



An
Bord
Pleanála

Inspector's Report

ABP-313705-22

Development	Construction of tea rooms and all associated site works
Location	O'Neills Tea Rooms, Cruagh Road, Rathfarnham, Dublin 16
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD22A/0076
Applicant(s)	Frank O'Gorman.
Type of Application	Planning Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Frank O'Gorman.
Observer(s)	No Observers.
Date of Site Inspection	7 th of September 2023.
Inspector	Elaine Sullivan

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1.0 Site Location and Description

- 1.1. The subject site is located in the foothills of the Dublin Mountains, approximately 2.5 kilometres to the south of the M50 and in the townland of Cruagh. It is in an elevated rural area at the junction of the R116 and Cruagh Road. The site has a stated area of 0.5ha and appears overgrown with many trees throughout the site. A building was previously in place on the site and there is a historical access onto the R116 which is secured with a gate and a boom. Directly opposite the site access, the R116 takes a sharp turn southwards and uphill towards Glencullen and Kiltiernan.
- 1.2. The site is positioned between the 250-280m contour and at the base of Cruagh Mountain. Land surrounding the site on all sides are heavily wooded with Tibbradden Woods approximately 230m to the east of the site. A stream runs along the northern boundary of the site and Cruagh Road is adjacent to its southern boundary.

2.0 Proposed Development

- 2.1. Planning permission is sought for the construction and reinstatement of a single storey building of 169 sq. m containing a reception area, a main tearoom / café area, kitchen, lobby, two WC's, patio area and surface parking for 8 cars.
- 2.2. Additional works would include the installation of a septic tank and percolation area with all ancillary site works.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was refused by the Planning Authority, (PA), for five reasons, which relate to the following,

1. The proposal is not in accordance with the provisions of the 'HA-DM' zoning for the site, which requires that the development is located within an existing building and not above the 350m contour line. The structure on site does not qualify as an existing building.

2. It has not been satisfactorily demonstrated that the proposal would not endanger public safety by reason of a traffic hazard from the vehicular entrance which is directly across from the junction of the Cruagh and Glencullen Roads.
3. The site is located within a sensitive ecological location in the Dublin Mountains and close to the Owendoher River, which is an important trout spawning river. There is also the potential for protected species such as bats to be present. Sufficient ecological assessments have not been carried out to inform an Appropriate Assessment of the potential impacts on nearby protected sites and would be contrary to Policy HCL 9, Policy HCL 12 and Policy HCL 13 of the SDCC Development Plan 2016-2022.
4. Due to insufficient information regarding Surface Water Drainage requirements, the PA are not satisfied that the proposal would not be prejudicial to public health.
5. There are protected views looking northward towards the subject site from Cruagh Road. The application did not contain a Landscape Character Assessment or a Visual Impact Assessment. The absence of any siting and visual impact assessment for the proposal in the 'HA-DM' zoning objective and the adverse impact on Protected Views is not acceptable to the PA. The proposal would be contrary to Policy HCL 7 and HCL 8 of the SDCC Development Plan 2016-2022.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer (PO) dated the 5th of May 2022 informed the decision of the PA and included the following,

- The PO notes that the application states that the current building has no roof but walls of c. 4-5 feet in height are in place. There are no drawings that detail what remains of the tea rooms.

- The proposal for a 'Restaurant/Café' is open for consideration within the 'HA-DM' zoning objective if it is located in an existing premises and not above the 350m contour line.
- The site is not located above the 350m contour, but the PO does not consider the existing 4-5 feet high walls with no roof to be an existing structure.
- Documentation regarding site selection and siting was not submitted, and the application does not demonstrate how the development will minimise environmental and visual impacts.
- The application did not contain a Landscape Character Assessment or Visual Impact Assessment.
- The proposal would endanger public health by reason of a traffic hazard.
- There is no reference to any ecological assessment of the development on the sensitive site which is just 200m from an SAC.
- There is a lack of information regarding a Landscaping Plan, existing trees and hedgerows, surface water drainage and green infrastructure.
- A screening for AA should have been carried out given the proximity of the site to Natura 2000 sites.

