



Inspector's Report

ACP-324071-26

Development

Construction of a 176 no. dwellings on the site to the east of Stoney Hill Road comprising 100 no. duplex units and 76 no. houses and with a mix comprising of 16 no. 1 beds, 50 no. 2 beds, 70 no. 3 beds and 40 no. 4 beds with detached, semi-detached and terraced units, a creche facility with all associated site works. A Natura Impact Statement (NIS) was submitted as part of the planning application.

Location

A 5.8 hectare site at lands to the east of Stoney Hill Road & incl. lands at part of the existing, Peyton residential site to the west of Stoney Hill Road, Rathcoole, Co. Dublin, D24 V578

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

LRD25A/0008W

Applicant(s)

Romeville Developments.

Type of Application

Large-Scale Residential Development.

Planning Authority Decision

Refuse Permission

Type of Appeal	First Party
Appellant(s)	Romeville Developments.
Observer(s)	BCM Residents Association – John O’Leary. Four Districts Woodland Habitat Group. Rathcoole Park Residents Association. Rathcoole Community Council Board. Stephen Murray.
Date of Site Inspection	13 th of May 2026.
Inspector	Elaine Sullivan

Contents

1.0 Site Location and Description	5
2.0 Proposed Development	5
3.0 Planning Authority Pre-Application Decision	9
4.0 Planning Authority Decision	14
4.1. Decision	14
4.2. Planning Authority Reports	18
4.3. Prescribed Bodies	24
4.4. Third Party Observations	25
5.0 Planning History	26
6.0 Policy Context	30
6.1. Development Plan	30
6.2. National/Regional Plans/Policies	35
6.3. National Guidance	38
6.4. Natural Heritage Designations	40
6.5. EIA Screening	40
7.0 The Appeal	42
Planning Authority Response	51
Observations	52
8.0 Assessment	54
9.0 AA Screening	94
10.0 Water Framework Directive	94
11.0 Recommendation	95
12.0 Reasons and Considerations	95

Appendix 1 – Form 1: EIA Pre-Screening

Appendix 2 – Form 3: EIA Screening Determination

Appendix 3 – AA Screening

Appendix 4 – Stage 2 AA

Appendix 5 – Water Framework Directive Scoping Assessment

1.0 Site Location and Description

- 1.1. The site comprises two separate land parcels which have a combined area of 5.8 hectares. Both sites are located on the southern outskirts of Rathcoole village in south county Dublin. The main land parcel (c. 5.2ha) is accessed via a laneway known as Stoney Park and has a frontage to Stoney Hill Road. It is also to the immediate south of an established estate called Rathcoole Park. This parcel comprises five separate residential properties and agricultural land. The area is in the foothills of the Dublin Mountains and the site slopes steeply up from the road frontage with levels between 124.00 mOD at the lowest point to 139.00 mOD at the highest point. The gradient is particularly steep at the south-western corner of the site.
- 1.2. To the east of the site is an area of immature woodland known as the Four Districts Woodland or the Rathcoole Woodland. There is a watercourse which skirts the south-eastern boundary, the Crookshane River, which is a tributary of the River Camac. There are two drainage ditches which run close to and partly along the eastern boundary of the site in roughly north-south direction.
- 1.3. A separate, smaller land parcel, is located to the north of the site and is immediately adjacent to the roundabout on Stoney Hill Road. This is an undeveloped portion of Peyton estate, to the north of the estate entrance. It is partially surrounded by a high stone wall which forms the entrance wing walls. The remainder is encompassed by a hoarding. This site is proposed to accommodate a childcare facility.

2.0 Proposed Development

- 2.1. The development will comprise of the following,
 - Demolition of 5 no. existing dwellings and associated outbuildings on the site.
 - Construction of 176 no. dwellings on the site to the east of Stoney Hill Road comprising 100 no. duplex units and 76 no. houses and with a mix comprising of 16 no. 1 beds, 50 no. 2 beds, 70 no. 3 beds and 40 no. 4 beds with detached, semi-detached and terraced units.
 - House types include two storey and three storey typologies, and the duplex units are three storeys in height.

- A total of 245 no. surface car parking spaces for the residential development (including visitor, accessible and EV charging spaces) comprising of 152 no. for the 76 no. houses and 93 no. for the 100 no. duplex units.
- Bicycle parking comprising of 187 no spaces in total (including 3 no. cargo bicycle spaces) in sheltered bicycle stores.
- Open space comprising of 8,725 sq. m of public open space, including the main park and pocket parks, 2,680 sq. m of communal open space, including 100 sq.m of play to serve the duplex units and, 4,311 sq.m of ecological open space, including landscape buffers.
- A new vehicular, pedestrian and cyclist access from Stoney Hill Road to the north-west of the residential development site and a secondary access for emergency vehicles only further to the south on Stoney Hill Road.
- A 2-storey creche building of 639.2 sq.m plus an outdoor play area of 591 sq.m located on an existing undeveloped portion of the Peyton site located to the west of Stoney Hill Road. The creche includes 10 no. car parking spaces and 20 no. bicycle parking spaces.
- Infrastructure works to serve the proposed development to include the internal road network, ESB substations/switchrooms, lighting, site drainage works, hard and soft landscaping, boundary treatment, and all ancillary site services and development works above and below ground.

2.2. Key Development Statistics Table

Site Area	5.8ha (Gross) 4.99ha (Net – excluding creche)
Density	35.3 uph (Net)
Plot Ratio	0.39 (excluding creche)
Site Coverage	0.22 (excluding creche)
Dual Aspect	176 units (100%)
No. of residential units	176 no residential units –

	100 no. Duplex units (16 x 1-bed, 50 x 2-bed, 34 x 3-bed) 76 no. houses (36 x 3-bed, 40 x 4-bed)
Unit Mix	1-bed = 9% 2-bed = 28% 3-bed = 40% 4-bed = 23%
Creche	639.2 sq. m
Amenity Space	Public Open Space – 8,725 sq. m (17% of the gross site area) Communal Open Space – 2,680 sq. m Ecological Open Space – 4,311 sq. m
Car Parking	245 no. car parking spaces 152 spaces – Houses (2 spaces per house) 93 spaces – Duplexes (0.93 spaces per unit)
Access	Vehicular/pedestrian/cyclist access provided from Stoney Hill Road

2.3. In addition to the drawings, the application was accompanied by the following technical reports and appendices:

- Planning Statement
- Social Infrastructure Audit Report
- Response to LRD Opinion
- Part V Proposal
- Architectural Design Statement
- Housing Quality Assessment - House Units

- Housing Quality Assessment - Duplex Units
- Schedule of Accommodation Quality Audit
- Infrastructure Report
- Flood Risk Assessment
- Traffic and Transport Assessment
- Mobility Management Plan
- Landscape Design Rationale
- Hydrological and Hydrogeological Qualitative Risk Assessment
- Construction Environmental Management Plan
- Operational Waste Management Plan
- Resource Waste Management Plan
- Townscape and Visual Impact Assessment (with associated photomontages)
- Daylight and Sunlight Assessment Report
- Climate Action and Energy Analysis Report
- EIA Screening Report
- Ecological Impact Assessment Report
- Biodiversity Management Plan
- Appropriate Assessment Screening Report
- Natura Impact Assessment
- Arboricultural Drawings and Arboricultural Assessment and Impact Report
- Tree Protection Method Statement
- Archaeological Desk Study
- Aeronautical Assessment Report
- Public Lighting Report, Drawings & Calculations

3.0 Planning Authority Pre-Application Decision

3.1. Pre-application consultation meeting.

3.1.1. I refer to pre-application consultation carried out under Section 32(c) of the Planning and Development Act 2000 (as amended), hereinafter referred to as the 'Planning Act', in relation to the proposed LRD at Stoney Hill Road, Rathcoole, comprising 177 dwellings (89 no. houses and 88 no. duplexes), a 2-storey creche building (639.2 sq. m), new pedestrian and cyclist entrance from Stoney Hill Road and all ancillary works.

3.2. Planning Authority Opinion

3.2.1. In the Notice of LRD Opinion, the Planning Authority concluded that the submitted particulars alone and in their present form do not constitute a reasonable basis for making an LRD planning application, subject to further consideration and amendment based on the recommendations and assessment contained in the LRD Opinion. The applicant was advised that the following considerations should be included in the final application:

- The Heritage Officer noted that the approach to development of this site in recent years was not acceptable and that recent change from pasture to arable crop use may also have impacted on the nearby Annex 1 woodlands. To assess and mitigate these issues the following details are required,
- A revised ECIA to fully assess the impact on the Annex 1 woodlands which would include a review and assessment of the potential chemical contamination impact and the potential impact from root compaction arising from excessively close arable crop sowing. Completed survey work regarding birds and bats is required to inform the ECIA as well as mitigation measures.
- A Biodiversity Management Plan (BMP) to oversee the co-ordination and the implementation of the SUDS, landscape, and green infrastructure plans. An Ecological Clerk of Works would be required to ensure the implementation of the BMP.
- A greater portion of the site for restoration of hedgerow features.

- The illustration of separation distances to proposed dwellings and inclusion of 'The Plan Approach' as per QDP2 Objective 1 of the South Dublin Development Plan 2022-2028.
- Illustrated compliance with the Apartment Planning Design Standards (2025). A comprehensive Housing Quality Assessment and Schedule of Accommodation to present a clear picture of compliance with residential standards and to provide details of the creche, open spaces, and other features of the development as necessary.
- A robust calculation of density which incorporates the methodology as outlined in the *Sustainable Residential Development and Compact Settlement Guidelines* (2024) with regards to net density on site.
- A review of the creche facility. Calculations carried out by the PA indicate that, as per the requirements of the 2001 Childcare Facilities Guidelines, the creche should provide 120 no. childcare spaces to cater for the 375 no. dwellings in the proposed development and permitted Peyton development.
- Reconsideration of the public open space provided in the 'back lands' between duplexes in terms of the safety of the space, visual penetration of routes through the space, and the boundary treatments of adjoining duplex developments. High blockwork walls are not considered to be conducive to the overlooking of the space or its visual amenity and need to be reconsidered.
- In relation to the quality and quantity of public open space, the applicant needs to identify and clearly show those spaces that are proposed to be included in their calculations.
- A review of the SuDS provision for the site. Underground attenuation is not acceptable as per PA guidance. Above ground natural SUDs are required. Areas with underground attenuation are not accepted as part of Public Open Space calculations in SDCC.
- Details presented fail to meet PA guidance on water management which requires 4 elements- attenuation of water above ground, treatment of water and use of water to enhance amenity and biodiversity. The proposal opts largely for a hard

engineered drainage scheme with a lack of detail for water movement through the open spaces.

- The hedgerow along the southern boundary is not maintainable and is therefore likely to be problematic to future residents. There is also incidental space left over between the proposed hedgerow and backs of dwellings. Where hedgerows are proposed they should be accessible for maintenance from public open space.
- Further analysis of the junctions in the TTA is required. Pedestrian and cycle facilities and connections should be reconsidered. Clarification on visitor and cycle parking is required. Given the topography of the site, an Accessibility Audit shall be carried out.
- Amendments to the layout that incorporate the recommendations of the Heritage Officer, Roads Department, Parks and Water Services and Uisce Éireann should be considered with detailed justification if not implemented.
- Detailed demonstration of compliance with policy GI7 SLO 2 of the South Dublin County Development Plan 2022 – 2028 and evidence that the Alluvial Rathcoole Woodlands will not be damaged or otherwise detrimentally impacted by the development, and in particular the surface water run-off and natural drainage towards the woodlands should neither increase nor be decreased to such an extent that the woodlands are deprived (if there is a surface water run-off at present).
- Detailed demonstration that the previous reasons for refusal have been overcome, (i.e. piecemeal design and lack of a masterplan, significant loss of hedgerows, poor quality urban design and suitability of road access).
- In addition to the issues and comments in the LRD Opinion, the PA specified a list of 40 particulars (including reports and documents) required, echoing and in addition to those particulars provided for the purposes of the LRD Meeting, or issues which may need to be addressed as part of those particulars.

3.3. Applicants Response to Opinion

- 3.3.1. The application includes an LRD Opinion Compliance Statement. The LRD Statement states that it is intended to be a summary of the response to issues

raised, with the substantive response provided in supporting documents/reports included with the planning application.

- 3.3.2. Regarding qualitative and quantitative standards, key architectural documents were updated and include development statistics, architectural statements, landscape and green infrastructure plans as requested. Where specific information was requested by the PA, the LRD Statement refers to the location of the response in the supporting documents.
- 3.3.3. In addition to cross referencing where a response to issue raised can be found in the application, the LRD Statement expands on the following issues.
- 3.3.4. SuDS – The site has a level difference from the southern boundary to the northern boundary in excess of 14m and this has been calculated to have an average gradient of 1:20 (gradients vary between 1:15 to 1:25) from south to north. This gradient presents a challenge to surface water management on the site. To provide suitable storage, the attenuation structure should ideally be flat or close to flat to maximise the attenuation storage available. Therefore, to make SuDS attenuation storage structures (such as swales, open basins, permeable paving) work would inevitably require the provision of large earth retaining structures. In turn, this would have the adverse impact of making open spaces less accessible as well as increasing the quantity material required to be excavated from the site.
- 3.3.5. As part of drainage proposals within the LRD application, a balanced approach to attenuation was proposed which includes a mix of an above ground detention basin, infiltration blankets, bio-retention features and 3 No. underground tanks. The original proposal included provided for a 55% attenuation using SuDS features and the remaining 45% catered for by use of the underground attenuation tanks. The application submitted allows for 70% of the attenuation provided by SuDS with underground attenuation providing the remaining 30%. This is considered to be the maximum quantity of attenuation that can be provided by SuDS features within the site, without requiring additional retaining structures and having an adverse impact on the site layout and the accessibility of the open spaces within the site.
- 3.3.6. Ecological Issues – The applicant seeks to clarify that the site has been used for agricultural purposes only and that no ‘development’ has taken place on the site. The report of the Heritage Officer appears to request assessment of agricultural land use

which occurred in the past, which the applicant considers to be irrelevant to the subject application. The applicant considers that significant baseline surveys have been carried out to inform the proposed development, including a detailed EclA and a Hydrological and Hydrogeological Qualitative Risk Assessment. A significant buffer between to the Woodlands is provided in the development and there is no physical pathway or connection to the Woodlands from the site.

3.3.7. Childcare Provision – Based on the Childcare Guidelines for Planning Authorities, the proposed development would trigger a minimum number of 47 childcare spaces, (based on the assumption of 176 units/ 75 units = 2.35 x 20 spaces). The proposed development includes the provision of 16 no. 1-bed apartments, as well as 50 no. 2-bed apartments. As 1-bed units can be discounted for the purposes of childcare calculations, this reduces the number of applicable units to 160, which generated a requirement of 43 childcare spaces. There are 221 no. units in the existing Peyton development, before reductions of 1-bed units, this would generate a childcare requirement of 59 no. spaces. This would generate a total requirement for both Peyton and the proposed development of 102 no. The mix of units in the scheme is unknown; however, it is likely to contain not less than 10% one beds. In addition, it is an established estate which does not, at present, benefit from an existing creche, meaning that existing childcare needs are addressed via other provision in the area. Having regard to these two points, the applicant considers that a childcare provision of 90 no. places is appropriate.

3.3.8. Impact on Rathcoole Woodlands – Concerns raised about the impact of the proposal on the Alluvial woodlands has been addressed in the application. Sections 5.2.1.5 of the accompanying EclA report, states that surface water runoff generated during the construction phase will be retained entirely on-site. Embedded mitigation measures within the Construction Environmental Management Plan (CEMP) have been specifically designed to prevent any direct discharge into the Camac Stream, which flows adjacent to the Site and ultimately into the Rathcoole Woodlands. Section 5.3.1.5 of the accompanying EclA report, states that surface water runoff surface water run-off from the Site during the Operational Phase will remain unchanged due to the implementation of a woodland park buffer along the eastern boundary of the Proposed Development. This buffer has been designed to maintain the current greenfield run-off rate into the Camac Stream, which in turn supports the

hydrological input to the Alluvial Rathcoole Woodlands. By preserving the natural drainage patterns and ensuring no increase or decrease in surface water flow, the development avoids any potential deprivation or flooding of the woodlands.

