



An
Bord
Pleanála

Inspector's Report

ABP-317211-23

Development	Synthetic Grass Sports Pitch
Location	Knocklyon Park, Ballycullen, Dublin 16.
Local Authority	South Dublin County Council
Type of Application	Environmental Impact Assessment (EIA) Screening Determination (Application under Article 120 (3) (b) of the Planning and Development Regulations 2001, as amended)
Applicant(s)	1 Clare Hamilton 2 Ballyboden Tidy Towns clg. 3 Justin Byrne 4 Patricia Hunt 5 Ciarán Ahern
Date of Site Inspection	2nd August 2023
Inspector	Tomás Bradley

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1.0 Introduction

Under the provisions of Article 120 (3) (b) of the Planning and Development Regulations 2001, as amended (PDR) applications for an Environmental Impact Assessment (EIA) Screening Determination were made to An Bord Pleanála (the Board) as to whether the development of a synthetic grass sports pitch and associated development by South Dublin County Council (SDCC) at Knocklyon Park, Ballycullen, Dublin 16 would be likely to have significant effects on the environment.

The proposed development is a local authority development and is being applied for under Part XI of the Planning and Development Act 2000, as amended (PDA), and Part XIII of the PDR. It is not a direct planning application to the Board.

A total of five parties made applications under the provisions of Article 120 (3) (b) requesting the Board to make an EIA Screening Determination. A concurrent and separate application for an Appropriate Assessment (AA) Screening Determination is being considered under ABP-317212-23.

SDCC is of the opinion that the proposed development would not likely have significant effects on the environment and an EIA is not required. This is evidenced in an EIA Screening Report submitted to the Board. The applicants question this conclusion and contend the proposed development would likely have significant effects on the environment.

2.0 Site Location and Description

The site is located at Knocklyon Park, Ballycullen, Dublin 16. The site is located in the centre of the park with the Woodstown residential estate to the south, the M50 Motorway (Junction 12) to the north of the site. The site is accessed from the R113 St Colmcille's Way. There are numerous other access points from the Woodstown residential estate.

The site is currently comprised of a large open green recreational area, with parts lined for sports pitches. The other areas are largely managed as amenity open space. The Woodstown Stream is located to the east of the site. A culverted section of the Orlagh River is located to west. There is a mound providing a vantage point of the park and surrounds to the east of the site.

The park has two lined pitches with other minor pitches crossing these along with associated goalposts. The perimeter of the park has stands of trees and hedging in parts. An electricity transmission circuit runs through the park with associated pylons at either side of the site. There are footpaths around and through the wider park also. There are views of the M50 signage, back to the residential estate and to the Dublin Mountains from the site.

3.0 Proposed Development

The proposed development includes:

- i. The construction of a synthetic grass 3G all-weather sports pitch to a maximum size of 140m X 90m.
- ii. A 6.4-meter-high perimeter weld-mesh type fence.
- iii. A 13-metre-high ball-stop fencing at the rear of each goal.
- iv. 6 no. floodlighting columns with floodlights.
- v. All related hard and soft landscape works including connecting footpaths and associated planting.
- vi. Storage Areas.

These details of the proposed development are set out in the Part XIII Public Notice.

3.1. Documents supporting the Proposed Development

The following documents were submitted by SDCC following the application under Article 120 (3) (b):

- Cover Letter dated 11th June 2023.
- Technical Note dated 11th July 2023, including information:
 - responding to the Board's request for submission.
 - information responding to the applicant's submissions.
 - on the zoning and relevant policies and objectives.
- AA Screening Report dated April 2023.
- Ecological Impact Assessment (EclA) dated April 2023.
- EIA Screening Report dated April 2023.
- Design and Access Statement dated April 2023.
- A copy of the Part XIII Public Notice.
- Associated Drawings and Maps.

4.0 Planning History

A review of the SDCC Planning Portal was carried out on the 11th of August 2023 to collate any planning history for the site. There was no recent planning history for the subject site, save for the planning application the subject of this EIA Screening Determination. Relevant planning history for adjoining sites are set out below.

SDCC Planning Reference SD238/0001 (subject site)

This case files related to the application under Part XIII of the of the PDR for which this application for an EIA Screening Determination relates.

SDCC Planning Reference SD11A/0287 (west of site)

SDCC granted planning permission to the west of the site on the 20th of March 2012 for:

A ball stop 30m wide x 16m high to the north-west end of existing pitches.

SDCC Planning Reference SD08A/0175 (west of site)

SDCC granted planning permission to the west of the site on the 17th of September 2008 for:

Changing room facility incorporating 5 dressing rooms & plant room all in a single storey building of 140 sq.m plus the provision of 60 car-park spaces and associated site works including landscaping to the park area

SDCC Planning Reference SD02A/0641 (west of site)

On appeal, the Board granted planning permission to the west of the site on the 6th of July 2004 for:

Changing room facility. Proposals are alterations to previously approved outline permission S97A/0023 involving relocation of changing rooms and reduction in size from 1325 sq.m to 250 sq.m. Changing facility to incorporate five dressing-rooms, ancillary storage and plant-rooms, male and female toilets and meeting-room. In addition the proposals include of the provision of 90 car-park spaces and associated site works including landscape works to perimeter of car park.