3.2.2. Other Technical Reports

- County Heritage Officer – A refusal of permission is recommended due to the lack of ecological assessment on the sensitive site and the proximity of Natura 2000 sites.
- Water Services – Further information is required regarding the provision of SuDS measures.
- Public Realm – Further information is required regarding the submission of a landscaping plan, information on trees and hedgerows, ecological assessments including bat survey, a landscape and visual impact assessment, details on SuDS proposals, green infrastructure proposals and the proximity of the proposal to the stream along the eastern boundary.

- Roads Department – Further information is required regarding the safety of the access and junction, (a Road Safety Audit is required), visibility splays and sightlines and, provisions for car parking and bicycle parking.
- Environmental Health Officer – No objection.

3.3. Prescribed Bodies

- No submissions.

3.4. Third Party Observations

One third party submission was received by the PA within the public consultation period. The following issues were raised,

- The proposal is more accurately described as a demolition of existing and construction of a new build, which is not in accordance with the zoning objective for the site.
- Details of the existing structure were not submitted.
- A Section 152 Warning Letter was issued for alleged unauthorised works on the site in 2006, (Enf. Ref. No. S7710).
- The application failed to demonstrate that the Landscape Character of the area will not be affected by the development.
- Details regarding landscaping and biodiversity were not included.
- The development will impact on protected views.
- The impact of the proposal on nearby Natura 2000 sites was not considered.
- The existing junction is dangerous and additional traffic would cause a traffic hazard.
- Access boundary details have not been specified.
- SuDS measures have not been included.

4.0 Planning History

No planning history found for the subject site.

On sites nearby -

ABP. 06S.RL.3048, (PA Ref. ED12/0020) – Appeal dismissed by the Board on the 29th day of April 2013. The appeal related to a Section 5 Referral regarding works carried out on the lands to the north of the subject site. The PA did not issue a decision due to lack of information.

ENF S7710 – Enforcement file opened by the PA relating to the widening of an access onto a public road, the creation of a new access onto a public road, the rebuilding/reconstruction of a semi-derelict structure for the keeping of animals. This file remains open.

SD09A/0094 – Application withdrawn on the 10th day of June 2009 for the retention of completed works and permission for the modification and completion of works comprising the retention of 0.8ha of infill inert soil material used for the intended purposes of landraising for consequential agricultural benefit.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is located within the administrative boundary of South Dublin County Council. The operative Development Plan for the area is the South Dublin County Development Plan, (CDP), 2022-2028, which came into effect on the 3rd day of August 2022.
- 5.1.2. The application was assessed by South Dublin County Council in accordance with the policies and objectives of the South Dublin County Development Plan 2016-2022, which was the operative Development Plan at the time.
- 5.1.3. On review of the contents of both plans I note that there are no material changes between the 2016 County Development Plan and the 2022 County Development Plan as they relate to the appeal site and the current proposal. In this regard I consider the proposal in accordance with the guidance and provisions of the

operative Development Plan, namely the 2022 – 2028 South Dublin County Development Plan, (SDCDP).

5.1.4. The following sections of the **SDCDP** are of relevance to the proposed development,

Zoning – The site is zoned High Amenity – Dublin Mountains, ‘HADM’, the objective of which is, *‘To protect and enhance the outstanding natural character of the Dublin Mountains area’*. A Restaurant / Café is listed as ‘Open for Consideration’ within this zoning if it is in an existing building and not above the 350m contour.

Protected Views - There is an objective to *‘Protect and preserve significant views’*, to the north and south of the Cruagh Road / R116 which runs along the northern site boundary.

NCBH6 Objective 2: To restrict development within areas designated with Zoning Objective ‘HADM’ (To protect and enhance the outstanding natural character of the Dublin Mountains Area) and to ensure that new development:

- does not significantly impact on sensitive habitats, species, or ecosystem services;
- is related to the area’s amenity potential or to its use for agriculture; mountain or hill farming; and
- is designed and sited to minimise environmental and visual impacts.

Chapter 3 – Natural Culture and Built Heritage -

NCBH6 Objective 4: To ensure that any permitted development supports the principles and protections included in the South Dublin County Green Infrastructure Strategy, recognising the significant value for amenity and ecosystem services provided by the Dublin Mountains for the Greater Dublin Area.

