



An
Bord
Pleanála

Inspector's Report PL06D.248782.

Development	Covered treated drinking water reservoir of area of 3.1066 ha and other works.
Location	Stillorgan reservoir, Brewery Road, Mulchanstown, Co. Dun Laoghaire Rathdown.
Planning Authority	Dun Laoghaire Rathdown Co. Co.
Planning Authority Reg. Ref.	D16A/0855.
Applicant	Irish Water.
Type of Application	Permission.
Planning Authority Decision	Grant permission.
Types of Appeals	1 st V Conditions and 3 rd V Grant
Appellant	1. Irish Water, 2. Peter Moorehead 3. Gerry Griffin 4. Jonathon Comerford
Observer	Sandyford Business District Association.
Date of Site Inspection	17 th October 2017.
Inspector	Mairead Kenny

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1.0 Site Location and Description

- 1.1.1. The site is located in an inner suburban location broadly defined to the north, west and east by two storey residential properties and to the south by the Luas line and Blackthorn Avenue beyond which is located the emerging Sandyford district. The vast majority of the site is dominated by the three existing basins enclosed within a reservoir embankment, which is approximately 8 m high in places. The location of the proposed development is largely within the Gray Reservoir which is the most westerly and largest. The most easterly basin is named the Lower Reservoir and the central one is referred to as the Upper Reservoir. The outer edge of the embankments is grassed. The inner side of the individual basins is lined with granite boulders.
- 1.1.2. Chapter 7 of the EIS in assessing the architectural heritage impacts provides an outline of the history of construction of the overall Victorian Vartry water supply scheme, of which the reservoir originally formed a significant and integral component. The reservoir at Stillorgan provided storage of treated water at a level that was higher than the highest point within the city boundaries and the shape of the site was determined by location to the north of the railway line and by field boundaries. The map of 1865 which is reproduced in figure 7 – 3 refers. Figure 7 – 4 shows the extension of the Stillorgan reservoir is by the addition of the 3rd reservoir, the Gray reservoir in 1885.
- 1.1.3. The site is virtually devoid of trees but the grassed embankments are very dominant features which are visible from the public realm and from residential houses surrounding the site. There are a few small but prominently sited structures associated with the operation of the reservoir. The site contains a number of protected structures all of which are positioned at the eastern end of the site close to Brewery Road. In terms of the buildings the most notable of these is the screen chamber house, which is a distinctive octagonal building and which is clearly visible from Brewery Road. Also prominent in views from Brewery Road are the gates and the administration building and at this location there is a small cluster of trees. Along the southern end of the site a small brick valve house is clearly visible from the Luas and surrounding areas.

- 1.1.4. In terms of potential views from the interior of buildings including the houses at Stillorgan Heath and Weirview Drive and from office and residential buildings at Sandyford, views of the site would be to the water from the upper levels and to the embankment from the lower levels. Some of the features of architectural interest on the site are not visible from the public realm including the small footbridge over the culverted Carysfort-Maretimo stream which runs along the southern and eastern sides of the site.
- 1.1.5. The application form indicates that the area of the site is 21.372 hectares. The gross floor space of existing buildings is 590 m².
- 1.1.6. At the time of my site inspection which took place over a period of one and a half hours, the site was being attended to by a Falcon handler for the purposes of bird control. I was advised that this form of management takes place daily and for a period of three hours. There were a number of seagulls (possibly 40 in all) as well as a heron and two cormorants on the site, congregating at the main basin.
- 1.1.7. I was advised that the operation of this site involves use primarily of the Upper and Lower reservoirs and that the Gray reservoir is retained for use in exceptional circumstances and even then water is drawn only from the upper levels of the waterbody. Intake of treated water to the reservoir is from a number of sources including the Vartry water treatment plant and the Ballymore Eustace water treatment plant, both of which supply the open reservoirs. There is also a supply from Saggart by way of a direct pipeline, which is not fed through the reservoirs.
- 1.1.8. I inspected the interior of the screen chamber building, which is a very fine octagonal structure with decorative stonework on the exterior and ornate and commemorative metalwork in the interior. Water is drawn into this structure is for the purposes of removing any twigs or other detritus, which may occasionally enter the reservoir. From there water receives a boost of chlorination/UV treatment before being distributed through five main pipes to the wider area including areas in Dublin city and Dun Laoghaire Rathdown.
- 1.1.9. The surrounding road network is dominated by relatively wide and busy routes including Brewery Road, Blackthorn Avenue and St Raphaela's Road. There are presently two entrances to the site both of which are located at Brewery Road. The northernmost of these two entrances is rarely used, except by the falconer and other

occasional use. The main site entrance is used on a daily basis by workers and generates the most traffic. Presently there is no access at St Raphaela's Road. There is a bus stop along the western side of the site at St Raphaela's Road. The Luas also runs to the south of the site and there is a car park and a marshalling yard at that area also. There is a line of trees along the embankment at that side.

- 1.1.10. The north of the site in particular is of residential character. The boundary between houses and the embankment is marked with a granite wall above which is located a fence. A large number of houses at Stillorgan Heath have retained a relatively clear outlook to the embankment and the site in general. A number of rear gardens are more heavily planted and would have more enclosed views.
- 1.1.11. Photographs of the site and surrounding area which were taken by me at the time of my inspection attached.

2.0 Proposed Development

2.1.1. Permission is sought for development described as follows:

- Develop a covered treated drinking water reservoir of area of 3.1066 ha finished with a green roof
- Stated capacity of the storage is 160 megalitres (ML), which would cater for twice the current daily storage of 80 ML
- Associated pipelines which traverse much of the site and a control building
- Vehicle access from St Raphaela's Road
- Internal access roads, landscaping, drainage, attenuation pond
- 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
- Initially the Gray reservoir will be drained down and the two other reservoirs will be retained for use pending commissioning of the new works

- Works are in the curtilage of protected structures Vartry House and waterworks complex including the overflow screen chamber, bridge, gateway and granite walls.

- 2.1.2. An EIS was submitted. This was revised by further information presented in response to a request by the planning authority. These documents were received on 10th April 2107. The revised main report of the EIS is in Appendix G of the further information response.
- 2.1.3. The application form indicates that public consultation has taken place in relation to the proposed development.
- 2.1.4. Surface water drainage will discharge to an attenuation pond on the site and flow to the Carysfort-Maretimo stream.
- 2.1.5. In terms of the legal interest of the site it is stated that Dun Laoghaire Rathdown County Council is the legal owner of part of the subject site and a letter of consent is included in relation to the making of the application.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority decided to grant permission subject to 16 number conditions including:
- Prior to commencement of development the applicant shall in accordance with section 34 (4) (m) provide for the temporary provision of publicly accessible space on an area of the lands shown on drawing number 20586 – SR – PP – 081. The full extent of the area to be used as open space and access to same shall be agreed in writing with the local authority. The applicant may enter into a legally binding agreement with the Council in accordance with section 47 (1) of the PDA. If agreement cannot be reached between the developer and the planning authority the matter may be referred to the Board for determination. The temporary nature is to accommodate the future needs of Irish Water when/if they arise at a future date. The stated reason for this condition is proper planning and sustainable development of the area and to ensure that

the proposed development accordance with the objectives of the SUFP and the County Development Plan (Condition 2).

- Site development works to be carried out at specified hours.
- Matters related to roads impact during construction (conditions 4, 5, 6, 8, 9).
- Condition 7 specifies that the applicant shall liaise with the Council's traffic and road safety section, the NTA and TII prior to commencement of development with regard to the proposed details of the preliminary traffic management plan report dated October 2016.
- Implementation of the mitigation and control measures outlined in the EIS and CEMP, where required shall involve an ecological clerk of works, who shall be a suitably qualified ecologist who shall prior to the commencement of development agree in writing a programme of monitoring and reporting.
- The water margins of the attenuation ponds of the proposed development shall be planted with emergent vegetation.
- Pest control programme and emergency water safety contingency management plan to be adopted.
- Baseline water quality monitoring and a water sampling management plan to be prepared to analyse the water quality status of this watercourse during the construction works.
- Disposal of surface water to be in accordance with requirements of County Council.
- Silt and materials shall be tested to assess their suitability for use.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points of the planner's final report include:

- The EIS is considered to adequately describe the direct and indirect effects of the proposed development on the environment subject to mitigation and monitoring but further information is required in relation to Chapters 5 and 12.

- It is acknowledged that the covering over of the reservoir is required on public health grounds.
- According to the development plan definition the visual amenity aspect of the open space is secondary to the recreational opportunities.
- There are many examples around the world where covered reservoirs have been used as public open space including Jefferson Park.
- Due to its design and low scale the proposed building will not negatively detract from the visual amenity of the area.
- The proposal contributes to the retention of Victorian architecture and its contribution to views and visual amenity will be unaltered.
- The site is in a transitional zone in that the site is zoned F and the adjoining lands to the north are zone 'A' and policy in section 8.3.2 refers and in this respect the impact of the proposed development on residential amenity shall be considered.
- An assessment is made of the potential for impact on houses at Weirview Drive and Stillorgan Heath and concludes that there are no concerns regarding the height of the reservoir and compound and it is not considered that this will detract from the residential and visual amenity.
- I do not consider that access to the green roof other than for maintenance would be appropriate.
- Noise impacts will be intermittent primarily and vibration impacts in the construction phase are unlikely having regard to the minimum separation of approximately 35 m to the nearest sensitive receivers.
- Operational noise will be limited to dosing pump and valve actuators which would be enclosed within the building and at a distance of approximately 125 m from the nearest noise sensitive receivers and will be attenuated by the existing embankment and proposed development.
- The proposed bridge is approximately 4m from the protected bridge and is considered not to detract from the character of the protected structures.

- It is considered appropriate to request the applicants to exploring the option of entering into an agreement with the council to allow some form of public access to the landscaped area for a temporary period of 20 years until 2031 – it is acknowledged that the reservoirs in the ownership of Irish Water – however it is that there is a unique opportunity to explore the use of the site for public open space.
- In relation to the further information response received I disagree that the SUFP objective to develop part of the site as active open space cannot be met and the use of the land as public open space would be looked at very favourably by local residents would be a win-win for both.
- Any concerns in terms of security or safety can be easily overcome through good design consultation between the parties. A 10 to 12 year lease could be granted.
- The attenuation pond is considered acceptable subject to planting of the water margins of the attenuation pond with emergent vegetation which will make it attractive for breeding by certain aquatic bird species.
- The Stoat survey indicates that there would be very limited effect.
- The majority of the issues raised at further information stage have been adequately addressed and in particular the EIS is found to be acceptable and the concerns with regard to appropriate assessment screening have been overcome and the findings are robust.
- A stage II appropriate assessment is not required.
- The provision of public open space as a temporary measure can be provided in a licence agreement with the local authority and at the expense of the local authority in accordance with section 34 (4) (m) as amended which will allow for the proposed development to comply with the policies and objectives of the development plan and the SUFP and subject to conditions the proposed development complies with the zoning objective and is considered acceptable.

3.2.2. **Other Technical Reports**

3.2.3. The final report of the **Biodiversity Officer** notes the response of the applicant to the matters raised in the further information request and states that there is no objection to the proposed development once all control measures outlined in the EIS and in the CMP are implemented including the requirement for an ecological clerk of works. Further the CEMP does not include any measures relating to silt and materials and suitability for reuse, which should be addressed by condition.

3.2.4. The final report of **Parks and Landscape Services** disagrees that the SUFP objective to develop part of the site as open space cannot be met by condition. Refers to engagement with the planning authority to agree the exact details and arrangement of the publicly accessible public open space, which should be accessible from both St Raphael's Rd and Brewery Road with potential additional links to greenways and open spaces in proximity to the site and to be managed by the council under a legal agreement.

3.2.5. The report of the **Municipal Services Department (Drainage Planning)** indicates no objection subject to surface water drainage being in accordance with the submitted planning application documents and drawings which detail use of green roof, roadside French drains, Hydro break and attenuation pond. Protection measures in the construction phase of the development shall be put in place. Full details of the proposed green roof to include the construction plan and post construction maintenance schedule shall be submitted. The conclusion on the impacts on surface water drainage presented in the EIS are acceptable.

