



An
Bord
Pleanála

Inspector's Report

ABP-321843-25

Development	Reclamation of land through the filling of material comprising of clay, silt, sand, gravel or stone for the purpose of improvement of land for agricultural use and all associated site works.
Location	Mount Seskin Road, Brittas Big, Brittas, Co. Dublin, D24 W288.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD24A/0250W
Applicant	Susie Walsh
Type of Application	Planning Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant	Susie Walsh
Date of Site Inspection	1 st May 2025
Inspector	Conor Crowther

1.0 Site Location and Description

- 1.1.1. The appeal site is located within a rural area to the northeast of Brittas, approximately 160m northeast of the R114 (Aghfarrell Road) where it merges with the N81. The site consists of largely untouched fields and marshy/boggy terrain subdivided by minimal vegetation in a site area of 4.4ha. The site is bounded by a drainage ditch to the east, the Camac River to the north, various rural dwellings to the west and a motor repair facility to the south. The site is accessed from the west via Mount Seskin Road through a double gated entrance onto a dirt track adjacent to the appellant's family home. Another entrance exists from Mount Seskin Road in the north of the site, but this does not include a track from the entrance to the field. The area is sporadically populated by rural housing and vehicle service facilities. The field has a slightly sloping topography dropping a height of 10m over a length of 370m in a north to south direction. The Brittas Reservoir lies to the northwest of the site and has a direct hydrological link to the Camac River bordering the site to the north.

2.0 Proposed Development

- 2.1.1. The proposed development consists of the re-contouring (reclaiming) of agricultural land (22,604m²) using imported clean inert soil within a farm holding for the consequential benefit to agriculture. A 2-year planning permission is requested, and during this period 25,000 tonnes (16,750m³) of inert soil will be imported for the purposes of land reclamation, with a maximum of 25 HGV truckloads to site per week. The reclamation of the land involves stripping of the topsoil which will be used to cap the imported inert soil, raising the level of the land to the same level of surrounding lands. Works to also consist of improvements to the entrance including removal of clay banks and vegetation, a new temporary gravel access road, a portable site office and chemical toilet, a portable wheel wash, 2 no. temporary car parking spaces, a quarantine area (including skips) and all associated site works. A 25-metre setback is proposed to be created from the existing watercourse bordering the site to the north and the east.
- 2.1.2. At appeal stage the proposed stripping of the existing topsoil was retracted to avoid the need to strip the existing topsoil and to import topsoil to the site instead.

Information/Documentation:

2.1.3. Along with the standard drawings and information, the application was accompanied by:

- Agricultural Report
- Biodiversity & Appropriate Assessment Screening Report
- Cover Letter including Swept Path Analysis and detailed specifications and Method Statement for the installation of a siltation fence system.

2.1.4. Deficiencies in information included a lack of clarity around the depth of infill, cross sections, landscape plans, understanding of the ecology and hydrology of the site (including flood risk). In addition, existing infrastructure such as overhead power lines were not fully considered.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. South Dublin County Council (the Planning Authority) decided to REFUSE permission for the proposed development on the 16th January 2025 for the following reason:

- The proposed intensification of HGVs on a narrow rural road network with poor vertical and horizontal alignment along sections of its length and which lacks dedicated pedestrian facilities and public lighting would endanger public safety by reason of traffic hazard and intensification of the use. It would therefore be contrary to SM5 Objective 4 of the Development Plan 2022 – 2028 and would be contrary to the proper planning and sustainable development of the area.

It is also noted that significant deficits were identified by the Planning Authority in the submitted application across a range of areas, as set out in the following sections.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The Planning Officer's report concluded that permission for the proposed development should be refused for the reason set out above. The Planning Officer concluded that:

- Agriculture is permitted in principle under the HA-DM zoning for the site.
- No site layout plans submitted showing the existing contours of the subject site.
- Further information would be required on the breakdown of proposed soil volumes and how they would achieve the levels proposed. Particularly considering the landscape and biodiversity sensitivity of the site.
- There are concerns about the discrepancies in the applicant's documentation regarding the type of material proposed to be imported onto the site and about the lack of information regarding the deposition of construction and demolition waste.
- It is essential that the composition of the imported materials is fully understood given the potential biodiversity and ecological value of the site and wider surrounding area.
- Mount Seskin Road is not capable of supporting the proposed development due to its narrow width and alignment without adequate facilities for pedestrians and vulnerable road users and would result in a public safety hazard.
- The works associated with the proposed development are acceptable from a visual impact perspective.
- Further information required including a detailed Habitat & Bird Survey, Landscape Plan, Soil Management Plan, Arboricultural Method Statement, Ecological Impact Assessment, Hydrological Assessment, information relating to the proposed 25m setback from the existing watercourse and information demonstrating no negative impact on the structure and functioning of the artificial channel/mill race forming the northern boundary of the site.
- Given the need to remove the existing topsoil, archaeological monitoring of the works would be required.

- During the construction phase, measures to reduce noise, manage air quality and storage of waste would be required.
- The conclusions of the applicant's AA Screening are accepted, and it is considered that the proposed development would not adversely affect the integrity of any European site.