SDCC Planning Reference SD04A/0638 (east of site)

SDCC granted planning permission to the east of the site on the 10th of February 2005 for:

an 18m Telecommunications Structure carrying antennas with an in-built equipment room and associated landscaping.

Residential Planning Applications

There are numerous planning applications to the south of the site in respect of residential development in the Woodstown residential estate which is to be expected in a such a suburban location. These are all noted and considered in the assessment below.

Other Noted Developments

There are several other proposed and existing developments that may relate to the Knocklyon Park area being progressed by various developers. These are all noted and considered in the assessment below and include: 109 Residential Units on Stocking Lane; Hellfire Club Visitor Centre; Taylors Lane Strategic Housing Development (SHD), White Pines Central, Ballycullen SHD and White Pines South Retail Development.

5.0 Policy Context

5.1. Zoning Objective

The South Dublin County Development Plan 2022-2028 (SDCDP) is the relevant plan for the subject site. The site is zoned 'Open Space (OS)'. The general objective for such areas is "*to preserve and provide for open space and recreational amenities.*" This is marked on Map 10 on the Land Use Zoning Maps that accompany the plan.

The Use Classes related to the zoning objective which are permitted in principle include: Allotments, Community Centre, Cultural Use, Open Space, Recreational Facility, Sports Club / Facility.

5.2. Views and Prospects

The plan recognises many scenic views and prospects of places of natural beauty or interest that are located within the County. It is Policy NCBH15 of the plan to:

“Preserve Views and Prospects and the amenities of places and features of natural beauty or interest including those located within and outside the County”.

Within Policy NCBH15, it is Objective 1 to:

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

Within Policy NCBH15, it is Objective 2 to:

“To require a Landscape / Visual Assessment to accompany all planning applications for significant proposals that are likely to affect views and prospects”.

Map 10 on the Land Use Zoning Maps that accompany the plan identifies such a ‘significant view’ at Knocklyon Park along the footpath to the north of the site.

5.3. Specific Policies in respect of Astro-Pitches

SDCC recognises the importance of sports facilities for health and wellbeing and is committed to ensuring that all communities have access to a range of such facilities to meet a diversity of needs. It is the Policy CO54 to:

“ensure that all communities are supported by a range of sporting facilities that are fit for purpose, accessible and adaptable.”

More specifically in terms of astro-pitches, it is Objective 1 of this policy to:

“promote the provision and management of high-quality, multi-functional, sport and recreational infrastructure across the County, in consultation with relevant stakeholders, to meet existing and future needs, to include sports hubs and multi-sport astro-pitches, in accordance with the South Dublin County Council Sports Pitch Strategy (2020), the National Sports Policy (2018-2027) and the aims of the South Dublin County Sports Partnership, consistent with RPO 9.15 of the RSES.”

Objective 19 of the policy, aims:

“to ensure where possible and appropriate, that all public all-weather pitches provided by South Dublin County Council cater for all team sports and are large enough to cater for a full size GAA pitch.”

There are numerous related policies in respect of social inclusion and community development, community infrastructure, public health.

5.4. Specific Policies in respect of Parks and Public Open Space

The council has the aim to encourage the development of a well-connected and integrated public open space network that contributes towards achieving a broad range of policy objectives. Specifically, it is Policy COS5 to:

“Provide a well-connected, inclusive and integrated public open space network through a multi-functional high-quality open space hierarchy that is accessible to all who live, work and visit the County”.

5.5. Specific Policies in respect of Natural Heritage

Chapter 3 of the plan includes several policies to protect, conserve, and enhance the county’s biodiversity and ecological connectivity having regard to national and EU legislation and strategies.

6.0 Legal Context

Annex I to Directive 2011/92/EU as amended by Directive 2014/52/EU requires as mandatory the preparation of an EIA for all projects listed therein. Projects listed in Annex II to the Directive are not automatically subjected to EIA. Member States can decide to subject them to an assessment on a case-by-case basis or according to thresholds and/or criteria (for example size, location, sensitive ecological areas and potential impact).

The European Union (Planning and Development) (EIA) Regulations 2018 (S.I. No. 296/2018) amended the PDA and the PDR in order to transpose into Irish Law the provisions of Directive 2014/52/EU.

In Ireland, Schedule 5 (Part 1 and Part 2) of the PDR, transposes Annex I and Annex II of the amended EIA Directive. Schedule 7 sets out the criteria for determining whether a development would or would not be likely to have significant effects on the

environment, under three headings: characteristics of the proposed development; location of the proposed development; types and characteristics of potential impacts.

Screening is the term used to describe the process for determining whether a proposed development requires an EIA by reference to mandatory classes of development and legislative threshold requirements or by reference to the type and scale of the proposed development and the significance or the environmental sensitivity of the receiving baseline environment set out in Schedule 7.

In this instance, applications have been made under Article 120 (3) (b) of the PDR where it states that any person at any time before the expiration of 4 weeks beginning on the date of publication of the notice may apply to the Board for a screening determination as to whether a development proposed to be carried out by a local authority under Part XIII would be likely to have significant effects on the environment.

