental standards. The Planning Authority may seek a report from a suitably qualified person to identify and quantify sources of noise pollution, air pollution, or nuisance, assess the potential impacts on the proposed development and provide a series of recommendations to mitigate the impacts of any pollutants insofar as possible (e.g., orientation and layout of dwellings, positioning of openings and insulation).*
- *It may be necessary to consider improvements to the surrounding road and street network in conjunction with the Planning Authority, to calm traffic and improve pedestrian and cyclist access.*

Section 11.2.5 Enterprise and Employment Areas

Section 11.2.7 Building Height

Section 11.4.1 Bicycle Parking Standards

Table 11.22: Minimum Bicycle Parking Rates

Section 11.4.2 Car Parking Standards

Table 11.23: Maximum Parking Rates (Non-Residential)

Section 11.4.4 Car Parking Design and Layout

Section 11.4.6 Travel Plans

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

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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 11.7.2 Energy Performance In New Buildings
Section 11.8.1 Environmental Impact Assessment
Section 11.8.2 Appropriate Assessment

Relevant Government Guidelines

Traffic and Transport Assessment Guidelines, National Roads Authority, (2007)

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 relate to:

- Zoning and Council policy,
- CityEdge Project,
- Visual and residential amenity,
- Signage,
- Trees and landscaping,
- Access and Parking, and
- Services and drainage.
- Appropriate Assessment Screening
- Ecology Assessment.

Zoning and Council Policy

The site is located in an area which is zoned '*Regen*', the stated objective for which in the South Dublin County Development Plan 2016-2022 is to '*facilitate enterprise and/ or residential led regeneration*'.

It is noted that Light industry is permitted in principle, Industry general is open for consideration and warehousing is open for consideration.

It is considered the proposed industrial storage use which is ancillary to the existing established industrial complex on site is generally acceptable in principle. subject to the masterplan for the Regen zoned lands.

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City Edge Project

The subject site falls within the City Edge Project lands, which spans over 700 hectares and includes Dublin City Council's Naas Road LAP lands. The City Edge Project objective is to deliver plan led change in this strategic location, optimising the use of strategically important land proximate the city centre and well served by public transport in line with the objectives of Project Ireland 2040.

The City Edge Project is currently in a public consultation phase which will inform the strategic framework, which is due to be completed by Q4 2021/Q1 2022. It is envisaged that a statutory plan will follow, and it is important that development is not deemed to be premature pending the adoption of such. Having regard to the current stage of the plan-making process, the Planning Authority assesses each application within the boundary of the City Edge Project Area on a case-by-case basis. The verbal report from the Planning Delivery Team in relation to the proposed development of this Application *requested that a cautionary approach be taken at this stage with regards to the structure's relationship to the Camac River, having regard to flooding potential and the proposed Camac flood alleviation scheme.*

Visual & Residential Amenity

The proposed detached industrial storage unit would measure approximately 465.3sq.m. The unit, which will be utilised for the storage of flavourings for the Applicant's production process, would have a maximum height of 8.8m. The unit will be finished with Kingspan Firesafe Composite Panels with rooflights along the eastern and western elevations.

Notwithstanding that the proposed development is seeking to extend a permitted structure (albeit not yet under construction), the proposed location, in close proximity to a water course and a significant stand of trees (which currently and successfully links the Camac River located to the south with the Grand Canal located to the north) would necessitate the removal of a substantial number of trees. The Planning Authority considers that the applicant should seek an alternative location for the proposed structure (in its entirety, both permitted (SD20A/0120) and proposed) elsewhere on the overall landholding and at a location that is less environmentally sensitive.

Signage

No additional signage is proposed.

