

Rowan Engineering Consultants Ltd
Unit 14, Scurlockstown Business Park
Trim
Co. Meath

**NOTIFICATION OF DECISION TO REFUSE PERMISSION FOR RETENTION
PLANNING & DEVELOPMENT ACT 2000 (as amended) AND
PLANNING REGULATIONS THEREUNDER**

Decision Order No.	0064	Date of Decision	19-Jan-2023
Register Reference	SD22A/0435	Date	15-Nov-2022

Applicant: Bernard Reilly Plant Hire Ltd.

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

Time extension(s) up to and including:

Additional Information Requested/Received: /

Clarification of Additional Information Requested/Received: /

DECISION: Pursuant to the Planning and Development Act 2000 (as amended), dated as above a decision to **REFUSE PERMISSION FOR RETENTION** is hereby made for the said development for the reason(s) set out on the Schedule hereto.

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 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.

Please note that upon receipt of this document you are obliged to remove the planning site notice in compliance with Article 20 of the Planning and Development Regulations 2001 (as amended). Please note that any valid submissions or observations received in accordance with the provisions of the Planning and Development Regulations 2001 (as amended), have been considered in the determination of this application.

Register Reference: SD22A/0435

Signed on behalf of the South Dublin County Council.

Yours faithfully,

Pamela Hughes 19-Jan-2023
for **Senior Planner**

NOTES

(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications related to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of two months beginning on the date of the Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations, 2001 should be consulted.

(A) APPEALS

1. An appeal against the decision may be made to An Bord Pleanála. The applicant or ANY OTHER PERSON who made submissions or observations to the Local Authority may appeal within FOUR WEEKS beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received).
1. Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. In the case of a third party appeal it must be accompanied by the acknowledgement by the Planning Authority of receipt of the submissions/observations. Appeals should be sent to:
 2. The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1.
 3. An Appeal lodged by an applicant/ agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below.
 4. A party to an appeal making a request to An Bord Pleanála for an Oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (g) below).
 5. A person who is not a party to an appeal must pay a fee to An Bord Pleanála when making submissions or observations to An Bord Pleanála in relation to an appeal.
 6. If the Council makes a decision to grant permission/grant permission consequent on a grant of outline permission and there is no appeal to An Bord Pleanála against this decision, PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION will be granted by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If any appeal made in accordance with the Acts has been withdrawn, the Council will grant the PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION/RETENTION as soon as may be after the withdrawal.
7. Fees payable to An Bord Pleanála from 10th December 2007 are as follows:

- (a) Appeal against a decision of a Planning Authority on a planning application relating to commercial development made by the person by whom the planning application was made. where the application relates to unauthorised development€4.500.00 or €9.000 if an E.I.A.R. is involved
- (b) Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made. other than an appeal mentioned at (a)..... €1.500.00 or €3,000.00 if an E.I.A.R. is involved
- (c) Appeal made by the person by whom the planning application was made, where the application relates to unauthorised development other than an appeal mentioned at (a) or (b)€660.00
- (d) Appeal other than an appeal mentioned at (a), (b), (c) or (f)€220.00
- (e) Application for leave to appeal.....€110.00
- (f) Appeal following a grant of leave to appeal€110.00
- (g) Referral€220.00
- (h) Reduced fee (payable by specified bodies).....€110.00
- (i) Submission or observations (by observer).....€50.00
- (j) Request from a party for an Oral Hearing€50.00

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification at

Telephone 01-858 8100