4.0 Planning Authority Decision

4.1. Decision

4.1.1. The Planning Authority issues a decision to refuse permission for six reasons which relate to ecology, green infrastructure, public open space and play facilities, traffic and transport, urban design and the potential impact on the nearby Annex 1 woodland. The reasons for refusal are presented in full below.

1. *In relation ecological impacts on the subject development site, the submitted EclA is incomplete and does not include the results of the following: breeding bird and bat activity surveys of the development site, and bat emergence surveys of the buildings on the development site. The applicant has therefore failed to demonstrate that the development would not have adverse effects on local fauna including species protected under the Wildlife Act, 1976 (as amended), in contravention of Policy NCBH5 of the County Development Plan, and to grant permission would therefore be contrary to the proper planning and sustainable development of the area.*
2. *There are a number of deficiencies with the proposal which relate to green infrastructure on-site. Having regard to:*
 - *a lack of appropriate sustainable water management (SUDs) measures, the proposed development provides insufficient Green Infrastructure connections, both within the site and to the wider GI network,*
 - *internal GI elements are fragmented and fail to function as continuous ecological corridors,*
 - *the applicant has not met the requirements for green space factor under policy GI5 Objective 4 of the Plan.*

The development would therefore be contrary to Policy GI1 Green Infrastructure Overarching, Policy GI2 Biodiversity, Policy GI3 Sustainable

Water Management, as well as contrary to GI1 Objective 4, GI2 Objectives 1, 2 and 4 and GI4 Objective 1 of the South Dublin County Development Plan 2022-2028. As such, the proposals are contrary to the provisions of the following policies and objectives of the South Dublin County Development Plan 2022 -2028: Policy GI1 Green Infrastructure Overarching (and objectives 1, 2 and 4), Policy GI2 Biodiversity, Policy GI3 Sustainable Water Management, GI4 Objective 1, Policy IE1 Infrastructure and Environment, and Policy IE3 Surface Water. The development would therefore be contrary to the proper planning and sustainable development of the area and if permitted would set an undesirable precedent for similar unsatisfactory development in the county.

3. In relation to public open space and children's play, having regard to:

- As designed, the open spaces fail to meet the qualitative standards required by SDCC and do not provide safe, accessible, and meaningful amenity for future residents and

- The proposed play provision is insufficient for the scale of the development, and the type and extent of play facilities proposed do not meet SDCC requirements and fail to provide for a range of age groups

It is therefore considered that the proposed development would fail to provide adequate quality of residential amenity in the form of quality public open space and children's play equipment, and would therefore undermine the 'RES-N' zoning objective, and would contravene policies COS5 (and objective 1 of that policy) and H8 (and objective 1 of that policy) and would not support the proper planning and sustainable development of the area.

4. The Traffic and Transport Assessment submitted with the application is not acceptable and would require revisions in relation to: - - -

- Inclusion of anticipated traffic from nearby permitted developments in its traffic figures

- PCU figures that are more reflective of observed queuing

- Demonstration of how PCU figures have been derived

- Use of a more appropriate TRICS location than Belfast

The applicant has therefore failed to demonstrate that the proposed traffic, transport, and access measures are sufficient to service the development, and as such the development would be premature pending proper assessment of the potential deficiencies in the road network arising from the increased road traffic likely to result from the development, and as such a grant of permission would be contrary to the proper planning and sustainable development of the area.

5. *There are number of urban design concerns with the overall layout of the scheme in particular:*

- the layout of the HT09 units which appear to be ad hoc placements within the urban environment and inefficiently distribute circulation and private amenity space, notwithstanding that there is a requirement for passive surveillance in some of these locations

- there are a number of rear gardens where the rear boundary walls are units within the scheme, or where the garden is split over different levels, or where part of the garden isn't visible from the rear rooms of the dwelling

- There remains concerns over the usability and safety of the 2no. communal open spaces due to lack of visual permeability into these space

- the car parking on public open space is not acceptable and the design of the pedestrian and bike entrance to Rathcoole Park is poorly designed.

- Some footpaths in the development have gradients in excess of the maximum gradient agreed in the applicant's own accessibility audit. The gradients on Road 4 in particular are shown to be significantly greater than 5% in a number of locations.

The development as proposed would therefore be contrary to Policy QDP4 'Healthy Placemaking' and in particular Objective 2 of that policy, and a grant of permission would therefore be contrary to the proper planning and sustainable development of the area.

6. (a) *The proposed development has not been shown to have been designed with due regard to the adjoining Annex 1 woodlands and would materially contravene Policy NCBH5 and Policy GI7 Specific Local Objective 2 of the*

South Dublin County Development Plan 2022 - 2028, which is an objective for the conservation and preservation of an Annex I natural habitat on a site prescribed in the County Development Plan. The applicant has also failed to show compliance with Policy GI7 Objective 3 of the County Development Plan. The applicant has failed to demonstrate – due to lack of appropriate surveys and assessment – that the development would not have an adverse effect on that area and habitat. The scheme as currently proposed would not accord with the proper planning and sustainable development of the area and cannot be favourably considered by the Planning Authority.

(b) The planning authority does not concur with the conclusion of the applicant's Natura Impact Statement, that the development will have will have no significant adverse effects on the QIs, SCIs and on the integrity and extent of ... European sites., due to apparent omissions in the Statement, relating to the Woodlands which are the subject of part (a). The hydrological connection between the subject site and European sites in Dublin Bay runs through the woodlands and then the Camac and Liffey Rivers, and this connection is the basis on which the applicant determined that a Stage 2 Appropriate Assessment was required (this was also the result of the SDCC screening determination). The submitted Natura Impact Statement does not envisage or assess local impact to the Woodland habitat as contributing to the risk of significant likely effects downstream. It is the Planning Authority's view that potential impacts relating to ecological damage to the woodlands are as likely as impacts arising directly from construction and operation phase activities on the site. As such, and considering that no exceptional circumstances arise under Article 6(4) of the Habitats Directive, the planning authority has not been able to ascertain that the development would not adversely affect the integrity of any European site, and to grant permission would therefore be in contravention of Policy NCBH3 'Natura 2000 Sites' of the South Dublin County Development Plan 2022 – 2028, and Objective 3 of that policy (being an objective for the conservation and preservation of a European site) and would not accord with the proper planning and sustainable development of the area.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The report of the Planning Officer (PO) is summarised below.

Zoning and Planning Principle.

- The principle of demolishing 5 no. existing houses and outbuildings is acceptable.
- The subject site is not within an area of an approved plan. Therefore, the application will be assessed under the South County Dublin Development Plan 2022-2028.
- There are two land use zoning objectives on the site: RES-N and OS, (new residential and open space). Most of the site, where 176 no. houses are proposed, is zoned RES-N. The proposed creche is in the area zoned OS. Childcare facilities are open for consideration under the OS zoning.
- Adjoining lands are zoned RU – rural. Therefore, the site is in a ‘Transitional Area’ and development should have regard to the impact on amenities of the contiguous zone.

Quality Design and Healthy Placemaking.

- There are number of urban design concerns with the overall layout of the scheme, i.e. the layout of the HT09 units to the east of the scheme, rear gardens and boundary walls facing onto public areas, quality of communal open spaces, unacceptable car parking on public open space and the design of the pedestrian and cycle entrance to Rathcoole Park.
- Regarding external finishes, the PA have concerns over the extent of white render proposed to the north of the site fronting the existing dwellings at Rathcoole Park. The applicant should consider the use of more brick at this visually prominent location, which is the design approach to Stoney Hill Road.
- Building height, density (35 dph), housing mix, housing/accommodation standards, separation distances and access to daylight are acceptable and in accordance with the relevant standards and guidance.

Green Infrastructure (GI) & Open Space.

- As designed, the open spaces fail to meet the qualitative or quantitative standards required by the PA.
- Areas containing underground attenuation infrastructure are included in calculations to provide adequate levels of public open space (POS), which is not in accordance with PA standards. However, when this area is omitted the development provides the quantum of POS is considered acceptable.
- The design of detention basins within POS is not consistent with SuDS Design Guidance. Other SuDS measures would be difficult to maintain or manage, i.e. tree pits in private gardens and a swale in 'no man's land' along the southern boundary.
- The drainage strategy relies heavily on underground attenuation tanks, which is contrary to the PAs SuDS Design Guidance, which prioritises above-ground, nature-based SuDS solutions. There is also a lack of detail regarding water movement through the proposed open spaces.
- The proposed development provides insufficient GI connections, both within the site and to the wider GI network. Internal GI elements are fragmented and fail to function as continuous ecological corridors.
- There has been significant removal of established hedgerows on the site prior to the submission of the application. The hedgerows previously formed important GI links and habitats. The current proposal fails to adequately mitigate or replace these losses, and the fragmentation of GI links remains unresolved. This is contrary to GI2 Objective 3 of the Development Plan.
- Reinstatement of GI corridors would require the removal and/or reconfiguration of units. An area of hedgerow removed along the southern boundary should be reinstated to re-establish lost GI networks and to reconnect with the proposed GI links in the site. This should be included in an area of POS along the southern boundary and may require removal of buildings.

- The Green Space Factor score requirement contained in the County Development Plan (a score of 0.5 on RES-N lands) has not been met in the proposal, and that the calculations submitted contain numerous inaccuracies.
- Play provisions are insufficient for the scale of the development. A Neighbourhood Equipped Area for Play (NEAP) with 20 pieces of play equipment, is the appropriate provision for a development of this scale and is not provided.

Ecology.

- There are ecological concerns regarding the lack of assessment of the potential impact on the hydrological functioning of the water-dependent Annex 1 habitats present in the Rathcoole Woodlands, insufficient bat survey, loss of biodiversity on site through loss of mature hedgerows, and incomplete presentation of breeding birds data and bat count data.
- The Rathcoole Woods include the EU Annex 1 habitats of Alluvial Woodland (91E Alluvial forest) and Tufa-forming Springs (*7220 Petrifying Springs with Tufa Formation). Both habitats rely on a sufficient supply and quality of surface and ground water to support their continued development.
- A Hydrological study carried out notes that water redirection and attenuation is proposed in the surface water management strategy for the site. This could impact on water flows to the habitats, which was not considered. An evidence-based review of the ground water supply and ground water flow patterns between both sites would be required.
- Bat surveys were carried out. However, more robust bat survey work, including an appropriate survey of potential bat roosts as identified, and a sufficient presentation and assessment of the status of local bat numbers and distribution, is required.
- Significant amounts of mature hedgerow have been removed from the site and extensive replacement planting of monoculture agricultural arable crops across a major portion of the proposed development site has been carried out. Both activities impact on biodiversity and were not properly assessed in

the EclA. The proposal for replacement hedgerows is insufficient to address the loss.

Traffic & Transport.

- A TTA was submitted but further analysis is required to fully assess the potential impact on traffic in the area.
- The provision of 2 car parking spaces per house is excessive. Given the pre-existing situation of poor road network and existing rush-hour congestion, a maximum of 1 parking space per house is recommended.

Environmental Considerations.

- The PO reviewed the NIS submitted and considered it to be thorough in its review of the impacts on European sites. However, having raised the concern of impacts to the Annex 1 woodlands adjoining the site, the PA believes that indirect impacts on downstream European sites due to habitat degradation in the locality of Rathcoole might need to be assessed, mitigated, and ruled out.
- The Planning Authority cannot grant permission without concluding that the proposed works would not have potential to significantly affect the conservation objectives or qualifying interests of the Natura 2000 sites identified. In this case it cannot make that conclusion due to the potential for habitat degradation in the immediately locality between the site and the Camac River.

Childcare.

- The South Dublin Childcare Committee has reviewed the application and has noted that the proposed floor plans submitted do not align with Tusla Early Years Regulations recommendations under the Childcare Facilities Guidelines for Planning Authorities 2001 and the Universal Design Guidelines for early learning and Care. Concerns were also raised about the outdoor area not being indicated on submitted plans. Tusla, is responsible for inspecting pre-school services under, and enforcing compliance with, the Child Care (Pre-School Services) Regulations, 2006.
- In the interest of expediting the delivery of early childcare facilities across the Country, Circular PL 3/2016, which was issued by the Department of

Environment, Community and Local Government on 31 March 2016, requested that Planning Authorities “solely focus on planning related considerations that fall within the remit of the Planning and Development Act 2000, as amended” when considering applications for new childcare facilities, leaving all matters outside the scope of the Planning Act to others.

- The PA does not consider the issues raised to be material planning considerations, as they fall within the remit of Tusla rather than the PA.

4.2.2. Other Technical Reports

Heritage Officer – The report recommends a **refusal** based on the ecological concerns relating to a lack of sufficient assessment of the potential impact on the hydrological functioning of the water-dependent Annex 1 habitats present in the adjacent Rathcoole Woodlands, insufficient bat survey, loss of biodiversity on site through loss of mature hedgerows, and incomplete presentation of breeding birds data and bat count data.

Roads Department – Technical clarifications are required regarding the following;

- Details regarding the responsibility for, and ownership of off-curtilage carparking spaces.
- A revised TTA to include extant permissions (SHD3ABP-312501-22, SD23A/0336 and SD22A/0096), proposed creche, PCU figures for AM Stoney Lane/Main St with and without the development.
- Demonstration of how the figures (1.3 PCU and 0.57 RFC) have been derived (for the 2024 Baseline – Table 7-1 – AM Peak Queue).
- Use of a more comparable TRICS location to Rathcoole than ‘*Belfast*’.
- A layout(s) showing longitudinal footpath sections which have gradients lower than the maximum gradient allowable, as is outlined in the Quality Audit (1:20 or 5% - the maximum gradient allowable).

Water Services – The report recommends a **refusal** based on concerns regarding the management of surface water on the site, increased risk of flooding due to lack of design detail for swales and surface water attenuation proposed. The report notes

that underground attenuation is not acceptable as they are not a SuDS system. The proposed surface water attenuation is undersized by 56%. There is insufficient information provided to show how surface water flowing from the adjacent (greenfield) site to the south will be attenuated with surface water flowing from the subject site, (i.e. swales along the southern boundary are insufficiently sized). There is a lack of information about water flows from the swales, (i.e. design and function).

Public Realm - The report recommends a **refusal** of permission due to inadequate provision of Public Open Space, non-compliance with Sustainable Drainage Systems (SuDS) requirements, insufficient play provision, fragmented Green Infrastructure (GI) links, lack of mitigation for the removal of established hedgerows, and the creation of inaccessible and unmaintainable residual land (“no man’s land”), which is likely to give rise to long-term management, amenity, and flooding issues for future residents. The proposed development also fails to comply with SDCC Development Plan objectives, SDCC SuDS Design Guidance and does not adequately address Green Infrastructure.

Housing Department – The Part V documentation and proposal submitted with the application is noted. The PAs preference is to acquire units on the site. The proposal states that 4 x 1 Bed and 8 x 2 Bed ground floor apartments and 6 x 3 bed houses dispersed throughout the site are to be provided to satisfy the Part V obligation. The Housing Department request that this be amended to include 1 x 4 bed house as part of the provision.

Environmental Health Department – Additional information required regarding the potential noise impact from the N7, Casement Aerodrome and creche; revised CEMP and asbestos removal.

Public Lighting – Meets the requirements of the PA.

Waste Management – The report of the PO states that conditions are recommended from Waste Management. A report from the Waste Management section was not included in the digital file received from the PA and is not publicly available on their website. Should permission be granted standard conditions regarding waste management will apply.

SDCC Childcare Committee – The report of the PO states that conditions are recommended from the SDCC Childcare Committee. A report from the Committee

was not included in the digital file received from the PA and is not publicly available on their website.