Trees and Ecology

The Applicant has submitted an Arboricultural Assessment carried out by CMK Horticulture and Arboriculture Limited. The Assessment outlines that the proposed development will result in the removal of 14 No. trees from the subject site. This is a significantly greater Arboricultural impact when compared to the previously permitted development (SD20A/0120). The Arboricultural Assessment, states that the loss of trees will not significantly impact the visual screening of the proposed development from the adjacent public road, however the Planning Authority considers

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that there will be a negative impact to the ecosystem of the subject site and the proposal would be contrary to policy and objectives within Chapter 8 Green Infrastructure of the County Development Plan:

Policy G2 Green Infrastructure Network - Objectives 1, 2, 3, 5, and 9

Policy G3 Watercourses Network Objectives 1 and 3

Policy G6 New Development in Urban Areas - Objectives 1, 2 and 3.

An Ecology Assessment has been prepared by Dr Niamh Roche, a copy of which has been provided by the Applicant. It is noted that the assessment appears to relate to the previously permitted development (SD20A/0120) and no commentary is provided in relation to the potential ecological impact of the proposed development of this Planning Application, particularly the removal of 14 No. trees. In this regard, the Applicant should be required to provide an updated Ecology Assessment, if it remains the proposal to extend at the proposed location, to include an assessment of the Arboricultural Impact of the proposed development and the potential ecological impact of removing 14 No. trees.

Heritage

A verbal report was received from the Heritage Officer stating that a refusal is recommended having regard to the proposed development resulting in the loss of 14 No. trees which is a significant loss in this sensitive area which forms part of a wider ecological corridor where very little green infrastructure remains.

The Heritage Officer noted that there is clear policy in the Development Plan which encourages the retention of ecological links between urban areas and Natura 2000 sites, proposed Natural Heritage Areas, parks and open spaces and the wider regional Green Infrastructure network. Furthermore, it is a clear objective within the Development Plan to protect and enhance the biodiversity value and ecological function of the green infrastructure network.

The Planning Authority notes the concerns of the Heritage Officer. However, the Planning Authority is not opposed to the proposed development in principle and would like to offer the Applicant the opportunity to explore an alternative and less sensitive location within their overall landholding. This alternative location can be explored by of Additional Information.

Landscape

The Parks and Landscape Section has provided a report in relation to the proposed development, which concludes that there is no objection to the proposed development, subject to conditions relating to tree protection and retention of an Arborist. The Section also has concerns regarding the provision of SUDS and natural solutions to water drainage. These issues should be addressed by way of ADDITIONAL INFORMATION.

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Access & Parking

The Roads Section has provided a report in relation to the proposed development which notes:

'It is not intended to increase the number of staff or increase the traffic movements in this proposed development. Therefore, there is no requirement for additional parking at this development'.

The report of the Roads Section concludes that there is no objection to the subject proposal.

Services & Drainage

Irish Water has raised no objections, subject to standard conditions.

A Flood Risk Assessment prepared by Byrne Looby has been submitted with the application and concludes as follows:

A Stage 1 – Flood Risk Identification, Stage 2 – Initial Flood Risk Assessment and a Stage 3 – Detailed Risk Assessment has been undertaken for the proposed Bulk Container Store at Nangor House, New Nangor Road, Dublin 12, as part of site upgrade works.

Information was gathered on flood history by reviewing old OS Maps, internet searches, the OPW flood database, GSI geological and karst data and the SDCC Development Plan. Previous flood studies were also reviewed and current fluvial flood extent maps.

From the information gathered it was shown that the proposed Bulk Container Store is in an area of moderate risk (Flood Zone B) and therefore a Justification Test was required.

It was determined that the proposed development will have a negligible effect on the flood extents on site and would not increase flood risk elsewhere. However, mitigation measures were proposed in order to protect the structure from flood events and to ensure no increase in flows to the existing drainage network.

The Drainage and Water Services Section has no objection to the proposed development, subject to the following conditions:

- Proposed attenuation of 30.8m³ is undersized by 15%. Prior to commencement of development submit a revised drawing showing increased attenuation by 15%. Proposed arched type system shall be a suitable distance (5m) from foundation of building such that the arched type system does not undermine stability of foundation of building.
- Prior to commencement of development submit a revised drawing showing what flow control device is proposed and show what discharge rate is proposed. Note that the

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discharge rate shall be limited to green field runoff rates (Qbar litres/second) or 2 litres/second whichever is greater.

