



An  
Bord  
Pleanála

## Inspector's Report

### ABP-321851-25

#### Development

Construction of a dwelling,  
reconfiguration of main site entrance,  
new wastewater treatment system  
with pumped soil polishing filter and all  
associated site works.

#### Location

Suimneas, 7 Quarry Road, Shankill,  
Dublin 18, D18 F1H9

#### Planning Authority

Dun Laoghaire Rathdown County  
Council

#### Planning Authority Reg. Ref.

D24A/0904/WEB

#### Applicant(s)

Lesley Sawyer & Darius Adamczyk

#### Type of Application

Permission

#### Planning Authority Decision

Refuse Permission

#### Type of Appeal

First Party

#### Appellant(s)

Lesley Sawyer & Darius Adamczyk

#### Observer(s)

Paul & Jill Dempsey

Brian & Miriam Cahill

Patrick & Norma Jones

**Date of Site Inspection**

16<sup>th</sup> April 2025

**Inspector**

Bernadette Quinn

## **1.0 Site Location and Description**

- 1.1. The site, with a stated area of 0.197ha is located on the western side of Quarry Road, approximately 120 metres south of the junction with Old Rathmichael Road. The property contains an existing detached two storey dwelling with a large rear garden within which the appeal site is located. There is glasshouse within the appeal site and a stream adjoins the northwestern boundary. The pattern of development surrounding the appeal site is of detached dwellings on large gardens. There are two storey dwellings located on adjoining sites to the north, south and east. The site boundaries comprise hedgerow.
- 1.2. The site is accessed via Quarry Road from an existing vehicular access serving the existing dwelling on the property. Quarry Road has no road markings and no footpaths in the vicinity of the appeal site.

## **2.0 Proposed Development**

- 2.1. Permission is sought for the construction of a detached single-storey dwelling with a flat roof, a floor area of 142 sq. m. and a flat roof with a maximum ridge height of 4 metres. Permission is also sought to reconfigured the main site entrance (including cut back of roadside boundaries) with new gate and piers to provide dual vehicular access to the existing dwelling and proposed new dwelling; a new driveway; new wastewater treatment system with pumped soil polishing filter; landscaping, boundary walls and fences and all associated siteworks.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.2. By order dated 13<sup>th</sup> January 2025, Dun Laoghaire Rathdown County Council issued notification of the decision to refuse planning permission for two reasons as follows:
  1. Under the Dún Laoghaire-Rathdown County Development Plan 2022-2028, the site is subject to zoning objective A1, which seeks "to provide for new residential communities and Sustainable Neighbourhood Infrastructure in accordance with approved local area plans". The subject site is located on

Tier 2 lands which are not currently sufficiently serviced to support new development and the future development of Rathmichael is contingent upon the timely delivery of supporting infrastructure as outlined under Section 2.3.7.2 and Appendix 1 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028. The site is located within the Rathmichael Local Area Plan boundary, for which a Local Area Plan will be prepared. Section 2.6.1.3 Local Area Plan Plan-Making Programme of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 notes that within the A1 zoned lands at Rathmichael there are a number of existing properties and 'minor modifications and extensions to these properties can be considered in advance of the relevant Local Area Plans.' The proposed development which comprises the construction of a new dwelling, having regard to its nature and scale, would not constitute 'minor modification and extensions to existing property'. Accordingly, the proposed development would be contrary to the provisions of Section 2.6.1.3 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, would set an undesirable precedent for other similar developments and would be contrary to the A1 zoning objective of the area, which seeks "to provide for new residential communities and Sustainable Neighbourhood Infrastructure in accordance with approved local area plans". It is considered that the proposed development undermines the intended plan-led and co-ordinated approach to residential development in the Rathmichael area as provided for in the Dun Loaghaire Rathdown County Development Plan 2022-2028. Therefore, the proposed development would be contrary to the proper planning and sustainable development of the area.

2. It is considered that the additional traffic generated by the proposed development, and the precedent it would set for similar developments, would endanger public safety by reason of traffic hazard, due to the increase in conflicts between pedestrian / cyclist / vehicle movements resulting from the proposed development and the inadequate provision of pedestrian and cyclist facilities throughout the road network at this location. The proposed development is not in accordance with the current Dun Loaghaire Rathdown County Development Plan 2022-2028 Policies T1 (Integration of Land Use and Transportation Policies) and T4 (Development of Sustainable Travel and

Transportation) to support and promote sustainable modes of transport. The proposed development is premature pending the preparation and completion of the Rathmichael Local Area Plan and therefore, the proposed development would be contrary to the proper planning and sustainable development of the area.

