

# Comhairle Chontae Atha Cliath Theas

**PR/0974/22**

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

**Reg. Reference:** SD22A/0267      **Application Date:** 07-Jun-2022  
**Submission Type:** New Application      **Registration Date:** 07-Jun-2022  
**Correspondence Name and Address:** Elena Vaazquez, Enerpower Unit 24, Waterford Business Park, Cork Road, Waterford  
**Proposed Development:** Erect 832.00m<sup>2</sup> or 150.30 kWp of photovoltaic panels on the roof of the existing Lidl store Fortunestown Lane, with all associates site works at Lidl Ireland GMBH  
**Location:** Lidl Store, Fortunestown Lane, Saggart, Dublin 24, D24 XR74  
**Applicant Name:** Mr. John Paul Scally, Lidl Ireland GMBH  
**Application Type:** Permission

(EW)

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

Site Area: Stated as 0.16 (ha)

#### Site Description:

The subject site is located in the townlands of Cooldown Commons and Fortunestown in Tallaght. Citywest Business Campus is located generally to the southwest of the subject site. The subject site is located to the east of the existing Fortunestown Lane/N82 roundabout and on the northern side of Fortunestown Lane. To the east of the subject site, there are established residential dwellings on Ard Mor Drive.

The subject site currently underwent demolition from a previous single storey Lidl discount food store and construction of a two-storey mono-pitch licenced discount food store with ancillary off-licence. The site is accessed from the Fortunestown Lane, surface car parking exists to the west and south of the existing retail unit.

#### **Proposal:**

- Erect 832.00m<sup>2</sup> or 150.30 kWp of photovoltaic panels on the roof of the existing Lidl store Fortunestown Lane, with all associates site works at Lidl Ireland GMBH

#### **Zoning:**

The subject site is zoned objective RES - *'To protect and / or improve Residential Amenity'* under the South Dublin County Council Development Plan 2022-2028.

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**SEA Sensitivity Screening** -No overlap indicated.

**Consultations:**

<i>Irish Water</i> –	No objections not applicable.
<i>Water services</i> –	No objections not applicable.
<i>Parks</i> –	No comment to make
<i>Roads</i> –	No report received.
<i>Department of Defence:</i>	Observation received Glint and Glare required.
<i>Irish Aviation Authority:</i>	Observation received Glint and Glare required.

**Submissions/Observations /Representations:**

None recorded.

**Relevant Planning History:**

SD17A/0052 – (1) The demolition of existing single storey licensed discount food store with ancillary off-licence sales measuring 1,396sq.m gross floor space with a net retail sales area of 1,005sq.m; (2) The construction of a two storey mono-pitch licenced discount food store with ancillary off-licence sales measuring 2,718sq.m gross floor space with a net retail sales area of 1,690sq.m; (3) Redevelopment and extension of existing car park to provide 145 car parking spaces, and extension of overall site area from 0.4538 to 0.9 ha. The proposed development will supersede an adjacent planning permission (Reg. Ref. SD15A/0127 as amended by SD16A/0266) insofar as it relates to the extended site area of the proposed development; (4) The proposed development is to be serviced via existing infrastructure connections and will be accessed via a relocated vehicular access and new pedestrian access; (5) Provision of associated free standing and building mounted signage, free standing trolley bay and enclosure, refrigeration and air conditioning plant and equipment, hard and soft landscaping, public lighting, surface water attenuation, cycle parking, boundary treatments, relocation of substation and all other associated and ancillary development and works above and below ground level.

Decision: Permission **GRANTED** with conditions.

*SD11A/0007:* Single storey extension with a flat roof, finished with materials consistent with the existing store; internal modifications/connections to the existing store and all associated site works located to the western side of the existing Lidl Licenced Discount Food store on a site of 0.4548ha. The extension measures 85sq.m gross floor space increasing the gross floor space of the store from 1311sq.m to 1396sq.m.

Decision: Permission **GRANTED** with conditions.