4.3. **Prescribed Bodies**

DAU – Nature Conservation - The EclA submitted appears to be incomplete. No breeding bird survey has been included in the EclA and only the negative results of a bat activity survey carried out in October of 2024, which is anyway outside recommended period of the year for such a survey. The presence of bats in buildings proposed for demolition was not assessed. A derogation licence may be required. The use of wildflower seeds is proposed in the landscaping plan. The use of commercially sourced wildflower seed mixes and matting, and planting of trees of the same species already present in the Rathcoole Woods of stock originating elsewhere, would threaten the genetic integrity of the populations of these species already present in this woodland and therefore the biodiversity value of the priority habitats occurring there. Further information is requested regarding the issues raised.

DAU – Archaeology - The eastern portion of the proposed development site was previously the subject of a geophysical survey under Licence 18R0033. No definitive archaeological features were identified. Subtle curvilinear trends were tentatively identified as being of possible archaeological origin that may be associated with the recorded monument DU021- 033, the Rath of Coole, the precise location of which is currently unknown. A report containing the results of this assessment should be submitted to the Department and the Planning Authority prior to any planning decision so as to facilitate the formulation of an appropriate and informed archaeological recommendation. Conditions regarding archaeological monitoring are also attached.

Uisce Éireann – The applicant engaged with Uisce Éireann via a Pre-Connection Enquiry and a Confirmation of Feasibility CDS24007450 was issued advising that water and wastewater connections are feasible. Approximately 210m of network extension will be required for the connection to the wastewater network to the north of the site. These extension works are not currently on Uisce Éireann’s investment plan therefore, the applicant will be required to fund these local network upgrades.

There are known constraints in Tay Lane Pumping Station. It is the responsibility of the applicant to verify that a gravity connection is feasible. Uisce Éireann currently has a project underway which will provide the necessary upgrades. This upgrade project is scheduled to be completed in Q1/2030 (this may be subject to change) and the proposed connection for the full development could be completed as soon as possibly practicable after this date.

IAA – No objection. The completed Aeronautical Assessment Report should be submitted to the Property Management Branch of the Department of Defence – Casement Aerodrome for their review and comment prior to the finalisation of the planning application

TII – No objection. Request to abide by official policy in relation to national roads.

Department of Defence - Given the proximity to Casement Aerodrome, operation of cranes should be coordinated with Air Corps Air Traffic Services, no later than 30 days before use,

4.4. **Third Party Observations**

The PA received 21 no. third party observations during the public consultation stage. This included two submissions from public representatives, (Cllr. Trevor Gilligan and Cllr. Linda de Courcy). The issues raised are summarised into the following headings,

- Increased traffic congestion.
- Safety of new access.
- Impact on services – drainage / wastewater / public transport.
- Overdevelopment.
- Excessive density.
- Negative visual impacts.
- Negative environmental impacts.
- Removal of hedgerows.

- Flooding risk to Peyton estate.
- Section 35 – Past Non-Compliance
- Impact on residential amenity – overlooking, overshadowing, loss of privacy, loss of daylight.
- Creche is unnecessary.
- Status of Area Development Plan for Rathcoole.
- Poor design and layout.
- Unacceptable SuDS proposals.
- Query regarding zoning objective for entire site.
- Inadequate public open space.
- Inadequate reports – AA / EIA / Hydrology / EcIA.
- Query regarding land ownership.

5.0 Planning History

SD22A/0347 – Planning permission **refused** in July 2023 for development on a c. 2.9 hectares of the subject site, to the east of Stoney Hill Road, Rathcoole. The development comprised the demolition of 1 residential property and 1 ancillary outbuilding and the construction of a residential development of 42 no. 2-storey, three-bedroom dwellings in a mix of terraced and semi-detached units. Development includes 84 in curtilage surface car parking spaces (3281sqm). Public open spaces in an eastern park and a western park (including proposed play equipment), an additional large parkland to the south of the site (11797sqm) comprising the first phase of linear park. A new vehicular, pedestrian and cycle entrance from Stoney Hill Road and all ancillary works. Permission was **refused** for the following reasons:

1. *The Planning Authority is not satisfied that the applicant has adequately addressed the concerns raised in the additional information request relating to the RES-N zoning of the site, the site layout, provision of public open space as a result of unacceptable SuDS proposals (specifically underground*

attenuation), Green Space Factor (GSF), green infrastructure and loss of hedgerow. The piecemeal, ad hoc development of the site is considered inappropriate, particularly as the site is of a scale that a cohesive development could be delivered in accordance with an agreed masterplan to ensure adherence to the policies and objectives of the South Dublin County Development Plan 2022 – 2028. Section 1.4 of the Development Plan states the structure of the plan has been designed to provide a ‘layered approach’ to development, with chapters relating to natural, cultural and built heritage and green infrastructure effectively forming the baseline upon which developments should be considered so that the relevant policies and objectives can contribute towards climate action, improved biodiversity and placemaking. On the basis of this order of priority, it is considered that the site layout needs to be re-examined to better prioritise hedgerow retention, provision of appropriate public open spaces of amenity value and, SuDS that are appropriately located with reference to the sites contours to address runoff from the development within the context of the wider RES-N zoned lands at this location. development. Policy QDP16 seeks to ‘Prepare Framework Plans and Masterplans as required for identified areas on Council owned or other lands to facilitate a co-ordinated approach to development.’ In this instance, to avoid piecemeal development, a detailed masterplan of the entire landholding is considered necessary to ensure the development of a co-ordinated development. Without an agreed vision for the wider lands and an understanding of the broader environmental impacts of the development in this regard, the development, as currently proposed, is considered piecemeal. The delivery of piecemeal development at this location and within the applicant’s ownership, would be contrary to the proper planning and sustainable development of the area.

- 2. NCBH11 Objective 5 of the 2022 – 2028 Development Plan states it is an objective ‘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.’ The applicant is proposing to remove approximately 43% of the existing, mature, hedgerow on site. Retention of as much*

hedgerow on sites such as the application site should always be sought, however, it is understood that balance is required in looking to deliver housing on appropriately zoned lands. While the removal of some hedgerow may be considered necessary to facilitate development, appropriate and significant mitigation is required where removal is proposed. 43% of hedgerow is a significant loss and, for the following reasons, it is not considered that the applicant has provided sufficient mitigation on site to justify the loss, based on the current layout. The application is contrary to GI5 Objective 4, the applicant has not achieved the appropriate Green Space Factor (GSF) for the 'RES-N' zoned portion of the site. In addition, the inclusion of underground attenuation beneath public open space, contrary to GI4 Objective 1, results in the required public open space per COS5 Objective 4 not being provided. Not complying with the requirements of the aforementioned represents issues in relation to site layout and design, and further demonstrate why piecemeal development of the site is not appropriate. The development, as currently proposed, would therefore not be in accordance with the proper planning and sustainable development of the area, in particular due to inadequacies in green infrastructure maintenance and mitigation, and SuDS.

- 3. The Planning Authority has consistently raised concerns regarding the layout of the site and the associated loss of hedgerow. Furthermore, concerns have been raised regarding the suitability of the proposed road serving the development, and future masterplan lands, and the lack of passive surveillance and active frontage onto public open space and the central road. Policy QDP7 seeks to 'Promote and facilitate development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture.' As currently designed, the development is not considered to represent a high-quality example of urban design. Lack of live edges, contrary to QDP7 Objective 2, could give rise to issues along the central road and public open space, where passive surveillance and active edges have not been utilised. Given the extent of boundary walls at certain locations facing east/west, parts of the development could benefit from alternative design solutions. The lack of street trees also creates a stark public realm, impacting the overall aesthetic of the development and is*

contrary to the requirements of DMURS. In addition, the width of the road is not considered appropriate to serve the remainder of the landholding, once developed. To ensure traffic safety, both in terms of vehicular movements and avoiding impacts to pedestrian and cyclists, revisions to the road layout are required. As currently designed, the scheme is considered contrary to policy QDP4, which seeks to 'promote the delivery of neighbourhoods that are attractive, connected, vibrant and well-functioning places to live, work, visit, socialise and invest in,' policy QDP5 which seeks to promote short distance neighbourhoods, and as previously stated, policy QDP7. The current design does not meet the requirements of the Development Plan and represents ad hoc development of a greenfield site. The development, as currently proposed, would be contrary to the proper planning and sustainable development of the area and would set a precedent for similar, poorly designed layouts elsewhere in the county.

SHDABP- 307698-20 – Planning permission **granted** in November 2020 (and subsequently quashed by the High Court) on lands to the east of Stoney Hill Road, that includes the subject site and also additional land to the north of the subject site. Permission was granted for development comprising the demolition of 5 existing residential properties and associated outbuildings and the construction of a residential development of 204 units, comprising 151 Houses (including Duplexes) and 53 Apartments. It also included a 2 storey creche building plus and outdoor play area located on an existing undeveloped portion of the Peyton site located to the west of Stoney Hill Road.

This decision was **quashed** by order of the High Court under [2023] IEHC 335.

SD18A/0413 – Application for 93 residential units and a 2-storey creche building **withdrawn** following a request for further information.

SD18A/0364 – Application for 99 residential units (60 dwellings and 39 apartments) and a 2-storey creche building **withdrawn** following a request for further information.

SD08A/0858 – Planning permission **refused** for development on a portion of the subject site to the south of Rathcoole Park. The development comprised 54 no. houses and ancillary works.

On Nearby Sites -

ABP-321696-25 (PA Ref. SD23A/0336) – Planning permission granted in May 2025 for the development of a new 20 classroom primary school with a gross floor area of 3,449 sq. m on a site to the north-east of the subject site. Temporary access to the site would be from Coolamber Drive with a permanent access to be provided via a link road from Mullally's Lane. Mullally's Lane connects to the roundabout at the Peyton Estate and to the north of the site.

SD22A/0096 – Planning permission **granted** in April 2023 for development comprising 21 residential units on a site at Main Street Rathcoole.

ABP-312501-22 – Planning permission **granted** in August 2022 for a SHD of 274 residential units on a site on the eastern side of Mill Road in Saggart. This development has commenced and is underway.

(Note – The report of the Roads Department requested that all three developments listed above were included in the TTA).

6.0 Policy Context

6.1. Development Plan

South Dublin County Development Plan 2022-2028

6.1.1. The site is subject to two land use zoning objectives (RES-N and Objective OS).

Zoning Objective RES-N seeks to *'To provide for new residential communities in accordance with approved area plans.'* Residential development is 'permitted in principle' under this zoning objective. This objective relates to the larger land parcel where residential development is proposed. The subject site is not located within an area of an approved plan and as such the application will be assessed under the relevant provisions of the 2022-2028 South Dublin County Council Development Plan.

Zoning Objective OS seeks to *‘To preserve and provide for open space and recreational amenities’*. The creche facility is proposed for the smaller land parcel, which is zoned OS. Childcare Facilities is ‘Open for Consideration under the ‘OS’ Zoning objective.

6.1.2. The main policies/objectives of the Development Plan that relate to the development proposal are set out below. This is not an exhaustive list and should not be read as such.

6.1.3. Objectives denoted with an Asterix (*) are referenced in the decision of the PA.

Chapter 3 – Natural, Cultural and Built Heritage

***Policy NCBH3 – Natura 2000 Sites -** Conserve and protect Natura 2000 sites and achieve and maintain favourable conservation status for habitats and species that are considered to be at risk through the protection of the Natura 2000 network from any plans or projects that are likely to have a significant effect on their coherence or integrity.

***NCBH3 Objective 3 -** To ensure that planning permission will only be granted for a development proposal that, either individually or in combination with existing and / or proposed plans or projects, will not have a significant adverse effect on a European Site...etc.

***Policy NCBH5 - Protection of Habitats and Species Outside of Designated Areas -** Protect and promote the conservation of biodiversity outside of designated areas and ensure that species and habitats that are protected under the Wildlife Acts 1976 to 2018, the Birds Directive 1979 and the Habitats Directive 1992, the Flora (Protection) Order 2015, and wildlife corridors are adequately protected.

NCBH5 Objective 1 - To ensure that development does not have a significant adverse impact on biodiversity, including known rare and threatened species, and that biodiversity enhancement measures are included in all development proposals.

Chapter 4 - Green Infrastructure

Policy GI1 Green Infrastructure - Protect, enhance and further develop a multifunctional GI network, using an ecosystem services approach, protecting, enhancing and further developing the identified interconnected network of parks,

open spaces, natural features, protected areas, and rivers and streams that provide a shared space for amenity and recreation, biodiversity protection, water quality, flood management and adaptation to climate change.

***GI1 Objective 1** - To establish a coherent, integrated and evolving GI Network across South Dublin County with parks, open spaces, hedgerows, trees including public street trees and native mini woodlands (Miyawaki-Style), grasslands, protected areas and rivers and streams and other green and blue assets forming strategic links and to integrate and incorporate the objectives of the GI Strategy throughout all relevant land use plans and development in the County.

***GI1 Objective 2** - To implement and monitor the South Dublin County GI Strategy during the lifetime of this plan and develop a fit for purpose GI scoring for the County which will support ongoing identification, protection, enhancement and management of GI in the County and which will enable the assessment and monitoring of GI interventions in the County.

***GI1 Objective 4** - To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage and enhance GI resources providing links to local and countywide GI networks.

***Policy GI2 – Biodiversity** - Strengthen the existing Green Infrastructure (GI) network and ensure all new developments contribute towards GI, in order to protect and enhance biodiversity across the County as part of South Dublin County Council's commitment to the National Biodiversity Action Plan 2021-2025 and the South Dublin County Council Biodiversity Action Plan, 2020-2026, the National Planning Framework (NPF) and the Eastern and Midlands Region Spatial and Economic Strategy (RSES).

***GI2 Objective 1** - To reduce fragmentation and enhance South Dublin County's GI network by strengthening ecological links between urban areas, Natura 2000 sites, proposed Natural Heritage Areas, parks and open spaces and the wider regional network by connecting all new developments into the wider GI Network.

***GI2 Objective 2** - To protect and enhance the biodiversity and ecological value of the existing GI network by protecting where feasible (and mitigating where removal is unavoidable) existing ecological features including tree stands, woodlands, hedgerows and watercourses in all new developments as an essential part of the design and construction process, such proactive approach to include provision to inspect development sites post construction to ensure hedgerow coverage has been protected as per the plan.

***GI2 Objective 4** - To integrate GI, and include areas to be managed for biodiversity, as an essential component of all new developments in accordance with the requirements set out in Chapter 12: Implementation and Monitoring and the policies and objectives of this chapter.

***Policy GI3** – Sustainable Water Management - Protect and enhance the natural, historical, amenity and biodiversity value of the County's watercourses. Require the long-term management and protection of these watercourses as significant elements of the County's and Region's Green Infrastructure Network and liaise with relevant Prescribed Bodies where appropriate. Accommodate flood waters as far as possible during extreme flooding events and enhance biodiversity and amenity through the designation of riparian corridors and the application of appropriate restrictions to development within these corridors.

Policy GI4 - Sustainable Drainage Systems - Require the provision of Sustainable Drainage Systems (SuDS) in the County and maximise the amenity and biodiversity value of these systems.

***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.

***GI5 Objective 4** - To implement the Green Space Factor (GSF) for all qualifying development comprising 2 or more residential units and any development with a floor area in excess of 500 sq m. Developers will be required to demonstrate how they can achieve a minimum Green Space Factor (GSF) scoring requirement based on best international standards and the unique features of the County's GI network.

Compliance will be demonstrated through the submission of a Green Space Factor (GSF) Worksheet (see Chapter 12: Implementation and Monitoring, Section 12.4.2).

Policy GI7 - Landscape, Natural, Cultural and Built Heritage - Protect, conserve and enhance landscape, natural, cultural and built heritage features, and support the objectives and actions of the County Heritage Plan.

GI7 Objective 3 - To work in collaboration with the owners of lands along the perimeter of Rathcoole Woodlands for its protection and that of the wildlife using it and the ecological services it provides.

***GI7 SLO 2** - To ensure the adequate protection and augmentation of the identified Alluvial Rathcoole Woodlands within the zoning RU, and in recognising their value as green infrastructure and the potential linkages to Lugg Woods and Slade Valley and other amenity areas, provide for sensitive passive amenity uses which have regard to their Annex 1 status.

