

# Comhairle Chontae Atha Cliath Theas

**PR/0180/23**

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

**Reg. Reference:** SD22A/0266      **Application Date:** 03-Jun-2022  
**Submission Type:** Additional      **Registration Date:** 20-Jan-2023  
Information

**Correspondence Name and Address:** Peter McGillen Burgage, Blessington, Co Wicklow

**Proposed Development:** Retention of existing building A1 with new direct link to existing family home providing extra living accommodation; Retention and completion of existing building B to rear North Boundary for use as private family Gym and general store; Retention of single storey shed E in side garden South for storage of equipment used by applicant in relation to his work; Retention and completion of building F located on North side of Land to accommodate the storage of Vintage Cars owned by applicant together with required storage of associated materials; Installation of new on-site treatment system to service proposed development; Completion of all ancillary works in relation to proposed development.

**Location:** Glenside House, Glassamucky, Bohernabreena, Dublin 24

**Applicant Name:** Gary McKeon

**Application Type:** Permission and Retention

(CS)

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

Site Area: 0.5 Hectares

#### Site Description:

The site is located on the eastern side of the Glassmucky Road in the townland known as Glassmucky. The ground level of the site is c. 99.5 metres above O.S. Datum which drops in an easterly and north-easterly direction. The application site is irregular in plan. The site is currently under grass and comprises part of the garden of an existing 1.5 storey detached dormer dwelling. The boundary of the application site along the Glassmucky Road comprises of a fence with mature deciduous trees, which continues along the northern and eastern boundary of the application site. There is steep drop from the application site to the north which drops into a stream ravine. The character of the area is predominantly rural which has been

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considerably compromised due to the concentration of rural housing along the local road network.

### **Proposal:**

- **Retention** of existing building A1 (unauthorised single storey detached garage with single storey rectangular conservatory style extension) with **new direct link** to existing family home (A) providing extra living accommodation;
- **Retention and completion** of existing building B (unauthorised small rectangular building adjoining northern boundary) to rear North Boundary for use as private family Gym and general store;
- **Retention** of single storey shed E (unauthorised) in side garden South for storage of equipment used by applicant in relation to his work;
- **Retention and completion** of building F (unauthorised and unfinished) located on North side of Land to accommodate the storage of Vintage Cars owned by applicant together with required storage of associated materials;
- Installation of new on-site treatment system to service proposed development;
- Area for **retention** is 235.8sq.m. (as stated), Area for **proposed development** is 6.7sq.m. (as stated).

It is noted that there is an existing chalet (D) shown immediately to the south of the subject site which is outlined in blue and is in the ownership of the applicant. There is no record of planning permission for this chalet. The chalet has its own vehicular access via its own separate access road and exists as an additional separate residential dwelling unit. It is noted that it appears that a considerable number of mature trees were felled to accommodate the construction of the chalet and the access road. It also appears that the site may have been subdivided to accommodate the chalet.

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### Zoning:

The application site is zoned Objective *HA-DM*, which seeks 'To protect and enhance the outstanding natural character of the Dublin Mountains Area'.

It is noted that there is an objective to Protect and Preserve Significant Views to the west of the subject site on Glassmucky Road.

### Consultations:

Roads Section – **No objection subject to conditions.**

Environmental Health Officer – **Additional Information** recommended.

An Taisce – Objection to the application expressed.

Surface Water Drainage – **Additional Information** recommended.

Irish Water – No objection subject to **conditions.**

Parks Department – **Additional Information** recommended.

Heritage Officer – **Additional Information** recommended (verbal report received).

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### ***SEA Sensitivity Screening***

Indicates overlap with the following layers;

- High Amenity- Dublin Mountain 'HA-DM'
- PFRA A 2016.
- PFRA B 2016.

It is noted the subject site is located in close proximity (c.1.0km) to the Glenasmole Valley SAC (Special Area of Conservation) which is also a PNHA (Proposed Natural Heritage Area). The SAC is located c.1.0km to the east of the subject site.

It is also noted there is a Protected Structure located to the south-west of the subject site. RPS ref. 391 (Glassmucky, Group Of Farm Buildings Comprising A Two-Bay Two-Storey Farm House).

### **Submissions/Observations /Representations**

None received.

### **Relevant Planning History**

**SD22A/0077:** Retention and completion of existing building A1 with direct link to existing family home providing extra living accommodation; retention and completion of existing building B to rear north boundary for use as a private family gym and general store; retention of single storey shed E in side garden south for storage of equipment used by applicant in relation to his work; retention and completion of building F located on north side of land to accommodate the storage of vintage cars owned by applicant together with required storage of associated materials; completion of all ancillary works in relation to proposed development.

Decision: **INVALID.**

**SD10B/0280:** Retain indefinitely single storey conservatory to the rear (south) and 2 no. dormer windows to the front (north) of existing dwelling together with alterations to single storey detached garage and construction of separate single storey timber clad cabin. All with associated services.

Decision: **GRANT PERMISSION FOR RETENTION.**

**SD10B/0210:** Retain indefinitely single storey conservatory to the rear (south) and 2 no. dormer windows the front (north) of existing dwelling together with alterations to single storey detached garage and construction of separate single storey, timber clad cabin together with all associated services.

Decision: **INVALID.**

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**SD07A/0046:** Construct 4 bed, detached dormer bungalow with waste water treatment system, widening of vehicular access and all associated site works (following invalid application Reg. Ref. SD06A/1061).

Decision: **Withdrawn.**

**SD08A/0728:** Construct a four bed detached dormer bungalow with waste water effluent treatment system, widening of vehicular access and all associated site works.

Decision: **REFUSE PERMISSION.**

### **Reasons for Refusal:**

*1.. In the context of the application site's location in a rural area under strong urban influence in the Dublin Mountain Zone 'H' zone where it is policy of the South Dublin County Council Development Plan (2004) and the Glenasmole/Bohernabreena Housing and Planning Study (2002) to control the sprawl of one-off rural housing, the applicant has failed to demonstrate that the proposal would satisfy a genuine rural generated housing need and failed to demonstrate compliance with the relevant housing needs criteria. The proposed development would therefore be contrary to the Sustainable Rural Housing Guidelines for Planning Authorities (2005) in terms of policy to restrict new housing in rural areas under strong urban influence on rural generated housing and the requirement that applicants outline how their proposal is consistent with the rural settlement approach in the Development Plan.*

*The proposal would also generate demand for the uneconomic provision of services in a rural area in an unsustainable manner.*

*Thus, the development would contravene materially a development objective indicated in the Development Plan for the zoning of this land, with the objective 'to protect and enhance the outstanding natural character of the Dublin Mountain Area.*

### Adjacent Sites

**SD22A/0084:** McDonaghs Lane, Glenaraneen, Brittas, Co. Dublin.

Retention of construction of a single storey timber residential structure.

