



An
Bord
Pleanála

Board Direction
BD-003446-19
ABP-304037-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on July 2nd, 2019.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

Having regard to the proximity of the subject development to the Knocksink Wood Special Area of Conservation (site code 000725), to the potential for impacts on the qualifying interests and conservation objectives of this European Site due to alterations to the natural hydrogeology associated with the proposed development, and to the sensitivities of the European Site to land modification of the development site, both through diversion of groundwater from the gravel layers and the gravel layers acting as a hydrological pathway for polluted water, it is considered that the documentation submitted as part of the application, including the Natural Impact Statement dated March 2019, and accompanying engineering and hydrogeology reports, is insufficient to provide a full understanding of the hydrogeology of the lands, and fails to provide a conceptual hydrogeological model that establishes, beyond scientific doubt, that the proposed development would not adversely affect the integrity of this European Site.

In particular, while the Natura Impact Statement states that the catchment zone or groundwater catchment zone for the petrifying springs within Knocksink Wood Special Area of Conservation lies outside the refined Action Area Plan (AA1) zone,

as detailed in figure 2 of the Natura Impact Statement, it is considered that the submitted documentation does not provide scientific evidence to support this statement. The origin of the catchment zone and the hydrogeological information on which it was based has not been supplied, and a conceptual hydrogeological model of the site of the proposed development, and its connection to the European Site, has not been provided. In the absence of mitigation, it is accepted in the Natura Impact Statement that the natural hydrogeology within the subject lands could potentially be altered which could result in adverse impacts on the qualifying interest habitats of Knocksink Wood Special Area of Conservation (which have a high sensitivity to changes in both ground and surface water levels). Without sufficient information to inform the design and management of surface water flows and infiltration, the Board cannot be satisfied that the proposed mitigation measures would remove the potential for impact on petrifying springs with tufa formations, which is a qualifying interest habitat of this European Site.

The Board, therefore, cannot be satisfied, beyond reasonable scientific doubt, that the proposed development, either individually or in combination with other plans and projects, would not adversely affect the integrity of Knocksink Wood Special Area of Conservation, in view of the site's Conservation Objectives and Qualifying Interests. The Board is, therefore, precluded from granting planning permission for the proposed development.

Note: The Board noted the submissions made by observers and the report of the Planning Authority's Chief Executive. The Board concurred with the Planning Authority's concern regarding the inappropriateness of the proposed external finishes, in the context of the character of Enniskerry village, but considered that this matter could be adequately dealt with by condition. However, the Board retained concerns, in the light of the submissions received, in relation to permeability with, and the impact of the proposed development layout on, the potential for development of adjoining zoned lands, and considered that these issues would need to be fully addressed in the event of any future application for development on the subject site, and could not readily be addressed by condition. The Board also accepted that the issues raised by the Planning Authority regarding density, the core strategy and

phasing of development, represented a material contravention of the statutory Development Plan / Local Area Plan, but also noted the submission, by the applicant, of a Material Contravention Statement, and was cognisant of the provisions of Section 37 (2)(b) of the Planning and Development Act, 2000, as amended, in this regard.

[Please issue a copy of this Direction, with the Board Order, to the parties.]

Board Member

Date: 2nd July 2019

Philip Jones