3.2.3. Other Technical Reports

- Roads Section – Objection due to traffic hazard and endangerment of public safety as a result of additional traffic on substandard laneway
- Water Services Section – Additional information requested by way of a hydrogeological report and flood risk report.
- HSE Environmental Health Officer – No objection, subject to 3 no. conditions.
- Heritage Officer - Additional information requested by way of a more detailed habitat survey, breeding bird survey, winter bird survey, hydrology assessment and detail on the impacts to the artificial channel/mill race bordering the north of the site.
- Public Realm Section – Additional information requested by way of a Landscape Plan, Green Infrastructure Plan, Arboricultural Method Statement and details relating to the riparian corridor.
- Waste Management Section – Raises concerns with the type of material proposed to be used and whether precautions are to be employed to ensure no construction and demolition waste materials are deposited onsite.

3.3. Prescribed Bodies

- DHLG (Archaeological) – No objection, subject to 4 no. conditions.
- DHLG (Nature Conservation) - Additional Information requested by way of an Ecological Impact Assessment and a Hydrological Assessment.
- Inland Fisheries Ireland – Additional Information requested by way of silt fencing, an infilling plan/programme and management of surface water run-off.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

Subject Site:

4.1.1. No recent planning history.

Neighbouring Sites of Relevance:

4.1.2. SD24A/0216W – Permission GRANTED in 2025 for retention of a boundary 3.5-metre-high metal sheet fence as constructed on site, total length 72 meters on the north, south and east boundary on site at D24 WK23 to the immediate west of the site.

5.0 Policy Context

5.1. South Dublin County Development Plan 2022-2028

5.1.1. The following are sections, policies and objectives of relevance to the proposed development from the South Dublin County Development Plan:

- Map 11 – Zoning Objective HA-DM ‘*To protect and enhance the outstanding natural character of the Dublin Mountains Area*’. (Agriculture permitted in principle).
- The following protections apply to the site:
 - Aviation safeguarding – Casement Aerodrome – Outer Horizontal Surface & Bird Hazards.
 - Sites of Geological Interest – Brittas Gravel Complex.
 - Riparian Corridor – Camac River.
 - Flood Zone B in part of the site.
- Chapter 3 – Natural, Cultural & Built Heritage
 - Policy NCBH4 – Protection of proposed Natural Heritage Areas and associated habitats and species.

- NCBH4 Objective 2 – *‘To restrict development within or adjacent to a proposed Natural Heritage Area to development that is directly related to the area’s amenity potential subject to the protection and enhancement of natural heritage and visual amenities including biodiversity and landscapes. Such developments will be required to submit an Ecological Impact Assessment prepared by a suitably qualified professional’.*
- NCBH5 Objective 2 – *‘To ensure that an Ecological Impact Assessment is undertaken for developments proposed in areas that support, or have the potential to support, protected species or features of biodiversity importance, and that appropriate avoidance and mitigation measures are incorporated into all development proposals’.*
- Policy NCBH6 – *‘Protect and enhance the visual, environmental, ecological, geological, archaeological, recreational and amenity value of the Dublin Mountains, as a key element of the County’s Green Infrastructure network’.*
- NCBH6 Objective 2 – *‘To restrict development within areas designated with Zoning Objective ‘HA-DM’....and to ensure that new development:*
 - *does not significantly impact on sensitive habitats, species, or ecosystem services;*
 - *is designed and sited to minimise environmental and visual impacts’.*
- NCBH11 Objective 5 – *‘To ensure that intact hedgerows / trees will be maintained above the 120m contour line within the County ensuring that the strong rural character will not be diluted and that important heritage features and potential wildlife corridors are protected’.*
- Policy NCBH14 – *‘Preserve and enhance the character of the County’s landscapes, particularly areas that have been deemed to have a medium to high Landscape Value or medium to high Landscape Sensitivity and to ensure that landscape considerations are an important factor in the management of development’.*

- Chapter 4 – Green Infrastructure
 - GI2 Objective 5 – *‘To protect and enhance the County’s hedgerow network, in particular hedgerows that form townland, parish and barony boundaries recognising their historic and cultural importance in addition to their ecological importance and increase hedgerow coverage using locally native species including a commitment for no net loss of hedgerows on any development site and to take a proactive approach to protection and enforcement’.*
 - GI3 Objective 1 – *‘To ensure that hydromorphical assessments are undertaken where proposed development is within lands which are partially or wholly within the Riparian Corridors identified as part of this Development Plan’.*
 - GI3 Objective 2 – *‘To require development proposals that are within riparian corridors to demonstrate how the integrity of the riparian corridor can be maintained and enhanced having regard to flood risk management, biodiversity, ecosystem service provision, water quality and hydromorphology’.*
 - 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’.*
 - GI4 Objective 1 – *‘To limit surface water run-off from new developments through the use of Sustainable Drainage Systems (SuDS) using surface water and nature-based solutions and ensure that SuDS is integrated into all new development in the County and designed in accordance with South Dublin County Council’s Sustainable Drainage Explanatory Design and Evaluation Guide, 2022’.*
 - GI7 Objective 2 – *‘To protect and enhance the landscape character of the County by ensuring that development retains, protects and, where necessary, enhances the appearance and character of the landscape, in accordance with the provisions of South Dublin’s Landscape*

Character Assessment and the provisions of Chapter 3: Natural, Cultural and Built Heritage of this Development Plan'.

- Chapter 7 – Sustainable Movement
 - SM5 Objective 4 – *‘To prioritise safety on rural roads and junctions, while considering the protection of biodiversity, green infrastructure and rural character present in roadside trees, hedgerows and banks, and so on’.*
- Chapter 11 - Infrastructure and Environmental Services
 - IE4 Objective 1 – Requires site specific flood risk assessments for all new developments.

