



An
Bord
Pleanála

Inspector's Report PL06S.248353.

Development	Above ground natural gas pressure reduction unit.
Location	Firhouse Road, Dublin 16, Co. Dublin.
Planning Authority	South Dublin County Council.
Planning Authority Reg. Ref.	SD16A/0196.
Applicant(s)	Gas Networks Ireland.
Type of Application	Permission.
Planning Authority Decision	Grant permission with conditions.
Type of Appeal	Third Party vs. grant.
Appellant(s)	Butterfield & Districts Residents Association. J. Cullen.
Observer(s)	Cllr. Francis Noel Duffy.
Date of Site Inspection	27 th June 2017.
Inspector	Ciara Kellett.

1.0 Site Location and Description

- 1.1. The appeal site is located at the junction of the Firhouse Road, Butterfield Avenue, Old Bridge Road and Ballyroan Road c.1.5km east of the M50 Motorway. The site currently comprises a grassed area of public open space with well-established trees and shrubbery. The area is not fenced in or otherwise separated from the roads. A bus stop with a shelter is located to the front of the area, facing the Firhouse Road.
- 1.2. The site is bounded by the side wall of No.2 Ballyroan Avenue to the south. There are above ground ESB structures and telecoms structure in existence, and a below ground gas pressure reduction unit belonging to the applicant exists in the subject area. The location of the gas pressure reduction unit is identified by manhole covers with concrete surround.
- 1.3. Appendix A includes maps and photos.

2.0 Proposed Development

- 2.1. The proposed development is for the replacement of the existing below ground gas District Regulating Installation (DRI) with an above ground structure adjacent to the current location. The structure will reduce gas mains pressure from 4 Bar to 65 mBar for distribution to c.3,000 domestic properties in the vicinity. The size of the unit measures 5.05m by 1.1m by 2.3m high with a 3m high vent.
- 2.2. The applicant states that the DRI is being replaced in order to ensure safe access for maintenance of the pipework, to reduce the risk of gas leakage and to ensure the security of supply to the customers in the locality who are fed by the regulator. It is stated that the current below ground installation results in a high risk environment for Gas Networks Ireland (GNI) maintenance personnel, and that there is a history of the space flooding which restricts access to personnel and is resulting in accelerated corrosion of the existing pipework.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to 5 conditions, including a condition requiring a detailed landscape and screening plan to be submitted prior to commencement.

3.2. Planning Authority Reports

The Planner's Report is the basis for the Planning Authority decision. It includes:

- Notes that the site is not zoned but acts as a landscaped area for many years offering visual amenity and visual relief at the junction of two significant roads.
- Notes Development Plan requires the active discouragement of the proliferation of above ground utility boxes and promotes soft planting around existing ones and any new boxes that cannot be installed below ground.
- Of the opinion that the applicant has not fully justified the need to relocate the unit, notwithstanding the stated reasons.
- Considers the proposed location to be visually prominent and detract from visual relief.
- Notes that good design seeks to keep open spaces free from anti-social behaviour - size of structure would act as a focus for anti-social behaviour.
- Considers central location renders space unusable and impacts on pedestrian movement.
- Further Information required in terms of moving the unit close to existing utility service units and provision of additional landscaping information, as well as providing further justification for the need to relocate the unit above ground.
- The applicant responded stating that below ground DRIs have proven very troublesome, and it is no longer the policy of GNI to install below ground units. Water ingress is causing advanced corrosion to the pipework as well as jeopardising the security of supply. It is impracticable to provide sufficient ventilation to the units to reduce the risk of build-up of gas in the event of a

leak. GNI are attempting to address these issues starting with the DRIs that have flooded most frequently and the ones which are most critical for security of supply. The existing unit floods frequently and GNI have had to pump the water from the unit after heavy falls of rain.

- The applicant further states that the risk of the units flooding is twofold. First is the risk of overpressure of the downstream network, and the second is the risk of corrosion and degradation of the gas pipework leading to downtime and increased possibility of leaks. The installation of permanent water pumps is not feasible as this would introduce a potential ignition source. Size of unit is that which is required. Two alternative locations offered within same open area – on footprint of existing or placed against the wall of the property to the rear. GNI willing to provide whatever planting deemed necessary and willing to employ a landscape consultant to advise on matter once final location agreed.
- Planning Authority considered neither alternative location to be preferable and structure should be located as originally proposed.
- Considers applicant has explained satisfactorily why structure is required. Considers response to landscaping is unsatisfactory but considers a condition should be attached to ensure landscaping takes place.
- Recommends permission should be granted subject to conditions.

The decision was in accordance with the Planner's recommendation.

3.2.1. Other Technical Reports

- **Roads Section:** No objection subject to conditions.
- **Water Services Section/EHO:** No response.
- **Parks:** Recommended refusal on basis that landscape plans were not submitted but recommended conditions should it be granted.

