



An
Bord
Pleanála

Inspector's Report PL06S.249371

Development	District Regulation Installation consisting of a pressure relief unit (cabinet 1.8m high) and a vent flue c.3.5m high.
Location	Northern section of greenspace, Sarsfield Park, Lucan, Co. Dublin.
Planning Authority	South Dublin County Council.
Planning Authority Reg. Ref.	SD17A/0249.
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)	Sarsfield Park & District Residents Association.
Observer(s)	Cllr. William Lavelle.
Date of Site Inspection	19 th January 2018.
Inspector	Ciara Kellett.

1.0 Site Location and Description

- 1.1. The appeal site is located in the public open space of Sarsfield Park housing development in Lucan, Co. Dublin. Sarsfield Park is c.375m from Lucan village centre and c.200m south of the River Liffey. It is accessed from, and south of, Chapel Hill.
- 1.2. Sarsfield Park is a mature well-established residential housing development, comprising of two storey blocks of terraced dwellings. The terraces facing onto the subject green area are in blocks of four dwellings. The green area itself is roughly triangular in shape overlooked by dwellings on all three sides.
- 1.3. The location of the proposed development is to the north of the green area adjacent to the junction of two roads close to the entrance to the estate. The green area is currently a level grassed area with a small number of shrubs and trees dotted around. There is a parking inlet to the east of the proposed location of the unit.
- 1.4. Appendix A includes maps and photos.

2.0 Proposed Development

- 2.1. The proposed development is for a safety enhancement to the existing gas mains network comprising a District Regulator Installation (DRI). The DRI comprises two elements: 1. A Pressure Relief Unit which is within a cabinet of c.1.8m in height, c.1.42m in width and c.0.51m in depth; and 2. An associated vent flue of c.3.5m in height.
- 2.2. The cabinet is placed on a concrete base for stability. The proposed colour for both the cabinet and vent flue is dark green.
- 2.3. The purpose of the DRI is described as being for reducing the gas pressure from 4 bar to 75 mBar. The DRI cabinet also contains a shut off valve which stops the flow of gas in the event of an excessive pressure. The flue is required to ensure that any gas resulting from any downstream increase in network pressure is safely dispersed upwards to atmosphere.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to 13 conditions, including 3 no. conditions relating to archaeology and a condition requiring a detailed landscape 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 site is zoned OS '*To preserve and provide for open space and recreational amenities*'. States the development is required as a safety enhancement to the gas mains network in the area. Considers it acceptable in principle with respect to the zoning objective of the site.
- Considers proposal to be of relatively modest size, and considers its location on the edge of the park and being overlooked by properties to be visually acceptable.
- Considers the proposal would be significantly overlooked which would act as a deterrent in terms of anti-social behaviour.
- Considers the placing of a modestly sized piece of critical infrastructure required to enhance safety acceptable within the large section of open space.
- Notes no report has been received from the Parks Department. Refers to policy IE4 Objective 5 of the County Development Plan which requires that planting be provided around existing above ground utility boxes. Considers a condition should be appended requiring such planting.
- Refers to Health and Safety and notes reasons for proposed development which has its origin in the Gas Networks Ireland (GNI) programme of work entitled 'Operational Upgrades Project', and that upgrades are required to comply with current EU and Irish gas and safety standards.

- Concludes that proposal would deliver a critical piece of infrastructure required to enhance gas safety within the area, and would not have a significant impact on the visual and residential amenities of the area.
- 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 report.
- **Water Services Section:** No objection subject to conditions.
- **EHO:** No objection subject to conditions.
- **Parks Department:** No report.

3.3. **Prescribed Bodies**

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

3.4. **Third Party Observations**

- Submissions received from Cllr. Paul Gogarty, Cllr. William Lavelle, and the Sarsfield Park & District Residents Association objecting to the development.
- Concerns are detailed in Section 6 Appeal below.

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.**

- 5.1.1. 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 Rye Water Valley/Carton SAC (Site Code 001398) is c.3.2km to the west.

6.0 The Appeal

6.1. Grounds of Appeal

One third party appeal has been lodged by the Sarsfield Park & District Residents Association. In summary it states:

- Consider there are serious deficiencies in the submission.
- Notes that under Health and Safety, the applicant states that the works are part of a safety enhancement programme but the Consultants do not include any Health and Safety risk analysis study. Question the need for this in the first place.
- Do not agree that the safety risks are low: area is in high use with children and regular resident social events; no health risk submitted; not confident vent will safely disperse emissions; grounds are liable to frequent waterlogging in winter.
- Do not accept examples provided by applicant as being comparable.

- Do not accept that the structure is comparable to lighting poles and street signs – visual amenity impact will be dramatic.
- Proposed location next to the entrance to the estate will be visible to all residents and visitors – there is no way to minimise the size and visual impact – it will be an eyesore.
- Do not accept the reasons for site selection as being valid, and consider that the potential for unauthorised access is high, ability to integrate is nil and the avoidance of climbing risks and creation of anti-social areas has not been satisfied.
- There is no evidence that any other location for these works was examined by the applicant.
- Proposal is contrary to Development Plan.

6.2. Applicant Response

No response has been received from the applicant.