Chapter 5 – Quality Design and Placemaking

Policy QDP4 – Healthy Placemaking - Promote the delivery of neighbourhoods that are attractive, connected, vibrant and well-functioning places to live, work, visit, socialise and invest in

***QDP4 Objective 2** - To promote a high standard of building and urban design, creating public spaces that are distinctive, safe, universally accessible and facilitate social and cultural diversity and interaction.

Chapter 6 – Housing

Policy H8 - Public Open Space - Ensure that all residential development is served by a clear hierarchy and network of high quality public open spaces that provide for active and passive recreation and enhances the visual character, identity and amenity of the area.

***H8 Objective 1** - To ensure that public open space in new residential developments complies with the quantitative and qualitative standards set out in Section 8.7 of Chapter 12 – Implementation.

Chapter 8 – Community Infrastructure and Open Space

***Policy COS5** – Parks and Public Open Space – Overarching - Provide a well-connected, inclusive and integrated public open space network through a multi-functional high-quality open space hierarchy that is accessible to all who live, work and visit the County.

***COS5 Objective 1** - To support a hierarchy of multi-functional, accessible parks and public open spaces across the County in line with Table 8.1, based on existing populations and planned growth in accordance with the overall standard of 2.4ha per 1,000 population.

Chapter 11 - Infrastructure and Environment

***Policy IE1** – Overarching Policy - Ensure that development occurs within environmental limits, having regard to the requirements of all relevant environmental legislation and the sustainable management of our natural capital

***Policy IE3** – Surface Water and Groundwater - Manage surface water and protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.

6.2. National/Regional Plans/Policies

6.2.1. National Planning Framework First Revision (2025) (NPF)

The NPF is the Government's strategic plan for shaping the future growth of the country to the year 2040. The framework contains a set of ten National Strategic Outcomes (NSOs) which include 'compact growth', 'sustainable mobility', 'transition to a carbon neutral and climate resilient society' and 'sustainable management of environmental resources'.

The first revision of the NPF was approved by Government in April 2025 and projects a population increase of an additional 1 million people in Ireland between 2022 and 2040. This would require a significant increase in housing needs, with the NPF anticipating an average of 50,000 new homes per year to 2040. An additional

470,000 people are anticipated for the Eastern and Midland Region between 2022 and 2040. Section 2.7 of the revised NPF states that an updated Implementation Roadmap will be published to translate national and regional planned growth projections to city and county levels.

- National Policy Objective 7: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.
- National Policy Objective 8: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints and ensure compact and sequential patterns of growth.
- National Policy Objective 9: Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints and ensure compact and sequential patterns of growth.
- National Policy Objective 22 – In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.

6.2.2. **Climate Action Plan, 2024 and 2025**

Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

2025 update -Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. The residential sector is on track to meet its 2021-2025

sectoral emissions ceiling and is ahead of its 2025 indicative reduction target of - 20%.

6.2.3. **National Biodiversity Action Plan (NBPA) 2023-2030**

The 4th NBAP strives for a “whole of government, whole of society” approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to “act for nature”.

The NBDHA 2023-2030 builds upon the achievements of the previous Plan. It will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

- Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity
- Objective 2 - Meet Urgent Conservation and Restoration Needs
- Objective 3 - Secure Nature’s Contribution to People
- Objective 4 - Enhance the Evidence Base for Action on Biodiversity
- Objective 5 - Strengthen Ireland’s Contribution to International Biodiversity Initiatives

6.2.4. **Water Framework Directive**

The Water Framework Directive (WFD) Directive 2000/60/EC focuses on ensuring good qualitative and quantitative health, i.e., on reducing and removing pollution and on ensuring that there is enough water to support wildlife at the same time as human needs.

The key objectives of the WFD are set out in Article 4 of the Directive. It requires Member States to use their River Basin Management Plans (RBMPs) and Programmes of Measures (PoMs) to protect and, where necessary, restore water

bodies to reach good status, and to prevent deterioration. Good status means both good chemical and good ecological status. It establishes a framework for the protection of all inland surface waters, transitional waters, coastal waters and groundwaters.

6.3. National Guidance

6.3.1. In consideration of the nature and scale of the proposed development, the receiving environment and the site context, as well as the documentation on file, including the submissions from the Planning Authority and other parties addressed below, I am satisfied that the directly relevant Section 28 Ministerial Guidelines comprise of:

6.3.2. **Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) (hereinafter the ‘Sustainable Settlements Guidelines’);**

These Section 28 Guidelines replace the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009) and support the application of densities that respond to settlement size and different contexts within each settlement type. In accordance with the principles contained in the NPF, the Guidelines seek to prioritise compact growth and a renewal of existing settlements. Section 3.3 of the Guidelines refers to Settlements, Area Types and Density Ranges. For each settlement tier it sets out,

- priorities for compact growth,
- areas common to settlements at each tier, and
- recommended density ranges for each area.

For each application it is necessary for the planning authority to identify,

- the most applicable settlement category based on the categories described in Section 3.34,
- the most applicable area type based on the area descriptions detailed in Section 3.3 (e.g. central, urban, suburban or edge- refer also Figure 3.1), and
- the recommended density range for that area.

Section 3.3.3 – Settlements, Area Types and Density Ranges

Under Section 3.3 of the Guidelines, the subject site is categorised as within a ‘Metropolitan Towns (>1,500 population) – Suburban / Urban Extension’. This area type is described as, *‘Suburban areas are the low density car-orientated residential areas constructed at the edge of the town, while urban extension refers to greenfield lands at the edge of the existing built-up footprint that are zoned for residential or mixed-use (including residential) development. It is a policy and objective of these Guidelines that residential densities in the range 35 dph to 50 dph (net) shall generally be applied at suburban and edge locations of Metropolitan Towns, and that densities of up to 100 dph (net) shall be open for consideration at ‘accessible’ suburban / urban extension locations (as defined in Table 3.8)’*.

- SPPR 1 – relates to separation distances between buildings and requires a minimum of 16 metres between opposing windows above ground level.
- SPPR 2 – sets out the minimum private open space standards for houses; 1 bed – 20sqm, 2 bed – 30sqm, 3 bed – 40sqm and 4bed + - 50sqm.
- SPPR 3 – relates to car parking standards. In city centres car parking should be minimised, substantially reduced or wholly eliminated. In accessible location (defined in Table 3.8) the maximum rate should be 1.5 car spaces per dwelling. In intermediate and peripheral locations (defined in Table 3.8) the maximum rate of car parking shall be 2 spaces per dwelling. (The subject site is categorised as a ‘peripheral location’).
- SPPR 4 – relates to cycle parking and storage facilities.

Policy and Objective 5.1 – Public Open Space - The requirement in the development plan shall be for public open space provision of not less than a minimum of 10% of net site area and not more than a minimum of 15% of net site area save in exceptional circumstances. Different minimum requirements (within the 10-15% range) may be set for different areas. The minimum requirement should be justified taking into account existing public open space provision in the area and broader nature conservation and environmental considerations.

Design Standards for Apartments, Guidelines for Planning Authorities, (2025)

- The guidelines, hereafter referred to as the Apartment Guidelines, provide quantitative and qualitative standards for apartment development across a range of thresholds depending on the number of units proposed and the site's context. It also sets out SPPRs to be adhered to across a range of parameters. Applicable standards for the proposed development include requirements in respect of minimum floor areas, and by reference to Appendix 1, minimum storage and private open space areas, % of dual aspect units, and minimum 2.7m requirement for ground level floor to ceiling height.

Additional Guidelines that are of relevance to the appeal,

- Design Manual for Urban Roads and Streets (DMURS) (2019);
- Water Services Guidelines for Planning Authorities – Draft (2018) and Circular FPS 01/2018 issued by the Department of Housing, Planning and Local Government on the 17th day of January 2018;
- Childcare Facilities – Guidelines for Planning Authorities (2001) (hereinafter the 'Childcare Guidelines').

6.4. Natural Heritage Designations

- 6.4.1. No designations apply to the subject site.
- 6.4.2. The closest European site is Glenasmole Valley SAC, is approximately 6km from the proposed development site.
- 6.4.3. There are no designated Natural Heritage Areas (NHA) within a 15km radius.
- 6.4.4. The nearest Proposed NHA (Slade of Saggarta And Crooksling Glen pNHA) is approximately 2km to the south of the site.

6.5. EIA Screening

- 6.5.1. See Form 1 and 3 (attached). Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, and Section 172(1)(a) of the Planning and Development Act 2000, as amended, identify classes of development with specified

thresholds for which EIA is required. The following classes of development in the Planning and Development Regulations 2001, as amended, are of relevance to the proposal:

- Class 10(b)(i) 'Construction of more than 500 dwellings units' The proposal is for 110 dwellings.
- Class 10(b)(iv) 'urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.
- Class 14 – Demolition works where such works would be likely to have significant effects on the environment.
- Class 15 - Any project listed which does not exceed a quantity, area or other limit specified in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

6.6. The site size is 5.8 hectares in the outskirts of an urban area other than a business district, and the proposed development is for 176 no. units. Therefore, an EIA is considered not mandatory. Section 7A of the Planning and Development Regulations 2001, as amended sets out information to be provided by the applicant for the purposes of screening sub-threshold development for EIA.

6.7. The applicant has submitted an Environmental Impact Assessment Screening Report (EIASR) with the application addressing issues which are included for in Schedule 7A of the Planning and Development Regulations 2001, as amended. I have carried out an EIA screening determination of the project (see Form 3 appended this report). I have had regard to the information provided in the applicant's EIASR and other related assessments and reports included in the case file. I concur with the nature and scale of the impacts identified by the applicant and note the range of mitigation measures proposed. I am satisfied that the submitted EIASR identifies and describes adequately the effects of the proposed development on the environment.

Having regard to: -

1. the criteria set out in Schedule 7, in particular:

- (a) the limited nature and scale of the proposed housing development, on the edge of an urban settlement and on zoned land, in an established residential area served by public infrastructure,
- (b) the absence of any significant environmental sensitivity in the vicinity,
- (c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended),

- 2. the results of other relevant assessments of the effects on the environment submitted by the applicant.
- 3. the features and measure proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, including those identified in the Construction Environmental Management Plan, the Resource & Waste Management Plan, the Operational Waste Management Plan, the Flood Risk Assessment, Hydrological and Hydrogeological Qualitative Risk Assessment and the Infrastructure Report.

6.7.1. I consider that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

6.7.2. I note that third party submissions believed the proximity of Rathcoole Woodlands would require an EIA due to its environmental sensitivity. This woodland is classified as WN6 – Alluvial Woodland, corresponding to Annex I habitat 91E0, and covers approximately 12.8 hectares. The proximity of the Woodland was considered in the screening for EIA (See Form 3). A hydrological connection was identified between the sites but the embedded design measures, the CEMP and surface water drainage strategy for the site are sufficient to prevent significant environmental impacts. The impact of the development on the Woodland is assessed in Section 8.5 of the Inspector's Report.

7.0 The Appeal

7.1. Grounds of Appeal

The grounds of appeal generally respond to the reasons for refusal with some additional commentary which responds to issues raised by third parties and comments from the internal reports of the PA. In response to issues raised by the PA, the applicant submitted a number of technical reports and opinions.

The main issues raised in the appeal are summarised under the following headings.

Refusal Reason 1 – Incomplete EclA and absence of bat and bird surveys.

- The applicant submits that the decision of the PA was influenced by the submission from the DAU, which relied on a draft EclA that was issued at LRD Opinion Stage rather than the EclA submitted with the application. The draft EclA did not contain all of the surveys that were carried out to inform the final version of the EclA. This may have occurred as both the draft and completed versions of the EclA were available to view under the planning application details on the PA's website, whereas the dedicated LRD website prepared for the development contains only the final version.
- The EclA submitted with the application (dated the 13th of October 2025) includes at Section 3.5, a table detailing ecological surveys undertaken, which include a Preliminary Bat Roost Assessment (January 2025), Bat Emergence Survey (26th May to 1st July 2025), Bat Activity Survey (26th May to 1st July 2025) and Breeding Bird Survey (April, May and June 2025).
- The applicant considers this to be a 'serious, significant and unacceptable' error that directly resulted in the first reason for refusal. A technical response addressing the issues raised by the Heritage Officer was submitted with the grounds of appeal (Appendix 2).

Refusal Reason 2 – Green Infrastructure, Green Space Factor (GSF) and SuDS

SuDS -

- Whilst the refusal reason is non-specific regarding the objection to SuDS measures, the applicant refers to the internal report from the Public Realm Department. Notwithstanding the information submitted with the application, additional technical responses to the issues raised regarding site characteristics and SuDS, and issues raised regarding calculations for water

attenuation were prepared by consultant Engineers and submitted with the appeal under Appendices 3 and 4 respectively.

- It is the applicant's long-standing position that the site's characteristics are fundamentally unsuited to extensive above ground attenuation, and that a balanced strategy comprising surface-based SuDS with underground attenuation is reasonable and necessary. The appeal notes that the final strategy for the LRD delivers approximately 70% of total attenuation through SuDS and 30% through underground attenuation. This was amended from 55% SuDS and 45% underground attenuation following pre-application consultations.
- The applicant does not accept that the use of underground tanks in this instance is contrary to guidance and argues that the PA has not considered the characteristics of the site. There is an approximate 14-15m level difference from north to south which results in a gradient of c. 1:20 with localised gradients between 1:15 and 1:25, which present engineering challenges for above-ground attenuation. Infiltration testing undertaken in 2022 recorded very low permeability values. Consequently, infiltration-based SuDS cannot provide meaningful storage as they would drain too slowly to operate safely or reliably. Therefore, detention-type SuDS (attenuating and restricting outflow) are the only viable above-ground forms.
- Reference is made to **ABP-322702-25** (formerly assigned ref. ABP-317443-23, this decision was quashed by order of the High court) where the Commission granted permission for 402 apartments (November 2025) and where the scheme provided SuDS and underground attenuation tanks.
- The applicant also refers to the previous planning decision on the site under **ABP-307698-20**. The applicant notes that, whilst the decision was subsequently quashed by the High Court, the principle of a mix of underground attenuation was accepted by the Inspector at the time and did not form part of the reasons for the High Court decision.
- The applicant considers it unreasonable to discount any land above an underground tank, which is useable and functional as open space, would not be a reasonable approach. Notwithstanding this, when all areas over

underground attenuation is discounted from the open space calculations, the development would still provide approximately 17% of the site area. This is above the Development Plan standard of 15% for lands zoned RES-N.

- Furthermore, the appeal notes that Section 12.11.1(iii) of the Development Plan seeks to limit the use of underground storage and to maximise the use of SuDS. Given the physical constraints of the site, the applicant argues that the use of underground storage is acceptable in this case.

Green Infrastructure and Green Space Factor

- A technical response addressing the issues raised regarding landscape and Green Infrastructure was prepared by landscape consultants and submitted in the ground of appeal under Appendix 5.
- The grounds of appeal state that the proposed green infrastructure strategy has been informed by the historic landscape framework for the site and is specifically designed to reinstate key hedgerow alignments previously removed.
- All existing boundary hedgerows are retained, and the southern boundary has been reinstated as a continuous feature measuring approximately 380m. The appeal argues that this re-establishes the historic north-south landscape structure and provides a green infrastructure corridor along the site edge.
- Further hedgerow planting is proposed within the site in the form of secondary continuous segments typically ranging from 50-60 metres, together with smaller sections generally measuring 15-30 metres. The applicant states that approximately 770 linear metres of retained and reinstated hedgerow is provided, which represents a substantial enhancement of green infrastructure provision.
- Regarding the Green Space Factor (GSF) the applicant submits that the Green Factor Calculation (GFC) assessment has been prepared by suitably qualified landscape professionals in accordance with relevant guidance documents, established ecological principles and detailed site-specific design information. The appeal states that the methodology is evidence based and

intentionally conservative to avoid overstatement. On that basis, the third-party submission questioning the GSF is disputed.