NCBH15 Objective 1: To protect, preserve and improve Views and Prospects of special amenity, historic or cultural value or interest including rural, river valley, mountain, hill, coastal, upland and urban views and prospects that are visible from prominent public places and to prevent development which would impede or interfere with Views and / or Prospects.

NCBH15 Objective 2: To require a Landscape / Visual Assessment to accompany all planning applications for significant proposals that are likely to affect views and prospects.

Chapter 4 - Green Infrastructure -

GI1 Objective 4: To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage and enhance GI resources providing links to local and countywide GI networks.

GI2 Objective 2: To protect and enhance the biodiversity and ecological value of the existing GI network by protecting where feasible (and mitigating where removal is unavoidable) existing ecological features including tree stands, woodlands, hedgerows and watercourses in all new developments as an essential part of the design and construction process, such proactive approach to include provision to inspect development sites post construction to ensure hedgerow coverage has been protected as per the plan.

SuDS -

GI4 Objective 1: To limit surface water run-off from new developments through the use of Sustainable Drainage Systems (SuDS) using surface water and nature-based solutions and ensure that SuDS is integrated into all new development in the County and designed in accordance with South Dublin County Council's Sustainable Drainage Explanatory Design and Evaluation Guide, 2022.

Landscape -

GI7 Objective 2: To protect and enhance the landscape character of the County by ensuring that development retains, protects and, where necessary, enhances the appearance and character of the landscape, in accordance with the provisions of South Dublin's Landscape Character Assessment and the provisions of Chapter 3: Natural, Cultural and Built Heritage of this Development Plan.

Chapter 9 – Economic Development and Employment

EDE19 Objective 1: To support the development of tourism infrastructure, attractions, activities, accommodation and facilities at appropriate locations subject to sensitive design and demonstrated environmental safeguards.

5.2. **Natural Heritage Designations**

- No designations apply.

5.3. **EIA Screening**

- 5.3.1. Having regard to the nature and scale of the proposed development, which is for a single storey building to house tea rooms with ancillary works, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal include the following,

- There is an extensive planning history to the site that extends back to the 1800's. The tea rooms were remodelled in the 1920's using the existing walls.
- The appellant comments on the planning history on adjacent sites, ED12/0020 / ABP 06S.RL.3048.
- Enforcement notice, Ref. NF S7710, was referenced in the report of the PO but does not relate to the subject application and is now closed.
- The appellant states that his family have owned the site since 1964 and that he lives and farms locally.
- The appellant alleges that unauthorised development such as infill and hard landscaping have been carried out on nearby lands.

- Several junctions and access points nearby are referenced, and the appellant argues that these are of similar nature and operate without problems, (i.e. Rock Brook Park School, the junction of Mount Venus Road and the R116 and Cruagh Cemetery).
- It is not intended that the tea rooms will facilitate tour buses. The business will be geared towards day trippers, walkers, and cyclists.
- The report of the PO states that the entrance to the site is permanently barricaded which gives the impression that it is blocked, which it is not. The appellant has placed a boom and a gate to allow personal access to the lands as he maintains that there have been several attempts to block the entrance by third parties.
- The appellant has also submitted substantial correspondence that relates to previous enforcement notices, S7710 and S7051.

6.2. Planning Authority Response

- A response from the PA was received on the 28th of June 2022 and states that the issues raised in the appeal have been dealt with in the report of the PO.

6.3. Observations

- No observations.

