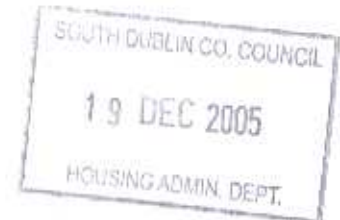


Tay Lane Residents' Action Group
Tay Lane, Rathcoole,
Co. Dublin.

December 16, 2005

Traveller Accommodation Unit,
Housing Department,
South Dublin County Council,
P.O. Box 4122,
Town Centre,
Tallaght,
Dublin 24



RE: Proposed Development under part 8 of the planning & development regulations 2001/2003 – voluntary housing project between South Dublin County Council and Cluid Housing Association to accommodate members of the travelling community at Tay Lane, Rathcoole.

To whom it may concern:

In accordance with the relevant article 2(d)(iii) of Part 8 of the Planning and Development Regulation 2001/03, we wish to express our considered opinions in relation to the above.

1. General Objection
2. Accordance with Planning Regulations
3. Planning and Development Standards
4. Planning Issues – Boundary Treatment, entrance, etc
5. Engineering details
6. Remainder of lands

1. General Objection

We as a community feel this site is totally unsuitable because of it's location, lack of facilities and total disregard for the small rural Tay Lane community.

This proposed site borders the business/training gallops where thoroughbred horses are trained and exercised on a daily basis by the Taaffe family. If developed, it will no doubt

lead to health and safety issues and the demise of the Taaffe family business as clearly outlined in the attached letter (See Letter from *Alliance Insurance*).

Local people are being discriminated against as to date there has been no sewage connection available and to quote a SDCC document July 2003 "would lead to demands for the uneconomic provision of public services in an area where they are not proposed; would constitute an undesirable precedent for further similar development in the vicinity; and would not be in accordance with the Council's sustainable development objectives." This site is unsuitable as it's proximity to the storm water reservoir, poses a serious danger to young children, as this can fill to a depth of several feet within a matter of minutes.

Local property will suffer approx. 30% devaluation on property prices as confirmed by local auctioneers/ estate agents. In addition, local business will be impacted upon to the detriment of the residents in the area. We believe that there is a lack of confidence in SDCC ability to ensure that the site will be maintained properly. This is also the first time that *Cluid* have undertaken a project with the traveling community so no history is available.

2. Planning and Development Regulations 2001/03

The said development is not in accordance with the above regulations and accordingly should be revoked on foot of this.

This is for the following reasons:

Article 81 (b) states that the " nature and extent of the proposed development " shall be indicated in the press notice.

We are of the opinion that this notice is not correct. It does not include all the attenuated parts of the proposed development, mainly that of the proposed pumping station or pump house as referred to in Drawing No. PL-01. Nor does it include for the site development works (foul Sewer) along the road. If these exceed €126,000, as outlined in Article 80(k) of the Planning and Development Regulations, the said development comes under Section

179 of the Act and therefore cannot be constructed without another Part 8 scheme. Accordingly, we are of the opinion that the description of this development is flawed and will be ultra-vires of the Planning Act.

Furthermore there are no elevations illustrating this part of the development. Article 83 states that the local authority shall make available for inspection documents that shows the development “ and principal features “. The pump house is a principal feature which has not been illustrated.

Article 83(b) has also not been carried out in full. The site plan is incorrect with a red line illustrating the “area of site “ and a blue line illustrating ownership of lands of south Dublin. We are of the considered opinion that the proposal should indicate the landownership of the parties involved in the part 8 application.

Article c (ii) requires other plans and drawings.... As are necessary to describe the proposed development. In this regard they are not complete and if it was an application submitted under the normal planning system, they would be invalidated as it is difficult to assess the site without the following:

- There is no cross section/s through the site;
- Site survey and levels
- No details of finishes or materials;
- No finished floor levels;

On this basis, we ask that the plans be revoked accordingly.

We also note that there is no site notice in place on the subject site.

3. Planning and Development Standards

The South County Dublin Plan dictates planning standards in order to ensure the proper planning and development of the area. These standards apply across the board for reasons of ensuring a quality and sustainable environment.

The proposed development does not meet these standards. The Class 1 / public open space provision on the subject site is inadequate.

The rear garden amenity areas are below planning standards.

On a principle note, the development does not demonstrate sightlines from the proposed Egress / Ingress. We know that this site is located on a bend and therefore hold that the development will result in a traffic hazard to the detriment of the safety of road users. Planning permission was refused on an adjoining site before (Athy Oil) for this very reason.

The development should be revoked accordingly on grounds of safety of traffic users.