5.2. Natural Heritage Designations

5.2.1. The closest site of natural heritage interest to the proposed development is the Slade of Saggart and Crooksling Glen proposed Natural Heritage Area (000211) which is located contiguous to the west of the proposed development. Other sites of relevance include:

- The Lugmore Glen proposed Natural Heritage Area (001212) located approximately 4.3km to the northeast of the proposed development.
- The Wicklow Mountains Special Area of Conservation (002122) located approximately 4.7km to the east of the proposed development.
- The Glenasmole Valley proposed Natural Heritage Area (001209) located approximately 5km to the east of the proposed development.
- The Glenasmole Valley Special Area of Conservation (001209) located approximately 5km to the east of the proposed development.
- The Killeel Wood proposed Natural Heritage Area (001394) located approximately 5.2km to the west of the proposed development.
- Poulaphouca Reservoir proposed Natural Heritage Area (000731) located approximately 6.5km to the south of the proposed development.
- Poulaphouca Reservoir Special Protection Area (000731) located approximately 6.5km to the south of the proposed development.

- Red Bog Kildare proposed Natural Heritage Area (000397) located approximately 6.8km to the southwest of the proposed development.
- Red Bog Kildare Special Area of Conservation (000397) located approximately 6.8km to the southwest of the proposed development.
- The Wicklow Mountains Special Protection Area (004040) located approximately 7.6km to the east of the proposed development.

5.3. EIA Screening

- 5.3.1. 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.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A 1st party appeal was submitted by Susie Walsh on the 11th February 2025 opposing the decision of the Planning Authority to REFUSE permission. The grounds of appeal are summarised as follows:
- The proposed development includes low volumes of traffic which the existing local road network can sustain.
 - Lorry movements accessing the site would be limited to a maximum of 1 no. lorry every 1.5 hours during working hours.
 - Proposed to upgrade the existing entrance to current TII standards.
 - The upgraded entrance is only 150 metres from the existing junction with the R114.
 - The increase in traffic along this 150m section of the local road network would be both minimal and temporary (estimate 2 years) and would not affect public safety.

- The section of road between the R114 and the site is wide enough to allow for the safe passage of trucks.
- Natural 'pull-in areas' are indicated along the local road network which would allow for two lorries to pass safely, if required.
- The upgraded entrance to the site would provide for acceptable sightlines along Mount Seskin Road for lorries exiting the site.
- The submitted Proposed Site Layout Plan shows the contours and levels of the existing field at a scale of 1:500, contrary to the Planning Authority's contentions.
- Despite the Planning Authority's contentions, the proposed amount of imported soil to be used as part of the infill is correct as it allows for dips and rises in the field and the slopes at the end of the fill area.
- The imported soil is proposed to be taken from building sites in Dublin and this will be subject to a waste management certificate of registration, if permission is granted.
- The deposition of construction and demolition waste could be addressed by way of condition.
- It is proposed to fill on top of the existing topsoil and to cap the area with new topsoil, instead of stripping the existing topsoil and reusing it after the area is infilled, as originally proposed.
- No onsite digging will occur which removes the need for Landscape Plans, Archaeological Assessment and Arboricultural Assessment.
- An overflow pipe into the stream was mistakenly included in the submitted Agriculture Report. As a result of this, there is no longer a requirement for a Hydrological Assessment or an Ecological Impact Assessment.
- The proposed development is supported by a detailed AA Screening Report.

6.2. Planning Authority Response

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

6.3. Observations

6.3.1. None received.

7.0 Assessment

7.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report 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 issues in this appeal to be considered are as follows:

- Principle of Proposed Development
- Traffic & Access
- Soil Management
- Drainage
- Water Quality & Water Framework Directive – New Issue
- Flood Risk – New Issue
- Ecology
- Other Matters

7.2. Principle of Proposed Development

7.2.1. I note that the Planning Authority considered the proposed development to be acceptable in principle given the type of development proposed which is permitted in principle under the zoning (HA-DM) for the site. I concur with the Planning Authority on this matter as the proposed development generally aligns with the permitted in principle uses set out in the Development Plan for the site zoning.

7.3. Traffic & Access

7.3.1. Despite concerns raised by the Planning Authority and Inland Fisheries Ireland about the accuracy of the stated soil import volumes, the appellant has restated, in their 1st party appeal, that their estimated imported inert soil figures are correct. However, as part of their appeal, the appellant has clarified that the existing topsoil would not be

stripped and that the imported inert soil would be filled on top of the existing ground. The appellant states that new imported topsoil would then be used to cap the area but it is not clear if the imported topsoil would be in addition to the stated 25,000 tonnes. There is no supporting evidence provided by the appellant detailing how this has been incorporated into their truckload calculations which, according to their calculations, would amount to a maximum of 5 per day. In addition to this, no traffic and transport assessment has been submitted in support of this calculation. I am therefore of the view that the appellant has submitted inadequate information in support of the proposed development from a traffic impact perspective.