### **3.3. Planning Authority Reports**

#### **3.3.1. Planning Reports**

The planning officers report dated 13/01/2025 can be summarised as follows:

- The report received from Forward Planning and Active Land Management concludes that the proposed development would undermine the intended planned and co-ordinated approach to residential development in the Rathmichael area as provided for in Development Plan. The Planning Authority concur with this conclusion.
- It is considered that the nature and scale of the proposed development do not constitute minor modification and / or extension as per Section 2.6.1.3 of the development plan.
- The site lies within the Rathmichael LAP boundary for which Table 2.16 of the Development Plan indicates that a new LAP is to be prepared. The proposed development would pre-empt any proposals which the Planning Authority may wish to implement in relation to the density of development and / or provision of sustainable neighbourhood infrastructure.
- It is considered the proposed development would be contrary to both the 'A1' Zoning Objective on the site and Section 2.6.1.3 Local Area Plan Plan-Making Programme of the Development Plan.
- The proposed development would set an undesirable precedent for other similar types of development in the area pending the adoption of the Rathmichael LAP.
- The proposed scale and overall form of the dwelling will not impact negatively on the existing streetscape and would not visually impact the existing amenities.

- It is considered that the proposed development would generally accord with Section 12.3.7.5 Corner/ Side Garden Sites and Section 12.3.7.7 Infill of the Development Plan.
- The planning authority share the concerns outlined in the Transportation Planning Section Report.
- The Site Layout Drawing (Dwg. No. A03) does not include works proposed to the existing vehicular entrance to create a shared vehicular access within the red line (as indicated on Dwg. No A06 -Site Entrance Details).
- An existing studio/office structure to the northeast of the existing dwelling would require demolition to facilitate the proposed new driveway. These works have not been described in the public notices nor have demolition drawings been provided with the planning application. It is noted that these discrepancies did not hinder the assessment of the planning application.
- The proposed development would be contrary to the current Dun Loaghaire Rathdown County Development Plan 2022-2028 Policies T1 (Integration of Land Use and Transportation Policies) and T4 (Development of Sustainable Travel and Transportation) to support and promote sustainable modes of transport as residents of the proposed development would be reliant on travel by car due to a lack of local amenities/ facilities/ destinations within a reasonable travel time / distance by foot from the proposed development and the distance and lack of safe walking to the public transport network.
- The proposed development is considered to be premature and a refusal of permission is recommended.

### 3.3.2. Other Technical Reports

Drainage Planning: No objection subject to conditions.

Transportation Planning: Recommends refusal.

Environmental Health Officer: Further information required

Forward Planning and Active Land Management: Outlines the background to the land use zoning of the site and states that a draft LAP for Rathmichael will be progressed towards public consultation in 2025. It is considered that the proposed

development undermines the intended plan-led and co-ordinated approach to residential development in the Rathmichael area as provided for in the DLR County Development Plan 2022-2028.

### **3.4. Prescribed Bodies**

- 3.4.1. Inland Fisheries Ireland: The site is in an area that may be precluded from this type of development in accordance with Appendix 8 of the Development Plan which states “The Rathmichael Groundwater Protection Study contains a policy in relation to the Crinken catchment and has deemed that certain parts of this area are not suitable for further development due to the cumulative effect of septic tanks on ground water. This will be superseded in the future when connection to public water mains is provided.” Should the planning authority consider permission then it is important to ensure that any proposed works will not impact negatively on the aquatic habitat and that the proposed wastewater treatment plant is designed and constructed in accordance with current EPA guidelines.

### **3.5. Third Party Observations**

- 3.5.1. Three no. third party observations were received objecting to the proposed development. The issues raised are similar to the issues raised in the observations to the appeal.

## **4.0 Planning History**

Appeal site:

No recent planning history.

Adjoining site to the north:

- D24A/0872 / ABP-321764-25: Permission refused by DLR for construction of house, improvements to site entrance, set back of roadside hedge, driveway and landscaping, on site wastewater treatment system, and all associated works. The reasons for refusal relate to the proposal being contrary to the A1Zoning Objective in the absence of the preparation of the Rathmichael LAP

and traffic hazard (same refusal reasons as the subject appeal site). This application is currently the subject of a first party appeal to An Bord Pleanála.