7.0 Request for Determination

A total of five parties made applications under the provisions of Article 120 (3) (b) requesting the Board make an EIA Screening determination. These submissions are summarised below:

7.1. Application of Clare Hamilton

- This submission is from Clare Hamilton, who is acting in her capacity as Biodiversity Officer for Woodstown Village Residents Association and Manager of Woodstown Village Wildlife Voluntary Group does not accept the EIA Screening Report prepared for the proposed development and the procedures under which it was undertaken.
- The applicant considers that there are significant effects on the environment and on the precautionary principle it should be screened in. It is contended that there is a lack of objective evidence, gaps in data and conflicts between expert reports.
- A protected view is located along the northern boundary of the park. There is lack of certainty into the impact this will have on the environment. This uncertainty needs to be addressed by a full EIA. It is noted that there are no computer generated images. The proposed development would block 50% of the view with a 6.4 metres metal fence. It is considered that the EIA Screening

does not consider this issue correctly and the conclusion on the impact is incorrect.

- The submission states the woodland path in the area is a historic route in terms of cultural and natural heritage between the Dublin Mountains and the River Dodder. There are also ancient hedgerows, and the area provides an amenity value for walkers and those enjoying passive recreation.
- It is contended that there will be an impact on protected species such as otters who are located in the area. Recent improvements to habitats in the area has the potential to attract the species. There is concern about the build-up of microplastic from the astro-pitch that may enter the watercourse which has hydrological connection with the Woodstown Stream and River Owenadoher. There is potential for otters will use all waters from estuary to headwaters.
- There is significant bat activity at the park including three species of bat protected by EU and Irish law. The woodland is at least 200 years old and has been home to the bats long before this. A survey identified by the applicant shows evidence of bat roost potential which is contrary to the SDCC surveys. The floodlights which have not been fully designed are likely to impact the bat population and needs to be address pre-consent. The ball stop netting is also raised as a concern as it will entangle bats. The floodlighting will result in a cumulative affect by adding more light pollution in addition to that on the M50 and Tesco development in White Pines. The effect of the proposed development on moth species and other nocturnal invertebrates from the floodlighting is raised as well as the general fragmentation of habitat in the park.
- The 3G infill material is due to be named as a banned material and will have a significant effect on population, human health, biodiversity, air and climate, soils and geology, hydrology and hydrogeology, landscape and visual, material assets including waste and cumulative impacts. Their use is linked to cancer. The mitigations such as detox areas do not work. In addition, microplastics will impact birds, otter, hedgehogs, badgers and large invertebrates. The microplastics will so enter the watercourses and eventually Dublin Bay. The management of this material as waste is also considered. There is no end of life plan for the astro-turf and how it will be effectively recycled and disposed of.

- There is an increased noise impact due to intensive use of the pitch, more than the current grass pitch. There will be longer hours of use and the rattling of metal cages. The proposed development may also attract antisocial behaviour.
- The AA needs to consider habitat and species outside of the Natura 2000 site. Knocklyon Park provides a tree corridor to Gunny Hill and beyond to the mountains. There is also evidence of deer in and adjacent to the park.
- The scale of the development is significant and would take >50% of the open area of the park. There is an absence of a construction plan and layout and conflicting information on tree loss. In the absence of a construction plan, it is impossible to understand the scale of tree loss.
- In respect of the EclA, the appellant makes several points:
 - Insufficient data collection on species present or potentially present in Knocklyon Park and surrounding area.
 - Invertebrates datasets not accurate and inadequate invertebrate identification where red list species could exist.
 - Inconsistencies in recognition of significance of biodiversity in Knocklyon Park
 - Inappropriate mitigations
 - Assessment of Breeding Birds and Protected Species and the ambiguity on many aspects of the proposed development.
 - Lack of adherence to SDCC Development Plan.
- The Community Biodiversity Action Plan 2023 for Knocklyon Park Dublin 16 is attached to the submission.

7.2. Application of Ballyboden Tidy Towns clg.

- The application seeks to repeat the same grounds as that submitted in the application of Clare Hamilton which they have attached. This is summarised in Section 7.1
- The project has no duration of planning permission e.g., 5 years or 10 years. This is contrary to the EU Habitats Directive, Water Framework Directive, and EIA Directive.
- SDCC did not consider the cumulative effects. The application lists several Part XIII developments in the area including: 109 Residential Units on Stocking

Lane, Hellfire Club Visitor Centre, Taylors Lane SHD, White Pines Central, Ballycullen SHD and White Pines South Retail Development.

- The Ballycullen Oldcourt Local Area Plan was extended illegally as there was no Strategic Environmental Assessment (SEA) and AA and questions validity of planning permissions under this plan.
- The 'Part XIII Stocking Lane' proposal is not compliant with EU Law related to AA and EIA.
- The proposed development is an intensification of the existing use. It is also a material change of use. Knocklyon Park is the open space which serves other developments in the area.
- All developments referenced above are connected to same watercourse catchment. The development is hydrologically connected to a Natura 2000 site. A sensitive aquifer is also raised.
- The preliminary examination failed to examine/assess population; biodiversity; landscapes, geology, agriculture, water quality, air quality, waste management, cultural and material assets, climate and sustainability.
- The capacity of the site is poor for public transport and the proposed development will result in additional traffic. Existing parking management is not suitable for the current use of pitches The location of the site is beside the M50 junction and there will be increased traffic, additional noise, light and air pollution.
- There are a number of protected species on the general mountain area including otters, bats and birds. The site is an ecological corridor. The synthetic material for the astro-pitch is of concern to several topics.
- Reference is made to SDCC Hellfire Project and transport issues for same.
- Questions are raised about the Part XIII Development process.
- A copy of the Dublin City Otter Survey, the SEA Scoping Issues Paper for the Ballycullen-Oldcourt Local Area Plan 2013-2019 is attached to the submission as well as the aforementioned submission from Clare Hamilton

7.3. Application of Justin Byrne

- The Board has a responsibility for the thoroughness and lawfulness of the screening requirements and to ensure EU law is upheld.

