



An
Bord
Pleanála

Inspector's Report

ABP-320111-24

Development

Demolition of dwelling and tennis court and the construction of 2 no. apartment buildings to accommodate 52 no. apartments and associated site works and services. The application is submitted to Dún Laoghaire-Rathdown County Council and South Dublin County Council. The site is located within the curtilage of a protected structure (lime kiln, ref. 315).

Location

39 Woodside Drive, Rathfarnham, Dublin 14, D14 C8Y0.

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

SD24A/0084W

Applicant(s)

Anthony Byrne

Type of Application

Permission

Planning Authority Decision

Grant with conditions

Type of Appeal

Third Party

Appellant(s)

Philip McDonagh

Observer(s)

None

Date of Site Inspection

31st March 2025 & 6th May 2025

Inspector

Mary Crowley

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1.0 Introduction

- 1.1. There are two separate appeals against the decision of two separate Planning Authorities running concurrently on this site for the same development as follows:
 - ABP 321796-25 (D24A/0250/WEB) - Dun Laoghaire-Rathdown County Council
 - ABP 320111-24 (SD24A-0094W) - South Dublin County Council
- 1.2. The site is in the north-western part of the Dun Laoghaire-Rathdown County Council functional area and is directly on the boundary of the Dun Laoghaire-Rathdown and South Dublin County Council functional areas with the western and part of the northern boundary of the site also forming the county administrative boundary.
- 1.3. The main site and where the main works are proposed (demolition of dwelling house and construction of apartments) is in the ownership of the applicant and is within the DLRCC administrative area. A small portion of the site is located at the entrance to the scheme and where upgrade works are proposed to facilitate access to the site. This area is in the ownership of DLRCC (consent letters attached). A further portion of the site (0.0331 ha) comprising a narrow strip of land is located in public open space associated with Woodside Estate to the north of the main section of the site. This is the route for the surface water drainage and is in the SDCC administrative area. Both local authorities issued notification of decision to grant permission subject to conditions. The decision of this case is set out in Section 4.1 (Decision) of this report below. A summary of the second application is set out in Section 5.0 (Planning History) of this report below.
- 1.4. This appeal case considers the development pertaining to the narrow strip of land located in the public open space associated with Woodside Estate and under the jurisdiction of SDCC only. The main elements of the scheme (demolition of dwelling house, construction of apartments and access) and the substantive issues raised in the third-party appeals are considered separately under ABP 321796-25 (D24A/0250/WEB) having regard to the Dun Laoghaire Rathdown Development Plan 2022-2028. Reference only is made to the main elements of the scheme where necessary in this report.
- 1.5. While both of the applications made to DLRCC and SDCC respectfully are virtually the same in terms of public notices, proposed development description and accompanying

documentation this report has been distilled to deal with the portion of the development under the jurisdiction of SDCC only. The site location and description, proposed development works, and assessment have been refined accordingly, while also having regard to the issues raised in the third-party appeal.

- 1.6. **It is recommended that this report is read in conjunction with Appeal APB 320111-24.**

2.0 Site Location and Description

- 2.1. The overall site with a stated area of 0.642 ha is located in the long-established suburb of Rathfarnham, c. 5km south of Dublin City Centre and c.600m east of Rathfarnham village. The overall site is a corner site located to the southwest of the curved interface of Woodside Drive with Hillside Drive roadway. The portion the site under the jurisdiction of SDCC has a stated area of (0.282 ha) and comprises a narrow strip of land located in public open space associated with Woodside Estate to the north of the main section of the site. Access to this portion of the site is from the Woodside Estate.
- 2.2. The area of open space is located on the southeastern side of the cul-de-sac street. Dwellings associated with the estate are located to the west, northwest and southwest of the subject site, with a mature landscaped boundary consisting of trees and shrubs located to the south screening the neighbouring residential dwellings located on Woodside Drive and Hillside Drive further south.
- 2.3. I refer to the photos and photomontages available to view throughout the file. Together with a set of photographs of the site and its environs taken during the course of both site inspections serve to describe the site and location in further detail.

3.0 Proposed Development

- 3.1. Permission was sought from SDCC on 18th April 2024 for 52 no apartments at 39 Woodside Drive, Rathfarnham, Dublin 14. However as mentioned the majority of the works proposed are on lands under the jurisdiction of DLRCC. The construction of a surface water drain to connect to the existing sewer at Woodside Estate and located within the boundary of South Dublin County Council is proposed

3.2. The application was accompanied by a suite of documentation and reports. Those considered relevant to the works proposed in this case are as follows:

- Planning Context Report
- Verified Photomontages
- Engineering Drainage Report & Drawings
- Flood Risk Assessment
- Report to Inform Screening for Appropriate Assessment
- Letter of Consent from SDCC for the inclusion of lands in the application

4.0 Planning Authority Decision

4.1. Decision

4.1.1. South Dublin County Council issued notification of decision to grant permission on 11th June 2024 subject to 8 no generally standard conditions summarised as follows:

1.	Development in accordance with submitted plans and details submitted for the development within the administrative area of South Dublin County Council specifically the construction of a surface water drain to connect to the existing sewer at Woodside estate (located within the boundary of South Dublin County Council) only.
2.	Surface Water Drain - Revised surface water layout such that proposed Surface Water connection to public sewer is in the direction of flow and not greater than 90 degrees.
3.	Uisce Eireann - Confirmation of Feasibility.
4.	Confirmation of the height and colour of the proposed fencing located on the northwestern boundary of the overall site serving as the boundary between SDCC and DLRCC administrative areas.
5.	Protection / Retention of Existing Trees.
6.	Project Construction and Environmental Management Plan
7.	Construction Traffic Management Plan

8.	Bond - Site Reinstatement.
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4.2. Planning Authority Reports

4.2.1. **Planning Reports** – The Case Planner having considered the application for the construction of a surface water drain to connect to the existing sewer at Woodside estate only, recommended that permission be granted subject to 8 no conditions. The notification of decision to grant permission issued by SDCC reflects this.

4.2.2. Other Technical Reports

- **SDCC Roads Department** - The development is proposed fully within the neighbouring DLR county limits, save for a storm water connection which would not be of concern to SDCC Roads.
- **SDCC Environmental Health Officer** - This Planning application should be supported by the necessary analysis i.e. Project Construction and Environmental Management Plan to demonstrate the protection of sensitive environmental receptors such as residents in neighbouring properties and surrounding elements. This must include noise and permitted working hours and air quality.
- **SDCC Water Services Planning** - No objection subject to a condition requiring a revised surface water layout such that proposed surface water connection to the public sewer is in the direction of flow and not greater than 90 degrees, that the angle of surface water connection should be at approximately 45 degree angle and compliance with the Greater Dublin Regional Code of Practice for Drainage Works. Condition No 2 of the Notification above refers.

4.3. Prescribed Bodies

4.3.1. **Uisce Éireann (Irish Water)** – The report states that *the access road is proposed to be constructed over existing Uisce Éireann assets including a water main and sewer line* and that the following further information is required:

- An updated Confirmation of Feasibility for connection to infrastructure must be obtained and submitted to the planning authority.
- A Confirmation of Feasibility for build over / near Uisce Éireann's assets must be obtained and submitted to the planning authority.

