



An  
Bord  
Pleanála

## Inspector's Report ABP-320038-24

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Development	House, access from the existing vehicular access, 2 car parking spaces, landscaping, septic tank percolation area and associated site development works.
Location	Coill Avon, Whitechurch Road, Rathfarnham, Dublin 16
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD24A/0030
Applicant(s)	Coill Avon Limited
Type of Application	Permission
Planning Authority Decision	Grant subject to 12 conditions
Type of Appeal	Third Party
Appellant(s)	Joan Fox
Observer(s)	None
Date of Site Inspection	17/09/2024
Inspector	Hugh O'Neill

## **1.0 Site Location and Description**

The subject site is located on the western side of Whitechurch Road in Rathfarnham, approximately 150m north of the M50. The Whitechurch stream flows in a northerly direction through the site along the eastern boundary. The site is dominated by natural/naturalised vegetation and mature trees of mixed origin and quality. There is an existing vehicular access from Whitechurch Road that serves an existing dwelling ('Lynbrook') to the immediate north. There is a variety of dispersed residential dwellings on the lands within the wider area. Declared site area is 0.3138 Ha.

## **2.0 Proposed Development**

Two storey, four-bedroom house (293sq.m), access from the existing vehicular access from Whitechurch Road, 2 car parking spaces, hard and soft landscaping, SUDs measures, on site wastewater treatment system and all associated site development.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Grant permission Subject to 12 conditions in accordance with the recommendation of the planner's report.

### **3.2. Planning Authority Reports**

#### **3.2.1. Internal Reports**

Roads Department: No objection.

Environmental Health Department: No objection subject to standard conditions.

Water Services: Further information recommended regarding surface water design no objection subject to conditions following receipt of the further information.

#### **3.2.2. Planning reports**

The Planning Authority requested further information in relation to:

- Drainage and SuDs requirements.
- Boundary treatments.
- Land ownership/site location map.
- Development within the 10m buffer of the Whitechurch Stream.

A response was received to each of the items requested.

### 3.3. **Prescribed Bodies**

Irish water reported no objection subject to standard condition.

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

A single third-party submission was received from the appellant. The issues raised within the submission are expanded on in the appeal. In the interest of expediency, the issues raised therein are addressed in consideration of the appeal set out below.

## 4.0 **Planning History**

### 4.1. **Subject site**

SD19A/0105 residential development of 62 units, refused for 5 reasons including:

- material contravention of South Dublin County Council Development Plan 2016-2022, specifically Policy H3 SLO1 (exceeding density and type of units)
- impact on amenity of future residents
- lack of detail on drainage.
- impact on green infrastructure, ecology generally and that of the adjacent stream
- non-compliance with DMURS

SHD ABP-313059-22, construction of neighbourhood centre and 178 residential units. Refused for 5 reasons relating to

- Excessively car based, insufficient public transport and pedestrian facilities.
- Excessive scale and density contrary to CDP policy limit 12/Ha
- Contrary to policy and transport infrastructure
- a number of specific design related concerns
- lack of consent from roads authority for works to remove trees.

#### 4.2. **Adjacent/interacting/relevant**

SD06A/0826 Demolish 1 no. house and outbuildings, construct 42 no. houses, vehicular access to Whitechurch Road and associated site works. Decision REFUSE. Appeal PL06S.221017 decision REFUSE

SD22A/0403 immediately to North of subject site. Two no. 2 storey dwellings and associated site works on the site and adjacent to an existing 2 storey dwelling. Access from existing driveway from the Whitechurch Rd. Granted by the Planning Authority.

### 5.0 **Policy Context**

#### 5.1. **Development Plan**

The subject site is zoned RES under the 2022- 2028 South Dublin County Development Plan (CDP), which aims 'To protect and improve residential amenity'.

Section 4.2.2. Sustainable Water Management sets out the importance of riparian corridors to sustainable development and sets the context for policy to achieve their protection including:

*GI3 Objective 3: To promote and protect native riparian vegetation along all watercourses and ensure that a minimum 10m vegetated riparian buffer from the top of the riverbank is maintained / reinstated along all watercourses within any development site.*

GI5 objectives specifically recognises the importance of native species and mature trees and seeks protection and retention.

Section 6.8 of the South Dublin Development Plan 2022-2028 recognises the necessity for and sets the policy context for residential consolidation and intensification of residential development including infill development.