- 7.3.2. Regarding the accessibility of the site, I note that the Planning Authority refused the proposed development on the grounds of non-compliance with SM5 Objective 4 of the Development Plan which seeks to prioritise safety on rural roads. The Planning Authority specifically raised concerns with the intensification of Mount Seskin Road which, in their view, is narrow in width, has poor vertical and horizontal alignment and lacks dedicated pedestrian facilities and public lighting. The appellant contends that the proposed development would only lead to a minor intensification of this rural road and that this would only be for a maximum of 2 years. The appellant further contends that the proposed access to the site is located a short distance (approx. 150m) from the junction of a regional road (R114) and a national road (N81), with pull-in areas identified between the site access and the junction. Whilst I agree with the appellant on the proximity of the junction to the site access, the suitability of this junction for HGV access and the suitability of the pull-in areas for HGVs, I do not agree that the proposed development would lead to minor intensification of Mount Seskin Road. This is compounded by the fact that no traffic and transport assessment has been submitted in support of this appeal. In my view, such an assessment would be required to exhibit the accuracy of the appellant's estimated truckload calculations and to demonstrate the potential variations to estimated truckloads over a 2-year period. For example, agricultural land reclamation would normally be undertaken during dry periods; there is no evidence that periods of wet weather have been considered in the appellant's truckload calculations. Given the location of the site in a mountainous area that would naturally be subject to more variable weather patterns, I consider it imperative that this is accounted for in the truckload calculations. I therefore consider that the appellant has submitted

inadequate information in support of the proposed development and that it would lead to an unacceptable intensification of Mount Seskin Road.

- 7.3.3. Regarding the access to the site itself, I note that the appellant proposes to upgrade the entrance to TII standards with the removal of planting and clay banks to create 70m sightlines with a 2.4m setback. I consider this to be an improvement on the current access to the site which would not, in my view, be capable of accommodating HGV movements. I also consider this to be achievable given the location of the planting and clay banks within the appellant's landholding. Notwithstanding this, the site would be accessed from a rural road, the use of which would be potentially significantly intensified by an unsubstantiated number of truckload movements to the site over a 2-year period. Without significant supporting evidence to substantiate the appellant's claims about the number of estimated truckloads associated with the proposed development and despite the proposed access improvements, I consider that the proposed development should be refused planning permission based on the submission of inadequate information.

7.4. Soil Management

- 7.4.1. In addition to the aforementioned inadequate and/or missing documentation, I note that the appellant has not submitted a Soil Management Plan in support of the proposed development. This is also highlighted by the Planning Authority in their assessment of the proposed development. Given that the proposed development principally involves the transportation and infilling of large volumes of inert soil, I consider that a Soil Management Plan would be required to demonstrate the type and amount of soil intended to be used, how the required levels would be achieved and how the soil volumes would be managed. I consider that it would be reasonable to expect such a plan in support of this type of development. In addition, no specific information is provided in relation to the management of topsoil onsite.
- 7.4.2. I also note that the applicant's Agricultural Report refers to the importance of removing the existing topsoil to infill the lands, yet there is no justification provided for this or for the appellant's proposed departure from this approach. In addition to this, the appellant has not detailed the soil volumes required to fulfil the proposed approach of importing topsoil to the site instead of stripping the existing topsoil and re-using it. Indeed, both the Planning Authority and Inland Fisheries Ireland

questioned the accuracy of the appellant's soil import volumes, and I am of the view that the appellant has not provided sufficient clarity on this matter, particularly given the departure from the original proposed approach of stripping the existing topsoil for reuse. Further to this, I note that the development description attached to the planning application refers to the use of filling material comprising clay, silt, sand, gravel or stone whereas the submitted Agriculture Report refers to the use of imported inert soil from building sites in Dublin. There's also no reference to the storage of topsoil onsite. In my opinion, this further demonstrates the lack of consistency and transparency in the appellant's submitted information and I am not satisfied that the appellant has clarified or justified the type of material proposed to be used for infilling, nor has the appellant demonstrated exactly where the material would be sourced from and what measures would be employed to ensure that no construction and demolition waste is deposited onsite.

- 7.4.3. Given the likely soil volumes required to undertake the proposed development and the potential biodiversity and ecological value of this site, as indicated by the Planning Authority and prescribed bodies, I am of the view that a Soil Management Plan would be required to support the proposed development. I therefore consider that the proposed development should be refused planning permission due to the lack of information provided in relation to soil management and the lack of specific information on the source and composition of material volumes and management onsite.

7.5. Drainage

- 7.5.1. I note that the drainage regime of the site has not been established by the appellant. Normally this would be exhibited by means of a drainage/hydrological assessment. No such assessment has been undertaken by the appellant although Development Plan policy requires such an assessment if a site is located within a riparian corridor (GI3 Objective 1), within which the site is located. In this respect, I note the request of the Planning Authority's Heritage Officer and the Department's DAU unit for a hydrological assessment. Given the presence of non-calcareous (upwelling) springs onsite, as identified in the appellant's AA Screening and the identification of boggy/marshy terrain, rushes and irises throughout the site during my site visit which was undertaken during a dry period, it is evident that the site is not well drained and that the filling of the site with inert soil would need to fully consider the impacts on

this terrain and its drainage characteristics. In addition to this, EPA mapping shows that the site is located within an area of high groundwater vulnerability, a poor bedrock aquifer and a groundwater body that is classified as being 'at risk'. In my opinion, this further demonstrates the poor drainage characteristics of the site and the need to fully consider this as part of the proposed development. This is particularly pertinent due to the presence of residential dwellings immediately adjacent to the western boundary of the site who would appear to be reliant on septic tanks to treat domestic wastewater and which may be compromised by the proposed development. In this respect, I note that the appellant's Agricultural Report suggests the use of deep ripping prior to infilling and during the filling process to reduce compaction and retain the natural drainage properties of the soil. It is concerning that this process is being considered in the absence of a full understanding of the drainage properties of the soil. Specifically, no information has been provided as to the depth to the existing winter-water table or the ground water flow, there is also no information provided as to how the drainage system will be operated over the two-year period during which the land reclamation process would occur. Thus, in the absence of a drainage/hydrological assessment and a full understanding of the drainage capabilities of the site, I consider that the proposed development should be refused planning permission.