- The applicant considers that Schedule 5, Part 2, Class 10 (ii), (vi) and (dd) of the PDR applies. There are concerns about ancillary requirements such as car parking and whether this would give rise to project splitting. The local authority needs to clarify how it expects to service the development. Ancillary development in of itself may give rise to EIA.
- The applicant contends that there is excavation of unspecified depths required to prepare the site for such pitches and that Schedule 5, Part 2, Class 2 (b) of the PDR may apply. It is considered that interventions in the landscape could be captured as demolition activity.
- Similarly, there is concern about the disposal of any excavated material and Schedule 5, Part 2, Class 11 (b) of the PDR should also be considered. The applicant contends there may be an element of commercial activity in its disposal.
- The submission contended that there is an element of hedgerow and vegetation removal to facilitate the development and Schedule 5, Part 2, Class 1 (d) (iii) of the PDR should also be considered. Schedule 5, Part 2, Class 1 (c) of the PDR is also raised.
- Schedule 5, Part 2, Class 13 (a) and (c) of the PDR is also raised which relates to change or extension of development already authorised, executed or in the process of being executed and demolition of structures.
- The applicant raises the zoning status of the land and whether the proposed development would be a material contravention of the SDCDP. It is noted in the submission that the proposed development is commercial and materially different to the current use as a public amenity. The proposed development is likely to impact on a protected view also identified in the plan.
- The location itself is environmentally sensitive and construction and operation of the proposed development is likely to affect this. Areas such as the site are a rare resource in a biodiversity crisis.
- The area supports a number of recorded bat species. There is concern about the adequacy of the bat surveys. Similarly, the area supports a number of otters. There is concern about the adequacy of the otters surveys.
- There is no construction plan or schedule which has an influence on the certainty on the assessment of the impact on nesting bird species.

- No traffic details in respect of the construction phase for the removal of excavated material is provided – the impacts on air, traffic and human beings are unquantified as a result.
- More information is required under Annex IIA of the Directive to support a screening. Both water Quality Assessments and River Basin assessments are required as well as consideration of the Marine Strategy Framework Directive and the extent to which Ireland has not achieved Good Ecological Status in its marine waters. The risk of impacts from particulate matter from astro-turf pitches is highlighted in this regard.
- In respect of AA, there is hydrological connectivity to the Dublin Bay SPA and SAC and particulate matter from astro-turf pitches may enter the bay and create pollution. The applicant highlights the low threshold for triggering AA. It is also highlighted mitigation cannot be relied upon.

7.4. Application of Patricia Hunt

- This submission simply requests a screening determination for the proposed development.

7.5. Application of Ciarán Ahern

- Ciarán Ahern supports the conclusion of the submission of the Woodstown Village Residents Association and requests that a screening determination be carried out on the same grounds.

8.0 Assessment

Under the provisions of Article 120 (3) (b) of the PDR, the Board is required to provide a screening determination as to whether the development of a synthetic grass sports pitch and associated development by SDCC at Knocklyon Park, Ballycullen, Dublin 16 would be likely to have significant effects on the environment.

An EIA Screening Report was submitted by SDCC to support the Part XIII Application, where it was concluded that there is no real likelihood of significant effects on the environment arising from the proposed development and that an EIA Report is not required in respect of the proposed development. The applicants do not agree with the conclusion of this EIA Screening and have set out classes of

development in which the proposed development could constitute EIA as well as identifying several environmental topics in which significant impacts could arise.

The following matters are considered relevant in the assessment of whether the submission of an EIA Report is required:

- Assessment of project type/class of development under Schedule 5 of the PDR, relevant to the proposed development.
- Assessment of relevant thresholds under Part 2 of Schedule 5 of the PDR.
- Assessment of proposed development under the criteria set out Schedule 7 of the PDR.

An assessment of the proposed development against the above criteria is carried out in the sections that follow.

8.1. Project Types / Class of Development

The applicants in their submissions have indicated the classes in Schedule 5 within which the development is considered to fall, including:

- Schedule 5, Part 2, Class 1 (c), (d) (iii).
- Schedule 5, Part 2, Class 2 (b).
- Schedule 5, Part 2, Class 10 (b) (ii), (vi) and (dd).
- Schedule 5, Part 2, Class 11 (b).
- Schedule 5, Part 2, Class 13 (a) and (c).

In addition to those categories listed above, it is considered that the class identified in S.I. 383 of 2023 which amends Part 2 of Schedule 5 of the PDR, by inserting 'Projects for the restructuring of rural landholdings' should also be considered.

Having reviewed the details of the proposed development, the relevant legislation and guidance, and the documentation on file, each is considered below.

8.1.1. Class 1

Schedule 5, Part 2, Class 1 (c) Development consisting of the carrying out of drainage and/or reclamation of wetlands where more than 2 hectares of wetlands would be affected.

It is not considered that this class of development is applicable. The site is located on amenity grassland and not a wetland.

Schedule 5, Part 2, Class (d) (iii) Deforestation for the purpose of conversion to another type of land use, where the area to be deforested would be greater than 10 hectares of natural woodlands or 70 hectares of conifer forest.

