



An
Bord
Pleanála

Inspector's Report

ABP-314233-22

Development	The development will consist of installation of 15 no. glamping pods, the construction of a reception building all other associated site works
Location	Tibradden Road, Kilmashogue, Dublin 16
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D22A/0324
Applicant(s)	Libratech Ltd
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party V Refusal
Appellant(s)	Libratech Ltd.
Observer(s)	None
Date of Site Inspection	12 th February 2024
Inspector	Irené McCormack

1.0 Site Location and Description

- 1.1. The appeal site is located on a site along the Tibbradden Road, located in the foothills of the Dublin Mountains, approximately 9km from Dublin city centre and 11 Km from Dun Laoghaire Harbour.
- 1.2. The site is bounded by the Tibbradden Road to the north, to the east of the site is the Dundrum South Dublin Athletics Club and to the west Stillorgan Rugby Club and sits within a larger agricultural landholding owned by the applicant. The site is generally orientated north-south with a west-east gradient towards the Whitechurch stream located outside site boundary to the south-southwest. The site is generally in grazing grassland with an established hedgerow to the western boundary and stone wall to the northern boundary. Overhead High Voltage cables traverse a portion of the Northern side of the site.
- 1.3. Tibbradden Road is classified as a Regional Road, the R113, and is subject to a 50kph speed limit along its length. The appeal site has a stated site area of c. 1.75ha.

2.0 Proposed Development

- 2.1. The development will consist of the installation of 15 no. glamping pods, the construction of a reception building, 15 no. car parking spaces, a wastewater and treatment and disposal system, the realignment of the boundary wall along Tibbradden Road, and all associated site development works and other enabling works.

3.0 Planning Authority Decision

3.1. Decision

Dun Laoghaire Rathdown County Council issued a decision to refuse permission for the following reasons:

1. Having regard to policy section 12.3.13.1 'Holiday Caravan and Camping Sites' of the Dun Laoghaire Rathdown County Development Plan 2022 - 2028 as well as to Appendix 8 relating to the Kilmashogue Valley landscape, it is considered that the proposed development, by reason of the size, height and scale of the glamping units, would be significantly in excess of the comparable caravan/tent use as required by policy for such structures. Moreover, the proposed form of the development of such units, grouped together in a line, would be suburban in

character in a rural landscape context. The proposed development would therefore contravene stated policy objectives contained in the County Development Plan and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the significant limitations noted by the Biodiversity Officer's report regarding the submitted Ecological Impact Statement, the Bat Report, Badger Report, Appropriate Assessment Screening Report, Hydrological Report, and Landscape Plan along with associated project details, it is considered that the information submitted with the application does not adequately address the main areas of concern particularly in relation to the protection of the adjacent woodland, stream, active badger setts in the area, the impact of human activity in close proximity to the foraging areas for badgers and the absence of mitigation measures designed into the proposal to deal with these issues. In the absence of the required evidence, it is considered that the proposed development could significantly and negatively impact on protected species in the vicinity of this location, with the potential for wider ecological impacts. The proposed development would therefore contravene stated policy objectives contained in the County Development Plan for the protection of biodiversity, including Policy Objective GIB22, and would be contrary to the proper planning and sustainable development of the area.

The decision included the following note to applicant: The Planning Authority has significant concerns regarding the visual impact of the development on the rural character of the Kilmashogue Valley contrary to Appendix 8 of the CDP and notes that no verified views or contiguous elevations from the road have been submitted with the application to enable a determination of this issue. There are also significant issues arising from the report from Drainage Planning in relation to Wastewater Treatment and Flood Risk Assessment which would require to be addressed also.

3.1.1. Planning Reports

The Planner's Report is the basis for the Planning Authority's decision. In summary, it includes:

- The proposed development is zoned 'B' - 'To protect and improve rural amenity and to provide for the development of agriculture.' Caravan/Camping Park is a permitted use. The report sets out that the Council's approach is generally restrictive and

precautionary.

- The previous refusal on the site is noted and the updated documentation submitted in response to ecology concerns raised.
- It is noted that the units are considered excessively large for glamping pods as 46.5/53.1sqm in area and two storeys in height with two bedrooms and it is difficult to envisage the use as 'temporary'.
- The PA is satisfied that there is a relevant rural economic need for such a use in a rural area and note the proximity to the Wicklow Way.
- The density of the development with the potential to accommodate 60 people at any one time is considered to be significant with potential to have ecological impacts.
- The design, scale and siting of the structures are considered to be akin to a modest suburban type dwelling and not acceptable.
- Nothing the report from the Biodiversity Officer revised Ecological Impact Assessment required owing to the incontinences in the report submitted.
- Transports Impact Assessment noted as comments from the Transportation planning Section of the LA.
- Concerns raised as regards waste water disposal and flood risk assessment.
- Refusal recommended as set out above.

3.1.2. Other Technical Reports

Biodiversity Report (Report dated 16th June 2022): The report notes that submitted Ecological Impact Statement (EclA) is considered to be inadequate.

Regarding the submitted AA screening report, it is set out that the report does not provide sufficient evidence to establish 'no significant effects' on these two downstream Natura sites, nor is there any reference to the Hydrological Assessment Report which was submitted. It is not clear from the submitted report as to which edition(s) of EU Guidance have been followed, nor are they included in the list of references.

There is no assessment of any potential impact on the stream from surface run off during construction, nor are there any during mitigation measures proposed in respect

of this. Revised Hydrology Assessment required to include a detailed assessment of potential impacts during construction and details of proposed mitigation measures for the protection of the Whitechurch Stream from surface run off, including for during an extreme rainfall event.

Additional information as regards the lighting plan and CEMP also raised.