- There is little or no SuDS proposed (Sustainable Drainage Systems). Prior to commencement of development submit a drawing to show what SuDS are proposed. Examples of SuDS include green roofs, blue roofs, permeable paving, filter drains and other such SuDS.
- Proposed attenuation of 30.8m³ is undersized by 15%. Prior to commencement of development submit a revised drawing showing increased attenuation by 15%. Proposed arched type system shall be a suitable distance (5m) from foundation of building such that the arched type system does not undermine stability of foundation of building.
- Prior to commencement of development submit a revised drawing showing what flow control device is proposed and show what discharge rate is proposed. Note that the discharge rate shall be limited to green field runoff rates (Qbar litres/second) or 2 litres/second whichever is greater.
- There is little or no SuDS proposed (Sustainable Drainage Systems). Prior to commencement of development submit a drawing to show what SuDS are proposed. Examples of SuDS include green roofs, blue roofs, permeable paving, filter drains and other such SuDS.
- All floor levels shall be a minimum of 500mm above the highest known flood level for the site.
- The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.
- All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

These issues should be addressed by way of ADDITIONAL INFORMATION.

Appropriate Assessment

An AA Screening by Dr Niamh Roche is provided with this Planning Application. However, the screening relates to the previously permitted development (SD20A/0120). Whilst it is acknowledged that the conclusion of the AA Screening Report may not change as result of the modifications proposed in this Planning Application, it is vital that accurate and up to date information is provided to facilitate a full and complete assessment of the proposed

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development. As such, an accurate and up to date AA Screening Report is required, this can be provided by way of condition.

Ecological Impact Assessment

As previously noted in this Report, the Ecology Assessment Report provided with this Planning Application refers to the previously permitted application (SD20A/0120). As such an accurate and up to date assessment is required to facilitate a complete assessment of the proposed development. This can be provided by way of condition.

Conclusion

Having regard to the policy set out in the current South Dublin County Development Plan and the scale of the proposed development, 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.

Recommendation

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

1. Notwithstanding that there is a permitted structure not yet under construction at the subject site, the proposed location, in close proximity to a water course and a significant stand of trees (which currently and successfully provides biodiversity links to the Camac River located to the south with the Grand Canal located to the north) would necessitate the removal of substantial number of trees and encroach upon the existing Green Infrastructure Network. Furthermore, concerns are raised with regards to the flooding potential of the Camac River, and the proposed Camac flood alleviation scheme. Having regard to the above and the following Policy objectives of the County Development Plan: Policy G2 Green Infrastructure Network - Objectives 1, 2, 3, 5, and 9 Policy G3 Watercourses Network Objectives 1 and 3 Policy G6 New Development in Urban Areas - Objectives 1, 2 and 3. The Planning Authority requests that the applicant submit an alternative location for the proposed structure (in its entirety, both permitted (SD20A/0120) and proposed) elsewhere on the overall landholding and at a location that is less environmentally sensitive.

In responding to this item, the Applicant should provide a complete set of plans and particulars for the proposed new location and design of the proposed building(s). The proposal should also be accompanied by a rationale for the chosen location and updated reports and assessments carried out by appropriately qualified Consultants.

2. It is vital that accurate and up to date information is provided to facilitate a full and complete assessment of the proposed development, especially having regard to the location of the site in proximity to the Grand Canal (a pNHA) and the Camac River. As

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such, the applicant is requested to provide:

