



An
Bord
Pleanála

Inspector's Report

ABP-317212 -23

Development	Synthetic Grass Sports Pitch
Location	Knocklyon Park, Ballycullen, Dublin 16.
Local Authority	South Dublin County Council
Type of Application	Appropriate Assessment (AA) Screening Determination (Application under Article 250 (3) (b) of the Planning and Development Regulations 2001, as amended)
Applicant(s)	1 Clare Hamilton 2 Ballyboden Tidy Towns clg. 3 Justin Byrne
Date of Site Inspection	2nd August 2023
Inspector	Tomás Bradley

Contents

1.0	Introduction.....	3
2.0	Site Location and Description	3
3.0	Proposed Development	4
4.0	Planning History	5
5.0	Policy Context.....	6
6.0	Legal Context	8
7.0	Request for Determination.....	9
8.0	Assessment.....	13
9.0	Other Issues	22
10.0	Recommendation	23
11.0	Reasons and Considerations.....	23

1.0 Introduction

Under the provisions of Article 250 (3) (b) of the Planning and Development Regulations 2001, as amended (PDR) applications for an Appropriate Assessment (AA) 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 a European site.

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 three parties made applications under the provisions of Article 120 (3) (b) requesting the Board to make an AA Screening Determination. A concurrent and separate application for an Environmental Impact Assessment (EIA) Screening Determination is being considered under ABP-317211-23.

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

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 250 (3) (b):

- Cover Letter dated 10th 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 Significant 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

Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (‘the Habitats Directive’) is European Community legislation aimed at nature conservation. The Habitats Directive requires that where a plan or project is likely to have a significant effect on a European site(s), (and where the plan or project is not directly connected with or necessary to the nature conservation management of the European site), the plan or project will be subject to AA to identify any implications for the European site(s) in view of the site's Conservation Objectives The Habitats Directive is transposed into Irish law by Part XAB of the PDA, and the PDR.

Case law of the European Court of Justice (ECJ) has determined that AA is required if likely significant effects cannot be excluded on the basis of objective information. Case law has also clarified that measures intended to avoid or reduce harmful effects on European sites, must not be considered when determining whether it is necessary to carry out an AA.

Under the provisions of Article 250 (3) (b) of the PDR, where any person considers that a development proposed to be carried out by a local authority under Part XIII would be likely to have a significant effect on a European site, he or she may apply to the Board for a determination as to whether the development would be likely to have such significant effect.

Under Article 250 (3) (d), where the Board determines that a development would be likely to have a significant effect on a European site it shall require the local authority to prepare a Natura Impact Statement (NIS).

7.0 Request for Determination

A total of three 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 AA 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.
- 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.
- 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.

- 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 park provides a habitat for large creatures and is a green infrastructure route to Glensmole Valley Special Area of Conservation (SAC) and Wicklow Mountains SAC and Special Protection Area (SPA). The park is also less than 1km from Dodder Valley proposed Natural Heritage Area (pNHA). There are hydrological connections to all these sites and eventually Dublin Bay. Peregrine Falcons could use the site and are a qualifying interest of the Wicklow Mountains SAC.
- There is no end of life plan for the astroturf pitch.
- 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.

8.0 Assessment

The proposed development will not be located within a Natura 2000 site and the closest Natura 2000 sites are approximately 3.5 km upstream from the site. The closest downstream site is approximately 9 km from the site.

The proposed development will occur primarily on amenity grassland. There are watercourses in proximity to the proposed development but outside the site – the Woodstown Stream is approximately 65 m east of the proposed development and the Orlagh River is 200 m west of the proposed development.

The Woodstown Stream is hydrologically connected to the Owenadoher River. Both the Owenadoher River and Orlagh River are hydrologically connected to the River Dodder, which eventually flows into Dublin Bay and the Natura 2000 sites therein.

The proposed development includes a surface water drainage attenuation system which will connect to a soakaway at the site. It is stated that the proposed development will not require any formal drainage connection into the existing surface water network. There is no foul water drainage required.

The proposed development involves the installation of 3G synthetic turf system and there is potential for the fibre loss of microplastics into the wider environment and in particular the Woodstown Stream which Otters (*Lutra Lutra*) may use. It is noted that there is no record of any protected species using the site of the proposed development.