- The grounds of appeal include a detailed response to each of the policies and objectives referenced in the reason for refusal. The appeal notes that none of the policies are site-specific and it is not possible to comply with some County-wide policies.

Refusal Reason 3 – Public Open Space

- The issues raised in the refusal reason that relate to public open space are also addressed in the technical response prepared by the landscape consultants and submitted in the ground of appeal under Appendix 5.
- The grounds of appeal note that the quantum of public open space is in the order of 17% of the site area which is above the Development Plan standards and above the minimum standard of 10% in the Compact Settlements Guidelines. The network of open spaces has been structured to include a series of central amenity spaces for informal play and social activity and a longer, linear public open space along the site buffer areas to provide a different and more immersive experience.
- It is put forward in the appeal that all open spaces are accessible for users of all abilities and are overlooked by surrounding residential units and adjoining movement routes. Maintenance access is also accommodated for effective management of SuDS.
- In response to the PA's assertion that the site requires a Neighbourhood Equipped Area for Play (NEAP), the appeal states that the proposed development provides the requirement of 20 pieces of formal play equipment. A substantial range of nature-based play elements are also provided which provide significant additional play value. For this reason, the applicant is satisfied that the overall play provision exceeds the functional intent of a NEAP.
- Regarding the concerns of the PA about the usability and safety of the proposed communal open spaces, the applicant submits that this is not supported by the layout, scale or design of the scheme. The development

provides 2,680 sq. m of communal open spaces, which are clearly defined, centrally located and directly accessible to their intended users.

Refusal Reason 4 – Traffic and Transport

- A detailed response to the issues raised regarding traffic and transport is provided in a technical response prepared by consulting engineers and submitted as Appendix 6 of the appeal.
- The technical response included traffic flow information from the TTAs submitted in the planning applications referenced by the PA. Traffic associated with the school development (**SD23A/0336**) was already included in the assessment.
- The applicant found that while some permitted developments were not included in the submitted TTA, the total volume of additional traffic associated with the committed developments is relatively low, (i.e. 34 in the AM peak and 27 in the PM peak). If the additional traffic was to be included in a revised analysis the actual effect would be to reduce the percentage impact of the proposed development traffic on the network. Therefore, the appeal submits that the submitted TTA is robust in regard to percentage impacts.
- In response to differences quoted for queue length between the PA's traffic surveys and the applicants surveys, the appeal states that the PA's survey was undertaken in December 2025 and the surveys for the TTA were carried out in September 2024. Aside from normal traffic growth between 2024 and 2025, traffic levels in December would be expected to be higher due to seasonal shifts in behaviour. The applicant submits that for this reason the difference in queue length is reasonable.
- With regard to the PA's request for an alternative location to Belfast for TRICS data, the applicant submits that the sole reason for any reference to Belfast in the TRICS output is because the consultant's office is in Belfast and this is where the licence for the database is assigned. Therefore, the applicant considers the TRICS analysis as submitted to be appropriate in terms of included locations.

Refusal Reason 5 – Scheme layout and HT09 units

- A detailed response to the issues raised regarding the layout of the scheme is provided in a technical response prepared by the project architects and submitted as Appendix 7 of the appeal.
- The appeal argues that the HT09 unit types have been designed to provide high quality residential accommodation with an internal area of 126 sq. m. Direct visual and physical links are provided from the unit to the private open space and glazing at first floor level allows for surveillance of pedestrian routes along the reinstated hedgerow. The use of ‘split levels’ in the rear gardens is a response to the site gradients and prevents substantial ‘cut and fill’ interventions to the landscape.
- It is also put forward that the proposed site configuration utilises the duplex blocks as a strong urban edge to define and secure the communal open spaces. The applicant argues that the safety is designed into the scheme through the integration of uninterrupted sightlines from living room areas and elevated terraces overlooking the communal spaces.
- Notwithstanding the arguments put forward in support of the HT09 units, the applicant has submitted Drawing No. 2304-OMP-01-00-DR-A-1000 – Proposed Site Layout Plan (Alternative Arrangement), for the consideration of the Commission. The amended layout presents an option to omit the HT09 units with a more traditional housing typology and would not alter the overall number of units proposed.
- Regarding car parking, the appeal notes that, whilst some parking bays are in proximity to public open space, there is no car parking provision within designated public open space. Parking bays are functionally and physically separated from the central public open space spine.
- A potential pedestrian and cycle connection to Rathcoole Park is included in the layout. The applicant states that the alignment of the new path has been designed to facilitate the retention of existing trees while extending the existing 3m wide footpath in Rathcoole Park. As Rathcoole Park is in third party ownership the connection can only be delivered to the site boundary.

- The appeal states that the layout of the scheme has been structures to follow the site contours as much as possible. The road layout has been designed to ensure appropriate gradients for accessible footpaths in line with the principles of Universal Access and TGD M. Roads are designed parallel to east-west contours where feasible and road levels are set to enable those running north-south to achieve suitable gradients for vehicles and pedestrians. Road 4 was highlighted by the PA and has been designed with a 1:20 gradient and does therefor not exceed the 5% (1:20) requirement.

Refusal Reason 6 – NIS / Annex 1 Habitats

- The applicant submits that the reason for refusal No. 6 is based on the premise that the PA did not have sufficient information to properly assess the effects of the proposed development on the Rathcoole Alluvial Woodlands, and, by extension, on downstream Natura 2000 sites. They assert that this is incorrect as the application is supported by a suite of ecological, hydrological and engineering assessments which provided sufficient information to make a decision.
- The applicant seeks to clarify that the Alluvial Woodlands is not designated as an SAC or SPA and as such is not subject to Article 6 of the Habitats Directive and does not require an Appropriate Assessment in its own right. This distinction is confirmed by the Commission in a recent decision under ABP-321696-25.
- The applicant does not dispute that the Rathcoole Alluvial Woodland constitutes an Annex 1 habitat and notes that the sensitivity of the habitat was considered in the EclA, NIS, drainage design and hydrological assessments. It is put forward that an error in the PA's assessment of the habitat arose from the manner in which the Heritage Officer incorrectly characterises the presence of Annex 1 habitat 7220 (Petrifying Springs with Tufa Formation) and the consequential elevation of the precautionary standard applied to the habitat.
- To support their argument, the applicant refers to a report commissioned by the PA for lands at Rathcoole and named *Ecological Assessment of Lands at Rathcoole (2021)*. A copy of the report is appended in full to the appeal in

Appendix 10. The purpose of the report was to undertake a detailed ecological survey and condition assessment of habitats in the Rathcoole lands including calcareous spring features, and to evaluate those features against the diagnostic criteria for Annex 1 habitat 7220 (Petrifying Springs with Tufa Formation).

- The applicant submits that the report explicitly identifies the presence of calcareous springs with tufa formation within the woodland. However, further to field surveys, vegetation relevés and a structured condition assessment the authors conclude that these features do not qualify as Annex I habitat 7220. An extract of the report is included and states that, *'The calcareous springs have an affinity to the Annex I priority habitat 'Petrifying Springs' [7220] but do not have enough positive indicator species to be an example of this habitat'*. A detailed condition survey in Appendix A of the report supports this conclusion and records the presence of only a single positive indicator species, the absence of any high-quality indicator species and an overall conservation assessment of *'Unfavourable – Inadequate'*.
- In summary the appeal submits that the report draws a clear distinction between the occurrence of calcareous spring features with tufa formation within an Annex I alluvial woodland and the confirmed presence of Priority Annex I habitat, which it explicitly does not support.
- The applicant is therefore of the opinion that references to the woodland supporting 'Tufa-forming Springs (7220 Petrifying Springs with Tufa Formation)' in the report of the Heritage Officer is incorrect.
- In response to the presence of the alluvial woodland habitat, the applicant refers to the full EclA submitted, which identifies Rathcoole Alluvial Woodlands as a receptor of County importance, and which describes potential construction and operational phase impacts and which offers mitigation measures.
- The appeal notes that the NIS was informed by the Hydrological and Hydrogeological Qualitative Risk Assessment which identified surface and groundwater pathways to and from the site. The NIS relies on the findings of the hydrological report to demonstrate that, even accepting the Annex I

alluvial woodland status of the Rathcoole Woodlands, there is no pathway by which localised effects could propagate to affect the integrity of any European site. Where the effect on the woodland itself is 'imperceptible' and where hydrological analysis confirms that no change in water quantity or quality is predicted, there is no scientific basis for asserting downstream effects.

- Regarding the PA's assertion that the proposal would materially contravene Policy NCBH5 and Policy GI7 – Specific Local Objective 2, the applicant states that a material contravention cannot arise in the absence of demonstrated harm or risk. The EclA concludes that the woodland will not experience any measurable change in condition or function, and the hydrological evidence confirms that no pathway exists by which the development could adversely affect the woodland's supporting processes. The assertion of material contravention rests on an incorrect elevation of unconfirmed habitat sensitivity, rather than on any failure of the proposal to comply with the objectives of conservation or preservation in practice.
- The application refutes the assertion of the PA that the potential hydrological impact on the adjacent woodlands has not been properly considered or addressed. Whilst the applicant considers the PA had sufficient information before it to assess ground conditions and hydrological risk, further site investigations were commissioned without prejudice, following the refusal. The investigations included five additional boreholes, and the results confirmed the results and conclusions of the previous investigations as they related to soil permeability, hydrological pathways based on infiltration. A technical report containing the updated Hydrological and Hydrogeological Analysis is appended to the grounds of appeal in Appendix 8.

Planning Authority Response

A response was received from the PA.

- The response received notes that whilst some files lodged with the application did not appear on the planning portal immediately, all files were uploaded and the discrepancy was rectified.

- The applicant is wrong to suggest that the PA and consultees assessed an earlier draft version of the EclA and that a decision was made to refuse permission was made without regard to the latest surveys.
- The PA confirms that the EclA submitted at LRD Stage 3 (application stage) dated October 2025 and received on the 12/11/2025 was the EclA assessed by the PA. Comments made in the reports of the PA referring to the details of survey results relate to the same version. While the results of relevant surveys are mentioned in the assessment, these results were not included in the EclA.

Observations

7.1.1. Five third-party observations were received. The issues raised have been summarised as follows:

Ecology -

- Third parties note the extensive removal of internal hedgerows on the site following the previous High Court decision [2023] IEHC 335, regarding development permitted under **ABP-SD22A/034** and consider their removal to contravene the principles established in the judgement of the High Court. The impact of the hedgerow removal should be considered in the assessment of the appeal.
- There is a concern that the existing hydrological regime could be disrupted by the development which in turn, could disrupt the hydrological processes supporting the Annex 1 Alluvial Woodlands, which rely on shallow subsurface flows and high water table conditions. Third parties submit that a hydrological connection exists between the site and the Woodlands via the Coolmine Stream and that surface and shallow subsurface water flows have not been adequately investigated.
- The Green Factor calculation and its implementation cannot be relied on. Submissions contend that application documents contain differing figures for the length of retained hedgerows and reinstated hedgerows and as such there

is ambiguity. Details regarding the design of landscape features (swales and wild flower meadows) are contradictory and unimplementable.

- The EclA did not consider the impact of the removal of hedgerows on the biodiversity connectivity of the site.
- The submitted NIS fails to adequately consider the local impact to the Woodland habitat as contributing to the risk of significant likely effects downstream. It was the Planning Authority's correct view that potential impacts relating to ecological damage to the woodlands are as likely as impacts arising directly from construction and operation phase activities on the site.

Third party lands –

- The pedestrian entrance to Rathcoole Park is on private property (Folio DN49879F) and no legal consent has been provided. The applicant has no legal capacity to propose any form of access into Rathcoole Park.

Open Spaces –

- The open spaces fail to meet the qualitative or quantitative standards required by the PA and do not provide safe, accessible, and meaningful amenity for future residents.
- The design of detention basins within areas identified as public open space is not consistent with the PA's SuDS Design Guidance.
- The overall layout of the development represents ad hoc development of a greenfield site and is contrary to Development Plan policy to create high quality, well; connected neighbourhoods.

Green Infrastructure & Green Space Factor –

- The proposed development provides insufficient Green Infrastructure connections, both within the site and to the wider GI network.
- Internal GI elements are fragmented and fail to function as continuous ecological corridors.
- The removal of hedgerow, prior to the making of the application, both within the application site, and on land immediately adjoining, is a fundamental flaw

of the application, and cannot be addressed by new hedgerows, which will take time to mature.

Traffic –

- Traffic in Rathcoole is gridlocked daily as the Main Street is the only access in and out of the village and this road is already servicing two primary schools, a secondary school, several creches and preschools and a variety of businesses. It also services more than 20 housing estates, containing thousands of households. This volume of traffic is compounded by industrial traffic driving to and from Greenogue Industrial Estate, which is expanding rapidly.
- Third parties are concerned about the generation of additional traffic at the Peyton estate as a result of the proposed creche. The requirement for the creche is questioned.
- The applicant has failed to demonstrate that the proposed traffic, transport, and access measures are sufficient to service the development. For this reason, third parties suggest that the development would be premature pending proper assessment of the potential deficiencies in the road network arising from the increased road traffic likely to result from the development.
- Extant permissions (including a new school) will put additional pressure on the existing road network.

Services & Infrastructure –

- The development will impact on drainage and sewage.

8.0 Assessment

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

- Principle of Development
- Design & Layout

- Ecological Impacts
- Rathcoole Woodlands
- Green Infrastructure
- Surface Water Drainage
- Traffic & Transport
- Other Issues

8.2. Principle of Development

- 8.2.1. The site is subject to two land use zoning objectives (RES-N and Objective OS). Zoning Objective RES-N applies to the portion of the site subject to the proposed residential development and seeks *'To provide for new residential communities in accordance with approved area plans'*. Residential development is 'permitted in principle' under this zoning objective. Zoning Objective OS seeks to *'To preserve and provide for open space and recreational amenities'*. The creche facility is proposed for the smaller land parcel, which is zoned OS. Childcare Facilities is 'Open for Consideration under the 'OS' Zoning objective. Based on the uses proposed, I am satisfied that the principle of the development is acceptable and that it can be assessed on its merits.

8.3. Design & Layout

- 8.3.1. The proposed development comprises two sites. The 2-storey creche would be constructed on a site at the entrance to the Peyton estate and the residential development would be constructed on a greenfield site to the south of Rathcoole Park. Access to the residential development would be from Stoney Hill Road.
- 8.3.2. The site slopes from south to north. Design principles applied to the site include the location of 3-storey units (ground floor apartments with duplex units above) along the western site boundary, which faces onto Stoney Hill Road and to the north of the site, to the rear of Rathcoole Park. Two storey houses would be located to the south of the site which is at a higher elevation. Two central spines of public open space would run through the site on a north-south axis. The area closest to the western

site boundary follows, and flanks, the main access road and contains a formal playground with additional play equipment and features throughout. The 'central' spine has a more passive function with a walkway, hedgerow and swale through the space. This feature was provided on foot of a request from the PA and to replace mature hedgerows which were removed.

8.3.3. Refusal reason No. 5 listed five specific issues regarding the overall layout of the development that were unsatisfactory to the PA. The issues listed related to the children's play area, the layout of the HT09 units adjoining the open space, the layout and amenity of the rear gardens and arrangement of units, car parking around the open space and footpath gradients.

8.3.4. I note that the quality of the units in terms of development standards was not raised as an issue by the PA or third parties. I have reviewed the plans and particulars, and I am satisfied that all units will meet the Development Plan standards for houses and apartments as per Chapter 12, Section 12.6.7 and Tables 3.20 and 3.21. The apartments are also in accordance with Appendix 1 of the Apartment Design Guidelines (2025). The development would have a density of 35 units per hectare (net). The Compact Settlements Guidelines (CSGs) recommend a density range of 35 – 50 uph for the subject site which is categorised as a Suburban/Urban Extension of a Metropolitan Town. Whilst the density is at the lower end of the range, it is acceptable for the transitional site, which on the outskirts of Rathcoole village and on the edge of unzoned rural land. Development Plan policy on density and building height is set out in *Appendix 10 – SDCC Building Height and Density Guide 2022*. In accordance with the Building Height Guidelines, Appendix 10 recommends a performance-based assessment for density and height. Mid to high range densities, (up to 50 uph and above) are expected in town centres and district centres. The Guidelines are non-specific for edge of centre sites.

