



An  
Bord  
Pleanála

## Inspector's Report

### ABP-315902-23

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<b>Development</b>	2 pumping stations (PS01 and PS02) and associated infrastructure.
<b>Location</b>	Carrickbrack Road, Sutton South and Ceanchor Road, Censure, Howth, Co. Dublin
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	F22A/0659
<b>Applicant(s)</b>	Uisce Eireann
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Hugh-Thomas Cavanagh and Dong Hua Cavanagh Douglas Cousins and others Sabrina Joyce-Kemper and Catherine McMahon
<b>Observer(s)</b>	Joseph Mary Barry Hillwatch

Larry and Belinda Ennis  
Cllr. David Healy

**Date of Site Inspection**

8<sup>th</sup> November 2023

**Inspector**

Elaine Power

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## 1.0 Site Location and Description

- 1.1. The appeal site is located on the southern side of the Howth Peninsula, Co. Dublin. The site comprises 3 no. elements, Pumping Station PS01, Pumping Station PS02 and PS01 Generator Kiosk.
- 1.2. Pumping Station PS01 is located on an irregular shaped site, with a stated area of 0.05ha area, at the eastern end of Ceanchor Road at the turning circle and adjacent to the cliff path. The northern portion of the site includes the entrance driveway to a property known as Baron's Brae and to the south it is bordered by gates and driveways of properties known as Windward and Censure.
- 1.3. Pumping Station PS02 is located on a 0.21 ha site located to the south of Carrickbrack Road (R105) at the entrance to Bellingham's Farm, which is a private laneway serving a limited number of dwellings and agricultural lands.
- 1.4. The PS01 Generator Kiosk is located on a 0.01ha site at the T-junction of Ceanchor Road, c. 240m west of PS01.
- 1.5. The area surrounding the appeal sites comprises low density suburban housing and rural uses. Doldrum Bay is located c. 100m east of the site of Pumping Station PS01.

## 2.0 Proposed Development

- 2.1. The proposed development consists of a new wastewater network comprising 2 no. pumping stations and associated infrastructure. The pumping stations are referred to as PS01 and PS02.
- 2.2. The construction of PS01 includes:
  - A new underground wet well and associated valve and flowmeter chambers;
  - An inlet / overflow chamber (MH1.1) on the existing outfall with overflow screen to replace the existing manhole (MH07);
  - A control kiosk along the cliff path to serve the proposed pumping station;
  - A wet kiosk along the cliff path to provide clean water connection for maintenance activities;

- Undergrounding of the existing ESB overhead line and associated connection works to the control kiosk;
- Separation of surface water at MH 06;
- Works within Baron's Brae include diversion of foul flows from the existing foul pipe via gravity and upgrade works to the property entrance and clearance of trees to facilitate parking for maintenance and emergency works; and
- A stand by roadside generator kiosk to serve PS01.

2.3. The construction of PS02 includes:

- A new underground wet well, emergency storage tank with 12 hour storage (80m<sup>3</sup>), valve chamber and flowmeter;
- An inlet / overflow chamber;
- An ancillary building (GFA. 16.3sqm) including toilet, control room and storage room;
- An actuator valve kiosk and wet kiosk;
- The provision of an ESB Substation;
- Surface water diversion / connection;
- Water main connection; and
- Other associated site development works, including site entrance works, access, boundary walls / fencing, retaining wall, ground level alterations, 3 no. car parking spaces, landscaping and site drainage.

2.4. The proposed development includes all necessary ancillary pipework and manholes, diversion of existing utilities, new power supply and water connection for the pump stations, ducting, mechanical and electrical services, instrumentation, automation, controls and equipment.

2.5. An outfall pipe would remain in situ and would be converted to a stormwater overflow pipe, with emergency overflow in the event of pump failure.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission was granted subject to 9 no. conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. *Planning Reports*

The planners report dated 30<sup>th</sup> January 2023 raised no objection in principle to the proposed development and recommended that permission be granted subject to standard conditions.

#### 3.2.2. *Other Technical Reports*

***Water Services Department:*** Report dated 6<sup>th</sup> December 2022 raised no objection subject to conditions.

***Transportation Planning Section:*** Report dated 11<sup>th</sup> January 2023 raised no objection subject to conditions.

***Parks and Green Infrastructure Division:*** Report dated 20<sup>th</sup> December 2022 raised no objection subject to conditions.

### 3.3. Prescribed Bodies

***Uisce Eireann:*** The submission to the planning authority dated 9<sup>th</sup> December 2022 notes that a new water connection is required for PS01 to supply the hose reel and a new connection is required for PS02 to supply the hose reel and welfare facilities.

***DAU – Department of Housing, Local Government and Heritage:*** The submission to An Bord Pleanála dated 21<sup>st</sup> April 2023 is summarised below:

The removal of mature trees and scrub land to facilitate the proposed development has the potential to:

- Disturb the roosting habitat of a population of bat species listed under Annex IV of the EU Habitats Directive.

- Disturb nesting birds protected under S. 22 of the Wildlife Act, 1976 (as amended).
- Disturb badger's and their setts which are protected under the Wildlife Act, 1976 (as amended).

To mitigate against any potential impact it is recommended that conditions be attached to any grant of permission requiring a bat survey and a badger survey be carried out and a Felling Licences be obtained.

**Environmental Protection Agency:** The submission to An Bord Pleanála dated 26<sup>th</sup> May 2023 requests consultation in accordance with Regulation 21(6) of the European (Waste Water Discharge) Regulations 2007 to 2020 in respect of a licence review from Uisce Eireann for the agglomeration named Ringsend.

#### 3.4. **Third Party Observations**

8 no. third party submissions received by the planning authority are on the file. The submissions are generally supportive of the proposed development. The concerns raised are similar to those outlined in the appeals below.

#### 4.0 **Planning History**

No relevant planning history.

#### 5.0 **Policy Context**

##### 5.1. **Fingal County Development Plan 2023 - 2029**

The appeal sites are located on lands zoned for HA High Amenity with the associated land use objective '*to protect and enhance high amenity areas*' and RS Residential with the associated land use objective '*to provide for residential development and protect and improve residential amenity*'.

The appeal site is also located within an area covered by the Howth Special Amenity Order and an objective to preserve views.

Table 11.1 notes Uisce Eireann's planned project for Doldrum Bay.

The following policies are considered relevant:-

**Policy CSP23 – Howth SAAO** Protect the Howth Special Amenity Area Orders (SAAO), including the Buffer zone, from residential and industrial development intended to meet urban generated demand.

**Policy GINHP26 – Preservation of Views and Prospects** Preserve views and prospects and the amenities of places and features of natural beauty or interest including those located within and outside the County.

**Policy IUP1 – Uisce Éireann-Water Services Infrastructure** Support Uisce Éireann’s strategic water service projects and infrastructure improvements and engage with them to facilitate projects that deliver the water services infrastructure necessary to support Fingal’s settlement hierarchy, sustainable growth and mitigation and adaptation to climate change in line with national and regional policy.

**Policy IUP2 – Uisce Éireann-Water Quality and Water Conservation** Continue to support UÉ in their role in water quality, water conservation and addressing leakage and support opportunities for water conservation as part of new and retrofitted developments and encourage the consideration of alternative water sources.

**Policy IUP4 – Uisce Éireann – Water Service Projects** Support Uisce Éireann in delivering key water service projects in the County, as per Table 11.1 above.

**Objective IU07 – Buffer Zones around Pumping Stations** Establish an appropriate buffer zone around all pumping stations suitable to the size and operation of each station. The buffer zone should be a minimum 35 metres – 50 metres from the noise/odour producing part of the pumping station to avoid nuisance from odour and noise. For small scale developments (less than 15 houses) a smaller buffer zone may be agreed with the Planning Authority.

## 5.2. **Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019.**

The RSES is underpinned by key principles that reflect the three pillars of sustainability: Social, Environmental and Economic, and expressed in a manner which best reflects the challenges and opportunities of the Region.



The site is located with the 'Dublin Metropolitan Area'. The Metropolitan Area Strategic Plan (MASP), which is part of the RSES, aims to align growth with enabling infrastructure *to promote quality infrastructure provision and capacity improvement, in tandem with new development and aligned with national projects and improvements in water and waste water, sustainable energy, waste management and resource efficiency.*

The following are considered relevant:

**RPO 7.11** For water bodies with 'high ecological status' objectives in the Region, local authorities shall incorporate measures for both their continued protection and to restore those water bodies that have fallen below high ecological status and areas 'At Risk' into the development of local planning policy and decision making any measures for the continued protection of areas with high ecological status in the Region and for mitigation of threats to waterbodies identified as 'At Risk' as part of a catchment-based approach in consultation with the relevant agencies. This shall include recognition of the need to deliver efficient wastewater facilities with sufficient capacity and thus contribute to improved water quality in the Region.

**RPO 10.10:** Support Irish Water and the relevant local authorities in the Region to eliminate untreated discharges from settlements in the short term, while planning strategically for long term growth in tandem with Project Ireland 2040 and in increasing compliance with the requirements of the Urban Waste Water Treatment Directive from 39% today to 90% by the end of 2021, to 99% by 2027 and to 100% by 2040.