It is not considered that this class of development is applicable. There is no vegetation removal required. The proposed development is not located in a forest and there is no 'deforestation' required.

8.1.2. Class 2

Schedule 5, Part 2, Class 2 (b) Extraction of stone, gravel, sand or clay, where the area of extraction would be greater than 5 hectares.

It is not considered that this class of development is applicable. This development is not related to the extractive industry.

8.1.3. Class 10

Schedule 5, Part 2, Class 10 (b) (ii) Construction of a carpark providing more than 400 spaces, other than a carpark provided as part of, and incidental to the primary purpose of, a development.

It is not considered that this class of development is applicable. There is no carpark proposed as part of the proposed development. It is cited by SDCC that this pitch is replacing an existing pitch and that the existing car-parking facility will be used.

Schedule 5, Part 2, Class 10 (b) (vi) Urban development which would involve an area greater than 2hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)

It is considered that this class of development may be applicable. Both SDCC and certain applicants have identified the proposed development of being of this class, Class 10 (vi), Urban Development. The proposed development is in a suburban location on zoned lands in the SDCDP and will be connected to existing infrastructure. In the following section the relevant threshold is examined.

Schedule 5, Part 2, Class 10 (dd) All private roads which would exceed 2000 metres in length.

It is not considered that this class of development is applicable. There is no private road described as part of the proposed development.

8.1.4. Class 11

Schedule 5, Part 2, Class 11 (b) Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule.

It is not considered that this class of development is applicable. There is no waste disposal installation as part of the proposed development.

8.1.5. Class 13

Schedule 5, Part 2, Class 13 (a) Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:- (i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and (ii) result in an increase in size greater than – - 25 per cent, or - an amount equal to 50 per cent of the appropriate threshold, whichever is the greater.

It is not considered that this class of development is applicable. There proposed development is not a change or extension of development already authorised, executed or in the process of being executed.

Schedule 5, Part 2, Class 13 (c) Any change or extension of development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, which would result in the demolition of structures, the demolition of which had not previously been authorised, and where such demolition would be likely to have significant effects on the environment, having regard to the criteria set out under Schedule 7.

It is not considered that this class of development is applicable. There is no 'demolition' as part of the proposed development.

8.1.6. Projects for the restructuring of rural landholdings

(a) Projects for the restructuring of rural land holdings, undertaken as part of a wider proposed development, and not as an agricultural activity that must comply with the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011, where the length of field boundary to be removed is above 4 kilometres, or where re-contouring is above 5 hectares, or where the area of lands to be restructured by removal of field boundaries is above 50 hectares."

It is not considered that this class of development is applicable. This is not a rural landholding and no field boundary removal or 're-contouring' of rural lands is occurring.

8.2. Project Thresholds

As set out above, it is considered that the proposed development is of a class, Class 10 (b) (vi) for the purposes of EIA. The threshold cited under Class 10 (b) (iv) in the PDR is *'urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere'*.

The proposed development is in a built-up urban area. Therefore, the threshold is 10 hectares. The proposed development would be accommodated on a site of approximately 1 hectare. Therefore, it is 'subthreshold', and a mandatory EIA is not required.

In such instances, where the development is 'subthreshold', an assessment should be made against the criteria for determining whether development listed in Part 2 of Schedule 5 which are set out in Schedule 7 of the PDR. This is set out below in Section 8.3.

8.3. Assessment under the Criteria set out in Schedule 7

The criteria for determining whether a development would or would not be likely to have significant effects on the environment are under the following headings:

1. Characteristics of proposed development.
2. Location of proposed development.
3. Types and characteristics of potential impacts.

Each of these criteria is assessed below.

8.3.1. Characteristics of the Proposed Development

8.3.1.1. Size & Design

The proposed development is effectively an upgrading of an existing sports facility and is significantly below the threshold for urban development. Excluding the associated landscaping and footpaths, the size of the astro-turf pitch will generally mirror the size of the existing grass pitch. The design of the astro-turf pitch and

associated landscaping and footpaths would not be significantly at variance with the established pattern of development on lands zoned for open space. In the context of the size of the overall Knocklyon Park, the design of the astro-turf pitches would assimilate into the wider park infrastructure.

8.3.1.2. Potential for Cumulative Impacts with other Existing and/or Approved Projects

The site is zoned for open space and is actively used for recreational amenity and adjacent to a residential area for the purposes in the development plan. The adopted development plan has been subject to AA and SEA and considered the land use and classes of development such as the that proposed would be open to consideration on lands zoned 'Open Space'. The SEA for the plan concluded that its implementation would not result in significant effects on the environment. It should be noted that the Ballycullen-Oldcourt Local Area Plan has been considered but its area does not relate directly to the site.

It is also noted that the development is on serviced lands in an urban area and does not constitute a significant urban development in the context of the wider city and the other projects identified above.

The development is not associated with any significant loss of habitat or pollution which could act in a cumulative manner to result in significant negative effects to any Natura 2000 sites. There are no projects which can act in combination with the development which can give rise to significant effect to Natura areas within the zone of influence.