3.2.6. Report of the acting **Conservation Officer** notes that the subject site contains a number of protected structures which are listed in appendix 4 of the development plan. The proposed works have therefore been assessed having regard to chapter 6, policy AR 1 and chapter 8 of the development plan as well as section 8.2.11.2 (iii). There are constraints on where a new bridge can be situated. The bridge design is simple and does not compete with the mid-19th-century structure. Construction of this new bridge is a better option than making significant changes to the original.

3.2.7. **Transportation Planning** report of 18th of November 2016. This notes table 11 – 14 and the conclusion that the impact of the proposed development on St Raphaela's Road and Brewery Road will be moderate/temporary and minor/temporary

respectively, which is deemed acceptable. St Raphaela's Road is a busy pedestrian and cycle route due to proximity to industrial estates, a bus shelter and the Luas station. Further information is required in relation to pedestrian and cycle priority at the new access during the operational phase a detailed plan and cross-sectional drawing are required. In the final report there is no objection subject to conditions.

3.2.8. The consultant's report commissioned by the planning authority provides an **evaluation of the ecological report** and in particular reviews chapter 12 of the EIS and provision of information regarding screening for Appropriate Assessment. Further information is required including the breeding bird survey, and impact assessment on breeding birds and cumulative impact assessment on ecology of the proposed development in combination with other projects plan. Additional information also required in relation to works phase and related matters.

3.2.9. The report of the **HSE** states that the proposal is acceptable subject to an appropriate pest control programme being adopted, a services plan to address disruption of services, and emergency water safety contingency management plan to address the potential risk of contamination of drinking water and surface water for the duration of the project. Baseline water quality monitoring of the stream to be carried out prior to construction to ascertain the current Q value as well as a water sampling management plan to analyse water quality status of the freshwaters course throughout the duration of the project. Analysis if necessary of material excavated from the drained reservoir and appropriate treatment in accordance with the relevant 1998 waste management regulations.

3.2.10. The report of the **EHO of the Air Pollution and Noise Control Unit** (Blanchardstown) indicates that the development is acceptable subject to mitigation measures outlined in chapter 9 and chapter 10.

3.3. **Prescribed Bodies**

3.3.1. The application was referred by the planning authority to the following bodies – the Heritage Council, Failte Éireann, DAHRRGA, An Chomhairle Ealaion, An Taisce, OPW, Fingal County Council, East Coast Area Health Board.

3.3.2. The submission of **DAHRRGA** dated 3rd of January 2017 notes the presence of Daubenton's bat which have a requirement for open water habitat and which are

infrequently recorded and are rare in suburban Dublin. The 3 other recorded species are widespread in suburbia and would be expected to adapt to the new habitat but also would be expected to occur at a higher frequency over and around water bodies and some reduction in their abundance at the reservoir site would be expected. As a mitigation measure it is recommended that Irish Water be requested to increase the surface area of the proposed attenuation pond or to incorporate other water bodies into the landscaping proposals including the provision of such water bodies but also provide substitute habitat for the aquatic bird species which will be displaced. Bat boxes as recommended in the EIS should also be installed. Stoats have been observed previously although not in 2016. A stoat survey is required and mitigation measures should be presented including measures to address any possible stoat den which may be present.

- 3.3.3. The final report presented notes that the applicant was not requested to supply any further information regarding bats but that Irish Water responded negatively to the local authority's request in Point 8 of the information which sought to increase surface area of the proposed attenuation pond or to incorporate other open water bodies into the landscape proposals to provide for aquatic bird species. The nearest sites to the reservoir where Daubenton's bat occurs are all about 4 km away and the disappearance of the species from Stillorgan area must be deemed to be locally significant even though the number of individuals involved is likely to be small. The Department therefore recommends that it should be a condition of permission that the applicant should extend the surface area of the proposed attenuation pond or incorporate other water bodies into the landscaping design for the site, to ensure preservation of biodiversity by providing suitable substitute habitat to prevent the disappearance of the species which is afforded regime of special protection under the Habitats Directive, from the wider Stillorgan area. Regarding the request to submit a Stoat survey the Department accept that the species very probably they are no longer present on the site. It should be a condition of any permission that any sightings at the reservoir be immediately reported to the planning authority and the NPWS and the plans submitted for the protection dens. The Department is satisfied that there should be no significant impacts on the Natura 2000 sites provided the drawdown of water from the existing reservoirs into the stream and the sediment run-off prevention measures are implemented as proposed.

3.3.4. **An Taisce** in its submission of 29th of June 2016 notes the reports on archaeology and cultural heritage and on built heritage in the EIS and states that they have no comments on these aspects of the application.

3.4. **Third Party Observations**

3.4.1. **Elected representatives**

3.4.2. **Shane Ross TD** agrees in principle with the development. Concerned about the proposal to infill to smaller reservoirs on the site. Likely that these existing reservoirs would have to be re-excavated in the future. For these reasons the application shall be rejected and Irish Water encouraged to make better use of the existing reservoirs.

3.4.3. **Councillor Barry Saul** notes the lack of noise abatement measures and the need for strict planning conditions. Zoning ensures that a maximum of 40% of the site can be built upon. Provisions of the SUIFP and the provision of public open parkland. Potential for structural impacts and the need to fully indemnify residents in Stillorgan Heath. Need for increased separation between boundary wall of houses and new tanks. Need for a dedicated liaison officer. Procedural matters.

3.4.4. **Josepha Madigan TD** notes the need to cover the open reservoir. The consultation documents give an impression of a possible shared landscape community space. The long-term development objective to develop the reservoir into a park should be married with the development in order to reward the community for construction phase disturbance. Failure to consider renewable energy.

3.4.5. **Councillor Deirdre Donnelly** states there is lack of clarity regarding future of the grounds of the reservoir and boundaries. Site should not be open to the public. Construction phase traffic and need for clarity in relation to St Raphaela's Road access after construction. Irish Water should engage with residents including in relation to the draining of the lakes. Noise and dust levels should be monitored. There is concern that there will be an increase in vermin. Concerns in relation to the natural habitat and wildlife should be addressed. The appearance of the roof needs to be clarified. A dedicated phone line and phone contact within Irish Water required. Accepts the need for the upgrade.

- 3.4.6. A submission on behalf of **Sandyford Business District Association** supports the proposal. Association is shocked that there is no mention of public realm/open space/recreation facilities identified in the Sandyford Urban Framework Plan. There are no amenity assets at Sandyford business district and the delivery of the Civic Park and Benildus Park are a long way off. A special development contribution scheme was levied to deliver capital projects to support Sandyford's future development and we agreed to that on the basis that the commitments in the SUFP would be delivered. The proposal will have a negative impact on our integrity and influence as we are now a Business Improvement District.
- 3.4.7. The remainder of the **third party submissions are from individual residents** of the surrounding houses. I present a summary of the concerns below. I have grouped the issues raised under headings as there is considerable overlap in the submissions.
- 3.4.8. Residential amenity and impact on residential property Amongst the issues raised under this general heading concerns relating to quality-of-life, health, security and property value. Residents referred to existing privacy and security and concerns that these will be undermined by opening up of the site for public access and increased anti-social behaviour. Proximity of the development to dwelling houses and to boundaries of those houses is of concern. The siting of the development so close to houses is stated to be based on economic considerations and should be revised.
- 3.4.9. In relation to the impact on residential properties there are issues also regarding potential future insurance increases or difficulties in selling and in this context flood risk is also mentioned.
- 3.4.10. The applicant accepts that this development is unique in terms of the proximity to residential developments but fails to address the issues arising.
- 3.4.11. Open space and recreation Regarding the future use of the site comments range from suggestions that reservoirs be retained for swimming to requests that no public access at all be facilitated. The majority of submissions favour no public access to the site to prevent overlooking and reduced security.
- 3.4.12. Construction phase In relation to construction phase impacts apart from noise, dust and potential structural damage the potential for overlooking into residential homes is mentioned. It is considered that the requirements for blasting need to be further

investigated prior to commencement of any development. Possible effects arising from blasting, pests and concerns relating to hours of construction and traffic in this area, which is residential and which contains schools. Potential for disruption at exam times. Garda vetting of construction workers should be undertaken. No work should be allowed on Saturday.

- 3.4.13. In relation to any potential adverse effect on properties Irish Water need to provide a guarantee to residents that they will cover any damage.
- 3.4.14. Landscaping should be completed as a priority and no later than two years after the project is commenced.
- 3.4.15. A liaison officer should be appointed.
- 3.4.16. Detail and procedural matters Some observers comment that there is a lack of clarity in the application submissions and that the application process did not best facilitate public involvement. The address in the public notices is misleading.
- 3.4.17. Other matters Some submissions refer to the future of Irish Water as uncertain, which it is considered could have consequences in terms of future completion and maintenance.
- 3.4.18. Permission should be refused but if granted conditions should be very strict. There needs to be clarity about the commitments in the EIS and where statements refer to the word 'should' or 'may' these should be replaced with 'must'.
- 3.4.19. Potential for adverse effect on existing wildlife in the construction phase and long-term.
- 3.4.20. Lack of clarity in relation to the future use of the access point at St Raphaela's Road.

4.0 Relevant Planning History

- 4.1. Under PL 06D.129014 The Board upheld the decision of the planning authority to grant permission for development of a covered reservoir at the site. The location of the development within the overall site is broadly similar to that proposed under the current appeal. The stated area of the covered reservoir was 36,802 m². The concerns of the third party appellants included potential environmental impacts, structural integrity, the need to prohibit site traffic and personnel from using the

embankment particularly during the construction phase, to construction phase noise and related matters and traffic and security.

- 4.2. The application was not accompanied by an EIS. The decision of the Board was subject to 2 no. conditions namely that the development be in accordance with plans in particular submitted and that drainage arrangements comply with the requirements of the planning authority. The planning authority recommendation did not refer to any requirement for access to the site for open space. The date of decision of the Board was 12th of August 2002.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The provisions of the Dun Laoghaire Rathdown County Development Plan 2016 – 2022 refer. These incorporate the Sandyford Urban Framework Plan as Appendix 15. Key policy objectives refer to the importance of a secure and high quality water supply to support the provisions of the plan including the growth of identified areas.
- 5.1.2. Under the SUFP open space is identified as part of the infrastructure which is required to facilitate development. The objectives for open space zone 7 include objective F2:

to actively pursue the use of the existing reservoir as active public open space when the use of part of this area as a reservoir is abandoned and the remaining part is covered over. This will compensate for any future loss of the park lands at SBSG associated with the construction of the eastern bypass.

- 5.1.3. A footnote to this objective indicates that the utilisation of the site as active open space is dependent on the upgrading of the reservoir, which forms an integral part of the Vartry supply scheme, being realised.
- 5.1.4. Map 1 identifies the long-term strategic road proposal at the western end of Sandyford, which traverses a major area of open space at that location.

5.1.5. There are a range of objectives relating to the provision of open space, in particular, under objective OS-1 and OS-5.

5.1.6. The Vartry Waterworks includes a number of structures which are identified as protected structures.

5.2. **National planning context**

5.3. **Water Services Strategic Plan (WSSP) – a plan for the future of water services**

5.3.1. The key challenges and uncertainties in the provision of water and wastewater services to support social and economic growth include:

- Uncertainty in the rate of population (domestic) growth and changing demography.
- Uncertainty in non-domestic demand, from general commercial development.
- Balancing investment for growth with investment priorities for compliance, security of supply and operational efficiency.
- Impacts of climate change and socio-economic factors on the demand for water services.
- Meeting environmental compliance whilst providing for growth.

5.3.2. Irish Water publication identifies the Vartry water supply in terms of its historical context, its importance and its condition. Vartry is a source of much of the water which is stored in the Stillorgan reservoir. Upgrading of the Vartry water supply is likely to be addressed in Irish Water's National Water Resources Plan and future Capital Investment Plans. In its publicity shots and website Irish Water refer to the covering of the reservoir at Stillorgan in the context of other works at the plant near Roundwood and the provision of a new tunnel between the treatment plant and the Stillorgan reservoir.

5.4. **Irish Water Business Plan - transforming water services in Ireland to 2021**

5.4.1. This notes that large open reservoirs are still retained and that these give rise to requirements for additional treatment.