Section 12.6.8 of the CDP 2022-2028 regarding Residential Consolidation, development on infill sites is required to meet a number of criteria including being guided by the sustainable residential development in urban areas guidelines, siting, and layout to take account of context, retention of significant site features.

## **5.2. Natural Heritage Designations**

The site is subject to a County Development Plan 2022 – 2028 designation and policy relating to the importance of the riparian zone associated with the Whitechurch Stream.

The Whitechurch Stream (owenadhoer-010 IE\_EA\_09O011700) on the site results in a hydrological connection to the wider aquatic environment including the River Dodder and the proposal is considered in this context in the assessment below.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- Site unsuitable for septic tank due to impacts on adjacent property and on water course.
- Consistency of PA decision with previous decisions of ABP.
  - Piecemeal in context
  - Traffic access
- Visual impact
  - Setback from road
  - Setback from stream
- Roads
  - Deficient sightlines

- Congestion on road arising from entrances
- Compromises future access to adjacent site.
- Premature
- Over development of site

## 6.2. Applicant Response

The following is a summary of the critical points made by the applicant in response to the appeal:

- In contrast to the application and the assessment thereof the appeal is unsupported by reporting by specialists in relevant competencies.
- The proposed onsite wastewater treatment is fully compliant with the code of practice and does not rely on and will not give rise to any impacts on the appellants landholding.
- The proposal is consistent with the established and built character of the road and wider setting.
- The proposal does not compromise the future development of the remainder of the residential zoned lands in the vicinity of the subject site and no arguments to the contrary have been presented.
- The siting and design of the house is defended by way of reference to recent adjacent precedent as well as opinions of architects and the planning authority.
- The applicant's response contains opinions expressed by specialist engineers that the proposal will not result in a significant contribution to existing congestion. Data is presented to demonstrate that the subject road is not congested and the contribution of the proposal individually and in combination with other development would not be significant in this context.
- Sightlines and compliance with DMURS are discounted as issues by the specialist transportation engineers on behalf of the applicant concluding that the proposal will not result in any traffic safety or capacity issues.

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

The planning authority state that the issues raised in the appeal have been covered in the Chief Executive Order.

### **6.4. Observations**

None

### **6.5. Further Responses**

None

## **7.0 Assessment**

7.1. Having examined all the application and appeal documentation on file and having regard to the relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal and Appropriate Assessment. One other substantive issue has arisen relating to the application of Part V of the Planning Act and development Act 2000 as amended. This is addressed under the heading of New Issues below.

7.2. References to basement level and basement carparking in the submitted Ecological Impact Assessment are considered to be drafting errors as no such detail is provided in the development description or submitted floor plans.

7.3. The main issues, therefore, are as follows:

- Principle of Development
- Onsite wastewater treatment
- Visual impact
- Roads
- Prematurity
- Overdevelopment
- Application of Part V of the Planning Act

7.4. **Principle of Development.** The subject site is zoned for residential development, the principle is therefore accepted subject to the assessment of the above referenced points.

7.5. **Onsite wastewater treatment.** Notwithstanding the zoning the subject site does not have the benefit of mains drainage and is remote (C. 900m) from the nearest foul sewer. In the absence of policy provision to the contrary and subject to confirmation of site suitability, the principle of onsite wastewater treatment is accepted.

7.6. I have reviewed the proposed onsite wastewater treatment system and identified no deficiency in the proposal. The site characterisation, and the proposed design is in compliance with EPA's Code of Practice for Domestic Wastewater Treatment Systems (Population Equivalent  $\leq 10$ ), 2021. No element or aspect of the design or site has been presented by the appellant as deficient in order to substantiate the broad conclusion of unsuitability. The issue of unsuitability of the site and/or impacts from the onsite Wastewater Treatment on third party lands or other sensitive receptors is dismissed.

7.7. **Visual impact.** The proposal is contemporary in form and materials and is generally acceptable having regard to the established pattern of development of the area. The siting of the proposal, setback from the stream and road is considered to be an appropriate treatment of the site. The existing and proposed landscaping and trees to the foreground and backdrop to the site is appropriate. I consider that with the proposed tree planting to the roadside of the house the visual impact of the proposal is acceptable.

7.8. **Roads.** Access is proposed from an existing entrance from Whitechurch Road. The proposal if permitted and constructed will be house number 5 served by this access. The access is in the declared ownership of the applicant. The existing entrance has the benefit of sightlines extending to 45m. The Roads Department of the planning authority report the sightlines to be acceptable.