4.3.2. The report also sets out the following Uisce Éireann's Standard Condition(s):

The applicant shall enter into a Connection Agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network and adhere to the standards and conditions set out in that agreement.

All development shall be carried out in compliance with Uisce Éireann's Standard Details and Codes of Practice.

Uisce Éireann does not permit Build Over of its assets. Where the applicant proposes to build over or divert existing water or wastewater services the applicant shall have received written Confirmation of Feasibility (COF) of Diversion(s) from Uisce Éireann prior to any works commencing.

Reason: To provide adequate water and wastewater facilities

4.4. Third Party Observations

4.4.1. There are 56 no observations recorded on the planning file from S Trimble, J Ryan, M&J Flanagan, A Greene, M Rujan, N Ward, F Ennis, RT Gray, M Whyte, T Joyce, D Kennedy, K Bloom, J McAuliffe, P Cronin, T Manahan, J Redmond, P McDonagh, N&E Tobin, J Tallon, A O'Duffy, M Enoch, A King, H Lewis, M Ryan, O Doyle, D rowan, P&B Joyce, J Trimble, A Keegan, M Hanrahan, C McKenna, C&M Eastmen, L Maher, B&P Kearns, K Ryan, P Lyons, J&W Smith, RM Gallagher, H Grant, S Murphy, W Forsyth, M Kilgallen, C Walsh, M O'Dwyer, C O'Kelly, E Coonan, D Leddin, A Leddin, K Hussey, K Rafter, G Lyons, J Sheahan, D Ryan, S McGill, M Kinsella and J Wilson.

4.4.2. The issues raised primarily relate to the main elements of the scheme and are specifically related to the construction of a surface water drain to connect to the existing sewer at Woodside Estate. Concerns raised relate to height, scale, design, layout, density, overdevelopment, visual impact, overshadowing and loss of light, overlooking and loss of privacy, impact on residential amenity, devaluation of adjacent properties, loss of open/amenity space, with reference to potential future permeability connection to woodside, boundary detail with adjacent woodside development, loss of built heritage, impact on protected structure, potential archaeological impact, lack of justification for demolition of existing dwelling on site, impact on character of the area, site access, with reference to safety of same, traffic congestion, parking provision and

implications in surrounding areas, road safety, traffic management, loss of trees and hedgerows, impact on ecology and biodiversity, impact on existing services, including water, sewers, public transport, etc., impact on existing community infrastructure, surface water management, flood risk, undesirable precedent, tenure typology, noise pollution during construction works, construction work access, deliveries and parking, contrary to national strategic policy and county development plan, lack of environmental impact assessment; insufficient detail in landscape plans submitted; impact on adjacent golf club property, impact on solar gain and mobile phone reception, potential subsidence, security of site notice, as erected on site, and the description of development as per statutory notices, with reference to extent of works subject to approval or refusal by SDCC.

5.0 Planning History

5.1. As documented in Section 1.0 Introduction of this report above there are two separate appeals against the decision of two separate Planning Authorities running concurrently on this site for the same development as follows:

- ABP 321796-25 (D24A/0250/WEB) - Dun Laoghaire-Rathdown County Council
- ABP 320111-24 (SD24A-0094W) - South Dublin County Council

5.2. The concurrent appeal relating to ABP 321796-25 (D24A/0250/WEB) may be summarised as follows:

ABP 321796-25 (D24A/0250/WEB) – Planning permission for the demolition of dwelling and tennis court and the construction of 2 no. apartment buildings to accommodate 52 no. apartments and associated site works and services was granted permission by Dun Laoghaire Rathdown County Council subject to 20 no conditions. The decision was appealed by Castlepark Residents Association, Michael & Jeanne Flanagan, Castle Golf Club, Jeremiah & Ann McAuliffe and Philip & Ann Marie McDonagh. No decision has issued to date by the Board. Philip McDonagh is also the single appellant in this appeal case ABP 320111-24 (SD24A-0094W).

5.3. It is recommended that this report is read in conjunction with Appeal APB 320111-24.

6.0 Policy Context

6.1. Development Plan

- 6.1.1. The operative plan for the area is the **South Dublin County Council Development Plan 2022-2028**. The site is predominantly zoned 'OS' where the objective is *"to preserve and provide for open space and recreational amenities"*. A portion of the site is located on the public road (internal cul-de-sac street of the Woodside residential estate) and is not zoned in the South Dublin County Development Plan 2022-2028. It is stated that the area relating to the public road is 'Taken in Charge' by SDCC.

6.2. Natural Heritage Designations

- 6.2.1. The proposed development site is not within a designated conservation area.

7.0 EIA Screening

- 7.1.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.
- 7.1.2. **Note:** While the works being considered under this appeal relate to the route for the surface water drainage in the SDCC administrative area only the public notices associated with this development set out the entire works proposed, the majority of which are under the DLRCC administrative area. Cumulatively, the proposed development is of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and therefore a precautionary approach is taken and a preliminary examination for environmental impact assessment has been carried out.

8.0 The Appeal

8.1. Grounds of Appeal

8.1.1. The first party appeal has been prepared and submitted by Philip McDonagh on behalf of the Woodside Residents Association and may be summarised as follows:

8.1.2. Flood Risks – Flooding concerns remain unaddressed

- The reports included as part of the planning permission are limited in scope. They provide no information on the potential flooding effects that this overdevelopment of the site located on high ground may have on the Woodside Estate, which is located in a valley below the site. Parts of Woodside are identified as at flood risk.
- The decision appears to pass the consideration of flooding concerns on to Irish Water. We note that reports supplied by the applicant appear to be taken at word, but these reports are flawed.

8.1.3. Lack of any construction management plans

- No construction management plans have been submitted by the applicant.
- There are particular concerns that the permission granted by SDCC will allow permeability during the construction phase to the site.
- Any granting of permission should be very specific and limited in scope to the trench digging.

8.1.4. Lack of clarity in pedestrian access via Woodside Estate

- The Planning Context Report stated that *the possibility of providing a link to the Woodside Estate was investigated and eliminated due to significant level difference precluding delivery of a Part M compliant pathway.*
- The Architectural & Urban Design Statement states that *it is not deemed feasible to create this connection as the level differences preclude provision of a connection that would meet universal accessibility requirements.*
- There is no benefit to pedestrians from the proposed development accessing the nearest bus stop as the distance from the Woodside Estate is longer than access directly from the entrance on No 39 Woodside Drive.
- Access would be across the green amenity area in Woodside Estate which is frequently used by children in Woodside.

- It would introduce overspill parking and general vehicle traffic into the Woodside Estate, endangering children and the quality of life of the Woodside residents. The SDCC decision does not address this.
- The request should be explicitly rejected for the reasons outlined above.

8.1.5. **The decision has been made on incomplete information**

- At time of decision there had been no response from DLR who are managing the bulk of this application under DLR Reg Ref D24A/0250/WEB and have requested much additional information.