8.3.5. Concerns were raised by third parties regarding the impact of the proposal on existing residential amenity in terms of overlooking and loss of privacy. Houses along the northern boundary of the site would have the most potential for impact on existing residential amenity by virtue of their proximity, orientation and level differences between the sites. I have reviewed the site layout plan and contiguous site sections for the development, and drawings show separation distances in the order of 39m between the elevations of existing houses and duplex units. This is

above the minimum separation distances recommended in the CSGs and is sufficient to prevent overlooking. The level of the subject site is higher than the adjoining site at Rathcoole Park which may make the three storey duplex units more visible from existing properties. However, the landscaping plan shows the retention of mature trees along the boundary in the north-eastern corner with additional tree planting along the northern site boundary and in the street in front of the duplex units. This will soften the visual appearance of the new buildings and will interrupt sightlines from existing houses towards the new development. I am satisfied that there would be sufficient separation distances between properties to prevent overlooking or loss of privacy and that the proposed development would not result in an undue loss of residential amenity.

Public Open Space

- 8.3.6. The open space strategy comprises two green spines running through the site on a north/south axis, adjoining the internal access roads and a separate linear area along the eastern site boundary. These areas are referred to as Stoney Hill Park, to the west of the site and close to the entrance, Nature Lane towards the centre of the site and Woodland Park along the eastern site boundary. The eastern section of open space contains a 10m buffer between the drainage ditches and stream at the site boundary. It also retains the existing hedgerow and supplements tree planting to reflect the adjacent woodland. The overall approach to POS evolved through pre-planning meeting where the PA prioritised the reinstatement of the historic hedgerow which ran north to south. However, the report of the Parks Department was not satisfied with the overall provision of public open space (POS) within the site. Spaces throughout the site were thought to be fragmented with no sizeable areas for kickabouts. The design of detention basins within areas identified as public open space was not consistent with PAs SuDS Design Guidance and areas where underground attenuation infrastructure was located were not calculable as POS. The playground was also considered to be insufficient and lacked the components to be a Neighbourhood Equipped Area for Play (NEAP) which is the appropriate provision for a site of this scale.
- 8.3.7. The issue of SuDS provision is addressed under a separate heading but also relates to the POS, which contain swales and bioretention/detention basins. In the grounds of appeal, the applicant clarified that proposed development does not rely on areas

containing underground attenuation infrastructure to meet POS requirements. The total quantum of POS in the development, without the attenuation areas, would equate to c. 17% of the total site area. Regarding the assertion that the spaces are fragmented, the applicant states that the 'centrally located and interconnected spaces' are distributed through the site in proximity to the residential units. All spaces were designed with accessibility, safety and long-term maintenance in mind. Bioretention areas in the north-western corner of the development were designed to provide informal kick-about areas and will remain usable in normal conditions. In terms of play facilities, the development would provide the 20 items of formal play equipment required for a NEAP area. Formal play structures would also be supplemented by an abundance of nature-based play areas throughout the site.

8.3.8. I have reviewed the application, and I would share some of the concerns of the PA regarding the distribution of POS throughout the site. I note that the applicant was specifically requested to provide a new hedgerow to replace the historic hedgerows which were removed. I consider this request to be reasonable given the history of the site and the policies and objectives of the Development Plan that relate to the provision of green infrastructure throughout the county. The PA highlighted the transitional nature of the site which is between Rathcoole village and the surrounding rural area. Although the site is currently in agricultural use for arable farming, the development proposal has the opportunity to strengthen ecological connections to the adjoining rural landscape which includes the Annex I Alluvial Woodland habitat in Rathcoole Woodlands. As a large extent of habitat and hedgerows have previously been removed from the site, with more proposed for removal to accommodate the development, the overall strategy for the development of the site should provide meaningful green connections to the surrounding lands that can reflect the transitional nature of the site.

8.3.9. The application states that this has been achieved through the provision of a hedgerow and swale along the Nature Lane, which is the 'secondary' north-south spine towards the centre of the site. This area provides a pedestrian link thorough the site and is shown as an intersecting route that is planted with a native hedgerow with an adjoining swale (Blue Corridor). Whilst the route would function as a connection through the site, I would question its function as usable open space and as a meaningful green corridor. The route is narrow in places, particularly between

units No. 9 and 10 (HT09 unit types), which are also positioned in close proximity to the hedgerow and swale. The landscaping masterplan also shows the native hedgerow planted in the swale which was queried by the PA. Although the site layout and access roads necessitate the fragmentation of the green infrastructure in this area, I consider the practical provision of the green corridor to be lacking. The width of the space is constrained by the proximity of the HT09 units, which is discussed further as part of the urban design for the site. This impacts on the quality of the green corridors through the site which were specifically requested to replace the historic hedgerows. The most southerly section of the Nature Lane spine is offset to the east of the section between units HT09 units 62 and 35, which interrupts the visual connection of the green corridor and its function as an ecological corridor. Overall I consider this area to be unsuccessful in its endeavour to provide a replacement green corridor as requested by the PA and as required under Policies GI1 and GI2 and in particular with Policy GI2 Objective 2 which seeks to protect and enhance the biodiversity and ecological value of the existing GI network by protecting where feasible and mitigating where removal is unavoidable.

8.3.10. I would also agree with the PA that that the spaces in the western spine / Stoney Hill Park appear fragmented with limited space for ball games or sports. However, I accept the difficulties of the site in terms of its topography, and I acknowledge the creative approach taken by the design team to incorporate the natural features into the proposal such as the provision of amphitheatres and play equipment that works with the level changes. Whilst the applicant states that the bioretention areas would function as kick-around areas as well as a SuDS feature, the design of the area would be key as the soils were found to have low permeability. I also note that the design strategy is to position the roads on an east-west axis to work with the site and to ensure appropriate gradients.

8.3.11. The largest area of POS would be the Woodland Park, along the eastern site boundary which is adjacent to Rathcoole Woodlands. This area is identified as the 'ecological open space' and is included in the overall quantum of open space. It would contain a 10m riparian buffer and also retain the existing hedgerow and provide pockets of woodland in the Miyawaki layered planting method. Whilst this is the largest area of unfragmented POS, its long and narrow shape and planting plan would not be conducive to ball games or kick-arounds. However, the area would

provide ample space for recreational use and for play areas with natural elements. (The issue of play equipment and spaces for all ages is addressed in the section below). On balance, I consider the overall provision of POS to be in accordance with Development Plan standards, which required 15% of the total site area for lands zoned RES-N, and that the overall landscape strategy has endeavoured to work with the site constraints. The landscape strategy to provide POS in a north-south axis works with the site topography and avoids the potential for large interventions into the site such as cut and fill to provide POS on an east-west axis. Whilst I consider the quantum of POS to be acceptable within the site, I am not convinced that the open space functions well in its provision of green infrastructure which is required by the Development Plan. This issue will be dealt with in a separate heading but also relates to the proposals for the Nature Lane spine of open space.

Play Space

- 8.3.12. Section 12.6.10 of the Development Plan contains the Development Management standards for POS. Regarding children's play areas, the plan states that residential developments of 30 units or over shall include a provision for children's play at the discretion of the PA through provision of a Young Children's Area for Play (YCAP), or a Local Equipped Area for Play (LEAP) or a natural play area. Although the PA states that the development should provide a Neighbourhood Equipped Area for Play (NEAP), which caters for older children, however, this is not stated in the Development Plan. In September 2025 the PA published '*The Nature of Play, South Dublin County Council Play Policy 2025 – 2030*'. Chapter 3 of the policy contains guidance for developers on the provision of play areas and states that one NEAP should be provided in developments of more than 500 houses. Developments of between 100 and 500 dwellings should provide a minimum of 1 Local Area of Play (LAPs), 2 Local Equipped areas of play (LEAPs) and informal play spaces. Both the Development Plan and the Play Policy document promote the provision of nature-based play and support the use of natural landscape features for creative play. The Landscape Design Rationale for the site details the play provision throughout the site and includes 'Equipped Play Areas', 'Natural Play Areas' and 'Teen Play Areas'.
- 8.3.13. Section 7.5 of the Landscape Design Rationale contains details on the play equipment to be provided throughout the site. Although the Landscape Masterplan

(Drawing 24159_StoneyHill_LP) shows only one formal play space, the design rationale document shows play equipment in a number areas throughout the site.

- 8.3.14. Whilst the Development Plan allows for discretion of the PA regarding play facilities, it does not contain a policy or objective that requires the provision of a NEAP in a development of this size. The applicant has shown areas that can cater for formal play, natural play and has included spaces for teenagers. Should the Commission consider that the additional formal play equipment is required, this can be addressed by condition. On balance, I consider that the open spaces have been designed to include play provision for younger and older children through formal play equipment and natural features. Teenagers have also been considered in the landscape strategy and a feature for table tennis is included for formal play with numerous seating areas for informal recreation. I am also satisfied that the applicant has considered the issue of accessibility to the public spaces. Section 2.2.2 of Appendix 5 of the grounds of appeal details the access arrangements to the spaces and shows routes which provide gentle access for maintenance and reduced mobility, stepped access to use as a feature and playable/active access such as an amphitheatre feature.

Communal Open Space

- 8.3.15. The PA also objected to the provision of Communal Open Space (COS). The applicant states that the COS was redesigned on foot of pre-application comments, and the layout and unit typologies were revised to introduce active frontages and overlooking. The areas of COS are provided to the north of the site, between duplex unit types DT02A, DT01, DT01A, and to the rear of house type HT04 at the most easterly extent. The applicant argues that the communal areas are well connected to residential units and pedestrian routes which allows for ease of access, permeability and usability. In terms of passive surveillance, the applicant is satisfied that the spaces will be overlooked by the ground and first floor terraces of the duplex units. They note that concerns were raised by the PA regarding the passive surveillance of the eastern COS. In direct response to this feedback the layout and unit typologies were revised to introduce active residential frontages overlooking this area.

8.3.16. The western and central areas of COS serve as pedestrian through-routes as well as open space. It is a principle of urban design to provide overlooked public spaces with active uses where possible. The COS in the proposal is flanked by the rear elevations of the duplex units. Whilst a design approach that presents rear elevations of buildings to open spaces would not normally be supported due to lack of supervision, I consider it to be acceptable in the context of the subject site due to the changes in levels. Contiguous site sections (Drawing 23046-OMP-00-ZZ-DR-A-3000) detail the level differences between buildings. In response to the site conditions the height of the duplex units vary with some of the three storey units presenting as two storeys to the COS. This allows for an unusual arrangement whereby the first-floor terraces are level with the COS on one side of the space and both first and ground floor terraces facing onto the space on the other side. The variance in height and terraces facing onto the space would add to the perception of surveillance within the space and the narrow width of the walkways would help to reinforce the buildings relationship with the open space. However, the boundary details to the terraces facing onto the space would be important to provide a positive connection with the space. The drawings for each duplex typology show low railings with planting to the terraces. This would be acceptable and would allow for visual interaction between public and private spaces. The boundaries are detailed as 'Boundary Type 06 - Podium safety railing / Duplexes private open space 1.2m high mild steel vertical balustrade railing on retaining wall where require'. This is acceptable and would allow for visual permeability.

8.3.17. Whilst the western and central communal spaces function as through routes, the eastern space is enclosed with duplex units to the north and south and a 2m high blockwork wall along the eastern side. Although a section through the site it not shown on the drawings a visual representation of the space is provided in Appendix 7 of the grounds of appeal, (P. 21). As with the other communal spaces, the duplex units on the southern side are at a higher level than those on the northern side. I am satisfied that given the change in levels and the proposed boundary treatments to the duplex terraces, that the space will be sufficiently overlooked. I note that no image was provided of the blockwork wall along the eastern boundary, however, the planting plan shows a wildflower meadow along the site boundaries. Although this would soften the visual impact, some low-level shrubs could be more successful.

HT09 units

- 8.3.18. The PA did not approve of the proposed house type HT09 which are provided along the Nature Lane, (i.e. the north-south spine of POS to the east of the site). These units are detached, two storey houses with long frontages that would face onto the public walkway. The PA consider the units to be Ad hoc placements within the urban environment, with inefficiently distributed circulation and private amenity space whilst also noting that there is a requirement for passive surveillance in some of these locations. The applicant argues that the 5 no. HT09 units were specifically designed to address the pedestrian pathway running from north to south. They have been designed to as wide-fronted units that 'turn' corners and provide passive surveillance and an active frontage to the laneway.
- 8.3.19. Whilst I accept the need to provide passive surveillance to the open space along Nature Lane, I am not convinced that the provision of these units is successful in the wider design context. The narrow character of the space is flanked by a 2m high blockwork wall in some areas, (See Unit No. 9, 10 and 62). Unit No. 34 opens directly onto the footpath at a narrow point in the footpath. I do not agree with the applicant that a balance is struck by providing a 2m wall at ground floor level and passive surveillance on the upper levels.
- 8.3.20. In response to the PA's refusal, the applicant has submitted Drawing 23046-OMP-01-00-DR-A-1000, which contains an alternative arrangement for the residential units along Nature Lane. To address the concerns of the PA, the applicant has proposed to remove the HT09 unit types and to replace them with a more traditional 3-bed house typology. Whilst the alternative arrangement goes some way to addressing the issues raised as it would increase the width of the space, the revised arrangement would result in gable walls facing onto the space and would not provide passive supervision.
- 8.3.21. As noted previously, the design and layout of the Nature Lane spine was also highlighted by the PA as unsatisfactory in its response to the green infrastructure (GI) requirements for the site.
- 8.3.22. The Parks Department of the PA were not satisfied that an adequate level of green infrastructure could be provided along this narrow route. The internal report states that to provide a minimum 4m wide hedgerow with swale alongside, buildings would

have to be removed. The HT09 units along the western side of the space are indicated for removal. I would agree with the PA in this matter. The connection at this area is narrow and the provision of the HT09 units impinges on the function of the 'nature corridor'. The HT09 units are problematic and whilst their removal would result in a better provision of open space and green infrastructure, the north-south spine would lack passive supervision from the adjoining units. To address the issues relating to urban design, lack of passive surveillance of the space and an insufficient provision of GI, amendments to the layout and provision of Nature Lane would be required. Issues relating to GI are addressed in full below.

- 8.3.23. The PA also considered the design and detail of the rear gardens to the unsatisfactory and objected to the use of car parking along the open space areas. Some rear gardens are provided in a 'split level' arrangement to avoid excessive cut and fill interventions. This approach is not unusual when dealing with sloping sites and it does not necessarily impact on the enjoyment of the space. The Development Plan does not contain any guidance that would prohibit this approach. In terms of private open space, the CSGs state that 'Private open space must form part of the curtilage of the house and be designed to provide a high standard of external amenity space in one or more usable areas'. Whilst the provision of tiered gardens is not a standard arrangement, it is a valid response to the site conditions. I note that the overall design can deliver the required quantum of private open space and on balance, I consider the provision of the spaces to be acceptable.
- 8.3.24. Additional concerns were raised regarding the walls of some units functioning as rear boundary walls to neighbouring units. The applicant states that in some instances on the scheme some of the proposed unit walls perform as boundary walls within the gardens of adjoining units. However, it is argued that the walls consist of blank gables to prevent overlooking, and the walls are used to effectively accommodate ground level differences across boundaries. I have reviewed the drawings and agree with the applicant that these occurrences are limited. They also occur in circumstances where the units step forward of each other or are staggered in arrangement. This results in only partial sections of the unit walls forming part of the rear gable walls. Given the limited instances of the occurrence, I consider the approach to be acceptable.