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. William Lavelle. In summary it states:

- Supports the appeal and seeks refusal of the proposal.
- Notes location is on a well-used green space – proposal will detract from the residential amenity of the space.
- Vent will detract from the visual character of the area – disagree with the Planning Authority that the proposal is modest.
- The vent will diminish the amenity and attractiveness of the space.
- Vent will potentially discharge gas at first floor.

- Letter from applicant is wholly unsatisfactory, as it fails to provide a case that there is no alternative, or make a detailed case for this specific location under the criteria cited in the RPS letter.

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 and Visual Amenities
- Alternatives
- Appropriate Assessment

7.1. **Principle of Development**

- 7.1.1. The location of the proposed development is on land zoned for Open Space – OS – ‘*To preserve and provide for open space and recreational amenities*’. Public Services are open for consideration in this zoning.
- 7.1.2. Policy IE4 Objective 5 of the County Development Plan seeks to actively discourage the proliferation of above ground utility boxes throughout the County. 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. No landscaping plan accompanies the proposal, however, this could be addressed by way of condition.
- 7.1.3. I accept that for safety reasons the cabinet and flue are required as safety enhancements, and having regard to the fact that such facilities are open for consideration on lands zoned for open space, I am satisfied that the principle of development is acceptable in this instance.

7.2. Residential and Visual Amenities

- 7.2.1. The appellant expresses concerns with the proposal in terms of impacting on their residential amenities. It is stated that the area is used by small children and for regular resident social events. From my site visit, I can confirm that the triangular open space is the most central part of the estate, and having regard to its shape and location within the estate, is likely to be the most conducive for such events. It is overlooked, which I note was referred to in the applicant's application documents as being a positive to reduce unauthorised third party access, but this also provides a safe environment for children to play and actively use the space.
- 7.2.2. The proposed location is at the entrance to the estate and will be visible on entrance to all residents and visitors alike. It is proposed at one of the most prominent positions within the entire site – I will address alternatives below – but I am not satisfied with the chosen location. I am of the opinion that it will not be possible to satisfactorily integrate the cabinet and vent into the existing environment. There are no other similar structures in the immediate vicinity and the cabinet, and particularly the vent at c.3.5m high, will introduce a discordant visual element into the area. I do not agree that this is a 'modest' structure having regard to the cabinet size at 1.8m high by 1.4m wide, as well as the height of the flue at 3.5m, and its proposed location in the open.
- 7.2.3. I agree with the appellant that the vent, at 3.5m high, will likely act as a magnet for anti-social behaviour and for children to climb and swing from. There is no fencing proposed or any sort of barrier to prevent such behaviour.
- 7.2.4. In conclusion, I consider that the proposal would adversely affect the residential amenities of the area and consider that there would be a significant visual impact with the current proposal.

7.3. Alternatives

- 7.3.1. The applicant has not provided satisfactory information as to why this particular location was chosen. A standard list of reasons is provided in the letter which accompanies the application, however, this appears to be a generic list and does not adequately explain why this particular location, within this particular estate, has been chosen.

- 7.3.2. No gas pipework drawings have been provided identifying the gas pipe location. I fully accept the applicant's reasoning for requiring the safety enhancement, however, I am not satisfied based on the information provided that the chosen location is the most suitable option.
- 7.3.3. During my site visit I noted that there are other open spaces within the estate which could have provided locations for such a unit. I consider that there are more discreet locations where the proposal could avail of the existing tree cover, or where the trees could provide a backdrop for the green components and mitigate the visual impact. Without any gas pipework drawings or further explanation of why this particular site is chosen, I am not satisfied that this location is the only option available.
- 7.3.4. The applicant refers to relevant planning history. Five examples are provided where it is stated that similar units have received planning permission and have been constructed within housing estates. Two sites within South Dublin County Council area, namely Wentworth Court DRI (SDCC Reg. Ref. SD16A/0309) in Wentworth Court, Dodsborough Road, Lucan and Castlelyon DRI (SDCC Reg. Ref. SD15A/0103), Castlelyon Estate, Newcastle are referenced. Three other sites were listed outside of South Dublin County Council area.
- 7.3.5. During my site visit, I visited the two sites referred to within the South Dublin County Council area. In both cases the location is not in such a prominent position or on open spaces in active use. I do not consider that these cases are similar, or set a precedent for locating such units as currently proposed. I also refer the Board to a recent decision of the Board to refuse permission for a similar development on a green space at a junction on Firhouse Road (ABP ref. PL06S.248353). The Board decided to refuse permission for one reason stating (in summary) that it was not satisfied that the proposed development would integrate in a satisfactory manner into the receiving environment and considered that the proposed development would not be acceptable in terms of residential and visual amenity.
- 7.3.6. In conclusion, I accept the applicant's reasoning for the need to install these safety enhancements in order to comply with all safety legislation, but I am not satisfied based on the information on file, that alternatives were adequately considered nor that the chosen location is the most suitable within the estate.

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

Having regard to its nature and scale, design and landscaping treatment, the Board is not satisfied that the proposed development would integrate in a satisfactory manner into the receiving environment and, therefore, it is considered that the proposed development would not be acceptable in terms of residential and visual amenity and would not be in accordance with the proper planning and sustainable development of the area.

Ciara Kellett
Inspectorate

22nd January 2018