Should the construction of the proposed development occur in tandem with other urban development, including those set out in Section 4.0 of this report, any impacts would be of a temporary nature and short-term given:

- the limited nature of works (i.e., no significant structures),
- the expected duration of the works (6 months),
- the location of lands to be developed (zoned lands),
- the location and distance to the other existing and/or approved projects.
- the likelihood of temporal overlap of construction works between projects.
- the implementation of standard and best practice construction and operation measures.

This includes certain projects raised by the applicants including Residential Units on Stocking Lane; Hellfire Club Visitor Centre; Taylors Lane (SHD), White Pines Central, Ballycullen SHD and White Pines South Retail Development.

It is considered unlikely that cumulative impacts with other existing and/or approved projects would arise.

8.3.1.3. Nature of any Demolition Works

There are no buildings/structures on the site that require demolition.

8.3.1.4. Use of Natural Resources

There will be no significant use of natural resources, except for the amenity grassland and soil that takes up the footprint of the proposed development.

8.3.1.5. Production of Waste

There is no significant production of waste. During the construction phase, routine construction waste will be generated including excavated material from the site. This is not anticipated to be of any significant level and will be managed through standard construction practices and methodologies.

8.3.1.6. Pollution and Nuisances

During the construction phase there will routine construction related pollution and nuisance generated including noise, light, dust and traffic related impacts with the potential to cause nuisance and impact on the amenities of adjoining dwellings and the parkland amenities. These impacts will be temporary and short-term and would be controlled as part of the standard and best practice construction measures.

During the operational phase there will be some pollution and nuisance associated with the use of the astro-turf pitches owing mainly to noise, light, traffic and the potential spread of microplastics from the astro-turf. The operational phase may see increased numbers of people using the site also. These impacts will be controlled as part of the standard and best practice operation measures. There is also sufficient availability of public transport and existing parking serving the site.

8.3.1.7. Risk of Major Accidents and/or Disasters including those caused by Climate Change

Having regard to the characteristics of the proposed development, comprising the upgrading of an existing sports facility and its location it is considered unlikely that

there is a risk of major accidents and/or disasters including those caused by climate change.

8.3.1.8. Risk to Human Health

There is no significant risk to human health. During the construction and operation phases risk to human health arising from pollution and nuisances listed in Section 8.3.1.6 would be controlled as part of the standard and best practice construction and operation measures.

8.3.2. Location of Proposed Development

8.3.2.1. Existing and Approved Land Use

The proposed development is effectively an upgrading of an existing sports facility. The proposed development is compatible with the existing use of the land for amenity/recreational purposes and the site is zoned 'Open Space (OS)'. The Use Classes related to the zoning objective which are permitted in principle include recreational facility, sports club / facility.

The submissions by the applicants that this may be a material change of use is noted, but the development plan is open to considering this type of development in its zoning objectives. It is also considered that the proposed development in the context of its zoning objective would not significantly impact adjoining zoning objectives such as 'Existing Residential (RES)' to the south of the site. Both recreational facilities and sports clubs / facilities are open to consideration in this zoning objective in 'Existing Residential (RES)' also.

8.3.2.2. Relative abundance, availability, quality and regenerative capacity of natural resources

The AA Screening Report and EclA submitted by SDCC to support the planning application as well as the submissions of the applicants set out details of the natural resources and its environmental sensitivity in the area.

Within the site there will be no significant use of natural resources, except for the amenity grassland and soil that takes up the footprint of the proposed development.

Outside the site there will be no use of natural resources. There may be some disruption to existing vegetation in the park.

During the construction and operation phases risk to abundance, availability, quality and regenerative capacity of natural resources arising from pollution and nuisances listed in Section 8.3.1.6 would be controlled as part of the standard and best practice construction and operation measures.

The location of the proposed development is such that the natural resources used in the proposed development is limited and there would be minimal ongoing use of natural resources from the proposed use of the site.

8.3.2.3. The absorption capacity of the existing environment

The AA Screening Report, EIA Screening Report and EclA submitted by SDCC to support the planning application as well as the submissions of the applicants set out details of the natural resources and its environmental sensitivity in the area. The absorption capacity of the following areas of the natural environment are considered:

Amenity Grassland

The site itself does not have any specific natural heritage designations and area to which the site relates is currently amenity grassland. The area may be used by mammals, birds and other species. The surveys carried out on site which included bird counts do not identify any significant use by any species, except for a frequent occurrence of common and black headed gulls. No wintering birds were recorded. The use of the site by any species is limited in any case given the existing use of the area as a sports pitch which forms part of a public park that is frequented by humans from adjoining residential areas. There is no specific floodings issues at the site. The amenity grassland is not considered to be environmentally sensitive and has capacity to absorb the proposed development.

Populated Areas

The park is surrounded by urban development, including the Woodland residential estate and road infrastructure including the M50 to the north. The design of the astro-turf pitch and associated landscaping and footpaths would not be significantly at variance with the established pattern of development on lands zoned for open space. In the context of the size of the overall Knocklyon Park the wider environs of the residential area and the road infrastructure, the design of the astro-turf pitches would assimilate into the wider populated area and park. During the construction and operation phases risk arising from pollution and nuisances listed in Section 8.3.1.6

would be controlled as part of the standard and best practice construction and operation measures. The populated areas are not considered to be environmentally sensitive and has capacity to absorb the proposed development.

Trees, Vegetation and Shrub

There are mixed woodlands as well as the hedgerow, shrub and treeline habitats around the site and there may be degradation of same, particularly to the east of the site, through pollutant events and root compaction. This may result in disruption to mammals, birds and other species.