Parking and Pedestrian Connection

- 8.3.25. The layout of the site includes end-on car parking spaces adjacent to areas of public open space, which was unacceptable to the PA. From the site layout plan, it would appear that the PA is referring to the five parking spaces at the entrance to the site and four spaces to the end of each hammerhead along the eastern boundary, which adjoins open space. Whilst these spaces may intrude in the edge of the POS, I am satisfied that they have no significant impact on the attractiveness or functionality of the POS. I also note that they have not been included in the overall provision of POS for the site.
- 8.3.26. On foot of a request from the PA, a future pedestrian and cycle connection to Rathcoole Park has been included in the layout. The PA considered the link to be poorly designed. The application drawings show that the link has been designed to connect with the existing footpath in Rathcoole Park whilst also retaining trees along the boundary. Rathcoole Park is outside the control of the applicant, and the applicant can only design and deliver the area within their site boundary. The subject scheme has been designed to accommodate a future connection between the sites. I am satisfied that the detailed design of the future connection could be addressed through compliance with a planning condition.
- 8.3.27. Concerns raised regarding footpath gradients are addressed in the grounds of appeal. The applicant states that the site layout is structured to follow the site contours as much as possible and the road layout has been designed to ensure appropriate gradients for accessible footpaths in line with the principles of universal access and TGDM. Roads are aligned parallel to the site's east-west contours where feasible, and road levels are set to enable those running north to south to achieve suitable gradients for vehicles and pedestrians. The particular concern regarding Road 4 is addressed in the appeal and detailed image of the gradients is provided. This detail shows that Road 4 is entirely designed with a 1:20 gradient and does therefore not exceed the 5% requirement. I am satisfied that the appropriate gradients can be provided.
- 8.3.28. Overall, I am satisfied that the sufficient quantum of POS and COS can be delivered by the scheme. Whilst I acknowledge the concerns of the PA regarding the provision of a sufficient range of play opportunities for different age groups, I am satisfied that

the proposal has included opportunities for play for all age groups through formal areas, nature play and seating areas. The constraints of the site are noted in this instance and I consider the overall design for open space has integrated the natural features into the design where possible. However, I consider the design and function of the central linear space known as Nature Lane to be unresolved. This area requires additional design in terms of its function as a public space and as green infrastructure. This issue is addressed below under a separate heading,

8.4. Ecological Impacts

- 8.4.1. The PA refused the development for reasons which related to the existing ecology of the site and the potential impact of the proposal on the ecology of the site and the surrounding area. Concerns were raised regarding the adequacy of surveys carried out in relation to bats, breeding birds, the impact on the nearby Annex 1 Alluvial Woodlands habitat and the extensive removal of hedgerows within the site. The concerns of the PA were also reflected in third party submissions.

Hedgerows

- 8.4.2. Third party submissions reflect the concerns of the PA as they relate to the impact on ecology within the site and in the adjoining woodland. Submissions also refer to the extensive removal of hedgerows within the site. Third parties allege that hedgerows were removed within the site in December 2023 after High Court decision [2023] IEHC 335 was issued. The High Court decision was issued in June 2023 on foot of a Judicial Review of the decision to grant permission for a SHD on the site. A principal tenet of the High Court decision related to the extent of hedgerow to be removed to facilitate the development. The decision found that the removal of the hedgerow constituted a material contravention of the Development Plan by virtue of the extent proposed. Third parties contend that the removal of the hedgerows is illegal and should have a significant bearing on the assessment and determination of the appeal. The submission states that in December 2023, 844m of historic field boundary hedgerow was removed, which constitutes all the internal hedgerow within the site. A reinstatement notice was issued from the Department of Agriculture on the 19th of September 2024, and a further notice was issued on the 27th of February 2025, (copy of notice appended to submission from the Four Districts Woodland

Habitat Group). Details submitted by third parties show that the removal of hedgerows within the site is currently under investigation by the Department of Agriculture Food and the Marine. A copy of a letter to the applicant from the Department of Agriculture and Food states that the works undertaken exceeded their restructuring of rural landholding thresholds and should have been subject to screening under the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011. The correspondence directs the applicant to reinstate the hedgerows and to ensure they are managed until re-established.

8.4.3. I have visited the site and reviewed the details submitted with the application including all third-party submissions and it is evident (from aerial photos submitted in submissions) that an extensive removal of internal hedgerows was carried out on the site. This is not disputed by the applicant and a response from the project ecologists (Appendix 2 of the appeal) states that *'the historic land-use changes and resulting ecological degradation lie outside the control or remit of the current EclA. While these past alterations have influenced the present baseline, an EclA must assess the site as it currently exists, not as it existed prior to agricultural intensification'*. The response goes on to state that the landscaping proposals for the development *'are designed to increase structural diversity, enhance ecological connectivity, and ultimately provide more by biodiversity value to the site'*.

8.4.4. Whilst the removal of mature hedgerows within the site is regrettable, the issue is addressed under the Agriculture Regulations, which are a separate legislative code to the Planning and Development Regulations. Breaches of the Planning Act and Regulations fall within the remit of the PA and are addressed under Part 8 of the Planning and Development Act 2000 (as amended). The enforcement of offences against the Planning Act is outside the remit of the Commission. In this instance the matter is with the Department of Agriculture Food and the Marine. I note that the PA did not consider itself constrained by this issue when assessing the application and making a decision. I am satisfied that the Commission can assess the appeal at hand, based on the information available and decide on the merits of the development.

8.4.5. The environmental impacts of the proposal are addressed under Section 6.5 and Appendices 1 and 2 of this report. Issues relating to Appropriate Assessment are

addressed under Section 9 of this report. The relevant issues raised in relation to local ecology will be addressed below.

Adequacy of the EclA

- 8.4.6. The first reason for refusal relates directly to the adequacy of the EclA. The PA considered that the results of the EclA were incomplete as it did not include results of the *‘breeding bird and bat activity surveys of the development site, and bat emergence surveys of the buildings on the development site’*. In a separate refusal reason, the PA considered that the application did not adequately consider the impact of the development on the adjoining Annex I woodlands.
- 8.4.7. The response from the applicant suggests that the report of the PO relied on a draft EclA that was presented during pre-planning consultations. This version of the report was incomplete, but the version submitted with the application contained a suite of fully completed surveys. This is refuted by the PA in their response to the appeal.
- 8.4.8. Section 3.5, Table 1 of the EclA submitted with the application describes the field surveys carried out to establish the baseline conditions on the site. The information in Table 1 is reproduced below.

TABLE 1. FIELD SURVEYS UNDERTAKEN AT THE PROPOSED DEVELOPMENT SITE

Survey	Surveyor	Dates
Preliminary Habitat Survey General Fauna Survey Invasive Flora Survey Bird Suitability Survey	Enviroguide Consulting (HON)	9th September 2024
Mammal Survey	Enviroguide Consulting (CRK)	19th February 2025
Preliminary Bat Roost Assessment	Enviroguide Consulting (CRK)	16th January 2025
Breeding Bird Survey	Enviroguide Consulting (BMc)	24th April 2025 26th May 2025 11th June 2025
Bat Emergence Survey	Enviroguide Consulting (CRK, BMc, EK, BS, HON & BT)	26th May to 1st July 2025

Bat Activity Survey	Enviroguide Consulting (HON & BMc)	26th May to 1st July 2025
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- 8.4.34. The results of the surveys will be assessed in detail below. However, I am satisfied that the EclA contains the relevant field surveys and that all surveys were carried out at the appropriate time of the year to obtain the best results.
- 8.4.35. The report from the Heritage Officer (HO) notes that an EclA was submitted that contained updated bat survey work undertaken in the 2025 season. However, the report expressed dissatisfaction with the bat surveys carried out and states that the surveys fail to present data on bat numbers availing of the site and little information on how bats use the site. Surveys to determine bat roost potential (BRP) found that 6 of the 10 buildings for demolition had BRP. However, the report does not contain detailed descriptive or photographic evidence of each building, and details are unclear as to which buildings were or were internally surveyed. The HO was concerned that whilst emergence surveys did not record bats emerging from the buildings, records might not have been captured by the electronic bat detector units if the surveyor was blocked by other buildings on the site.
- 8.4.36. A response to the HO was included in the grounds of appeal (Appendix 2). The response states that Section 4.2.2.2 of the EclA outlines bat usage of the site and states that the four species of bats were primarily recorded along the tree line at the eastern and northern site boundaries of the site. Leisler's bat and Pipistrelle species also recorded along the central hedgerow, adjacent to the existing buildings at the site. Therefore, the applicant argues that a clear indication of that usage of the site has been provided. For additional clarity, figures depicting bat activity for the 2 transect surveys conducted at the site were included in the ecology response.
- 8.4.37. In relation to bat roosts at existing buildings on the site, emergence surveys were carried out for buildings that were identified to have low or moderate suitability for bat roosts. This approach is outlined in section 4.4.2.2.1 off the EclA and is in accordance with best practice guidance (Collins 2023¹). Figure 6 of the EclA identifies and numbers the buildings on the site. Buildings 3, 5, 7 and 9 were not surveyed as they were deemed to have negligible suitability for roosting bats.

¹ Bat Surveys for Professional Ecologists: Good Practice Guidelines' (Collins, 2023) *

*Minor amendments were made to this document in March 2024.

Building 10 was initially noted to have low suitability, but during the Preliminary Bat Roost Assessment (PBRA) it was downgraded to negligible suitability. An emergent survey was not carried out for this structure. Therefore, only five of the 10 buildings were surveyed for bat emergence. As the surveys were conducted within the optimal survey window for bat emergent surveys, and bat activity surveys adhered to best practice standards as set out by Bat Conservation Ireland and Collins 2023 the applicant argues that the bat surveys conducted provide a clear image of how bats utilise the site.

- 8.4.38. I have reviewed the guidance referenced by the applicant (Collins 2023). Section 4.3 of the guidelines relates to 'Preliminary ecological appraisal (PEA) – fieldwork'. Regarding the potential suitability for roosting habitats in structures, 'negligible' suitability in structures is described as, '*No obvious habitat features on site likely to be used by roosting bats however a small element of uncertainty remains as bats can use small an apparently unsuitable features on occasion*'. Negligible is defined as, 'So small or unimportant as to be not worth considering, insignificant. The guidelines explain that this category may be used where there are places that a bat could roost or forage (due to 1 attribute) but it is unlikely that they actually would (due to another attribute). Section 4.3.13 of the guideline's states that, '*If no suitable habitat for bats is found then further surveys are not likely to be necessary*'.
- 8.4.39. Section 3.5.2 of the EclA outlines the methodology applied for the bat surveys and Section 4.4.2 contains the field survey results for bats. Table 10 contains the suitability category for each building, which informed the level of additional surveys required. Table 3 of the EclA contains the date and time of the emergence surveys carried out. From the information contained in Table 3, one emergence survey was carried out for each building deemed suitable. The number of surveys carried out is in accordance with recommended guidance, (Table 7.2 Collins 2023). The appeal response noted that, although Building 10 was identified in Table 10 as having 'low' suitability, it was subsequently downgraded to 'negligible'. The absence of a survey on Building 10 is not explained in the EclA.
- 8.4.40. Whilst I am satisfied that the bat emergence surveys were carried out by suitably qualified professionals, at the correct time of the day and the year, I agree with the HO that the report is lacking in background information which would present a full assessment of the bat roost potential for the site. Not only does the report fail to

describe the buildings, it also contains no information on why buildings were deemed unsuitable and what features constituted low suitability for roosts. Section 5.2.45 and 5.2.46 of the Collins Guidelines states that information (photographs and detailed descriptions) should be presented in the survey report to justify conclusions and decisions reached regarding the presence of bats and/or the requirement for surveys. Table 3 of the EclA contains information on the date, times and prevailing conditions on the survey evenings. However, no details are provided as to the number and locations of the surveyors for each building.

- 8.4.41. The HO also considered that bat activity on the site was not adequately reported in the EclA. In response the applicant refers to Section 4.4.2.2.2 of the EclA which they state outlines the bat usage of the site. For additional clarity figures depicting bat activity for the two transect surveys conducted at the site were included in the grounds of appeal, (Appendix 1 of the Ecology Response).
- 8.4.42. Section 4.4.2.2.2 of the EclA relates to 'Bat Activity Surveys' and states that two dusk surveys were carried out on the site, (12th May 2025 and 1st July 2025). During the surveys, four species of bat were recorded: Common Pipistrelle (*Pipistrellus pipistrellus*), the Soprano Pipistrelle (*Pipistrellus pygmaeus*), Leisler's Bat (*Nyctalus leisleri*,) and the Brown Long Eared Bat (*Plecotus auratus*). All four species were primarily recorded along the treeline along the eastern and northern boundary of the Site. Leisler's bat and *Pipistrelle* species were also recorded along the central hedgerow adjacent to the existing buildings at the Site. The EclA presumed that the recorded were foraging and commuting along these features. Based on the survey results, the EclA concluded that the site did not currently support a roosting population of bats. However, it was determined to be of 'Local importance (higher value)' for bats due to the hedgerows and treelines which support foraging and commuting.
- 8.4.43. Whilst the EclA details that the surveys were carried out in accordance with the relevant guidance, I accept that the view of the HO that the report lacked supporting detail to qualify the decisions made such as photographic surveys of buildings subject to emergence surveys and why Building 10 was omitted. During my site inspection I noted that the buildings to be demolished included five residential buildings, each with a shed or outhouse. Four of the five buildings appeared to be in good order and occupied. The building closest to the site entrance was empty and in

poor repair. Whilst bats may roost in both occupied and unoccupied buildings, depending on conditions, I am not satisfied that the emergence survey results provide sufficient detail regarding descriptions and methodology to give a full overview of the environment surveyed and its suitability for bats.

8.4.44. Although the report detailed the results of the bat activity surveys, it lacked supporting illustrations or imagery which showed the surveyed bat activity on the site. Images showing bat activity on the site were submitted with the appeal and I am satisfied that the information contained in the EclA and submitted under the grounds of appeal adequately demonstrate the surveyed results for bat activity on the site. I accept the view of the HO that the details regarding the buildings surveyed for emergence surveys are lacking. Whilst the EclA identified that the surveyed buildings were of 'Low' suitability, a description or photographic survey would have presented a fully comprehensive overview of the survey. I have reviewed the EclA in full and the methodology applied to all other surveys is in accordance with relevant guidance with all surveys carried out at the appropriate time of year. The methodology applied to the surveys which were carried out in accordance with the relevant guidance, by suitably qualified ecologists and at the right time of the year, may offer some comfort to the Commission regarding the robustness of the bat survey results. However, I consider the results of the bat emergence surveys to be lacking in order to provide a full and comprehensive understanding of the site and the suitability of the buildings to be demolished in terms of bat roosts. I note that the EclA contains mitigation measures to address potential impacts on bats.

Bird Surveys -

8.4.45. The PA were not satisfied that the results of the Breeding Birds surveys were included in the EclA. The report notes that three breeding bird surveys were carried out on the site, (24th April 2025, 26th May 2025 and 11th June 2025). A full list of species recorded during surveys is contained in Table 13 of the EclA. The results show that there were twenty green-listed, eight amber-listed, and four red-listed bird species recorded at the site. The red listed species included Kestrel, Meadow Pipit, Stock Dove and Swift. All red listed species recorded at the site were not observed to be using the habitats on site for breeding. The EclA concluded that the site is of 'Local Importance (Higher Value) for breeding birds, given the variety of bird species recorded both in the historical records and during the various field surveys. The site

was also found to contain resident and regularly occurring, locally important populations of bird species protected under the Wildlife Act. The site does not provide ex-situ foraging habitat for any wintering bird species (arable field). As such it is considered that the site is of 'Local Importance (Lower Value)' for wintering birds. I am satisfied that the bird surveys were carried out at the correct time of year and by suitably qualified professionals. Mitigation measures for breeding birds are contained in Section 5.3.2.7 of the EclA. The operational mitigation measures include the provision of additional hedgerows and trees which would be beneficial for breeding birds.