*SD06A/0213:* Minor modifications to a previously approved planning permission (Ref. SD05A/0600) for a discount food store incorporating an off-licence for the sale of beers, wines

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and spirits (1,338sq.m) which will involve; the relocation and orientation of the building foot print in a 4.5m approx. southerly direction with minor adjustments to the associated car parking layout, boundaries lines and site works.

Decision: Permission **GRANTED** for retention.

*SD05A/0600*: Demolition of all existing buildings on site with front boundary treatments and construction of a discount food store incorporating an off-licence for the sale of beers, wines and spirits (1338sq.m) which will consist of a single-storey pitched roof structure with enclosed dock leveller, signage, 1 flag pole, surface parking for 91 cars, boundary treatments, new vehicular site entrance and associated site works.

Decision: Permission **GRANTED** with conditions.

*SD03A/0565*: Demolition of two existing dwellings, demolition of boundary wall and for the erection of a neighbourhood centre comprising of a video-store, pharmacy, mini-market, take-away, off-licence and public house at ground floor level, also 7 apartments and 6 office suites and first floor level, housed within a two storey pitched roof structure (c.2500sq.m) with enclosed delivery area, signage, boundary treatments and associated site development works, to provide 97 car spaces and for the realignment of existing vehicular entrance.

Decision: Permission **REFUSED**.

### **Relevant Enforcement History:**

None recorded

### **Pre-Planning Consultation:**

None recorded.

### ***Relevant Policy in South Dublin County Development Plan 2022-2028***

10.0.1 Planning Policy Context

10.1 Energy Planning in South Dublin

#### ***Policy E2: South Dublin Energy Profile***

Further develop and implement climate action and energy related initiatives in the County in conjunction with EMRA, the Dublin Energy Agency (Codema), Climate Action Regional Office (CARO) and all relevant stakeholders, promoting energy efficiency and renewable energy measures across the County

E2 Objective 1: To seek to reduce the reliance on fossil fuels in the County by reducing the energy demand of existing and new development.

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E2 Objective 2: 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 3: To support the recording and monitoring of renewable energy potential in the County in partnership with other stakeholders including the East Midlands Regional Assembly EMRA, the Dublin Energy Agency (Codema), Climate Action Regional Office (CARO).

E2 Objective 4: To support existing Sustainable Energy Communities and actively encourage and support new SECs.

### 10.2.1 Energy Performance in Existing Buildings

#### ***Policy E3: Energy Performance in Existing and New Buildings***

Support high levels of energy conservation, energy efficiency and the use of renewable energy sources in new and existing buildings including the retro fitting of energy efficiency measures in the existing building stock in accordance with relevant building regulations, national policy and guidance and the targets of the National and South Dublin Climate Change Action Plans.

E3 Objective 1: To reduce the need for energy, enhance energy efficiency and secure the use of renewable energy sources in refurbished and upgraded dwellings and other buildings through the design and location of new development, in accordance with relevant building regulations and national policy and guidance.

E3 Objective 2: To prioritise the retrofitting of buildings over demolition and reconstruction where possible to reduce the large quantities of embodied carbon energy generated from building materials when building from the ground up.

E3 Objective 3: To require all new development to be designed to take account of the impacts of climate change, and that energy efficiency, energy provision and renewable energy measures are incorporated in accordance with national building regulations and relevant policy and guidelines.

E2 Objective 4: To support and facilitate the actions and targets of the National and South Dublin Climate Action Plans where they relate to private and public buildings in the County.

### ***10.2.6 Solar PV Photovoltaic (PV)***

Photovoltaic (PV) cells convert solar radiation directly into DC electricity. Individual PV cells only provide a small amount of electricity, so they are generally grouped together into a module for convenience. PV is generally more suited to areas where the electricity generated can supply

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a nearby load, and the energy loss and costs associated with transmission and distribution are avoided. In accordance with the requirements of RPO 7.35 of the RSES the Council is working with the Dublin Energy Agency Codema to assess the potential for both building integrated and utility-scale solar PV panels in the County with the long-term objective of designating zones where Strategic Solar Energy Zones might be considered. Work already undertaken provides opportunities for the incorporation of solar technologies into the built fabric of existing premises. There may also be potential for the development of 'solar farm' type developments adjacent to the range of large commercial, industrial and business parks located in South Dublin County where viability and feasibility is proven.

