

Comhairle Chontae Atha Cliath Theas

PR/1401/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0087 **Application Date:** 29-Mar-2022

Submission Type: Additional Information **Registration Date:** 13-Oct-2022

Correspondence Name and Address: Ryan Beatty, Fingleton White Unit H7B, Centrepoint Business Park, Oakdrive, Dublin 12

Proposed Development: Install a new LPG Safety Installation in a caged enclosure 1.8m x 1.2m x 1.2m (LxWxH) servicing the existing LPG storage installation with all ancillary services and associated site works.

Location: Lynch's Park, Lucan, Co. Dublin

Applicant Name: Gas Networks Ireland

Application Type: Permission

(EW)

Description of Site and Surroundings:

Site Area: stated as 0.0009 ha.

Site visit: 27/04/2022

Site Description:

The site is located south of Thomas Omer Way. The surrounding land is generally greenfield / vacant. The subject land comprises an open green area situated to the south of Kishoge Community College and located north of Lynch's Park residential estate. West of Lynch's Lane, the lands to the east are fenced-off open spaces. The subject site is located on an open grass area taken in charge and is in the ownership of SDCC. There is already established use of LPG storage installation with all ancillary services on this site.

Proposal:

The proposed development is for the following:

- Install a new LPG Safety Installation in a caged enclosure 1.8m x 1.2m x 1.2m (LxWxH) servicing the existing LPG storage installation with all ancillary services and associated site works.

SEA Sensitivity:

No overlap identified with relevant environmental layers.

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Zoning:

The site is zoned objective 'SDZ' – 'To provide for strategic development in accordance with approved planning schemes'.

Consultations:

<i>Surface Water –</i>	No objections, standard conditions apply.
<i>Water –</i>	No objections, standard conditions apply.
<i>Roads Section –</i>	No objections.
<i>Heritage Officer-</i>	No comments at time of report.
<i>Parks Department –</i>	No objections.
<i>Environmental Health</i>	No objections, subject to conditions.

Submissions/Observations /Representations

None.

Relevant Planning History

SD13A/0048 - Construction of a new post primary school with a capacity for 1,000 pupils, comprising three interconnected blocks, three storeys in height c.9,941sq.m. in area, to include classrooms, specialist rooms and PE hall, Special Educational Needs (SEN) suite and all ancillary facilities; vehicular access to school grounds is from Lynch's Lane on the western side; permission is sought for improvements to road network in the vicinity of the school grounds to include new signalised crossing at junction of Fonthill Link Road and Lynch's Lane, opening of the central median on Fonthill Link Road, removal of the existing bus lane on the east bound carriageway of Fonthill Link Road for a distance of 220m, widening of Lynch's Lane in the vicinity of the school, vehicular access from Lynch's Lane to school grounds, temporary bus and car set down area to south of school pending completion of distributor road to south of school, new signalised crossing at Fonthill Link Road at north east corner with entrance from there via ramp and steps to school grounds; permission is sought for 92 staff car parking spaces (including 5 disabled spaces), 200 covered bicycle spaces, ancillary site structures including ESB sub-station, external store, 6 no. fenced ballcourts, boundary wall, gates, piers and railings to west, east and southern boundaries; connections to public watermain and sewer and all associated site development works; the lands fall entirely within the boundaries of the Clonburris Local Area Plan.

Permission Granted.

SD09A/0149 Mixed use residential, retail, commercial, creche & community development.

Permission Granted

Relevant Enforcement History

None found.

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Pre-Planning Consultation

None.

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

7.4.0 Information and Communications Technology

IE4 Objective 5:

To actively discourage the proliferation of above ground utility boxes throughout the County and to promote soft planting around existing ones and any new ones that cannot be installed below the surface to mitigate the impact on the area.

ENERGY (E) Policy 11 Service Providers and Energy Facilities

It is the policy of the Council to ensure that the provision of energy facilities is undertaken in association with the appropriate service providers and operators, including ESB Networks, Eirgrid and Gas Networks Ireland. The Council will facilitate the sustainable expansion of existing and future network requirements, in order to ensure satisfactory levels of supply and to minimize constraints for development.

Clonburris SDZ Planning Scheme

Table 2.1.3 Uses Permissible & Open for Consideration in Open Space Areas (Subject to requirements of SDZ Section 2.11.2 (Biodiversity and Natural Heritage Features))

Open for consideration: Public Services

Section 2.11.2 Biodiversity and Natural Heritage Features

Grand Canal

Ecological Corridors

Hedgerows

Protected Species

Invasive Species

Assessment

The main issues for consideration are as follows:

- Zoning and Council policy,
- Legal Interest,
- Residential and Visual Amenity,
- Services & Drainage,
- Screening for Appropriate Assessment (AA),
- Screening for Environmental Impact Assessment (EIAR),

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Zoning and Council Policy

The subject site is zoned 'SDZ' with the zoning objective '*To provide for strategic development in accordance with approved planning schemes*'.