Drainage Division (Report dated 27th June 2022): The report notes that the design of the proposed Wastewater Treatment System is not appropriate and does not cater for the scale of the proposed development. The tier 2 hydrogeological assessment submitted is not relevant to the current planning application as it refers to a different location for the proposed WWTS, is based on the assumption that a discharge licence would not be required at this site and is limited in the scope of its overall assessment: notably the direct site investigations are limited to 6 trial pits and the report does not include provision of an assimilative capacity assessment of the receptors potentially at risk.

It is noted that the Site-Specific Flood Risk Assessment submitted by the applicant shows the glamping pods in a different location.

Further information recommended.

Environment Section (Report dated 24th June 2022): Conditions required.

EHO (Report dated 24th June 2022): A Construction Environmental Management plan and An Operational Waste Management Plan to be submitted.

Environmental Enforcement Officer (Report dated 24th June 2022) No objection subject to conditions.

Parks Department (Report dated 15th May 2022): Conditions required.

Transport Planning Division (Report dated 29th June 2022): No objection subject to conditions.

Public Lighting (Email dated 15th June 2022): Email notes there is no requirement to provide lighting for any development, and there is no requirement to have any lighting for this development. There is no lighting on the Tibbradden Road itself at this location.

3.2. Prescribed Bodies

None

3.3. Third Party Observations

The PA in their assessment state that two valid observations were made.

1. Dr. Selina Guinness & Prof. Colin Graham, Tibbradden House, 1, Mutton Lane, Rathfarnham, Dublin.

Issues raised in the submissions included inter alia the following:

- Site locational constraints
- Visual Impact and impact on the amenity of Tibbradden House, a Protected Structure.
- Definition of Caravan and Camping Park
- Public Health concerns
- Design, layout and operational concerns.
- Impact on Ecology

2. Cllr. Jim 'Leary

The observation expresses support for the proposed development which aligns with objective 3 of the DLR Tourism Strategy.

4.0 Planning History

Appeal Site

DLRCC D20A/0533 – Permission refused on 16th April 2021 for the installation of 15 no. glamping pods, the construction of an Operations and Reception building, and a Maintenance shed, 16 no. car parking spaces, a raised deck walkway, a waste water treatment and disposal system, the realignment of the boundary wall along Tibbradden Road and all associated site development works.

The refusal reason related to the potential for wider ecological impacts.

To the northeast of the Site

PC/PKS/01/19 – Part 8 approval for running track and associated facilities at Saint Thomas, Tibbradden Ard.

To the southwest of the Site

DLR 19A/0955/ ABP 300510-17 – Permission granted for the construction of a new club facility, including clubhouse, changing rooms, meetings room, outdoor viewing terrace, 3 no. playing pitches, floodlights, car parking and associated development works.

5.0 Policy Context

5.1. Dún Laoghaire Rathdown County Development Plan 2022-2028

5.2.1. Zoning

The site is zoned Objective '2' in the Dún Laoghaire Rathdown County Development Plan 2022-2028 with a stated objective 'To protect and improve rural amenity and to provide for the development of agriculture'.

Caravan/Camping Park-Holiday are 'permitted in principle' within this zoning.

The site is located adjacent to a wildlife corridor which is part of the Ecological Network as defined in the CDP Supplementary Map B1 which is linked to the Whitechurch stream.

The site is located within the Kilmashoque Valley Landscape Character Area

The southern area of the landholding is located in a flood zone.

The site is located within Parking Zone 4

The following policies are considered relevant to the consideration of the subject proposal:

Chapter 6 - Enterprise and Employment

Policy Objective E17: Tourism and Recreation It is a Policy Objective to co-operate with the appropriate agencies in promoting sustainable tourism and securing the development of tourist and recreation orientated facilities in the County. Furthermore, the Council will promote the implementation of the Dún Laoghaire-Rathdown Tourism Strategy & Marketing Plan 2017–2022 and any subsequent update thereof.

Policy Objective E19: Rural Development It is a Policy Objective to facilitate the development of acceptable rural enterprises and to minimise pollution from agricultural and industrial sources by means of development management and water pollution legislation.

Chapter 8 -Green Infrastructure and Biodiversity

GIB18: Protection of Natural Heritage and the Environment It is a Policy Objective to protect and conserve the environment including, in particular, the natural heritage of the County and to conserve and manage Nationally and Internationally important and EU designated sites - such as Special Protection Areas (SPAs), Special Areas of Conservations (SACs), proposed Natural Heritage Areas (pNHAs) and Ramsar sites (wetlands) - as well as non-designated areas of high nature conservation value known as locally important areas which also serve as 'Stepping Stones' for the purposes of Article 10 of the Habitats Directive.

GIB19: Habitats Directive - it is a Policy Objective to ensure the protection of natural heritage and biodiversity, including European Sites that form part of the Natura 2000 network, in accordance with relevant EU Environmental Directives and applicable National Legislation, Policies, Plans and Guidelines

Policy Objective GIB22: Non-Designated Areas of Biodiversity Importance- It is a Policy Objective to protect and promote the conservation of biodiversity in areas of natural heritage importance outside Designated Areas and to ensure that notable sites, habitats and features of biodiversity importance - including species protected under the Wildlife Acts 1976 and 2000, the Birds Directive 1979, the Habitats Directive 1992, Birds and Habitats Regulations 2011, Flora (Protection) Order, 2015, Annex I habitats, local important areas, wildlife corridors and rare species - are adequately protected. Ecological assessments will be carried out for all developments in areas that support, or have potential to support, features of biodiversity importance or rare and protected species and appropriate mitigation/ avoidance measures will be implemented. In implementing this policy, regard shall be had to the Ecological Network, including the forthcoming DLR Wildlife Corridor Plan, and the recommendations and objectives of the Green City Guidelines (2008) and 'Ecological Guidance Notes for Local Authorities and Developers' (Dún Laoghaire-Rathdown Version 2014).