**RPO 10.11:** EMRA supports the delivery of the waste water infrastructure set out in Table 10.2, subject to appropriate environmental assessment and the planning process.

**RPO 10.12:** Development plans shall support strategic wastewater treatment infrastructure investment and provide for the separation of foul and surface water networks to accommodate the future growth of the Region.

### 5.3. **National Planning Framework**

The National Planning Framework is a high level strategic plan for shaping the future growth and development of the county to 2040. The plan sets out 10 no. National

Strategic Outcomes. National Strategic Outcome 9 relates to sustainable management of water, waste and other environmental resources and notes that investment in water services infrastructure is critical to the implementation of the National Development Plan. It aims to eliminate untreated discharges from settlements in the short term, while planning strategically for long-term growth.

#### 5.4. ***Other Relevant Legislation and Documents***

- The Water Services Act, 2007 (as amended)
- The Urban Wastewater Treatment Directive (91/271/EEC)
- The Waste Water Discharge (Authorisation) Regulations, 2007
- Water Services Policy Statement 2018 - 2025
- Uisce Eireann Water Services Strategic Plan 2050

#### 5.5. **Natural Heritage Designations**

5.5.1. The following designated sites are within 15km of the appeal site:

- Howth Head SAC (000202)
- North West Irish Sea c. SPA (004236).
- Rockabill to Dalkey Island SAC (003000)
- North Bull Island SPA (004006)
- North Dublin Bay SAC (000206)
- Howth Head Coast SPA (004113)
- Baldoyle Bay SPA (004016)
- Baldoyle Bay SAC (000199)
- South Dublin Bay and River Tolka Estuary SPA (004024)
- South Dublin Bay SAC (000210)
- Ireland's Eye SPA (004117)
- Ireland's Eye SAC (002193)
- Malahide Estuary SAC (000205)

- Malahide Estuary SPA (004025)
- Dalkey Islands SPA (004172)
- Lambay Island SPA (004069)
- Lambay Island SAC (000204)
- Rogerstown Estuary SPA (004015)
- Rogerstown Estuary SAC (000208)

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. 3 no. appeals were received from (1) Hugh-Thomas Cavanagh and Dong Hua Cavanagh, (2) Douglas Cousins and others and (3) Sabrina Joyce-Kemper and Catherine McMahon. The appeals are generally supportive of the proposed project, which would stop the discharge of untreated sewage into Doldrum Bay.

6.1.2. The grounds of the appeal in the submissions from Hugh-Thomas Cavanagh and Dong Hua Cavanagh and Douglas Cousins and others are similar. To save repetition are appeals summarised below:

#### *Visual Impact*

- Concerns regarding the siting of PS02 directly across the road from an existing residential dwelling and in a highly sensitive scenic area. Consideration should be given to an alternative location that would not negatively impact on Howth Special Amenity Area.
- Other locations for PS02 are available within Bellingham Farm and were considered by the applicant.
- The design of PS02, which includes green coloured tarmacadam surrounded by a 2.4m high security fence is not sensitive to the amenity area.
- The design approach to PS01, which ensures the structure is generally concealed within the landscape, should be replicated for PS02.

- The fence around PS02 is wholly inappropriate. The hedgerow on the western perimeter should be retained and the entrance to the compound should retain the current farm gate. The preservation and adaptation of existing vernacular and agricultural features is best practice.
- The height of the ancillary building at PS02 should be reduced.
- The roadside landscaping at PS02 is counterproductive as it would obscure the view overtime. Fingal County Council regularly cut the regrowth to keep the vista open.

#### *Traffic Hazard*

- The access road for location PS02 is dangerous, due to inadequate sightlines.
- Due to the facilities provided with PS02 it would become a destination or depot for maintenance vehicles, which would result in a traffic hazard.

#### *Other Issues*

- The conditions preclude public consultation and lack transparency.

6.1.3. The submission from Sabrina Joyce-Kemper and Catherine McMahon also raised concerns regarding the visual impact of the development on a scenic route and raised additional environmental concerns. 4 no. appendices are attached to the submission which includes a copy of the Ringsend Waste Water Discharge Licence (WWDL) no. D0034-01, the Wastewater Discharge Authorisation Examination Report for Ringsend and correspondence between Uisce Eireann and the EPA.

6.1.4. The additional concerns raised in this appeal are summarised below:

#### *Wastewater Licence*

- The proposed development should be considered in the context of the greater wastewater network. This project is connecting to a larger and fluid network – that of Ringsend agglomeration. The proposed pumping stations drains to the Sutton Pumping Station and across the sub-marine pipeline to Ringsend WWTP for treatment.
- Ringsend WWTP is over capacity and is in breach of it licence. Any increase in Population Equivalent would negatively impact on receiving waters for all

discharges from Ringsend and would require updates of Ringsend WWTP current licence.

- The application proposed to convert the outfall from the CSO (combined sewer outflow) to a SWO (stormwater outflow), this is important to wastewater licencing requirements. As PS01 has no emergency storage it would overflow in the event of a pump failure.
- Doldrum Bay outfall point and discharge is considered to be secondary discharge for Ringsend agglomeration. The Doldrum Bay discharge was only licenced up to 31<sup>st</sup> December 2011. The discharges were not monitored as it was presumed to be ceasing in 2011. As the discharge was unlicenced but still operational it triggered non-compliance with the Ringsend WWDL since 1<sup>st</sup> January 2012.
- Even after this application there would be a surface water outfall which is designed to continue to discharge sewage surcharges / overflows to the Irish Sea. This is unlicenced and would require an amendment to the Ringsend Licence thus triggering dual assessment of this application with the EPA.
- Ringsend is not in compliance with its AER reporting obligations as the 2021 AER is nearly a year overdue.
- Detailed reasons and consideration as to why this development (either positively or negatively) would have no significant effect on the environment within the meaning of Article 120(1)(b)(iii) should be provided.
- The Board are obliged to comply with S.I.No. 214/2020 – European Union (Wastewater Discharge) Regulations, 2020 and Article 44 of the Waste Water Discharge (Authorisation) Regulations, 2007, as amended by the Waste Water Discharge (Authorisation) (Environmental Impact Assessment) Regulations, 2016.

#### *EIAR Requirements*

- The proposed development is within the scope of Article 120(1)(b)(iii) as there is real likelihood of significant effects on the environment arising from the proposed development.

- Schedule 7 would be triggered by the proposed development in terms of the criteria for determining whether a development would or would not be likely to have a significant effect on the environment. These criteria are outlined in the submission.
- Given issues relating to construction and operational phase, flood risk, environmental pollution, noise and odour impacts and taking into account the precautionary principle an EIA requirement should be triggered.
- EIA requirements should be considered with regard to:
  - The nature and scale of the proposed project
  - The highly sensitive nature of the receiving environment
  - Likelihood of direct and indirect effects on biodiversity, land and soils, water, noise, material assets and landscape cannot be ruled out
  - Potential impact on Dublin Bay UNESCO Biosphere with pathway receptors to SAC's and SPA's

#### *AA Requirements*

- The AA Screening Report failed to identify that the outfall pipe that the development would connect to is discharging to the sea which is a pathway receptor to the designated sites within Dublin Bay.
- The proposed development should be subject to Stage 2 AA as it forms part of the wider sewage network – Ringsend agglomeration. This would also mean that the application should be updated to include works referred to as 'exempted development' in the submitted documentation.
- Without carrying out full AA and EIA there is uncertainty as to the past, present and future impacts and the required mitigation and compensatory measures required.

#### *Design Approach / Alternatives*

- The outfall pipe to Doldrum Bay should be repaired / replaced as part of this application, with the possibility of extending the pipe further out into the bay, away from the bay.

- A route to allow for safe access to the outfall pipe would also result in a community gain as it would provide safe access to the bay.
- The pumping stations should include solar panels to reduce energy costs and energy risks.
- There is a lack of information regarding the capacity of the pumping stations and associated storage.

#### *Other Issues*

- There is no assessment under the Water Framework Directive or Environmental Liability Directives.

## **6.2. Applicant Response**

The applicant submitted a detailed response to the appeal which notes that the appeals all generally welcome the proposed development. The response is summarised below:

#### *Rational for the Development*

- The existing infrastructure does not have capacity or facilities to treat wastewater for 45 no. properties. As a consequence, untreated effluent is released into the surrounding ecosystem, specifically Doldrum Bay. The proposed development would resolve this current issue and provide additional capacity for future residential growth.
- The proposed development would direct flows from Doldrum Bay to Ringsend WWTP and the existing combined sewer outfall would be converted to stormwater overflow.
- The proposed development would meet the requirements and standards set out in European environmental legislation, including the Urban Wastewater Treatment Directive (91/271/EEC) and the Water Framework Directive (WFD) (91/271/ECC) and other relevant national environmental protection standards. These requirements reaffirm the need for the proposed development.