Wider Area:

The following planning history on lands zoned A1 within the boundary of the Rathmichael LAP and in the vicinity of the appeal site is noted:

- ABP-320949-24: Permission refused by DLR and ABP (ABP decision date 17/02/2025) for construction of a dwelling and all associated site works. The reason for refusal by ABP states that the proposal would not be in accordance with the A1 zoning objective for the area, section 2.6.1.3 or Appendix 1, Section 4.7 of the development plan.
- ABP-319661-24: Permission refused by DLR and ABP (ABP decision date 14/10/2024) for a detached two storey dwelling and new entrance. The reason for refusal by ABP states that the proposal would not be in accordance with the A1 zoning objective for the area, section 2.6.1.3 or Appendix 1, Section 4.7 of the development plan.
- ABP-315819-23: Permission refused by DLR and granted by the Board (ABP decision date 29/02/2024) for a two storeys dwelling on Old Rathmichael road. The main reason for refusal by the Planning Authority related to policy context/ prematurity and traffic issues.
- ABP-315721-23: Permission refused by DLR and granted by the Board (ABP decision date 07/03/2024) for a two-storey dwelling and new entrance onto Lordello Road, against a decision by Dun Laoghaire County Council to refuse permission. The main reason for refusal by the Planning Authority related to policy context/ prematurity and traffic issues.
- ABP-315412-22: Permission refused by DLR and granted by the Board (ABP decision date 29/02/2024) for the change of use/conversion of existing two storey garage adjacent and connected to existing house into a separate dwelling of 138sqm, together with all site works & new utility connections. The main reason for refusal by the Planning Authority related to policy context/ prematurity.



- ABP-314926-22 Permission refused by DLR and granted by the Board (ABP decision date 16/11/2023) for Change-of-use of detached single- storey vacant farm building to residential use and an on-site wastewater treatment system, and all associated site works. The main reason for refusal by the Planning Authority related to policy context/ prematurity.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The Dun Laoghaire – Rathdown Development Plan 2022 – 2028 is the relevant Development Plan for the subject site. The site is zoned 'Objective A1' which seeks 'to provide for new residential communities and sustainable neighbourhood infrastructure in accordance with approved local area plans'.
- 5.1.2. The subject site is located within the proposed Rathmichael LAP boundary as indicated on Map 10 and Map 14 of the development plan and for which a LAP will be prepared as stated in section 2.4.6. Table 2.9 identifies residential zoned land in Rathmichael as Tier 2 lands. Section 2.3.7.2 refers to Tiered Approach to Land Zoning and states that Tier 2 lands are not currently sufficiently serviced to support new development but have potential to become fully serviced within the lifetime of the Plan.
- 5.1.3. Section 2.4.6 in relation to phasing states The Planning Authority considers that a plan-led approach to the development of both Old Connaught and Rathmichael is of paramount importance to ensure the proper planning and sustainable development of this new residential community. Section 2.6.3.1 states “It is noted that within the A1 zoned lands at both Old Connaught and Rathmichael there are a number of existing properties. Minor modifications and extensions to these properties can be considered in advance of the relevant Local Area Plans.
- 5.1.4. Chapter 12 sets out Development Management criteria relating to infill and backland dwellings and vehicular entrances.
- 5.1.5. Section 12.10.3.1 refers to single dwelling domestic wastewater treatment systems and states for new development(s) located in areas of “high” to “extreme” groundwater vulnerability (this includes areas in Rathmichael, Kiltiernan and

Glencullen and may include other areas in the County) and where the provision of a single wastewater density of Domestic Wastewater Treatment Systems (DWWTS) results in a density of higher than 6 per hectare further assessment is required including: The potential impact of the proposed system should be further assessed to show that the accumulative loading would not have a negative impact on groundwater quality, particularly with respect to E. coli and nitrate. In such cases, more detailed hydrogeological investigations should be carried out by a competent and experienced hydrogeologist to demonstrate that the site is suitable for a DWWTS. Particular attention should also be paid to the potential impact that the proposed DWWTSs may have on watercourses, drains/ditches, ponds/lakes and foreshore, depending on the location of the site. For clarity in determining the 6 per hectare density, only the areas within the immediate site boundaries of dwellings in close proximity to prospective sites shall be calculable.

- 5.1.6. Chapter 14 – Specific Local Objectives includes SLO 86: It is an Objective of the Council, to prepare a Local Area Plan for Rathmichael.
- 5.1.7. Appendix 1 outlines a Tiered Approach to Land Zoning – Infrastructural Assessment. Section 4.7 states that Old Connaught and Rathmichael are identified as new residential communities in the settlement strategy of the CDR Old Connaught and Rathmichael are not currently serviced, and the future development of these areas is contingent upon the timely delivery of supporting infrastructure. Implementation plans incorporating phasing programmes are to be prepared as part of the Local Area Plan making process for both new communities, linking development with the commensurate delivery of supporting infrastructure.

## **5.2. Ministerial Guidelines**

- 5.2.1. The Development Management, Guidelines for Planning Authorities (2007). The Guidelines were issued under Section 28 of the Planning and Development Act 2000, and Planning Authorities must have regard to them in the performance of their functions. Section 7.16.1 of the Guidelines refers to Premature Development. It states that development which is premature because of a commitment in a development plan to prepare a strategy, Local Area Plan or framework plan not yet completed should only be used as a reason for refusal if there is a realistic prospect of the strategy or plan being completed within a specific stated time frame.