Chapter 12 – Development Management

Section 12.3.13.1 Holiday Caravan and Camping Sites -The Planning Authority recognises the tourist benefits of properly developed sites for holiday home type caravans, smaller trailer caravans, glamping pods and tents. These sites will generally

be permitted in rural areas zoned 'B' where the topography would permit their siting without injury to amenity or public health. In rural areas zoned 'GB' holiday caravan sites are not 'permitted in principle' but may be 'open for consideration' depending on circumstances. The Planning Authority regards holiday caravan sites as sites for temporary (leisure/tourist) dwellings. Glamping pods should however be of a similar size and scale to a tent/caravan. The layout and servicing of such sites will be required to conform to the standards set out in the Fáilte Ireland – 'Registration and Renewal of Registration Regulations for Caravan and Camping Parks' (2009).

Chapter 14 – Specific Local Objectives

Map 8

Kilmashogue/Ticknock

SLO No:	It is an Objective of the Council:
22	To retain, improve and encourage the provision of sustainable neighbourhood infrastructure facilities within the outlined group of buildings / land.
75	To ensure the continued development of a regional park, the conservation of Fernhill House and the preservation of trees, woodlands and amenity gardens at Fernhill in accordance with the approved Masterplan and the Fernhill Sustainability Strategy.
76	To protect and conserve the Wicklow Mountains National Park Special Area of Conservation.

Appendix 8 of the Plan sets out landscape character areas. The subject site is located within Area 1 – Kilmashogue Valley. The plan notes:

- Kilmashogue Valley is currently one of the County's finest unspoilt valley landscapes, which is currently not protected by any particular status. Any development in this valley should be carefully considered and be in sympathy with the existing landscape. The upper portion of the valley has not been affected by large-scale afforestation.
- Resist aspirations for large scale residential development.
- Ensure protection of non- designated sites.
- Protect existing hedgerows particularly those identified as priority hedgerows in the Dún Laoghaire-Rathdown hedgerow survey.

5.2. Environmental Impact Assessment Preliminary Examination

Class 12(d) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required where a permanent camp site or caravan site would be developed where the number of pitches would be greater than 100. The proposal is for the development of a site for glamping which would

involve the provision of permanent pitches for 15 glamping pods. Accordingly, it does not attract the need for mandatory Environmental Impact Assessment.

The site is located adjacent to a built-up area c. 300m south of the M50 and is not located within any European site or other sites of conservation interest. The site is situated between an Athletics Club and Rugby Club with Ballinascorney Golf Club located to the southeast. The surrounding area is primarily in use as residential, recreational and active open space uses. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination stage, that there is no real likelihood of significant effects on the environment arising from the proposed development. Environmental Impact Assessment is, therefore, not required.

5.3. Natural Heritage Designations

The appeal site is not located within or adjacent to any European Designed sites or pNHA. There are no Natura 2000 sites within 2 km of the subject site. The nearest sites are the Wicklow Mountains SPA and SAC located c. 2.7 and 3.4 km respectively south of the subject site.

6.0 The Appeals

6.1. Grounds of Appeal – First Party

A first-party appeal has been lodged only against the decision of the Planning Authority to refuse planning permission for the proposed development. The following grounds of appeal are raised:

Refusal Reason no. 1 (size, height, and scale of glamping units)

- The first party contend that the size is warranted to provide a choice to consumer and tourist.
- It is set out that the architectural design and arrangement on site is in keeping with the character of the site and setting:
 - The reception building is vernacular in form and set-back ca. 80m from the road.
 - The cabins are arranged in an intentional linear manner to align and merge with the existing hedgerow.
 - The nearest cabin to Tibbradden House is approach. 375m

- It is set out that the cabins can be manufactured off site and prefabricated and installed in a pre-made manner on concrete piles on site.

Refusal Reason no. 2 (Shortcoming in the Environmental Reports submitted)

- In response the first party state that sufficient and appropriate information, including numerous reports and drawings were submitted to satisfy all aspects relating to Ecology, flooding and drainage.
- Should additional details be required it is set out that the applicant will happily address by way of condition.
- The submission notes that the design strategy is for low intensity development, the cabins are discretely located whilst mating the remaining landholding in active agricultural use. Rather than creating ribbon development the layout provides for the field between the rugby club and athletic club to remain in agricultural use upholding the rural character of the area.
- The response notes that no hedgerow will be removed to facilitate the development. It is set out that in excess of 210m of hedgerow was removed to facilitate the athletics club development adjoining the site.

6.2. Planning Authority Response

The PA response dated 25th August 20022 notes that while the decision of the PA to refuse did not included drainage matters the notification did highlight that there were significant issues relating to wastewater treatment and flood risk assessment that have not been addressed in any form within the appeal documentation. Should the Board consider a grant of permission the submission notes the conditions to address the issues raised in the drainage report are set out in the Drainage Planning FI report (Report dated 27th June 2022).

6.3. Observations

None.

7.0 Assessment

7.1. Introduction

Having inspected the site and examined the application details and all other documentation on file, including all of the submission received in relation to the appeal,

and having regard to relevant local/national policies and guidance, I address Appropriate Assessment in section 8 below and propose to address the remaining issues under the following headings:

- **The Principle of Development**
- **Design, layout and Visual Impact** (Refusal Reason no. 1)
- **Impact on Ecology and Biodiversity** (Refusal Reason no. 2)
- **Other Matters** - WWTS, Flood Risk