There are areas of dry meadows and grassy verges / scrub to the north-west of the site. These are noted to host some 'red listed' species such as a goldcrest bird species, Irish whitebeam floral species and terrestrial invertebrates. No wintering birds were recorded. In any case, this area is some distance from the proposed development and, subject to standard and best practice construction and operation measures, unlikely to be directly impacted.

There are recordings of bat species in the wider area, and mixed woodland are surrounding the site are valued as high local ecological importance, due to the recorded activity and potential for roosts. There may be an impact at the operational phase from lighting and entanglement in the ball stop netting. However, the location of the tree stands is some distance from the proposed development and, subject to standard and best practice construction and operation measures, unlikely to be directly impacted.

The trees, vegetation and shrub are considered to be environmentally sensitive, have capacity to absorb the proposed development subject to standard and best practice construction and operation measures.

Streams & Rivers

The Woodstown Stream and Orlagh River, which are not within the site, not designated sites and culverted for large sections are located to the east and west of the site, respectively. The Woodstown Stream is 50-65m from the proposed development. This Woodland Stream flows into the River Owenadoher and eventually joins the River Dodder which flows into Dublin Bay and the Natura 2000 sites located there. There is limited connection and interaction with the Orlagh River.

The Woodstown Stream is considered to be a 'Depositing Lowland River' of regional/county importance. No species were noted in it during surveys. A potential significant impact could be the degradation of the stream through a slippage event during construction. However, this is unlikely due the separation between the stream and proposed development. During the construction and operation phases risk arising from pollution and nuisances would be controlled as part of the standard and best practice construction and operation measures.

In relation to otters, which is a key issue raised by several applicants, surveys submitted by SDCC state there was no direct or indirect evidence of protected mammals at this site location. This being said, it is acknowledged that the River Dodder, which is downstream of the site has records of otters. It is considered unlikely, that the otters would be affected due to the distance to the stream, the existing vegetation around the stream (which itself is unlikely to be affected) and the nature of the stream which is culverted for large parts.

While the streams are considered to be environmentally sensitive, they have capacity to absorb the proposed development subject to standard and best practice construction and operation measures.

Areas Protected under Legislation

In the wider geographic area, there are three Natura 2000 sites within 5 km of the proposed development, however, these are upstream of the site with no hydrological pathway for impacts. There are four Natura 2000 sites outside 15 km and downstream of the proposed development in Dublin Bay. As stated above, these are hydrologically connected to the proposed development through the Woodstown Stream. On the basis of the AA Screening Report and given this separation distance, the Natura 2000 sites and in particular those downstream in Dublin Bay are unlikely to be affected.

The applicants raised the Water Framework Directive and the protection of waterbodies and other designated site such as pNHAs. It is considered that significant impacts on any waterbodies and pNHAs is unlikely due to the nature and extent of the proposed development and its distance to and from same.

It is unlikely that areas in which there has already been or is a failure to meet the environmental quality standards would be affected by the proposed development.

While the areas protected under legislation are considered to be environmentally sensitive, they have capacity to absorb the proposed development subject to standard and best practice construction and operation measures.

Landscapes

The capacity of the landscape to absorb the proposed development is raised by the applicants due to the designation of a 'Significant and Protected View' at the site.

The view is of the Dublin Mountains in the background with the setting of the parkland and trees in the middle and foreground. The view is set in a wider context of an urban environment where there is residential development, electricity transmission lines and sports pitch infrastructure. The fencing and lighting poles around the astro-pitch is the key element which would affect the landscape.

However, its design is such that it would sit in front of an existing treeline when viewed from the 'Significant and Protected View' – this being said it is appreciated that the fencing and lighting poles would impact this foreground views. While this designation is noted and an impact may arise, it is considered that the proposed development would have the capacity to absorb the proposed development in the context of the wider landscape's significance at this location in a suburban area.

Sites of Historical, cultural or Archaeological Significance

There are no sites of historical, cultural or archaeological significance at the site.

8.3.3. Types and Characteristics of the Potential Impact

8.3.3.1. Nature, magnitude and extent of the impact

The extent of the impact in terms of geographical area and the size of the population likely to be impacted is limited to the immediate area of Ballycullen, Woodstown and to a lesser extent Scholarstown, which is primarily located on the opposite side of the motorway. There may be some downstream impacts on designated sites owing to the hydrological connections.

Population and Human Health

During the construction and operation phases impacts arising from pollution and nuisances listed in Section 8.3.1.6 would be controlled as part of the standard and best practice construction and operation measures. It is considered unlikely that significant impacts would arise on population and human health.

Biodiversity

In terms of biodiversity, the proposed development will result in some disruption of existing habitats on site and disturbance/displacement of species using the site. Species include various bird, bat, otters and other mammals as identified in previous sections. A series of measures are identified in the EcIA to address and mitigate these impacts.

Having regard to the separation distance from the European sites; the distance between the site and the Woodland Stream; the nature of the site, which is amenity grassland surrounded by existing suburban development; and the nature and scale of the proposed development it is considered that there is no significant hydrological pathway between the proposed development and the European Sites during the construction and operation phase.

In addition, it should be noted that the existing habitat is extensively utilised by dog walkers, recreational users and sports events and as such would not be suitable or of significant value to provide refuge or significant foraging habitat to mammals or bird species. Given the high level of human activity at this site it is not considered that significant displacement of species would be likely to occur as a result of the proposed development.