- The proposed development would have a long-term positive impact on human health and local natural habitats by providing appropriate wastewater treatment infrastructure and protecting local waters in Doldrum Bay.

#### *Public Consultation*

- There was extensive consultation in the form of letter drops and meetings.

#### *Alternatives*

- A detailed design analysis was undertaken to identify the most appropriate location for the development. 3 no. locations were identified for PS02. Given the location of the existing combined sewer, the designation of Howth SAAO, Development Plan policy and objectives and landownership the proposed location (Option B) was considered the most appropriate.
- The location of PS02 is also the most suitable having regard to its location in the corner field, close to hedgerows and at a significantly lower level than the road, which minimises the visual impact; there is an existing established access road; proximity to connections; and preferred location of the landowner.
- Utilising an existing access avoids the need to construct a new entrance which has visual, traffic and environmental benefits.
- Option A would have required a new entrance and 65m long road.

#### *Visual Impact*

- The development has been designed to minimise the visual impact. A Landscape and Visual Impact Assessment was submitted with the application.
- The small scale of the works and existing vegetation and built structures within the wider landscape along with additional planting proposed ensures there would be no significant effect on the landscape and visual amenity.
- The proposed landscaping once established would largely conceal all fencing along Carrickbrack Road.
- Condition 5 of the grant of permission required the asphalt surfacing with a cellular grass paving system. The applicant is happy to comply with this condition.



- The proposed development would not impact on the enclosed field pattern.
- The height of the pumping station is minimised while meeting the operation requirements of the facility. It cannot be reduced any further.
- The fencing enhances security and safety at the facility and is consistent with fencing used by Uisce Eireann throughout the country. In contrast to PS01, PS02 is located on private property and requires fencing to prevent unauthorised access which could result in injury or vandalism and theft.

#### *Traffic*

- PS02 would be accessed by an existing private access road which is currently used by a small number of landowners. The works include the upgrade of an existing agricultural access on the private road. no works are proposed to Carrickbrack Road.
- PS02 would be unmanned. Occasional inspection and maintenance would be required resulting in an estimated 1-2 additional vehicular movements per week. This is not substantial and cannot be considered to materially impact on road safety.
- The provision of welfare facilities at PS02 are for Uisce Eireann maintenance staff only and would not generate additional vehicular movements.

#### *Wastewater Licence*

- The existing outfall pipe to Doldrum Bay is licenced as a secondary discharge (designated S4) on the Ringsend Wastewater Discharge Licence (D0034-01). Currently a continuous discharge of untreated sewage flows through this pipe and into Dublin Bay. As a result of the proposed development this discharge route would be intermittent and infrequent, activated only in times of heavy rainfall or pump failure at PS01, hence its conversion to a SWO (stormwater overflow).
- The converted SWO is in accordance with the definition provided in the Waste Water Discharge (authorisation) Regulations, 2007 and has been designed in accordance with the Irish Water Technical Standard on Storm Water Overflows (IW-TEC-800-03).

- In accordance with the provisions of the technical standard the SWO at PS01 would be of low significance, due to the receiving environment (i.e estuaries and coastal waters not designated as bathing or shellfish waters) and low population equivalent (PE). Therefore, it does not require emergency storage. Notwithstanding this, during power outages the back-up generator would be utilised). Additional storage is also provided at PS02.
- Neither the emissions limits values or the monitoring of the secondary discharge were applicable under the licence D0034-01. The AA Screening assessed the potential for impact including cumulative impact associated with Ringsend and found that a Stage 2 AA was not required.
- It is correct that the initial discharge licence stated that S4 discharge at Doldrum Bay would be discontinued by 31<sup>st</sup> December 2021. However, in the 2012 Annual Environmental Report (AER) it was noted that there were plans to rectify this. Subsequent AER's (up to 2021) list the S4 discharge under the programme of infrastructural improvements (as per condition 5 of the licence) with the aim of discontinuing it. The proposed development complies with this aim by discontinuing the secondary discharge and converting it to a SWO.
- An amendment to the licence would subsequently be required to redesignate the outfall as a SWO. The EPA is currently reviewing the Ringsend Waste Water Discharge Licence.
- The additional flows that would be diverted to Ringsend WWTP were assessed and found to be negligible (0.0006% of peak hydraulic capacity).
- It is acknowledged that Ringsend WWTP is over capacity, however, there are planned and consented upgrades to further expand its capacity.

#### *EIAR*

- There are clear and rigid criteria to ascertain if an EIAR is required or not. The development is not a class of development which a mandatory EIA is required. This was confirmed by Fingal County Council.
- The proposal was subject to rigorous assessment including Ecological Impact Assessment, Landscape and Visual Assessment, Flood Risk Assessment and AA Screening. All of which concluded that there would be no significant

environmental impacts as a result of the proposed development and its cumulative impacts.

- The rationale for the proposed development is to protect and enhance the environment by stopping the discharge of untreated wastewater into Doldrum Bay and instead diverting it to Ringsend WWTP, which is currently undergoing significant upgrades to increase capacity.

#### *Appropriate Assessment*

- An AA Screening report was submitted with the application which concluded that there would be no significant impacts on any of European Site as a result of the development. This was confirmed by Fingal County Council.

#### *Design Approach*

- The limited area available for solar panels would be of very limited benefit to the proposed development. They would also increase the height of structure, which could potential impact on the visual amenity of the structures.
- A landscaping plan was submitted with the application, this was generally considered acceptable with minor amendments provided by way of condition no. 5. No additional mature landscaping is required.
- Works to the existing outfall pipe to Doldrum Bay are outside of the redline boundary of the proposed development. Uisce Eireann undertake maintenance works on an on-going basis. Any works deemed necessary would be subject to a separate planning application.
- The proposed development has been designed and specified to meet EPA Urban Waste Water Treatment Directive and Uisce Eireann operational requirements and design standards. The emergency storage capacity at PS02 is 12 hours. A back up generator is provided in lieu of emergency storage at PS01.

#### *Water Framework Directive*

- The entire rationale for the project is to stop the discharge of untreated wastewater into Doldrum Bay and, therefore, is in accordance with the directive

to protect and, where necessary, restore waterbodies in order to reach good status, and to prevent deterioration.

### *Planning Policy*

- The Fingal County Development Plan 2023-2029 was adopted subsequent to the lodgement of the application. Section 4 of the applicant's response to the appeal outlines the relevant policies and objectives in the current statutory plan and considers that the proposed development accords with the provisions of the development plan in delivering enhanced wastewater infrastructure which would directly enhance the natural environment and support the sustainable development of Howth.

### **6.3. Planning Authority Response**

The Planning Authority's response is summarised below: -

- The application was assessed against the policies and objectives of the Fingal County Development Plan 2017-2023 and government policy and guidelines. The proposed development was considered to be consistent with the proper planning and sustainable development of the area.
- The concerns of the third parties were acknowledged and considered.
- The proposed development would end the long standing issue of continuous discharge of untreated sewerage into Doldrum Bay and would result in an overall positive effect on the water environment and biodiversity in Dublin Bay.
- It is requested that the Board apply the council's Section 48 Development Contribution Scheme as appropriate.

### **6.4. Observations**

- 6.4.1. 4 no. observations were received from (1) Joseph Mary Barry, (2) Hillwatch, (3) Larry and Belinda Ennis and (4) Cllr. David Healy. The observations are generally supportive of the proposed development. The concerns raised are similar to those noted above in the appeals. Additional concerns raised are summarised below.

- There are plans to create a driveway through the top of Lodge Field which would allow for vehicular access to the rear of 'Far Hill' (residential dwelling). The proposed development would negatively impact on this proposal.
- If a toilet facility is required it should be located at PS01, which is zoned for residential uses.
- The design approach to PS02 fails to acknowledge the sensitivity of the landscape and the protected views on Carrickbrack Road.
- The development is in breach of the SAAO Objective 2.1 and Policy 2.1.1 to protect views as indicated on Map B of the SAAO. The fencing is a breach of Policy 3.4.2 of the SAAO.
- The direct connection of surface water drain straight to the sea is contrary to surface water policies. There is no justification for discharging surface water through it. The surface water should be discharged to a soakaway or similar.
- Alternative sites did not form part of the original application and it is not within the remit of the Board to relocate PS02 to an alternative location by way of condition.