7.2. The Principle of Development

Zoning

- 7.2.1. The subject lands are zoned Objective B: To protect and improve rural amenity and to provide for the development of agriculture. Under this zoning objective 'Caravan/Camping Park-Holiday' is permitted in principle. Section 13.2 of the plan provides a clear definition of the use classes. The definition of 'Caravan/Camping Park – Holiday' includes the use of land for the accommodation of vehicle caravans, temporary chalets (includes "glamping" pods) and or touring tent pitches during the period from 1st March to 31st October each year.
- 7.2.2. The proposed development comprises 15 no. glamping pods, the construction of a reception building all other associated site works. I am satisfied that 'glamping' falls within the definition of 'Caravan/Camping Park-Holiday' as provided for under the development plan. The development is, therefore, in accordance with the zoning objectives for the site.
- 7.2.3. Section 12.3.13.1 *Holiday Caravan and Camping Sites* of the plan recognises the tourist benefits of properly developed sites for holiday home type caravans, smaller trailer caravans, glamping pods and tents and notes that these sites will generally be permitted in rural areas zoned 'B' where the topography would permit their siting without injury to amenity or public health. Furthermore, the Council recognises that tourism is one of the most important indigenous economic sectors in the County and the direct employment potential of tourism and recreation to the local economy, in addition to the significant secondary benefits for many other sectors such as food and beverage, accommodation providers, transport and retail (Objective E17: Tourism and Recreation).

- 7.2.4. The site is located in the foothills of the Dublin Mountains accessible to local walking trails and various other recreational activities and within a short distance of Dublin City. I note the accessible site location in proximity to the M50 which provides easy access to the site from Dublin airport, Dublin city and surrounding areas, in addition the site is also just a 10 minute walk from Rookbrook where Dublin Buses 61 and 161 connect the site with Eden Quay and Dundrum. The PA is satisfied that there is a relevant rural economic need for such a use in a rural area and note the proximity to the Wicklow Way, I would agree.
- 7.2.5. Access is proposed via a realigned entrance and roadside boundary including new footpath provision. I note the Transport Section of the LA raised no concerns in this regard.

Conclusion

The Development Plan confirms that 'Caravan/Camping Park-Holiday' is permitted in principle on this site within the zoning matrix. In this regard, I am satisfied that the proposed development would be consistent with the land-use zoning objectives 'B' as set out in the Development Plan 2022-2028 subject to detailed consideration below.

7.3. Design, layout and Visual Impact (Refusal Reason no. 1)

- 7.3.1. The PA considered that the proposed development, by reason of the size, height and scale of the glamping units, would be significantly in excess of the comparable caravan/tent use as required by policy for such structures. Moreover, the proposed form of the development with units grouped together in a line, would be suburban in character in a rural landscape context and would be contrary to policy section 12.3.13.1 'Holiday Caravan and Camping Sites' of the Dun Laoghaire Rathdown County Development Plan 2022 - 2028 as well as to Appendix 8 relating to the Kilmashogue Valley landscape.
- 7.3.2. Whilst I note section 12.3.13.1 accepts the principle of the development on lands zoned 'B', section 12.3.13.1 also sets out that the Planning Authority regards holiday caravan sites as sites for temporary (leisure/tourist) dwellings and that glamping pods should be of a similar size and scale to a tent/caravan. Appendix 8 of the Plan sets out landscape character areas. The subject site is located within Area 1 – Kilmashogue Valley. The plan notes that the Kilmashogue Valley is currently one of the County's finest unspoilt valley landscapes, which is currently not protected by any particular

status. Any development in this valley should be carefully considered and be in sympathy with the existing landscape and should resist aspirations for large scale residential development.

- 7.3.3. The 15 no. glamping pods will be located south of the reception building, aligned in a linear manner alongside the existing hedgerow to the west of the site. There are three glamping pod designs proposed and each will consist of two bedrooms, a living/kitchenette area, and a bathroom ranging in floor area 46.5sqm to 53.1sqm in area at 6.6m in height. In addition to a ca. 290sqm reception building, approx. 7m in height. The reception building will consist of an office, a reception area, bin storage room, bicycle storage, bathroom, a covered multi-purpose space, a barbeque area. This building will be located to the north-west of the site, close to the site entrance from Tibbradden Road and adjacent to the western site boundary. A footpath around the south, east and north of this building will allow easy access into the check-in and storage areas. This footpath extends north and connects to the entrance at Tibbradden Road. The car parking spaces are located immediately south of the reception building along the western boundary of the site.
- 7.3.4. I agree with the PA that the 'cabins' are of significant floor area and height. The first party contend that the size is warranted to provide a choice to consumers and tourists. It is set out that the architectural design and arrangement on site is in keeping with the character of the site and setting.
- 7.3.5. The PA consider given the design of the cabins that it is difficult to envisage the use as 'temporary' and consider the design, scale and siting of the structures to be akin to a modest suburban type dwelling. I would agree in so far as the floor area and design reflect more permanent type structures notwithstanding being prefabricated and installed in a pre-made manner on concrete piles on site. In my opinion, the cabins do not reflect a 'temporary' type structure nor does the floor area reflect a similar size and scale to a tent/caravan as per section 12.3.13.1 of the plan.
- 7.3.6. As regards, the visual impact, the appellants argue that the cabins are arranged in an intentional linear manner to align and merge with the existing hedgerow ensuring that only glimpse views of these from Tibbradden road and the surrounding area. In this first instance the existing hedgerow is not significant to screen the development all year round and combined with the ground levels which rise away from the public road

towards the site from a road level of 140.47 to 148.05 (cabin 15), and the linear layout would, in my opinion result in a visually dominant development and would set and unacceptable precedent at this location having particular regard to the Kilmashogue Valley landscape character area and the plan objectives to ensure development be in sympathy with the existing landscape and the aspiration to resist large scale residential development, which essentially 15 residential units at this rural location would represent.

- 7.3.7. As regards, impact on Tibradden House, a Protected Structure, having regard to the separation distance of 375m and the intervening landscape, I do not consider the development will have any impact on Tibradden House.