8.2. **Applicant Response**

8.2.1. The first party response to the appeal has been prepared and submitted by SCA Planning & Development Consultants on behalf of the applicant and may be summarised as follows:

- Almost simultaneous to the SDCC decision to grant permission for surface water drainage, DLRCC requested further information on other matters relating to the overall residential development under Reg Ref D24A/0250/WEB. The issues raised on the FI are being considered by the applicant's design team and at the time of writing, a response to FI has not yet been submitted to DLRCC.
- The FI includes a request to consider reducing the number of dwelling units. This will necessitate a review of all associated assessments and reports submitted with the application.
- In response to the specific grounds of appeal, it is requested that the following points be taken into account by ABP:
 - 1) The Flood Risk Assessment will be reviewed and updated as part of the FI response
 - 2) The SDCC decision does not "pass the consideration of flooding concerns to Irish Water" as suggested in the appeal. The appellant may be conflating flood risk with the requirement of Condition No 3, which requires the applicant to engage with Uisce Eireann in relation to Confirmation of Feasibility prior to commencement of development.

- 3) In relation to construction management, Item 13 of the DLRCC FI requires submission of a CEMP to outline mitigation measures to address adverse impacts during construction.
 - 4) The appellants concerns in relation to potential pedestrian connectivity between the site and Woodside Estate are noted. This matter is under consideration in relation to Item 9 of the DLRCC FI, which requires of a connection to be examined.
- For reasons of practicality the Board may wish to hold this appeal in abeyance pending the decision of DLRCC and potential lodgement of further appeals on that decision.
 - Otherwise, it is requested that ABP upholds the decision of SDCC insofar as it related to development within that jurisdiction. All other matters relating to the principle and details of the proposed residential development will be addressed by DLRCC in the first instance and by ABP in the event of appeals being made.

8.3. Planning Authority Response

- 8.3.1. The Planning Authority confirms its decision and states that the issues raised in the appeal have been covered in the Chief Executive Order

8.4. Observations

- 8.4.1. None

8.5. Further Responses

- 8.5.1. None

9.0 Assessment

- 9.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive planning issues in this appeal to be considered under the following general headings:

- Principle
- Flooding
- Construction Management
- Pedestrian access via Woodside Estate
- Incomplete Information
- Irish Water
- Conditions

9.2. Principle

- 9.2.1. The application site traverses the boundary of DLRCC and SDCC. The main part of the site, where the proposed residential accommodation occurs, falls within the DLRCC boundary. It is proposed to connect the site to the surface water drainage network in Woodside, which requires a drainage connection within the SDCC boundary. SDCC provided a letter of consent to direct surface water to its drainage system.
- 9.2.2. The overall site has access to all required public utilities including water, foul water and storm water public mains networks. Provision is made within the application for connections to the existing public water main and foul water sewer main at Woodside Drive/ Hillside Drive to the north-east (DLRCC) and provision for a connection to the existing public Storm Water main is made within this application at Woodside estate roadway to the north-west (SDCC).
- 9.2.3. The operative plan for the area is the South Dublin County Council Development Plan 2022-2028. The majority of the site is subject to zoning objective 'Open Space' which seeks *to preserve and provide for open space and recreational amenities*. 'Public Services' which include all service installations necessarily required by electricity, gas, telephone, radio, telecommunications, television, drainage and other statutory undertakers, are Open for Consideration under this zoning objective.
- 9.2.4. The remainder of the subject site is unzoned under the CDP 2022-2028 and forms part of the public road. A letter of consent has been provided by the applicant from SDCC Roads Department permitting the application for the proposed surface water drain.

- 9.2.5. The proposed works comply with the zoning objectives of the SDCCDP and that no issues arise in this regard. This is subject to the further detailed consideration of the scheme below.

9.3. Flooding

- 9.3.1. Concern is raised that the no information on the potential flooding effects that this overdevelopment of the site located on high ground may have on the Woodside Estate, which is located in a valley below the site.
- 9.3.2. I refer to the Flood Risk Assessment report on the planning file together with the Engineering Drainage Report submitted with the first party appeal response to DLRCC in relation to ABP 321796-25 (D24A/0250/WEB). It is noted that SDCC Water Services Planning had no stated objection subject to detailed conditions. This is considered in the Conditions section of this assessment below.
- 9.3.3. The nearest watercourse to the site is culverted near its location. A review of the available flood mapping information (ECFRAM and SFRA) showed the site to be in Flood Zone C and at low risk of fluvial flooding. The available data also showed the site not to be at risk from any other source of flooding (groundwater, coastal etc).
- 9.3.4. Surface water management of the overall lands is not controlled at present. The overall development will result in an increase in hardstanding area at the site. Stormwater will be managed on the overall site with an attenuation tank as well as green-blue roofs and a choke on discharge rates to the surface water sewer system in south Dublin. The system will mitigate risk from surface water run off at the site to avoid increase flood risk for the surrounding area. The proposed engineering scheme indicates a discharge of surface water at a controlled rate into an existing source system after attenuation and storage on the overall site to ensure against unregulated discharges to the surface water sewer system.
- 9.3.5. Having regard to the foregoing and based on the information contained in the Site Specific Flood Risk Assessment and the Engineering Drainage Report (submitted to DLRCC), the conclusions contained therein are accepted and the proposed development is considered to be in accordance with the requirements of the South Dublin County Council Development Plan 2022-2028. I am satisfied that the overall

site is not at risk of flooding and that there is no increased risk to any nearby properties or developable land.

- 9.3.6. **Note:** In the consideration of this matter, I have referenced information submitted to DLRCC in relation to ABP 321796-25 (D24A/0250/WEB) by way of further information and the applicant's response to the appeal. This information has not been made available with this case but is relevant in the consideration of the issues raised by the third party in the appeal. The FI response to DLRCC is available to view on the DLRCC Planning Authority website. The first party response to the third-party appeal on the DLRCC case is not available on line. Prior to making its decision the Board may wish to seek the views of the parties to this appeal in relation to the information submitted to DLRCC by way of further information and the applicant's response to the appeal.

9.4. **Construction Management**

- 9.4.1. The appellants concern that no construction management plans have been submitted by the applicant and that allowing access through this open space at the Woodside Estate may facilitate unacceptable car parking in the Estate and access for construction purposes in noted.
- 9.4.2. Condition No 8 and 9 of the notification to grant permission issued by DLRCC sought the submission of a Project Construction and Environmental Management Plan together with a Construction Traffic Management Plan. These conditions are considered reasonable and necessary. It is recommended that should the Board be minded to grant permission that the standard Board condition in this regard be attached requiring the submission of a CEMP and construction traffic management plan for agreement prior to commencement of work on site.
- 9.4.3. Having regard to the concerns raised in the appeal with regard to construction impact together with the location of the scheme proximate to established residential developments and the projected construction timeframe for the overall development of between 24 to 30 months I consider it reasonable that the developer implements a Public Liaison Plan and appoint a Liaison Officer as a single point of contact to engage with the local community and respond to concerns. I am satisfied that this matter can be dealt with by way of suitably worded condition.

- 9.4.4. Subject to conditions requiring the submission of a Construction and Environmental Management Plan for agreement together with the implementation of a Public Liaison Plan and appointment a Liaison Officer as a single point of contact to engage with the local community and respond to concerns. I am satisfied that no issues will arise in this regard.