5.5. **Strategic environmental assessment for the water services strategic plan.**

5.5.1. This was published in July 2015. There is no specific reference to any of the major water supply schemes.

5.6. **Eastern and Midlands Region Water Supply Project**

5.6.1. *Final Options Appraisal Report* was recently published (Nov. 2016). *Project Need Report* (Feb. 2015) refers to need for a new major water supply for the Dublin region in the amount of 330MLD.

5.7. **Natural Heritage**

5.7.1. The nearest European Sites are over 3.3 kilometers from the site and include South Dublin Bay and River Tolka Estuary SPA and South Dublin Bay SAC.

5.8. **Other Designations**

5.8.1. The NIAH for the county has not been published.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. **First party appeal**

6.1.2. The appeal by Irish Water relates to condition 2. The applicant considers that the condition has been misapplied. There are no concerns with the remaining conditions.

6.1.3. Condition 2 will negatively impact the proposed and future use of the site for the strategic provision of water services.

6.1.4. The proposed upgrade achieves Irish Water's legal obligations which are set out in the Water Services Acts 2007 to 2015. The core water services functions are set out and the provision of publicly accessible open-space is not within or ancillary to these duties.

- 6.1.5. The application did not include the provision of publicly accessible open spaces nor was this stated in the public notices or assessed in the planning statement, EIS or AA.
- 6.1.6. As set out in the planning report which accompanied the application the proposed development accords with strategic, national and regional planning policies and with other sectoral policies including the development plan and the SUFP 2016 – 2022. In response to a request for further information further planning assessment was prepared by AOS Planning Ltd.
- 6.1.7. The specific site objective is 'F2', which refers to 'when the use of part of this area as a reservoir is abandoned and the remaining part is covered over'. This is further qualified by a footnote, which refers to utilisation of the site as active open-space being dependent on the upgrading of the reservoir, being realised.
- 6.1.8. The SUFP appears to assume that the upgrade works of covering the reservoir and decommissioning the other part constitutes abandonment. However that part of the overall site that is being decommissioned is part of an overall strategic rationalisation and it will undoubtedly be required in the future and is future proofed to provide for anticipated needs beyond 2031.
- 6.1.9. The current proposal will meet the forecast demand for the water supply area to 2031. Beyond that period additional storage capacity will be required at the site. A similar capacity project of 160 ML is currently anticipated. It would be located at the area of the upper and lower reservoirs.
- 6.1.10. In a submission by Irish Water dated 6th of June 2015 an amendment to the zoning objective was proposed. It was considered that the description 'public infrastructure and utilities' should be applied to accurately describe the nature and emphasise the critical nature of the facility. It was also made clear in relation to objective F2 that any Council policy to utilise the site as active public open space is premature.
- 6.1.11. This condition refers to the access provision being in accordance with section 34 (4) (m) which is generally used for a permanent arrangement for the land rather than a temporary arrangement. Concerned that the land could not be ceded back in a timely manner.
- 6.1.12. In public consultation local residents indicated concerns in relation to security if the site was to be publicly accessible.

6.1.13. In considering the appropriateness of condition 2 we refer to section 7.3.2 of the Development Management Guidelines and section 7.11. These are also supported by case law and precedent. Condition 2 would not be expedient for the purposes of or in connection with the proposed development. Furthermore, the requirement in the guidelines is that conditions should serve general planning purposes in relation to the development permitted. Condition 2 is not reasonable or relevant to the development which is to be permitted. It goes beyond the scope of what the planning authority may impose and is ultra vires.

6.1.14. Development plan policy supports the upgrading of the existing site, which has been used for 150 years for supply of drinking water.

6.1.15. Attachments include the submission to the draft development plan.

6.1.16. **Peter Moorehead**

6.1.17. The appellant resides at 133 Stillorgan Heath and amongst the points of his appeal are:

- The grant of permission completely ignores most of the points requested for consideration in my submission including matters to address the risk of damage to adjacent residential structures.
- There is no clarification about indemnity to residents and no commitment on the part of Irish Water. A full indemnity from Irish Water is required as the potential damage to neighbouring properties is unquantifiable. When damage is done in projects there is a real danger that residents will be left 'high and dry'.
- Concerns relating to the proximity of development to the boundary wall at 133 Stillorgan Heath were ignored and concerns relating to visual finishes to buildings, traffic residential amenity, security and privacy likewise.
- Regarding boundary wall repairs, future lighting and CCTV none of these matters were addressed.
- Condition 2 constitutes a very serious deviation from the original application and the permission granted is fundamentally different from that presented to the public. Irish Water gave assurances that the site would not be open to the

public as it represented a security risk to the infrastructure and to the surrounding neighbourhood.

- The proposal would open up a walkway at approximately 30 feet elevation behind the rear gardens so that we would have a daily procession of walkers and joggers overlooking our property at eye level from first floor rear windows.
- We have no confidence in the policing of the raised perimeter of the green roof.

6.1.18. **Gerry Griffin**

6.1.19. The appellant resides at 113 Stillorgan Heath and objects to the grant of permission for the following reasons:

- More specific conditions are required including in relation to noise, pest control, security and dust.
- Of most concern is the lack of definitive acceptance of liability in relation to structural damage.
- All site related vehicles be should be parked within the compound particularly in the early stages before the first reservoir is drained – local streets are already overrun with cars due to Luas commuters.
- Loss of amenity of the view over the reservoir, privacy impacts due to being overlooked by this major work site, potential for negative property values.

6.1.20. **Jonathan Comerford**

6.1.21. The enclosed copy of my original letter to Irish Water outlines my objections none of which have been satisfactorily addressed. None of the concerns relating to traffic, noise, hours of operation have been taken into account. In addition, there is serious deviation from the original application and it is only fair that the entire process includes further public consultation. The permission granted is of substantially more concern to local residents due to condition 2.

6.1.22. The enclosed letter of objection to the planning authority refers in more detail in relation to matters such as quality of information, lack of consultation, drilling or blasting, the unique nature of the development, climate change and flooding, liability, traffic, construction contract, security, long-term plan and visual impact.

6.2. Responses

6.2.1. The **applicant's response** to the appeals includes the following points:

- The need for the development relates to current drinking water standards and protection from contamination and Irish Water has assured the EPA and the HSE that these improvement works will be progressed urgently and completed by 2021.
- The applicant has no concerns with the remaining conditions.
- the response to other appeals is attached – this comprises a section by section response to the matters raised in each of the 3rd party appeal submitted. I refer to salient points in the assessment section of this report.

6.2.2. The main points of the response of the **planning authority** include:

- The intention of condition 2 is not to impede Irish Water in its statutory duties. The condition specifically refers to temporary provision and to a legally binding agreement allowing the planning authority to work proactively with Irish Water.
- The intention would be that Irish Water retain their interest and ownership. Condition 2 achieves the objectives of the SUIP, which forms part of the development plan.
- Section 7.3.1 of the guidelines on development management stated that a condition ought to do some good in terms of achieving a satisfactory standard of development and in supporting objectives of the development plan and in accordance with these guidelines there is a very specific reason for the attachment of the condition namely the achievement of the objectives of the development plan.
- The act expressly allows for such a condition and it is not considered that section 34 (4)(m) precludes uses on a temporary basis.
- The planning authority have no wish to jeopardise the security of the reservoir and this issue could be teased out in any agreement with Irish Water. The site is vast and only a partitioned section secure from the reservoir could be used as publicly accessible open space.

- The issue of abandonment of use is addressed in the planner's report.

6.3. Observations

The observation submitted on behalf of Sandyford Business District Association includes the following points:

- The BID was set up under statute in January 2017 and represents more than 740 ratepayers and has a vision to establish SBD as a world-class destination in which to work and reside.
- The time has now arrived with Irish Water's proposal to redevelop the reservoir to enact objective F2 and the BID and its members have an expectation that a publicly accessible local amenity will be provided as part of the redevelopment of this utility.
- This is valuable urban land and we are firmly opposed to the sterilisation of the lands for the foreseeable future from any type of public access or enjoyment. Contravention of objectives and policy of SUFP and development plan. The fact that over 25,000 people work and more than 40,000 people live in the SBD area clearly demonstrates the need for additional and acceptable public open space.

7.0 Assessment – Planning issues

In terms of the planning issues arising I consider in this section of the report all significant planning issues and I respond also to matters raised in the appeals.

I consider that the significant planning issues relate to:

- the need for the development and compliance with development plan policy
- impacts on residential amenity
- construction phase impacts particularly noise, air and vibration and traffic
- cultural heritage
- landscape and visual amenity
- ecology

- water and flood risk.

7.1. **Need for development and planning policy context**

This section of my report refers to the need for the development and whether it complies with the planning policy prevailing. Condition number 2 is considered in the context of

- the policy framework
- the rights of third parties
- the requirements of the national utility provider
- whether condition 2 would comply with national guidance.

7.1.1. **Need**

7.1.2. The need for the development is outlined in the EIS which highlights that the reservoir provides drinking water to over 200,000 customers located in Dun Laoghaire Rathdown and Dublin city areas. Treated drinking water storage balances daily fluctuations in demand and provide security of supply in the event of a breakdown upstream of the reservoirs. The development would provide for two days' storage based on current demand.

7.1.3. The need for the development is related to the fact that the open reservoir, which is one of the last such facilities of this scale in Europe is susceptible to accidental or deliberate contamination. Risks are currently managed through ongoing site maintenance and installation of an ultraviolet disinfection unit but there is a need for the risks to be eliminated for the long term. Removal of the open storage and replacement with a covered storage reservoir will ensure long-term, secure and sustainable supply to the region. It will also meet current and future regulatory requirements.

7.1.4. At the time of consideration of the previous appeal in 2002 the urgency of upgrading the open reservoirs was referenced. In the current application documents supporting letters from the HSE and EPA refer. In summary the need for the development is long established and indeed is not disputed in application or appeal submissions.

Many third parties and in particular the elected representatives express their support for the development.

7.1.5. Development Plan Policies

7.1.6. Neither the planning authority nor the Board in considering a similar proposal in 2002 attached any conditions relating to the future use of the site as open space. There appears to have been no prevailing development plan policy to promote public open space. In the interim however with the publication of the SUFP and the growth of the Sandyford area as a place of employment and residence, the need for additional open space has been identified by the planning authority.

7.1.7. The site is now governed by the following policy OS5 (which is the same as F2 of the SUFP) and OS1:

OS5 / F2 - It is an objective of the council to actively pursue the use of the existing reservoir site as active public open space when the use of part of the site as a reservoir is abandoned and the remaining part is covered over..... This space will compensate for any future loss of the parkland at St Benildus Sports Grounds associated with the construction of the Eastern Bypass (Drawing 10, A2).

OS1 - Public open space for active users (Drawing 10, A1, A2 and B) will be located at St Benildus sports grounds and in the Civic Park....

7.1.8. The planning authority submissions and that of Sandyford Business District Association support the promotion of these objectives. I am in agreement that the development of a significant publicly accessible open space in the vicinity of the business district would benefit the area. The health and well-being benefits arising from green space provision are outlined in the development plan and reiterated in the report of Parks and Landscape Services. I note that while the county Green Infrastructure Strategy (GIS) indicates that in the county of Dun Laoghaire Rathdown open space is generally within the desired distance of all high-density residential areas, the Sandyford/Stillorgan electoral area is an exception in this regard.

7.1.9. The GIS states

There is a minor deficit in this area which will be overcome in the future with the development of Public Open Space at Blackthorn Park¹, Sandyford business District Civic Park and Fernhill Park as a Regional Park. There is also a long term plan to develop part of the existing reservoir at Stillorgan into a park. Until such time there is a challenge to provide accessible open space within this area.

7.1.10. The main body of the development plan (page 8) states

there are very slight deficiencies in certain areas, such as Sandyford/Stillorgan electoral area, which will be overcome in the future with the development of the public open space at Blackthorn Park and with the development of Sandyford business District Civic Park².

7.1.11. Objective F4 of SUFP refers to the provision of public open space for active and recreational uses as identified on drawing no. 10. This public open space will be funded in accordance with the development contribution scheme adopted for the area, to which the Sandyford Business District Association refer. Drawing no. 10 identifies two areas as 'potential local park', one of which comprises the western portion of the reservoir site, the other being the large area at the west of Sandyford Business District, which is subject of an objective related to the eastern bypass road reservation (the Benildus / Blackthorn site).

7.1.12. In terms of the selected site and the future use of the reservoir lands, I consider that there are aspects of the development plan policy which the Board should consider as part of the context and in the determination of whether or not condition 2 should be upheld.