7.0 Assessment

7.1. The grounds of appeal can be addressed under the following headings:

- Principle of Development
- Procedural Issues
- Landscape
- Access
- Drainage

- Appropriate Assessment

7.2. Principle of Development

- 7.2.1. The subject site is located in the Dublin Mountains and is zoned objective HADM, (High Amenity Dublin Mountains), which seeks to protect and enhance the natural character of the Dublin Mountains. Within this zoning, a Restaurant / Café is listed as a use that is 'Open for Consideration' in an existing building and below the 350m contour line.
- 7.2.2. Details submitted with the planning application state that the applicant wishes to re-establish a tearoom/café on the same footprint as the previous tearoom building. A map dating from a period between 1829 and 1842 clearly shows a building in place at this location. The application states that the existing structures on site are walls of the of the old building which stand at 4-5 feet tall.
- 7.2.3. I was not able to access the site during the site visit as there is no safe place to park along the public road. However, I was able to view the site from the public road. The application does not include any drawings or details of the existing structure on the site. In fact, Drawing Number 22/1120/04 – Contiguous Elevations, indicates that there is no building within the 'existing streetscape'.
- 7.2.4. I would agree with the conclusion of the PO that a structure which contains only external walls does not constitute an 'existing building'. Although the development proposed is not a dwelling, Development Plan policy in relation to replacement and refurbishment of dwellings in rural and high amenity areas is of relevance to the appeal. Objective H21 – Objective 1, (Section 6.9.5 – Replacement Rural Dwellings), seeks to favourably consider applications for replacement dwellings within rural areas including the HADM area where, there is a genuine need for replacement or refurbishment of the structure, and the roof, internal walls, and external walls of the structure on site are substantially intact. I am satisfied that Development Plan policy establishes a principle whereby the structure to be refurbished or replaced, would need to be substantially more intact to consider it an existing building. I note that the development would also require a new wastewater treatment system comprising a septic tank and percolation area and works to clear the access road and to provide parking spaces.

7.2.5. Whilst the site is located below the 350m contour, I am not satisfied that the application is in accordance with the zoning requirement that requires the development to be in an existing building. This issue was raised in the report of the PO and formed the first reason for refusal. No information was included in the grounds of appeal that addressed this issue and no argument was put forward to counter the reason for refusal. As the proposal does not meet the requirements of the HADM zoning objective in relation to the proposed use, it is not acceptable in principle.

7.3. **Procedural Issues**

7.3.1. The grounds of appeal document lengthy enforcement issues which relate to lands adjoining the development site and works that were carried out by third parties. These issues are historical in nature and appear to have been resolved. However, I note that enforcement issues are a matter to be dealt with by the PA and do not fall within the remit of this appeal. Therefore the appeal will be assessed based on the information at hand.

7.4. **Landscape**

7.4.1. The proposed works would include the clearing and/or making good of the access road to the tea rooms and the construction of eight surface car parking spaces. The access road is currently overgrown with trees lining the southern side. The condition of the road is not detailed in the application and the extent of works required to make it useable are not stated. The applicant has submitted no information as to whether all trees would be retained and if so, how these trees would be protected during the works. As the proposal includes the installation of a wastewater treatment percolation area of 180m² and eight car parking spaces, some clearance of the site would be expected.

7.4.2. No landscaping plan has been prepared or submitted to demonstrate how the proposal would integrate with the surrounding area or if trees would be replaced. Development Plan objectives acknowledge the special character of the Dublin Mountains area and seek to protect the trees and sylvan character of the area.

Therefore the proposal would not be in accordance with GI2 – Objective 2, which seeks to enhance the biodiversity and ecological value of the GI network by protecting natural features such as tree stands, where feasible and by mitigating any potential loss. The applicant has not demonstrated how the development would comply with this requirement.

- 7.4.3. There is a protected view across the site from the R116. The applicant has not submitted any information as to how or if, this view would be impacted by the development.
- 7.4.4. I am not satisfied that the impact of the proposal on the sensitive landscape in the mountain area has been considered. The proposal does not address the requirements of the Development Plan in these matters. Furthermore, it is also noted that no ecological surveys were carried out on the site. The presence of a disused building and the number of trees on the site could provide an environment for roosting bats, which are a protected species.

7.5. **Access**

- 7.6. The site is served by an existing vehicular access which is set back from the road and opens onto the R116 / Cruagh Road junction. Sightlines from the existing access are restricted in both directions with the sightlines to the east being slightly more restricted. The report of the Roads department of the PA recommended that further information be requested to demonstrate how safe vehicular and cycle movements could be achieved both from the site and within the site. However this was not addressed as permission was refused. In the grounds of appeal the applicant addresses the issue of safe access and egress by referencing existing access points of similar character in the vicinity. The applicant argues that the existing access points function adequately despite being much busier than the proposal would be, (e.g. Rockbrook School and adjoining pitches).
- 7.6.1. I am not satisfied that the applicant has addressed the issue of safe access and egress in a sufficient manner to demonstrate that it would not result in a hazard. They have not submitted any information to show how adequate sightlines to and from the site can be achieved or how traffic will be managed within the site. Adequate space for vehicles turning within the site would be crucial to avoid conflict

on the access road. In the absence of this information, I cannot be confident that the proposed development would not cause a traffic hazard.

