



An  
Bord  
Pleanála

**Board Order**  
**PL 06D.248782**

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## **Planning and Development Acts 2000 to 2017**

**Planning Authority: Dún Laoghaire-Rathdown County Council**

**Planning Register Reference Number: D16A/0855**

**Appeal** by Irish Water care of Nicholas O'Dwyer Limited of Unit E4, Nutgrove Office Park, Nutgrove Avenue, Dublin, by Peter Moorhead of 133 Stillorgan Heath, Stillorgan, County Dublin and by others against the decision made on the 1<sup>st</sup> day of June, 2017 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to the said Irish Water in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Development consisting of a covered treated drinking water reservoir with an area of 3.1066 hectares and a green roof, associated pipelines, a control building (accommodating valve controls, secondary disinfection and welfare facilities) with an area of 2,904 square metres, a new vehicular access from Saint Raphaela's Road, internal access roads, landscaping, a drainage attenuation pond and all associated site development and site excavation works above and below ground. The covered reservoir and control building will be located in the existing Gray Reservoir and will replace the existing three open reservoirs. The existing open storage reservoirs, Gray Reservoir, Upper Reservoir and Lower Reservoir will be drained, decommissioned and landscaped. Works are located at Stillorgan Reservoir, Mulchanstown, County Dublin. Works are proposed in the curtilage of protected structures RPS number 1524, Vartry House, Vartry Waterworks Complex including the Overflow Screen Chamber, Bridge, Gateway and Granite Walls.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

Having regard to: -

- (a) the provisions of the Water Services Strategic Plan published by Irish Water,
- (b) the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022,
- (c) the planning history of the site,
- (d) the inclusion of the Stillorgan Reservoir on the original Environmental Protection Agency's Remedial Action List (2008) which established a need for an upgrade of the existing water storage facilities in order to protect the safety and security of a drinking water supply,
- (e) all documentation on file including the Environmental Impact Statement and the mitigation measures contained therein, and

(f) the report of the Planning Inspector,

it is considered that, subject to compliance with the conditions set out below, including compliance with the mitigation measures proposed, that the impact of the proposed development on the environment would be acceptable and that the proposed development:

- would not seriously injure the visual and residential amenities of properties in the area or detract from Sandyford Business District,
- would be acceptable in terms of pedestrian and road traffic safety and convenience,
- would not seriously injure the ecology of the area,
- would not seriously detract from the character or setting of significant features of architectural heritage,
- would have positive effects on human health,
- would not be likely to give rise to a risk of flooding, and
- would generally comply with the development plan policy for the area.

The Board considered that the landscaping, design and layout proposed together with the mitigation measures and commitments of the applicant and the conditions below will ensure that a high standard of development is achieved including in relation to environmental protection, land use and amenity.

### ***Appropriate Assessment Screening***

The Board noted the Appropriate Assessment Screening carried out by the Inspector. The Board concurred with the Inspector's assessment, and adopted the conclusions and recommendations in this regard. The Board is, therefore, satisfied, having regard to the nature, location and scale of the subject development, that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on the South Dublin Bay Special Area of Conservation (Site Code 000210), the South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code 004024) or the North Bull Island Special Protection Area (Site Code 004006) or any other European sites, in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is not, therefore, required.

### ***Environmental Impact Assessment***

The Board considered that the Environmental Impact Statement submitted with the application, the report, assessment and conclusions of the Inspector with regard to this file and other submissions on file, was adequate in identifying and describing the direct, indirect and cumulative effects of the proposed development. The Board completed an environmental impact assessment, and agreed with the Inspector's assessment of the likely significant effects of the proposed development, and agreed with the conclusions on the acceptability of the mitigation measures proposed and residual effects. The Board generally adopted the report of the Inspector. The Board concluded that, subject to the implementation of the mitigation measures proposed, the effects of the proposed development on the environment would be acceptable.

The Board therefore considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 10<sup>th</sup> of April 2017, 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 mitigation measures and commitments identified in the Environmental Impact Statement and other plans and particulars submitted with the planning application, shall be implemented in full by the developer, except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.

3. Prior to commencement of any works at the site, the developer shall submit and agree in writing with the planning authority:
  - (a) a final Traffic Management Plan,
  - (b) a final Construction and Environment Management Plan,
  - (c) details of the developer's appointment of an Ecological Clerk of works and definition of roles and responsibility of that person, and

- (d) details of the developer's nomination of relevant personnel for the purposes of communicating with the public for the duration of the construction.

**Reason:** In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.

- 4. The landscaping scheme submitted to the planning authority shall be carried out within the first planting season following substantial completion of external construction works. In addition to the proposals in the submitted landscaping scheme, a revised landscaping scheme shall be submitted to, and agreed in writing with, the planning authority to include the following:
  - (a) the attenuation pond shall be planted with emergent vegetation, and
  - (b) provision may be made for additional water features on site in order to comply with condition number 5 below and enhance the suitability of the site for bat species present.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity and the protection of the environment.