¹ This is part of the lands at the Western side of the Sandyford area.

² The Sandyford Business District Civic Park is subject to objective F3 and it is described as approximately 0.8 ha of public open space which will include significant water features, a high degree of sculptural influence and will provide for children's play.

- 7.1.13. Firstly, the wording of objective F2 specifically refers to compensating for a loss of open space associated with a road scheme for which no planning consent has been obtained. I am not aware of a specific timescale for any such road being constructed. On the other hand, the submission of Irish Water is that construction of the proposed development would be completed in 2021 and planning for the next phase might commence in 2027 to ensure completion by 2031. I find it difficult to envisage a scenario that part of the reservoir site might be available to serve as recreational space in lieu of the Benildus / Blackthorn lands – there would be a window of about 8 years perhaps between completion of the first reservoir and commencement of another. For all of that time period it would appear likely that the Benildus site would be available.
- 7.1.14. Secondly, no part of the development plan in my opinion demonstrates that the public open space at the reservoir site is essential either to support existing development or to promote the continued development of the area. There is a substantial (40,000) residential population and 25,000 employees according to the observer. However, the specific reference is to a ‘minor’ deficit in open space in the area (GIS) and to a ‘very slight deficiency’ (page 8). The GIS as worded states that this minor deficit will be overcome with the development of public open space at Blackthorn Park, the Civic Park and Fernhill Park. It does not state that development of the reservoir site for public open space is necessary to overcome the deficit in open space only that until such time there is a challenge to provide accessible public open space.
- 7.1.15. In this regard while objective OS 1 identifies Drawing 10 and refers to objective A2, the wording of OS 1 does not in fact reference the reservoir. To me this is a further indication that the objectives for the Sandyford area in terms of public open space are focused primarily and in the first instance on locations other than the reservoir.
- 7.1.16. In terms of the prevailing development plan and local area plan policy therefore I consider it relevant to note that a number of aspects of the text undermine the strength of the argument presented by the planning authority and its analysis as the basis for Condition 2.
- 7.1.17. The proposed development would not in its current form promote or fulfil objective F2. Nevertheless it would largely constitute the provision of open space on the site

insofar as the development plan definition includes reservoirs. I note that the planning authority in its decision did not decide that the plan is materially contravened, but I assume that was for the reason of condition 2. The proposed development will result in a covered building and various additional developments being put in place but the site overall will remain dominated by open space. The Board is bound to have regard also to the national policy context and the publications of Irish Water are relevant in this regard.

7.1.18. Regarding whether the development of a covered reservoir as proposed should be considered to constitute either a material contravention of the development plan or to warrant consideration as a nonconforming use I suggest that neither applies. Setting aside the matter of objective A2, which has been discussed above, I consider that the development proposed conforms with the open-space zoning objective for this site. Reservoirs are specifically listed under the definition of open space and secondly the provision of a meadow at roof level to ensure that aspects of the visual amenity associated with open-space are retained. I note that the planner's report refers to visual amenity being secondary to the recreational value of open space. That does not however imply that non-active spaces such as that proposed are not 'open space' under the development plan.

7.1.19. Section 8.3.3 of the development plan refers to nonconforming uses each of which shall be considered on their merits and permission shall be granted where the development does not adversely affect the amenities or prejudice the proper planning and sustainable development of the area.

7.1.20. In conclusion I find that the development plan does not provide a strong basis for condition 2. I also conclude that the Board should not determine that the provisions of the development plan are contravened. On the contrary I am of the opinion that the Board may conclude that the proposal sits within the policy framework. My arguments on this point are supplemented by the consideration of the applicant's position later in this section of this report.

7.1.21. **Views of third parties**

7.1.22. In relation to the achievement of the objective OS5 / F2, I refer the Board also to the fact that while the planning authority describes the development as a 'win-win' situation, residents in the immediate vicinity appear to be strongly opposed to any

such development and furthermore consider that addressing the matter by condition has excluded third parties from a right to comment. Objective OS 5 does refer to the design of the open space in a manner, which avoids overlooking of houses. Whether that would result in the creation of some sort of screening between Stillorgan Heath and any future Park is unclear, though unlikely. However, it does call into question the appropriateness of developing a public park in the absence of a detailed design.

7.1.23. The response of the planning authority to the appeals references the development of part of the site. However the earlier internal reports describe potential connections across the site, including linkages to the green roof³ and for access from both St Raphaela's Road and Brewery Road with potential additional linkages to greenways and open space in proximity to the site.

7.1.24. I consider that the rights of third parties to comment on the proposed development should be upheld. There are legitimate concerns which require consideration in terms of the impact on the amenities of Stillorgan Heath from any use of the embankments in particular. Development of public access to the lands would have to be carefully controlled. In the absence of details the Board is not in a position to make a meaningful judgement and the public have no opportunity to respond on the specifics.

7.1.25. I consider that this situation calls into question the appropriateness of condition 2.

7.1.26. Finally in terms of the third parties I refer to the SBDA which has made an observation in support of the proposal and which considers that the park is required in order to properly promote the area and provide for needs of the wider area. The association also references the payment of a special financial contribution in this regard. The position of the SBDA does not change the conclusions which I have set out above.

7.1.27. **The applicant's case**

7.1.28. I now refer further to the case presented by the applicant. I consider that this development comprises an essential upgrade to the existing water supply infrastructure in the area and that it is of considerable importance to the region and a significant part of the national network. In my opinion it is appropriate that Irish Water

³ This was suggested by the Parks and Landscape Services but rejected in the Planner's report.

be afforded full control over the future use of this site subject to achieving a high standard of development and environmental protection. The site comprises a significant land bank under the control of a utility provider, which is planning for water services supply on a national level. The scale of investment being planned at present is unprecedented and in terms of the spatial dimension there is a noticeable shift from regional to national arena.

- 7.1.29. The site has a strategic nature and areas not in use for water storage capacity will be retained and reserved for future requirements. I consider that it is reasonably demonstrated by Irish Water that there may be a need for further development of storage facilities at this site in the not too distant future. In this regard I accept the applicant's arguments that the proposed park might impede or delay such developments.
- 7.1.30. In relation to the detailed site layout the submission of Irish Water is that critical parts of the infrastructure are not restricted to the proposed covered storage area. I accept that security of the site is vital to the protection of existing and future public water supply. This is most easily achieved by ensuring that existing fencing is maintained together with an electronic security system to cover critical areas of the site. I accept the applicant's case that accessible open-space is not generally compatible with these requirements.
- 7.1.31. Regarding the security aspects of the proposed open space I reject the comment in the planner's report that these can be easily addressed. The vastness of the site needs to be taken into account in this regard. The provision of public access to this site would be likely in my opinion to give rise to additional management requirements and associated costs to Irish Water. Not only would the opening of the site for public access potentially impede or delay the future planning for additional water services on the site, details of layout and management, including additional costs which may be incurred by Irish Water are potentially complex and in my opinion cannot be readily addressed by a condition.
- 7.1.32. I am satisfied that the applicant has demonstrated that use of the site as publically accessible open space is premature and is not feasible and should not be addressed by condition on the permission.

7.1.33. **National Guidance**

7.1.34. In terms of whether condition 2 complies with the legislative requirements and the Development Management Guidelines, I am of the opinion that the condition would promote the achievement of an objective of the development plan but that it would not comply with the test of being reasonable or related to the development or necessary.⁴ No aspect of the proposed development gives rise to a requirement for this condition. The condition would have the potential to significantly interfere with the functions and operation of the utility provider.

7.1.35. I refer to the fact that the planning authority has emphasised the temporary nature of any use and that it would be subject to a legally binding agreement to be made. Regarding the legislative provisions, while there may be nothing *per se* to exclude use of part of the site as a park in the short term, I consider that this again draws attention to the matter of whether the condition is reasonable or relevant.

7.1.36. **Conclusions**

7.1.37. Notwithstanding the development plan objectives to secure a public park at this location, I consider that the first party appeal should be upheld. In the event that a temporary arrangement can be made between the local authority and the applicant in relation to the public use of this site, now or in the future, then that is a matter for the two parties. It is not in my view something that should be imposed by way of condition on any permission for redevelopment of the site particularly in the absence of an agreed detailed plan. However, I do not recommend that a detailed plan be requested given the ongoing planning for future water supplies for the country and the case outlined by the applicant.

7.1.38. I conclude that the proposed development is in principle in accordance with the proper planning and sustainable development of the area and I recommend that the first party appeal against condition 2 should be upheld.

7.2. **Impacts on residential amenity**

7.2.1. I refer herein to:

⁴ Section 7.3 of the Development Management Guidelines for Planning Authorities.

- the use of the site as a park
- the need for indemnification of property owners
- construction phase impacts (but excluding noise and dust)
- other issues.

7.2.2. I have addressed the possible impact of **a park** in the above section. There are likely to be significant impacts on residential amenity arising from any access to the embankment or to the green roof of the proposed covered reservoir. I have recommended that the Board decide in favour of the first party appeal. That would resolve the residents' concerns.

7.2.3. The Board is referred to the frequency of comments in 3rd party observations to the planning authority and in the appeals, which relate to the standard of development, structural integrity and in particular to the **need to indemnify residents** against damage to their property. Appellants expressed concern that the matter was not addressed by condition.

7.2.4. My opinion is that notwithstanding the scale of the project and the proximity to residential properties including boundary walls, any adverse consequences should they arise would be open to remedy through private legal means and that this would be the appropriate course of action. In my opinion no aspect of the proposed development is indicative of a need to take an alternative approach in this case.

7.2.5. In this regard I note the submissions of Irish Water including in response to the appeal and also in the EIS which reference compliance with the building regulations, submissions to the Building Control Authority and certification by an assigned certifier, low vibration levels and vibration monitoring and undertaking of pre-and post-structural surveys of adjoining properties by the applicant.

7.2.6. Regarding the specific matter of indemnity to residents the applicant refers to section 3.2.2 of the EIS and the undertaking to put in place insurance policies in the name of the applicant and the contractor including subcontractors. Regarding the statement that method of rock excavation including blasting are not clarified I refer to the section below on vibration.

7.2.7. I conclude therefore that the requested conditions regarding indemnification of private property owners in the vicinity of the site should be rejected. In any event,

this is a private legal matter which even if it was not covered in the EIS would not be appropriate for a planning condition.

- 7.2.8. Regarding the potential for impacts in the construction phase Irish Water's response to concerns regarding **security and privacy during construction** refers. This confirms that existing site security will be maintained except that the new entrance, which will be appropriately secured. Critical areas of the site will also be covered by alarms and an electronic security system including video analytics and cameras. CCTV cameras that would be installed would be positioned so as to avoid overlooking a recording of adjoining properties. The proposal involves retention of the site embankment.
- 7.2.9. Having regard to the nature of the development involving draining of the reservoir and construction within the area of the Gray reservoir and siting of the construction compound at that location also, I am of the opinion that very little, if any, need arises for use of the embankment in the construction period. Some overlooking may arise in the final phase of finishing the covered reservoir building as well as from personnel operating high-level machinery. The rear façade of the nearest houses such as 113 Stillorgan Heath would be 35 m from the closest point of the covered reservoir. It is proposed to backfill the area between the embankment and the covered reservoir and it cannot be ruled out that that area would be used for the construction phase. However as indicated in the noise impact assessment there will be acoustic screening installed. This would function also to provide privacy. I do not consider that any specific conditions are necessary.
- 7.2.10. On the specific matter of security in the construction phase there will be considerable requirements arising, which relate to the development itself. I do not consider that any additional specific remedy is appropriate. As Irish Water point out they will be retaining in operation the smaller reservoirs which gives rise to security requirements.
- 7.2.11. Regarding **access to the roof level** I note the opinion of the planning authority that this is properly restricted to any access for maintenance purposes. I consider that this is inherent in the proposed development and do not consider that a condition is required.