7.9. Having observed, and considered the extent of existing baseline traffic movements on the Whitechurch Road, as reported for SHD ref: ABP-313059-22, and the report of the roads Department in South Dublin County Council I am of the



opinion that there is no deficiency in sightlines and that congestion arising from the proposal would not be significant.

7.10. **Prematurity.** I do not consider that the proposal would compromise the future development potential of contiguous zoned land nor do I consider it premature pending a comprehensive plan for the area. I have reviewed the assessment and refusal of application ABP-313059-22. Although the entrance utilised to access the current proposal formed an access to the refused above referenced SHD proposal, there is no direct or indirect impact on the future development potential of the zoned lands of concern to the appellant. In the event of a comprehensive plan/masterplan for the zoned area I am satisfied that the subject proposal would not significantly limit or compromise options available. In this regard I consider the proposal is not premature pending a comprehensive plan for the wider area zoned RES.

7.11. **Over Development.** The case that the proposal is overdevelopment of a very limited site is not a case entirely lacking merit given the interaction of the project with the 10m policy riparian zone. However, the Development Plan Policy does not preclude development within the buffer and specifically allows for reinstatement. Having regard to the existing condition of the riparian zone, and the stated intention within the application to engage a project ecologist I consider these concerns to be addressed. I consider the proposal does not represent overdevelopment of the site.

7.12. **Part V** of the Planning and Development Act 2000 as amended. (New Issue)

The proposal entails the provision of residential development on land zoned for residential use. At question 16 the planning application form the applicant states that the proposal is not a development to which the provisions of section 96 apply. There is no evidence on file of an application for, or the granting of an exemption certificate under section 97 of the Planning and Development Act 2000 as amended. No condition was applied by the Planning Authority in this regard. A specifically drafted condition has been recommended to address this should be Board be minded to grant permission.

## 8.0 EIA Screening

See completed Form 2 in Appendix 1 to this report in which the requirement for EIA is screened out.

Having regard to the nature, size, and location of the proposed development and to the criteria set out in Schedule 7 of the Planning and Development Regulations 2000 as amended I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

## **9.0 Appropriate Assessment Screening**

A screening for Appropriate Assessment is set out in Appendix 2 of this report.

The proposed development was considered in light of the requirements of section 177U of the planning and development Act 2000 as amended.

Having carried out screening for appropriate assessment of the project it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European site in view of the sites conservation objectives and appropriate assessment and submission of an NIS is therefore not required.

This determination is based on:

- The location and characteristics of the subject site.
- The minor scale of the development including the nature of the construction methods.
- The baseline environment carrying capacity of the immediate and wider receiving environment.
- The distance of the proposed development from the European Site and demonstrated lack of any ecological connections.

## **10.0 Recommendation**

Having regard to the above it is recommended that planning permission be granted subject to conditions for the reasons and considerations set out below.

## 11.0 Reasons and Considerations

Having regard to the residential zoning objective for the area, and compliance with the development standards of the South Dublin County Development Plan 2022-2028, it is considered that the proposed development, subject to compliance with the conditions below, would not detract from the character of the area, would not seriously injure the residential or visual amenities of the area, would not be prejudicial to public health and would be acceptable in terms of traffic and pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment Screening Determination:**

I consider it reasonable to conclude on the basis of the information available, which I consider adequate to reach 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 natura 2000 sites in view of the conservation objectives of these sites.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as amended by the further plans and particulars submitted on the 17th day of May 2024 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

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

2. Prior to Commencement a schedule of measures as set within the submitted Ecological Impact Assessment Report, Arborist report and outline Construction and Environmental Management Plan, including details of the appointed project ecologist shall be compiled and submitted to the planning authority and shall be implemented in full.

**Reason:** To protect the environment.

3. The landscaping scheme shown on drawing number 23SD08-DR-0100, as submitted to the planning authority on the 17th day of May 2024 shall be carried out within the first planting season following substantial completion of external construction works. In addition to/amending the proposals in the submitted scheme, the following shall be carried out:

- a) A fenced exclusion zone for machinery and personnel to the house side of the silt fence as shown in Figure 9 of the outline construction Environmental Management Plan shall be maintained for the duration of the construction with the exception of access for the authorised tree removal (under supervision of the project ecologist)
- b) A 5m zone of undisturbed ground shall be retained free of planting/landscaping other than authorised removal of trees (leaving stumps), and where necessary removal of invasive species under supervision of the project ecologist.
- c) All new trees are to be planted as bareroot, feathered, 150 – 200 cm. h.
- d) All planting shall be adequately protected from damage until established. Any plants which die, are removed, or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

4. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning

authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

**Reason:** In the interest of environmental protection residential amenities, public health and safety and environmental protection.