3.3. Prescribed Bodies

- **Irish Water:** No objection subject to conditions.

3.4. Third Party Observations

- Submissions received from Cllr P. Foley, Cllr. F.Duffy, and Deputy J. Lahart objecting to the development.
- Four objections received from Mr. Patrick Hughes, Ms. J. Daly, Butterfield Residents Association and J. Cullen.
- Concerns are detailed in Section 6 Appeal below. In summary concerns raised included anti-social behaviour, graffiti, querying flooding, eyesore at this location, public desire lines, protection of trees, safety concerns and noise pollution.

4.0 Planning History

Planning Applications in the vicinity relate mainly to residential type development.

5.0 Policy Context

5.1. South Dublin County Development Plan 2016 – 2022.

Chapter 7 refers to Infrastructure & Environmental Quality, Chapter 10 refers to Energy and Chapter 11 refers to Implementation.

Section 7.4.0 refers to Information and Communications Technology. While not explicitly referring to gas pipework, the chapter does include a number of relevant objectives including **IE4 Objective 5**:

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

Section 10.2.10 of Chapter 10 includes objective **E12 Objective 2**:

To ensure that proposals for energy and communications developments integrate with their surroundings and mitigate against negative impacts on visual amenity.

5.2. Natural Heritage Designations

The Glenasmole Valley SAC (Site Code 001209) is located c. 5.4km to the south-west of the site. South Dublin Bay SAC (Site Code 000210) and South Dublin Bay and River Tolka (Site Code 004024) are located c.7.4km to the north-east.

6.0 The Appeal

6.1. Grounds of Appeal

Two third party appeals have been lodged by the Butterfield District Residents Association and J.Cullen. In summary they state:

- An industrial type gas pressure reduction unit installed in a residential location will have serious negative effect on the environment in terms of air, visual and noise pollution.
- The removal of shrubbery will cause a visual impact and planting new hedging around the unit will restrict the use of the amenities for the local residents.
- Not credible that the current proposal is the only option available to GNI – it was safely below ground for 10-15 years and continues to function without problem.
- Conflicts with Council policy which actively discourages proliferation of above ground utility boxes, conflicts with Council documents for designing out anti-social behaviour.
- Site is not prone to flooding – if the unit itself is flooding (not the site) then this is a design issue and other remedies should be considered. The installation of a sump is specified for underground DRIs by the Institute of Gas Engineers and Managers in the UK.
- Applicant has not addressed other options. Appellant refers to other manufacturers underground solutions and option to use a vent stack to provide sufficient ventilation.
- Importance of landscape has not been appropriately considered. Site offers visual relief.

- The area is not zoned but at a junction of Ballyroan Road and Firhouse Road both of which are zoned Objective RES – To protect and improve residential amenity.
- GNI policy should not circumvent Planning Law. GNI Network Development Plan 2016 acknowledges a rolling programme to upgrade instrumentation – no policy to bring DRIs above ground – mentions refurbishment of units.
- Exceptionally large DRI. Balance is needed. Future maintenance of the DRI is a concern and graffiti on the wall is already a concern. No details on landscaping provided and the proposed hedge may be entirely inappropriate.

6.2. Applicant Response

The applicant responded stating that a number of the points made by the appellant have been addressed in their response to the Further Information request. They state in summary:

- A DRI unit of this size is required due to the large number of customers (3000) being supplied.
- With respect to odour – the function is the same as currently exists. All DRIs contain pressure relief valves which can release gas intermittently. The new DRI will vent the gas to above head height and as gas is lighter than air, it will disperse upwards away from potential ignition sources and the public.
- The new installation will reduce the risk of gas build up and thus odours, as well as reducing the risk of an explosive environment.
- Note reference to sealed pits and similar solutions in U.K. The underground pit cannot be sealed airtight. Gas from relief valves can be vented out of the unit but the valves must be maintained at atmospheric pressure in order for them to operate correctly. Enclosure is subject to EU ATEX regulations and sealing the enclosure could lead to hazardous build-up of gas due to seepage from gaskets etc.
- A sump pump is not a viable option as electrical equipment will provide a possible ignition source.

- A soak pit is not feasible as any such features can provide a path for gas to surrounding areas (storm drains etc.)
- Applicant will submit a proposal for the screening of the installation as per conditions laid out.

6.3. **Planning Authority Response**

The Planning Authority responded by confirming their decision and consider that the issues raised have been covered in the Planner's Report.

6.4. **Observation**

An observation was submitted by Cllr. Duffy. Cllr. Duffy reiterates a lot of the concerns outlined by the appellants including graffiti, anti-social behaviour, removal of trees, high volume of residents that use the bus stop, visual impact, creates an alleyway where there is presently open space and notes the photo image is not realistic as the fence behind is lower.