- (a) an accurate and up to date Ecological Assessment and accompanying Bat Survey. The Applicant shall ensure that any mitigation measures recommended in the Ecological Report prepared are implemented in full in the design of the proposed development.
 - (a) an up-to-date Appropriate Assessment Report to accurately reflect the development of this Planning Application. If necessary, a Stage 2 assessment should also be undertaken.
3. The current drainage scheme does not fully comply with the objectives of the development plan in terms of the proper implementation of SUDS. The proposed undergrounding of tanks is not looked upon favourably and may be contrary to County Development Plan policy and objectives (Chapter 7). The applicant is requested to submit revised proposals addressing each of the following points of concern raised by the Planning Authority:
- (i) Natural SUDS features should be incorporated into the proposed drainage system. Attenuation should be achieved by above ground natural methods rather than by tanks. The SUDS should be an integrated multi-disciplinary approach which locally addresses water quality, water quantity, and provides for amenity and biodiversity enhancement which meets the objectives of South Dublin County Council Development Plan 2016-2022.
 - (i) The applicant is requested to show SuDS features for the development such as Green roofs, grass areas, tree pits, channel rills, swales, permeable paving, detention basin, wetland and other such SuDS and show what attenuation capacity is provided by such SuDS. SuDS features can be provided within the blue line boundary.
 - (ii) The applicant is requested to demonstrate that the drainage and water design of the proposed development meets the requirements of the Water Services Department. In this regard the following is required:
 - (a) a revised drawing showing increased attenuation by 15%. Proposed attenuation of 30.8m³ is undersized by 15%. Above ground attenuation should be provided at this location unless the capacity of the site to attenuate water using above ground measures that mimic nature has been assessed and demonstrated not to be achievable at this location.
 - (b) a revised drawing showing what flow control device is proposed and show what discharge rate is proposed. Note that the discharge rate shall be limited to

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green field runoff rates (Qbar litres/second) or 2 litres/second whichever is greater.

(c) a drawing demonstrating that all floor levels shall be a minimum of 500mm above the highest known flood level for the site.

4. The Applicant is requested to provide the following:

- (i) A landscape plan with full works specification, that accords with the specifications and requirements of the Council's Public Realm Section.
- (i) Full planting details shall be provided within the landscape plans and shall focus on tree planting to mitigate the loss of trees removed as a result of the proposed development, with an overall net gain of trees; as well as the creation of natural SuDS features to manage surface water using the landscape. The emphasis shall be on using native and pollinator friendly species. Planting and features can be provided within the blue line boundary.

Additional Information

Additional Information was requested on 8th December 2021.

Additional Information was received on 8th June 2022.

The Additional Information received was not deemed to be significant, as such the Applicant was not required to erect a Site Notice or publish a Newspaper Notice.

Submissions/Observations

No submissions / observations received.

Planning Note

It is noted that the red line boundary of this Planning Application forms part of the redline boundary of the development previously permitted under SD20A/0120. Should permission be granted for the proposed development, it is considered that the development permitted under SD20A/0120 cannot be implemented in full. However, this does not prejudice the Planning Authority's consideration of the development proposed in this Planning Application.

Assessment

The following Additional Information was received from the Applicant on 8th June 2022:

- Letter of Response prepared by Byrne Looby dated 8th June 2022.

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- Appendix A – Appropriate Assessment Screening Report prepared by Dr Niamh Roche.
- Appendix B – Ecology Report prepared by Dr Niamh Roche (Additional Bat Survey Work carried out by Dr Tina Aughney of Bat EcoServices).
- Appendix C – Flood Risk Assessment prepared by Byrne Looby.
- Appendix D – Planning Drawings prepared by Byrne Looby
 - Drawing No. W3499-1001 – Site Location Plan Flavour Warehouse.
 - Drawing No. W3499-1002 – Site Layout Plan Flavour Warehouse.
 - Drawing No. W3499-1003 – Proposed Flavour Warehouse Existing and Proposed Site Layout Plans.
 - Drawing No. W3499-1004 – Proposed Flavour Warehouse Site Sections.
 - Drawing No. W3499-1005 – Proposed Flavour Warehouse Plan and Elevations.
 - Drawing No. W3499-1006 – Proposed Flavour Warehouse Section A-A- & Purlin Details.
 - Drawing No. W3499-1007 – Proposed Flavour Warehouse Existing and Proposed Site Finishes.
 - Drawing No. W3499-1008 – Proposed Flavour Warehouse Existing and Proposed Utilities Layout.
 - Drawing No. W3499-1009 – Proposed Flavour Warehouse Internal Drainage Layout.
- Appendix E – Landscape Plan
 - Drawing No. 22228-1-100 – Landscape Screen Planting prepared by Cunane Stratton Reynolds Land Planning and Design.
 - Drawing No. W3499-1004 – Proposed Flavour Warehouse Site Sections.