9.5. Pedestrian access via Woodside Estate

- 9.5.1. Concern is raised with regard to the possibility of providing a pedestrian link to the Woodside Estate from the site and that any such request should be explicitly rejected. No pedestrian / cycle path is proposed on the designated open space lands that form the site of this appeal.
- 9.5.2. DLRCC in their consideration of the overall development asked the applicant by way of FI to examine the feasibility of a potential pedestrian link from the main site to Woodside estate open space at the north end of the appeal site. Condition No 2 of the notification of decision to grant permission issued by DLRCC requested the submission of a revised site layout plan showing the provision of a pedestrian / cycle path with a minimum of 3.0m width extending along the site's northern boundary from the entrance at Hillside Drive / Woodside Drive to the site's northwestern boundary at the adjacent public open space (where the appclaints landholding meets the SDCC opens space) and that same be constructed to Taking in Charge standards. I have addressed this matter in the assessment of the DLRCC ABP 321796-25 (D24A/0250/WEB) appeal. Please refer to this report for further information.
- 9.5.3. While I support the principle of the proposed link, and the benefits associated with this permeability that it will create it remains that any such proposal would be subject to the rigours of the planning process and associated public scrutiny for determination. In the event of this connection being implemented in the future (noting that it falls under SDCC jurisdiction), it would be desirable to construct some form of pedestrian / cycle path within the open space of the Woodside Estate that aligns with the link proposed within the main bod of the site. However as stated no such works form part of the site being considered in this appeal, I am satisfied that no issues arise in this regard at this time.

9.6. **Incomplete Information**

9.7. Concern is raised that the decision of SDCC was made in the absence of information. I am satisfied having regard to the information available with this appeal file together with my site inspection and the information submitted to DLRCC by way of further information and the applicant's response to the appeal that there is adequate information to access the scheme before the Board.

9.8. **Note:** As mentioned above, the FI response to DLRCC is available to view on the DLRCC Planning Authority website. The first party response to the third-party appeal on the DLRCC case is not available online. The Board, prior to making its decision may wish to seek the views of the parties to this appeal in relation to the information submitted to DLRCC by way of further information and the applicant's response to the appeal

9.9. **Irish Water**

9.9.1. I refer to the report of IW submitted in this case as summarised in Section 4.3 above. The report states that *the access road is proposed to be constructed over existing Uisce Eireann assets including a water main and sewer line*. The access road is not part of the works associated with this appeal. However, it does form part of the overall works associated with ABP 321796-25 (D24A/0250/WEB) appeal. Accordingly, I have addressed this matter in the assessment of with ABP 321796-25 (D24A/0250/WEB). Please refer to this report for further information.

9.9.2. Should the Board be minded grant permission for this element of the scheme I am satisfied that the Boards standard condition can be applied. No further issues arise in this regard.

9.10. **Conditions**

- **Water Services Planning** – Requested that a detailed condition be attached showing a revised surface water layout such that proposed surface water connection to the public sewer is in the direction of flow and not greater than 90 degrees and that the angle of the surface water connection would be at approximately 45-degree angle. Condition no 2 of the notification of decision to

grant permission refers. I consider this condition to be reasonable and necessary and recommend that should the Board be minded to grant permission that a similar condition be attached.

- **Development Contribution** – No development contribution condition was attached by SDCC. I refer to the South Dublin County Council Development Contribution Scheme 2021-2025 where it states that sewers and drainage will be exempted from the requirement to pay development contributions. The requirement for a development contribution is not applicable in this case.

10.0 AA Screening

10.1. An AA Screening exercise has been completed. See Appendix 3 of this report for further details.

10.2. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

10.3. This conclusion is based on:

- Objective information presented in the applicant's reports;
- The limited zone of influence of potential impacts;
- Standard construction and operational surface water pollution controls that would be employed regardless of proximity to a European site and the effectiveness of same;
- Distance from European Sites;
- The limited potential for pathways to any European site; and
- The nature and extent of predicted impacts, which would not affect the conservation objectives of any European Sites.

10.4. No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

10.5. **Note:** While the works being considered under this appeal relate to the route for the surface water drainage in the SDCC administrative area only the public notices associated with this development set out the entire works proposed, the majority of which are under the DLRCC administrative area. Therefore, a precautionary approach is taken and a AA Screening exercise has been completed for the entire scheme.

11.0 Recommendation

11.1. Having considered the contents of the application the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be GRANTED for the following reason and considerations and subject to the conditions outlined below.

12.0 Reasons and Considerations

12.1. Having regard to the following:

- 1) the location of the site in the established suburban neighbourhood which is zoned OS' which seeks *to preserve and provide for open space and recreational amenities*, and where the route for the surface water drainage to serve the proposed residential development of adjoining lands is a permitted use
- 1) the policies and objectives of the South Dublin County Development Plan 2022-2028,
- 2) Housing for All – A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage (2021)
- 3) Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in January, 2024,
- 4) Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of Housing, Planning and Local Government in March, 2018,
- 5) Urban Development and Building Heights, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December, 2018

- 6) Design Manual for Urban Roads and Streets (DMURS) (2013)
- 7) the Planning System and Flood Risk Management Guidelines for Planning Authorities issued in November, 2009 (including the associated Technical Appendices),
- 8) the targets and objectives of the National Biodiversity Action Plan (NBPA) 2023-2030,
- 9) the Climate Action Plan 2024
- 10) the nature, scale and design of the proposed development (as amended)
- 11) the availability in the area of a wide range of social, community, transport and water services infrastructure, and
- 12) the submissions and observations received in connection with the planning application and the appeal,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the character of the area or the residential or visual amenities of the area or the amenities of property in the vicinity, The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

13.0 Conditions

- 1) (a) Permission is hereby granted solely for the development within the administrative area of South Dublin County Council which is set out in Statutory Public Notices and description of development under Section 9 of the planning application form submitted, specifically the construction of a surface water drain to connect to the existing sewer at Woodside estate (located within the boundary of South Dublin County Council).
- (b) The development shall be carried out in accordance with the plans and particulars lodged with the application 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 and to ensure that the development shall be in accordance with the permission and that effective control be maintained.

- 2) (a) Prior to the commencement of development the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority: A revised surface water layout such that proposed Surface Water connection to public sewer is in the direction of flow and not greater than 90 degrees. The angle of surface water connection should be at approximately 45 degree angle. The revised plans shall demonstrate retention of existing trees/planting in this area.

(b) The development shall comply with the Greater Dublin Regional Code of Practice for Drainage Works

Reason: In the interests of sustainable water management

- 3) Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

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

- 4) A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

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

- 5) A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The

plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of sustainable transport and safety.

- 6) The Applicant and the developments Contractor shall develop and implement a Public Liaison Plan for the duration of the works, covering the following.
- a) Appointment of a Liaison Officer as a single point of contact to engage with the local community and respond to concerns.
 - b) Keeping local residents informed of progress and timing of particular construction activities that may impact on them.
 - c) (c)Provision of a notice at the site entrance identifying the proposed means for making a complaint.
 - d) Maintenance of a complaints log recording all complaints received and follow up actions.

Reason: In the interest of the proper planning and sustainable development of the area.

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

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

- 8) Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning

authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure that the public road is satisfactorily reinstated, if necessary

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.

