



An  
Bord  
Pleanála

## Inspector's Report

### ABP-315566-23

<b>Development</b>	Installation of a 3.25m vent stack servicing the existing underground natural gas pressure reduction installation
<b>Location</b>	Junction of Adelaide Road and The Metals Cycle Route, Sandycove, Co. Dublin
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D22A/0845
<b>Applicant(s)</b>	Gas Networks Ireland.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant with conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Odhran Ginnity.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	01/06/2023.
<b>Inspector</b>	Auriol Considine

# Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	4
3.0 Planning Authority Decision .....	5
3.1. Decision .....	5
3.2. Planning Authority Reports .....	5
3.3. Prescribed Bodies .....	6
3.4. Third Party Observations .....	6
4.0 Planning History.....	6
5.0 Policy Context.....	7
5.1. Development Plan.....	7
5.2. Natural Heritage Designations .....	7
5.3. EIA Screening .....	7
6.0 The Appeal .....	8
6.1. Grounds of Appeal .....	8
6.2. Applicant Response .....	8
6.3. Planning Authority Response .....	9
6.4. Observations .....	9
6.5. Further Responses.....	9
7.0 Assessment .....	10
7.2. Principle of the Development: .....	10
7.3. Visual Impact & Impact on cACA .....	10
7.4. Other Issues.....	12
7.5. Appropriate Assessment .....	12

8.0 Recommendation.....	13
9.0 Reasons and Considerations.....	13
10.0 Conditions .....	14

## **1.0 Site Location and Description**

- 1.1. The subject site is located on The Metals, which is a cycle route which connects Dun Laoghaire to Dalkey. It is a share cycle and pedestrian amenity route which runs beside the route of the Dart line and extends for approximately 3.5km. The location of the proposed development is at the junction of Adelaide Road and The Metals, just to the north west of the Glenageary Dart Station.

## **2.0 Proposed Development**

- 2.1. Permission is sought as per the public notices for the installation of a 3.25m vent stack servicing the existing underground natural gas pressure reduction installation with all ancillary services and associated site works at the junction of Adelaide Road and The Metals cycle route, Sandycove, Co. Dublin.
- 2.2. The application included the following documents:
- Plans and particulars
  - Completed planning application form
  - Letter of consent from Dun Laoghaire-Rathdown County Council
  - Cover letter
  - AA Screening Report
  - FAQs – Gas Relief Vent Stacks
- 2.3. The cover letter advises that application relates to the upgrade of natural gas pressure reduction installation. The pressure reduction unit downgrades the pressure before it enters buildings of nearby gas customers and the unit will be upgraded to include a safety device, ie a vent stack to mitigate the risk of accumulation of gas within the enclosure. The vent stack serves to vent any gas released from the unit to a safe height.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority decided to grant permission for the proposed development subject to 3 conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The PAs Planning Report considered the proposed development in the context of the details submitted with the application, internal technical reports, third party submission and the County Development Plan policies and objectives. The report also includes an EIA Screening and AA Screening assessments.

The report notes the need for the proposed development whereby Gas Networks Ireland have identified a number of existing natural gas pressure reduction stations around the country which require upgrade in order to reduce the risk of gas leakage and to ensure the security of supply to customers in the locality who are fed by the regulator. The report concludes as follows:

- The development would not adversely impact on the character or visual amenities of The Metals
- The development would not adversely impact on the amenities of existing adjacent properties by way of overbearing appearance. In terms of odours/emissions, the requirements of the EHO are to be advised.
- The development will not inhibit pedestrians or cyclists movements on The Metals.

Ultimately, the report recommends that permission be granted for the proposed vent stack subject to 3 conditions.

#### 3.2.2. Other Technical Reports

**Drainage Planning:** No objection subject to ensuring that a minimum 3m wayleave is maintained between the proposed vent stack and the existing adjacent 150mm public surface water sewer.

### 3.3. Prescribed Bodies

**Iarnrod Eireann Infrastructure:** The installation must take into account obligations in Design, Construction and Operation of the proposed works in terms of the Railway Safety Act 2005. Other health and safety matters, relate to maintaining the integrity of the adjacent embankment, surface water and drainage management, use of cranes over the railway property, impact of lighting and maintenance of railway security.

### 3.4. Third Party Observations

One third party submission is note. The issues raised are summarised as follows:

- The location of the stack is directly beside home, and child's bedroom. Concerns raised in terms of gas emissions and potential odours associated and the impact on residential amenity.
- There is an electricity pole to the front of the objectors' property which is to be moved by the ESB. All locations in surrounding areas, including the Metals, are potential sites for the relocated pole.

## 4.0 Planning History

There is no relevant planning history pertaining to the subject site.

There have been a number of similar applications for stack vents across the Dun Laoghaire – Rathdown County Council jurisdiction including as follows:

**D17A/0946:** At Summerhill DRI, The Metals, Summerhill Road, Glasthule, Dun Laoghaire.

**D18A/0964:** At Trees Road DRI, at the junction of Trees Road Lower and South Avenue, Mount Merrion, Co Dublin

**D19A/0474:** At Sallynoggin District Regulation Installation (DRI), Glenageary Roundabout, Glenageary Avenue, Dun Laoghaire, Co. Dublin.