### **5.3. Natural Heritage Designations**

- 5.3.1. The closest designated sites to the appeal site are Ballyman Glen SAC (000713) located 2.3km south of the site, Knocksink Wood SAC (000725) located 3.5km southwest of the site, Rockabill to Dalkey Island SAC (003000) 4km northeast of the site, and Bray Head SAC (000714) 4.7km southeast of the site.

### **5.4. EIA Screening**

- 5.4.1. See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

## **6.0 The Appeal**

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

One no. first party appeal against the Planning Authority's decision to refuse permission has been received. The grounds of appeal can be summarised as follows:

- Precedent in the area includes permission for two planning applications which were refused permission by DLR and subsequently granted permission by An Bord Pleanála in the general area of the application site, reference D22A/0914 (ABP-315819-23) and D22A/0606 (ABP-314926-22).
- Development Management Guidelines 2007 state that "development which is premature because of a commitment in a development plan to prepare a strategy, Local Area Plan or framework plan not yet complete should only be used as a reason for refusal if there is a realistic prospect of the strategy or plan being completed within a specific stated time frame". The process for preparing the draft Rathmichael LAP has not yet begun and it is unlikely that the LAP will be ready in the near future.

- It is unreasonable for the Council to refuse permission in an area designated A1.
- The Planner's Report finds the proposal acceptable having regard to section 12.3.7.5 relating to corner/side garden sites and section 12.3.7.7 relating to infill development.
- ABP Inspector's reports relating to file reference ABP-315819-23 and ABP-314926-22 regarding traffic movements in Old Rathmichael and Quarry Road whereby it was accepted that traffic movements are generally low and the lack of pedestrian facilities on Quarry Road and Old Rathmichael is not so great as to warrant a refusal of permission.
- The proposed alterations to the site boundaries on Quarry Road will improve safety for users of the existing entrance.
- The proposed waste water treatment system is acceptable to the planning authority.
- The proposed single storey dwelling on a large site does not pose any significant risk of prejudicing the outcome of the future Rathmichael LAP.
- The proposed dwelling is for the daughter of the occupants of the existing house on the property and is not speculative.

## **6.2. Applicant Response**

None received.

## **6.3. Planning Authority Response**

Response received states that the grounds of appeal do not raise any new matter which would justify a change of attitude to the proposed development.

## **6.4. Observations**

Three no. observations have been received from Paul & Jill Dempsey; Brian & Miriam Cahill; and Patrick & Norma Jones.

- Quarry Road is narrow and has a steep gradient and is busy with farming traffic, cyclists and walkers.
- Inadequate sightlines are available and a proposal to cut back boundaries refers to land not in the ownership of the applicants and should not be considered. Removal of boundaries would still not achieve adequate sightlines.
- The local authority's finding that the proposal would endanger public safety and cause conflicts between pedestrians/cyclists/vehicle movements and would not be suitable because of inadequate provision of pedestrian and cyclist facilities is correct.
- A one off dwelling would not comply with the development plan which seeks to ensure that there is coordinated development in the area. The existing policy only allows for minor modifications and extensions to existing structures.
- The cited precedents are materially different to the appellants' proposal and should not be considered comparable for the purpose of drawing a precedent.
- Permission has been refused for a house on the adjoining site to the northeast on virtually identical planning grounds.
- A granny flat would allow the applicants to reside adjoining their parents.
- The stream along the rear boundary is likely to become polluted as a result of the proposed wastewater treatment system.
- The proposal relies on a proposed waste water treatment system in an area of high to extreme groundwater vulnerability, trial pits did not meet EPA standards therefore invalidating the WWTS results, the proposed percolation area is located too close to a stream at a distance of 10.5m in an area of shallow rock, the number of waste water treatment systems would exceed the recommended density of 6 per hectare, the proposal would result in two DWWTs in close proximity and on a slope above 8 Quarry Road presenting potential environmental health issues, and the proposed driveway will pass over the percolation area for the existing DWWTs serving the existing dwelling on the property.

- There are groundwater problems in the Quarry Road area.
- The proposed driveway would result in overlooking into the main living area of no. 8 Quarry Road, would disrupt privacy of existing rear gardens and result in traffic noise.
- The boundary wall is unsuited to withstand construction vehicles.
- The proposal is a backland development which disproportionately impact neighbouring properties by materially changing the established pattern of development in the area and will create a damaging precedent.
- The planning application fails to mention the proposed demolition of an existing structure.

## 6.5. Further Responses

None received.