Decision: **REFUSE PERMISSION FOR RETENTION.**

### **Reasons for Refusal:**

*1. Having regard to:*

*(i) Zoning Objective HA-DM which seeks 'To protect and enhance the outstanding natural character of the Dublin Mountains Area' as set out in South Dublin County Council Development Plan 2016-2022,*

*(ii) Policy H23 Objective 1 relating to rural housing policy where it is the policy that dwellings will only be permitted on suitable sites on lands zoned Objective HA-DM where,*

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*(a) the applicant is a native of the area and,  
(b) the applicant can demonstrate a genuine need for housing in that particular area and,  
(c) the development is related directly to the area's amenity potential or to its use for agriculture, mountain or hill farming and,  
(d) the development would not prejudice the environmental capacity of the area, and that it would be in keeping with the character of the mountain area,  
the applicant has not demonstrated compliance with the criteria detailed in Policy H23 and has failed to demonstrate a genuine need for housing in this particular area and therefore the development to be retained would materially contravene the zoning objective for the area and the proper planning and sustainable development of the area. The application for retention has not overcome previous reasons for refusal as per Reg. Ref SD17A/0347 and ABP-300459-17 for a similar development.*

*2. The development to be retained would lead to a demand for uneconomic provision of services and would set an undesirable precedent for other similar developments, which would in themselves and cumulatively be harmful to the outstanding natural character and visual amenity of the surrounding Dublin Mountain area. The proposal would not accord with Policy H27 Objective 1 of the South Dublin County Development Plan 2016-2022 in that it would exacerbate ribbon or haphazard forms of development and thereby would be contrary to the proper planning and sustainable development of the area.*

*3. The development to be retained would endanger public safety by reason of a traffic hazard resulting from additional traffic on McDonagh's Lane from the proposed residential unit.*

*4. (a) The development to be retained is located in the Athgoe and Saggart Hills landscape area, which has been designated as an area with a medium/high landscape value and sensitivity and a Landscape Capacity which is negligible; meaning that the key characteristics of the landscape are highly vulnerable to development and that development would result in a significant change in landscape character and should be avoided if possible. Any increase in development in this area will have a negative impact on both the landscape value and sensitivity of this area and would therefore be contrary to Policy (HCL7) 'to preserve and enhance the character of the County's landscapes particularly areas that have been deemed to have a medium to high Landscape Value or medium to high Landscape Sensitivity' and would be contrary to the proper planning and sustainable development of the area.*

*(b) The SDCC County Development Plan Maps 2016-2022 show that there is an objective to Protect and Preserve Significant Views to the north and south of Mc Donagh's Lane where the dwelling seeking retention permission is located. The application for retention would be contrary to HCL Policy 8 of the SDCC Development Plan.*

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5. *Considering the 'HA-DM' zoning objective, the Landscape Character Assessment and the precedent that would be established by this development in the area, it is considered that the application for retention would by itself and cumulatively, constitute the proliferation of housing in a rural area. This would further erode the rural character, compromise the landscape, lead to the demand for the uneconomic and unsustainable provision of public services and community facilities and would therefore contravene the 'HA-DM' zoning objective, the policies and objectives of the South Dublin County Development Plan 2016-2022, the National Planning Framework, and the Regional Spatial and Economic Strategy 2019 – 2031, and would therefore be contrary to the proper planning and sustainable development of the area.*

6. *Due to insufficient information submitted regarding the requisite 5 metre separation between the septic tank and the surface water soakaway the Planning Authority is not satisfied that the development seeking retention would not be prejudicial to public health.*

**SD17A/0347 & ABP-300459-17:** Construction of a single storey timber residential structure.

Decision: **REFUSE PERMISSION FOR RETENTION.**

Retention permission refused by SDCC and Refused by An Bord Pleanala.

### **SD17A/0347: Reasons for Refusal**

*1. Having regard to:*

*(i) Zoning Objective HA-DM which seeks 'To protect and enhance the outstanding natural character of the Dublin Mountains Area' as set out in South Dublin County Council Development Plan 2016-2022.*

*(ii) Policy H23 Objective 1 relating to rural housing policy where it is the policy that dwellings will only be permitted on suitable sites on lands zoned Objective HA-DM where,*

*(a) the applicant is a native of the area and,*

*(b) the applicant can demonstrate a genuine need for housing in that particular area and,*

*(c) the development is related directly to the area's amenity potential or to its use for agriculture, mountain or hill farming and,*

*(d) the development would not prejudice the environmental capacity of the area, and that it would be in keeping with the character of the mountain area.*

*The applicant has not demonstrated compliance with the criteria detailed in Policy H23 and has failed to demonstrate a genuine need for housing in this particular area; and therefore, the development to be retained would materially contravene the zoning objective for the area and the proper planning and sustainable development of the area.*

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2. *The site is located in an area designated as part of the strategic Green Belt and Rural Hinterland of the Dublin Metropolitan Area under the Regional Planning Guidelines for the Greater Dublin Area 2010-2022. The settlement strategy for the Greater Dublin Area supports the delivery of a settlement hierarchy through the continuity of the policy for metropolitan and hinterland areas within the GDA. This focuses new housing within the existing footprint of the metropolitan areas and planning expansion of the footprint in conjunction with new high quality public transport investment; designation of multi-modal transport corridors providing enhanced public transport linkages serving key towns and linked investment in developing these designated towns in the hinterland area separated from each other by extensive areas of strategic green belt. The Dublin Mountains is recognised for their amenity potential and facilities, both public and private, serving and capitalising on the opportunities from the large population areas adjacent. The designation as long term strategic green belt lands serve avoid loss of amenity and their future coalescence and loss of definition between rural and urban places. The proposed development would represent the proliferation of further one-off housing in the designated strategic Green Belt and Rural Hinterland of the Dublin Metropolitan Area under the Regional Planning Guidelines for the Greater Dublin Area 2010-2022 which could prejudice the sustainable achievement of the approved Regional Settlement Strategy for the Greater Dublin Area.*

3. *The development to be retained would lead to a demand for uneconomic provision of services and would set an undesirable precedent for other similar developments, which would in themselves and cumulatively be harmful to the outstanding natural character and visual amenity of the surrounding Dublin Mountain area. The proposal would not be accordance with Policy H27 Objective 1 of the South Dublin County Development Plan 2016-2022 in that it would exacerbate ribbon or haphazard forms of development and thereby would be contrary to the proper planning and sustainable development of the area.*

4. *The development to be retained would give rise to traffic hazard resulting from additional traffic on McDonagh's Lane from the proposed residential unit.*

5. *The development to be retained is located in the Athgoe and Saggart Hills landscape area, which has been designated as an area with a medium/high landscape value and sensitivity and a Landscape Capacity which is negligible; meaning that the key characteristics of the landscape are highly vulnerable to development and that development would result in a significant change in landscape character and should be avoided if possible. Any increase in development in this area will have a negative impact on both the landscape value and sensitivity of this area and would therefore be contrary to Policy (HCL7) 'to preserve and enhance the character of the County's landscapes particularly areas that have been deemed to have a medium to high Landscape Value or medium to high Landscape Sensitivity' and would be contrary to the proper planning and sustainable development of the area.*



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*6.The gravelled hard surface and parking surfaces located adjacent to the dwelling to be retained cumulatively fragments and results in the 'loss of ecologically sensitive areas of the Green Infrastructure network to artificial surfaces' which is not in accordance with Policy G4 Objective 7 of the South Dublin County Development Plan 2016-2022.*

### ABP-300459-17: Reasons for Refusal

#### Reasons and Considerations

1. The site is located in an area with the zoning objective HA-DM "To protect and enhance the outstanding natural character of the Dublin Mountain Area", as set out in the South Dublin County Development Plan 2016-2022 where it is the policy of the planning authority to restrict residential development, and also identified as being under urban influence in the Regional Planning Guidelines for the Greater Dublin Area 2010-2022. It is considered that the applicant does not come within the scope of exceptional circumstances outlined in Policy H23 Objective 1, as set out in the Development Plan for a house at this rural location. The development for which retention is sought would, therefore, materially contravene the zoning objective for the area and be contrary to the proper planning and sustainable development of the area.
2. It is considered that the development for which retention is sought would endanger public safety by reason of a traffic hazard because of the additional turning movements the development would generate on a substandard road at a point where sightlines are restricted in a westerly direction.

**SD14B/0091& PL06S.243497:** Retention of the erection of a steel cladded storage shed of floor area approx. 112sq.m and all associated site works.

Decision: **GRANT PERMISSION FOR RETENTION.**

Retention permission granted by SDCC and Granted by An Bord Pleanala.

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### **Relevant Enforcement History**

**S8697**- Live case remains open.

Enforcement file relating to construction of structures to the rear that may require planning permission for use of land for commercial purposes.

### **Pre-Planning Consultation**

None.