## **5.0 Policy Context**

### **5.1. Development Plan**

- 5.1.1. The Dun Laoghaire – Rathdown County Development Plan 2022-2028 is the relevant policy document pertaining to the subject site. The subject site lies within a public right of way – described as Marine Road to Summerhill Road, Dun Laoghaire and Summerhill Road to Old Quarry, Dalkey (entire length of "The Metals"), while the lands to the north of the site are zoned Objective A where it is the objective to provide residential development and improve residential amenity while protecting the existing residential amenities. The Metals is also identified as a candidate Architectural Conservation Area.
- 5.1.2. Chapter 11 of the CDP deals with Heritage and Conservation and the following sections specifically relate to The Metals:
- 11.5.4 Policy Objective HER28: The Metals - It is a Policy Objective to manage and enhance The Metals from the People's Park to Dalkey giving due regard to its historic importance while continuing to facilitate and encourage its use as a walking and cycling route between Dún Laoghaire and Dalkey.

### **5.2. Natural Heritage Designations**

- 5.2.1. The site is not located within any Natura 2000 site. The closest Natura 2000 site is the Dalkey Islands SPA (Site Code: 004172) which is located approximately 2km to the east. The Rockabill to Dalkey Island SAC (Site Code: 003000) lies approximately 2.3km to the east. The South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) lies approximately 2.2km to the north west and the South Dublin Bay SAC (Site Code: 000210) is located approximately 2.5km to the north west of the site.

### **5.3. EIA Screening**

- 5.3.1. Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) sets out the class of developments which provide that mandatory EIA is required. The proposed development comprises the installation of a 3.25m high vent stack servicing the existing underground natural gas pressure reduction installation and is

not of a scale or nature which would trigger the need for a statutory EIAR. It is therefore considered that the development does not fall within any cited class of development in the P&D Regulations and does not require mandatory EIA.

5.3.1. Having regard to:

- (a) the nature and scale of the development, and
- (b) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

It is concluded that 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.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

This is a third-party appeal against the decision of the PA to grant planning permission for the proposed vent. The grounds of appeal reflect those concerns raised with the Planning Authority during its assessment of the proposed development and are summarised as follows:

- Impact on the candidate ACA
- Negative Visual Impact
- Negative Air Quality Impact
- Planning precedents

It is requested that the development be refused, and the decision of the PA be overturned.

### 6.2. Applicant Response

The applicant has submitted a response to the third-party appeal, summarised as follows:



- The justification for the vent stack in this location is the proximity to the existing underground installation.
- The stack is necessary to bring the existing installation into compliance with health and safety requirements.
- The development will not detract from the character of the area or interfere with the public right of way.
- The unit can be painted black.
- There is no continuous odour associated with the vent stack and gas is only released on the rare occasion that an issue occurs with the existing installation.
- There is already a vent relief valve in the existing installation. The proposed unit will enable any infrequent, small release to occur at the height of 3.25m, resulting in less impact on the surrounding area.
- There is precedent for the development of gas installations located within 30m of residential properties and all locations were selected due to their proximity to existing gas infrastructure.

### **6.3. Planning Authority Response**

The PA submitted a response to the third-party appeal, referring the Board to the Planners Report and advising that the grounds of appeal do not raise any new matter which would justify a change of attitude to the proposed development.

### **6.4. Observations**

None.

### **6.5. Further Responses**

None.

## **7.0 Assessment**

7.1. Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the development the subject of this application and the nature of existing and permitted development in the immediate vicinity of the site including the planning history of the subject site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

- Principle of the development
- Visual Impact & Impact on cACA
- Other Issues
- Appropriate Assessment

### **7.2. Principle of the Development:**

7.2.1. The proposed development comprises the installation of a 3.25m vent stack servicing the existing underground natural gas pressure reduction installation with all ancillary services and associated site works at the junction of Adelaide Road and The Metals cycle route, Sandycove, Co. Dublin. The site lies on the Metals which is a public right of way and a candidate ACA. The purpose of the installation is to bring the existing gas installation into compliance with health and safety requirements and the Board will note that the applicant advises that there is an existing vent relief valve associated with the existing installation in this location.

7.2.2. The site is not zoned for any specific development, and I note that Dun Laoghaire Rathdown County Council are the land owners and have provided their consent for the making of the application. I have no objection in principle to the proposed development at this location.

### **7.3. Visual Impact & Impact on cACA**

7.3.1. The Board will note that the third-party appellant has raised concerns in terms of the impact of the installation on the candidate ACA. Section 11.4.2 of the CDP deals with ACAs while Objective HER13 seeks to protect the character and special interest of

an areas which has been designated as an ACA. Objective HER16 deals with Public Realm and Public Utility Works within an ACA. It is the stated objective to:

- i. Retain or sensitively reintegrate any surviving items of historic street furniture and finishes such as granite kerbing and paving that contribute to the character of an ACA.
- ii. Ensure that works to the public realm - such as the provision of traffic control measures, street furniture, materials and finishes - have regard to the distinctive character of the area.
- iii. Encourage the undergrounding of overhead services and the removal of redundant wiring/cables within an ACA.