Mary Crowley

Senior Planning Inspector

22nd May 2025

14.0 Appendix 1 - EIA Pre-Screening – Form 1

An Bord Pleanála Case Reference	ABP-320111-24		
Proposed Development Summary	Demolition of existing dwelling and tennis court for the construction of 2 apartment buildings comprising of 44 apartments (as amended). The application is submitted to Dún Laoghaire-Rathdown County Council and South Dublin County Council. The site is located within the curtilage of a protected structure (lime kiln, ref. 315).		
Development Address	39 Woodside Drive, Rathfarnham, Dublin 14		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Class 10(b)(i) 'Construction of more than 500 dwellings units' Class 10(b)(iv) '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'	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required

No	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	44 no residential units (as amended by FI) 0.642 ha site area	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector:_____ **Date:**_____

15.0 Appendix 2 - EIA Preliminary Examination – Form 2

An Bord Pleanála Case Reference	ABP-320111-24
Proposed Development	Demolition of existing dwelling and tennis court for the construction of 2 apartment buildings comprising of 44 apartments (as amended). The application is submitted to Dún Laoghaire-Rathdown County Council and South Dublin County Council. The site is located within the curtilage of a protected structure (lime kiln, ref. 315).
Development Address	39 Woodside Drive, Rathfarnham, Dublin 14
<p>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. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The proposed development involves the demolition of an existing dwelling house and the construction of 44 no residential apartment units (as amended by FI) and associated works on serviced zoned lands.</p> <p>The nature and scale of the proposed development (as amended), while at a higher density and scale than the existing surrounding pattern of development is not considered to be out of character with the existing and emerging pattern of development and is considered to be consistent with the compact settlement policies advocated at National, Regional and Local level.</p> <p>Construction materials will be typical of an urban environment and any construction impacts would</p>

	<p>be local and temporary in nature and the implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan.</p> <p>The site is not at risk of flooding.</p> <p>There are no SEVESO/COMAH sites in the vicinity of this location.</p> <p>The development has a relatively modest footprint and does not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance.</p> <p>The development, by virtue of its type and scale, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The site is not located within a designated ACA.</p> <p>There is a protected structure (lime kiln, ref. 315) within the curtilage of the site. The impact of the scheme on the Lime Kiln has been considered in the foregoing assessment. Given the planning policy for the area, the proposed development is considered to be in accordance with best practice and no significant effects are predicted.</p> <p>There are no known monuments or other archaeological features on the subject site</p> <p>The site is not located within or directly adjacent to any Natura 2000 site i.e., Special Area of Conservation (SAC) or Special Protection Areas (SPA).</p>

	<p>The development will implement SUDS measures to control surface water run-off.</p> <p>The site is not at risk of flooding.</p> <p>The site is served by a local urban road network. There are sustainable transport options available to future residents. No significant contribution to traffic congestion is anticipated.</p> <p>Impacts on water quality will be mitigated by standard good practice construction stage measures and the operational surface water drainage system.</p> <p>The development is situated on zoned serviced lands within the development envelop of DLRCC and SDCC at a remove from sensitive natural habitats, designated sites and landscapes of significance identified in the DLRDP 2022-2028 and the SDCCDP 2022 – 2028.</p>		
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the nature of the proposed development, its location relative to sensitive habitats/ features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>		
<p>Conclusion</p>			
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>		<p>Yes or No</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>		<p>Yes</p>

There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out. EIAR required.	No
There is a real likelihood of significant effects on the environment.		No

Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

16.0 Appendix 3 - AA Screening Determination

Screening for Appropriate Assessment Screening Determination

1. Description of the project

I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

I refer to Section 2.0 and 3.0 of this report above where the site location and proposed development are described.

The proposed development site is situated in Woodside Drive in Rathfarnham and comprises an existing detached dwelling (39 Woodside Drive) and associated grounds. The site is bounded to the south by the Castle Golf Club car park, to the north and east by existing detached residential dwellings, and to the west by the Woodside housing estate.

The proposed development broadly comprises the demolition of the existing dwelling and tennis court on-site and the construction of three apartment blocks comprising Block A, a 4-storey over basement building and Blocks B & C, a connected 4 to 5-storey over basement building. The proposed buildings will accommodate 44 no. apartments all with associated balconies/terraces as amended by FI. The basement will accommodate car parking spaces, refuse store, plant room and apartment storage area. The development will include a vehicular and pedestrian access from Woodside Drive via a revised entrance arrangement; cycle parking, landscaped open spaces and boundary treatments and associated site works and services.

Foul Water will discharge to the public mains sewer by way of the construction of a foul drain to connect to the existing sewer at Woodside Drive/Hillside Drive. Surface / Storm Water generated by the proposed development will be managed through the use of sustainable urban drainage systems (SUDS). A surface water drain will connect to the existing sewer at Woodside estate (located within the boundary of South Dublin County Council). Water supply for the development will be via an existing mains supply located at the entrance to the site on Woodside Drive.

Details of the construction phase as well as environmental pollution control measures are presented in the Preliminary Plan submitted with the FI response. The development will have an estimated site programme of build over 24 – 30 months. The Preliminary Plan describes the proposed stages of work in detail, starting with pre-commencement activities, followed by enabling works, development of site compound, phased based construction, traffic management, civil activities and landscaping. Environmental control measures are provided with regards to noise, dust, light, litter (waste) and control measures to prevent impacts upon soils, ground water and surface water.

The proposed development site comprises a large detached two-storey dwelling (BL3a) and associated grounds. There is an outbuilding/shed on the north side of the dwelling. The grounds comprise ornamental gardens and lawn (WD5) with hedging along the boundaries (WL1). There is a steep elevation in the west of the site that slopes down to a levelled area with a hard standing tennis court (BL3). There is a small area of woodland / scrub adjacent to the tennis court (WS1).

The proposed development site is wholly located outside of any European sites and there are no European sites within the immediate surrounding area. The closest European sites to the proposed development are the South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA situated approximately 4.9km to the east. All other European sites are greater than 7km distant from the proposed development site. Habitats on the development site are not associated with any habitats or species which are qualifying for any Natura 2000 site.

There are no surface water bodies present within the proposed development site. The closest waterbody to the proposed development is the Little Dargle Stream, situated approximately 20m east of the proposed development site where it is culverted underground. The stream rises south of the M50 in the Dublin Mountains and flows through Marlay Park and suburban landscapes. North of the site the stream flows through Castle Golf Club in an open channel (upstream of the proposed development site). Upon leaving Castle Golf Club the stream is culverted underground as it passes adjacent to the proposed development site and remains largely culverted underground until it joins the River Dodder approximately 500m further downstream. The next nearest watercourse to the proposed development site is situated over 350m from the site.

The habitats within the proposed development site (comprising built ground and gardens/ornamental planting) do not conform to habitats listed in Annex II of the Habitats Directive, nor are they capable of supporting qualifying interest (QI) or special conservation interest (SCI) species from any European sites on an ex-situ basis.

The qualifying faunal species of nearby European sites cumulatively comprise otter, marine mammals, breeding seabirds and various overwintering waterbird species. The proposed development site is terrestrial in a suburban environment and does therefore not contain habitats that support marine mammals or breeding seabirds. There are no watercourses within the proposed development site and therefore no habitat for otter. A recent otter survey of Dublin City watercourse did not record any otter signs on the Little Dargle in the lowermost 1.8km of channel where it is mostly culverted underground and not suitable for otter (Macklin et al., 2019).