### **Relevant Policy in South Dublin County Council Development Plan (2016 – 2022)**

#### *Section 2.5.0 Rural Housing*

*Policy H20 Management of Single Dwellings in Rural Areas*

*Policy H21 Rural Housing Policies and Local Need Criteria*

*Policy H22 Rural Housing in RU Zone*

*Policy H23 Rural Housing in HA – Dublin Mountains Zone*

#### *Section 2.5.5 Rural Housing In HA – Liffey Valley and HA – Dodder Valley*

*Policy H24 Rural Housing in HA – Liffey Valley and Dodder Valley*

#### *Section 2.5.6 Replacement Rural Dwellings*

*Policy H25 Replacement Dwellings in Rural and High Amenity Areas*

#### *Section 2.5.7 Rural Dwelling Occupancy*

*Policy H26 Occupancy Condition*

#### *Section 2.5.8 Rural House & Extension Design*

*Policy H27 Rural House & Extension Design*

#### *Section 11.3.4 Rural Housing*

*Section 11.3.4 (i) Housing Need*

*Section 11.3.4 (ii) Rural Housing Design*

*Section 11.3.4 (iii) Wastewater Treatment*

*Policy HCL1 Heritage, Conservation and Landscapes*

*Policy HCL2 Archaeological Heritage*

#### *Section 9.2.0 Landscapes*

*Policy HCL7 Landscapes*

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*Section 8.1.0 Green Infrastructure Network  
Policy G2 Green Infrastructure Network*

*Section 8.2.0 Watercourses Network  
Policy G3 Watercourses Network*

*Section 9.2.1 Views and Prospects  
Table 9.2: Prospects to be Preserved and Protected  
Policy HCL8 Views and Prospects*

*Section 9.2.3 Dublin Mountains  
Policy HCL9 Dublin Mountains*

*Section 9.2.4 Liffey Valley and Dodder Valley  
Policy HCL10 Liffey Valley and Dodder Valley*

*Section 9.3.0 Natural Heritage Sites*

*Section 9.3.1 Natura 2000 Sites*

*Table 9.3 Natura 2000 Sites*

*Policy HCL12 Natura 2000 Sites*

*Section 9.3.2 Natural Heritage Areas*

*Table 9.4 Proposed Natural Heritage Areas*

*Policy HCL13 Natural Heritage Areas*

*Section 9.3.5 Non-Designated Areas  
Policy HCL15 Non-Designated Areas*

*Section 9.4.0 Public Rights of Way and Permissive Access Routes  
Policy HCL16 Public Rights of Way and Permissive Access Routes*

*Section 7.8.1 Casement Aerodrome  
Policy IE8 Casement Aerodrome*

*Section 7.8.2 Weston Aerodrome  
Policy IE9 Weston Aerodrome*

*Section 9.7.0 Sites of Geological Interest  
Table 9.6 County Geological Sites for Protection  
Policy HCL19 Geological Sites*

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*Section 11.7.2 Energy Performance in New Buildings*  
*Section 11.8.2 Appropriate Assessment*

*Schedule 1: Record of Monuments and Places*

*Schedule 4: Restricted Areas for Development Glenasmole Bohernabreena*

### **Relevant Government Policy & Guidelines**

***Sustainable Rural Housing Guidelines for Planning Authorities DoEHLG (2005)***

***Wastewater Treatment and Disposal Systems Serving Single Houses** Environmental Protection Agency (November 2009)*

***The Planning System and Flood Risk Management - Guidelines for Planning Authorities,** Department of the Environment, Heritage and Local Government & OPW, (2009)*

***Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities DoEHLG (2009)***

***Circular SP 5/08 – Conformity with Articles 43 and 56 of European Community Treaty (Freedom of Establishment and Free Movement of Capital) DEHLG September 2008***

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

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

***Circular PL 2/2017 – Sustainable Rural Housing Guidelines for Planning Authorities 2005 – Local Needs Criteria in Development Plans***

### **Assessment**

The main issues for consideration relate to:

- Zoning & Council Policy
- Chalet
- Landscape & Visual Impact
- Siting
- Access & Parking
- Environmental Health
- An Taisce
- Heritage
- Services & Drainage
- Parks & Landscaping

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- Overcoming Previous Reasons for Refusal
- Screening for Appropriate Assessment (AA).
- Screening for Environmental Impact Assessment (EIAR).

### ***Zoning & Council Policy***

The site is zoned *Objective HA-DM*, which seeks 'To protect and enhance the outstanding natural character of the Dublin Mountains Area'.

Residential development that accords with Council policy for development in rural areas is listed as **open for consideration** under the 'HA-DM' zoning objective for the application site. Therefore, such proposals may be permitted only if they do not conflict with the policies and objectives of the Development and if they are consistent with the principles of proper planning and development and relevant Ministerial guidelines.

Residential Development is Open For Consideration in the 'HA-DM' zoning objective if it is in accordance with Council policy for residential development in rural areas and it is not permitted above 350m contour. It is noted that the SDCC Development Plan 2016-2022 Maps show that the subject site is not above the 350m contour.

The proposal must be considered acceptable with regard to landscape and visual impact and must comply with Sc2.5.8 Rural House and Extension Design and Sc.11.3.4 Design and Siting of the SDCC Development Plan 2016-2022.

The proposal is assessed against this context below.

### ***Chalet***

It is noted that there is an existing chalet (D) shown immediately to the south of the subject site which is outlined in blue and is in the ownership of the applicant. There is no record of planning permission for this chalet. The chalet has its own vehicular access via its own separate access road and exists as an additional separate residential dwelling unit. The applicant is therefore requested to confirm the planning status of the existing Chalet (D) located within the blue line boundary by way of **additional information**.

### ***Landscape & Visual Impact***

It is an Objective of the South Dublin County Council Development Plan 2016-2022 (HCL7-2)

*'to ensure that development is assessed against Landscape Character, Landscape Values and Landscape Sensitivity as identified in the Landscape Character Assessment for South Dublin County (2015) ...'*

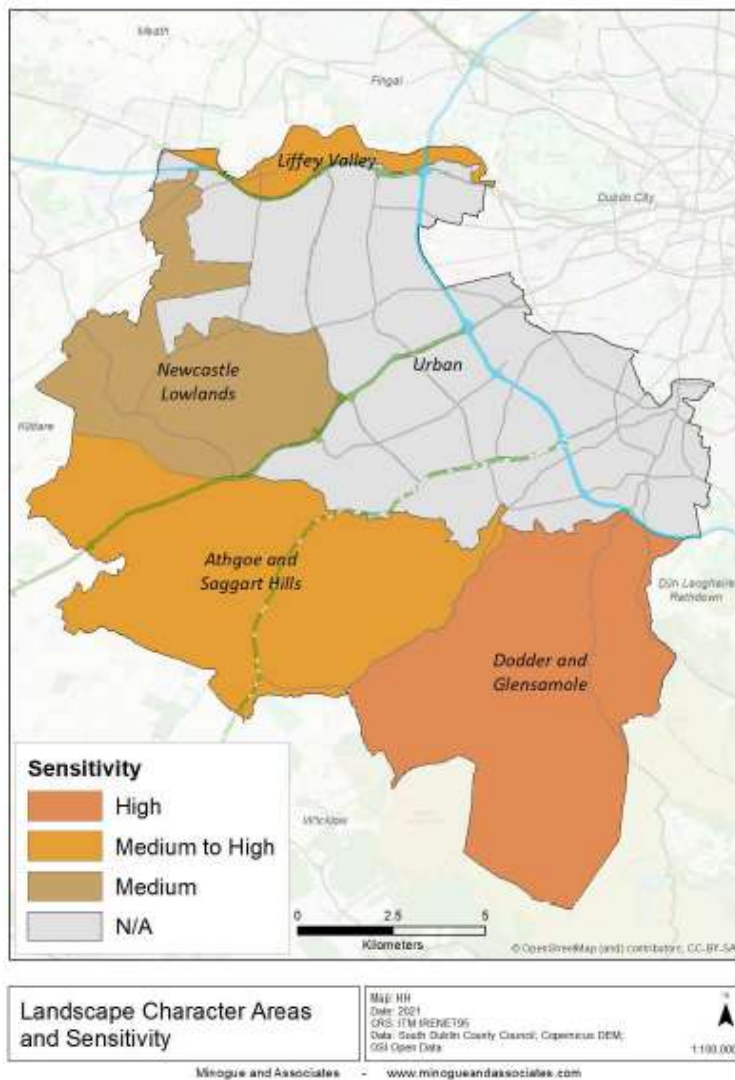
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### 6.2.1 LANDSCAPE CHARACTER AREAS- SENSITIVITY AND PRINCIPLES FOR DEVELOPMENT