- 7.5.2. I am not satisfied based on the information provided by the appellant that the proposed land reclamation would provide a sufficient water attenuation system that complies with the underlying principles of SuDS, as required by GI4 Objective 1 of the Development Plan. Therefore, I recommend that permission be refused based on the lack of detail provided to ensure that the alteration to the existing hydrology of the site will not have a negative impact on the Camac River and non-compliance with GI4 Objective 1 of the Development Plan.
- 7.5.3. I note the appellant's contention that a hydrological assessment is no longer required as a result of the mistaken reference to an overflow pipe flowing into the stream in the submitted Agriculture Report. This does not negate the need for such an assessment as the site is located within a riparian corridor which triggers the need for a hydrological assessment under GI3 Objective 1 of the Development Plan. Furthermore, it is unclear as to what proposed drainage measures the appellant intends to implement as part of the proposed development as the submitted material

does not demonstrate consistency in this respect. For example, the appellant's AA Screening refers to the use of land drains in the wet areas of the site draining to the watercourse in the southwestern corner of the site, however, no analysis is provided as to the potential impacts this may have on the drainage flow of the site and surrounding areas. In addition to this, the location of the land drains is not identified on a map or drawing and the type of land drains proposed to be used are not detailed. In the absence of this detail, I consider that the proposed development should be refused planning permission.

7.6. Water Quality & Water Framework Directive- New Issue

- 7.6.1. Regarding the potential impact of the proposed development on the water quality of the adjacent Camac River, I note that EPA mapping identifies the Water Framework Directive (WFD) status of this river as poor and at risk. Likewise, the groundwater body within which the site is located (Kilcullen) is also identified by the EPA as being at risk. This indicates that the water quality of watercourses in the immediate vicinity of the site and the groundwater below the site are at risk. I note that the appellant's cover letter refers to the installation of silt fencing around the site and that the site layout plan identifies a 'four stage pollution control system' around the area proposed to be infilled. It is assumed that the four-stage pollution control system refers to the silt fencing, and it is unusual that this would not be referenced in the appellant's AA Screening as a standard mitigation measure. Notwithstanding this, it is evident that the appellant intends to employ a certain level of measures onsite to prevent contamination of neighbouring watercourses. However, given the uncertainty surrounding the drainage regime of the site, as discussed above, the status of the groundwater body within which the site is located and the intention of the appellant to infill the site with 25,000 tonnes of inert soil, I consider that the appellant has not demonstrated that the WFD status of any waterbody would not be jeopardised as a result of the proposed development. I therefore consider that the proposed development should be refused planning permission on this basis. This is a new issue, and the Board may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter
- 7.6.2. I note that the appellant's Agricultural Report suggests that land spreading will occur onsite, once the land reclamation is finalised. In the event that the Board decides to

grant permission, I consider it necessary to impose a condition requiring compliance with the good agricultural practice regulations.

7.7. Flood Risk – New Issue

- 7.7.1. I note that much of the site is in Flood Zone B. This is also noted by the Planning Authority's Water Services Section. No flood risk assessment or analysis has been undertaken by the appellant of the impact of the raising of the ground level of this site in terms of the exacerbation of flood risk and there is no detail provided regarding the potential to increase flood risk elsewhere. GI3 Objective 2 of the Development Plan requires developments within riparian corridors to consider flood risk in the context of maintaining and enhancing the integrity of the riparian corridor. As the site is located within a riparian corridor, I consider this objective to be of relevance to the proposed development. Given the lack of certainty surrounding the drainage regime of the site, as discussed above, and the lack of analysis of the raising of ground levels on a site that mostly lies within Flood Zone B and includes within it a riparian corridor, I am of the view that the proposed development has not demonstrated that it would not exacerbate flooding on the site and elsewhere. Within the context of the integrity of the riparian corridor, I do not consider that the proposed development has adequately considered flood risk management and therefore does not comply with GI3 Objective 2 of the Development Plan. This is a new issue, and the Board may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter.
- 7.7.2. I note that the submitted drawings refer to a 25m buffer from the existing watercourse bordering the site to the north and east, however, as indicated by the Planning Authority, no detail has been provided as to how this buffer would be managed and maintained or how it relates to the riparian corridor as delineated in the Development Plan. In this context, GI3 Objective 3 of the Development Plan requires a minimum vegetated riparian buffer of 10m from the top of the riverbank. Given that no detail is provided in relation to the management and maintenance of the proposed 25m riparian buffer, I consider that the proposed development does not comply with GI3 Objective 3 of the Development Plan as it does not set out measures to ensure the retention of this vegetated area. This is a new issue, and the Board may wish to seek the views of the parties. However, having regard to the

other substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter.

- 7.7.3. I observed the drainage ditches along the eastern boundary of the site to be mostly dry during my site visit, however, as previously mentioned, my site visit was conducted during a dry weather period. On approach to the Camac River bordering the north of the site, I observed the drainage ditch becoming increasingly wet, wherein a stream was evident at the confluence of the drainage ditch and the Camac River. The flow of the Camac River did not appear to be particularly strong as it flowed towards the Brittas Reservoir to the west of the site. Notwithstanding this, the site is located within Flood Zone B and is therefore susceptible to flooding. Given that no flood risk assessment has been submitted, I consider that the proposed development does not comply with Development Plan policy, particularly G13 Objective 2 and IE4 Objective 1 which requires the submission of a site-specific flood risk assessment. I therefore consider that the proposed development should be refused planning permission on this basis. This is a new issue, and the Board may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter.