7.7. Drainage

- 7.7.1. The proposed development would be serviced by an existing well on the site and by a new wastewater treatment system, (WWTS), which would comprise a packaged system with primary and secondary treatment which would discharge to a percolation area and soil polishing filter.
- 7.7.2. Drawings submitted with the application show the location of a soakaway, but no details were submitted to demonstrate how the surface water would be dealt with. As such it is not clear if any SuDS measures would be employed on the site. The Greater Dublin Strategic Drainage Study, (GDSDS), requires that SuDS be used in all new developments. This is underpinned in the SDCDP and in Objective GI4 Objective 1 which requires SuDS to be implemented in all new developments.
- 7.7.3. A Site Suitability Assessment was carried out for the proposed on-site wastewater treatment system. A Site Characterisation Form from the *EPA Code of Practice, Wastewater Treatment and Disposal Systems (Population Equivalent ≤ 10) 2021*, (*EPA CoP*), was prepared and submitted with the application. The form states that a population equivalent, (PE), of 12 was calculated for the site based on a staff of 6 and 90 customers. The daily loading from the PE was calculated by using the figures from Table 3 of the *EPA CoP Manual for Small Communities, Business & Leisure Centres and Hotels 1999* and was determined to be 1,710 litres per day.
- 7.7.4. The development area is at the bottom of Cruagh Mountain, on a sloped site with a gradient of more than 1:5. It is within a Poor Aquifer, (PI), of extreme vulnerability. The underlying bedrock is 'Granite and other Igneous Intrusive Rocks' and the soil type comprises Podzols (Peaty), Lithosols and Peats. The existing land use in the form is stated as 'field' and the presence of a well on the site is noted in the form.
- 7.7.5. Groundwater was not encountered in the trial hole which was excavated to a depth of 2.3m during the site investigation works. The groundwater protection response matrix in Table E1 of the EPA CoP indicates that the site falls within the R2¹ response category whereby a WWTS is 'Acceptable subject to normal good practice'

and, *'where domestic water supplies are located nearby, particular attention should be given to the depth of subsoil over the bedrock such that minimum depths, (as per Chapter 6 of the CoP), are met and the likelihood of microbial pollution is minimised'*.

7.7.6. The trial hole uncovered topsoil which was 'Gravelly Clay' and 'Gravelly Silt/Clay' and subsoil which was 'Gravelly Silt'. The Subsurface Percolation Test, (T-test), returned a T-value result of 28.06 min/25mm. The Surface Percolation Test for Soil, (P-test), returned a P-value result of 24.00 min/25mm. Based on the percolation values returned, the site was found to be suitable for a packaged WWTS with a secondary treatment system and percolation area of 180m³. This conclusion is supported by the guidance contained in Table 6.4 of the EPA CoP. Drawings submitted with the application show that the required separation distances as set out in Section 6.3 of the CoP are achieved. The percolation area is approximately 40m from the public road, (which is up gradient from the site), and approximately 50m from the existing well on site. There are no domestic houses nearby and no heritage features such as SAC or SPA down gradient of the site. The stream flowing along the northern boundary of the site is also well more than the 10m required in Section 6.3 of the CoP.

7.7.7. As noted, I did not gain access to the site to assess the underfoot conditions. However, I observed the nature and location of the site and the surrounding characteristics. I note that the PA had no objection to the proposed WWTS, and the issue was not raised in the comments from the Environmental Health Officer of the PA. I am satisfied that, based my observations on the character of the site and the information contained in the Site Characteristic Form, that the WWTS as proposed would be acceptable subject to a regular maintenance schedule.

7.8. **Appropriate Assessment**

7.8.1. A Stage 1 Screening for Appropriate Assessment was not submitted with the application. In accordance with obligations under the Habitats Directives, there is a requirement on the Board as the competent authority in this case, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment. The first stage of assessment is screening.

7.8.2. The proposed development is for a single storey building comprising a tearoom/ café with associated parking and WWTS on a site in the Dublin Mountains. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

7.8.3. The closest European sites are,

Site Code	Name	Distance from site
IE002122	Wicklow Mountains SAC	Less than 1km to the south and east.
IE004040	Wicklow Mountains SPA	Approximately 550m to the south.