Figure 37 LCA Sensitivity Map



The proposed development is located in the Dodder and Glensmole Landscape Character Area (see map above), which has been designated as an area with a high landscape value and sensitivity and a Landscape Capacity which is negligible; meaning that the key characteristics of the landscape are highly vulnerable to development and that development would result in a significant change in landscape character and should be avoided if possible. Any increase in

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development in this area will have a negative impact on both the landscape value and sensitivity of this area, and would therefore be contrary to Policy (HCL7) of Section 9.2.0 Landscapes of the SDCC Development Plan 2016-2022 which seeks 'to preserve and enhance the character of the County's landscapes particularly areas that have been deemed to have a medium to high Landscape Value or medium to high Landscape Sensitivity...' and would be contrary to the proper planning and sustainable development of the area.

HERITAGE, CONSERVATION AND LANDSCAPES (HCL) Policy 7 Landscapes
<b>It is the policy of the Council to preserve and enhance the character of the County's landscapes particularly areas that have been deemed to have a medium to high Landscape Value or medium to high Landscape Sensitivity and to ensure that landscape considerations are an important factor in the management of development.</b>
<b>HCL7 Objective 1:</b> To protect and enhance the landscape character of the County by ensuring that development retains, protects and, where necessary, enhances the appearance and character of the landscape, taking full cognisance of the Landscape Character Assessment of South Dublin County (2015).
<b>HCL7 Objective 2:</b> To ensure that development is assessed against Landscape Character, Landscape Values and Landscape Sensitivity as identified in the Landscape Character Assessment for South Dublin County (2015) in accordance with Government guidance on Landscape Character Assessment and the National Landscape Strategy.

The SDCC County Development Plan Maps 2016-2022 show that there is an objective to Protect and Preserve Significant Views looking away to the west of the subject site along Glassmucky Road. As there are no Protected Views looking east towards the subject site this would not have a significant impact on Protected Views in the Development Plan Maps.

As the application seeking retention is located in such a sensitive area where the proposal may be contrary to Policy (HCL7) of Section 9.2.0 Landscapes of the SDCC Development Plan 016-2022 which seeks 'to preserve and enhance the character of the County's landscapes particularly areas that have been deemed to have a medium to high Landscape Value or medium to high Landscape Sensitivity...' and may be contrary to the proper planning and sustainable development of the area the applicant is requested to submit a fully comprehensive Landscape Character Assessment by way of **Additional Information**.

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### *Siting*

The unauthorised shed structures and the unauthorised extension with the direct link to the main existing dwelling seeking retention permission are located on a relatively level site. However, the topography drops slightly in an easterly and north-easterly direction. Notwithstanding the mature trees and hedges bounding the site, the dwelling is visible from the public road.

Policy **H27** Objective 1 of the South Dublin County Development Plan 2016-2022 states:

*Ensure that all new rural housing and extensions within areas designated with Zoning Objective 'RU' (to protect and improve Rural Amenity and to provide for the development of Agriculture), Zoning Objective 'HA-DM' (to protect and enhance the outstanding natural character of the Dublin Mountains Area), Zoning*

*Objective 'HA-LV' (to protect and enhance the outstanding character and amenity of the Liffey Valley) and Zoning Objective 'HA-DV' (to protect and enhance the outstanding character and amenity of the Dodder Valley):*

- *Is designed and sited to minimise impact on the landscape including views and prospects of natural beauty or interest or on the amenities of places and features of natural beauty or interest including natural and built heritage features; and*
- *Will not have a negative impact on the environment including flora, fauna, soil, water (including ground water) and human beings; and*
- *Is designed and sited to minimise impact on the site's natural contours and natural drainage features; and*
- *Retains and reinstates traditional roadside and field boundaries; and*
- *Is designed and sited to circumvent the need for intrusive engineered solutions such as cut and filled platforms, embankments or retaining walls; and*
- *Would comply with Code of Practice Wastewater Treatment Systems Serving Single Houses, EPA (2009) or other superseding standards; and*
- *Would not create or exacerbate ribbon or haphazard forms of development.*

Having regard to the location of the existing dwelling and the surrounding development it is considered that the extension and storage sheds to be retained could set an undesirable precedent for similar forms of development. The Dublin Mountains area is the prime natural asset of South Dublin County. Having regard to the location of the site on lands zoned Objective 'HA-DM' 'To protect and enhance the outstanding natural character of the Dublin Mountains Area', where environmental and visual sensitivity is at its highest, it is considered that the location of the extension and the sheds within this existing landholding may not be



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appropriate. The applicant is therefore requested to clearly demonstrate how the proposal is in accordance with Policy H27 Objective 1 of the South Dublin County Development Plan 2016-2022. It is considered this may be dealt with by way of **additional information**.

### ***Access & Parking***

The Roads Department have issued a report recommending no objection. An extract taken from the Roads report states the following:

*Prior to commencement of any works in the public domain, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10, a Road Opening Licence must be secured from South Dublin County Council, Roads Maintenance Department.*

### **Description**

*An application for the retention of storage buildings. The existing and proposed buildings should not generate an increase in traffic from the development. There are no proposals to alter the existing vehicle access, only to extend the existing driveway.*

*No Roads objections:*

Based on the report received from the Roads Department it is considered that the application for retention would be acceptable subject to **condition**.

### ***Environmental Health***

A report issued from the Environmental Health Officer recommends **Additional Information** be requested. An extract taken from the EHO states the following:

*Development Summary: The development proposes the retention of an existing structure which was built as an extension to the residential property located here. The proposal also seeks to retain a shed like structure and two other buildings listed as a gym and commercial storage. There is also **a second domestic residence on the site**, but it is not listed as part of the retention permission application. It is proposed that TWO existing septic tanks on the site be decommissioned, and a new sewage treatment system installed. The plan indicates that there are only three bedrooms in the entire structure.*

*The site could not be accessed to inspect (to view trial holes etc.) as such **additional information** is required to properly assess this plan.*

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*Decision:*

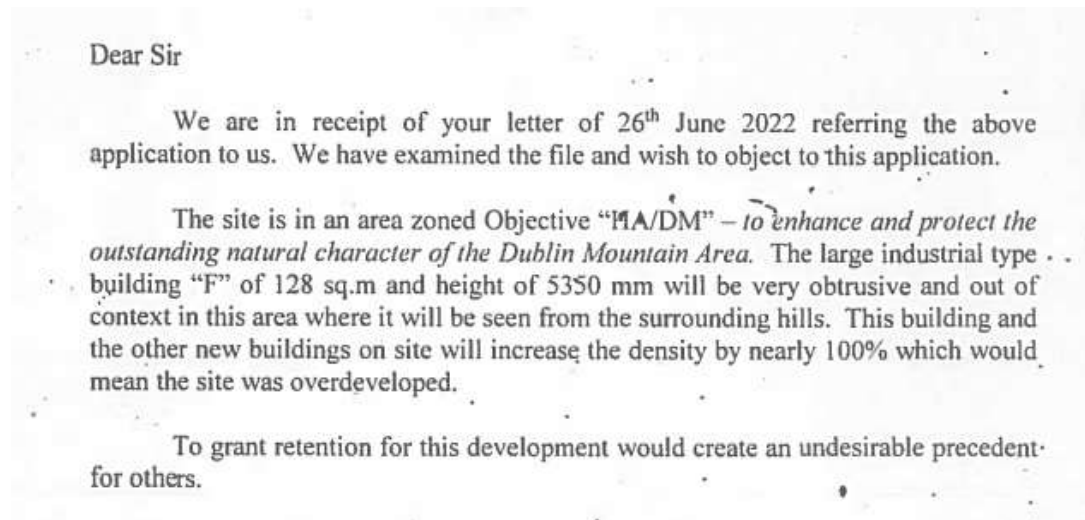
**Additional Information** is required to properly assess this plan. Specifically:

1. A full site visit to examine all areas of the development site must be facilitated by either the applicant or their agent.
2. A comprehensive map showing well locations and separation distances re. same. The map must also confirm what well and sewage treatment provisions are made for the other domestic residence (Chalet D) on the site.

