

Comhairle Chontae Atha Cliath Theas

PR/0064/23

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0435 **Application Date:** 15-Nov-2022
Submission Type: New Application **Registration Date:** 15-Nov-2022
Correspondence Name and Address: Rowan Engineering Consultants Ltd Unit 14,
Scurlockstown Business Park, Trim, Co. Meath
Proposed Development: Retention for a porta cabin with an area of c. 54sq.m;
Retention for mobile home with an area of c. 54sq.m;
Retention for installation of electronic gates with a
width 10m; Retention for installation of hardstanding
/ cement yard with an area of c. 1, 020sq.m.
Location: Slade Road, Saggart, Co. Dublin
Applicant Name: Bernard Reilly Plant Hire Ltd.
Application Type: Retention

(AOCM)

Description of Site and Surroundings:

Site Area: stated as 1.4 hectares.

Site Description:

The application site comprises a site used for plant hire, comprising a number of agricultural shed structures, a portacabin, mobile home and area for storage of plant and parking. The site is largely hardcore surfaced, with hedgerow boundaries. The surrounding area is agricultural and rural in character.

Proposal:

Retention permission is sought for the following:

- 54 sq.m portacabin
- 54 sq.m mobile home
- 10m wide electronic gates
- 1,020 sq.m hardstanding/cement yard

Zoning:

The site is subject to zoning objective 'RU' – *'To protect and improve rural amenity and to provide for the development of agriculture'*

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Consultations:

Roads:	Additional information recommended
Public Realm:	No comment/observation to make
Water Services:	Additional information recommended
Irish Water:	Additional information recommended
Environmental Health Officer (EHO):	Additional information recommended

SEA Sensitivity Screening

Indicates overlap with the Rural 2016 layer.

The site does not overlap with, but is in close proximity to, SFRA A 2016 and SFRA B 2016

Submissions/Observations /Representations

Submission expiry date – 19 December 2022

No submissions or observations were received.

Relevant Planning History

There is no planning history on record for the subject site.

Adjacent Lands

SD22A/0051: Land recontouring/infilling works on c 16,000sq.m of a folio size of c 2.4 ha (allowing buffers); the volume of material to be placed on the site is c 35,000sq.m with an average fill level of c 3.5m above existing - the material is clean, inert soil and stone from the Saggart Water Reservoir construction site located directly adjacent to the north of the proposed infill site; a small section of hedgerow (6m wide) will be required to be removed between Saggart Water Reservoir construction site and the proposed infill site to allow access for lorries and infill equipment onto the proposed infill site. **Permission granted.**

SD18A/0180: (1) Provision of a new 100,000m³ covered reservoir approximately 31,520sq.m with height above ground up to 6.7m approximately without hand railing on the roof (up to 7.9m approximately with hand railing). (2) Provision of an adjoining inlet valve house approximately 1560sq.m with height above ground up to 9.0m approximately without hand railing (approximately 10.2m with hand railing). (3) Provision of an adjoining outlet valve house approximately 575sq.m with height above ground up to 9.0m approximately without hand railing (approximately 10.2m with hand railing). (4) Provision of a new building (OCSE building) housing an ESB substation, chlorination plant and associated equipment, de-chlorination plant, a backup power generator, controls and welfare facilities; approximately 25m by 17m in plan and approximately 9.6m high to the apex. (5) 2 bunded silo tanks with overall height of approximately 5.9m above ground level adjacent to the new OSEC building surrounded by a security wall. (6) Demolition of the existing buried reservoirs and redundant

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above ground buildings/structures. (7) New site entrance from Castle Road. (8) Landscaping and fencing works. The proposed development includes all associated site development works, hardstanding areas, provision of drainage collection systems with hydrocarbon interceptor and attenuation systems and provision of a temporary construction compound area. All necessary ancillary pipework, mechanical and electrical services, plant, instrumentation, automation and controls and equipment. All of the above is proposed on a site of approximately 13.5 hectares. **Permission granted.**

Relevant Enforcement History

No recent recorded action for subject site.

Pre-Planning Consultation

None recorded for subject site.

Relevant Policy in South Dublin County Council Development Plan 2022-2028

Chapter 4 Green Infrastructure

Section 4.1 Methodology

GI1 Objective 4: To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage and enhance GI resources providing links to local and countywide GI networks.

Section 4.2.1 Biodiversity

GI2 Objective 4: To integrate GI, and include areas to be managed for biodiversity, as an essential component of all new developments in accordance with the requirements set out in Chapter 12: Implementation and Monitoring and the policies and objectives of this chapter.