## 7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issue in this appeal are as follows:

- Principle of Development
- Traffic & Transport Matters
- Waste Water Treatment
- Water Framework Directive Assessment
- Other matters

### 7.1. Principle of Development

7.1.1. The proposed dwelling is located on lands zoned 'Objective A1' which seeks "to provide for new residential communities and Sustainable Neighbourhood Infrastructure in accordance with approved local area plans". Residential use is 'permitted in principle' on A1 zoned lands. The subject site is located within the

boundary of the Rathmichael Local Area Plan (LAP) and of relevance is Specific Local Objective No. 86 'To prepare a Local Area Plan for Rathmichael'. There is currently no LAP prepared. I note that pre-draft consultation in relation to the preparation of the Rathmichael Local Area Plan has commenced with public display of pre-draft documents during April and May 2025.

- 7.1.2. The Core Strategy of the plan identifies Rathmichael as Tier 2 lands which are lands that are not currently sufficiently serviced to support new development but have potential to become fully serviced within the lifetime of the Plan. The plan acknowledges the presence of existing properties within the A1-zoned lands in Rathmichael and states that minor modifications or extensions to these properties can be considered in advance of a Local Area Plan.
- 7.1.3. The appeal refers to two sites located on A1 zoned lands in the vicinity of the site whereon permission for a dwelling on each site was refused by DLR for similar reasons to the subject proposal and which were overturned on appeal by the Board. These are file reference ABP-315819-23 (granted by ABP on 29/02/2024) and ABP-314926-22 (granted by ABP on 16/11/2023). In the assessment of these files regard was had to section 7.16.1 of the Development Management Guidelines which states that prematurity should not be used as a reason for refusal unless a specific timeframe is stated within which there is a reasonable prospect of the plan being completed and noting that at the time of the assessment of these applications no timeframe had been identified for the preparation and completion of a LAP.
- 7.1.4. I also refer the Board to more recent planning history on A1 zoned lands in the area as outlined in section 4 of this report. I note that permission was refused for development of single dwellings on A1 zoned lands by both the Planning Authority and ABP (ABP-320949-24 and ABP-319661-24) for reasons relating to non-compliance with the A1 zoning objective, section 2.6.1.3 of the development plan which sets out that within the Rathmichael A1 zoned area 'minor modifications and extensions to existing properties' can be considered in advance of the relevant local area plan being in place and Appendix 1 Section 4.7 of the development plan which states that development within this Tier 2 area is contingent upon the timely delivery of supporting infrastructure.
- 7.1.5. I note that pre-draft consultation in relation to the preparation of the Rathmichael LAP has commenced with public display of pre-draft documents during April and May 2025

and as such I consider that the Planning authority is progressing the preparation of the plan and as such there is a realistic prospect of the plan being made in the near future. I therefore do not consider it appropriate to grant permission on the basis of section 7.16 of the Development Management Guidelines (2007) which states that development should not be refused on the basis of prematurity unless there is a realistic prospect of the relevant strategy or plan being completed within a stated timeframe. Having regard to the zoning objective of the site seeks to provide for new residential communities and Sustainable Neighbourhood Infrastructure in accordance with approved local area plans, I agree with the Planning Authority's reason for refusal relating to prematurity pending the approval of the Rathmichael Local Area Plan. I also consider that the proposal does not relate to a minor modification and extension to an existing property which the development plan states can be considered in advance of the relevant Local Area Plans and fails to comply with Appendix 1 of the development plan relating to a Tiered Approach to Land Zoning – Infrastructural Assessment wherein section 4.7 states that the future development of Rathmichael is contingent upon the timely delivery of supporting infrastructure. Having regard to the above I consider permission should be refused.

## **7.2. Traffic & Transport Matters**

- 7.2.1. I note the concerns raised by the Planning Authority with regard to transport matters, including a lack of pedestrian facilities and the development causing a traffic hazard, as outlined in the second reason for refusal. The observers raise similar concerns.
- 7.2.2. The report from the Transport Planning Section concludes that residents of the proposed development would be reliant on travel by car due to a lack of local facilities /amenities/destinations including safe walking infrastructure to the public transport network.
- 7.2.3. Having inspected the site, I note that the road network in the area is narrow and there are no footpaths in the vicinity of the appeal site. However, I consider that the level of traffic generated by one dwelling would not be so significant as to give rise to a traffic hazard.
- 7.2.4. In relation to concerns by observers that inadequate sightlines are available without cutting back boundaries outside the application site and the proposal would result in a traffic hazard, I note that the site layout plan submitted indicates sightlines of 70m to



the southwest and 33m to the northeast and refers to agreement from the adjoining land owner to the northeast in relation to cutting back / removal of boundaries to achieve sightlines. I note that the Transportation Planning Section raised no concerns in relation to sightlines. If the Board is minded to grant permission they may wish to seek further information from the applicant to confirm adequate sightlines are available to the northeast.