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The Additional Information provided by the Applicant will be assessed below in the context of the 4 No. items of Additional Information requested by the Planning Authority on 8th December 2021:

Additional Information Item No. 1

The proposed development has been amended in response to Additional Information Item No. 1. The proposed building has been re-located approximately 3m eastwards, providing a separation distance of approximately 21.7m to the western site boundary.

As a result of the re-location of the building eastwards, the 14 No. trees which were previously proposed for removal will now be retained. This is welcomed and will lessen the impact on the Green Infrastructure Network in the area.

It is considered that Additional Information Item No. 1 has been satisfactorily addressed.

The City Edge Project is a non-statutory Strategic Framework that sets out a high-level strategy for the regeneration of the City Edge area. It is envisaged that a statutory plan will follow, and it is important that development is not deemed to be premature pending the adoption of such. Having regard to the current stage of the plan-making process, the Planning Authority assesses each application within the boundary of the City Edge Project Area on a case-by-case basis. The Planning Delivery Team have provided a Report in relation to the proposed development which concludes that:

'While the Further Information proposal goes some way to address the Delivery Team concerns, it remains the case that the relocated warehouse would still be situated in an area noted by the CFRAM maps as having the potential for flooding'.

Whilst the comments of the Delivery Team are noted, in this instance having regard to the nature and scale of the proposal (an extension to a permitted warehouse), the non-vulnerable nature of the proposed use and the mitigation measures outlined in the Flood Risk Assessment and the non-statutory status of the Strategic Framework for the area, it is considered that the proposed development is appropriate, subject to conditions. Furthermore, it is noted that the Drainage and Water Services Department and Irish Water have indicated no objection to the proposed development, subject to conditions.

Additional Information Item No. 2

In response to Additional Information Item No. 2 the Applicant has provided an up-to-date Appropriate Assessment Screening Report and Ecological Assessment carried out by Dr Niamh Roche.

The conclusions of both the Appropriate Assessment Screening Report and the Ecological Assessment are noted and accepted.

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It is considered that Additional Information Item No. 2 has been satisfactorily addressed.

Additional Information Item No. 3

Each element of the Applicant's Response to Additional Information Item No. 3 shall be assessed individually below:

(i) The incorporation of Natural SuDs Features

The Applicant has indicated in their Response that *'The provision of above-ground attenuation that mimics nature at this location is extremely difficult, as there is no available space here: the only available grassed area to the south of the building has a significant quantity of services as utilities'*.

Whilst the lack of above ground attenuation is regrettable it is noted that, having regard to the nature and extent of the proposed development (extension to a permitted warehouse), the established nature of the operations on the overall Diageo landholding outlined in Blue and the limitations of the subject site, in this instance it is acceptable to provide below ground attenuation. Furthermore, having regard to the subject site's location within Flood Zone B, it is considered that the below ground attenuation amounts to an appropriate mitigation measure.

(i) SuDS Features within the Blue Line

As previously indicated, it would appear that the capacity of the subject site to attenuate water using above ground measures is insufficient and owing to the established nature of the Diageo operations on the overall landholding outlined in Blue, the retrospective addition of SuDS features within the overall landholding is not appropriate in this instance.