The Clonburris SDZ Planning Scheme (2019) identifies the site as local parks and squares under Figure 3.3.21 | Kishoge North East, Development Area 10.

Table 2.1.3 of the SDZ Scheme states that 'Public Services' are open for consideration within open space. An established use already exists on this site and given the scale of the addition, the proposed works to the '*Public Services*' is considered acceptable in this instance.

Site Notices

The Planning Authority notes that the site is zoned objective 'SDZ' – '*To provide for strategic development under approved planning schemes*'; in this case, the Clonburris SDZ Planning Scheme (2019). *However, the site notices do not describe the proposed development within an SDZ area. Therefore, the applicant is requested to clarify the description with significant **further information** and readvertised and submit revised notices that clearly outline the proposed development in accordance with Article 35 of the Planning and Development Regulations 2001 (as amended).*

Legal Interest,

The applicant has submitted a letter of consent from SDCC Development Department granting consent for the use of the subject site for the proposal. It is noted that the consent is valid for a period of twelve months from date of the letter (15th Nov 2021). It is also noted that the consent is conditional on no development taking place until full planning permission has been granted and the Council is in a position to enter into an appropriate agreement with Gas Networks Ireland in respect of the lands.

Residential & Visual Amenity

The existing above-ground LPG (Liquid Petroleum Gas) storage installation is caged at 7.8m in width by 5.8m in length and 2.5m in height with ancillary services within the sealed compound. The current structure is located midway on the green open space adjacent to the rear of Kishoge Community College and is located 3m south of the adjoining pedestrian footpath.

The proposed free-standing LPG Safety Installation cabinet would be approximately 1.8m in length and 1.2m in width, and 1.2m in height and located to the northeast of the existing caged compound. The information submitted by Gas Networks Ireland states that LPG safety installation is being installed to ensure the protection and continued supply of gas to the local network and to ensure the mains gas pressure in the network is maintained for domestic use. Gas Networks Ireland has carried out a Design Stage Risk Assessment (DSRA) for each installation location as part of the Design Process.

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It is considered that the LPG Safety Installation cabinet will not impact negatively on the residential amenity and that this proposal will not contribute to street clutter or create an obstacle for pedestrians. However, a **condition** should be attached relating to maintenance.

Environmental Health

The proposal is acceptable to Environmental Health subject to the following conditions set out below:

1. No heavy / noisy construction equipment or machinery (to include pneumatic drills, construction vehicles, generators, etc) shall be operated on or adjacent to the construction site before 07:00 hours on weekdays and 09:00 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.
2. Noise levels arising from construction activities shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give rise to a noise nuisance affecting a person in any premises in the neighbourhood.
3. A suitable location for the storage of refuse shall be provided during the construction and operational phase of the development so as to prevent a public health nuisance.
4. The applicant shall put in place a pest control contract for the site for the duration of the construction works.
5. Noise due to the normal operation of the proposed development, expressed as Laeq over 15 minutes at the façade of a noise sensitive location, shall not exceed the daytime background level by more than 10 dB(A).
6. Any connections to the main sewer must be connected so as not to give rise to a public health nuisance.
7. Signage or lighting to be used on site during both construction and the on-going operation of the development must not be intrusive to any light sensitive location including residential properties in close proximity to the development.
8. Clearly audible or impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of the noise level.

The above **conditions** are noted and shall apply in the event of a grant of permission.

Parks & Landscaping,

The Parks Department have issued a report recommending no objections or comments.

Access/ Traffic

The Roads Section have issued a report recommending no objections or comments.

Services & Drainage,

Both Irish Water and Surface Water Drainage have recommended no objections subject to standard **conditions**.

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Screening for Appropriate Assessment (AA)

An Appropriate Assessment Screening Report was submitted by the applicant and ascertained that the proposed development/excavation site is not located within or adjacent to any Natura 2000 site and there will be no direct or indirect habitat loss/deterioration or impact on key fauna species within Natura 2000 sites as a result of the proposal. Therefore, the report concludes that no Natura Impact Statement (NIS) is required.

Screening for Environmental Impact Assessment (EIAR)

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

Other Considerations

Development Contributions

- Install a new LPG Safety Installation in a caged enclosure at 2.16m
- Assessable area is nil.

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
LPG Safety Installation in a caged enclosure.	2.16m
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.0009 ha.

Conclusion

The site notices do not describe the proposed development within an SDZ area. Therefore, the applicant is requested to clarify the description with significant **further information** and readvertised and submit revised notices that clearly outline the proposed development in accordance with Article 35 of the Planning and Development Regulations 2001 (as amended).