#### 6.5. **Further Responses**

None

#### 7.0 **Assessment**

Having examined the appeal details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Design Approach
- Visual Amenities
- Traffic
- Ecology

- Water Services – Drainage
- Wastewater Licence Considerations
- Environmental Impact Assessment Considerations
- Other Issues

## 7.1. ***Principle of Development***

- 7.1.1. The overall objective of the proposed development is to bring the existing sewer overflow into compliance with the Urban Wastewater Framework Directive and to end the discharge of untreated sewerage from 43 no. dwellings directly into Doldrum Bay. The proposed development consists of 2 no. pumping stations (PS01 and PS02) and associated infrastructure, including PS01 Generator Kiosk which would redirect untreated flows from these existing dwellings away from Doldrum Bay to the Sutton Drainage Catchment and ultimately to Ringsend Wastewater Treatment Plant (WWTP). The existing c. 1.7km outflow pipe would be converted to a storm water overflow pipe. It is noted that the third parties are all generally supportive of the proposed development.
- 7.1.2. The existing Doldrum Bay agglomeration is located on the southern side of the Howth peninsular. Pumping Station PS01 is located on an irregular shaped site, with a stated area of 0.05ha area, at the eastern end of Canchor Road at the turning circle and adjacent to the cliff path. The northern portion of the site includes the entrance driveway to a property known as Baron’s Brae and to the south it is bordered by gates and driveways of properties known as Windward and Censure. The PS01 Generator Kiosk is located on a 0.01ha site at the T-junction of Canchor Road, c. 240m west of PS01. These sites are located on lands zoned RS Residential with the associated land use objective *‘to provide for residential development and protect and improve residential amenity’*. Utility installations are permissible on lands zoned RA.
- 7.1.3. Pumping Station PS02 is located on a 0.21 ha site located to the south of Carrickbrack Road (R105) at the entrance to Bellingham’s Farm. This site is zoned for High Amenity with the associated land use objective *‘to protect and enhance high amenity areas’*. Utilities are neither ‘permitted in principle’ nor ‘not permitted’. The development plan notes that uses that are not listed in the zoning matrix will be assessed in terms of

their contribution towards the achievement of the zoning objective and vision and their compliance and consistency with the policies and objective so the development plan.

7.1.4. At present, 45 no. domestic dwellings discharged untreated sewerage into Doldrum Bay via the Doldrum Bay outfall. The proposed development would provide 2 no. new pumping stations and associated infrastructure to redirect untreated flows from 43 no. existing properties away from Doldrum Bay and to Ringsend Wastewater Treatment Plant for treatment. It is acknowledged that 2 no. existing residential properties would still discharge directly to Doldrum Bay. I am satisfied that PS02 would contribute towards the improvement of the environment and would be consistent with the HA zoning object to protect and enhance the high amenity area. Therefore, in my opinion the proposed use is permissible in principle.

7.1.5. The 3 no. elements of the appeal site are also located within an area covered by the Howth Special Amenity Area Order and an objective to preserve views. The SAAO covers 547 ha, including Irelands Eye and the heathland, woods, cliffs, shingle beaches of Howth. In addition, Section 9.6.14 of the development plan identifies Howth as having a coastal character type with exceptional landscape value. Howth SAAO is supported by Policy CSP23 – Howth SAAO aims to protect the Howth Special Amenity Area Orders (SAAO) and Policy GINHP26 aims to preserve views and prospects and the amenities of places and features of natural beauty or interest.

7.1.6. Howth's designation as a landscape of very high sensitivity is acknowledged, however, when balanced against the overarching planning and environmental gain that would be achieved by the proposed development I am satisfied that the proposed use is permissible in principle and in accordance with development plan policies IUP1 and IUP4 to support Uisce Éireann's in delivering key water service projects in the County.

## 7.2. ***Design Approach***

7.2.1. Concerns are raised by third parties that there is a lack of information regarding the capacity of the pumping stations and associated storage and that as PS01 has no emergency storage it would overflow in the event of a pump failure.

7.2.2. The applicant has stated that the proposed development has been designed and specified to meet EPA Urban Waste Water Treatment Directive and Uisce Eireann operational requirements and design standards. In accordance with the provisions of

the technical standard the stormwater pipe at PS01 would be of low significance, due to the receiving environment (i.e estuaries and coastal waters not designated as bathing or shellfish waters) and low population equivalent (PE), which is less than 2000. Therefore, it does not require emergency storage. Notwithstanding this, the proposed development includes a standby generator at PS01 which during an emergency would allow flows to be pumped to PS02, which has capacity to store overflow foul water for up to 12 hours.

- 7.2.3. Having regard to the information submitted I am satisfied that the proposed development has been adequately described in the submitted documentation. It is also my opinion that the design of the proposed development has been given adequate consideration by the applicant and there is no requirement to provide emergency storage at PS01.
- 7.2.4. A third party considered that the pumping stations should include solar panels to reduce energy costs and energy risks. In response the applicant stated that due to the small area available for solar panels they would be of very limited benefit. They would also increase the height of structures, which could potentially impact on the visual amenity of the area. I am satisfied that the applicant has given due consideration to the design and layout of the development and that there is no requirement for the provision of solar panels.
- 7.2.5. A third party also considered that the outfall pipe to Doldrum Bay could be repaired or replaced as part of this application, with the possibility of extending the pipe further out into and away from the bay and that the resulting route would allow for safe access to the outfall pipe and the bay. In response to the appeal the applicant notes that Uisce Eireann undertake maintenance works on an on-going basis and that any works deemed necessary would be subject to a separate planning application. In my view while an additional walking area along Doldrum Bay would be welcome in principle, it does not form part of this application and is not an objective in the development plan. The works proposed by the appellant are also outside of the applicants red line boundary and I am satisfied that the proposed development is not reliant on these works. It is also my opinion that the removal of untreated sewerage from Doldrum Bay would result in a significant community gain.



### 7.3. *Visual Amenity*

- 7.3.1. Concerns are raised by the third parties regarding the siting of PS02 directly across the road from an existing residential dwellings, in a highly sensitive scenic area and that consideration should be given to an alternative location that would not negatively impact on Howth Special Amenity Area.
- 7.3.2. Pumping Station PS02 is located on the southern side of Carrickbrack Road (R105). There is a row of detached dwellings on the opposite (northern) side of Carrickbrack Road. The front elevation of these houses is a minimum of c. 40m from the northern boundary of the site of PS02. To the south, east and west the site is generally bound by agricultural lands, with 1 no. existing dwelling located c. 50m east, 1 no. dwelling located c. 200m west and 2 no. dwellings located c. 200 south of the site of PS02. The surrounding landscape slopes in a north-south direction, towards the sea. Therefore the dwellings on the opposite (northern) side of Carrickbrack Road are significantly elevated from the site of PS02 and the dwellings to the south are significantly lower than the site of PS02.
- 7.3.3. The above ground works at the site of PS02 include an ancillary building and an ESB substation. The ancillary building is c. 16.3sqm and would accommodate a toilet, control room and storage room. The building is c. 4.5m in width by 4m in depth with a pitched roof with a maximum height of 4m. The ESB substation is c. 2.4m in width by c. 2m in depth with a flat roof with a maximum height of 1.8m. The proposed infrastructure would be enclosed by a 2.4m high mesh security fence.
- 7.3.4. The topography of the site slopes away from the public road, with the northern portion of the site c. 1m lower than the public road. To facilitate the proposed works it is proposed to level the site to c. 3.3m below the level of the public road. To facilitate the lowering of the site, a 1.8m high retaining wall is proposed along the site's northern boundary. The proposed ancillary building has a maximum height of 4m. Due to the relatively limited height of the building and the level differences between the site of PS02 and the public road, the majority of the building would be concealed by the natural topography of area. In response to concerns raised regarding the height of the building, the applicant has stated that to meet the operation requirements of the facility it is not possible to further reduce the height of the building.

- 7.3.5. To further mitigate against any potential visual impacts, it is proposed to provide planting / landscaping along the sites boundary. The Landscape Design for Pumping Station PS02 – Drawing DG0014 indicates that 1 no. existing tree would be removed to facilitate PS02, 1 no. tree would be retained and 5 no. new trees would be planted. Native shrub mix planting and climbers would also be provided around the northern, southern and eastern boundaries of the site.
- 7.3.6. Concerns are raised by third parties that the planting would not appropriately screen the ancillary building as the Local Authority regularly cut back the existing vegetation along Carrickbrack Road to retain the existing views. The report of the Parks and Green Infrastructure Division of the planning authority recommended that a condition be attached to remove the proposed 2 no. Sorus trees in order to comply with protected views objective along the public road. It is noted from the zoning map that there are protected views along Carrickbrack Road. Therefore, if permission is being contemplated it is recommended that a similar condition be attached and that the 2 no. sorus trees be omitted. However, I am satisfied that the ancillary building could be adequately screened with shrubs and climbers.
- 7.3.7. A Landscape and Visual Impact Assessment was submitted with the application which considers the impact of the proposed development. A separate booklet of 6 no. verified views of the scheme were also submitted. The verified views provide a comparison of the existing site and the proposed development at 1 year post construction and 15 years post construction. It is my view that the submitted photomontages provide a reasonable representation of how the proposed development would appear.
- 7.3.8. Views 4, 5 and 6 are taken from Carrickbrack Road towards PS02. View 4 is a short-range view looking south towards PS02 and View 5 is a medium range view looking west towards the site of PS02 and View 6 is a short-range view looking south-east. The short-range views indicated that a partial view of the roof of the ancillary building, along with areas of hardstanding within the site, and the security fencing would be visible from Carrickbrack Road. The LIVA found that from Views 4 and 5 the impact on this landscape of very high sensitivity would be moderate and not significant after 1 year post construction. After 15 years post construction, when the landscaping has matured along Carrickbrack Road PS02 would be completely screened in the summer-

time and partially screened in the wintertime. I agree with the finding of the LVIA that after 15-year post construction the significance of the visual impact would be negligible to minor.