7.8.4. Tributaries of the Owenadoher River flows along the northern boundary of the site and to the west of the site. The Owenadoher is a tributary to the River Dodder and is within the Liffey Dublin Bay Catchment. It is an important river for trout spawning and had a ‘Moderate’ status in 2016-2021 in the Water Framework Directive.

7.8.5. The subject site is downhill from the closest designated sites and the flow direction of the watercourse traversing the site means that there is no direct hydrological connection to the European sites. There would be an indirect hydrological connection via the Owenadoher River to the South Dublin Bay SAC (Site Code 000210) and to the South Dublin Bay and River Tolka Estuary SPA, (Site Code IE004024). However, the hydrological separation distance between both sites would be approximately 16 km. Any potential impacts on the features of interest in European sites through the indirect hydrological pathways would be related to surface water runoff during the construction and operational phases. The nature and scale of the proposed development would not result in any impact on the conservation objectives of the European sites via hydrological pathways as the

separation distances between the sites would be sufficient to allow for settlement and hydrological mixing of any pollutants prior to entering the SAC and the SPA.

7.8.6. Any impact on the closest European sites, the Dublin Mountains SAC and SPA would be restricted to overland or airborne pathways from the subject site. The qualifying features of the SAC relate to:

- Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*) [3110]
- Natural dystrophic lakes and ponds [3160]
- Northern Atlantic wet heaths with *Erica tetralix* [4010]
- European dry heaths [4030]
- Alpine and Boreal heaths [4060]
- Calaminarian grasslands of the *Violetalia calaminariae* [6130]
- Species-rich *Nardus* grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]
- Blanket bogs (* if active bog) [7130]
- Siliceous scree of the montane to snow levels (*Androsacetalia alpinae* and *Galeopsietalia ladani*) [8110]
- Calcareous rocky slopes with chasmophytic vegetation [8210]
- Siliceous rocky slopes with chasmophytic vegetation [8220]
- Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles [91A0]
- *Lutra lutra* (Otter) [1355]

7.8.7. The and the qualifying features of the SPA relate to:

- the Merlin (*Falco columbarius*) [A098] and
- the Peregrine (*Falco peregrinus*) [A103].

7.8.8. Any potential impacts on the conservation objectives of the designated sites would be limited to the disturbance of habitats for the qualifying species and/or from the distribution of dust during the construction phase.

- 7.8.9. It is possible that otter, which is a qualifying interest of the SAC, may use the subject site given its proximity to the SAC. However the stream to the north of the site would be more than 10m from the proposed works and no works are proposed to the stream or in proximity to it. Therefore the proposed development would not result in any impact on the conservation objectives of the SAC as they relate to otters.
- 7.8.10. The level of dust generated from the construction and operation phase would not be of such a scale that it would result in any impacts on the flora of the qualifying interests. There are no plans or projects that would combine with the proposed development to generate any cumulative impacts on any nearby Natura 2000 sites.
- 7.8.11. I have reviewed the qualifying interests and conservation objectives of the nearest European sites and, having regard to the nature and scale of the proposed development and the separation distances to the nearest European site, no Appropriate Assessment issues arise. It is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that planning permission be refused for the development.

9.0 Reasons and Considerations

1. The proposed development is in an area which is zoned High Amenity Dublin Mountains – HA-DM, which seeks *‘To protect and enhance the outstanding natural character of the Dublin Mountains Area’*, in the South Dublin County Development Plan 2022-2028. The proposed development is not in accordance with the HA-DM zoning for the site as it would not be in an ‘existing building’ as required by the zoning objective. It would therefore be contrary to the policies and objectives of the South Dublin County Development Plan 2022-2028 and to the proper planning and sustainable development of the area.
2. The proposed development does not include any provisions for safe pedestrian and cycle movements within the site or demonstrate how vehicles

can enter and exit the site safely. In the absence of these provisions the proposal would endanger public safety by reason of a traffic hazard and would therefore be contrary to the proper planning and sustainable development of the area.

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

Elaine Sullivan
Planning Inspector

15th of September 2023