Some of the designated overwintering waterbird species (namely light-bellied brent goose, graylag goose, oystercatcher, golden plover, black-tailed godwit, curlew, redshank, black-headed gull and herring gull) can utilise terrestrial habitats to varying degrees for foraging at times during the winter (NPWS, 2012, 2013a, 2013b & 2014). These utilised terrestrial habitats comprise grazed agricultural grassland, arable lands and large areas of managed amenity grassland (e.g., sports pitches, parks).

The proposed development site comprises buildings / hard standing, lawn areas and ornamental planting, and does not offer suitable foraging habitat for overwintering waterbirds. There is no potential for ex-situ effects arising from the proposed development.

The submitted AA Screening information report does not identify specific consultations with prescribed bodies but does refer to a desktop review of published documents and information. There are no submissions received from any prescribed bodies recorded on the planning file that refer to matters related to AA.

2. Potential impact mechanisms from the project

The potential for significant effects that may arise from the Proposed Development was considered through the use of key indicators:

- Habitat loss or alteration.
- Habitat/species fragmentation.
- Disturbance and/or displacement of species.
- Changes in population density.
- Changes in water quality and resource.

The site is not within or adjoining any Natura 2000 sites and I do not consider that there is potential for any direct impacts such as habitat loss, direct emissions, or species mortality/disturbance.

There is potential for significant effects from the proposed development at construction and operational stage in respect of the following:

Construction Phase

- Uncontrolled releases of silt, sediments and/or other pollutants to air due to earthworks.
- Surface water run-off containing silt, sediments and/or other pollutants into nearby waterbodies.

- Surface water run-off containing silt, sediments and/or other pollutants into the local groundwater.
- Waste generation during the Construction Phase comprising soils, construction and demolition wastes.
- Increased noise, dust and/or vibrations as a result of construction activity.
- Increased dust and air emissions from construction traffic.
- Increased lighting in the vicinity as a result of construction activity.

Operational Phase

- Surface water drainage from the Site of the Proposed Development.
- Foul water from the Proposed Development leading to increased loading on wastewater treatment plant
- Increased lighting in the vicinity emitted from the Proposed Development; and
- Increased human presence in the vicinity as a result of the Proposed Development

Having regard to the nature of the site and its distance and lack of connectivity with Natura 2000 sites, I do not consider that there would be any other potential impact mechanisms.

3. European Sites at risk

In assessing the zone of influence of this project upon Natura 2000 sites the following factors must be considered:

- Potential impacts arising from the project
- The location and nature of Natura 2000 sites
- Pathways between the development and the Natura 2000 network

The site is not located within or adjacent to any European site and will not result in any direct loss of, or impact on, habitats in such sites. For projects of this nature an initial 15km radius is normally examined. This is an arbitrary distance however and

impacts can occur at distances greater than this. There are a number of Natura 2000 sites within this radius as follows:

- 1) Baldoyle Bay SAC (000199) c14.5km
- 2) Baldoyle Bay SPA (004016) c14.5km
- 3) North Bull Island SPA (004006) c7.1km
- 4) North Dublin Bay SAC (000206) c9.0km
- 5) South Dublin Bay and River Tolka Estuary SPA (004024) c4.9km
- 6) South Dublin Bay SAC (000210) c4.9km
- 7) Howth Head Coast SAC (000202) c14km
- 8) Rockabill to Dalkey Island SAC (003000) c12.2km
- 9) Dalkey Islands SPA (004172) c12.1km
- 10)Knocksink Wood SAC (000725) c10.6km
- 11)Ballyman Glen SAC (00713) c12.5km
- 12)Wicklow Mountains SAC (002122) c6.8km
- 13)Wicklow Mountains SPA (004040) c7.1km
- 14)North-West Irish Sea SPA (004236) c9.6km
- 15)Glensamole Valley SAC (001209) c7.8km

4. Likely significant effects on the European site(s) 'alone'

Taking account of baseline conditions and the effects of ongoing operational plans and projects, the following considers whether there is a likely significant effect 'alone' from the proposed development at construction and operational. The European site(s) and qualifying features potentially at risk (i.e. within 15km) are outlined in the following table:

European Site (code) / Distance from proposed development (km)	Qualifying interests (Link to conservation objectives NPWS)	Source-Pathway-Receptor Assessment	Potential for Significant Effects
Baldoyle Bay SAC (000199) c14.5km	Baldoyle Bay SAC National	The SAC is beyond any zone of sensitivity for noise or dust-related effects on habitats	There is no potential pathway for

	Parks & Wildlife Service	<p>within the SAC and there is no potential for such effects as a result of the proposed development during either construction or operation. The SAC is situated within a different surface water catchment area to the proposed development and there is no functional hydrological connectivity to the SAC.</p> <p>There is no source-pathway-receptor connectivity between the proposed development and the SAC.</p>	<p>effects and therefore no potential for significant effects on the SAC as a result of the proposed development</p>
Baldoyle Bay SPA (004016) c14.5km	Baldoyle Bay SPA National Parks & Wildlife Service	<p>The SPA is beyond any zone of sensitivity for noise or dust-related effects on habitats or SCI species within the SPA and there is no potential for such effects as a result of the proposed development during either construction or operation. The SPA is situated within a different surface water catchment area to the proposed development and there is no functional hydrological connectivity to the SPA.</p> <p>The SPA is designated for 6 overwintering waterbird species. Some of these overwintering species are capable of utilising terrestrial habitats outside the SPA for foraging during the winter. The proposed development site is not suitable foraging habitat for these species and is not a recorded ex-situ terrestrial foraging site. As such, there is no connectivity between the proposed development and any SCI species of the SPA.</p> <p>There is no source-pathway-receptor connectivity</p>	<p>There is no potential pathway for effects and therefore no potential for significant effects on the SPA as a result of the proposed development</p>

		between the proposed development and the SPA	
North Bull Island SPA (004006) c7.1km	North Bull Island SPA National Parks & Wildlife Service	<p>The SPA is beyond any zone of sensitivity for noise or dust-related effects on habitats or SCI species within the SPA and there is no potential for such effects as a result of the proposed development during either construction or operation.</p> <p>There are no open watercourses within, or in proximity to, the proposed development site. There is no potential for any surface waters during construction to directly enter any waterbody, and therefore the SPA. During operation both surface and foul water will connect to the existing public networks. There is no hydrological connectivity between the proposed development and the SPA.</p> <p>The SPA is designated for 17 overwintering waterbird species. Some of these overwintering species are capable of utilising terrestrial habitats outside the SPA for foraging during the winter. The proposed development site is not suitable foraging habitat for these species and is not a recorded ex-situ terrestrial foraging site. As such, there is no connectivity between the proposed development and any SCI species of the SPA.</p> <p>There is no source-pathway-receptor connectivity between the proposed development and the SPA.</p>	There is no potential pathway for effects and therefore no potential for significant effects on the SPA as a result of the proposed development
North Dublin Bay SAC (000206) c9.0km	North Dublin Bay SAC National Parks & Wildlife Service	<p>The SAC is beyond any zone of sensitivity for noise or dust-related effects on habitats within the SAC and there is</p>	There is no potential pathway for effects and