It is considered appropriate to attach the above **additional information**.

### ***An Taisce***

An Taisce have issued a letter expressing concerns and objection to the application. An extract taken from the An Taisce letter states the following:



The concerns raised from An Taisce are noted and The Planning Authority has taken this into consideration in the assessment.

### ***Heritage***

It is noted the subject site is not located within the Glenasmole Valley SAC (Special Area of Conservation). However, the subject site is located in close proximity (c.1.0km) to the Glenasmole Valley SAC (Special Area of Conservation) which is located to the west of the subject site. A verbal report was received from the Heritage Officer outlining the following:

The Heritage Officer notes that with reference to the AA Screening report submitted it is not the surface distance to the SAC that is the issue, but it is the connection with surface water run off which seeps down slope through the sand and gravel soil type present on the site and as

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emerges as petrifying springs (Hydrological feature) east of Glenasmole Valley that is of significant concern. The Heritage Officer recommends that a Hydrological Survey be carried out to demonstrate how chemicals and phosphates could potentially impact on the petrifying springs. The Heritage Officer also recommends that proposals for surface water management be submitted to demonstrate how the application for retention will properly manage any surface run off considering the site is being used for storing vehicles (vintage cars) and considering the maintenance and washing of these vehicles. Without a properly functioning surface water management system oils, petrol and washing detergents could potentially seep into ground water and adversely impact on same.

Geological Survey Ireland identifies the Ground Water Vulnerability on the site as being 'HIGH'. Please see screenshot taken from Geological Survey Ireland mapping below.



Based on the report from the Heritage Officer it is considered appropriate to request a Hydrological Survey be carried out and submitted to demonstrate how chemicals and phosphates could potentially impact on the petrifying springs east of Glenasmole Valley SAC. It is also considered appropriate that the applicant is requested to submit designs for a surface water management system to mitigate this impact. It is considered the above may be addressed by way of **additional information**.

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It is also noted that if surface water management features are required to mitigate the impact of the activities on the site, this may impact whether or not the development can be screened for appropriate assessment.

### ***Services & Drainage***

Surface Water Drainage have issued a report recommending **Additional Information** be requested. A report was received from Irish Water recommending no objections subject to **conditions**. An extract taken from the Irish Water report states the following:

*IW Recommendation: No Objection*

*IW Observations:*

#### *1 Water*

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

*- All development shall be carried out in compliance with Irish Water Standards codes and practices.*

*Reason: In the interest of public health and to ensure adequate water facilities.*

#### *2 Foul*

*Refer to EH*

It is considered appropriate to attach the above conditions in the event of a grant.

An extract taken from the Surface Water Drainage report states the following:

*Surface Water Report:           **Further Information Required***

*1.1 Submit a report showing percolation test results for location of proposed soakaways as per BRE Digest 365 Standards. Comment on the suitability of such soakaways in respect to results of soakaways and BRE Digest 365 Standards.*

*1.2 Submit a drawing in plan and cross-sectional view showing design details of proposed soakaways.*

*Flood Risk No Objection*

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

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*All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.*

*Water Report: Referred to IW*

*Foul Drainage Report: Refer to EHO.*

It is considered appropriate to request the above **additional information** regarding Surface Water Drainage requirements.

### ***Parks & Landscaping***

A report was received from the Parks Department recommending **Additional Information** be requested. An extract taken from the Parks Department states the following:

The Public Realm Section has assessed the proposed development in accordance with the policies and objectives of the County Development Plan 2016-2022 and with best practice guidelines and recommends the following **additional information** be provided:

#### *1. Landscape Design Proposals*

*There are concerns with the lack of information submitted in relation to the landscape scheme for the proposed development. The applicant is requested to provide detailed landscape design for the proposed development. The applicant shall provide a fully detailed landscape plan with full works specification, that accords with the specifications and requirements of the Council's Public Realm Section. The applicant shall provide the following **additional information**:*

*i. The applicant shall submit a comprehensive Landscape Design Rationale, the objective of this report is to describe the proposed landscape and external works as part of this proposed housing development.*

*ii. The applicant is requested to submit a fully detailed Planting Plan to accompany the landscape proposals for the entire development. The applicant should propose native species where possible to encourage biodiversity and support pollinators within the landscape.*

*iii. The landscape Plan shall include hard and soft landscape details; including levels, sections and elevations, detailed design of SUDs features including swales and integrated/bio retention tree pits.*

*iv. Significantly reduce the impacts of the development on existing green infrastructure within and adjacent to the proposed development site*

*v. Demonstrate how natural SUDS features can be incorporated into the design of the proposed Development*

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vi. *Submit green infrastructure proposals that will mitigate and compensate for the impact of the proposed development on this existing site. These proposals should include additional landscaping, SUDS measures (such as permeable paving, green roofs, filtration planting, above ground attenuation ponds etc) and planting for carbon sequestration and pollination to support the local Bat population.*

### **ADDITIONAL INFORMATION**

#### **2. Tree Survey**

*The applicant is requested to submit a comprehensive Tree Report to the SDCC Public Realm Section. This shall comprise of a detailed Tree Survey and Arboricultural Impact Assessment, Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement, all in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction – recommendations. The report shall be carried out by an independent, qualified Arborist.*

#### **3. Landscape and Visual Impact**

*The applicant has provided little or no information as to the landscape and visual impact of the proposed development. The applicant is requested to provide a detailed landscape and visual impact assessment including photo montages for the proposed development. The applicant is requested to provide the following information, to enable full assessment of the visual impact:*

*i. Photomontages indicating existing, as permitted and as proposed development. These should show the site and the wider area.*

*ii. Full sections through the site, north/south and east/west, indicating existing and proposed levels.*

#### **4. SUDS**

*A comprehensive SUDS Management Plan shall be submitted to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan shall also be included as a demonstration of how the system will function following implementation. Additional natural SUDS features shall be incorporated into the proposed drainage system for the development such as rain gardens, detention basins, filter drains, swales etc. In addition, the applicant shall provide the following:*

- Demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development.*

- A drawing to show how surface water shall be attenuated to greenfield run off rates.*

- Submit a drawing to show what SuDS (Sustainable Drainage Systems) are proposed. Examples of SuDS include permeable paving, filter drains, bio-retention tree pits, rains gardens, swales or other such SuDS.*

- SUDs Management - The applicant is requested to submit a comprehensive SUDS Management Plan to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan should also be included as a demonstration of how the system will function following implementation. The*

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*applicant is referred to the recently published SDCC SuDS Design Guide for further information and guidance.*

It is considered appropriate to request the above **additional information** recommended by the Parks Department.

### ***Screening for Appropriate Assessment (AA)***

Although the applicant has submitted an Appropriate Assessment (AA) screening report it is not possible at this juncture for the Planning Authority to comprehensively assess this report due to the absence of a Hydrological Survey Report. The subject site is located within close proximity to a European site (Glenasmole Valley SAC). At this juncture the Planning Authority cannot be satisfied 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.