- 7.3.9. The LIVA also found that from View 6 the impact on this landscape of very high sensitivity would be moderate and not significant after 1 year post construction. Again, after 15 years post construction, the landscaping would mature along Carrickbrack Road PS02 which would be screened most of the elements of PS02. However, the entrance gate from the private access road would remain visible. It is noted that the existing entrance gate to the agricultural lands is currently visible from Carrickbrack Road. I agree with the finding of the LVIA that after 15-year post construction the significance of the visual impact would be minor.
- 7.3.10. It is acknowledged that the appeal sites are located within the Howth Special Amenity Area, which is a designated landscape of very high sensitivity. However, I agree with the findings of the LIVA that the long-term impact on the wider Howth SAA would be extremely limited and not significant effect. In addition, it is noted that the proposed buildings do not impact or impede any protected views.
- 7.3.11. The third parties also raised specific concerns that the proposed green coloured tarmacadam and the 2.4m high security fence is not sensitive to the site's location within a high amenity area. The drawings submitted with the application indicate that a 'coloured' asphalt, to match the local geology and soil, would be provided within the site and that the security fence around PS02 would be a 2.4m high paladin (mesh) fencing. It is noted that the Parks and Green Infrastructure Division of Fingal County Council also raised concerns regarding the proposed finishes. To address this concern Condition no. 5 of the grant of permission required the fencing to be finished in a black colour and the asphalt surfacing be replaced with cellular grassing paving. The applicant notes that there is no objection to these requirements. If permission is being contemplated it is recommended that a similar condition be attached.
- 7.3.12. Specific concerns were also raised by third parties regarding the requirement for a security fence. In response to the appeal the applicant notes that PS02 is located on private property, therefore, security fencing is required to prevent unauthorised access

which could result in injury or vandalism and theft. I consider this reasonable and have no objection in principle to the provision of a security fence.

7.3.13. In conclusion, the site's locations within the Howth Special Amenity Area are acknowledged, however, given the separation distances between the proposed above ground development at PS02 and the adjacent existing dwellings, the topography of the area and the relatively limited height and scale of the proposed ancillary building I am satisfied that the above ground works at the site of PS02 would not negatively impact on the visual amenities of the area. It is noted that no concerns were raised by third parties regarding the visual impact of PS01 or the generator kiosk for PS01 and I am satisfied that they would not negatively impact on the existing visual amenities of the area. It is also noted that the planning authority raised no concerns in this regard.

7.3.14. Third parties also considered that alternative locations for PS02 should have been given further consideration by the applicant. In response to the appeal that applicant states that a detailed design analysis was undertaken to identify the most appropriate location for the development and that 3 no. locations were identified for PS02. Having regard to the location of the existing combined sewer, the designation of Howth SAA, and land ownership, the proposed location of PS02 was considered the most appropriate, given its location in the corner field, close to hedgerows and at a significantly lower level than the road which minimises the visual impact. The applicant also noted that the site of PS02 has an existing established access road and was the preferred location of the landowner. Although there is no requirement to identify alternative sites for the proposed infrastructure, I am satisfied that the applicant has fully considered all available options and that the proposed site of PS02 is appropriate for the proposed development. An observer also notes that as alternative sites did not form part of the original application, it is not within the remit of the Board to relocate PS02 to an alternative location by way of condition. I agree with the observer that it would not be appropriate to relocate either of the proposed pumping stations by way of condition.

#### 7.4. **Traffic**

7.4.1. As noted above PS02 includes an ancillary building (GFA. 16.3sqm) including toilet, control room and storage room. It is also proposed to provide 3 no. car parking spaces

on the site of PS02. Concerns are raised by third parties that the access road for PS02 is dangerous, due to inadequate sightlines. Access to the site of PS02 is from an existing private road via Carrickbrack Road. The existing private road has a minimum width of c. 6m and provides access to a small number of landowners. There is an existing agricultural access from the private road to the site of PS02. This agricultural access would be upgraded as part of the proposed development. No works are proposed to Carrickbrack Road. PS02 would be unmanned and it is envisioned that it would generate c. 1-2 additional vehicular movements per week. I am satisfied that the limited number of additional vehicular trips generated by the proposed development would not materially impact on traffic safety. I also agree with the applicant that utilising an existing vehicular access avoids a proliferation of vehicular accesses along Carrickbrack Road would have additional visual and environmental benefits.

- 7.4.2. Third parties have also raised concerns that due to the proposed toilet facilities to be provided with PS02 it would become a destination or depot for maintenance vehicles, which would result in a traffic hazard. In response to the appeal that applicant clarified that the provision of welfare facilities at PS02 are for Uisce Eireann maintenance staff only and that the design of the facility is in accordance with the technical design standard for wastewater pumping stations and rising mains (IW-TEC-800-02). The drawings submitted indicate that 1 no toilet is proposed within the ancillary building, with no shower or changing area. I am satisfied that the provision a single toilet within PS02 would not result in the site becoming a destination for maintenance vehicles or generate additional vehicular movements on the surrounding road network.
- 7.4.3. An observer notes that there are plans to create a driveway to an existing house to the east of the site of PS02. This driveway is proposed through the location of PS02 and that the siting of PS02 would negatively impact on these plans. The planning history for the area does not indicate that there is an extant permission to provide a driveway to an existing house via the site of PS02. It is also noted that the site of PS02 is bound by agricultural lands to the south, east and west. Therefore, I am satisfied that the proposed development would not impede the future development potential of the surrounding area.

## 7.5. **Ecology**

- 7.5.1. An Ecological Impact Assessment was submitted with the application. The report notes that the proposed development is generally located on the public road with a small area of grassland habitat. The proposed development would require some land take / vegetation clearance at the site of PS02. The EclA considered that the habitats within the footprint of the proposed development are of negligible ecological value.
- 7.5.2. The submission from the DAU – Department of Housing, Local Government and Heritage notes that the removal of mature trees and scrub land to facilitate the proposed development has the potential to disturb the roosting habitat of a population of nesting birds, bat species and badger's and their setts. The submission recommended that conditions be attached to any grant of permission that bat and badger surveys be carried out and a Felling Licence be obtained.
- 7.5.3. A site walkover was carried out by the applicant in June 2022. The EclA notes that during this site visit no evidence of any protected mammals including badger and otter were found. In addition, no trees or structures within the footprint of the proposed development sites were identified to have bat roost suitability. The recommendation of the DAU to provide pre-construction surveys for badgers and bats is noted, however, due to the low ecological value of the habitat, the limited size of the sites, to the temporary and localised nature of the construction works, to the site location in close proximity to the road network and residential dwellings and the abundance of available similar habitat in the immediate vicinity of the sites I am satisfied that the impact on any protected species would be negligible and that there is no requirement for a bat or badger survey.
- 7.5.4. Protected birds were recorded during the site walkover. These species are identified in Table 4.2 of the EclA. It is stated that clearance works would take outside of the bird breeding season (March 1<sup>st</sup> – August 31<sup>st</sup>) and any mature trees offering viable habitats would be left in situ. I am satisfied that the impact on any protected bird species would be negligible.
- 7.5.5. Invasive Alien Plant Species Survey Report was also submitted with the application. The assessment found that there are no invasive species within the redline boundary or the immediate vicinity of the appeal sites. However, Japanese knotweed and three-

cornered garlic were identified in the wider environment. The Japanese knotweed is located c. 300m from PS02 and would not be disturbed during the construction phase of the proposed development. The three-cornered garlic was noted to be locally abundant, primarily along the roadside verges and residential gardens. Therefore, it is considered that there is potential for disturbance and spread of this species during the construction phase. Section 10.6 of the Outline Construction Environmental Management Plan outlines best practice biosecurity measures to help treat, contain and / or prevent the introduction or spread of an invasive species within the site. I am satisfied that this could be addressed by way of condition.

## **7.6. *Waster Services – Drainage***

- 7.6.1. Concerns were raised in an observation that the direct connection of a surface water drain straight to the sea is contrary to surface water policies and that surface water should be discharged to a soakaway or similar.
- 7.6.2. At the site of PS01 surface water run off is currently directed through surface drains and there are no proposals to alter the current arrangements. At the site of PS02 the applicant noted that the proposed drainage infrastructure within the site would be in accordance with the standards set out in the Greater Dublin Strategic Drainage Study and in accordance with the requirements of Fingal County Council. Drawing no. DR0012-04 indicates that site of PS02 would include a soakaway.
- 7.6.3. Having regard to the limited nature and scale of the proposed development I am satisfied that the proposed drainage works are appropriate. It is noted that the report of the Water Services Section of Fingal County Council raised no objection to the drainage proposals. However, the report recommends that final details be agreed with the planning authority. If permission is being contemplated it is recommended that a condition be attached in this regard.