		<p>no potential for such effects as a result of the proposed development during either construction or operation. There are no open watercourses within, or in proximity to, the proposed development site. There is no potential for any surface waters during construction to directly enter any waterbody, and therefore the SAC.</p> <p>During operation both surface and foul water will connect to the existing public networks. There is no hydrological connectivity between the proposed development and the SAC.</p> <p>There is no source-pathway-receptor connectivity between the proposed development and the SAC</p>	therefore no potential for significant effects on the SAC as a result of the proposed development
South Dublin Bay and River Tolka Estuary SPA (004024) c4.9km	South Dublin Bay and River Tolka Estuary SPA National Parks & Wildlife Service	<p>The SPA is beyond any zone of sensitivity for noise or dust-related effects on habitats or SCI species within the SPA and there is no potential for such effects as a result of the proposed development during either construction or operation.</p> <p>There are no open watercourses within, or in proximity to, the proposed development site. There is no potential for any surface waters during construction to directly enter any waterbody, and therefore the SPA.</p> <p>During operation both surface and foul water will connect to the existing public networks. There is no hydrological connectivity between the proposed development and the SPA.</p> <p>The SPA is designated for 10 overwintering waterbird species and three breeding</p>	There is no potential pathway for effects and therefore no potential for significant effects on the SPA as a result of the proposed development

		<p>tern species. Some of these overwintering species are capable of utilising terrestrial habitats outside the SPA for foraging during the winter. The proposed development site is not suitable foraging habitat for these species and is not a recorded ex-situ terrestrial foraging site. As such, there is no connectivity between the proposed development and any SCI species of the SPA.</p> <p>There is no source-pathway-receptor connectivity between the proposed development and the SPA.</p>	
<p>South Dublin Bay SAC (000210) c4.9km</p>	<p>South Dublin Bay SAC National Parks & Wildlife Service</p>	<p>The SAC is beyond any zone of sensitivity for noise or dust-related effects on habitats within the SAC and there is no potential for such effects as a result of the proposed development during either construction or operation. There are no open watercourses within, or in proximity to, the proposed development site. There is no potential for any surface waters during construction to directly enter any waterbody, and therefore the SAC. During operation both surface and foul water will connect to the existing public networks. There is no hydrological connectivity between the proposed development and the SAC. There is no source-pathway-receptor connectivity between the proposed development and the SA</p>	<p>There is no potential pathway for effects and therefore no potential for significant effects on the SAC as a result of the proposed development.</p>
<p>Howth Head Coast SAC (000202) c14km</p>	<p>Howth Head SAC National Parks & Wildlife Service</p>	<p>The SAC is beyond any zone of sensitivity for noise or dust-related effects on habitats or species within the SAC and there is no potential for such</p>	<p>There is no potential pathway for effects and therefore no</p>

		<p>effects as a result of the proposed development during either construction or operation.</p> <p>The SAC is situated within a different surface water catchment area to the proposed development and there is no functional hydrological connectivity to the SAC.</p> <p>There is no source-pathway-receptor connectivity between the proposed development and the SAC.</p>	<p>potential for significant effects on the SAC as a result of the proposed development</p>
<p>Rockabill to Dalkey Island SAC (003000) c12.2km</p>	<p>Rockabill to Dalkey Island SAC National Parks & Wildlife Service</p>	<p>The SAC is beyond any zone of sensitivity for noise or dust-related effects on habitats or species within the SAC and there is no potential for such effects as a result of the proposed development during either construction or operation.</p> <p>There are no open watercourses within, or in proximity to, the proposed development site. There is no potential for any surface waters during construction to directly enter any waterbody, and therefore the SAC. During operation both surface and foul water will connect to the existing public networks. There is no hydrological connectivity between the proposed development and the SAC.</p> <p>The proposed development site is terrestrial and therefore does not comprise suitable habitat for harbour porpoise. There is not potential for ex-situ effects as a result of the proposed development.</p> <p>There is no source-pathway-receptor connectivity</p>	<p>There is no potential pathway for effects and therefore no potential for significant effects on the SAC as a result of the proposed development</p>

		between the proposed development and the SAC	
Dalkey Islands SPA (004172) c12.1km	Dalkey Islands SPA National Parks & Wildlife Service	<p>The SPA is beyond any zone of sensitivity for noise or dust-related effects on habitats or SCI species within the SPA and there is no potential for such effects as a result of the proposed development during either construction or operation.</p> <p>The SPA is located within a different surface water catchment area to the proposed development. There is no hydrological connectivity between the proposed development and the SPA.</p> <p>The SPA is designated for breeding seabirds. The proposed development site comprises buildings / hard standing and gardens. These habitats are not capable of supporting SCI species of this SPA. As such, there is no connectivity between the proposed development and any SCI species of the SPA.</p> <p>There is no source-pathway-receptor connectivity between the proposed development and the SPA.</p>	There is no potential pathway for effects and therefore no potential for significant effects on the SPAC as a result of the proposed development
Knocksink Wood SAC (000725) c10.6km	Knocksink Wood SAC National Parks & Wildlife Service	<p>The SAC is beyond any zone of sensitivity for noise or dust-related effects on habitats or species within the SAC, and there is no potential for such effects as a result of the proposed development during either construction or operation.</p> <p>The SAC is situated upstream, and within a different surface water catchment area to the proposed development and</p>	There is no potential pathway for effects and therefore no potential for significant effects on the SAC as a result of the proposed development

		there is no hydrological connectivity to the SAC. There is no source-pathway-receptor connectivity between the proposed development and the SAC	
Ballyman Glen SAC (00713) c12.5km	Ballyman Glen SAC National Parks & Wildlife Service	The SAC is beyond any zone of sensitivity for noise or dust-related effects on habitats or species within the SAC, and there is no potential for such effects as a result of the proposed development during either construction or operation. The SAC is situated within a different surface water catchment area to the proposed development and there is no functional hydrological connectivity to the SAC. There is no source-pathway-receptor connectivity between the proposed development and the SAC.	There is no potential pathway for effects and therefore no potential for significant effects on the SAC as a result of the proposed development
Wicklow Mountains SAC (002122) c6.8km	Wicklow Mountains SAC National Parks & Wildlife Service	The SAC is beyond any zone of sensitivity for noise or dust-related effects on habitats or species within the SAC and 150m for otter, and there is no potential for such effects as a result of the proposed development during either construction or operation. There are no open watercourses within, or in proximity to, the proposed development site. There is no potential for any surface waters during construction to directly enter any waterbody, and therefore the SAC. During operation both surface and foul water will connect to the existing public networks. There is no hydrological connectivity between the proposed development and the SAC.	There is no potential pathway for effects and therefore no potential for significant effects on the SAC as a result of the proposed development

		<p>There are no watercourses within the proposed development site or immediate surrounding area . and no suitable foraging habitat for otter. A recent otter survey of Dublin City watercourses did not record any otter signs on the Little Dargle in the lowermost 1.8km of channel where it is mostly culverted underground and not suitable for otter.</p> <p>There is no source-pathway-receptor connectivity between the proposed development and the SAC.</p>	
Wicklow Mountains SPA (004040) c7.1km	Wicklow Mountains SPA National Parks & Wildlife Service	<p>The SPA is beyond any zone of sensitivity for noise or dust-related effects on habitats or SCI species within the SPA and there is no potential for such effects as a result of the proposed development during either construction or operation.</p> <p>The SPA is situated upstream, and within a different surface water catchment area to the proposed development and there is no hydrological connectivity to the SPA.</p> <p>The SPA is designated for breeding merlin and peregrine falcon. These species nest in on ground in bog/moorland and on rock faces/ledges respectively. The proposed development comprises a dwelling and gardens. There is no suitable breeding habitat for these species within the proposed development site. As such, there is no connectivity between the proposed development and the SCI species of the SPA.</p>	There is no potential pathway for effects and therefore no potential for significant effects on the SPA as a result of the proposed development