Section 4.2.2 Sustainable Water Management

GI4 Objective 1: To limit surface water run-off from new developments through the use of Sustainable Drainage Systems (SuDS) using surface water and nature-based solutions and ensure that SuDS is integrated into all new development in the County and designed in accordance with South Dublin County Council's Sustainable Drainage Explanatory Design and Evaluation Guide, 2022.

Section 6.9 Rural Housing Strategy

Policy H16: Management of Single Dwellings in Rural Areas

Restrict the spread of urban generated dwellings in the Rural "RU", Dublin Mountain 'HA-DM', Liffey Valley 'HA-LV' and Dodder Valley 'HA-DV' zones and to focus such housing into existing settlements in line with the Settlement Hierarchy

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Section 6.9.1 Rural Housing Policies and Local Need Criteria

Policy H17: Rural Housing Policy and Local Need Criteria

Consider rural housing for persons who are “an intrinsic part of the rural community” or “working full-time or part-time in rural areas” as described under Section 3.2.3 (Rural generated housing) of the Sustainable Rural Housing Guidelines DEHLG (2005), Circular SP 5 / 08 Rural Housing Policies and PL 2 / 2017 Local Need Criteria in Development Plans: Conformity with Articles 43 and 56 (Freedom of Establishment and Free Movement of Capital) of the European Community Treaty.

Section 6.9.2 Rural Housing RU Zone

Policy H18: Rural Housing in RU Zone

New or replacement dwellings within areas designated with Zoning Objective ‘RU’ (to protect and improve rural amenity and to provide for the development of agriculture) will only be permitted in exceptional circumstances.

H18 Objective 1: New or replacement dwellings within areas designated with Zoning Objective “RU” (to protect and improve rural amenity and to provide for the development of agriculture) will only be permitted in the following exceptional circumstances:

- The applicant can establish a genuine need to reside in proximity to their employment (such employment being related to the rural community)*
- or*
- The applicant has close family ties with the rural community.*

The above shall also be considered in line with criteria set out under Chapter 12: Implementation and Monitoring.

H18 Objective 2: To recognise that a person may have exceptional health circumstances where it is required that they live close to family support or in a particular environment. Such circumstances must be clearly supported by relevant documentation from a registered medical practitioner and a disability organisation and will be subject to criteria set out under Chapter 12: Implementation and Monitoring.

Section 6.9.6 Rural Dwelling Occupancy

Policy H22: Occupancy Condition

Conditions attached to the grants of permission for housing in Rural (RU), Dublin Mountain (HA-DM), Liffey Valley (HA-LV) and Dodder Valley (HA-DV) areas will include the stipulation that the house must be first occupied as a place of permanent residence by the applicant and / or by members of his / her immediate family, for a minimum period of seven years or such other longer period of time as is considered appropriate.

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Section 6.9.7 Rural Housing and Extension Design

Chapter 9 Economic Development and Employment

Policy EDE1: Overarching

Support sustainable enterprise and employment growth in South Dublin County recognising the County's role in the Dublin region as a driver of economic growth.

Section 11.2.1 Sustainable Urban Drainage Systems (SuDS)

Policy IE3: Surface Water and Groundwater

Manage surface water and protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.

Chapter 12 Implementation and Monitoring

Relevant Government Guidelines

Project Ireland 2040 National Planning Framework, Government of Ireland (2018).

Regional, Spatial & Economic Strategy 2020-2032 (RSES), Eastern & Midlands Regional Assembly (2019)

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

OPR Practice Note PN01 Appropriate Assessment Screening for Development Management (March 2021)

Assessment

The main issues for assessment concern the following:

- Zoning and Council Policy
- Residential and Visual Amenity
- Sustainable Movement
- Green Infrastructure
- Water Supply and Wastewater
- Infrastructure and Environmental Services
- Appropriate Assessment
- Environmental Impact Assessment

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Zoning and Policy

South Dublin County Development Plan 2022 - 2028

The site is subject to zoning objective 'RU' – *'To protect and improve rural amenity and to provide for the development of agriculture'*. The following are relevant uses extracted from Table 12.16 of the Development Plan 'RU' zoning matrix:

- Permitted in Principle
 - Agriculture
- Open for Consideration
 - Heavy Vehicle Park
 - Offices less than 100 sq.m
 - Residential – in accordance with Council policy for residential development in rural areas
- Not permitted
 - Industry – General
 - Industry – Light
 - Industry – Special
 - Scrap Yard

Uses not listed under Table 12.16 will be considered on a case-by-case basis in relation to conformity with the relevant policies, objectives and standards of the Development Plan. As the applicant has not provided sufficient information, it is not clear whether the uses proposed would comply with the zoning or the Development Plan and the application should be **refused** on this basis.