Conclusion

In summary, I agree with the PA having regard to policy section 12.3.13.1 'Holiday Caravan and Camping Sites' of the Dun Laoghaire Rathdown County Development Plan 2022 - 2028 and Appendix 8 relating to the Kilmashogue Valley landscape character, the proposed development by reason of the size, height and scale of the glamping units, would be significantly in excess of the comparable caravan/tent use as required by policy for such structures. Moreover, the proposed form of the development of such units, grouped together in a line, would be suburban in character in a rural landscape context and would be visually prominent rising away from the public road. Permission should be refused for this reason.

7.4. Impact on Ecology and Biodiversity (Refusal Reason no. 2)

- 7.4.1. The PA in their second reason for refusal refer to the significant limitations noted by the Biodiversity Officer's report regarding the submitted Ecological Impact Statement, the Bat Report, Badger Report, Appropriate Assessment Screening Report, Hydrological Report, and Landscape Plan along with associated project details. It is considered that the information submitted with the application does not adequately address the main areas of concern particularly in relation to the protection of the adjacent woodland, stream, active badger setts in the area, the impact of human activity in close proximity to the foraging areas for badgers and the absence of mitigation measures designed into the proposal to deal with these issues. The development was considered contrary to the protection of biodiversity, including Policy Objective GIB22 of the plan.

7.4.2. Objective GIB22 sets out that it is policy objective to protect and promote the conservation of biodiversity in areas of natural heritage importance outside Designated Areas and to ensure that notable sites, habitats and features of biodiversity importance - including species protected under the Wildlife Acts 1976 and 2000, the Birds Directive 1979, the Habitats Directive 1992, Birds and Habitats Regulations 2011, Flora (Protection) Order, 2015, Annex I habitats, local important areas, wildlife corridors and rare species - are adequately protected. The subject site is located on agricultural lands and unlike the previous planning application which was refused by DLRCC (D21A/1147) the cabins are located on the opposite side of the stream to the immediate east/southeast of the existing Rugby club grounds. The closest cabin (Cabin 15) is c. 64m away from the Stream at its nearest point.

Ecological Impact Statement

7.4.3. Regarding the EclA submitted the biodiversity officer (report dated 16th June 2022) notes a number of shortcomings in the EclA including reference to outdated guidance and reliance on referencing accompany documentation such as Bat report, Badger report and Hydrology report. The Biodiversity Officer considers that an overarching EclA document to include these reports in addition to addressing the landscaping and lighting proposals and the inclusion of proposed mitigation measures identified in the accompanying reports would be beneficial.

7.4.4. Regarding specific concerns raised, it is set out that there has been no consideration of the Zone of Influence (Zoi) of the proposed development, nor is there an assessment of areas indicated beyond the proposed site. The subject site is located in close proximity to the Dodder Wildlife Corridor, and this has not been acknowledged in the EclA. It is further set out that the submitted EclA has no detailed assessment of the potential impacts of the proposed development on the adjacent woodland and stream; otter; and breeding birds - including riparian species.

7.4.5. Section 3 of the EclA relates to *Existing Receiving Environment*. Section 3.1 *Zone of Influence* notes best practice guidance suggests that an initial zone of influence be set at a radius of 2km for non-linear project.

7.4.6. Regarding specific designations the report sets out that there are no such areas located within an approximate 2km radius of the application site. Section 3.1 goes on to note that the site is located at the foothills of the Dublin Mountains and lies in the

catchment of the Whitechurch Stream, a tributary of the river Dodder. The report notes that the website of the National Biodiversity Data Centre (www.biodiversity.ie) contains a mapping tool that indicates known records of legally protected species within a selected Ordnance Survey (OS) 2km grid square. The Tibbradden Road site is located within the square 022 and no species of protected plant is highlighted.

- 7.4.7. The report also notes that there are no recent monitoring points along the Whitechurch Stream but overall, the river Dodder is assessed under the Water Framework Directive (WFD) as 'moderate' or 'poor' throughout nearly the entire catchment, although the Ownadoher is 'good'. The Dodder enters the river Liffey near its estuary at Dublin Bay, Dublin Bay is at good status'.
- 7.4.8. Section 3.2 relates to *Site Survey* and includes an assessment of Flora, Fauna including reference to accompanying reports i.e. Bat Report and Badger Report. Specific reference is made to the Woodland located to the south and east side of the stream, where there is a band of mixed/broadleaved conifer woodland - WD2. The trees are tall and mature but predominantly non-native including Horse Chestnut and Monterey Pine. The report notes that there is a fair quantity of dead wood throughout, and this is an important component of woodland ecology, recycling nutrients and providing habitat for fungi and invertebrates. It is noted that the woodland is outside the site boundary and will not be affected by this development proposal.
- 7.4.9. Table 3 of the EclA list the Protected Mammals in Ireland and their known status within the 022 10km square². I note two Bird surveys were undertaken on the site in November 2020 and June 2021. In addition, the report notes that the stream was surveyed for evidence of **Otter activity** during November 2020 and June 2021 surveys. No holt (den) site was located. No spraints were noted on exposed rocks. There are no records of Otter presence from the database of the National Biodiversity Data Centre. The river habitat however is suitable for Otters and for the purpose of the assessment they were assumed to be present.
- 7.4.10. The biodiversity officer raised concerns that there is no assessment in the EclA in respect of impact on badger foraging areas but notes that this is included in the Badger Report. Regarding the location of the badger setts not being shown on Figure 2 of the EclA, I am satisfied that this matter can be addressed by way of condition should the Board be minded to grant planning permission.