## **7.7. *Wastewater Licence Considerations***

- 7.7.1. The appeal from Sabrina Joyce-Kemper and Catherine McMahan raised concerns that the proposed development should be considered in the context of the greater wastewater network as this project is connecting to a larger network, that of Ringsend agglomeration. The appeal further notes that Ringsend Wastewater Treatment Plant

(WWTP) is over capacity and is in breach of its licence and any increase in Population Equivalent (PE) would negatively impact on receiving waters and would require updates of Ringsend WWTP current licence. A copy of the licence is attached as an appendix to the appeal from Sabrina Joyce-Kemper and Catherine McMahon

- 7.7.2. The proposed development would provide 2 no. new pumping stations and associated infrastructure to transfer untreated flows from 43 no. existing properties to Ringsend WWTP for treatment. In the response to the appeal the applicant acknowledges that Ringsend WWTP is over capacity, however, it is stated there are planned and consented upgrades to further expand its capacity. The response further states that the additional flows that would be diverted to Ringsend WWTP were assessed and found to be negligible (0.0006% of peak hydraulic capacity).
- 7.7.3. I note upgrade works have commenced on the Ringsend Wastewater Treatment works extension permitted under ABP.301798-18 and the facility is subject to EPA licencing (D0034-01) and associated Appropriate Assessment Screening. It is my view that the foul discharge from the 43 no. existing dwellings to be connected to the network would be insignificant in the context of the overall licenced discharge at Ringsend WWTP, and thus I agree with the applicant that its impact on the overall discharge would be negligible. It is also noted that at present these 43 no. domestic dwellings discharge untreated into Doldrum Bay.
- 7.7.4. The appellants note that this secondary discharge was only licenced up to 31<sup>st</sup> December 2011. This is noted on Section A.3 – ‘discharges to be discontinued’ of the licence. The applicant notes that the initial discharge licence stated that S4 discharge at Doldrum Bay would be discontinued by 31<sup>st</sup> December 2021. However, this was amended in the 2012 Annual Environmental Report (AER) and subsequent AER’s (up to 2021) list the S4 discharge under the programme of infrastructural improvements, as per condition 5 of the licence. The overall aim was to discontinue the S4 discharge at Doldrum Bay. The proposed development complies with this aim by discontinuing this secondary discharge. Having regard to the information submitted I am satisfied that the existing outfall existing outfall pipe to Doldrum Bay is licenced as a secondary discharge (designated S4) on the Ringsend Wastewater Discharge Licence (D0034-01) and on subsequent Annual Environmental Reports.



7.7.5. As part of the proposed development it is proposed to convert the existing outfall pipe from a combined sewer to a storm water outflow with emergency overflow. This discharge route would be intermittent and infrequent, activated only in times of heavy rainfall or pump failure at PS01. The appellants consider that the change to the existing impacts on the wastewater licencing requirements, as the surface water outfall is designed to continue to discharge sewage surcharges / overflows to the Irish Sea. The applicant has stated that the converted stormwater outflow is in accordance with the definition provided in the Waste Water Discharge (authorisation) Regulations, 2007 and has been designed in accordance with the Irish Water Technical Standard on Storm Water Overflows (IW-TEC-800-03). It is acknowledged by the applicant that an amendment to the licence would subsequently be required to redesignate the outfall as a Storm Water Outflow and that the EPA are currently reviewing the Ringsend Waste Water Discharge Licence. I am satisfied that the conversion of the existing outfall pipe from a combined sewer to a storm water outflow has been given due consideration by the applicant and the associated licencing requirements.

#### 7.8. ***Environmental Impact Assessment Considerations***

7.8.1. The EIA Directive is aimed at ensuring that a holistic assessment is carried out of all elements of a development to ascertain its potential effects, both positive and negative. Projects that are likely to have a significant effect on the environment are identified in Schedule 5, Part 1 and 2 of the Planning and Development Regulations 2001 (as amended). I agree with the assessment of the planning authority and the applicant that the proposed development which comprises 2 no. pumping stations and associated works is not a class of development for which EIAR is required.

7.8.2. The appeal from Sabrina Joyce-Kemper and Catherine McMahon considers that the proposed development would have a significant environmental impact and that the proposed project comes within the meaning of Article 120(1)(b)(iii) namely that there is a real likelihood of significant effects on the environment arising from the proposed development. Article 120 of the Planning and Development Regulations relates to sub-threshold EIAR. A sub-threshold EIAR can only be required in respect of specific classes of developments. As the proposed development does not fall within a class of development there is no requirement for the applicant to submit a subthreshold EIAR.

- 7.8.3. The appellants also considered that Schedule 7 would be triggered by the proposed development in terms of the criteria for determining whether a development would or would not be likely to have a significant effect on the environment. Schedule 7 of the Planning and Development Regulations identifies criteria for determining whether a development listed in Part 2 of Schedule 5 should be subject to an EIAR. As noted above the proposed development does not fall within a class of development identified in Schedule 5, therefore, the provisions of Schedule 7 do not apply and there is no requirement for the applicant to submit a subthreshold EIAR.
- 7.8.4. The appellants further state that given the issues relating to construction and operational phase, flood risk, environmental pollution, noise and odour impacts and taking into account the precautionary principle an EIAR requirement should be triggered. The application was accompanied by supporting documentation including a Planning Report, Ecological Impact Assessment, Flood Risk Assessment, Appropriate Assessment Report, Landscape and Visual Impact Assessment, Archaeological Desktop Assessment and an Outline Construction Environmental Management Plan. These documents provide an assessment of the proposed development in the context of alternatives considered, biodiversity, water quality, flooding, traffic, archaeology and landscape, and construction related noise, air quality (dust) and waste management. I consider that there is sufficient information on file to adequately assess the environmental impact arising from the proposed development.
- 7.8.5. Given the nature of the development, which would remove untreated sewerage from Doldrum Bay, the relatively limited scale of the works and the location of the proposed development I am satisfied that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered.

## **8.0 Appropriate Assessment**

- 8.1. The applicant has submitted a Screening Report for Appropriate Assessment prepared by RSP. The Report provides a description of the proposed development, identifies the European Sites within a possible zone of influence of the development and an assessment of the potential impacts arising from the development. The AA screening

report concludes the proposed development either individually or in combination with other projects and plans, is not likely to have a significant effect on any European site.

8.2. Having reviewed the documents and submissions, I am satisfied that the submitted information allows for a complete 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.

### 8.3. *Stage 1 AA Screening*

8.3.1. 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.

### 8.4. *Brief Description of the Proposed Development*

8.4.1. A description of the project is summarised in Section 2 of my report. In summary, the proposed development comprises the provision of 2 no. pumping stations and associated infrastructure which would direct untreated flows from 43 no. existing dwellings away from Doldrum Bay and to Ringsend Wastewater Treatment Plant (WWTP). An existing outflow pipe would be converted to a storm water overflow pipe.

### 8.5. *Submissions and Observations*

8.5.1. The third party appeal from Sabrina Joyce-Kemper and Catherine McMahon raised concerns that the AA Screening Report failed to identify that the outfall pipe that the development would connect to is discharging to the sea which is a pathway receptor to the designated sites within Dublin Bay. The appellants also considered that the proposed development should be subject to Stage 2 AA as it forms part of the wider sewage network.

## 8.6. Zone of Influence

8.6.1. Appropriate Assessment Guidance (2009) recommends an assessment of European sites within a Zone of Influence of 15km. However, this distance is a guidance only and a potential Zone of Influence of a proposed development is the geographical area over which it could affect the receiving environment in a way that could have significant effects on the Qualifying Interests of a European site. In accordance with the OPR Practice Note, PN01, the Zone of Interest should be established on a case-by-case basis using the Source- Pathway-Receptor framework and not by arbitrary distances (such as 15km). The Zone of Influence may be determined by connectivity to the proposed development in terms of:

- Nature, scale, timing and duration of works and possible impacts, nature and size of excavations, storage of materials, flat/sloping sites;
- Distance and nature of pathways (dilution and dispersion; intervening ‘buffer’ lands, roads etc.); and
- Sensitivity and location of ecological features

8.6.2. A summary of European Sites that occur within a possible zone of influence of the proposed development is presented in the table below. Where a possible connection between the development and a European site has been identified, these sites are examined in more detail.