Residential and Visual Amenity

This application is seeking the retention of a portacabin, **mobile home**, electronic gates and an area of hardstanding cement yard. There is no planning history for the site. The site currently comprises a number of large agricultural sheds, as well as the structures for retention. It is not clear whether previous structures at the site have been constructed as exempt development and the applicant should satisfy themselves that these structures are exempt or regularise them as required.

From aerial imagery it is clear that site has gradually been altered from agricultural grassland to a concrete and hardcore yard. This application is seeking retention of 1,020 sq.m of concrete yard to the west of the site but does not reference other landscape alterations.

The applicant has failed to provide any detailed information in relation to the works for which retention is sought. No floor plans, elevations or sections have been provided, nor have any

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details been provided in relation to the use of the structures for which retention is proposed, specifically in relation to the mobile home. On this basis, the application should be **refused** for failing to comply with the basic requirements of the Planning and Development Regulations 2001 (as amended) in relation to the necessary documents required as part of a planning application. In addition, the application should be **refused** for failing to provide any information regarding the use of the mobile home and a justification for its provision at the site, based on the occupancy requirements of the intended inhabitant(s), contrary to Policy H18 and H18 Objective 1 of the 2022 – 2028 Development Plan.

Sustainable Movement

The Roads department have reviewed the application and have stated that they '*cannot properly assess the information submitted and find the drawings and mapping to be completely insufficient in detail and resolution.*' Their report recommends the following **additional information** is sought:

1. *Applicant to provide a history of development on this site with particular regard to the vehicular entrance and the warehouses on the western boundary.*
2. *Applicant to:*
 - a. *state whether the mobile home proposed to be retained is for residential purposes, or is not for residential purposes, and to submit a detailed set of drawings to include plan and elevation of the mobile home unit.*
3. *Applicant to submit a revised detailed & dimensioned layout which includes the following information:*
 - a. *Visibility splay at main road*
 - b. *Site speed limits*
 - c. *Roads priority within the site/if a one-way system exists*
 - d. *Road network including road widths to be clearly shown*
 - e. *Proposed footpaths (2m wide)*
 - f. *Road markings and signage*
 - g. *Car parking (as per CDP 2022-28)(fully dimensioned)*
 - i. *Mobility impaired parking spaces provision (Min 5% of spaces)*
 - ii. *EV charging point provision (Min 20%)*
 - h. *Bicycle parking provision (as per CDP 2022-28)*
 - i. *Other parking for HGV and other large vehicles*
 - j. *Refuse service arrangements including bin storage location*
4. *Applicant to submit AutoTRAK analysis showing how turning and reversing manoeuvres will be carried out with regard to the pending road and parking layouts as requested in item No.2 above.*

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It is considered essential to request this **additional information** to have any ability to adequately assess this application. In the event additional information is not sought, the application should be **refused** for the potential to cause a traffic hazard.

Green Infrastructure

The site appears to be located within a Primary GI Corridor, as per Figure 4.4 of the Development Plan.

The site appears to be completely hardcore and gravelled, with no green infrastructure on site given its use for commercial machinery hire. The site is surrounded by agricultural lands and is located proximate to strategic flood risk areas.

The Public Realm section have reviewed the application and have stated that they have '*no observations or comments to add.*'

Water Services have reviewed the application and have recommended the following **additional information**:

1.1 Submit a drawing showing proposed surface water layout and surface water layout and surface water attenuation for proposed development.

1.2 Submit a report showing the surface water attenuation calculations for proposed development.

1.3 Surface water should be attenuated by means of SuDS (Sustainable Drainage Systems). Examples of SuDS include:

- Permeable Paving*
- Green areas*
- Swales*
- Planter boxes*
- Tree pits*
- Other Such SuDS*

Examples of SuDS can also be found in South Dublin County Council SuDS Guide at: [suds-evaluation-guide.pdf \(sdcc.ie\)](https://www.sdcc.ie/suds-evaluation-guide.pdf)

It is considered essential to request this **additional information** to ensure that some measures are taken to improve surface water runoff and attenuation from the site. In the event additional information is not requested, the application should be **refused** for non-compliance with the relevant policies and objectives of the Development Plan in relation to the provision of SuDS and protection and provision of green infrastructure.

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Water Supply and Wastewater

Irish Water have reviewed the application and recommended the following **additional information** is sought:

1. *Water*

Submit a drawing showing the watermain layout of proposed development.

- Prior to the commencement of development, the applicant or developer shall enter into a water connection agreement(s) with Irish Water.*

In relation to foul, the Irish Water report refers to the Environmental Health Officer (EHO). While no detailed information has been provided regarding the foul arrangements for the site, it is mentioned in the AA Screening Report that foul is being discharged to an existing on-site septic tank. No detailed information in relation to foul water has been provided and should be requested as **additional information**.