(ii) Drainage and Water Services Infrastructure Design.

a. The Applicant has revised the proposed attenuation increasing the capacity by approximately 15% to 36m³. As previously indicated, although it is regrettable that above ground attenuation has not been provided, in this instance it is acceptable having regard to the receiving context of the proposed development and the location of the subject site within Flood Zone B.

a. The Applicant has included a flow control device consisting of a curved stainless steel orifice plate to limit discharge rate to 1.6 l/s.

b. The Applicant has not raised the finished floor level to 500mm above the historical flood levels. The Strategic Flood Risk Assessment (SFRA) as carried out for the City Edge Project area has identified and noted flooding events at the Diageo site in the past. It is also noted that the Camac Flood Alleviation Scheme (FAS) study is

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currently ongoing. As part of the FAS, works involving the renaturalisation of the river Camac may take place in the area close to and including the subject site to reduce the potential for future flood events. However, the details of this FAS are not finalised to date. In this particular instance, having regard to the nature of the proposed development (an extension to a permitted warehouse), the re-location of the building away from the Camac, the non-vulnerable nature of the proposed use and the mitigation measures outlined in the Flood Risk Assessment it is considered that the proposed development is appropriate, subject to conditions.

The Drainage and Water Services Department and Irish Water have assessed the Applicant's Response to Additional Information Item No. 3 and have indicated no objection to the proposed development, subject to CONDITIONS.

Additional Information Item No. 3 is therefore deemed to have been satisfactorily addressed.

Additional Information Item No. 4

In response to Additional Information Item No. 4, the Applicant has outlined the following:

'Despite the removal of the need to fell any trees for the development, a full landscape plan has been developed and is included with this response. The proposals include for additional, new planting along the northern boundary of the site with the Grand Canal, in an effort to strengthen the existing (sic) biodiversity corridor using native and pollinator-friendly species. This is in line with many of the objections outlined in Policy G3 and G6 of the Development Plan.'

The Parks Department have assessed the Applicant's Response to Additional Information Item No. 1, with their Report indicating that the following CLARIFICATION OF ADDITIONAL INFORMATION is required:

'SuDS

The current drainage scheme does not fully comply with the objectives of the development plan in terms of the proper implementation of SUDS. There is space within the blue line (ownership) boundary to accommodate Suds. SDCC do not approve of underground tanks unless the capacity of the site to attenuate water using above ground measures that mimic nature have been assessed.

- a) *Natural SUDS features shall be incorporated into the proposed drainage system. Attenuation shall be achieved by above ground natural methods rather than by tanks. The SUDS shall be an integrated multi-disciplinary approach which locally addresses water quality, water quantity, and provides for amenity and biodiversity enhancement which meets the objectives of South Dublin County Council Development Plan 2016-2022.*

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- a) *The applicant shall show SuDS features for the development such as green roofs, bioretention areas, tree pits, channel rills, swales, permeable paving, detention basin, wetland and other such SuDS and show what attenuation capacity is provided by such SuDS. SuDS features can be provided within the blue line boundary.*
- b) *The detailed SUDS scheme for the proposed development to be agreed with Public Realm.*

Blue/Green Infrastructure

We welcome the introduction of additional new tree planting along the the Grand Canal. Further landscaped features are required to accommodate sustainable drainage within the blue line boundary as outlined in 1 above. SuDS features to be detailed and shown on landscape plan.

- (i) *A landscape plan should be submitted for agreement with Public Realm, with full works specification, that accords with the specifications and requirements of the Council's Public Realm Section.*
- (i) *Full planting details shall be provided within the landscape plans and shall focus on the creation of natural SuDS features to manage surface water using the landscape. The emphasis shall be on using native and pollinator friendly species. Planting and features can be provided within the blue line boundary'.*

The concern raised by the Park Section are noted, however considering the scale of the proposed development, which is located within an existing industrial complex, it is not considered reasonable to require significant alterations to the wider landholding, as a result of the current proposal. That being said, it is noted that the applicant has made reasonable accommodation for the retention and enhancement of tree planting on site. However, as previously outlined, having regard to the receiving context of the subject site and the insufficient capacity of the subject site to attenuate water using above ground measures in this particular instance the provision of below ground attenuation is acceptable.

Other Considerations

Development Contributions	
Building Use Type Proposed	Floor Area (sq. m)
Industrial Storage Building	465.3 sq.