<b>European Site Site Code</b>	<b>List of Qualifying interest /Special conservation Interest</b>	<b>Distance from proposed development (Km)</b>	<b>Connections (source, pathway receptor)</b>	<b>Considered further in screening Y/N</b>
<b>Howth Head SAC (000202)</b>	Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] European dry heaths [4030]	c. 100m east	Yes. Hydrologically connected by the outfall pipe to Doldrum Bay.	Yes
<b>North-West Irish Sea cSPA (004236)</b>	Common Scoter (Melanitta nigra) [A065] Red-throated Diver (Gavia stellata) [A001]	c. 100m east	Yes. Hydrologically connected by the outfall pipe to Doldrum Bay.	Yes

Great Northern Diver ( <i>Gavia immer</i> ) [A003]			
Fulmar ( <i>Fulmarus glacialis</i> ) [A009]			
Manx Shearwater ( <i>Puffinus puffinus</i> ) [A013]			
Shag ( <i>Phalacrocorax aristotelis</i> ) [A018]			
Cormorant ( <i>Phalacrocorax carbo</i> ) [A017]			
Little Gull ( <i>Larus minutus</i> ) [A177]			
Kittiwake ( <i>Rissa tridactyla</i> ) [A188]			
Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [A179]			
Common Gull ( <i>Larus canus</i> ) [A182]			
Lesser Black-backed Gull ( <i>Larus fuscus</i> ) [A183]			
Herring Gull ( <i>Larus argentatus</i> ) [A184]			
Great Black-backed Gull ( <i>Larus marinus</i> ) [A187]			
Little Tern ( <i>Sterna albifrons</i> ) [A195]			
Roseate Tern ( <i>Sterna dougallii</i> ) [A192]			
Common Tern ( <i>Sterna hirundo</i> ) [A193]			
Arctic Tern ( <i>Sterna paradisaea</i> ) [A194]			
Puffin ( <i>Fratercula arctica</i> ) [A204]			
Razorbill ( <i>Alca torda</i> ) [A200]			
Guillemot ( <i>Uria aalge</i> ) [A199]			

<p><b>Rockabill to Dalkey Island SAC (003000)</b></p>	<p>Reefs [1170] Phocoena phocoena (Harbour Porpoise) [1351]</p>	<p>c. 200m east</p>	<p>Yes. Hydrologically connected by the outfall pipe to Doldrum Bay.</p>	<p>Yes</p>
<p><b>North Bull Island SPA (004006)</b></p>	<p>Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Teal (Anas crecca) [A052] Pintail (Anas acuta) [A054] Shoveler (Anas clypeata) [A056] Oystercatcher (Haematopus ostralegus) [A130] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144] Dunlin (Calidris alpina) [A149] Black-tailed Godwit (Limosa limosa) [A156] Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162] Turnstone (Arenaria interpres) [A169]</p>	<p>c. 500m south</p>	<p>Yes, hydrologically connected by the Irish Sea and Ringsend WWTP</p>	<p>Yes</p>

	Black-headed Gull (Chroicocephalus ridibundus) [A179]  Wetland and Waterbirds [A999]			
<b>North Dublin Bay SAC (000206)</b>	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]  Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]  Mediterranean salt meadows (Juncetalia maritimi) [1410]  Embryonic shifting dunes [2110]  Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]  Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]  Humid dune slacks [2190]  Petalophyllum ralfsii (Petalwort) [1395]	c. 900m south-west	Yes, hydrologically connected by the Irish Sea and Ringsend WWTP	Yes
<b>Howth Head Coast SPA (004113)</b>	Kittiwake (Rissa tridactyla) [A188]	c. 1.2km east	Yes. Hydrologically connected by the outfall pipe to Doldrum Bay.	No
<b>Baldoyle Bay SAC (0001999)</b>	Mudflats and sandflats not covered by seawater at low tide [1140]	2.4km north	Yes, hydrologically connected by the Irish Sea.	No

	<p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p>			
<p><b>Baldoyle Bay SPA (004016)</b></p>	<p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Wetland and Waterbirds [A999]</p>	<p>3.1km north west</p>	<p>Yes, hydrologically connected by the Irish Sea</p>	<p>No</p>
<p><b>South Dublin Bay and River Tolka Estuary SPA (004024)</b></p>	<p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Sanderling (Calidris alba) [A144]</p> <p>Dunlin (Calidris alpina) [A149]</p>	<p>c. 5.4km south west</p>	<p>Yes, hydrologically connected by the Irish Sea and Ringsend WWTP</p>	<p>Yes</p>



	<p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>			
<b><i>South Dublin Bay SAC (000210)</i></b>	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals Ansering mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>	c. 6.4km south west	Yes, hydrologically connected by the Irish Sea and Ringsend WWTP.	Yes
<b><i>Ireland's Eye SPA (004117)</i></b>	<p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p> <p>Guillemot (<i>Uria aalge</i>) [A199]</p> <p>Razorbill (<i>Alca torda</i>) [A200]</p>	c. 3.5km north	Yes, hydrologically connected by the Irish Sea.	No
<b><i>Ireland's Eye SAC (002193)</i></b>	<p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p>	c. 3.5km north	Yes, hydrologically connected by the Irish Sea.	No

<p><b><i>Malahide Estuary SAC (000205)</i></b></p>	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonizing mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>	<p>c. 8km north</p>	<p>Yes, hydrologically connected by the Irish Sea.</p>	<p>No</p>
<p><b><i>Malahide Estuary SPA (004025)</i></b></p>	<p>Great Crested Grebe (Podiceps cristatus) [A005]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Pintail (Anas acuta) [A054]</p> <p>Goldeneye (Bucephala clangula) [A067]</p> <p>Red-breasted Merganser (Mergus serrator) [A069]</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Knot (Calidris canutus) [A143]</p>	<p>c. 8.5km north</p>	<p>Yes, hydrologically connected by the Irish Sea.</p>	<p>No</p>

	<p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Wetland and Waterbirds [A999]</p>			
<p><b>Dalkey Islands</b> <b>SPA</b> <b>(004172)</b></p>	<p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p>	c. 10km south	Yes, hydrologically connected by the Irish Sea.	No
<p><b>Lambay Island</b> <b>SPA</b> <b>(004069)</b></p>	<p>Fulmar (<i>Fulmarus glacialis</i>) [A009]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Shag (<i>Phalacrocorax aristotelis</i>) [A018]</p> <p>Greylag Goose (<i>Anser anser</i>) [A043]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p> <p>Guillemot (<i>Uria aalge</i>) [A199]</p> <p>Razorbill (<i>Alca torda</i>) [A200]</p> <p>Puffin (<i>Fratercula arctica</i>) [A204]</p>	c. 13km north	<p>Yes, hydrologically connected by the Irish Sea.</p> <p>Disturbance / displacement of species due to construction works.</p>	No
<p><b>Lambay Island</b> <b>SAC</b> <b>(000204)</b></p>	<p>Reefs [1170]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p>	c. 13km north	Yes, hydrologically connected by the Irish Sea.	No

	Halichoerus grypus (Grey Seal) [1364] Phoca vitulina (Harbour Seal) [1365]			
<b>Rogerstown Estuary SPA (004015)</b>	Greylag Goose (Anser Anser) [A043] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Shoveler (Anas clypeata) [A056] Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137] Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143] Dunlin (Calidris alpina) [A149] Black-tailed Godwit (Limosa limosa) [A156] Redshank (Tringa totanus) [A162] Wetland and Waterbirds [A999]	c. 14km north	Yes, hydrologically connected by the Irish Sea.	No
<b>Rogerstown Estuary SAC (000208)</b>	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]	c.14km north	Yes, hydrologically connected by the Irish Sea.	No

	<p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>			
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8.6.3. The proposed development has no potential source pathway receptor connections to any other European Sites.

8.6.4. As outlined in the table above I am satisfied that the potential for likely significant effects on the qualifying interests of 11 no. sites (Howth Head Coast SPA, Baldoyle Bay SPA, Baldoyle Bay SAC, Ireland’s Eye SPA, Ireland’s Eye SAC, Malahide Estuary SAC, Malahide Estuary SPA, Dalkey Islands SPA, Lambay Island SPA, Lambay Island SAC, Rogerstown Estuary SPA and Rogerstown Estuary SAC) can be screened out from further assessment due to the nature of the qualifying interests of sites and the intervening distances which are considered sufficient to negate any potential for significant disturbance / displacement impacts.

8.6.5. The 3 no. designated sites of Howth Head SAC, North West Irish Sea c. SPA and Rockabill to Dalkey Island SAC are located between 100m – 200m from the appeal site and are hydrologically connected to the appeal sites via the existing Doldrum Bay outfall pipe. The designated area of sites within the inner section of Dublin Bay, namely South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA are proximate to the outfall location of the Ringsend WWTP, and could, therefore, reasonably be considered to be within the downstream receiving environment of the proposed development. On this basis these 7 no. designated sites are subject to a more detailed Screening Assessment.

8.6.6. It is noted that the applicants AA Screening Assessment Report considers that the appeal site overlaps with Howth Head SAC at Carrickbrack Road. However, having regard to the information submitted and available on the NPWS website, I am satisfied that the appeal site does not overlap with the SAC. It is also noted that the applicants

AA Screening Report does not include an assessment of the potential impacts arising from the development on the North-West Irish Sea cSPA. This is because the cSPA site was designated after the lodging of the application and the appeal and, therefore, its exclusion by the applicant is considered reasonable.