In terms of development within a candidate ACA, Objective HER17 states that it is a Policy Objective to assess candidate Architectural Conservation Areas to determine if they meet the requirements and criteria for re-designation as Architectural Conservation Areas.

- 7.3.2. The Metals is a historic industrial pathway which was originally created to transport stone from the quarry at Dalkey to the harbour works in Dun Laoghaire. Today the pathway is an important recreational, walking and cycling route. The proposal is for a 3.25m high vent stack on the edge of the cycle and pedestrian route. A grant of permission will not give rise to any impediment to current users of The Metals in terms of the cycle and footpath.
- 7.3.3. Having regard to the limited scale, height and slender design of the proposed ventilation stack, together with its location in the context of The Metals and the adjacent Dart line, I do not consider that if permitted, a visual impact arises that would compromise the integrity of the area, or the potential for the designation of The Metals as an ACA. I would further note that a number of these stacks are located on the line of The Metals at other locations of the cycle/walk way and I am satisfied that they are not so significant a feature as to warrant a concern in terms of visual impact. I do not consider that any mitigation measures are necessary in terms of visual impact.

#### **7.4. Other Issues**

- 7.4.1. The appellant has raised concerns in terms of the impact of the installation on existing residential amenity, and in particular, in terms of the potential negative air quality impacts associated with potential unpleasant odours from the stack. It is submitted that no assessment of the impact on the air quality has been undertaken, or consideration of alternative locations for the vent, away from residential properties.
- 7.4.2. I would note that the location of the proposed vent is determined by the location of the existing gas installation and its purpose is to bring the existing underground gas installation into compliance with health and safety requirements. It is noted that there is an existing vent relief valve in the existing installation, and that the proposed unit will enable any infrequent, small release to occur at the height of 3.25m, resulting in less impact on the surrounding area. I note that natural gas has a lower density than air and therefore, rises quickly upwards and away from the public path, and associated users. I also accept that the occurrences of gas releases will be infrequent and as such, it is most unlikely that any issues in terms of odours will occur so as to give rise to complaints from adjacent residential properties.
- 7.4.3. However, I note that the Board has, in the past considered it appropriate to include a condition requiring the developer to keep a log of emissions and to advise the Planning Authority accordingly so as to assist with the correlation and investigation of any odour complaints from the area. I consider that a similar condition should be included in terms of the subject appeal.

#### **7.5. Appropriate Assessment**

- 7.5.1. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be undertaken for any plan or programme not directly connected with or necessary to the management of a European site but likely to have a significant effect on the site in view of its conservation objectives. The site is not located within any Natura 2000 site and the development the subject of this application and appeal is not directly connected with or necessary to the management of a European site. The applicant did not submit an AA Screening or Natura Impact Statement.

- 7.5.2. The site is not located within any Natura 2000 site. The closest Natura 2000 site is the Dalkey Islands SPA (Site Code: 004172) which is located approximately 2km to the east. The Rockabill to Dalkey Island SAC (Site Code: 003000) lies approximately 2.3km to the east. The South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) lies approximately 2.2km to the north west and the South Dublin Bay SAC (Site Code: 000210) is located approximately 2.5km to the north west of the site.
- 7.5.3. I am satisfied that the above sites can be screened out in the first instance, as although located within the zone of significant impact influence, the ecology of the species and / or the habitat in question is neither structurally nor functionally linked to the proposal site. There is no potential impact pathway connecting the designated sites to the development site and therefore, I conclude that no significant impacts on the identified site is reasonably foreseeable. I am satisfied that the potential for impacts on the identified Natura 2000 sites can be excluded at the preliminary stage.
- 7.5.4. I have considered the NPWS website, aerial and satellite imagery, the scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Qualifying Interests, the separation distances and I have had regard to the source-pathway-receptor model between the proposed works and the European Sites. It is generally reasonable to conclude that on the basis of the information available, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the European Sites identified within the zone of influence of the subject site.

## **8.0 Recommendation**

- 8.1.1. I recommend that permission be granted for the development for the following reasons and considerations, and subject to the stated conditions.

## **9.0 Reasons and Considerations**

Having regard to the location of the subject site, together with the design and small scale of the proposed development, and the pattern of development in the area, together with the policies and objectives of the current Dun Laoghaire Rathdown County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposal would not seriously injure the visual

amenities of the area or detract from the residential amenities of property in the vicinity, and would not adversely or materially impact on the character of any existing or candidate Conservation Area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The developer shall keep a log of emissions and advise the planning authority accordingly so as to assist with the correlation and investigation of any odour complaints from the area. The developer shall also ensure that the installation is sound proofed as far as is reasonably practicable in the interest of minimising the risk of any perceived noise nuisance being experienced by local residents.

**Reason:** In the interests of residential amenity.

3. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interests of public health.

4. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation

from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In the interests of residential amenity.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

---

A. Considine  
Planning Inspector

4<sup>th</sup> June 2023