- 7.4.11. Furthermore, I am satisfied that any additional **landscaping** enhancement measures as well as mitigation buffer to provide a corridor and ecological connectivity can be addressed by way of condition. Stock proof fencing will be erected on the south/southeastern site boundary and, therefore, is unlikely to interfere with the movement of wildlife. In any event, due to the mesh dimensions, the movement of smaller mammals will not be impeded. The mesh sizing and colour of the ball nets will ensure that inadvertent impacts with birds will not occur.
- 7.4.12. The **Badger Assessment** concludes that there will be a minor loss of or seasonal disruption to the foraging area within the glamping area, but badgers will have continued access to the woodland and all areas upriver and downriver of the site. The loss of feeding will be minor and seasonal and will not affect the conservation status of badgers. The Bat Assessment outlines mitigation measures and concludes that the development will have no direct impact upon the conservation status of bats. The report sets out mitigation measures regarding disturbance of birds' nests during the nesting season and measures to ensure protection of bats. All lighting shall be assessed by a bat specialist at a stage when there is the opportunity to correct any light pollution concerns in relation to surrounding vegetation. The **lighting** shall be confirmed as suitable prior to installation by the bat specialist.
- 7.4.13. Specific reference is also made to lack of measures for the protection of Whitechurch Stream and riparian habitats during construction and operation of the development. For clarity, I note **the Whitechurch Stream is not included in the site as outlined in red and the site is removed from the stream**. Section 5 of the EclA addressed the potential impact of the development on the Stream. It is set out that no works are to be undertaken at the river and no instream works are to be undertaken. **There will be no impact to the riparian corridor or the availability of potential Otter habitat. No works are to be undertaken in the woodland and there will be no impact to this habitat. A minimum 10m buffer along the riparian zone is to be maintained free of construction elements**. During the operational phase run-off from areas of hard standing will drain to a soakaway which will be designed in accordance with the BRE365 standard. This is a form of sustainable drainage system (SUDS) and so no negative impacts from this source are anticipated. I am satisfied that these measures are acceptable. I will address WWT and Flooding in Section 7.5 below.

- 7.4.14. By way of information for the Board, the EclA concluded that the site is of low biodiversity value farmland with field boundaries of lower significance. The woodland and stream can be assessed as having high local biodiversity value with active Badger setts and trees with bat roost potential however these areas are outside the development application site. There are no examples of habitats listed on Annex I of the Habitats Directive or records of rare or protected plants. There are no plant species listed as alien invasive as per SI 477 of 2011 or as most unwanted' by Invasive Species Ireland.
- 7.4.15. I am satisfied that the appellant has addressed the Zol, the site in the context of the river Dodder, adjacent woodland and stream; otter; and breeding birds - including riparian species. Of relevance, I note the Biodiversity Officer does not recommend a refusal of permission but that the specific matters raised be addressed by the appellant. In the context of recent development undertaken and permitted in the area and having regard to the nature of the development in so far as much of the construction works is done off site, I am satisfied that any outstanding matters can be addressed by way of a suitably worded condition requiring the appellant to comply with the requirements of the Biodiversity Officer in the advance of any works commencing should the Board be minded to grant planning permission.
- 7.4.16. The Biodiversity Officer recommends the appellant submits a Construction Environmental Management Plan. I agree and I am satisfied that this can be addressed adequately by way of condition.

Conclusion

- 7.4.17. I agree with the Biodiversity Officer that it would be beneficial in the interest of clarity that all supporting specialist reports be incorporated into the overall to the EclA for the purposes of their evaluation, assessment and mitigation. I further note the resubmission of assessments and reports relating to the previous application and associated site did not help matters and these reports should have been appropriately updated in advance of the submission of the application. However, I note the extensive documentation submitted by the appellant and I am satisfied that given the generally low ecological value and sensitivity of the site that no adverse impacts to the ecology or biodiversity of the area are likely to occur and that any outstanding matters for

agreement with the Biodiversity Officer of DLRCC are minor and can be addressed by way of condition.

7.5. Other Matters

Wastewater

- 7.5.1. The PA response to the Board dated 25th August 2022 noted that while the decision of the PA to refuse did not include drainage matters the notification did highlight that there were significant issues relating to wastewater treatment that have not been addressed in any form within the appeal documentation.
- 7.5.2. Foul water will be treated on site with a 40 p.e. Oakstown WWTS system from O'Reilly Oakstown Ltd. The location of the treatment unit has altered from the original application to suit the revised site layout and will be located over 40m from the Whitechurch stream, in accordance with EPA minimum separation distances from watercourses.
- 7.5.3. The Drainage Planning report (dated 27th June 2022) sets out that the design of the proposed Wastewater Treatment System is not appropriate and does not cater for the scale of the proposed development. Based on the available information the glamping pods should be assimilated to static fully serviced caravan as per Table 3 of the EPA CBLH 1999. This would equate to a minimum hydraulic load of c. 9.61m³/d and a requirement for the design of the WWTS to cater for a minimum of 61 P.E.
- 7.5.4. This would be consistent with that capacity on the cabins as each of the 15 glamping cabins have the capacity to accommodate 4 people, at maximum capacity this is 60 people. The WWTS proposed caters for two thirds of the maximum demand only. Taken in the context of concerns raised by the Drainage Division as regards the results of the trial pit TP01 which showed that the bedrock head is much shallower than shown on the GSI maps with a water table of only 1.3m below ground level at TP01 (located downgradient from the southernmost end of the soil polishing filter), which suggests that the groundwater vulnerability should be locally ranked as 'Extreme' and not 'Moderate', the Board cannot be satisfied that the WWTS proposed can adequately and safely dispose of the effluent generated by the development and the development would not be prejudicial to public health.