5. The developer shall implement measures to reduce environmental risks associated with re-fuelling, greasing, and other activities within the site. Such measures may include, but are not restricted to, the use of spillage mats and catch trays. Such measures shall be subject to the written agreement of the planning authority prior to commencement of works.

**Reason:** To prevent water pollution.

6. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1300 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

#### 7. Onsite Waste Water Treatment

(a) The onsite wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ )" – Environmental Protection Agency, 2021.

(b) Treated effluent from the septic tank/ wastewater treatment system shall be discharged to a polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent  $\leq 10$ )" – Environmental Protection Agency, 2021.

(c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater

treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

**Reason:** In the interest of public health and to prevent water pollution

8. Prior to the commencement the developer shall enter into a Connection Agreement(s) with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply.

**Reason:** In the interest of public health and to ensure adequate water facilities.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

10. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in accordance with the provisions of Section 96 of the Planning and Development Act 2000 as amended, unless an exemption certificate has been granted under section 97 of the Planning and Development Act 2000, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies)

shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

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

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Hugh O'Neill

Planning Inspector

09 October 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	320038-24		
<b>Proposed Development Summary</b>	New house, on site wastewater treatment and new access		
<b>Development Address</b>	Coill Avon, Whitechurch Road, Rathfarnham, Dublin 16		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	X		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>			
<b>Yes</b>		Class 10(b)(i) residential. Threshold 500 houses	Single house Proceed to Q.4



<b>4. Has Schedule 7A information been submitted?</b>		
<b>No</b>	X	<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

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

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	ABP-320038- 24	
<b>Proposed Development Summary</b>	Single house, on site wastewater treatment, new entrance.	
<b>Development Address</b>	Coill Avon, Whitechurch Road, Rathfarnham, Dublin 16	
<p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<p><b>Nature of the Development.</b> Is the nature of the proposed development exceptional in the context of the existing environment.</p> <p>Will the development result in the production of any significant waste, emissions, or pollutants?</p>	Single house on zoned land, on site wastewater treatment in accordance with code of Practice, public water supply, new entrance, and SUDS features.	<p>No</p> <p>No</p>
<p><b>Size of the Development</b> Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>	Single house on Zoned lands	<p>No</p> <p>No</p>
<p><b>Location of the Development</b> Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p>	Located proximate to small stream. Standard practices followed in design addressing all sensitivities. Protective fencing of riparian zone, silt fencing, bunding.	No

Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?		No
<b>Conclusion</b>		
There is no real likelihood of significant effects on the environment.  EIA is not required.	There is significant and realistic doubt regarding the likelihood of significant effects on the environment.  No	There is a real likelihood of significant effects on the environment.  No

**Inspector:**

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

**DP/ADP:** \_\_\_\_\_

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

## Appendix 2

### SCREENING FOR APPROPRIATE ASSESSMENT-TEST OF LIKELY SIGNIFICANT EFFECTS

#### 1.0 Appropriate Assessment- Screening

##### 1.1. Compliance with Article 6(3) of the Habitats Directive

**The requirements of Article 6(3)** as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

##### 1.2. Background on the Application

The applicant has submitted a screening report for Appropriate as part of the planning application titled, Appropriate Assessment screening for a proposed residential development at Whitechurch Rd. Rathfarnham County Dublin dated 19th of February 2024 prepared by Brian Deegan MSc. BSc. Of Altamar Ltd.

The report provides the background of the authors and the explanation in relation to appropriate assessment the stages thereof prior to presenting a screening assessment.

The submitted assessment carefully describes each drainage related aspect of the proposal including wastewater treatment, SUDS features and flood risk assessment.

For purposes of identification of relevant European sites, the assessment considers proximity and potential for hydrological pathways including the Whitechurch stream.

The assessment concludes that the zone of influence of the proposed project would be restricted to the site outline and references standard and operational measures which control localized downstream impacts in this context.