- 7.2.12. Regarding the **noise levels in the operational phase** sources will include dosing pumps and valve actuators, which will be housed within the building and located at a separation distance of 125m. Predicted noise levels at the nearest noise sensitive receptor in the operational phase will not be significant as indicated on table 9 –9 of the EIS. I am satisfied that the design and location of noise generating activities in the operational phase adequately address the future residential amenities of the area. Construction phase noise is dealt with below.
- 7.2.13. Regarding **lighting of the site** in future Irish Water has confirmed that it will be suitably directed inward to the site and will avoid impact on surrounding residents. The contractor will have to comply with the detailed lighting assessment which has been carried out. I consider that this is acceptable.
- 7.2.14. In relation to the **matter of pest control**, this is covered in the EIS which requires preparation of a suitable management plan. The application documents do not indicate that there is a particular problem with pests at this site. I do not consider that any particular condition is warranted in this case.

7.3. **Construction phase impacts**

I refer below to the following:

- construction phase noise
- air and vibration impacts
- traffic, including new access point and parking
- mitigation measures and related issues.

- 7.3.1. Regarding **noise impact in the construction phase** the application submissions including noise impact assessment which forms the basis of the relevant chapter (chapter 9) of the EIS. In the absence of national construction noise levels the applicant refers to the NRA/TII good practice guidance for the treatment of noise during planning of national road schemes. For the construction period construction noise levels are likely to be close to the recommended maximum levels set out under the referenced guidance. Site perimeter fencing together with working at a lower level in the area of the Gray reservoir as well as the retention of the existing bund are all referenced as mitigating measures. On that basis the predicted maximum

construction noise at noise sensitive receivers is stated to be 70 dB LA_{eq, 1hr}. That is in accordance with the TII guidance daytime levels.

- 7.3.2. Regarding the **hours of construction** residents have raised issues including in relation to amenity of residential properties and the potential for interference with educational institutions in the area. The applicant's suggestion is that construction operations will be restricted to 0800 hours to 18:00 hours Monday to Friday and 0800 hours to 13:00 hours on Saturdays with no use of heavy machinery before 0900 on any day or during state exams.
- 7.3.3. The applicant submissions refer to operation of items of plant such as dewatering pumps during **night-time hours** where required. It is stated that these will be chosen cited and enclosed such that noise levels at the nearest properties do not exceed the measured background noise levels.
- 7.3.4. Regarding the construction phase I refer the Board to the consideration of the layout of **construction compound** which maximises separation distance between noise generating activities and dwelling houses through the positioning of site offices at the northern end of the compound.
- 7.3.5. In conclusion I consider that the applicant has adequately assessed the potential for construction noise impacts and that measures are sufficient to protect the residential amenities of the area. The proposals by the applicant including the measures to address potential impacts on nearby schools are acceptable.
- 7.3.6. **Air quality and vibration impacts**
- 7.3.7. Regarding the matter of potential damage due to vibration, I refer to the earlier discussion on property indemnification. A geotechnical vibration assessment which has been completed is included in the applicant's submissions. This contains a description of formation levels and existing ground levels within the site based on core holes drilled. Section 5 addresses the matter of rock excavatability. Construction to facilitate the development will encounter rock of excavatability in the range of 'hard ripping to heavy hydraulic breaking and blasting'. This includes the area for the laying out of the foundations for the covered reservoir building and also the pipework and the outlet and inlet valve chambers, which are different levels and thereby encountered different rock characteristics.

- 7.3.8. Rock excavation techniques and structural monitoring mitigation measures are recommended in the specialist report. Blasting is technically feasible but the selected method for the site will be hydraulic breaking and this would be specified under the contract. The disadvantages of the selected method include a longer duration. The alternative of blasting would also have associated disadvantages including more extensive vibration monitoring and the undertaking of trial blasts.
- 7.3.9. On the basis of the specialist report undertaken, which includes an assessment of two major building projects in a similar geological environment and close to the site, the predicted vibration impact in the construction of the development on the surrounding environment will not be significant. I accept this conclusion and consider in particular that the case studies presented, which include excavation at locations within 25 to 30 m of houses and office buildings demonstrate that low threshold vibration limits can be met.
- 7.3.10. The Board is advised that the applicant's report does not concern the potential impacts on the reservoir embankment, which will be separately considered by the panel engineer under separate provisions which relate to reservoirs. I consider that this is appropriate.
- 7.3.11. The EIS assesses potential impact on **air quality and climate**. Background air quality is of very good quality and the site is located in zone A in terms of EPA criteria. Potential for dust has been assessed and mitigation measures including a dust management plan will be implemented. The applicant's position is that subject to implementation of mitigation measures potential for residual dust impact is considered negligible at the nearest sensitive properties. I consider that the applicant's proposals which include dust monitoring at a number of locations along the site boundary in the construction phase will ensure minimal impact on air quality.
- 7.3.12. In summary I am satisfied that there will be no significant vibration or air quality impacts subject to mitigation being implemented.
- 7.3.13. **Traffic including new access point, construction phase traffic and parking**
- 7.3.14. Apart from the construction phase the development will generate low traffic volumes. The application submissions include a traffic and transport methodology and a preliminary traffic management plan. Condition 7 of the decision of the planning

authority refers to liaison with the planning authority, NTA and TII regarding the detail of the traffic management plan. As part of the development a new access is to be opened at St Raphaela's Road.

- 7.3.15. Amongst the most significant issues raised by the third parties are those relating to construction phase parking and the future of new access.
- 7.3.16. The initial phase of the development as outlined in the application submissions is the draining of the Gray reservoir. This will take about one month and pending finishing the entrance at the western side of the site the northern entrance at Brewery Road will be used. I accept the applicants comments that the early phases will not involve significant manpower and that the existing site will accommodate any parking. Once the reservoir is drained all construction staff will park within the contractor's construction compound at the western end of the site. At this stage the access will relocate from the east of the site to the new entrance at St Raphaela's Road. For the duration of the works the southern Brewery Road entrance will continue to be used by staff involved in maintenance of the facility. In the longer term the new entrance at St Raphaela's Road will be retained as a permanent access for maintenance and deliveries.
- 7.3.17. St Raphaela's Road is a busy road which provides access to schools and which accommodates public transport, pedestrian and cycling traffic. While the construction of the entrance involving removal of part of the large embankment and associated trees is a significant project and the use of this roadway as the main access point for the construction phase (over two years) will inevitably give rise to inconvenience, I consider that the preliminary traffic management adequately addresses the specific risks associated with the development. The applicant's assessment identifies the worst case traffic movements as being during the importation of concrete or large concrete pours during which period a total of 50 HGV movements daily into the site is predicted.
- 7.3.18. The need to accommodate safe passage of pedestrians and cyclists has already been highlighted as an issue which the contractor will be required to address in the finalised traffic management plan. The EIS acknowledges that high volumes of HGVs will enter and leave the site and identified options for management such as a prohibition on northbound traffic entering the covered storage site. During the period

of the concrete pours it is also proposed that no other HGV traffic to or from the site would be facilitated. Regarding the number of workers this is estimated to be 70. The traffic flow generated by employees on the site and light vehicles would not be significant relative to existing levels at St Raphaela's Road.

- 7.3.19. Regarding the third parties' concerns I consider that there is no lack of clarity in relation to the construction phase parking, which I consider can be appropriately managed and accommodated within the site. Secondly there is no lack of clarity regarding the future of the access proposed at St Raphaela's Road. It will be retained and I consider that there is no reason to require its closure. In the operational phase it is anticipated that only one HGV every few weeks would use this entrance. Movement of light vehicles compared with existing levels along this road would not be significant.
- 7.3.20. I conclude that the development would not give rise to unacceptable consequences in terms of traffic safety or parking generation in the construction period and that the road network in the vicinity can accommodate the numbers of vehicles.
- 7.3.21. **Mitigation and monitoring**
- 7.3.22. In terms of the construction phase impacts the submission of an outline structure environmental management plan together with the mitigation measures in the EIS are noted. There is a commitment in table 1 of Appendix C of the further information submission to establish a full CMP in accordance with the agreement of the planning authority, to comply with that plan and to implement the controls, procedures and methods statements contained therein.
- 7.3.23. In addition to ensure compliance with the CMP the applicant is committed to compilation of an environmental compliance plan. In order to address any incidents or occurrences during construction response measurements will be set out in a further plan entitled environmental emergency preparedness and response plan. Added to this regular environmental monitoring will be undertaken and an environmental monitoring programme will be prepared and updated as appropriate. Construction traffic management will be considered under a separate plan to be agreed with the planning authority.

- 7.3.24. In support of the above I refer to other commitments in the submissions presented by the applicant. These include in Appendix C of the further information commitments regarding best practice, training, limits on hours of construction and the availability on site of responsible and trained person who will answer and act upon complaints and queries.
- 7.3.25. I consider that the applicant has demonstrated a commitment to appropriate management and monitoring of the proposed development. Finalisation of a traffic management plan and a CEMP should be addressed by way of planning condition. I also recommend that the planning authority's requirement relating to an Ecological Clerk of Works be reiterated.

7.4. Cultural heritage

7.4.1. Archaeology

- 7.4.2. The site has been extensively disturbed. The EIS records the field inspection undertaken noting that the entire footprint of the reservoir has been subject to intensive development in the 19th century as is evident in the height of the embankments, which are up to 8m. Historic mapping indicates that prior to development of the reservoir in the 1860's the area consisted of open fields.
- 7.4.3. Previous investigations of lands to the north, south and south-west of the proposed development revealed nothing of archaeological interest. The applicant's submissions indicate that there is a RMP within 1 km and 2 no. SMR sites. No previously unrecorded sites of archaeological (or historical) interest were noted during the course of the field inspection.
- 7.4.4. The relevant report for the purposes of the EIS indicates that development of the reservoir is likely to have resulted in the removal of subsurface archaeology. It notes also that there are some very narrow strips of green space where there is also evidence of extensive trenching for laying of pipelines and related infrastructure. On this basis the applicant considers that no adverse impacts are predicted upon the archaeological resource and no further archaeological mitigation is deemed necessary.

- 7.4.5. Having regard to the contents of the EIS, which I consider are based on adequate assessment and to the lack of substantive comments on this matter by prescribed bodies, I recommend that the Board adopt the conclusion of the EIS. In relation to the specific matter of planning conditions, I note that the planning authority did not have any specific requirements other than the overarching requirement of compliance with the EIS and the mitigation measures therein. In the particular circumstances of this case I consider that the approach of the planning authority is reasonable.
- 7.4.6. **Architectural Heritage**
- 7.4.7. The record of protected structures entry for Vartry house and Waterworks Complex (no. 1524) includes a number of structures namely the house, bridge, the overflow screen chamber, the gateway and the granite walls. In terms of the impact on protected structures no works directly affect the structures. Only the protected bridge would be indirectly affected. In that case it is proposed to introduce a new bridge at a distance of 4m away.
- 7.4.8. The EIS conclusion is that mitigation in the form of design and materials is required to ensure that the new bridge does not detract from the protected bridge. The Council's Conservation Officer was in agreement with that conclusion. The applicant submissions include the photomontage of the bridge but lack detailed drawings. The recommended mitigation in Chapter 7 is not detailed either but having regard to the 4m separation I consider that the general mitigation measures outlined which is to maintain clean simple lines and materials as elements of the new bridge is adequate.
- 7.4.9. As well as describing and presenting photographs of the 5 number listed structures, chapter 7 presents also a description of the reservoirs and other structures. The decommissioning of all of the reservoirs is described as having a low or medium magnitude of impact which is of slight or imperceptible significance.
- 7.4.10. Having regard to the contents of the EIS, the submissions of prescribed bodies and the considerations of the planning authority, my conclusion is that the Board can be satisfied that the development would not give rise to any significant impacts on the architectural heritage of the site or surrounding area.