- 7.5.5. It is also relevant that the tier 2 hydrogeological assessment submitted is not relevant to the current planning application as it refers to a different location for the proposed WWTS, is based on the assumption that a discharge licence would not be required at this site and is limited in the scope of its overall assessment and does not include provision of an assimilative capacity assessment of the receptors potentially at risk.
- 7.5.6. Therefore, I am not satisfied that the site is suitable for the disposal of effluent. There is a significant risk in terms of the disposal of effluent discharging to ground and taking into consideration concerns raised by the Drainage Division of the LA as regards water table and given the treatment system will be sited in an area which is considered to be a sensitive water environment within 40m of Whitechurch Stream to the south of the site. I do not consider the applicant has demonstrated the proposed wastewater treatment can fully meet the requirements of the EPA Guidance. In addition, the WWTS proposed does not have the capacity to cater for the potential future demand generated by the development. Therefore, I cannot conclude that the proposed development would not have a significant risk of ground water pollution on a site which I consider is located within a sensitive water environment. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

Flooding

- 7.5.7. The Site-Specific Flood Risk Assessment submitted by the applicant relates to the previous planning application on the site and shows the glamping pods in a different location. The Infrastructure Services Report dated 28.11.2021 provides updated comments. The reports notes that the units will be sited along the northwestern boundary at a minimum of 70m away from the 0.1% AEP flood extent zone. The report concludes that the relocated development will lie within flood zone C of the OPW matrix of vulnerability) and the development will be appropriate for the proposed location.
- 7.5.8. I refer the Board to Drawing 0407-MCE-00-XX-DR-C-0005_Flood Risk Assessment (AEP 0.1%) which plots the predicted flood extents in relation to the revised site plan.
- 7.5.9. Having regard to the Strategic Flood Risk Assessment undertaken as part of the Dun Laoghaire Rathdown County Development Plan 2022-2028, the proposed cabins are not located within a flood zone (Map 11 insert Map No's 5 & 6). Surface water will

discharge via a soakaway which has been designed in accordance with BRE Digest 365 – Soakaway Design. The entrance area and parking areas will consist of grasscrete (permeable paving) with the other track surfaces being finished with compacted gravels. I am satisfied that having regard to the design and attenuation measures proposed that the development will not result in surface water flooding.

8.0 **Appropriate Assessment**

Information Submitted

- 8.1. The applicant has submitted an Appropriate Assessment Screening Report as part of the planning application. It provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. It concludes that there is no possibility of significant impacts on Natura 2000 sites, qualifying interests, or site-specific conservation objectives, and that a Natura Impact Statement is not required.
- 8.1.1. The PA consider the AA Screening Report does not provide sufficient evidence to establish 'no significant effects' on two downstream Natura sites, nor is there any reference to the Hydrological Assessment Report which was submitted. The PA recommend that the applicant submits a revised AA Screening Report to provide sufficient evidence in order to demonstrate whether the proposed development "is likely to have a significant effect on the site (either alone or in combination with other plans or projects) in view of the site's conservation objectives" (from: EU, 2021). The PA also note that there are a number of inconsistencies in the reference section of the submitted AA screening report that require correction.
- 8.1.2. I note the concerns of the PA and I agree that the AA Screening Report should follow the most recent EU guidance (2021) and this should be correctly referenced. However, having reviewed the documents and submissions, I am satisfied that the submitted information allows for examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

European Sites

- 8.1.3. A summary of European Sites that occur within a 15km radius of the proposed development is not provided within the AA screening report. The report sets out that

the proposed development is <3km from Wicklow Mountains Special Area of Conservation (SAC code 002122) /Special Protection Area (SPA code 004040). It is also approximately 10km from, and potentially hydrologically connected to, South Dublin Bay SAC/SPA (codes 000210/004024). It is also c. 10km from Glenasmole Valley (site code 001209), Knocksink Wood (site code 000725), and Ballyman Glen (site code 0713).

- 8.1.4. The *Assessment-table with respect to Natura 2000 sites* (section 5 of the report) assesses the potential Source-Path-Receptor pathways with the proposed development for each site taking account of the conservation objectives and qualifying interests.
- 8.1.5. The subject site is not located within or directly adjacent to any Natura 2000 sites. The Whitechurch Stream is located to the east of the site. It does not, however, abut the development. This stream is a tributary of the river Dodder which discharges into the River Liffey near Dublin Bay. There is a pathway from the site via ground water and via surface water to Dublin Bay via the Whitechurch Stream. The South Dublin Bay and River Tolka Estuary SPA (Site Code 4024) and the South Dublin Bay SAC (Site Code 0210) are found where the rivers Dodder and Liffey meet the sea.
- 8.1.6. There is a weak indirect hydrological connection between the proposed development and habitats and species of European sites in Dublin Bay is identified during both construction and operational phases via (i) potential surface water discharges to the Whitechurch Stream a tributary of the river Dodder which discharges into the River Liffey near Dublin Bay (ii) ground water flows to the Dodder downgradient of the site. The potential for significant impacts such as displacement or disturbance due to loss or fragmentation of habitats or other disturbance is not identified. In this regard, I note the lack of suitable habitat for qualifying interests and the significant intervening distances between the appeal site and European sites.
- 8.1.7. In applying the 'source-pathway-receptor' model, in respect of potential indirect effects, I would accept that all sites outside of South Dublin Bay SAC (000210) Dublin Bay can be screened out for further assessment at the preliminary stage based on a combination of factors including the intervening minimum distances and the lack of hydrological or other connections. I conclude that it is reasonable to conclude on the

basis of the available information that the potential for likely significant effects on these sites can be excluded at the preliminary stage.

8.1.8. The designated area of sites within the inner section of Dublin Bay, namely South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA (004024), are closer to the development site. This could, therefore, reasonably be considered to be within the downstream receiving environment of the proposed development and on this basis these sites should be subject to a more detailed Screening Assessment.

8.1.9. I am satisfied that the potential for impacts on all other Natura 2000 Sites can be excluded at the preliminary stage due to the nature and scale of the proposed development, the degree of separation and the absence of ecological and hydrological pathways.

Identification of likely effects

8.1.10. The Conservation Objectives (CO) and Qualifying Interests of the relevant sites in inner Dublin Bay are shown in Table 3 below.

Table 1: Summary of relevant European Sites.