The assessment provides a list of Natura 2000 sites Within 15 Km, the conservation objectives and qualifying interests are presented for each. Each of the Natura sites is screened out of consideration.

A table of. Planning. Permission references and descriptions are presented for the purpose of. Excluding in combination effects.

The conclusion to the report notes, out of an abundance of caution, *it is considered there is a weak indirect hydrological pathway from the subject size to the European sites located within Dublin Bay*. However, given the scale and

nature no significant effects are likely. In the absence of mitigation, no significant effects on European sites are likely.

The report concludes that no specific mitigation is required to prevent impacts on Natura 2000 sites and the alone or in combination with other plans and projects.

The report concludes with a summary of the data used for the screening under a list of references.

The applicant's Stage 1 AA Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development.

The applicants AA Screening Report concluded that the *proposed development would not give rise to any significant effects to designated sites. The construction and operation of the proposed development will not impact on the conservation objectives or qualifying interests of European sites.*

Having reviewed the documents, submissions, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

### 1.3. Screening for Appropriate Assessment- Test of likely significant effects

The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

### 1.4. Brief description of the development

Single house on zoned land, on site wastewater treatment in accordance with code of Practice, public water supply, new entrance, and SUDS features.

### 1.5. Submissions and Observations

The third party appealed notes a potential impact from onsite wastewater treatment to the stream running through the site and potential downstream impacts on the Salmonoid River to which it drains. However no specific or general concerns were raised regarding impacts on natura 2000 sites or network.

### 1.6. European Sites

The development site is not located in or immediately adjacent to a European site. The closest European sites are the Wicklow Mountains SAC (site code IE002122) and the Wicklow Mountains SPA (site code IE004040) at distances of approximately 3.3 and 3.6 Km respectively). There is potential for a very weak hydrological connection from the site to South Dublin Bay SAC and the Southy Dublin and River Tolka SPA Estuary SPA. However, each of these afore mentioned Natura 2000 sites are outside of the Zone of Influence of the subject development as there is no direct or indirect hydrological, ecological, or functional connection, there is no source, and no pathway to any receptor in the for a qualifying interest or potential impact on conservation objective.

A summary of European Sites that occur within a conceptual zone of influence of the proposed development is presented in the table below.

Table A. Summary Table of European Sites within a conceptual zone of influence of the proposed development:

European Site (code)	List of Qualifying interest /Special conservation Interest	Distance from proposed development (Km)	Connections (source, pathway receptor)	Considered further in screening. Y/N
<a href="#">Wicklow Mountains SPA</a>  <b>Site Code:</b> 004040	Merlin (Falco columbarius) [A098]  Peregrine (Falco peregrinus) [A103]	<b>3.6km south, and at significantly higher elevation.</b>	None	No
<a href="#">Wicklow Mountains SAC</a>  <b>Site code</b> 002122	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	<b>3.3km south, and at significantly higher elevation.</b>	None	No

	<p>areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Lutra lutra (Otter) [1355]</p>			
<a href="#">South Dublin Bay SAC</a> 000210	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>	<b>Cira 7 Km to southeast</b>	Very weak hydrological connection	Yes
<a href="#">South Dublin Bay and River Tolka Estuary</a> SPA 004024	<p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Sanderling (Calidris alba) [A144]</p>	<b>Cira 7 Km to southeast</b>	Very weak hydrological connection	Yes

	Dunlin ( <i>Calidris alpina</i> ) [A149]			
	Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157]			
	Redshank ( <i>Tringa totanus</i> ) [A162]			
	Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [A179]			
	Roseate Tern ( <i>Sterna dougallii</i> ) [A192]			
	Common Tern ( <i>Sterna hirundo</i> ) [A193]			
	Arctic Tern ( <i>Sterna paradisaea</i> ) [A194]			
	Wetland and Waterbirds [A999]			

#### 1.7. Identification of likely effects

There is no potential for likely significant effects from the proposed development in construction or operation on the qualifying interests, or conservation objectives of any Natura 2000 site.

#### 1.8. 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.

#### 1.9. Screening Determination

##### **Finding of no likely significant effect**

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on the following:

- the location and characteristics of the subject site.
- The minor scale of the development including the nature of the construction methods.



- The baseline environment carrying capacity of the immediate and wider receiving environment.
- The distance of the proposed development from the European Site and demonstrated lack of any ecological connections.