### **7.3. Waste Water Treatment**

- 7.3.1. Observers raise concerns in relation to potential pollution from the proposed on site waste water treatment system. The proposal includes a wastewater treatment system comprising a secondary treatment system and polishing filter area as outlined in a Site Suitability Assessment Report submitted with the application. The EHO report on file states that further assessment is required referring to section 12.10.3 of the Development Plan which states that “in areas of “high” to “extreme” groundwater vulnerability (this includes areas in Rathmichael, Kiltiernan and Glencullen and may include other areas in the County) and where the provision of a single wastewater density of Domestic Wastewater Treatment Systems (DWWTS) results in a density of higher than 6 per hectare further assessment is required”. The EHO report also notes that ground water drainage tests were not indicative of the proposed percolation area located 11m from a stream adjoining the northern boundary.
- 7.3.2. The site is located in an area of extreme groundwater vulnerability where the aquifer is categorised as poor, and in an area of well drained granite till soil. Groundwater or rocks were not observed in the trial hole at a depth of 2.1m. A percolation value result of 23 was recorded.
- 7.3.3. Having reviewed the submitted documentation including the Site Characterisation Report and Site Layout Plan I am satisfied that the adequate separation distances as required in the EPA Code of Practice for domestic waste water treatment systems are available from the existing stream, existing and proposed dwellings and associated wastewater treatment systems, and site boundaries. I am satisfied that the soil depth and test results are acceptable and I do not share the concerns of the observers relating to potential pollution arising from the proposed waste water treatment system. In relation to concerns regarding the location of the trial holes

which is not directly adjacent to the proposed percolation area, I am satisfied that the results are indicative of the site characteristics and are acceptable. I note that the proposal may result in a density of onsite waste water treatment systems in excess of 6 per hectare. If the Board considers granting permission they may wish to seek further information from the applicant in relation to the density of WWTP in the vicinity of the site and further assessment as required by the development plan section 12.10.3.1 in this regard.

7.3.4. In relation to concerns that the proposed driveway is located over the existing percolation area serving the existing dwelling, having reviewed the drawings I am satisfied that the existing percolation area is not impacted by the proposed development.

7.3.5. I note the submission to the planning application from Inland Fisheries Ireland and I am satisfied that the proposed wastewater treatment system can be accommodated in accordance with EPA Guidelines and will not give rise to pollution.

#### **7.4. Water Framework Directive Assessment**

7.4.1. Observers to the appeal raise concerns in relation to ground water quality in the area. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively (refer to Appendix 4).

#### **7.5. Other Matters**

7.5.1. Observers raise a number of concerns in relation to residential amenity concerns arising as a result of the backland nature of the proposal, overlooking in to the living area of no. 8 Quarry Road and loss of privacy and noise from the proposed driveway.

7.5.2. I note that the proposal is for a single storey dwelling with a flat roof and maximum height of 4 metres and as such is unlikely to give rise to any overlooking that would be detrimental to adjacent properties. Having regard to the scale of development proposed I do not consider the use of the proposed driveway has the potential to result

in negative impacts on adjoining properties. The development plan supports backland development on appropriate sites subject to appropriate design and as such I do not consider the proposal will result in an unacceptable principle for backland development in the area.

7.5.3. I note concerns raised by an observer in relation to impacts of construction vehicles on the existing rear boundary wall. I do not consider matters relating to potential damage to property are relevant to the assessment of this appeal.

7.5.4. In relation to concerns that the planning application fails to refer to the proposed demolition of an existing studio/office structure to the northeast of the existing dwelling, I am satisfied that the planning authority considered the information submitted with the planning application acceptable and I do not consider this detrimental to the assessment of the planning application.

## **8.0 AA Screening**

8.1. I have considered the proposed development of a dwelling and associated site works in light of the requirements S177U of the Planning and Development Act 2000 as amended.

8.2. The subject site is located approx. 2.3km from Ballyman Glen SAC (000713), 3.5km from Knocksink Wood SAC (000725), 4km from Rockabill to Dalkey Island SAC (003000), and 4.7km from Bray Head SAC (000714).

8.3. The proposed development comprises the construction of a dwelling, reconfiguration of site entrance, new wastewater treatment system with pumped soil polishing filter and all associated site works. No nature conservation concerns were raised in the planning appeal.

8.4. Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in the AA screening, 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 any European Site(s) in view of the conservation objectives of these sites and is

therefore excluded from further consideration. Appropriate Assessment is not required.

8.5. This determination is based on:

- The nature and scale of the works
- The location and distance from nearest European site and lack of direct connections between the application site and the SAC/SPA
- Taking into account screening determination by the Planning Authority.