7.8. Ecology

- 7.8.1. The appellant's AA Screening refers to the potential loss of local biodiversity, as a result of the proposed development, and that it is possible that pairs of Snipe breed onsite. In this respect, I note the Planning Authority's Heritage Officer's submission which states that Snipe are of high conservation value. Additionally, the Department of Housing, Local Government and Heritage's Development Applications Unit (DAU) submission states that it considers it likely that rare species of flora could be located in the area and that this would need to be informed by a floral survey at a suitable time of the year. However, the appellant's Agricultural Report suggests that the drainage regime of the site does not allow for habitats or plant species of environmental value. Given that the appellant's AA Screening was undertaken by a qualified ecologist and the Planning Authority's Heritage Officer and Department's expert knowledge of this topic, I consider the findings of the appellant's AA Screening and the Planning Authority's Heritage Officer and Department's submission to be of greater relevance than the appellant's Agricultural Report in this

respect. Also, having visited the site and observed the terrain, I consider that there may be potential for the identification of habitats or plant species of ecological value within the site. In this respect, no ecological assessment of the site has been undertaken by the appellant. This is contrary to NCBH4 Objective 2 and NCBH5 Objective 2 of the Development Plan which both require the submission of ecological impact assessments where development is proposed adjacent to a proposed Natural Heritage Area or in areas that have the potential to support features of biodiversity importance. In this context, NCBH6 Objective 2 of the Development Plan also seeks to ensure that new development does not significantly impact on ecosystem services. Given that the site is located adjacent to Slade of Saggart and Crooksling Glen proposed Natural Heritage Area and that the appellant's AA Screening identifies features of potential local biodiversity importance, I consider that these objectives apply to the proposed development. Thus, in the absence of an ecological impact assessment of the site, I do not consider the proposed development to be compliant with NCBH6 Objective 2, NCBH4 Objective 2 and NCBH5 Objective 2 of the Development Plan.

7.8.2. Policy NCBH4 of the Development Plan also seeks to protect proposed Natural Heritage Areas and their associated habitats and species. I am also of the view that the proposed development does not comply with Policy NCBH4 of the Development Plan given the lack of analysis of the ecological characteristics of the site. I therefore consider that the proposed development should be refused planning permission based on non-compliance with the Development Plan by way of a lack of an ecological assessment of the site, which was also requested by the Department's DAU division as part of their submission.

7.8.3. I note that the appellant has not identified the extent of the existing field boundaries; although upon undertaking my site visit, I did not observe significant vegetation within the field boundaries apart from scattered hedgerow structures. Nonetheless, the appellant has not addressed the loss of these hedgerows as a result of the proposed development, and I note that GI2 Objective 5 of the Development Plan advocates for the protection of hedgerows and that there should be no net loss of hedgerows as part of proposed developments. Additionally, NCBH11 Objective 5 of the Development Plan seeks to ensure that intact hedgerows above the 120m contour line are maintained. Given that the appellant has not submitted an

arboricultural assessment or landscape plan demonstrating no net loss of hedgerows and that the site includes some hedgerow structures above the 120m contour line, I consider that the proposed development does not comply with GI2 Objective 5 and NCBH11 Objective 5 of the Development Plan. I therefore consider that the proposed development should be refused planning permission on this basis. This is a new issue, and the Board may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter.

7.9. Other Matters

Submitted Drawings:

- 7.9.1. Upon undertaking my site visit, I noted that overhead power lines traverse the site on an east-west and north-south basis supported by pylons located within the central part of the site. These overhead power lines are not indicated on the submitted drawings and do not appear to have been considered by the appellant or the Planning Authority, nor is there any evidence provided of engagement with the relevant statutory undertaker (ESB Networks). I consider that engagement with ESB Networks regarding the overhead power lines would be required to establish a buffer area around the pylons located onsite and to ensure that appropriate measures are taken during the construction stage to protect the pylons and the overhead power lines from damage. Given that there is no evidence on the file of engagement with ESB Networks, I consider the proposed development to be premature. I also note that no outline Construction Management Plan has been provided as part of the proposed development. However, in the event that the Board decide to grant planning permission, I consider that this can be addressed by way of planning condition requiring the submission of a Construction Management Plan for agreement with the Planning Authority.
- 7.9.2. In addition to the overhead power lines, I also noted the location of a caravan in the northern portion of the site. It was not clear as to the function of this caravan i.e. whether it served as a storage or residential function. Furthermore, the caravan was not identified on the submitted drawings nor was it acknowledged by the client in their submitted material. Notwithstanding this, I consider the caravan to be readily moveable and that its positioning on the site could be addressed via a Construction

Management Plan which could be required by way of condition, in the event that the Board decides to grant planning permission. Notwithstanding the above, I do not consider the submitted drawings to be reflective of the appeal site as the overhead power lines and the caravan are not identified on the submitted drawings. This further demonstrates the inadequate information submitted in support of the proposed development which, in my view, cumulatively justifies a refusal of planning permission.

- 7.9.3. I note that the Planning Authority referenced the lack of identifiable contours on the submitted drawings. However, the appellant contends that the Site Layout Plan clearly shows the existing contours and levels of the existing field. Having analysed the submitted drawings, I agree with the appellant that the existing contours and levels are adequately displayed. I am therefore satisfied with the adequacy of the submitted drawings in this respect.