8.1. Relevant European Sites

An AA Screening Report was prepared by JBA Consulting on behalf of SDCC and accompanied the Part XIII planning application. The AA Screening Report describes

the proposed development, its receiving environment and relevant European Sites in the zone of influence of the development.

No habitats or species listed as qualifying interests for any nearby European Sites or corresponding with Annex I are identified on the site in the AA Screening Report.

The proposed development 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 any European sites.

The AA Screening Report considers European sites within a 5 km range and in the case of sites with a hydrological connection, 15 km of the proposed development.

This Zone of Influence was established based on the extent at which potential impacts may be carried via identified pathways (i.e., watercourses). Having regard to the nature of the proposed development, the nature of the receiving environment and the source-pathway-receptor model, it is considered that this is a reasonable Zone of Influence.

Table 1 below lists the qualifying interests of these sites, their conservation objectives, and possible connections between the proposed development (source) and the sites (receptors).

Having regard to:

- the information and submissions available.
- the nature, size and location of the proposed development.
- its likely direct, indirect and in-combination effects.
- the source-pathway-receptor model; and
- the sensitivities of the ecological receptors.

It is considered that:

- Glenasmole Valley SAC [001209]
- Wicklow Mountains SAC [002122]
- Wicklow Mountains SPA [004040]
- South Dublin Bay SAC [000210]
- South Dublin Bay and River Tolka SPA [004024]
- North Dublin Bay SAC [000206]
- North Bull Island SPA [004006]

are relevant to include for the purposes of initial screening for the requirement for Stage 2 AA on the basis of likely significant effects.

Table 1: European Sites considered for Stage 1 Screening			
European Site (Code)	Distance	Qualifying Interest(s)	Conservation Objectives
Glenasmole Valley SAC [001209]	3.5 km	<ul style="list-style-type: none"> Semi-natural dry grasslands and scrubland facies on calcareous substrates FestucoBrometalia) (* important orchid sites) [6210] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] Petrifying springs with tufa formation (Cratoneurion) [7220] 	To maintain or restore the favourable conservation status of habitats and species of community interest.
Wicklow Mountains SAC [002122]	4.7 km	<ul style="list-style-type: none"> Oligotrophic waters containing very few minerals of sandy plains Littorelletalia uniflorae [3110] Natural dystrophic lakes and ponds [3160] - Northern Atlantic wet heaths with Erica tetralix [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Calaminarian grasslands of the Violetalia calaminariae [6130] Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230] Blanket bogs (* if active bog) [7130] Siliceous scree of the montane to snow levels Androsacetalia alpinae and Galeopsietalia ladani [8110] Calcareous rocky slopes with chasmophytic vegetation [8210] Siliceous rocky slopes with chasmophytic vegetation [8220] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Otter Lutra lutra [1355] 	A site-specific conservation objective aims to define the favourable conservation condition of a habitat or species at site level. The maintenance of habitats and species within sites at favourable condition will contribute to the maintenance of favourable conservation status (FCS) of those habitats and species at a national level.
Wicklow Mountains SPA [004040]	4.4 km	<ul style="list-style-type: none"> Merlin Falco columbarius [A098] Peregrine Falco peregrinus [A103] 	To maintain or restore the favourable conservation status of habitats and species of community interest
South Dublin Bay SAC [000210]	9.0 km	<ul style="list-style-type: none"> Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110] 	To maintain or restore the favourable conservation status of habitats and species of community interest
South Dublin Bay and River Tolka SPA [004024]	9.0 km	<ul style="list-style-type: none"> Light-bellied Brent Goose Branta bernicla hrota [A046] Oystercatcher Haematopus ostralegus [A130] Ringed Plover Charadrius hiaticula [A137] Grey Plover Pluvialis squatarola [A141] Knot Calidris canutus [A143] Sanderling Calidris alba [A144] Dunlin Calidris alpina [A149] Bar-tailed Godwit Limosa lapponica [A157] Redshank Tringa totanus [A162] Black-headed Gull Chroicocephalus ridibundus [A179] Roseate Tern Sterna dougallii [A192] Common Tern Sterna hirundo [A193] Arctic Tern Sterna paradisaea [A194] Wetland and Waterbirds [A999] 	To maintain or restore the favourable conservation status of habitats and species of community interest
North Dublin Bay SAC [000206]	13.8 km	<ul style="list-style-type: none"> 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] 	To maintain or restore the favourable conservation status of habitats and species of community interest