European Site	Distance	Conservation Objective	Qualifying Interests
South Dublin Bay SAC (000210)	c. 8.3 km from the site.	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide.	Mudflats and sandflats not covered by seawater at low tide [1140] / Annual vegetation of drift lines [1210] / Salicornia and other annuals colonising mud and sand [1310] / Embryonic shifting dunes [2110]
South Dublin Bay and River Tolka Estuary SPA (004024)	c. 8.3 km from the site.	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] / Oystercatcher (<i>Haematopus ostralegus</i>) [A130] / Ringed Plover (<i>Charadrius hiaticula</i>) [A137] / Grey Plover (<i>Pluvialis squatarola</i>) [A141] / Knot

			(Calidris canutus) [A143] / Sanderling (Calidris alba) [A144] / Dunlin (Calidris alpina) [A149] / Bar-tailed Godwit (Limosa lapponica) [A157] / Redshank (Tringa totanus) [A162] / Black-headed Gull (Chroicocephalus ridibundus) [A179] / Roseate Tern (Sterna dougallii) [A192] / Common Tern (Sterna hirundo) [A193] / Arctic Tern (Sterna paradisaea) [A194] / Wetland and Waterbirds [A999]
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Consideration of Impacts

- 8.1.11. It is considered that there is nothing unique or particularly challenging about the proposed development, either at construction or operational phase.
- 8.1.12. During the construction phase no works will take place within 10m of the Whitechurch Stream. The implementation of standard practices for development sites would be required for a development on any site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. A suitable condition requiring the submission of CEMP a to include standard pollution control measures is recommended if the Board are minded to grant planning permission. In the event that the pollution control and surface water treatment measures were not implemented or fail, I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Dublin Bay from surface water run-off can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in Dublin Bay (dilution factor).
- 8.1.13. The scheme includes attenuation measures which would have a positive impact on drainage from the subject site. Surface water will discharge via a soakaway which has been designed in accordance with BRE Digest 365 – Soakaway Design. SUDS are standard measures which are included in all projects and are not included to reduce

or avoid any effect on a designated site. The inclusion of SUDS is considered to be in accordance with the Greater Dublin Strategic Drainage Study (GDSDS) and are not mitigation measures in the context of Appropriate Assessment. Whilst not factored mitigation measures, I note SuDs measures on site will be an enhance quantity and quality of surface water run-off.

- 8.1.14. There is no potential for impacts on the qualifying interests due to noise and other disturbance impacts during construction and operational phases given the level of separation between the sites. While there is a potential risk of noise and disturbance during construction to ex-situ qualifying species, no significant effects are predicted as it is unlikely that the qualifying species will use habitats within the subject lands and in any case the proposed development is not likely to result in a significant increase in noise and disturbance over the existing levels. I refer the Board to section 7.4 above.
- 8.1.15. It is also set out that no pathways exist for direct or indirect effects on any European Site from the treatment of wastewater discharging to ground. I have already expressed my concerns regarding the disposal of effluent on site in section 7.5.1 above. Notwithstanding same, I note the site lies outside of a zone of influence of the South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA (004024). Owing to the separation distance 8.3km respectively from the site and the designated sites, I am satisfied that there is no conflict in terms of the conservation objectives of adjacent European sites. Any minor discharge into Whitechurch Stream would be diluted and unlikely to pose any significant risk to rivers and streams that it discharges into.
- 8.1.16. It is evident from the information before the Board that on the basis of the nature and scale of the proposed development on serviced lands, the nature of the receiving environment with the city environs, the distances to the nearest European sites and the hydrological pathway considerations that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on the South Dublin Bay SAC (000210) or South Dublin Bay and River Tolka Estuary SPA (004024) or any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

In Combination Effects

8.1.17. The development is not associated with any loss of semi-natural habitat or pollution which could act in a cumulative manner to result in significant negative effects to any SAC or SPA.

8.1.18. I have had regard to the planning history of the area and the nature and extent of permitted development in the vicinity. Similar to the proposed development, I consider that the cumulative impact of these other projects would not be likely to have significant effects on any European Sites.

Mitigation Measures

8.1.19. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

AA Screening Conclusion

8.1.20. It is reasonable to conclude that, on the basis of the information on file, which I consider adequate in order to issue a screening determination, the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on South Dublin Bay SAC (000210), South Dublin Bay and River Tolka Estuary SPA (004024), or any European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a Natura Impact Statement) is not therefore required.

9.0 Conclusion and Recommendation

It is recommended that the proposed development is refused for the reasons and considerations as set out below.

10.0 Reasons and Considerations

1. Having regard to policy section 12.3.13.1 'Holiday Caravan and Camping Sites' of the Dun Laoghaire Rathdown County Development Plan 2022 - 2028 and the location of the site within the 'Kilmashogue Valley' landscape character area, it is considered that the proposed glamping cabins, by reason of the size, height and scale of individual and cumulative built form arranged along a linear north-south axis perpendicular to and rising away from the public road would be suburban in character in a rural landscape context and would represent a determinantal impact

on the character of the landscape, and, to grant permission would set an undesirable precedent for further similar development within the 'Kilmashogue Valley'. The development would, accordingly, be contrary to the proper planning and sustainable development of the area.

2. The proposed wastewater treatment system does not have the capacity to cater for the demand generated by the proposed development. In addition, the results of trial pit TP01 showed that the bedrock head is much shallower than shown on the GSI maps with a water table of only 1.3m below ground level at TP01 (located downgradient from the southernmost end of the soil polishing filter), which suggests that the groundwater vulnerability should be locally ranked as 'Extreme' and not 'Moderate', the Board cannot be satisfied that the WWTS proposed can adequately and safely dispose of the effluent generated by the development and the development would not be prejudicial to public health.

Irené McCormack
Senior Planning Inspector
1st March 2024