7.5. Landscape and visual amenity

- 7.5.1. In terms of its landscape character this is not a protected or officially designated landscape. However it is a large site, which is largely dominated by grassed embankments and large expanses of water and would thus be valued by those who have a view of it. I agree with the assessment that the existing reservoir (particularly the water) and boundary treatment reservoir has relatively limited presence in the landscape. There are views of the water surface are from upper floors of houses in Stillorgan Heath and from upper floors of buildings in the business district. Residents regret the loss of water as an element in the views.
- 7.5.2. The proposed development will result in considerable landscape and visual impacts. Removal of the large open water body would constitute a profound change to the landscape of the site. However, the impact on the landscape character of the wider area would be limited as the reservoir has a limited physical and visual relationship with its environs. The embankments which are the most visible feature are largely unchanged. The introduction of the new covered reservoir and ancillary facilities including landscaped spaces would also result in a profound change to the site landscape but would have limited effect on landscape character as experienced by people in the receiving environment. The open space character of the site is maintained as the roof would appear as an open space but the site's vast open appearance would be reduced.
- 7.5.3. In terms of cultural heritage from most vantage points the Victorian structures including embankments and architectural features including Vartry house, the gateway, bridge and chamber house, all of which are protected structures would be retained. The removal of the reservoir and its replacement by green open space would affect the sense of place for some receptors but has no effect on any vegetation or habitat of value in the landscape.
- 7.5.4. Mitigation measures recommended in the design and impact assessment process which are incorporated into the proposed development include:
- use of stone cladding to soften the appearance of the building, use of green roof to soften the appearance of the building

- use of existing and new earth embankments as visual screens and planting of vegetation around the building for additional screening and softening of the structure – use of lower species where excessive overshadowing might occur
- the site is identified as a key piece of the County wide green infrastructure and the proposed development can deliver some supporting functions including through planting a framework of vegetation corridors, which will provide visual screening effect
- changes to existing external and internal reservoir embankments will be minimised and some of the embankments material will be retained in place, reformed and re-clad using existing stone.

7.5.5. In addition, the low height of the building and the fact that it is screened by the embankments reduces visual impacts significantly. Residents of Stillorgan Heath are sensitive to visual change and the outlook from the rear facing 1st floor and attic windows would be altered. The top metre approximately of the new covered reservoir would be visible protruding above the existing embankment at a distance of 35 m minimum separation. The intervening area would be planted with low level species.

7.5.6. The occupants of the Sandyford business district buildings, which are mostly offices are less sensitive to visual change. Due to their elevation they will see the entire development. The large covered reservoir softened by the green roof and belts of woodland planting and tree planting along the southern bank will be visible as would tree lines and hedgerows across the site. The mitigation measures lessen the impact of the development and of the new covered reservoir. The resulting views would not be of poor quality but the removal of the existing open reservoir would change the composition and character of views and have an adverse effect on visual amenity.

7.5.7. My conclusion overall is that the development would not significantly adversely affect the amenities of nearby residents or others in the area and that the scheme as proposed is designed to a high level and with due regard to the character of the site. The Board may wish to consider whether it is appropriate to require further agreement on external finishes or landscaping. Some third parties have queried the timescale of implementation of the landscape plan and I am in agreement that this is unclear. I therefore recommend that the Board's standard condition be attached.

7.6. Ecology

- 7.6.1. In terms of the existing habitat the unnatural fluctuations in water levels in the reservoir together with measures to scare birds and the addition of chlorine to the reservoirs are all noted. These operational features together with the highly managed character of the site all influence the habitat value.
- 7.6.2. The submission of NPWS indicates concern in relation to Daubenton's bat and makes recommendations regarding stoat. The likely impacts of the proposed development on ecology are presented in chapter 12 of the EIS, which includes updated information submitted in response to a request for further information. The latter related to breeding bird survey and evidence of stoats. The EIS baseline information is gathered from desktop surveys and site visits, including bat activity surveys, surveys of wintering water birds, surveys for breeding birds and a search for evidence of stoats.
- 7.6.3. Regarding the submitted stoat survey NPWS accept the finding that the species very probably are no longer present on the site. The Department recommends the attachment of a condition that sightings at the reservoir be immediately reported to the planning authority and the NPWS and the plans submitted for the protection dens. The applicant's submission is that the species has not been recorded on the site. As such it is considered that no mitigation measures are necessary.
- 7.6.4. Stoat have not been recorded at this site since 2014 based on the available information. The species favours a coastal environment and it is likely that when sighted they had traversed along the Carysfort-Maretimeo stream. Migration of other species along that route would also be possible at any time. In that context I do not consider that the requirement of NPWS in relation to stoat in particular requires to be addressed by a planning condition.
- 7.6.5. The position regarding bats is more complicated. Daubenton's bat has a requirement for open water habitat and are rare in suburban Dublin. The nearest sites to the reservoir where Daubenton's bat occurs are all about 4 km away and the disappearance of the species from Stillorgan area must be deemed to be locally significant even though the number of individuals involved is likely to be small according to NPWS. The (3 no.) other recorded species are widespread in suburbia and would be expected to adapt to the new habitat but also would be expected to

occur at a higher frequency over and around water bodies and some reduction in their abundance at the reservoir site would be expected.

- 7.6.6. The Department therefore recommends that it should be a condition of permission that the applicant should extend the surface area of the proposed attenuation pond or incorporate other water bodies into the landscaping design for the site, to ensure preservation of biodiversity by providing suitable substitute habitat to prevent the disappearance of the species, which is afforded regime of special protection under the Habitats Directive, from the wider Stillorgan area. Bat boxes as recommended in the EIS should also be installed.
- 7.6.7. The first party in response to a further information request on this matter references the future operational requirements and states that providing for additional attenuation or incorporating other water bodies would interfere with its duties. The further information request however referred only to aquatic bird species and not specifically to bats. In the circumstances I recommend attachment of a condition that the applicant agree with the planning authority following consultation with NPWS the provision of measures to enhance the suitability of the site for bats, to include consideration of additional water features within the site.
- 7.6.8. For completeness I refer below to the situation on site regarding wintering birds and breeding birds, fish and invasive species.
- 7.6.9. The wintering bird surveys indicate that the water bodies are of minor value and there will not be any significant effects on bird populations. The potential for impact on breeding birds in the tree line along St Raphaela's Road will be mitigated by the removal of vegetation between the 1st of September and 29th of February in which case no licence will be required. The species that use the habitats here in any case are described as common. The planning authority requested additional information relating to landscape proposals to provide for aquatic birds and in response the applicant proposed planting of the water margins of the 600m² attenuation pond with emergent vegetation. I consider that this commitment is adequate.
- 7.6.10. Fish which may be in the reservoir include European eel. There are also three-spined stickleback in the reservoir and fish may occur in the stream. The applicant proposes to capture all fish once the reservoirs are partly drained in consultation with Inland fisheries Ireland.

- 7.6.11. Invasive species recorded on site is restricted to Canadian pondweed, which is present in the reservoirs. This is not listed on the third schedule of the habitats regulation and as such a detailed management plan is not required. Removal of pondweed from the site to a licensed waste, composting facility is proposed.
- 7.6.12. Enhancement measures have been recommended and will ensure that the favourable conservation status of bats, birds and other notable species will be improved both within the local area and on the site in accordance with Irish Water's biodiversity policy.
- 7.6.13. I am satisfied that the applicant's statement that there would not be any significant adverse residual effect on receptors of ecological value can be accepted. The main measure which requires a particular planning condition is the recommendation regarding bats. I also recommend that the requirement to retain an Ecological Clerk of Works as per condition 10 of the decision of the planning authority be specified.

7.7. **Water and flood risk**

- 7.7.1. The development has the potential to impact on surface water and groundwater and a flood risk assessment has been undertaken. The scale of the site together with the extent of ground excavation including at depths of up to 5m are relevant. The Carysfort-Maretimo stream along the eastern boundary and on the northern boundary are heavily culverted throughout the catchment and no water quality monitoring data from EPA or local authority sources are available. This is a potential pathway to Natura 2000 sites.
- 7.7.2. Chapter 13 addresses likely impacts on the hydrology of local watercourses and the effects of the works on flood levels. Groundwater is considered in Chapter 14 of the EIS. The Board is referred also to the revised outline CEMP (Appendix C) and the remainder of the further information response.
- 7.7.3. Regarding the potential for impacts on the Carysfort-Maretimo stream the applicant has identified temporary works and mitigation measures relating to the reservoir drainage and for the removal of a section of the embankment and construction of a works bridge. Monitoring of turbidity and identification of trigger levels is noteworthy. I consider that the revised CEMP highlights the potential for connections to the stream and identifies measures which will ensure that pollutants will not enter the

stream. The nature of the site layout is such that the embankment in effect separates the works area from the Carysfort-Maretimo stream for much of its length. In addition, the applicant proposes measures to control surface water in the construction phase as well as on completion. I consider that the nature of the issues arising are capable of being mitigated and that no particular site specific problems are evident.

- 7.7.4. A stage 1, 2 and 3 flood risk assessment has been prepared and it concluded that the flood risk from the different flood sources analysed is low. A surface water drainage attenuation pond will provide for attenuation of intense rainfall events and is designed for a 1 – 200 year flood capacity. In the event of a more significant flood event the attenuation pond will over top into the landscape area be retained within the existing exterior embankments.
- 7.7.5. The stream to which the development discharges has a history of flooding in relation to which improvements been carried out in recent years. The EIS addresses the potential for reservoir overflow events in the operational phase which include containment of water within the existing embankment in the unlikely event of overflow.
- 7.7.6. I am satisfied that there is no significant likelihood of adverse effects on surface water. However, I do recommend the attachment of a standard condition relating to surface water disposal.
- 7.7.7. Regarding the likelihood of groundwater impacts I note that the formation level of most of the site is 76mOD but that a small area will be at a lower level of 72mOD. Recorded water levels are reported to be at 71.3m. I submit that the evidence is that groundwater pumping is not likely to be required. In the event that groundwater is encountered the applicant proposes to deal with the matter through use of sump pumps to pump to the settlement pond which is to be part of the site drainage. Having regard to the proposals to control and monitor the water at the outfall, I consider that it can be concluded that there is no significant likelihood of adverse impacts.
- 7.7.8. On completion discharge to the stream will be controlled through a discharge pipe and hydro break and flow will not exceed Greenfield predevelopment flow rates as required by the 2016 – 2022 plan.

7.7.9. I agree with the conclusions presented in the EIS that subject to the implementation of mitigation measures there will be a minimal impact on groundwater (which is further considered below) or surface waters in the area.

7.8. **Soils and geology**

7.8.1. In terms of the likely impacts on geology of the site and hydrogeology of the area these are minimised by the fact that subsoil is and soils have largely been removed from the site in the construction of the original reservoirs. Impacts are further minimised by the relatively small works affecting the embankments. There are no sites of geological heritage within the perimeter of the site boundary.

7.8.2. The reservoir is underlain by granitic and other intrusive bedrock. There are no mapped regional faults. The bedrock is classified as a poor aquifer which is generally unproductive. There are no wells or ground water protection zone within the catchment area to the site. Potential recharge within the future reservoir site will be limited due to the low permeability nature of the bedrock aquifers. Potential construction impacts related to excavation have been identified and planned mitigation measures will reduce these impacts significant.

7.8.3. I have commented earlier on the nature of the rock and the options for excavation.

7.8.4. I note that the planning authority on foot of a recommendation of the Biodiversity Officer attached a condition relating to the assessment of silts for suitability for reuse. I refer to the conclusion in section 4.7.2 of the revised Outline CEMP that the silt which has been tested and which is present in the reservoirs at a depth of about 6cm 'was found to be typical of urban soils' and to references to proposed further testing. I consider that the condition may be omitted.

7.8.5. The applicant's submission includes mitigation measures based on CIRIA technical guidance on water pollution control and on best practice. I accept the conclusion presented that if the mitigation measures detailed are implemented no significant adverse direct or indirect impacts on groundwater and underlying geology are expected as a result of the construction or operation of the proposed development.

8.0 Environmental Impact Assessment

8.1. Overview including need for EIA

- 8.1.1. Section 4 of Chapter 1 addresses the requirement for an undertaking of an environmental impact assessment noting that there are a number of steps in this regard. An EIS screening report prepared on behalf of Irish Water in June 2016. Under the PDR 2001, schedule 5, part 2, section 10 (b) (iv) an **EIA is required for urban development**, which would involve an area greater than 2 ha in the case of the business district. During pre-application meetings it was noted by officers of the planning authority that the proposal could be considered to be urban development due to proximity to the Sandyford business district. As a result, DLRCC proposed that an EIA should be undertaken as a precautionary principle.
- 8.1.2. I have been unable to source a formal definition of 'urban development' for the purposes of EIA. There is no definition to be found either in the current development plan for the county. Taking the common meaning of 'urban development' I do not consider that a covered reservoir fits comfortably within that category of development. I note that the planning authority does not appear to have made a case that a reservoir is 'urban development' but that it should be so considered in relation to the proximity to a built up area. However, on that basis any development close to this business district would be deemed to require EIA.
- 8.1.3. The intention of the Directive is focused on assessment of the impacts of a development. The locational context is a consideration in this regard. However, the main criteria for whether or not a particular project type warrants this form of assessment is restricted in the first instance to the nature of the project. Where that project is to be located is a second consideration which would come into play if it is required that a 'sub-threshold' assessment be undertaken and in the assessment of the impacts themselves. There is in the first instance a prima facie requirement that the proposed development, the project, fall within a Class of development set out in the Annexes to the Directive as transposed in national law under the Planning and Development Regulations. There is no class for reservoirs.
- 8.1.4. I have serious reservations about the approach of the planning authority and the requirement for EIA. If the Board considers that the proposed development is not

'urban development' and does not fall within any other class listed in the PDR then the question arises as to the need for EIA. The Board may determine that there is no requirement for EIA notwithstanding the submission of an EIS. That would be my opinion. In the event that the Board considers otherwise I propose to complete the EIA section of this report.