On this basis it considered unlikely that significant impacts would arise on biodiversity.

Land, Soil, Water, Air and Climate

Having regard to the characteristics and location of the proposed development, it considered unlikely that significant impacts would arise on land and soil.

During the construction and operation phases impacts arising from pollution and nuisances listed in Section 8.3.1.6 would be controlled as part of the standard and best practice construction and operation measures. It is considered unlikely that significant impacts would arise on water, air and climate.

Material Assets, Cultural Heritage and the Landscape

There will be a visual impact associated with the installation of this facility and in particular on the 'Significant and Protected View' identified in the development plan. It will be a new facility within the park and its fencing and lighting will be noticeable.

However, when considering the additional tree planting being proposed and the size and design of facility which utilises existing trees as well as the existing interventions seen from the view (including residential development and transmission infrastructure). It is considered that the facility will assimilate into the urban landscape of the park would not be visually obtrusive and would not, interfere with the character of the landscape and unduly obstruct a view or form an obtrusive or incongruous feature.

It is considered unlikely that significant impacts would arise on the landscape.

Having regard to the characteristics and location of the proposed development, it is considered unlikely that significant impacts would arise on material assets and cultural heritage.

Major Accidents or Disasters

Having regard to the characteristics and location of the proposed development, it is considered unlikely that significant impacts would arise in relation to major accidents and disasters.

Interaction between the factors

There is potential for interactions between various environmental factors, notably between land and biodiversity and population. These would be controlled as part of the standard and best practice construction and operation measures. On this basis it is considered unlikely that significant impacts would arise from the interaction between factors.

8.3.3.2. Probability, intensity and complexity of impacts

The proposed development will result in the potential disturbance to trees wooded, dry meadows and grassy verges as well as the loss of an area of amenity grassland. Temporary noise, dust and traffic impacts may also arise. Having regard to the nature and scale of the proposed development, the nature of the environmental impacts are not complex or intense.

Having regard to the nature and scale of the proposed development and noting the mitigation measures outlined in documentation it is considered that the nature of the environmental impacts during the construction and operation phase are not particularly complex or intense.

8.3.3.3. Expected onset, duration, frequency and reversibility of the impact

Having regard to the nature and scale of the proposed development, it is expected that the impacts will be on-going, long term and will generally only be reversible if the constructed elements of the scheme are removed. The construction phase impacts, of approximately 6 months will be of short duration and limited frequency.

8.3.3.4. Transboundary nature of impact

There will be no transboundary impacts associated with the proposed development.

8.3.3.5. Cumulation of Impact

Having regard to Section 8.3.1.2 it considered unlikely that significant cumulative impacts would arise.

8.3.3.6. Possibility of effectively reducing impact

The implementation of standard best practice methodologies during the construction and operation phase of the proposed development will result in a reasonable possibility of effectively reducing potential impacts.

9.0 Other Issues

9.1. Procedural Concerns

Several applicants raise procedural issues with the Part XIII planning process being used by SDCC and whether the proposed development should be developed at all at this site. This issue is not directly relevant to application for an EIA Determination currently before the Board and is an issue between SDCC and the applicants in the first instance.

9.2. Decommissioning

An applicant raises the issue of decommissioning for the proposed development in time when it falls out of use. It is noted that this is not a temporary facility and like other urban facilities is intended to be permanent. In any case, the decommissioning of such a facility in of itself would be subject to the appropriate planning mechanism under the prevailing legislation at such a time it is required and would be assessed based on the environmental requirements at that time.

9.3. Duplicate Submissions

A concurrent and separate application for an AA Screening Determination is being considered under ABP-317212-23 by several of the same applicants. The submissions of the applicants are similar and blend issues related to EIA and AA. This is unavoidable given the complexities of the planning code. Regardless, this report has addressed and considered all issues raised in both determination requests.

10.0 Recommendation

Having regard to the above assessment, it is considered that the proposed development would not be likely to have significant effects on the environment and, accordingly, an Environmental Impact Assessment is not required.

It is therefore recommended that South Dublin County Council be advised that the preparation and submission of an Environmental Impact Assessment Report is not required in respect of the proposed development.

11.0 Reasons and Considerations

Having regard to the following:

- the criteria set out in Schedule 7 and the information provided in Schedule 7A of the Planning and Development Regulations 2001, as amended,
- the limited nature and scale of the proposed development which is under the threshold in respect of Class 10b(iv) (Infrastructure – Urban Development) of the Planning and Development Regulations 2001, as amended,
- the location of the site on lands zoned Open Space in the South Dublin County Development Plan 2022-2028 and the results of the Strategic Environmental Assessment of this plan undertaken in accordance with the SEA Directive (2001/42/EC),
- the location of the site in a built-up area served by public infrastructure and the existing pattern of development in the vicinity,
- the limited potential for significant impacts arising from the proposed development,
- the submission made by the local authority, including the EIA Screening Report, AA Screening Report and EclA,

- the submissions made by the applicants requesting a determination,
- the report and recommendation of the Inspector,

It is considered that the proposed development would not be likely to have significant effects on the environment and, accordingly, an Environmental Impact Assessment is not required.

Professional Declaration

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.

Tomás Bradley,
Senior Planning Inspector

14th August 2023