## 9.0 Recommendation

9.1. I recommend that permission be refused for the reasons and considerations set out below.

## 10.0 Reasons and Considerations

1. Having regard to the A1 zoning objective of the area as set out in the Dun Laoghaire-Rathdown County Development Plan 2022-2028, the objective of which seeks to provide *'for new residential communities and Sustainable Neighbourhood Infrastructure in accordance with approved local area plans'*, Section 2.6.1.3 of the development plan (Local Area Plan-Making Programme), which sets out that within the Rathmichael A1 zoned area 'minor modifications and extensions to existing properties' can be considered in advance of the relevant local area plan being in place, and Appendix 1, Section 4.7 (New Residential Communities: Old Connaught and Rathmichael) which sets out that development in this Tier 2 area is contingent upon the timely delivery of supporting infrastructure, it is considered that the proposed development of a new residential unit at this location is not a minor modification or an extension to an existing property. The proposed development would not therefore be in accordance with the A1 zoning objective for the area, section 2.6.1.3 or Appendix 1, Section 4.7 of the development plan. 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.

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Bernadette Quinn  
Planning Inspector

15<sup>th</sup> May 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-321851-25		
<b>Proposed Development Summary</b>	Construction of a dwelling, reconfiguration of main site entrance, new wastewater treatment system with pumped soil polishing filter and all associated site works		
<b>Development Address</b>	Suimneas, 7 Quarry Road, Shankill, Dublin 18, D18 F1H9		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	X	Class 10 (b) (i) and Class 10 (b) (iv).	Proceed to Q3.
<b>No</b>			
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	X		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	Class 10 (b) (i) and Class 10 (b) (iv).	Preliminary examination required (Form 2)

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

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

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	<b>ABP-321851-25</b>
<b>Proposed Development Summary</b>	Construction of a dwelling, reconfiguration of main site entrance, new wastewater treatment system with pumped soil polishing filter and all associated site works
<b>Development Address</b>	Suimneas, 7 Quarry Road, Shankill, Dublin 18, D18 F1H9
<p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<b>Characteristics of proposed development</b> (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>The appeal site is located in an area characterised by residential development comprising detached dwellings on large sites. The proposed development would therefore not be exceptional in the context of the existing environment in terms of its nature.</p> <p>The development would not result in the production of any significant waste, emissions or pollutants due to the nature of the proposed residential use.</p>
<b>Location of development</b> (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	<p>The site is not located within, or immediately adjoining, any protected areas. The development would be in a suburban area and would not have the potential to significantly impact on any ecologically sensitive site or location. The proposal would not give rise to significant impact on nearby water courses (whether linked to</p>



<p>sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>any European site or other sensitive receptors). The site is not considered to be an environmentally sensitive site.</p> <p>The closest designated sites to the appeal site are Ballyman Glen SAC (000713) located 2.3km south of the site, Knocksink Wood SAC (000725) located 3.5km southwest of the site, Rockabill to Dalkey Island SAC (003000) 4km northeast of the site, and Bray Head SAC (000714) 4.7km southeast of the site.</p> <p>It is considered that no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on any European Site.</p> <p>The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other urban developments.</p> <p>Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area.</p>
<p><b>Types and characteristics of potential impacts</b> (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>The development would generally be consistent with the scale of surrounding developments and would not be exceptional in the context of the existing urban environment.</p> <p>There would be no significant cumulative considerations with regards to existing and permitted projects/developments.</p>

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
<del>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</del>	<del>Schedule 7A Information required to enable a Screening Determination to be carried out.</del>	
<del>There is a real likelihood of significant effects on the environment.</del>	<del>EIAR required.</del>	

Inspector:

Date:

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

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

(only where Schedule 7A information or EIAR required)

**Appendix 3**  
**Screening for Appropriate Assessment**  
**Test for likely significant effects**

**Step 1: Description of the project and local site characteristics**

<b>Brief description of project</b>	<b>Construction of a dwelling, reconfiguration of main site entrance, new wastewater treatment system with pumped soil polishing filter and all associated site works</b>
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<b>The appeal site, with an area of 0.197ha is located 2.3km north of Ballyman Glen SAC, 3.5km north east of Knocksink Wood SAC and 4km southwest of Rockabill to Dalkey Island SAC and 4.7km northwest of Bray Head SAC.</b>
<b>Screening report</b>	N
<b>Natura Impact Statement</b>	N
<b>Relevant submissions</b>	None

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

[List European sites within **zone of influence** of project in Table and **refer** to approach taken in the AA Screening Report as relevant- there is no requirement to include long list of irrelevant sites.