- 8.1.5. Regarding the impacts identified in the EIS the Board may wish to consider whether it is necessary to examine the sources of the water which will be contained in the reservoir including whether the development of additional capacity at the site has consequences for the environment, which need to be assessed in terms of indirect effects. I have referred earlier to the fact that there are three main sources of water entering this reservoir. That water would be stored at this site in an open reservoir or in a covered one as now proposed. There is stated to be a doubling of the storage capacity on site. That does not however translate into any increase in capacity of any abstraction, it may mean that the same volume of water is retained in the reservoir for a longer duration. There is in my opinion no requirement therefore to assess any indirect effects which might be related to the source of water. Any environmental effects at source are properly considered separately under any consent applications.
- 8.1.6. I consider that information provided in the EIS is sufficient to enable an assessment of the likely significant effects on the environment arising from the proposed development and that the requirements of the EIA Directive and Planning and Development Regulations 2001, as amended are met. No significant difficulties were encountered in compiling information.
- 8.1.7. A non-technical summary is provided. The original EIS was supplemented by additional submissions received by the Planning Authority. The EIS is informed also by a number of standalone consultants' reports.
- 8.1.8. The issues arising can be addressed under the following headings:
- Proposed development and alternatives
 - Human Beings
 - Flora and Fauna
 - Soils & Geology
 - Water
 - Air & Climate

- Noise and Vibration
- Landscape and Visual Impact
- Material Assets
- Cultural Heritage
- Interaction of the foregoing.

8.2. Proposed Development and alternatives

8.2.1. The **key elements of the proposed covered reservoir** which relate to the EIS include:

- draining and decommissioning of the Gray reservoir
- construction of a new covered reservoir
- draining and decommissioning of the upper and lower reservoirs on completion of the covered reservoir
- landscaping of decommissioned areas.

8.2.2. The **site location** is described in terms of its location within the county of Dun Laoghaire Rathdown and the surrounding land uses. The site itself is surrounded by high embankment and is of a regular shape. The embankments block views except from elevated locations principally in the apartments and offices of the Sandyford business district and also from the upper windows of houses to the north of the site.

8.2.3. The **existing infrastructure** on site comprises three open reservoir cells which are operated by Dublin City Council on behalf of Irish Water. The proposed development in overview may be described as including a covered reservoir totalling 160 ML of treated drinking water storage, which represents 1 ½ days storage for 2031 demand. This will be in three cells of roughly equal volume. A new site entrance is proposed and there would be an access roadway within the site including a new bridge over the Carysfort-Maretimo stream. There will be drainage and drainage attenuation, site services and landscaping.

8.2.4. In terms of **alternatives** this is addressed in section 3.4 of Chapter 3. An assessment of available alternatives was undertaken to ensure that better solutions were not overlooked either in terms of a do nothing scenario, alternative reservoir locations or alternative options within the existing site. The applicant has reasonably demonstrated that an alternative site is not an option. Site infrastructure together

with the wider infrastructure in the Dublin region constrain consideration of such radical options. The evolution of the preferred scheme is presented in section 3.4 of the EIS.

- 8.2.5. I consider that the development is described in sufficient detail including in relation to the critical matter of the construction phase. The supplementary reports including the CEMP which inform the EIS are presented in their original form, which I consider is especially useful. The selected layout is reasonably supported including in relation to the need for a safe distance from the operating reservoirs, which will be maintained for the duration of works.

8.3. Human Beings

- 8.3.1. Chapter 4 refers to **consultation and scoping** and notes organisations consulted and that written opinions were received from the EPA, TII, IFI, HSE and from Dun Laoghaire Rathdown County Council forward planning. A complete copy of submissions is in appendix D of the EIS. In addition, it is stated there was a six-week public consultation on the proposed new covered reservoir. A consultation report is presented in appendix 1 of the EIS.
- 8.3.2. Chapter 5 of the EIS considers the impact in the context of population and settlement, land-use, employment and other impacts of a **socio-economic** nature. There is an increasing population and as a result the demand for treated drinking water supply in the area is increasing. The existing use is deemed to be compatible with a range of uses as noted by the continued development of the area. The 24-month period of construction of this €80 million scheme will give a boost to the construction sector in terms of employment and supplies.
- 8.3.3. The effect on human beings in the construction phase are considered in detail in relevant sections of the EIS. It is relevant to note at this point that consideration has been given to noise mitigation, including in the exam period, to air quality and to traffic safety.
- 8.3.4. Regarding access to the site it is not currently open to the public and security is in place to ensure unauthorised access does not occur. It is not proposed to open the site to the public. There is considered to be no impact on the provision of tourism and recreation.

8.3.5. I accept the conclusion there would be indirect positive impacts from the construction phase and there will be longer strategic impacts from the operation and existence of the facility in terms of the provision of reliable drinking water supply.

8.4. Flora and Fauna

8.4.1. Chapter 12 of the EIS addresses ecology. The assessment is based on desktop and site visits. It followed best practice guidance for habitat survey and bat surveys and references the relevant Heritage Council and Bat Conservation Trust guidance.

8.4.2. The covered storage of the reservoir has the potential to result in minor adverse impacts including bats, treeline, fish and birds. The wintering bird surveys indicate that the water bodies are of minor value and there will not be any significant effects on bird populations. I accept this subject to the planting of vegetation around the attenuation pond to which the applicant is committed. The loss of trees is unavoidable but not of particular consequence and replanting within the site is proposed. There is no evidence that stoats inhabit the site. Fish will be harvested by electrofishing in consultation with IFI, who appear to have no objection.

8.4.3. The sole outstanding concern therefore relates to the impact on bats. Enhancement measures are incorporated in the application documentation and can be addressed by condition. However, the Board is advised that the loss of water will adversely affect bats particularly Daubenton's Bats and that the recommended condition may not adequately address this matter – its likely effect is unknown. Some loss of bats which are rare in suburban areas is therefore likely. I would classify this impact as being of low significance. No roosts are affected and the numbers of bats using the site are described as low.

8.4.4. Apart from the impact on bats, any other residual impacts on habitat and species will be temporary and insignificant.

8.5. Soils & Geology

8.5.1. Chapter 14 assesses likely impacts on geology of the site and hydrogeology of the area. Apart from the silt in the bottom of the reservoir there is no soil or subsoil at most of the site. There are no sites of geological heritage within the perimeter of the

site boundary. The reservoir is underlain by granitic and other intrusive bedrock. Extensive excavation of rock will be required.

- 8.5.2. The bedrock is classified as a poor aquifer which is generally unproductive. There are no wells of ground water protection zone within the catchment area to the site. Potential recharge within the future reservoir site will be limited due to the low permeability nature of the bedrock aquifers. Potential construction impacts related to excavation contamination have been identified and planned mitigation measures will reduce these impacts significant. Mitigation measures are based on best practice.
- 8.5.3. I am satisfied that if the mitigation measures detailed are implemented no significant adverse direct or indirect impacts on groundwater and underlying geology are expected as a result of the construction or operation of the proposed development. I consider that the applicant's submissions together with the consideration of these matters by officials of the planning authority support that conclusion.

8.6. **Water**

- 8.6.1. Chapter 13 of the EIS addresses likely impacts on the hydrology of local watercourses and the effects of the works on flood levels. The Carysfort-Maretimo stream along the eastern boundary is well separated from most of the site works area and can be protected from pollution by the measures proposed and monitored accordingly. No adverse impacts are therefore likely.
- 8.6.2. A stage I, 2 and 3 flood risk assessment concluded that the flood risk from the different flood sources analysed is low. The EIS addresses the potential for reservoir overflow events in the operational phase and mitigation to include containment of water within the existing embankment in the unlikely event of overflow.
- 8.6.3. Surface water drainage attenuation pond will provide for attenuation of intense rainfall events and is designed for a 1 – 200 year flood capacity. In the event of a more significant flood event the attenuation pond will over top into the landscape area be retained within the existing exterior embankments. Discharge to the stream will be controlled through a discharge pipe and hydro break and flow will not exceed Greenfield predevelopment flow rates as required by the 2016 – 2022 plan.
- 8.6.4. Subject to the implementation of those mitigation measures I am satisfied that there will be a minimal impact on surface waters in the area.

8.7. Air & Climate

- 8.7.1. Chapter 10 of the EIS assesses potential impact on air quality and climate. Background air quality is a very good quality. Potential for dust has been assessed and mitigation measures including a dust management plan will be implemented. Assuming recommended construction mitigation measures are implemented potential for residual dust impact is considered negligible at the nearest sensitive properties.
- 8.7.2. In summary there will be no significant air quality and dust impact impacts.

8.8. Noise and Vibration

- 8.8.1. Chapter 9 assesses the likely noise and vibration impacts associated with the construction and operational phases. Predicted noise levels at the nearest residential properties are in accordance with daytime and night-time values in the WHO guidelines for community noise. Appropriate noise mitigation measures have been identified to ensure construction phase target noise limits are not exceeded. The contractor will be obliged to implement BS 5228. The assessment indicates that operational noise from the proposed development will not exceed the EPA recommended noise limit criteria. Residual impacts resulting from the development will not be significant.
- 8.8.2. A geotechnical vibration assessment has been completed. This addresses matters other than the embankment which will be subject of further separate assessment by a panel engineer. In the event this separate assessment might be deemed to constitute a gap in the overall EIA I recommend a condition relating to prior agreement with the planning authority on vibration levels. I am satisfied that this can be resolved and that it would not warrant further information prior to a decision of the Board.
- 8.8.3. Rock excavation techniques and structural monitoring mitigation measures, which relate to structures other than the embankment are recommended. The selected method of rock breaking will require a longer duration but has other advantages over blasting. On that basis the predicted vibration impact in the construction of the development on the surrounding environment will not be significant and will fall well below accepted standards. I accept the conclusions of the EIS which are based on

this report and which include consideration of baseline information from boreholes on site and from nearby major development sites.

8.9. Landscape and Visual Impact

- 8.9.1. Chapter 8 describes the landscape and visual environment of the area and assesses the impacts of the proposed development. Landscape and visual mitigation measures are also set out. Sensitive receptors include residents to the north and office workers at Sandyford.
- 8.9.2. In summary the development would result in a profound change to the landscape of the site by the removal of the open water reservoir, construction of a large building and from the extensive new landscaping and planting across the site. Industrial heritage features will be largely unaffected.
- 8.9.3. The significance of the landscape impacts is categorised as medium and neutral.
- 8.9.4. Residents of Stillorgan Heath are sensitive to visual change and would experience a low to medium magnitude change from the rear facing 1st floor and attic windows. The top of the new covered reservoir would be visible protruding above the existing embankment at a distance of 35 m minimum separation.
- 8.9.5. The occupants of the Sandyford business district buildings, which are mostly offices are less sensitive to visual change. Due to their elevation they will experience a greater magnitude of change and they will see the entire development. The large covered reservoir softened by the green roof and belts of woodland planting and tree planting along the southern bank will be visible as would tree lines and hedgerows across the site.
- 8.9.6. The mitigation measures lessen the impact of the development and of the new covered reservoir in particular. The resulting views would not be of poor quality. However, the removal of the existing open reservoir would change the composition and character of views and have an adverse effect on visual amenity.
- 8.9.7. I conclude that the residual landscape and visual impacts are acceptable.