Infrastructure and Environmental Services

The Environmental Health Officer (EHO) has reviewed the application and has noted that the site has previously been the subject of several noise complaints received by the HSE. The application is deficient in addressing how noise as a result of the elements for retention can be ameliorated. In this regard, the EHO recommends the following **additional information** is sought:

- A noise assessment as potential impact report must be produced indicating how noise as a potential impact from the operation of the site will be dealt with.*

This is considered acceptable to request this **additional information** to ensure any development at the site addresses ongoing nuisance issues and does not further exacerbate existing problems. In the event **additional information** is not sought, the development should be **refused** on the basis of deficient information in relation to the minimisation of noise nuisance from the site resulting from the elements for which retention is sought.

Screening for Appropriate Assessment

The applicant has provided an Appropriate Assessment (AA) Screening Report, prepared by Noreen McLoughlin (Ecologist). This report confirms that there are 6 designated Natura 2000 sites within 15km of the application site, and 4 other sites that are hydrologically connected to the River Camac. The Screening Report confirms a source-pathway-receptor linkage to the South Dublin Bay SAC, South Dublin Bay SAC, River Tolka Estuary SPA, North Bull Island SPA and North Dublin Bay SAC. These sites are all approximately 23km downstream of the application site, with significant effects unlikely due to this distance. This report concludes that *'AA of the proposed development is not required as it can be excluded, on the basis of objective information provided in this report, that the proposed development, individually or in*

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combination with other plans or projects, will not have a significant effect on any European sites.'

The subject site is not located within nor within close proximity to a European site. The proposed development is located within an agricultural, rural area, with a range of agricultural and small scale commercial uses nearby. The application is for the retention of 2 structures, gates and the cementing of an area of the site.

Having regard to:

- the scale and nature of the development,
- the location of the development, and
- the consequent distance from the site to qualifying European sites,

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 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.

Conclusion

Having regard to the provisions of the South Dublin County Council Development Plan 2022-2028 and the overall design of the development proposed and the responses of relevant consultees, it is considered that the development does not comply with the policies and objectives of the Development Plan and would therefore be contrary to the proper planning and sustainable development of the area. On this basis the development should be **refused**.

Recommendation

I recommend that a decision to Refuse Permission for Retention be made under the Planning & Development Act, 2000 (as amended) for the reasons set out in the Schedule hereto:-

SCHEDULE

REASON(S)

1. The applicant has not provided any details regarding the uses at the site, or how the structures for which retention is sought are used. Without this information, it cannot be determined that the development complies with the relevant policies and objectives of the

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South Dublin County Development Plan 2022 - 2028, in particular the sites zoning and rural housing policy. In this regard, the applicant has not complied with Policies H16, H17, H18 and H23 as well as H18 Objective 1 and H23 Objective 1. A detailed site history would be required, establishing how the development has evolved, addressing any other potential unauthorised development at the site, and information relating to the provision of the sites access.

2. The applicant has not provided drawings, save for a site layout plan and site location map, as required under 22(1) of the Planning and Development Regulations 2001 (as amended). This is completely deficient and would not constitute a complete planning application. The applicant has therefore not met the basic requirement to provide detailed plans, elevations and sections of all structures relating to an application, or have they provided any information regarding the supply of water and wastewater. The application therefore cannot adequately be assessed.
3. Based on the information provided, it cannot be determined that the development would not pose a traffic hazard. No information has been provided in relation to visibility splays or AutoTRAK and it also cannot be determined the extent of car parking currently provided and the impact this has on traffic in the area.
4. Contrary to Policies GI1, GI2 and GI4 and GI1 Objective 4, GI2 Objective 4 and GI4 Objective 1, the applicant has provided no information in relation to the provision of SuDS or green infrastructure at the site. In addition, the applicant is seeking retention of an area of cement surfacing without providing detail on any mitigating measures to offset the impact of the increase in hardstanding at the site. This is contrary to the policies and objectives of the South Dublin County Development Plan 2022 - 2028 and is not in the interest of the proper planning and sustainable development of the area.
5. The site has previously been the focus of noise complaints, managed by the HSE Environmental Health Officers. The applicant has not provided any information in relation to the management of noise from the site as a result of the development for which retention is sought. This is considered a serious deficiency as any development at the site must not present a nuisance for neighbouring uses, be it agriculture or residential. In this regard, and in lieu of supporting information, the works are not considered to be in the interests of the proper planning and sustainable development of the area.

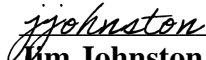
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REG. REF. SD22A/0435

LOCATION: Slade Road, Saggart, Co. Dublin



Jim Johnston,
Senior Executive Planner

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000 (as amended) to Refuse Permission for Retention for the above proposal for the reasons set out above is hereby made.

Date: 19/01/23



Gormla O'Corrain, Senior Planner