		<ul style="list-style-type: none"> • Mediterranean salt meadows <i>Juncetalia maritimi</i> [1410] • Embryonic shifting dunes [2110] • Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] • Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] • Humid dune slacks [2190] • Petalwort <i>Petalophyllum ralfsii</i> [1395] 	
North Bull Island SPA [004006]	13.8 km	<ul style="list-style-type: none"> • Light-bellied Brent Goose <i>Branta bernicla hrota</i> [A046] • Shelduck <i>Tadorna tadorna</i> [A048] • Teal <i>Anas crecca</i> [A052] • Pintail <i>Anas acuta</i> [A054] • Shoveler <i>Anas clypeata</i> [A056] • Oystercatcher <i>Haematopus ostralegus</i> [A130] • Golden Plover <i>Pluvialis apricaria</i> [A140] • Grey Plover <i>Pluvialis squatarola</i> [A141] • Knot <i>Calidris canutus</i> [A143] • Sanderling <i>Calidris alba</i> [A144] • Dunlin <i>Calidris alpina</i> [A149] • Black-tailed Godwit <i>Limosa limosa</i> [A156] • Bar-tailed Godwit <i>Limosa lapponica</i> [A157] • Curlew <i>Numenius arquata</i> [A160] • Redshank <i>Tringa totanus</i> [A162] • Turnstone <i>Arenaria interpres</i> [A169] • Black-headed Gull <i>Chroicocephalus ridibundus</i> [A179] • Wetland and Waterbirds [A999] 	

8.2. Potential Impacts on European Sites and Test of Likely Significant Effects

8.2.1. Construction Phase

During the construction phase, the existing amenity grassland on the site will be removed and some trees and vegetation may be disrupted. There will be some soil and earth movement to level the site. As a result, there will be general construction related noise, dust, lighting, traffic and potential for pollutants to enter watercourses. The site is not located within a European site and there will be no direct impacts on the Natura 2000 sites or their qualifying interests.

As the proposed development is located upstream of the Dublin Bay sites, this raises the potential for indirect effects on those Natura 2000 sites and qualifying interests during the construction phase. Potential impacts could arise from any deterioration in water quality as a result of the uncontrolled or unmitigated release of sediments and pollutants to the adjacent watercourse and general disturbance during the works, which could in turn have localised adverse impacts on qualifying interests.

Notwithstanding these concerns and notably issues raised in relation to otters, the construction works associated with the proposed development will take place largely on the existing amenity grassland which is separated from watercourses. In the case of the Woodland Stream there is a substantial distance between the site and the watercourse. There are also no in-stream works and vegetation around the stream will not be removed or disturbed.

Therefore, 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 phase.

Considering the characteristics of the qualifying interests of the European Sites, as listed above, it is considered that no other form of pathway exists and that the site would not be likely to play a supporting or ex situ role for any of the identified habitats or species listed in Table 1 including bird species.

It is therefore considered that the construction phase of the proposed development is not likely to have a significant effect on the European Sites, or any other European site, in view of the conservation objectives for these sites.

8.2.2. Operation Phase

During the operation phase, users of the pitches will attend the site at certain hours. and some trees and vegetation may be disrupted. As a result, there will be general operation related noise, lighting, traffic and potential for pollutants, such as microplastics, to enter watercourses. The site is not located within a European site and there will be no direct impacts on the Natura 2000 sites or their qualifying interests.

As the proposed development is located upstream of the Dublin Bay sites, this raises the potential for indirect effects on those Natura 2000 sites and qualifying interests during the operation phase. Potential impacts could arise from any deterioration in water quality as a result of the uncontrolled or unmitigated release of sediments and pollutants to the adjacent watercourse, which could in turn have localised adverse impacts on qualifying interests.

Notwithstanding these concerns, it is considered the hydrological connection to European Sites in Dublin Bay are limited as a result of the proposed surface water drainage systems. The proposed surface water drainage includes an attenuation system which will connect to a soakaway system at the site. It is stated that the proposed development will not require any formal drainage connection into the existing surface water network. Surface water runoff will infiltrate to ground the soil which SDCC consider well-draining.