### ***Policy E7: Solar Energy***

Promote the development of solar energy infrastructure in the County, including the building of integrated and commercial-scale solar projects subject to a viability assessment and environmental safeguards including the protection of natural or built heritage features, biodiversity and views and prospects.

*E7 Objective 1:* To encourage and support the development of solar energy infrastructure for on-site energy use at appropriate locations in the County.

*E7 Objective 2:* To encourage and support the development of commercial-utility solar energy infrastructure for local distribution at suitable locations in the County.

*E7 Objective 3:* To support and encourage the ongoing delivery of solar technology on Council owned buildings and sites in accordance with the South Dublin Climate Action Plan. *E7 Objective 4:* To explore the potential for the development of solar PV Strategic Energy Zones in the County in accordance with the requirements of RPO 7.35.

*E7 Objective 5:* To ensure that planning applications for solar energy infrastructure which may impact on the operation of airports are referred to the IAA/Department of Defence or relevant airport authority.

*E7 Objective 6:* To establish a GIS database of PV installations in the County at the appropriate time in tandem with the roll out of solar PV development. This should include data on the size (area of site in m<sup>2</sup>, total area of panels per m<sup>2</sup>), type (monocrystalline, tracking, PV, concentrated solar panels, domestic/ commercial, etc.), grid connection details (location, kV, two-way metering, etc.) and energy generation (kW peak, annual kWh) of each installation.

*E7 Objective 7:* To support the provision of solar farms in the County in areas zoned RU subject to protecting environmental sensitivities. *E7 Objective 8:* To support the installation of solar panels on up to 100% of residential roof space.

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### **Relevant Government Guidelines:**

*Project Ireland 2040 National Planning Framework*, Government of Ireland, 2018.

*Regional, Spatial & Economic Strategy 2019 - 2031*, Eastern & Midlands Regional Assembly, 2019.

*Climate Action Plan*, Government of Ireland, 2019.

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

*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, residential and visual amenity, water service and flood risk, aviation safety, Appropriate Assessment and SEA screening.

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

The subject site is zoned objective 'RES' under the South Dublin County Council Development Plan 2022-2028. In terms of policy, there is significant policy support within the current Development Plan to support and encourage the provision of climate adaptation measures, including the provision of solar panels, such as that of the proposed development.

Under Policy E3: *Energy Performance in Existing and New Buildings* of the existing South Dublin County Development Plan 2022-2028, the application is particularly relevant, noting the previous planning permission under SD17A/0052. The prior permission granted the demolition of an existing single-storey food store measuring 1,396sq.m of gross floor space with a net retail sales area of 1,005sq.m. The permission replaced the original building by constructing a two-

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*storey mono-pitch licenced discount food store with ancillary off-licence sales measuring 2,718sq.m gross floor space with a net retail sales area of 1,690sq.m.*

- ***E3 Objective 3:*** *To require all new development to be designed to take account of the impacts of climate change, and that energy efficiency, energy provision and renewable energy measures are incorporated in accordance with national building regulations and relevant policy and guidelines.*

Policy E7 (Solar Energy) states the following:

- *Promote the development of solar energy infrastructure in the County, including the building of integrated and commercial-scale solar projects subject to a viability assessment and environmental safeguards including the protection of natural or built heritage features, biodiversity and views and prospects.*
- ***E7 Objective 1:*** *To encourage and support the development of solar energy infrastructure for on-site energy use at appropriate locations in the County.*
- ***E7 Objective 2:*** *To encourage and support the development of commercial-utility solar energy infrastructure for local distribution at suitable locations in the County.*

The principle of the development to install solar pv panels on the rooftop of a permitted retail building, is 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 a commercial retail building. The development comprising 334 Panels x 375v = **125 KW**, is considerably below the 300 megawatts. An EIA is therefore not required.