7.0 **Assessment**

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Residential Amenities
- Visual Amenities
- Appropriate Assessment

7.1. **Principle of Development**

The road and corner of open space is not zoned in the Development Plan. However, it is surrounded on all four corners by 'RES' zoned areas 'To protect and/or improve residential amenities'. Public Services are permitted in principle in this zoning.

The Council's policy to actively discourage the proliferation of above ground utility boxes throughout the County is noted. However, the Council accepts that this is not always possible and seeks to promote soft planting around any new ones that cannot be installed below the surface. I do not consider that the subject proposal would conflict with this policy.

One of the appellants has questioned why GNI are replacing the DRI, stating that the GNI Network Development Plan, 2016, refers to a rolling programme to upgrade instrumentation – no policy to bring DRIs above ground – policy mentions refurbishment of DRIs only. From my review of the GNI Network Development Plan, 2016, Section 11.3.2 refers to refurbishment of DRIs. I am satisfied that GNI have identified an intent to review DRIs and make changes where necessary. In this particular instance, I consider that they have provided a reasonable explanation why they wish to replace the below ground DRI with an above ground unit. Safety concerns are paramount and it seems reasonable that for maintenance personnel it is preferable to work on equipment above ground.

With respect to the issue of flooding of the underground unit as referred to by the applicant, I accept that a sump pump would by necessity require a power supply which could be an ignition source in the event of a gas leak. The applicant has stated that water ingress is causing advanced corrosion to the pipework as well as jeopardising the security of supply. I accept the applicant's contention that while a vent stack could release gas above ground, should the below ground unit be sealed air and water tight (to prevent flooding of the unit), the actual valves which need to operate at atmospheric pressure could be compromised.

I accept the appellant's concerns with the size of the unit and the potential for anti-social behaviour to the rear of the unit, however, I do not consider this to be an adequate reason for refusal. Having visited the site, I note that there are other above ground units – ESB units and telecom boxes above ground. I have addressed this further in visual amenities below.

In conclusion, I consider the applicant's reasons for requiring the DRI unit to be located above ground as reasonable and acceptable, and I note that Public Services is a use that is permitted in principle in 'RES' zoned areas.

7.2. Residential Amenities

The appellant's express concerns with the proposal in terms of impacting on their residential amenities. The proposed location is at the junction of a number of busy roads. I fully accept that the green area provides visual relief for residents and motorists alike, but I do not accept that planting new hedging around the unit will restrict the use of the amenities, as stated by one of the appellants. The location of the area is unlikely to be conducive to the space being an active open space. There is no barrier between the open space and the roads and a bus stop fronts the site.

I do not accept that it will have a negative effect on the environment in terms of air, or noise. Very little noise emanates from the unit and GNI have stated that as gas is lighter than air, any release of gas will rise and disperse quickly. As stated above, the junction is at a very busy crossroads and any noise will be from passing traffic.

7.3. Visual Amenities

In terms of visual amenities, there are some fine trees which add to the visual relief provided by the open space. It is unclear on the drawings if any trees are proposed to be removed.

The drawings are also unclear with respect to the proposed location of the DRI. On the plan provided, it would appear to be located closer to the road in front of the existing underground unit, which results in a very prominent location. The front view provided indicates a boundary fence and it is unclear if this is the fence of the adjacent dwelling or not, due to the location of telecom boxes. Furthermore, there would appear to be conflicting dimensions between both plan views.

The applicant has not provided any information with respect to why this location has been chosen within the overall area. No gas pipework drawings have been provided identifying the pipe location. I fully accept the applicant's reasoning for requiring the unit to be above ground, however, I am not satisfied based on the information provided that the chosen location is the most suitable option.

The applicant responded to the Further Information request offering two alternative locations for the unit, neither of which the Planning Authority accepted. I would

consider that there are more discreet locations which could avail of the existing tree cover which could mitigate the visual impact.

In the absence of information with respect to the potential need to remove trees, I am not satisfied that the location could be amended by condition.

In conclusion, I accept the applicant's reasoning for the need to locate the unit above ground, but I am not satisfied that the chosen location is the most suitable and consider that there would be a significant visual impact with the current proposal.

7.4. Appropriate Assessment

Having regard to the nature and scale of development proposed and to the nature of the receiving environment, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

I recommend that planning permission should be refused for the reasons and considerations as set out below.

9.0 Reasons and Considerations

It is considered that the proposed utility structure would be visually obtrusive and would seriously injure the visual amenities of the area, and be contrary to the provisions of the current Development Plan for the area in relation to ensuring that proposals for such developments integrate with their surroundings and mitigate against negative impacts on visual amenity. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Ciara Kellett
Inspectorate

30th June 2017