		There is no source-pathway-receptor connectivity between the proposed development and the SPA.	
North-West Irish Sea SPA (004236) c9.6km	North-west Irish Sea SPA National Parks & Wildlife Service	<p>The SPA is beyond any zone of sensitivity for noise or dust-related effects on habitats or SCI species within the SPA and there is no potential for such effects as a result of the proposed development during either construction or operation.</p> <p>There are no open watercourses within, or in proximity to, the proposed development site. There is no potential for any surface waters during construction to directly enter any waterbody, and therefore the SPA. During operation both surface and foul water will connect to the existing public networks. There is no hydrological connectivity between the proposed development and the SPA.</p> <p>The SPA is designated for breeding seabirds. The proposed development site comprises buildings / hard standing and gardens. These habitats are not capable of supporting SCI species of this SPA. As such, there is no connectivity between the proposed development and any SCI species of the SPA.</p> <p>There is no source-pathway-receptor connectivity between the proposed development and the SPA.</p>	There is no potential pathway for effects and therefore no potential for significant effects on the SPA as a result of the proposed development
Glensamole Valley SAC (001209) c7.8km	Glensamole Valley SAC National Parks & Wildlife Service	The SAC is beyond any zone of sensitivity for noise or dust-related effects on habitats within the SAC and there is no potential for such effects as a result of the proposed	There is no potential pathway for effects and therefore no potential for significant effects

		<p>development during either construction or operation. The SAC is situated within a different surface water catchment area to the proposed development and there is no functional hydrological connectivity to the SAC.</p> <p>There is no source-pathway-receptor connectivity between the proposed development and the SAC.</p>	<p>on the SAC as a result of the proposed development</p>
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In relation to the foregoing European Sites, the following can be concluded:

- There is no hydrological connection. There are no open watercourses within, or in proximity to, the proposed development site. There is no potential for any surface waters during construction to directly enter any waterbody, and therefore any European site. During operation both surface and foul water will connect to the existing public networks. There is no hydrological connectivity between the proposed development and any European site
- The proposed development will be served by separate foul water and surface water sewers during its Operational Phase. There is a weak indirect hydrological pathway between the site and European sites in Dublin Bay via this sewerage network, which will eventually be processed and treated at Ringsend WWTP prior to discharge to Dublin Bay. The potential for foul waters generated at the proposed development to reach these European sites and cause significant effects, during the Construction and Operational Phases, is deemed to be negligible due to the following reasons:
 - Ongoing upgrade works to Ringsend WWTP which will increase the capacity of the facility from 1.6 million Population Equivalent (PE) to 2.4 million PE.
 - Effects on marine biodiversity and the European sites within Dublin Bay from the current operation of Ringsend WWTP are unlikely
 - The main area of dispersal of the treated effluent from Ringsend WwTP is in the Tolka Basin and around North Bull Island. South Dublin Bay is unaffected by the effluent from the plant.

- The increase of the PE load at the facility as a result of the proposed development, is considered to be an insignificant increase in terms of the overall scale of the facility.
- The construction phase will be temporary. The development proposes a range of measures as outlined in the Preliminary Construction Management Plan. As outlined above these mainly relate to the management of soils, excavations, hydrology & hydrogeology, traffic, accidents/spills/leaks, water utilities, and dust. Consistent with my assessment above I would accept that the potential for significant surface water effects during the construction phase would be satisfactorily addressed by these measures.
- For the operational stage, the surface water drainage network has been designed in accordance with SuDS principles. Consistent with my assessment above I would accept that the potential for significant surface water effects to downstream sensitivities during the operational phase is negligible considering the inclusion of suitable SuDS measures and a petrol interceptor.
- The intervening distances between the site and the SAC are sufficient to exclude the possibility of significant effects on the SAC arising from: emissions of noise, dust, pollutants and/or vibrations emitted from the site during the Construction Phase; increased traffic volumes during the Construction and Operational Phase and associated emissions; potential increased lighting emitted from the site during Construction and Operational Phase; and increased human presence at the site during Construction and Operational Phase.
- The intervening distance between the site and the SPA is sufficient to exclude the possibility of significant effects on the SPA arising from: emissions of noise, dust, pollutants and/or vibrations emitted from the site during the Construction Phase: increased traffic volumes during the Construction and Operational Phase and associated emissions; potential increased lighting emitted from the site during Construction and Operational Phase: and increased human presence at the site during Construction and Operational Phase The site does not provide significant ex-situ habitat for QI/SCI species within the site of the proposed development.

It is my view that the measures outlined are best practice standard construction management and surface water management measures which have not been designed or intended to avoid or reduce any harmful effects of the project on a European Site. The measures are otherwise incorporated into the applicant's Preliminary Construction Management Plan and other elements of the documentation and drawings submitted, and I do not consider that they include any specific measures that would be uncommon for a project of this nature. Therefore, I am satisfied that these measures can be considered in the AA Screening process.

I therefore conclude that the proposed development would have no likely significant effect 'alone' on any qualifying features of the following sites:

- 1) Baldoyle Bay SAC (000199)
- 2) Baldoyle Bay SPA (004016)
- 3) North Bull Island SPA (004006)
- 4) North Dublin Bay SAC (000206)
- 5) South Dublin Bay and River Tolka Estuary SPA (004024)
- 6) South Dublin Bay SAC (000210)
- 7) Howth Head Coast SAC (000202)
- 8) Rockabill to Dalkey Island SAC (003000)
- 9) Dalkey Islands SPA (004172)
- 10) Knocksink Wood SAC (000725)
- 11) Ballyman Glen SAC (00713)
- 12) Wicklow Mountains SAC (002122)
- 13) Wicklow Mountains SPA (004040)
- 14) North-West Irish Sea SPA (004236)
- 15) Glensamole Valley SAC (001209)

5. Likely significant effects on the European site(s) 'in-combination with other plans and projects'

Having regard to the foregoing, I consider that the potential for in-combination effects is limited to the cumulative impact of Surface / Storm Water Drainage and WWTP capacity associated with other developments in the area.

As there are no pathways connecting the project site to surrounding Natura 2000 sites and as the project will not result in significant negative impacts it will not have the potential to combine with other projects in the surrounding area to result in cumulative significant effects to the local environment or Natura 2000 sites occurring in the wider surrounding area.

I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 **is not required**. No further assessment is required for the project.

6. Overall Conclusion- Screening Determination

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

It is therefore determined that Appropriate Assessment (Stage 2) [under Section 177V of the Planning and Development Act 2000] is not required.

This conclusion is based on:

- Objective information presented in the applicant's reports;
- The limited zone of influence of potential impacts;
- Standard construction and operational surface water pollution controls that would be employed regardless of proximity to a European site and the effectiveness of same;
- Distance from European Sites;
- The limited potential for pathways to any European site; and
- The nature and extent of predicted impacts, which would not affect the conservation objectives of any European Sites.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.