8.10. Material Assets

- 8.10.1. Chapter 15 addresses the potential impact on material assets. It deals with the resources of economic value including property and land use, local settlement, transport and utilities, national resources and waste resources.
- 8.10.2. The EIS indicates that the proposed works may have a long-term positive impact on property values and local settlement and support development in the region and the attraction of inward investment. I am unconvinced by aspects of this conclusion. However, it is relevant to the wider region which will experience positive impacts. The area of the reservoir is served by strong network of local utility infrastructure. No potential impacts to utilities are expected.
- 8.10.3. The dominant traffic impact will be during construction stage in the operational stage will have minimal traffic movements. The TTA and EIS focus on the construction traffic along the proposed route and in particular on matters relating to the opening and operation of the St Raphaela's entrance. The avoidance of adverse impacts along this busy route is the focus and a number of options are set out. The avoidance of right turn movements for vehicles travelling northward together with measures to minimise the effects of the peak HGV period are noteworthy mitigation measures, which I consider will assist in ensuring safe movement of traffic and protection of all road users.
- 8.10.4. The phasing of the development will allow for on-site parking for construction workers.
- 8.10.5. The conclusion is that the additional traffic during construction phase will not have a significant effect on traffic and transport -related environment affects i.e. severance, driver or pedestrian delay, pedestrian amenity and fear and intimidation. I consider that this can be achieved. The traffic impact in the construction phase is therefore acceptable. The EIS also concluded that there will be no traffic -related operational impacts, which I also accept as minimal traffic volume would be generated.
- 8.10.6. I conclude that the development will have a positive overall impact on material assets in the long-term. Short-term negative temporary effects affect the immediate area and are amenable to mitigation.

8.11. Cultural Heritage

- 8.11.1. Chapter 6 of the EIS addresses the archaeological and cultural heritage implications. It notes that there are no previously recorded archaeological sites within the immediate vicinity. It is clear that extensive disturbances already taken place and these works are likely to have led to the removal of any subsurface archaeology that may have survived in the footprint of the reservoir prior to 1860. As such no adverse impacts are predicted on the archaeological resource.
- 8.11.2. The indirect effect on the protected structure which is a bridge is mitigated by separation and simple design. I agree with the consideration of this matter by the Council's Conservation Officer and consider that the optimum solution is presented.
- 8.11.3. I consider that the conclusion that no further mitigation is deemed necessary is supported by prescribed bodies and others and is reasonable.

8.12. Interactions of the foregoing

- 8.12.1. Chapter 16 deals with significant interactions and interdependencies between environmental impacts. A positive interaction with human beings is the general conclusion as the development will ensure high quality safe drinking water for the existing and future population and facilitate future growth and demand. The potential for locally negative impacts terms of landscape and visual and construction phase and human beings arises due to the permanent presence of the infrastructure development. Mitigation measures alleviate the potential impacts and interactions. The mitigation measures which ensure minimal impacts on surface waters will also result in minimal or negligible interactions between environmental aspects such as hydrology and ecology or material assets. No negative impacts on the environment anticipated apart from the physical presence of the proposed development.

9.0 Appropriate Assessment

An appropriate assessment screening report prepared by Nicholas O'Dwyer Limited was submitted with the application. This was revised as part of the response to further information received by the planning authority.

In the foregoing I follow the staged approach to screening for appropriate assessment as recommended in both EU Guidance and by the Department of Environment, Heritage and Local Government:-

1. Description of the plan or project and local site or plan area characteristics.
2. Identification of relevant Natura 2000 sites and compilation of information on their qualifying interests and conservation objectives.
3. Assessment of likely effects-direct, indirect and cumulative, undertaken on the basis of available information.
4. Screening statement with conclusions.

9.1. **Project Description and Site Characteristics**

9.1.1. The proposed development is as described in the report above and in the application submissions as revised in the further information. The site is in an inner suburban location surrounded by high density development to the south, low density residential development to the north and it constitutes part of a 21-hectare block of land which has an established use as a reservoir. Open basins of water are the dominant feature. A large embankment around the site is up to 8m in height. The Carysfort-Maretimo stream is a potential pathway to Natura sites.

9.1.2. The following are described in detail in the AA Screening report presented and I agree that these are the significant works elements for the purposes of influencing this section of this report:

- Draining of Gray reservoir over a period of three weeks and at a rate which avoids risks to the dam – maximum daily allowable depth of 300mm – Drawdown Management Plan proposed.
- To involve discharge initially to the water supply distribution then to the Carysfort-Maretimo stream subject to availability of capacity and to meeting water quality requirements.
- Establish entrance. Remove Canadian Pondweed to licenced facility.
- Remove silt which is 6cm depth. Final further assessment of silt to determine suitability for re-use in landscaping.
- Monitor surface water quality. When necessary (high rainfall or quality issues) cease scour discharge. De-chlorination unit to be set up to meet limits for

EC(Quality of Salmonoid Waters) Regulations. Monitor turbidity to ensure development does not give rise to exceedance of EC(Quality of Salmonoid Waters) Regulations.

- Electrofishing in accordance with IFI requirements.
- General pollution control measures as presented in section 2.2.1 including to ensure protection of Carysfort-Maretimo stream.
- Best practice in relation to concrete pours and all aspects of working with concrete.
- Siting of construction compound separate from stream and active reservoirs.
- Control of construction site surface water runoff quality in construction and operation.
- Groundwater management provisions.
- Measures related to working near watercourses to be implemented in the construction of the bridge and pipe crossings.

9.2. Relevant Natura 2000 Sites, Qualifying Interests and Conservation Objectives

9.2.1. I refer the Board to table 4.1 of the AA screening report presented by the applicant. As is demonstrated in the following text I agree with conclusions presented in table 4.1.

9.2.2. Twelve Natura Sites are identified as being within a 15km radius of the site. A number of these can be screened out due to distance and lack of potential impact pathway. The pathway is the Carysfort-Maretimo stream, which flows in to Dublin Bay. Use of the site by qualifying interests (birds) also warrants further assessment.

9.2.3. On that basis the relevant sites and qualifying interests which require consideration and assessment may be identified as follows.

South Dublin Bay SAC (code 000210) which is 3 km away. Potential impacts by way of the stream. Qualifying interests which may be affected are mudflats and sand flats, annual vegetation of drift lines and Salicornia and other annuals colonising modern sand.

South Dublin Bay and River Tolka Estuary SPA (code 04024) which is 3 km from the site. There is potential for disturbance during construction and for reduction of suitable connecting habitat. The relevant qualifying interests are light bellied Brent Goose , Oystercatcher and Black headed Gull. There is also potential for impact due to pollution by way of the stream to the SAC which might affect Wetland and Waterbirds.

North Bull Island SPA (code 004006) which is 8 km from the site. There is potential for disturbance of birds during construction and for reduction of suitable connecting habitat. The relevant qualifying interests are light bellied Brent Goose, Oystercatcher and Black headed Gull.

9.3. **Assessment of likely effects**

- 9.3.1. The site is not within a designated site thus there would be no direct impacts from the proposed development.
- 9.3.2. In terms of indirect effects there is potential that during the draining of the reservoir and throughout the construction phases in particular contaminated water would enter the Carysfort-Maretimo stream. This could include silt, hydrocarbons or other pollutants. This possibility can be removed from further consideration in view of the standard best practice water protection measures being applied. The use of the scour valve to drain the reservoir would be protective of water quality and a program of monitoring will ensure high quality discharge. Furthermore the presence of the embankment as well as the location of the construction compound limit the potential pollutant pathways. It can be concluded that sediment or pollutants from construction activities will not mobilise into the stream and affect the Natura 2000 sites.
- 9.3.3. The development involves considerable excavation of bedrock to a depth of up to 5m over an extensive area of the site. The site is underlain by a bedrock which is classified as a poor aquifer. When this is considered together with measures set out in the CEMP to prevent discharges to groundwater and surface water by way of site drainage and related matters, potential for groundwater pollution is very limited. Further groundwater is not expected to be encountered during excavation nor will groundwater pumping be required. It can be concluded on the basis of best scientific

evidence that sediment or pollutants will not mobilise to groundwater and that there is no potential for water pollution effects on the Natura 2000 sites.

9.3.4. Section 6.1.1 and 6.1.2 and 6.1.3 of the AA screening report refer in further detail to the potential for significant effects on mudflats and sand flats, annual vegetation of drift lines and Salicornia and other annuals colonising mud and sand. The potential for run-off to affect suspended solid levels and water quality in the relevant wetland habitats applies in all cases. Sediment control measures set out in the application, which I consider are properly considered and adequately detailed will ensure that there will be no reduction in habitat area and no compromising of the habitat and that the community types will be conserved.

9.3.5. I consider therefore that the potential for impacts on the following qualifying interests may be screened out:

- mudflats and sand flats not covered by sea water at low tide
- annual vegetation of drift lines
- Salicornia and other annuals colonising mud and sand.

9.3.6. Surveys undertaken indicate occasional use by light bellied Brent geese at the reservoir. The light bellied Brent geese are primarily found on amenity grasslands and may have been using the site as a transient habitat. They were not recorded in the 8 no. wintering bird surveys and therefore are occasional visitors. Two other species which are qualifying interests of nearby SPAs and which were recorded at the site are Oystercatcher (a single record) and Black Headed Gulls (up to 62 individuals). The reservoir is subject to bird control measures and is reasonably deemed to be of low value to migratory water birds associated with the Natura 2000 sites. I refer to sections 6.1.4, 6.1.5 and 6.1.6 which further describe the limited suitability of the site as a habitat for these three birds which are qualifying interests and for waterbirds in general. I consider that the conclusions of the applicants AA screening report in this regard may be accepted.

9.3.7. I consider therefore that the potential for impacts on the following qualifying interests may be screened out:

- Oystercatcher
- light bellied Brent Goose

- Black headed Gull
- Wetlands and Waterbirds.

9.3.8. In terms of the potential for cumulative impacts from other plans and projects table 5 – 1 of the AA screening report refers. This describes developments the nature of which are likely to be encountered. This list is likely to be out of date. From my knowledge of the area however I would conclude that small-scale, primarily residential and commercial development sites are likely to coexist with the construction and operation of the proposed development. I consider that in-combination effects would not be anticipated.

9.4. **Screening Statement and Conclusions**

9.4.1. In conclusion having regard to the foregoing it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects would not be likely to have a significant effect on any European Site and in particular sites code 000210, 04024 and 004006 in view of the sites' Conservation Objectives and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

10.0 **Recommendation**

10.1.1. I recommended the Board uphold the decision of the planning authority to grant permission subject to the reasons and considerations and the conditions below.

11.0 **Reasons and Considerations**

Having regard to:

- a) the provisions of the Water Services Strategic Plan published by Irish Water
- b) the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022
- c) the established need for an upgrade of the existing water storage facilities
- d) all documentation on file including the Environmental Impact Statement and the mitigation measures contained therein

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 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 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 and land use and amenity.

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 and indirect effects of the proposed development. The Board completed an environmental impact assessment, and agreed with the Inspector in her assessment of the likely significant effects of the proposed development, and generally agreed with her 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 proposed development would not be likely to have significant effects on the environment.

Appropriate Assessment Screening

The Board noted the Appropriate Assessment Screening determination carried out by the Inspector. The Board concurred with the Inspector's determination, and adopted her 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 SAC [000210], South Dublin Bay and River Tolka Estuary SPA [004024] or the North Bull Island SPA [004006] or any other European sites, in view of their conservation objectives.

12.0 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 10th 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 Reports 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 conditions of below.

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 applicant shall secure the written agreement of the planning authority in relation to
 - (a) a final Traffic Management Plan
 - (b) a final Construction and Environment Management Plan
 - (c) appointment of an Ecological Clerk of works and definition of roles and responsibility of that person
 - (d) 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 scheme shall be amended and a revised plan submitted to the planning authority for agreement and to include the following:

- (a) The attenuation pond shall be planted with emergent vegetation
- (b) Provision may be made for additional water features in order to comply with condition 4 below.

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 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.

5. The applicant shall submit to the planning authority a report outlining measures to enhance the suitability of the site for bat species present, which shall be prepared by a bat expert and proposals to comply with such measures including a timeline for completion. This shall include consideration of opportunities to increase the area of water bodies on site and other measures which may be recommended.

Reason : To minimise the impact of the development on bats.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

Mairead Kenny

Senior Planning Inspector

23rd October 2017