<b>European Site (code)</b>	<b>Qualifying interests<sup>1</sup> Link to conservation objectives (NPWS, date)</b>	<b>Distance from proposed development (km)</b>	<b>Ecological connections<sup>2</sup></b>	<b>Consider further in screening<sup>3</sup> Y/N</b>
Ballyman Glen SAC (000713)	Petrifying springs with tufa formation (Cratoneurion) Alkaline fens  <a href="#">Ballyman Glen SAC   National Parks &amp; Wildlife Service</a>	2.3km	None	N
Knocksink Wood SAC (000725)	Petrifying springs with tufa formation (Cratoneurion)	3.5km	None	N

	<p>Old sessile oak woods with Ilex and Blechnum in the British Isles</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)</p> <p><a href="#">Knocksink Wood SAC   National Parks &amp; Wildlife Service</a></p>			
Rockabill to Dalkey Island SAC (003000)	<p>Phocoena phocoena (Harbour Porpoise)</p> <p><a href="#">Rockabill to Dalkey Island SAC   National Parks &amp; Wildlife Service</a></p>	4km	<p>Potential weak hydrological connection from construction and operation into a stream adjacent to northern site boundary which flows into the Dargle River which flows into Dublin Bay at Bray Harbour approx. 4km southeast of the site. Having regard to standard best practice construction practices and the results of the onsite WWTP Site Characterisation Report no impacts on water quality are likely to arise. I am satisfied that the proposal can be eliminated from further assessment because there is no conceivable risk to water quality of the stream adjoining the site boundary and therefore the proposal would not be likely to give rise to significant effects on this SAC.</p>	No

Bray Head SAC (000714)	Vegetated sea cliffs of the Atlantic and Baltic coasts European dry heaths  <a href="#">Bray Head SAC   National Parks &amp; Wildlife Service</a>	4.7km	None	No
<sup>1</sup> Summary description / <b>cross reference to NPWS website</b> is acceptable at this stage in the report <sup>2</sup> Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species <sup>3</sup> if no connections: N				
<b>Conclude if the proposed development could result in likely significant effects on a European site</b>				
I conclude that the proposed development (alone) would not result in likely significant effects on Ballyman Glen SAC (000713), Knocksink Wood SAC (000725), Rockabill to Dalkey Island SAC (003000), and Bray Head SAC (000714). 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.				

## Screening Determination

### Finding of no likely significant effects

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, 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 any European Site(s) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The nature and scale of the works
- Location-distance from nearest European site and lack of direct connections between the application site and the SAC/SPA
- Taking into account screening determination by the PA.



## Appendix 4

### WFD IMPACT ASSESSMENT STAGE 1: SCREENING

#### Step 1: Nature of the Project, the Site and Locality

<b>An Bord Pleanála ref. no.</b>	<b>Abp-321851-25</b>	<b>Townland, address</b>	Suimneas, 7 Quarry Road, Shankill, Dublin 18, D18 F1H9
<b>Description of project</b>		Construction of a dwelling, reconfiguration of main site entrance, new wastewater treatment system with pumped soil polishing filter and all associated site works	
<b>Brief site description, relevant to WFD Screening,</b>		The site is located in a rural area characterised by detached dwellings on large sites. The landscape in the area is elevated although the site itself is generally flat with a slight slope downwards from east to west. The site is located in an area of well drained granite till. There is a stream located adjacent to the sites northern boundary.	
<b>Proposed surface water details</b>		Infiltrated to on-site soakaway.	
<b>Proposed water supply source &amp; available capacity</b>		Uisce Eireann mains water connection	
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>		Proposed onsite waste water treatment system. EPA site suitability assessment	

Others			No			
<b>Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</b>						
<b>Identified water body</b>	<b>Distance to (m)</b>	<b>Water body name(s) (code)</b>	<b>WFD Status</b>	<b>Risk of not achieving WFD Objective e.g.at risk, review, not at risk</b>	<b>Identified pressures on that water body</b>	<b>Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)</b>
River Waterbody	10.6m	Dargle_040	Good	Not at risk	No pressures	Yes – stream located along northern site boundary
Groundwater Waterbody	Underlying site	Wicklow IE_EA_G_076	Good	At risk	Unknown, Agriculture	Well drained soil conditions
<b>Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.</b>						
<b>CONSTRUCTION PHASE</b>						



No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Site clearance /construction	Dargle_040	Existing stream along northern site boundary	Siltation, Ph (Concrete), Hydrocarbon Spillages	Standard construction practice CEMP	No	Screened out
2.	Site clearance /construction	Wicklow IE_EA_G_076	Drainage through soil/bedrock	Hydrocarbon spillages	Standard construction measures /conditions	No	Screened out
OPERATIONAL PHASE							
3.	Surface water run-off	Dargle_040	None	None	None	No	Screened out
4.	Groundwater discharge	Wicklow IE_EA_G_076	None	None	None	No	Screened out
DECOMMISSIONING PHASE							
5.	NA	NA	NA	NA	NA	NA	NA