There is a risk that surface water management features may be required to mitigate the significant impacts on the Glenasmole Valley SAC. In such circumstances, the Planning Authority could not screen out the need for a Stage 2 Appropriate Assessment. It should be noted that under s.34(12) of the Planning Act 2000, an application for retention cannot be considered where an Appropriate Assessment was 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.

### **Conclusion**

Having regard to the vulnerability of the groundwater for the area and having regarded to the sand and gravel soil type for the area it is considered appropriate to request the following by way of **additional information**.

- Confirmation on the planning status of the existing Chalet (D) located within the blue line boundary and in the ownership of the applicant.
- Landscape Character Assessment to demonstrate compliance with Policy (HCL7) of Section 9.2.0 Landscapes of the SDCC Development Plan 2016-2022.
- Clearly demonstrate how the proposal is in accordance with Policy H27 Objective 1 of the South Dublin County Development Plan 2016-2022.

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- Hydrological Survey Report.
- A design for a proposed proper functioning surface water management system.
- Surface Water Drainage requirements.
- EHO requirements.
- Parks requirements.

### **Recommendation**

Request for Further Information.  
(DF)

### **Further Information**

- Further Information was requested on the 27/07/2022.
- Further Information was received by the planning authority on the 20/01/2023.

### **Consultations**

Environmental Health Officer – No objection, **subject to conditions.**

Surface Water Drainage – No objection, **subject to conditions.**

Parks Department – No objection, **subject to conditions.**

Heritage Officer – No objection, **subject to conditions.**

### **Submissions/Observations**

No further submissions/observations received.

### **South Dublin County Development Plan 2022-2028**

A new Development Plan came into effect for South Dublin on 3rd August 2022. As a result, the development has been reassessed against the plans and policies of this new plan. The site is zoned Objective HA-DM, which seeks *'To protect and enhance the outstanding natural character of the Dublin Mountains Area'*.

Residential Development is still Open for Consideration in the 'HA-DM' zoning objective if it is in accordance with Council policy for residential development in rural areas and it is not permitted above 350m contour. It is noted that the SDCC Development Plan 2022-2028 Maps show that the subject site is not above the 350m contour. An overview of the relevant sections, policies and objectives of the new plan is included below.

Section 2.7.3 Rural Areas

Policy CS11: Rural Areas

Section 6.9 Rural Housing Strategy

Policy H16 Management of Single Dwellings in Rural Areas

Policy H17 Rural Housing Policies and Local Need Criteria



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Policy H18 Rural Housing in RU Zone  
Policy H19 Rural Housing in HA – Dublin Mountains Zone  
Section 6.9.4 Rural Housing in HA – Liffey Valley and HA – Dodder Valley  
Policy H20 Rural Housing in HA – Liffey Valley and Dodder Valley  
Section 6.9.5 Replacement Rural Dwellings  
Policy H21 Replacement Dwellings in Rural and High Amenity Areas  
Section 6.9.6 Rural Dwelling Occupancy  
Policy H22 Occupancy Condition  
Section 6.9.7 Rural House & Extension Design  
Policy H23 Rural House & Extension Design  
Policy NCBH1 Overarching  
Policy NCBH2 Biodiversity  
Policy NCBH3 Natura 2000 Sites  
Table 3.2: Proposed Natural Heritage Areas in South Dublin County  
Policy NCBH4: Proposed Natural Heritage Areas  
Policy NCBH5 Protection of Habitats and Species Outside of Designated Areas  
Policy NCBH6 Dublin Mountains  
Policy NCBH7 Liffey River Valley and Special Amenity Area Order  
Policy NCBH13 Archaeological Heritage  
Policy NCBH14 Landscapes  
Section 3.4.4 Views and Prospects  
Table 3.5 Prospects to be Preserved and Protected  
Policy NCBH15 Views and Prospects  
Policy GI1 Overarching  
Section 4.2.1. Biodiversity  
Policy GI2 Biodiversity  
Policy GI3 Sustainable Water Management  
Policy GI4 Sustainable Drainage Systems  
Policy GI7 Landscape, Natural, Cultural and Built Heritage  
Policy IE1 Overarching Policy  
Policy IE3: Surface Water and Groundwater  
Policy ED23: Public Rights of Way  
EDE Policy 24: Permissive Access Routes  
Policy IE9: Casement Aerodrome  
Policy IE10: Weston Airport  
Table 3.4: Geological Sites for Protection  
Policy NCB12: Geological Sites  
Section 12.3.1 Appropriate Assessment  
Section 12.6.9 Rural Housing: Housing Need, Rural Housing Design, and Wastewater Treatment

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Section 12.10.1 Energy Performance in New Buildings

Appendix 3b Record of Monuments and Places

Appendix 5: Restricted Areas for Development Glenasmole and Bohernabreena

### **Assessment of Further Information**

#### ***Item 1 requested:***

- 1. The applicant is requested to confirm the planning status of the existing chalet (D) which appears to be an additional separate residential dwelling unit located within the blue line boundary and which is in the ownership of the applicant. The applicant is also requested to confirm the planning status of the separate access road for the chalet that is now in situ. The applicant is also requested to confirm as to whether or not the site may have been subdivided to accommodate the chalet as it appears that the site has been subdivided. Permission for the subject development cannot be granted separately if major unauthorised development including subdivision of the site and a separate residential dwelling and access continues without being regularised.***

#### ***The applicant's response to Item 1:***

- a) When the applicant, Gary McKeon, purchased the property in 2011, the footprint of the existing Chalet, including the rising walls and sub-floor were in-situ.*
- b) The separate access road was the original access road to the property, purchased by the applicant, from the original public road.*
- c) The lands outlined in blue on all Site Maps and all Site Layout Drawings are in the full ownership of the applicant with no sub-division of the landholding.*

*Note: In 2012 the applicant arranged to have the Chalet converted into living accommodation on a temporary basis for his sister and her baby. His sister is now awaiting confirmation from her builder regarding date of completion of her new home. As per the existing planning application, all services to existing chalet shall be made redundant and the chalet shall be retained as garden shed inside garden of applicants family home.*

#### ***Assessment:***

The planning authority acknowledges the applicant's response to Item 1. However, the current use of Chalet D is not authorised under the planning acts. It is noted that the applicant has stated that Chalet (D) was in-situ when the site was purchased in 2011. Although, the Planning Authority is not in a position to grant permission to anything that would intensify or facilitate an unauthorised use, particularly in such a sensitive landscape area.

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In the event that permission is granted, by **condition**, the planning authority requests that an application for retention is lodged for any works relating to Chalet (D), including; any removal of existing services to unauthorised structure; decommissioning of the unauthorised structure; and/or the transport of the unauthorised structure to another location. The retention application relating to Chalet D must be lodged within 6 months from the final grant issued date. **To prevent unauthorised development.**

### ***Item 2 requested:***

#### ***2. Hydrological Survey / AA Screening***

- (a) The Planning Authority cannot screen out Appropriate Assessment for the development due to a lack of information relating to the groundwater connection to the Glenasmole Valley SAC and the petrifying springs (a qualifying interest of the SAC). The applicant is requested to submit a fully comprehensive Hydrological Survey Report and demonstrate the potential impact of chemicals and phosphates which on the petrifying springs in the Glenasmole Valley SAC (Special Area of Conservation), arising from the storage, maintenance and washing of vintage cars on the site. This should be incorporated into a revised AA Screening Report.***
- (b) The applicant is requested to submit a comprehensive design proposal for a surface water management and interception features to protect the ground water from any inappropriate / polluting run-off.***
- (c) The applicant is advised that, if surface water management features are required in order to mitigate the impacts on the Glenasmole Valley SAC (and not for any other purpose), the application may require a Stage 2 Appropriate Assessment. Under s.34(12) of the Planning and Development Act, 2000 (as amended), the Planning Authority cannot further consider a proposal for retention where an Appropriate Assessment is shown to have been required prior to development.***

### ***The applicant's response to Item 2:***

The applicant has stated that the submitted Hydrological and Hydrogeological Report, prepared by Enviroguide Consulting, and the revised AA screening and Ecology report prepared by Openfield Ecological Services addresses Item 2.