Visual Impact:

- 7.9.4. In respect of the visual impacts of the proposed development, I note that the Planning Authority considered the proposed development to be generally acceptable. Given the 10m incline of the site over a significant distance and the fact that the site is largely screened from view, I concur with the Planning Authority in considering the visual impact of the proposed development to be acceptable. I therefore consider the proposed development to be compliant with Policy NCBH6 of the Development Plan which seeks to protect and enhance the visual value of the Dublin Mountains, within which the site is situated.

Landscape – New Issue:

- 7.9.5. The Landscape Character Assessment accompanying the Development Plan identifies the site as being in a landscape area of medium to high significance. Protected views are also identified to the east of Mount Seskin Road wherein the site is located. Policy NCBH14 of the Development Plan specifically aims to preserve and enhance such landscapes to ensure that landscape considerations are an important factor in development in these areas. GI7 Objective 2 of the Development Plan also seeks to protect and enhance the landscape character. Notwithstanding the acceptability of the visual impact of the proposed development, I consider that the protection and enhancement of the landscape character and landscape

considerations have not been adequately taken into account as part of this proposed development. For example, as discussed previously, no landscape plans have been submitted in support of the proposed development. Given that the proposed development involves land reclamation, it is only natural that a landscape plan would be required to ensure that there are no landscape impacts. I therefore consider that the proposed development should be refused planning permission based on the lack of adequate landscape information, as required by Policy NCBH14 and GI7 Objective 2 of the Development Plan. This is a new issue, and the Board may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter.

Waste:

- 7.9.6. I note that Classes 5 and/or 6 of the Waste Facility Permit and Registration Regulations, 2007 as amended (Third Schedule Parts I and II) may apply to the proposed development given the intention to import 25,000 tonnes of inert soil to the site for the purposes of improvement of agricultural lands. This would require the appellant to attain a waste facility permit for the site which would be separate to the planning process but would be required in advance of any grant of planning permission. I consider that, this further demonstrates the lack of detail submitted by the appellant in support of the proposed development.

8.0 AA Screening

- 8.1.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening (see Appendix 1 of this report), I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Poulaphouca Reservoir Special Protection Area (000731) in view of the conservation objectives of this site and is therefore excluded from further consideration. Appropriate Assessment is not required.
- 8.1.2. This determination is based on:
- Scientific information provided and referenced in the appellant's Screening report.

- Distance from and weak indirect connections to the European sites.
- No ex-situ impacts on wintering birds.
- Possible impacts identified would not be significant in terms of site-specific conservation objectives for the Poulaphouca Reservoir SPA and would not undermine the maintenance of favourable conservation condition or delay or undermine the achievement of restoring favourable conservation status for those qualifying interest features of unfavourable conservation status.

8.1.3. No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

9.0 Recommendation

I recommend that planning permission be REFUSED for the reasons and considerations as set out below.

10.0 Reasons and Considerations

In light of the lack of significant detail submitted in support of the proposed development, it is considered that the proposed development would not comply with several policies and objectives of the South Dublin County Development Plan 2022-2028. In particular, it is considered that the proposed development should be refused on the following basis:

1. The development would generate a significant volume of traffic, including a high number of movements by heavy goods vehicles, which the road network in the vicinity of the site is not capable of accommodating safely due to the restricted width and capacity of the Mount Seskin Road in the vicinity of the site. The proposed development would, therefore, give rise to traffic congestion and would endanger public safety by reason of traffic hazard.
2. Having regard to the complex hydrological and hydrogeological conditions obtaining on-site, to the limited investigation carried out of those conditions and hence to the potentially inadequate mitigation impacts associated with the proposed development and the residential nature of and proximity of

surrounding uses, it is considered that the development site is unsuitable for a development of the nature and scale proposed. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development' of the area.

3. The Board is not satisfied based on the information provided, that the proposed development, by reason of the importation of subsoil to achieve the revised gradient and levels would not have a negative effect on the natural drainage and the local ecology at this location. The proposed development would, therefore, be contrary to the principals of sustainable drainage, sustainable water management and ecological protection which aims to increase infiltration and retention and to slow down the flow of surface water runoff and to protect and enhance habitats and species of ecological value. It is considered that the proposed development would be contrary to the provisions of GI3 Objective 1 (Sustainable Water Management) and GI4 Objective 1 (Sustainable Drainage Systems) of the South Dublin County Development Plan 2022-2028, which seeks to limit surface water runoff from new developments and requires the submission of a Hydrological Assessment, and to the provisions of NCBH4 Objective 2 and NCBH5 Objective 2 of the South Dublin County Development Plan 2022-2028, which both require the submission of an Ecological Impact Assessment. The proposed development would, therefore, be contrary to the proper planning and sustainable development of 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.