Recommendation

Further Information was requested on 23rd May 2022
Further Information was received on 13th October 2022

Consultations:

None requested.

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Submissions/Observations

None received for this application.

The Further Information requested is as follows:

The site is zoned objective 'SDZ' – 'To provide for strategic development under approved planning schemes' and is situated within the Clonburris SDZ Planning Scheme (2019) Area. However, the submitted site notices do not describe the proposed development as being within the SDZ area. Therefore, the applicant is requested to submit revised site and newspaper notices that clearly indicate that the application relates to development in a Strategic Development Zone, in accordance with Article 35 of the Planning and Development Regulations 2001 (as amended).

Assessment

The applicant has submitted a cover letter from *Fingleton White* on the 13th of October 2022.

The applicant has submitted site notices that now describe the proposed development site as being within the zoned objective 'SDZ' – 'To provide for strategic development under approved planning schemes;' in this case, the Clonburris SDZ Planning Scheme (2019). The applicant has also submitted revised site and newspaper notices that clearly indicate that the application relates to development in a Strategic Development Zone, in accordance with Article 35 of the Planning and Development Regulations 2001 (as amended). Therefore, item outlined in the Additional Information request has now been addressed, which is now considered acceptable.

Green Infrastructure

The current structure is located midway on the green open space adjacent to the rear of Kishoge Community College and is located 3m south of the adjoining pedestrian footpath. The proposed free-standing LPG Safety Installation cabinet would be approximately 1.8m in length and 1.2m in width and the moderate increase in the footprint of the subject proposal is not considered on to impact negatively on GI. The proposal does not affect any hedging.

The site is not located within a Primary GI Corridor or Secondary GI Link as identified in the Green Infrastructure Strategy Map (Figure 4.4 and fully detailed in Appendix 4 of the South Dublin County Development Plan 2022-2028).

Having regard to the extent of private amenity grassland retained, the scale of the footprint increases and the provision of SuDS measures, it is considered that the subject development has incorporated Green Infrastructure and will protect, manage and enhance the GI resources on the subject site. As such, the proposal is in accordance with GI1 Objective 4, GI14 Objective 1, GI12 Objective 4 and Section 12.4.2 of the South Dublin County Development Plan 2022 – 2028.'

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Other Considerations

Development Contributions

- Install a new LPG Safety Installation in a caged enclosure at 2.16m
- Assessable area is nil.

Conclusion

Having regard to the provisions of the South Dublin County Council Development Plan and the overall design and scale of the development proposed it is considered that, subject to the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with 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 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 the 13th October 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. 1. No heavy / noisy construction equipment or machinery (to include pneumatic drills, construction vehicles, generators, etc) shall be operated on or adjacent to the construction site before 07:00 hours on weekdays and 09:00 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.

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2. Noise levels arising from construction activities shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give rise to a noise nuisance affecting a person in any premises in the neighbourhood.

3. A suitable location for the storage of refuse shall be provided during the construction and operational phase of the development so as to prevent a public health nuisance.

4. The applicant shall put in place a pest control contract for the site for the duration of the construction works.

5. Noise due to the normal operation of the proposed development, expressed as Laeq over 15 minutes at the façade of a noise sensitive location, shall not exceed the daytime background level by more than 10 dB(A).

6. Any connections to the main sewer must be connected so as not to give rise to a public health nuisance.

7. Signage or lighting to be used on site during both construction and the on-going operation of the development must not be intrusive to any light sensitive location including residential properties in close proximity to the development.

8. Clearly audible or impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of the noise level.

REASON: In the interests of Environmental Health of the surrounding area.

3. Maintenance.

The operator shall make satisfactory arrangements for the maintenance, repair and upkeep of the gas Installation in perpetuity, and shall accept responsibility for the removal of the gas Installation at its own expense, when no longer required.

REASON: In the interest of amenity and orderly development.

4. (a) Surface Water Drainage / Irish Water.

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

(ii) The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.

REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.

(b) 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.

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(c) Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, 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 only be operated on the site between 7.00 hours and 19.00 hours weekdays and between 9.00 hours and 13.00 hours on Saturdays. No works shall take place at any time on Sundays, Bank Holidays or Public Holidays.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following:

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

REASON: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable 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/developer is advised that the most up to date South Dublin County Council Taking in Charge Policy and associated documents can be found at the following location <https://www.sdcc.ie/en/services/planning/commencement-and-completion/completion/taking-in-charge-policy-standards>.

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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/0087

LOCATION: Lynch's Park, Lucan, Co. Dublin



Deirdre Kirwan,
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: 09/11/22


Gormla O'Corrain,
Senior Planner