### ***Assessment:***

The applicant has submitted an AA screening, prepared by *Openfield Ecological Services*, dated January 2023, the screening concluded; *“On the basis of the screening exercise carried out above, it can be concluded that the possibility of any significant impacts on any European Sites, whether arising from the project itself or in combination with other plans and plans and*

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projects, can be excluded beyond a reasonable scientific doubt on the basis of the best available scientific knowledge available.”

As stated in the Hydrological and Hydrogeological assessment report received by the planning authority 20/01/2023. Enviroguide Consulting carried out a Hydrological and Hydrogeological assessment of the proposed development on the subject site on behalf of the applicant and concluded that “there was no risk to qualifying interest of the Glenasmole Valley SAC including the petrified springs associated with the storage, maintenance and washing of vintage cars at the Site.”

The Further Information submission has been reviewed by the County Heritage Officer and concerns have been raised in relation to potential impact on the nearby Glenasmole Valley SAC (Site Code 0001209). In particular, the concern relates to the potential risk to the specific Qualifying Interest habitat of Petrifying Springs. This potential risk relates to the possibility of subsurface flow of surface waters seeping vertically down through the surface soils to underlying bedrock and being directed along the bedrock interface to the springs located at the bottom of the slope to the west of the application site.

The Heritage Officer has therefore concluded that the applicant has not provided sufficient information to assist with a full determination of potential impact on the Glenasmole Valley SAC (Site Code 0001209) Qualifying Interest of Petrifying Springs. In particular, insufficient information or evidence has been provided to clearly indicate the direction of flow at the bedrock/sub-soil interface at this location. This would be required in order to determine whether the interface flow at the development site's location is northerly, westerly, or south westerly.

It is therefore clear that using the Source-Pathway- Receptor model, and in accordance with the Precautionary Principle, Appropriate Assessment cannot be excluded at the preliminary stage and a Stage 2 AA determination would be required in this instance in order to comprehensively assess potential impact, cumulative impact, and possible appropriate and effective avoidance/mitigation measures.

### ***Item 3 requested:***

#### ***3. The applicant is requested to submit the following items:***

- (a) A full site visit to examine all areas of the development site must be facilitated by either the applicant or their agent. The applicant is requested to liaise with the Environmental Health Officer on this matter.***
- (b) A comprehensive map showing well locations and separation distances re. same. The map must also confirm what well and sewage treatment provisions are made for the other domestic residence (Chalet D) on the site.***

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### ***The applicant's response to Item 3:***

- a) *A site visit and meeting with the Environmental Health Officer took place on the 2<sup>nd</sup> September 2022. The meeting was attended by Mr. Andrew Byrne and his colleague Adrian, South Dublin County Council, Environmental Health Section.*
- b) *A Map showing the locations of existing wells and known sewage treatment systems is herewith attached.*

### ***Assessment:***

No report has been received from the Environmental Health Officer in response to the further information received by the planning authority on the 20/01/2022. Had the application been otherwise acceptable, conditions in relation to environment health could have been included on a grant of permission.

### ***Item 4 requested:***

***4. The applicant is requested to clearly demonstrate how the proposal is in accordance with Policy H23 Objective 1 of the South Dublin County Development Plan 2022-2028 (previously Policy H27 Objective 1 in the 2016-2022 CDP), and that it meets the following criteria as per that objective:***

- Is designed and sited to minimise impact on the landscape including views and prospects of natural beauty or interest or on the amenities of places and features of natural beauty or interest including natural and built heritage features; and*
- Will not have a negative impact on the environment including flora, fauna, soil, water (including ground water) and human beings; and*
- Is designed and sited to minimise impact on the site's natural contours and natural drainage features; and*
- Retains and reinstates (where in exceptional circumstance retention cannot be achieved) traditional roadside and field boundaries; and*
- Is designed and sited to circumvent the need for intrusive engineered solutions such as cut and filled platforms, embankments or retaining walls; and*
- Would comply with the EPA's Code of Practice for Domestic Wastewater Treatment Systems (Population Equivalent less than 10) 2021 except where planning permission was granted prior to 7th June 2021 in which case the EPAs Code of Practice Wastewater Treatment Systems Serving Single Houses 2009 applies; and*
- Would not create or exacerbate ribbon or haphazard forms of development.*

### ***The applicant's response to Item 4:***

*The existing buildings and proposed shed are designed and site to minimise impact on the landscape and will not have a negative impact on the environment including flora, fauna, soil and water (including ground water). They are designed and sited to minimise impact on the sites natural contours and natural drainage features, retains all traditional roadside and field*

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*boundaries, are designed and sited to circumvent the need for intrusive engineered solutions such as cut and filled platforms or retaining walls, would comply with the EPA's Code of Practice for Domestic Wastewater Treatment Systems and would not create or exacerbate ribbon of haphazard forms of development.*

### **Assessment:**

In reference to the planner's report that requested additional information, with specific regard to Item 4, it stated;

*Having regard to the location of the existing dwelling and the surrounding development it is considered that the extension and storage sheds to be retained could set an undesirable precedent for similar forms of development.*

*The Dublin Mountains area is the prime natural asset of South Dublin County. Having regard to the location of the site on lands zoned Objective 'HA- DM' 'To protect and enhance the outstanding natural character of the Dublin Mountains Area', where environmental and visual sensitivity is at its highest, it is considered that the location of the extension and the sheds within this existing landholding may not be appropriate.*

*The applicant is therefore requested to clearly demonstrate how the proposal is in accordance with Policy H27 Objective 1 of the South Dublin County Development Plan 2016-2022. It is considered this may be dealt with by way of additional information.*

For reference, under the new development plan, Policy H27 Objective (CDP 2016-2022), is now referred to as Policy H23 Objective, and outlines;

**Policy H23:** *Ensure that any new residential development in rural and high amenity areas, including houses and extensions are designed and sited to minimise visual impact on the character and visual setting of the surrounding landscape.*

**H23 Objective 1:** *Ensure that all new rural housing and extensions within areas designated within Zoning Objectives Rural (RU), Dublin Mountain (HA-DM), Liffey Valley (HA-LV) and Dodder Valley (HA-DV);*

- Is designed and sited to minimise impact on the landscape including views and prospects of natural beauty or interest or on the amenities of places and features of natural beauty or interest including natural and built heritage features; and*
- Will not have a negative impact on the environment including flora, fauna, soil, water (including ground water) and human beings; and à Is designed and sited to minimise impact on the site's natural contours and natural drainage features; and*

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- *Retains and reinstates (where in exceptional circumstance retention cannot be achieved) traditional roadside and field boundaries; and*
- *Is designed and sited to circumvent the need for intrusive engineered solutions such as cut and filled platforms, embankments or retaining walls; and*
- *Would comply with the EPA's Code of Practice for Domestic Wastewater Treatment Systems (Population Equivalent less than 10) 2021 except where planning permission was granted prior to 7th June 2021 in which case the EPAs Code of Practice Wastewater Treatment Systems Serving Single Houses 2009 applies; and*
- *Would not create or exacerbate ribbon or haphazard forms of development.*

After reviewing the further information received by the planning authority on the 20/01/2022. It is considered that **subject to conditions**, Item 4 has been addressed.

### *Item 5 requested:*

5. *(a) The applicant is requested to submit a report showing percolation test results for location of proposed soakaways as per BRE Digest 365 Standards. Comment on the suitability of such soakaways in respect to results of soakaways and BRE Digest 365 Standards.*  
*(b) The applicant is requested to submit a drawing in plan and cross-sectional view showing design details of proposed soakaways.*

### *The applicant's response to Item 5:*

The applicant has stated that the submitted Surface Water Drainage Report, prepared by Patrick Joyce Associates, will address Item 5.