Conor Crowther
Planning Inspector

26th May 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321843-25		
Proposed Development Summary	Reclamation of land through the filling of material comprising of clay, silt, sand, gravel or stone for the purpose of improvement of land for agricultural use and all associated site works.		
Development Address	Mount Seskin Road, Brittas Big, Brittas, Co. Dublin, D24 W288		
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	<input checked="" type="checkbox"/>
		No	Tick if relevant. No further action required
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	<input checked="" type="checkbox"/>	Class 1(a) of Part 2 of the 5 th Schedule – Restructuring of rural landholdings mandatory thresholds as follows – <ul style="list-style-type: none"> Length of field boundary to be removed – Above 4km. Re-contouring – Above 5 ha. Area of lands to be restructure by removal of field boundaries – Above 50 ha. 	Proceed to Q3.
No	<input type="checkbox"/>		
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			

Yes			
No	✓		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	✓	Approx. 0.3km (estimated)/4km field boundary OR 2.26ha/5ha recontouring OR 4.4ha/50ha land restructuring	Preliminary examination required (Form 2)

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

Inspector: Conor Crowther Date: 26th May 2025

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321843-25
Proposed Development Summary	Reclamation of land through the filling of material comprising of clay, silt, sand, gravel or stone for the purpose of improvement of land for agricultural use and all associated site works.
Development Address	Mount Seskin Road, Brittas Big, Brittas, Co. Dublin, D24 W288
<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.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
Characteristics of proposed development (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).	The proposed development is for the importation of 25,000 tonnes of inert soil to recontour 2.26 hectares of land over a 1–2-year period.
Location of development (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).	The location is within a rural area, and the recontouring is not considered significant in terms of the wider location

Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).		The extent of the impact would not be significant due to size and location of the operation. The magnitude and complexity of the impact in relation to the overall environmental considerations could be considered localised, and whilst there may be some impacts they would not be considered significant. There are no transboundary implications.
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
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.	
There is a real likelihood of significant effects on the environment.	EIAR required.	

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 1 – Screening for Appropriate Assessment

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	1 st Party Appeal Land reclamation for agricultural purposes (refer to Section 2.0 of this report)
Brief description of development site characteristics and potential impact mechanisms	<p>Reclaiming of 22,604m² of agricultural land through infilling over an estimated 2-year period. Works will require extensive infilling of the site and the transportation of inert soil to the site.</p> <p>The site is bordered by a watercourse to the north and drainage ditches to the east. Running from the north of the site to the southwest of the site is a former tributary stream of the watercourse to the north which creates a significant area of marshy/boggy terrain.</p> <p>The site is located at a distance from European Sites and includes an indirect connection to a European Site through potential escape of sediment from the site. Silt fencing is proposed around the area of the site where the land reclamation is proposed to occur. Land drains are proposed to be used to drain the site, but it is unclear what type of land drains are proposed to be used or where they are proposed to be located.</p> <p>No SuDS measures are proposed as part of the proposed development. The site was surveyed by a qualified ecologist in October 2024 and relevant files and online sources of information were examined. The appellant submitted an AA Screening which was undertaken by said ecologist.</p>
Screening report	Yes (prepared by Roger Goodwillie & Associates)
Natura Impact Statement	No
Relevant submissions	Prescribed Bodies: DHLG (Nature Conservation) submission identifies that the site naturally drains towards the southwest of the site via a tributary stream which runs into the Lisheens River which then discharges into the Poulaphouca Reservoir Special Protection Area approximately 8km to the south of the site.

The appellant's AA Screening determines that the only way the proposed development could affect Poulaphuca Reservoir Special Protection Area would be through material escaping from the southwest end of the site, suspended in seepage water that flows this way but that drainage pipes would prevent this.

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

Five European sites are potentially within a zone of influence of the proposed development.

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Wicklow Mountains Special Area of Conservation (002122)	Wicklow Mountains SAC National Parks & Wildlife Service	4.7	Tentative – upstream of the site.	No
Glenasmole Valley Special Area of Conservation (001209)	Glenasmole Valley SAC National Parks & Wildlife Service	5	None - different river catchment.	No
Poulaphuca Reservoir Special Protection Area (000731)	Poulaphuca Reservoir SPA National Parks & Wildlife Service	6.5	Indirect	Yes
Red Bog Kildare Special Area of Conservation (000397)	Red Bog, Kildare SAC National Parks & Wildlife Service	6.8	None – independent water supply from glacial mounds.	No
Wicklow Mountains Special Protection Area (004040)	Wicklow Mountains SPA National Parks & Wildlife Service	7.6	Tentative – upstream of the site.	No

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects

Site 1: Poulaphouca Reservoir Special Protection Area (000731) Greylag Goose (Anser anser) [A043] Lesser Black-backed Gull (Larus fuscus) [A183]	<p>Direct:</p> <p>No direct impacts and no risk of habitat loss, fragmentation or any other direct impact.</p> <p>Indirect:</p> <p>Low risk of surface water runoff from construction reaching sensitive receptors but could potentially enter Lisheens River. Intervening habitat provides buffer and 8km of watercourse influence would dilute any minor emissions.</p> <p>Operational:</p> <p>Low risk of sediment runoff or seepage water reaching sensitive receptors but could potentially enter Lisheens River. Intervening habitat provides buffer and 8km of watercourse influence would dilute any minor emissions.</p>	<p>Ecological information shows that the current land use is not suitable for regular use by SCI wintering waterbirds of the SPA.</p> <p>No wintering birds were recorded at the site.</p> <p>No direct or ex-situ effects on wintering water birds from disturbance during construction or operation of the proposed development. Conservation objectives related to ensuring adequate supporting habitat outside of the SPA will not be undermined.</p> <p>Low risk of surface water borne pollutants reaching the wetland habitats of the SPA. No significant changes in ecological functions due to any minor construction related emissions are predicted for the estuarine environment.</p>
	Likelihood of significant effects from proposed development (alone): No	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
I conclude that the proposed development (alone) would not result in likely significant effects on Poulaphouca Reservoir Special Protection Area (000731). The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.		