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SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq. m)
Industrial Storage Building	465.3sq.m
Land Type	Site Area (Ha)
Brownfield / Urban Consolidation	12.28 Ha

Conclusion

Having regard to the policies outlined in the South Dublin County Development Plan 2016-2022 and the Additional Information provided by the Applicant, it is considered that, subject to conditions, the proposed development generally adheres to the key policies, objectives and guidance and would not be contrary to 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, and as amended by Further Information received on 8th June 2022, 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. Arboricultural Assessment
 - a) Prior to the commencement of development, the developer shall appoint a qualified landscape arborist as an arboricultural consultant for the entire period of construction.

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b) The arborist shall submit an update to the Arboricultural Assessment Report undertaken by Ciaran Keating of CMK Hort & ARB Ltd to include:

- i) a revised Arboricultural Impact Plan that shows trees proposed for removal and
- ii) an Arborists Method Statement for excavations in proximity to retained trees
- c) The applicant shall ensure that the measures and recommendations as set out in the updated Arboricultural Assessment Report are implemented in full.
- d) All trees and hedgerows within the boundaries of the site shall be retained and maintained with the exception of the following:
 - i) Specific trees, the removal of which is authorized in writing by the planning authority to facilitate development.
 - ii) Trees which are agreed in writing by the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeons report, and which shall be replaced with agreed specimens. Replacement trees can be provided within the blue line boundary with an overall net gain of trees.
- e) The removal of hedges and trees from the development site shall only be carried out in the months from September to February inclusive, that is outside of the main bird nesting season.

REASONS: In the interests of amenity, ecology and sustainable development.

3. Protection of Existing Trees

In order to ensure the protection of existing trees on site, protection fencing should be installed in order to protect the existing tree during construction works. Protective tree fencing must be erected prior to all construction operations occurring on site. Fencing to be in accordance with BS 5837. This fencing, enclosing the tree protection areas must be installed prior to any plant, vehicle, or machinery access on site. Fencing must be clearly signed 'Tree Protection Area – No Construction Access'. No Excavation, plant vehicle movement, materials or soil storage is to be permitted within the fenced tree protection area.

REASON: In the interests of visual amenity and of protecting existing trees.

4. Ecological Assessment

The applicant shall ensure that the mitigation measures recommended in the Ecological Report prepared by Dr. Niamh Roche are implemented in full.

REASON: In the interests of biodiversity, ecology and sustainable development.

5. The applicant shall ensure that the mitigation measures recommended in the Flood Risk Assessment prepared by Byrne Looby are implemented in full.

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

6. Irish Water

Prior to the commencement of development the applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

REASON: In the interest of public health and to ensure adequate water/wastewater facilities.

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7. Drainage and Water Services Infrastructure
 - (i) The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.
 - (ii) All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.
 - (iii) All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

REASON: In the interest of adequate water and wastewater infrastructure.
8. 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.
9. 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.

10. Landscape and Planting Plan

A maximum of two weeks from the date of any Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of any works on site, the applicant, owner or developer shall have lodged with the Planning Authority;

- A landscape plan, to be agreed with Public Realm, with full works specification, that accords with the specifications and requirements of the Council's Public Realm Section.
- Full planting details shall be provided within the landscape plans and shall focus on using native and pollinator friendly species. Planting and features can be provided within the blue line boundary.

REASON: In the interests of amenity, ecology and sustainable development.

11. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €45,953.03 (forty five thousand nine hundred and fifty three euros and three cents), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

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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 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: The applicant is advised that where industrial effluent is produced or stored a licence may be required under the provisions of the Waste Management Act.

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.

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.

NOTE: Where the applicant proposes to connect to a public water/wastewater network operated by Irish Water, the applicant must sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.

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REG. REF. SD21A/0281

LOCATION: Nangor House, New Nangor Road, Gallanstown, Co. Dublin, D12 F726



**Sarah Watson,
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: 5th July 2022



**Colm Harte,
Senior Executive Planner**