### *Assessment:*

After reviewing the further information received by the planning authority on the 20/01/2022. Following the input provided by the Water and Drainage Department, the planning authority considers that **subject to conditions**, Item 5 has been addressed.

### *Item 6 requested:*

6. *The applicant is requested to submit the following information:*  
*(a) Landscape Design Proposals.*

*There are concerns with the lack of information submitted in relation to the landscape scheme for the proposed development. The applicant is requested to provide detailed landscape design for the proposed development. The applicant is requested to provide a fully detailed landscape plan with full works specification, that accords with the specifications and requirements of the Council's Public Realm Section. The applicant is requested to provide the following additional information:*

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- i. The applicant is requested to submit a comprehensive Landscape Design Rationale, the objective of this report is to describe the proposed landscape and external works as part of this proposed housing development.*
- ii. The applicant is requested to submit a fully detailed Planting Plan to accompany the landscape proposals for the entire development. The applicant should propose native species where possible to encourage biodiversity and support pollinators within the landscape.*
- iii. The landscape Plan should include hard and soft landscape details; including levels, sections and elevations, detailed design of SUDs features including swales and integrated/bio retention tree pits.*
- iv. Significantly reduce the impacts of the development on existing green infrastructure within and adjacent to the proposed development site*
- v. Demonstrate how natural SUDs features can be incorporated into the design of the proposed Development.*
- vi. Submit green infrastructure proposals that will mitigate and compensate for the impact of the proposed development on this existing site. These proposals should include additional landscaping, SUDs measures (such as permeable paving, green roofs, filtration planting, above ground attenuation ponds etc) and planting for carbon sequestration and pollination to support the local Bat population.*

### **(b) Tree Survey**

*The applicant is requested to submit a comprehensive Tree Report to the SDCC Public Realm Section. This shall comprise of a detailed Tree Survey and Arboricultural Impact Assessment, Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement, all in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction – recommendations. The report shall be carried out by an independent, qualified Arborist. The Planning Authority notes that trees appear to have been removed on site to subdivide the site within the last 7 years. The tree survey and report should, as far as is possible, contain commentary and information relating to the trees that have been removed. The applicant should demonstrate that new planting can restore, enhance, or mitigate the loss of trees due to the potentially unauthorised subdivision and construction of a separate residential dwelling on the site.*



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(c) *Landscape and Visual Impact*

*The applicant has provided little or no information as to the landscape and visual impact of the proposed development. The applicant is requested to provide a detailed landscape and visual impact assessment including photo montages for the proposed development. The applicant is requested to provide the following information, to enable full assessment of the visual impact:*

- i. Photomontages indicating existing, as permitted and as proposed development. These should show the site and the wider area.*
- ii. Full sections through the site, north/south and east/west, indicating existing and proposed levels.*

(d) *SUDS*

*A comprehensive SUDS Management Plan shall be submitted to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan should also be included as a demonstration of how the system will function following implementation. Additional natural SUDS features should be incorporated into the proposed drainage system for the development such as rain gardens, detention basins, filter drains, swales etc. In addition, the applicant should provide the following:*

- Demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development.*
- A drawing to show how surface water shall be attenuated to greenfield run off rates.*
- Submit a drawing to show what SuDS (Sustainable Drainage Systems) are proposed. Examples of SuDS include permeable paving, filter drains, bio-retention tree pits, rains gardens, swales or other such SuDS.*
- SUDs Management - The applicant is requested to submit a comprehensive SUDS Management Plan to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan should also be included as a demonstration of how the system will function following implementation. The applicant is referred to the recently published SDCC SuDS Design Guide for further information and guidance.*

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The applicant's response to Item 6:

The applicant states the following will address Item 6;

- Landscape Plan (Landmark Design & Consultancy)
- Arboricultural Report (Charles McCorkell Arboricultural Consultancy)
- Landscape and Visual
- SuDS Management Plan (Patrick Joyce Associates)

### ***Assessment:***

After reviewing the further information received by the planning authority on the 20/01/2022. Following the input provided by the Parks Department, the planning authority considers that **subject to conditions**, Item 6 has been addressed.

### ***Item 7 requested:***

- 7. The applicant is advised that the South Dublin County Development Plan 2022 - 2028 was made by resolution by the Elected Members on June 22nd and will come into effect on August 3rd, 2022. In accordance with Section 34 (2) of the Planning and Development Act 2000 (as amended), the Planning Authority will have regard to the South Dublin County Development Plan 2022-2028 as the development plan for the area when making decisions in relation to applications from August 3rd, 2022. In this context, the applicant is requested to provide a report demonstrating that the proposed development is in accordance with the South Dublin County Development Plan 2022-2028.***

### ***The applicant's response to Item 7:***

*Having reviewed the South Dublin County Council Development Plan 2022-2028 and taking into consideration all the Reports in relating to the proposed development, I am satisfied that the proposed development is in accordance with the South Dublin County Council Development Plan 2022-2028.*

### ***Assessment:***

No objections are raised in this regard.

### **Other Considerations**

#### ***Development Contributions Assessment Overall Quantum***

As this proposal seeks retention, no exemptions will apply. The overall quantum of contributions due relates to the habitable use of structures proposed within the redline boundary shown on the site layout plan. In regard to the information provided in the application form by the applicant, Shed B, E and F will be used solely for storage, therefore not considered applicable. The proposal of structure A1, inclusive of the direct link to the existing dwelling has an overall floor area comprising 43.5 sq.m.

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Therefore, the Financial Contribution due for the relevant assessable area (for retention), at €119.10 (rate per metre for residential) is **€5,180.85**.

<b>Development Contributions</b>	
<b>Planning Reference Number</b>	SD22A/0266
<b>Are any exemptions applicable?</b>	No
<b>Is development commercial or residential?</b>	Residential
<b>Standard rate applicable to development:</b>	€119.10
<b>Amount of Floor area, if any, exempt</b>	0
<b>Total area to which development contribution applies</b>	43.5 sq.m
<b>Total development contribution due</b>	€5,180.85

### **Conclusion**

Having regard to the:

- provisions of the South Dublin County Development Plan 2022-2028,
- the established character of the area; and
- the nature and scale of the proposed development.

As set out in the report above, following consultation with the County Heritage Office sufficient information to assist with a full determination of potential impact on the Glenasmole Valley SAC (Site Code 0001209) Qualifying Interest of Petrifying Springs. In particular, insufficient information or evidence has been provided to clearly indicate the direction of flow at the bedrock/sub-soil interface at this location. Accordingly, insufficient information has been submitted to in relation to the impact of the development on the adjoining Natura 2000 network and therefore refusal of this application is recommended.

### **Recommendation**

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

## **SCHEDULE**

### **REASON(S)**

1. On the basis of the information submitted, the Planning Authority maintains serious concern in relation to the impact on the Glenasmole Valley SAC (Site Code 0001209), specifically the Qualifying Interest of Petrifying Springs. In particular, insufficient information or evidence has been provided to clearly indicate the direction of flow at the bedrock/sub-soil interface, which could potentially negatively impact the adjoining Natura

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2000 network. Therefore, following the precautionary principle, it is recommend that the current application be refused .

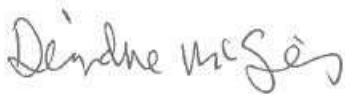
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REG. REF. SD22A/0266

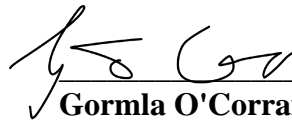
LOCATION: Glenside House, Glassamucky, Bohernabreena, Dublin 24



**Deirdre McGennis,**  
Assistant Planner

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

**Date:** 16/02/23



**Gormla O'Corrain, Senior Planner**