4. Planning Issues

The subject site is zoned as agricultural lands. The proposal to located dwellings at this location materially contravenes the land use zoning at this location. It also materially contravenes the Regional Planning Guidelines and those provided in the National Spatial Strategy both of which documents promote only sustainable development.

The locating of dwellings within this area remote from services and community facilities and will result in an unsustainable community (Colony) that is reliant on cars. The paths are inadequate. In addition, there is no street lighting.

The site is remote and non integrated which not only dislocated the proposed residents socially but also physically. The main norm for social housing is for integration into the community. This proposal does not integrate them physically or socially.

The boundary treatment is inadequate. Located to the rear of the site is a stud farm with a 'gallop' located within 10m of the site. This will attract children from the proposed estate into the site which may result in a serious accident. The boundary treatment is of a poor quality and off insufficient height.

5. Engineering Details and impact

The engineering specifications are not shown and are misleading accordingly. The size of the pipes, invert levels and location of manholes are incorrect notwithstanding that the location of the foul sewer connection is not disclosed other than stated as "pumped to the nearest mains outfall".

We would estimate that this distance will be around 1350m. Professional Engineering Opinion has told us that

The size of pipe required to serve this estate would be a 225 mm . Without knowing the specific levels involved, and assuming the works involve laying the sewer at a depth of c. 3.0m and includes backing of trench with Cl. 804 material and reinstatement of the public roadway the cost would be c. €350 / m and c. 6k per manhole (x6) therefore c. €472,536 plus VAT in total. This figure may rise dramatically if rock, complex existing services, uncharted services or poor ground conditions are encountered along the route.

We are off the opinion that this cost at almost half a million euros is a waste of Council resources and should be revoked accordingly.

The total Cost we estimate for the development is

Site Cost	800,000	
Build Cost		
Units (Sq.m)678.5 @ €1500.sq.m	1017750	
Site Works	472,536 (Connection to mains)	
Boundary Treatment	60,000	
Landscaping and road	180,000	
Legal (1%)	21,000	<u>TOTAL 2,551,286</u>

The total cost of these units will be in order of 365,000 euros which when including two 1 beds at 44.sq.m (460.sq.ft) represents city centre prices for one bed apartments.

There is no surface water attention shown within the proposal and therefore we would be concerned of flooding of the adjoining stream.

6. The remainder of the lands

The remainder of the lands (.24 hectares) or just over an acre are not integrated within the proposal. This merely provides an additional location for more of the same housing.

This is not acceptable and is merely planning by stealth.

We wish to suggest that a section 38 agreement is entered into to sterilize these lands accordingly.

In addition, we suggest that a buffer strip be erected north to south along the eastern boundary with the omission of House Unit No. 7. This buffer strip should be planted extensively within two boundary wall areas to create a physical barrier.

Conclusion

We feel that the proposal is ill conceived, does not meet development standards, will result in a dislocated community which will not integrate into the Tay Lane Area and will cause serious problems for the Taaffe's Stud Farm.

We therefore seek that the council consider this submission in full and revoke the proposed development on the outlined and demonstrated grounds.

We look forward to your written response in due course.

Yours Sincerely,



Anne O'Brien, Secretary

On Behalf of

The Tay Lane Residents Association.



66 Church Street, Marree, Co. Dublin. Telephone: 849 3900 Fax: 849 5550
Email: info@allianceinsurance.ie
Website: www.allianceinsurance.ie

Mrs. Ann Taaffe,
Red Lodge Stud,
Tay Lane,
Rathcoole
Co. Dublin.

15th December 2005.

I refer to our recent meeting in connection with your queries in relation to the proposed development of seven houses near the boundary of your stud farm. I have discussed the potential risks with a number of liability underwriters in both Dublin and London and regret to advise that we will be unable to provide cover for Employers and Public liability insurance due to the close proximity of the houses is likely to create an unacceptable risk to both horses in training using the all weather gallops and to apprentice jockey's and staff who could be seriously injured in the event of any unusual or sudden occurrence by persons/dogs/noise or levels of disturbance which obviously would be outside your control.


We also will have difficulty providing Bloodstock cover in respect of mares, foals, yearlings etc., unless trespass is prevented. I fully understand the content of this letter will not meet with your approval and I sympathise that the family farm, which has operated for over 100 years as one of Ireland's premier stud farms and training centres, could find itself unable to trade due to insurance difficulties.

Unfortunately we are in highly litigation conscious country and insurers and liability underwriters have suffered serious losses over the years and with the reduction of insurers in the Irish market, makes it nearly impossible to place a risk with obvious unacceptable high exposure risks to accidents and claims.

I am available to both Toss and yourself if you require me to attend any meeting in respect of the above.

Kind regards,

Yours sincerely


John D. Lyons
Managing Director