### ***Visual Impact***

The proposal involves as stated on the submitted plans; the erection of 334 photovoltaic (PV) Solar Panels at roof level of the retail development. The total PV panels would cover a stated area of 832sq.m. The panels would be installed to cover the entire central area of mono-pitched roof in 6 portions and are considerably recessed by from the main roof edges. The panels would

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not be overly visible as they are mounted flat on the roof and will be parallel to the roof surface with no offset distance. The drawings outline those views from the North East elevation would be most visible of the roof structure. The development would not significantly alter the retail structure as currently permitted. The structure, therefore, remains similar in terms of design, scale and external finish detail. No adverse visual impact is anticipated.

Due to their design and positioning on the rooftop, the proposed solar pv panels would not be overly visible or overly dominant in the context of the site. The development is therefore considered to be visually acceptable.

### *Glint and Glare*

A glint and glare assessment, which assesses potential impacts from the proposed development on aviation receptors at the adjacent Baldonnell Aerodrome and on the road network and dwellings within 1km of the subject area, has not been submitted with the planning application. Having regard to the existing South Dublin County Development Plan 2022-2028, under Policy *E7: Solar Energy*:

- *E7 Objective 5: To ensure that planning applications for solar energy infrastructure which may impact on the operation of airports are referred to the IAA/Department of Defence or relevant airport authority.*

The Planning Authority would request that a glint and glare assessment should form part of the planning file and, therefore, should be requested to be submitted prior to commencement of development by way of **condition**. The permission should also seek that there will not be any nuisance effects from the glint and glare or any hazardous effects upon either road or aviation receptors resulting from the proposed solar PV. The findings of the glint and glare report shall be to the satisfaction of the Department of Defence as per the below concerns.

### *Aviation Safety*

The Department of Defence was formally consulted and have stated the following:

- *Given the proximity of the development to Casement Aerodrome, an aviation glint and glare report is required to assess any impact on Air Corps flight operations.*

Having regard to the requirements of the Department of Defence, it is considered reasonable and coinciding with *E7 Objective 5* to request the standard glint and glare report by **condition** prior to commencement in the event of a grant of permission to ensure aviation safety.

### *Services, Drainage and Flood Risk*

A report was not received from Water Services however it is noted that no impact on existing services is expected.



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No additional flood risk envisaged for the site. The Retail Building is within a residential area with hard standing roof so the addition of solar panels would not result in an increase of flood risk.

### ***Screening for 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 installation of 334 Panels Photovoltaic Panels on the roof of the existing Lidl Store.

Having regard to:

- the small scale and 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.

### ***Environmental Impact Assessment***

Having regard to the modest nature of the 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.

### **Other Considerations**

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

The proposed development consists of the erection of 334 photovoltaic solar panels with an area of 832sq.m

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 development comprising 334 Panels x 375v = **125 KW** (0.125 Megawatt) is below the charge of levy capacity of 0.5 MW.

### **SEA Monitoring Information**

- Building Use Type Proposed- Roof mounted solar photovoltaic (P.V.) system
- Floor Area (sq. m.)- N/A
- Land Type- Brownfield/Urban Consolidation
- Site Area (Ha.)- Stated as 0.16 (ha)

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### **Conclusion**

Having regard to the said site and to the national renewable energy, policy set out in the current South Dublin County Development Plan 2022-2028, in particular those set out Section 10.0 'Energy' and particularly 10.2.6 'Solar PV' to the scale and design of the proposed development that it is deemed would not seriously injure the amenities of the area or of property in the vicinity, it is considered that, subject to the conditions set out below, the development would be in accordance with the provisions of the current 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 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. Glint/Glare Assessment regarding Aviation.  
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.

(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.

### 3. 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.

### 4. 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.

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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.

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.

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.

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**REG. REF. SD22A/0267**

**LOCATION: Lidl Store, Fortunestown Lane, Saggart, Dublin 24, D24 XR74**

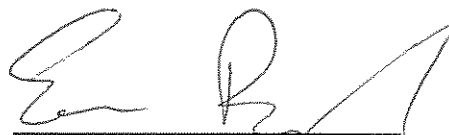
*Colm Harte*

**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:**

2/8/22



**Eoin Burke, Senior Planner**