#### 8.7. *Consideration of the Impacts*

- 8.7.1. It is considered that there is nothing unique or particularly challenging about the proposed development, either at construction or operational phase.
- 8.7.2. There are no watercourses within the site. However, the site of PS01 is located c. 100m west of Doldrum Bay. Ceanchor Road is drained by an existing storm water network, which connects to the existing combined sewer network and ultimately drains to Doldrum Bay. It is intended that surface water would flow by gravity to the public network which currently runs under Ceanchor Road and Carrickbarrck Road and ultimately discharge to Doldrum Bay. Having regard to the limited sized and the localised nature of the proposed construction works the extent of any contaminated surface water run-off is likely to be limited. Notwithstanding this, the surface water pathway could create the potential for an interrupted and distant hydrological connection between the proposed development and the European sites. During the construction phase, standard pollution control measures would be put in place. These measures are standard practices and 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. I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Doldrum Bay / Dublin Bay from surface water run-off can be excluded.
- 8.7.3. The scheme includes attenuation measures which would have a positive impact on drainage from the subject sites. 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. I also note that the limited size of the proposal would not generate significant demands on the existing public network for surface water.

- 8.7.4. Doldrum Bay forms part of Howth Head SAC, North West Irish Sea c. SPA and Rockabill to Dalkey Island SAC. At present there are 45 no residential properties (c. 120 no. persons) connected to a 1.7km foul / combined sewer network (Doldrum Agglomeration) which discharges untreated raw sewerage into Doldrum Bay. The proposed development would redirect effluent from 43 no. existing residential properties (c. 114 no. persons) away from Doldrum Bay to Ringsend WWTP for treatment, prior to ultimately discharging at Dublin Bay. It is acknowledged that 2 no. existing residential properties would still discharge directly to Doldrum Bay. The applicants AA Screening Report notes that design solutions for these remaining properties have yet to be finalised and would be subject to a separate planning application and AA Screening Assessment. The existing outfall pipe would remain in situ and would be used as a storm water and emergency overflow pipe. The report also states that the frequency of overflows would depend on the number of storm events per year. It is also predicted that an emergency breakdown of the pumping stations would be a maximum of 3 times per year. The proposed development includes a standby generator at PS01 which during an emergency would allow flows to be pumped to PS02, which has capacity to store overflow foul water for up to 12 hours.
- 8.7.5. The applicants AA Screening Report notes that despite the on-going discharge of untreated sewerage in Doldrum Bay the 2013 - 2018 WFD monitoring period assigned water quality in Dublin Bay as 'Good' and not at risk of failing to meet its WFD objectives. The proposed development would remove the continuous flow of untreated discharge into Doldrum Bay. Therefore, considerably reducing the current high level of nutrient input locally into the bay, I agree with the applicants assessment that this would have a positive impact on water quality and facilitate a return to natural processes within the bay. Therefore, I am satisfied that the proposed development would result in a positive effect on the designated sites of Howth Head SAC, North West Irish Sea c. SPA and Rockabill to Dalkey Island SAC which form part of Doldrum Bay and ultimately on Dublin Bay.
- 8.7.6. The third party appeal from Sabrina Joyce-Kemper and Catherine McMahon raised concerns that the AA Screening Report failed to identify that the outfall pipe that the development would connect to is discharging to the sea which is a pathway receptor to the designated sites within Dublin Bay. I am satisfied that the impact on the existing

outfall pipe remaining in situ has been full considered in Section 5.3 of the applicants AA Screening Report and in my assessment.

8.7.7. The proposed development would result in foul discharge from 43 no. existing dwellings being redirected from the Doldrum Bay agglomeration to Ringsend WWTP for treatment and ultimately discharge to Dublin Bay. Therefore, there is potential for an interrupted and distant hydrological connection between the subject site and the designated sites in the inner section of Dublin Bay (South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA) due to the wastewater pathway. The proposed development does not result in any additional capacity within the wastewater network. Its aim is to removed untreated sewerage from Doldrum Bay and ultimately Dublin Bay. The proposed works are supported by Policy IUP1 and Policy IUP4 of the Fingal County Development Plan 2023-2029 to support Uisce Éireann's in delivering key water service projects in the County. The planning authority's report also notes that the proposed development would end a long standing issue of continuous discharge of untreated sewerage into Doldrum Bay and would result in an overall positive effect on the water environment and biodiversity in Dublin Bay.

8.7.8. I also note upgrade works have commenced on the Ringsend Wastewater Treatment works extension permitted under ABP.301798-18 and the facility is subject to EPA licencing (D0034-01) and associated Appropriate Assessment Screening. The applicants response to the appeal states that the additional flows that would be diverted to Ringsend WWTP were assessed and found to be negligible (0.0006% of peak hydraulic capacity). It is my view that the foul discharge from the proposed development would be insignificant in the context of the overall licenced discharge at Ringsend WWTP, and thus its impact on the overall discharge would be negligible. It is also noted that the planning authority raised no concerns in relation to the proposed development.

8.7.9. In addition, the appeal sites have not been identified as an ex-situ site for qualifying interests of a designated sites and I am satisfied that the potential for impacts on wintering birds, due to increased human activity, can be excluded due to the limited size of the appeal sites.



## 8.8. *Cumulative In-Combination Effects*

- 8.8.1. The third party appeal from Sabrina Joyce-Kemper and Catherine McMahon considered that the proposed development should be subject to Stage 2 AA as it forms part of the wider sewage network and that without carrying out full AA there is uncertainty as to the past, present and future impacts and the required mitigation and compensatory measures required.
- 8.8.2. Section 5.5.3 of the applicants AA Screening Report addresses in-combination effects and notes that the proposed development, as well as proposed and future projects, would connect to the Ringsend WWTP. The extension to Ringsend WWTP approved under (ABP.301798-18 and Reg. Ref. SID/02/18) would increase the capacity of the existing facility by 50%. These works are likely to be completed in the short term – 2023-2025. The planning application for Ringsend WWTP upgrade took account of the predicated population growth in the Greater Dublin Area. The impact of any future developments was considered and assessed in that application. The Ringsend WWTP upgrade planning application was subject to its own AA requirements and an NIS was submitted with the application, which set out mitigation measures to mitigate against potential impacts on the integrity of European sites. The approved Ringsend WWTP upgrade and the proposed development would both contribute to an improvement in water quality in Dublin Bay.
- 8.8.3. I am satisfied that the proposed development in combination with other developments would not result in likely significant effects on European sites.

## 8.9. **AA Screening Conclusion**

- 8.9.1. It is evident from the information before the Board that on the basis of the nature and scale of the proposed development which would remove untreated sewerage, from 43 no. residential dwellings, from Doldrum Bay that the proposed development by itself or in combination with other development, plans and projects in the vicinity, would not be likely to have a significant effect on Howth Head SAC(000202), North West Irish Sea c. SPA (004236) and Rockabill to Dalkey Island SAC (003000), South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), or any European Site in view

of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required

8.9.2. In reaching my screening assessment conclusion, no account was taken of measures that could in any way be considered to be mitigation measures intended to avoid or reduce potentially harmful effects of the project on any European Site. In this project, no measures have been especially designed to protect any European Site and even if they had been, which they have not, when combined with the interplay of a dilution affect such potential impacts would be insignificant. I am satisfied that no mitigation measures have been included in the development proposal specifically because of any potential impact to a Natura 2000 site.

8.9.3. It is noted that the planners report also concluded that the proposed development either individually or in combination with other projects and plans is not likely to have a significant effect on any European Site.

## 9.0 Recommendation

It is recommended that permission be granted subject to conditions.

## 10.0 Reasons and Considerations

Having regard to the provisions of the Fingal County Development Plan 2023 – 2029, the nature of the proposed development and the character of the surrounding area it is considered that the proposed development, subject to the conditions set out hereunder would not be seriously injurious to the residential and visual amenities of the area or property in the vicinity of the site, would be acceptable in terms of traffic safety and convenience, would not be prejudicial to public health and would accord with both national and regional policy in relation to wastewater. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 25<sup>th</sup> Day of November 2022 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Mitigation and monitoring measures outlined in the plans and particulars, including the Ecological Impact Assessment Report, shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** In the interest of protecting the environment and in the interest of public health.

3. Pumping Station 02 shall be amended as follows:

- a. The proposed mesh fencing and gates shall be finished in a black colour.
- b. The proposed asphalt surfacing shall be omitted and replaced with a cellular grass paving system.
- c. A revised landscaping scheme showing the omission of the 2 no. Sorbus trees and alternative replacement planting of appropriate native shrubs and climbers.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

5. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

6. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interest of sustainable waste management

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

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.

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Elaine Power  
Senior Planning Inspector

15<sup>th</sup> November 2023

**Appendix 1 - Form 1**  
**EIA Pre-Screening**

<b>An Bord Pleanála Case Reference</b>	315902-23		
<b>Proposed Development Summary</b>	2 pumping stations (PS01 and PS02) and associated infrastructure		
<b>Development Address</b>	Carrickbrack Road, Sutton South and Ceanchor Road, Censure, Howth, Co. Dublin		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)	<b>Yes</b>	<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>			Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
	<b>Threshold</b>	<b>Comment (if relevant)</b>	<b>Conclusion</b>
<b>No</b>			No EIAR or Preliminary Examination required
<b>Yes</b>			Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>		<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_