

Comhairle Chontae Atha Cliath Theas

PR/1013/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0274 **Application Date:** 16-Jun-2022
Submission Type: New Application **Registration Date:** 16-Jun-2022
Correspondence Name and Address: Paul O'Brien Associates Seaview, Forth Mountain, Wexford
Proposed Development: Permission for the proposed green energy initiative development consisting of the installation of Photovoltaic Panels on the existing roof structures together with all associated site works
Location: Unit 4, Westgate Business Park, Ballymount, Dublin 24
Applicant Name: Sonoma Valley Limited
Application Type: Permission

(EW)

Description of Site and Surroundings:

Site Area: Stated as 0.95 ha

Site Visit: 04/08/2022

Site Description:

The site is located in Westgate Business Park, Ballymount and contains an existing two storey commercial building. The site is bounded to the south by the M50, to the east by Calmount Road and to the north by an internal access road, with access from Ballymount Road Upper. The general area is characterised with buildings of an industrial/commercial nature. The pattern of development in the vicinity comprises a planned retail estate. Noted that Unit 4, Fashion City was granted permission to Erect 525sq.m. of photovoltaic panels on the roof.

Proposal:

- Permission for the proposed green energy initiative development consisting of the installation of Photovoltaic Panels on the existing roof structures together with all associated site works

Zoning:

The site is located in an area zoned Objective 'EE' – *'to provide for enterprise and employment related uses.'*

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SEA Sensitivity Screening -No overlap indicated.

Consultations:

<i>Irish Water</i> –	No objections standard conditions apply.
<i>Water services</i> –	No objections standard conditions apply.
<i>Parks</i> –	No comment to make
<i>Roads</i> –	No objections.
<i>Department of Defence:</i>	No observation received Glint and Glare required.
<i>Irish Aviation Authority:</i>	No observation received Glint and Glare required.

Submissions/Observations /Representations:

None recorded.

Relevant Planning History:

SD19A/0005 - Unit 4, Westgate Business Park, Ballymount, Dublin 24 **Granted Permission** for the Construction of 1,540sq.m approx. of additional hardstanding on northeast and southwest areas of the site for parking of cars and service vehicles; associated works.

SD15A/0116 – **Grant Permission** for Modification of previously approved fencing (Ref No: SD14A/0229) along the northwest side of the property to include the erection of a palisade fence on a concrete plinth (total height = 2400mm) inside the boundary line, with 1220mm high steel columns/bollards set inside part of the fencing, and with electric fence (total height = 4000mm) & 1220m high steel columns/bollards set inside the remaining part of the fencing. The erection of a palisade fence on a concrete plinth (total height = 2400mm) with electric fence (total height = 4000mm) & 1220mm high steel columns/bollards set inside the fencing, to the left of the northeast elevation of the existing building, and along the southeast, and southwest sides of the property. The section of fencing to the left of the northeast elevation of the existing building will incorporate 1 sliding gate including an automated opening and closing function. The erection of a projecting angled electric fence (total height = 1000mm) fixed to the face of all elevations of the existing building near the parapet along the perimeter of the roof. The erection of 4 steel columns (total height = 5000mm) to the roof of the existing building to support steel cables for the prevention of attack by helicopter. The construction of a 153.1sq.m single storey extension at the existing 2 vehicle access doors to southwest/rear of the building to create 2 vehicle security access traps. The parapet height of the extension will match the parapet height (7,890mm approximately) of the existing canopy covering the area outside the current vehicle access points. 3 bollards, which are electro-automated to retract into ground to be installed outside each of the 2 vehicle access traps. 1 new escape door to the northwest elevation. 1 new escape door to the southwest elevation. Associated works.

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SD14A/0229 – **Grant Permission** for Erection of a palisade fence on a concrete plinth (total height 2400mm) along part of the northeast side of the property with 1 sliding gate including an automated opening and closing function; erection of a steel railing fence on a concrete plinth (total height 2400mm) along part of the northeast side of the property with 1 manually operated personnel gate including footpath to connect with the estate footpath; erection of a palisade fence on a concrete plinth (total height 2400mm) along the northwest side of the property; 1200mm high 150 x 150mm steel columns/bollards set inside the fencing; associated works.

ED10/0030 – **Declared Exempt** for Internal alterations to warehouse Unit 4 to retain the single storey, undivided warehouse area. Works include removal of first floor office space 220 sq. mts and internal partition walls.

Adjacent sites

SD22A/0102 - Unit 27, Fashioncity, Ballymount, Dublin 24 **Granted Permission** for Erection and installation of 124 photovoltaic solar panels with an area of 235.6sq.m (with average size of 1.9sq.m per panel) on the existing roof slope and all associated alterations to existing elevations, site and ancillary works.

SD21A/0153 - **Granted Permission** for the erection of 525sq.m. of photovoltaic panels on the roof of existing unit with all associated site works.

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

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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.

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.

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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 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 m², total area of panels per m²), 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.

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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.

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.

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Zoning and Council Policy

The subject site is zoned objective 'EE' 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.

- *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 312 Panels x 375v = **117 KW**, is considerably below the 300 megawatts. An EIA is therefore not required.

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Visual Impact

The proposal involves the erection of 312 photovoltaic (PV) Solar Panels at roof level of the retail Unit 4, Westgate Business Park. The total PV panels would cover a stated area of 599.7sq.m. The panels would be installed to cover the entire outer south-eastern and south-western area whilst also cover a central area of low-pitched roof in 3 single pitch roof portions and are recessed by from the main roof edges. The panels would be moderately visible as they are mounted flat on the pitched roof and will be parallel to the roof surface with no offset distance. The drawings outline those views from the south-west and south-east (sides) where the slant of the roof is more visible. North-east and north-west elevation would be less visible with the roof angle. 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 visible 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 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.*

A glint and glare assessment has been submitted. 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 by **condition** as per the below concerns.

Aviation Safety

The Department of Defence was formally however no comments were received.

Having regard to the requirements of the Department of Defence, it is considered reasonable and coinciding with *E7 Objective 5* to request the applicant to submit the 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

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A report was received with no objections from Water Services with standard conditions to apply.

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

Irish Water also requested standard conditions however no water connection is noted from the Photovoltaic Panels and is not considered necessary to the subject application.

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 Business Park and comprises the installation of 312 photovoltaic (PV) Solar Panels at roof level of the retail Unit 4, Westgate Business Park.

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 312 photovoltaic solar panels with an area of 599.7sq.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 312 Panels x 375v = **117 KW** (0.125 Megawatt) is below the charge of levy capacity of 0.5 MW.

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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 0.95 ha

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 2022 - 2028 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.
It is noted that the applicant has submitted a Glint and Glare Assessment. Prior to the

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commencement of development the applicant/owner shall submit the following to the Irish Aviation 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, 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.

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

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of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following:

- Schedule of works to include approximate timeframes
- Name and contact details of contractor responsible for managing noise complaints
- Hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise.

REASON: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable 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/0274

LOCATION: Unit 4, Westgate Business Park, Ballymount, Dublin 24

pp. S. Watson
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: 10/8/22

Eoin Burke
Eoin Burke, Senior Planner