The impacts relating to the installation of 3G synthetic turf system and potential for the fibre loss of microplastics into the wider environment is noted. There is unlikely to be any direct transfer of microplastics to watercourses as no operational activities will occur at the watercourses. Any transfer would be incidental, through run-off or humans. There are standard design measures proposed to limit this including a detox area (to capture fibre materials), boot brushes and signage. In anticipation of the likely restrictions on polymeric infills, SDCC has in its submission confirmed that natural sustainable infill material will be used in place of plastic infill – in either case the transference is not considered significant in terms of impact to the Natura 2000

sites or its qualifying interests. The day-to-day management and removal/upkeep of astro-turf during the operational phase is considered similarly to the microplastics. SDCC has confirmed that any waste generated would be processed in appropriate facilities.

It is noted that the site has some linkage and may act as an 'ecological corridor' through the Woodland Stream and existing tree lines to the wider countryside and in turn Glensmole Valley SAC and the Wicklow Mountain sites. However, the site location which is encompassed by urban residential development makes it a limited corridor for qualifying interests such as Peregrine Falcons or other bird species. The evidence submitted by SDCC states no such species use the site in any case.

Several applicants raised concerns in relation to the otters and the potential use of this watercourse as a commuting route for this qualifying interest. However, given the nature and scale of the proposed development, which would be contained within the existing amenity grassland, and which would not require the substantial removal of any vegetation at the stream, would not affect Otter in terms of disturbance, water quality, prey or connectivity. It is also noted that the stream is culverted for a substantial section which would limit the physical characteristics of a habitat required to support otters.

It is not considered that the proposed drainage and detox measures comprise mitigation for the purpose of AA, as they would be required irrespective of the presence of European Sites in the vicinity or not. It is also considered that surface water discharge from the site will not have any measurable impact on water quality or any significant effects on Natura 2000 sites or their qualifying interests due to the scale of the development and the separation from the Woodland Stream. It is noted that there is no foul drainage system required.

Therefore, having regard to the separation distance from the European sites; the distance between the site and the Woodland Stream; the operational nature of the facility including the surface water drainage systems and design measures to limit transference of microplastics; 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 operational phase.

Considering the characteristics of the qualifying interests of the European Sites, as listed above, it is considered that no other form of pathway exists and that the site would not be likely to play a supporting or ex situ role for any of the identified habitats or species.

It is therefore considered that the operational phase of the proposed development is not likely to have a significant effect on the European Sites, or any other European site, in view of the conservation objectives for these sites.

8.3. In-Combination Effects

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 AA for the plan concluded that its implementation would not result in significant in-combination effects to the integrity of any European sites. 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 an in-combination 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 in-combination effects with other existing and/or approved projects would arise.

8.4. Mitigation Measures

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

8.5. Conclusion

Having regard to the foregoing, it is reasonable to conclude, on the basis of the information on the file, which is considered adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects would not be likely to have a significant effect on any European Site, in view of the conservation objectives of these sites and that a Stage 2 AA and the submission of a NIS for the proposed development is not required.

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 the 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 likely 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 EIA Screening Determination is being considered under ABP-317211-23 by 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 any European sites and, accordingly, an AA is not required.

It is therefore recommended that SDCC be advised that the preparation and submission of a NIS is not required in respect of the proposed development.

11.0 Reasons and Considerations

Having regard to the following:

- the nature and scale of the proposed development,
- the location of the proposed development and the separation distance from the Natura 2000 sites,
- the hydrological connection between the site and the European sites via an adjacent watercourse,
- the ecological connection between the site and the European sites via an adjacent watercourse and treelines and vegetation,
- the submission made by the local authority, including the AA Screening Report,
- the submissions made by the applicants requesting a determination,
- the report and recommendation of the Inspector,

It is considered reasonable to conclude that on the basis of the information available, which is considered adequate to issue a screening determination, that the proposed development, either individually and in-combination with other plans or projects, would not be likely to have a significant effect on the identified Natura 2000 sites, in

view of the conservation objectives of these sites and that a Stage 2 AA and the submission of a NIS for the proposed development 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