Other Surveys -

- 8.4.46. No evidence of protected mammal species was found on the site. The treelines may be used by commuting badger, as well as small, more timid mammals less likely to be observed on Site (such as hedgehog, pygmy shrew and stoat) that may be present within Rathcoole Woodland, and, although no signs were observed, the stream in the southeast may be suitable for otter. As such the site is of 'Local importance (higher value)' for otter, badgers, and small mammals.
- 8.4.47. The site has no suitable habitat (drainage ditches) for the common frog, smooth newt and common lizard. No rare or protected flora species records existing within the immediate vicinity of the site and none were identified on the site during surveys. Some invasive species, (Butterfly bush, sycamore, winter heliotrope and cherry laurel), were identified within and bordering the site.
- 8.4.48. No habitats of conservation value were identified within the site. The main habitat present on the Site was arable crops (BC1) in the large open field to the east of the Site. This field is bounded by treelines (WL2) to the north and east, and hedgerows (WL1) to the west. In the southeast corner there is a depositing/lowland rivers/stream (FW2), flowing northwards into the Rathcoole Woodland. There is also a small drainage ditch (FW4) along part of the eastern boundary. The western part of the site is characterised by habitats comprising buildings, hard surfaces, private gardens and recolonising bare ground (ED3). All habitats were considered to be of either 'Local importance (higher value)' or 'Local Importance (lower value).
- 8.4.49. The proposed development will involve the removal of remaining hedgerow within the site. This habitat (WL1) was found to be of Local Importance (Higher Value) as it

may provide suitable nesting and foraging habitat for breeding birds, and commuting habitat for bats.

- 8.4.50. Ecological impacts during the construction operational phases of the development were identified in Sections 5.2 and 5.3 of the EclA. They include, but are not limited to, habitat removal and fragmentation, species disturbance and pollutants entering the watercourses. Section 6 of the EclA contains the Avoidance, Mitigation, Compensation and Enhancement Measures proposed to address the impacts of the development.

8.5. Rathcoole Woodlands

- 8.5.1. Refusal reason No. 6 relates to the impact of the proposal on Rathcoole Woodlands which adjoin the site to the east, and which are a designated Annex 1 woodlands, (Alluvial woodlands). The PA considered that the proposal would materially contravene Policy NCBH5 and Policy GI7 Specific Local Objective 2 of the South Dublin County Development Plan 2022 – 2028 as it had not been designed with due regard to the Annex I woodland and that sufficient surveys and assessments had not been carried out to demonstrate that the development would not have an adverse effect on the habitat. The issue of material contravention is addressed under a separate heading at the end of this section.
- 8.5.2. The refusal reason is disputed by the applicant in the grounds of appeal. The Applicant argues that the application contained a suite of documents including ecological hydrological and engineering assessments which taken together provided adequate information for the local authority to make a decision. It is further submitted that the Rathcoole Alluvial Woodland is not subject to Article 6 of the Habitats Directive as it is not a European site and is not designated as an SAC. Therefore, it is not subject to Appropriate Assessment requirements. Furthermore, the development has been designed to incorporate a buffer area along its eastern boundary which would separate the built form off the proposal from the woodland area. This would provide a sufficient separation between the development and the Woodlands to prevent urban encroachments and negative impacts on the habitat.
- 8.5.3. The Four Districts / Rathcoole Woodland adjoins the eastern boundary of the site. It is described in the EclA for the application as a semi-natural woodland dominated by

willow and birch (*Betula* sp.) trees. It is a mixture of transitional, immature and mature woodland. This woodland is classified as WN6 – Alluvial Woodland, corresponding to Annex I habitat 91E0, and covers approximately 12.8 hectares. It is predominantly composed of willows (*Salix cinerea*, *Salix caprea*) and downy birches (*Betula pubescens*), with a dense ground layer of bramble, nettles, ivy, and rosebay willowherb, all contributing to its high ecological value. A hydrological pathway is also identified to the woodlands from the site via the drainage ditch along the eastern site boundary and the Coolmine Stream which also flows along the south-eastern corner of the site. The Crookshane (Slade) Stream flows through the woodland.

- 8.5.4. The Woodland is not designated as an NHA a pNHA or an SAC. However it is subject to protection under Specific Objective G17 SL02 of the County Development Plan - *'To ensure the adequate protection and augmentation of the identified Alluvial Rathcoole Woodlands within the zoning RU, and in recognising their value as green infrastructure and the potential linkages to Lugg Wood and Slade Valley and other amenity areas, provide for sensitive passive amenity uses which have regard to their Annex 1 status.'* Given the significant size and the presence of native tree and shrub species within this woodland, the EclA identifies the habitat as being of *'County Importance'*. The report of the HO notes the presence of a spring within the Woodland that possibly corresponds to a second priority Habitat Annex I, 7220 Petrifying springs with tufa deposits. The presence of the tufa habitat is disputed by the applicant who references Appendix 2b of an *Ecological Assessment of Lands at Rathcoole, Co. Dublin (2021)* prepared by Faith Wilson. The report was undertaken to inform an Urban Framework Plan for lands at Rathcoole and to inform the 2022 Development Plan. It is unpublished but a copy was included in the appeal.
- 8.5.5. Whilst the presence of the second Annex I habitat in the Woodlands is disputed, it is acknowledged that both habitats purported to be on the site are sensitive to changes in the hydrological regime in terms chemistry and water levels. As there is a hydrological connection between the sites, concerns were raised by the PA and third parties regarding potential impact of the development on the Woodland. The topography of the site also lends the potential for overland flows of surface water from the subject site towards the woodland.
- 8.5.6. The EclA contains mitigation measures to prevent uncontrolled surface water runoff from the site and chemical changes to the soil during the construction and

operational states of the development. The mitigation measures are also contained in the CEMP and the NIS. During the operational phase of the development, SuDS measures would be employed throughout the site, and underground attenuation would be installed. The drainage measures for the site would ensure that surface runoff would be retained at a greenfield rate post construction. SuDS measures and hydrocarbon interceptors would prevent pollutants from entering the surface water. The PA were not satisfied that the development contained adequate SuDS measures. This issue is dealt with under a separate heading.

- 8.5.7. Concerns were raised by the PA regarding the impact of the hydrological impacts of the development on the Alluvial Woodland (91E Alluvial Forest) and Tufa-forming Springs (7220 Petrifying Springs with Tufa Formation) habitats at Rathcoole Woods. Both habitats rely on a sufficient supply and quality of surface water and ground water to support their continued development. The report of the HO notes that 'Alterations in the subsurface flow patterns or in the chemistry of the groundwater supplying tufa-forming springs can impact negatively on this EU habitat type'. The HO also notes that the Hydrological and Hydrogeological Qualitative Risk Assessment (HHQRA) submitted with the application reviews water movement on the site but does not provide an adequate review of ground water supply and ground water flow patterns between the sites. For this reason, a refusal of permission was recommended. Concerns were also raised by third parties who contend that ground level flows in the upper subsoil layer would be impacted by the development through physical interception and/or attenuation. Reference is made to an unpublished report prepared by Envirologic consultants in 2022 for the Rathcoole Woodlands. The report was not included with the submission but was publicly available on the Four Districts Woodland website.
- 8.5.8. A HHQRA was submitted with the application, and an updated report was prepared for the appeal in response to issues raised that related to impact on the water environment in the Rathcoole Woods. The assessment states that current surface water flow paths (from south to north) across the site will be maintained and surface water runoff will be drained via gravity into existing networks and public sewers. An updated report was prepared for the appeal in response to issues raised that related to impact on the water environment in the Rathcoole Woods.

- 8.5.9. A Flood Risk Assessment found that the proposed development area lies in Flood Zone C and that any flood events will not cause flooding to the proposed development, and the development will not affect the flood storage volume or increase flood risk elsewhere.
- 8.5.10. The hydrological assessment of the site found no waterbodies within the site. A drainage ditch runs from the south-east corner of the site along eastern site boundary and adjacent to the western boundary of the Rathcoole Woodland. A north / northeastern flow was recorded in this ditch which is away from the site and towards the woodland area. A c. 1.1m high embankment lies to the east of this ditch which separates it from the woodland. A second drainage ditch flows along the north-eastern boundary of the site and is within the woodland area. Flows in this channel are in a north / north-eastern direction, away from the site. An unnamed stream flows through the woodland from a point to the south-east of the site. It flows in a northeast direction through the woodland towards the Coolmine Stream and to a culvert below a pedestrian bridge and underneath R120 Regional Road.
- 8.5.11. An additional site investigation was undertaken by the applicant in January 2026 to assesses and identify hydrological and hydrogeological pathways at the site. The investigation identified an unnamed local stream (referred to in the report as Local Stream X) which diverges from the flow path of the Crockshane Stream c. 160m to the south of the southeastern boundary of the site. From here, this stream flows in a northern direction, along a hedgerow which bounds the southern field to the east, before briefly running along the southeast boundary of the site. The stream then flows in a northeast direction traversing Rathcoole Woodland and subsequently discharging to the Coolmine Stream which flows east and outfalls to the Camac River at the boundary of Rathcoole Park. A part of the stream is culverted below a pedestrian bridge, before flowing in an alternating northeast to northwest direction before being culverted below the R120 Regional Route (Fitzmaurice Road).
- 8.5.12. Surface water flow paths were found to be in a south to north direction across the site. Drainage is primarily via overland flow to drainage ditches and to the Crockshane Stream to the east and southeast of the site, which flow adjacent to the site boundary, coupled with drainage to ground where surface water and rainfall percolates to ground via infiltration to grass and soil. Subsoils tested were characterised with a low level of permeability. The values are representative of

extremely low permeability at the locations of the proposed underground attenuation tanks and the detention tanks. This indicates a lack of hydrological / hydrogeological pathway through the subsoils connected to receiving waterbodies downgradient. No springs were found within the site, but seven springs were identified in the Rathcoole Woodland.

- 8.5.13. The site is underlain with an aquifer that is classified in the GSI (2025) National Bedrock Aquifer Map, as both a (Pu) Poor Aquifer - Bedrock which is Generally Unproductive and a (PI) Poor Aquifer - Bedrock which is Generally Unproductive except for Local Zones. The proposed development is within the 'Kilcullen' groundwater body'. The GSI (2025) guidance presently classifies the bedrock aquifer vulnerability in the region of the subject site as 'High' which indicates overburden (subsoil) thickness ranging from 3-5m of low permeability soils. This shows that the aquifer is well protected by low permeability glacial clays. There is a small patch of 'Rock at or near Surface or Karst' on the south portion of the site, as well as a small section of 'Moderate (M) vulnerability classification underlying the southeast portion of the site.
- 8.5.14. The HHQRA and updated report found that the underlying aquifer type ('Poor Aquifer' (Pu & PI) have flow paths that are generally local to short distances. This is due to discrete local fracturing with little connectivity rather than large, connected fractures. (Section 3.2 of the HHQRA). GSI data states that *'The majority of groundwater flow in this aquifer (Kilcullen GWB) will take place in the upper 3m of the rocks. This will be lateral flow towards discharge point such rivers and streams... Typical groundwater flow paths will be in the order of a couple of hundred metres, with discharge occurring to the closest surface water feature.'*
- 8.5.15. Site investigations carried out to inform the appeal comprised five boreholes, each of which encountered 'clay' deposits to a depth of 4.5 – 5.0m below ground level, at which point the boreholes were terminated. The updated hydrological review states that, *'It should be noted that neither the site investigation, nor the GSI mapping information, nor the site visit conducted by AWN detected or recorded the presence of granular deposits or strata of greater permeability strata that can induce the presence of groundwater flow passing through the Proposed Development site or migrating from it in a downgradient direction... It is important to note that no groundwater was detected during the drilling works, which were carried out during*

heavy rainfall conditions. Therefore, no hydraulic connection has been established between this area and the receptors downgradient. The inferred the groundwater flow direction is in southeast/east direction and largely controlled by local and regional topography’.

- 8.5.16. The HHQRA and updated report found that neither the site investigation, the GSI mapping information or the site visit detected or recorded the presence of granular deposits or strata of greater permeability that can induce the presence of groundwater flow passing through the development site or migrating from it in a down gradient direction. No groundwater was detected during the drilling works which were carried out during heavy rainfall conditions. Therefore, no hydraulic connection was established between the site and the receptors down gradient. The inferred groundwater flow direction is in the southeast / east direction and largely controlled by local and regional topography.
- 8.5.17. During the site investigation seven springs were identified within the Rathcoole Woodlands. Two springs were located within the channel of Drainage Ditch 2 and two springs were located within the channel of Local Stream X. These springs erupt directly from the bed of the stream and represent points for groundwater discharges directly into the watercourse channel thereby contributing to the base flow of the water course itself. The other three springs in the woodland area were identified as bank seepages and occur as ponding of water in depressions on the banks on land adjacent to the water courses. It was concluded that these may be formed because of the water table intersecting with the ground surface where the land drops below the water table causing groundwater to flow out. Additionally, these emergent springs can be attributed to artificial subsurface drainage channels or infilled water courses that have become blocked by deposition. Therefore, the origin is believed to be related to locally infiltrated rainwater rather than groundwater originating from upgradient at the proposed developments due to the lack of hydraulic and hydrogeological connectivity between the site. This is reflected in the low permeability of the soils, its subsoil and geological environment, as well as the location of the springs.
- 8.5.18. The grounds of appeal identify potential pathways during the construction and operational phase and include mitigation measures to deal with both. During the construction phase potential pathways are identified through vertical migration to the

soil and bedrock aquifer, potential from the bedrock aquifer to surface water receptors via base flow pathway and surface water runoff. Pollution through vertical migration would be limited as flow paths through the aquifer are limited with short distances. Likewise lateral migration through the aquifer would be limited due to low potential loading, natural attenuation within the low permeability soils overburden and the nature of aquifer fracturing which reduces the off-site lateral migration. Mitigation measures outlined in the CEMP would be employed to address impacts from pollution to groundwater and surface water.

8.5.19. Table 3.1 of the Hydrological and Hydrogeological Analysis (Appendix 9 of the appeal) contains a Source-Pathway-Receptor Conceptual Model that details the pathways and risks to receptors. The report concluded that, during construction and operation phases there is no direct source pathway linkage between the proposed development site and open waters (hydrological) or the hydrogeological environment connected to Rathcoole Woodland or the identified springs within it. The risk on the local high geological environment and in particular on the Rathcoole Woodlands and the springs identified within it is considered to be negligible to low due to lack of hydraulic and hydrogeological connectivity between the site, which is reflected in the low permeability measured, its subsoil and geological environment and the location of these springs.

8.5.20. I have reviewed the information submitted and I am satisfied that the applicant has reviewed and considered all potential hydrological pathways, (including groundwater flows in subsoil) from the subject site to the Rathcoole Woodlands. Risks to groundwater and surface water quality were considered and mitigation measures are recommended. On the basis of the information at hand, the risk to the Woodlands from water borne pollutants and alterations in groundwater flows is low to negligible due to the lack of hydrogeological connections between the site and from the proposed SuDS measures and hydrocarbon interceptors. Groundwater flows through the upper levels of the soils will not be interrupted by construction which will involve standard construction methods and will not involve large excavations for basements or similar. I am satisfied that the information contained in the HHQRA and the updated information in the appeal demonstrates that groundwater flows to the Woodland from the site would be limited due to poor connections or lack of connections between the sites. Furthermore, there will be no change in the surface

water or groundwater regime as interventions in the subsoil levels would be standard construction with no basement levels, no abstraction of water or increase in discharge is proposed.

Material Contravention

- 8.5.21. The PA considered that the proposed development would materially contravene Policy NCBH5 and Policy GI7 Specific Local Objective 2 of the South Dublin County Development Plan 2022 - 2028, which is an objective for the conservation and preservation of an Annex I natural habitat on a site prescribed in the County Development Plan.
- 8.5.22. Policy NCBH5 relates to the Protection of Habitats and Species Outside of Designated Areas and seeks to *'Protect and promote the conservation of biodiversity outside of designated areas and ensure that species and habitats that are protected under the Wildlife Acts 1976 to 2018, the Birds Directive 1979 and the Habitats Directive 1992, the Flora (Protection) Order 2015, and wildlife corridors are adequately protected'*.
- 8.5.23. Policy GI7 relates to Landscape, Natural, Cultural and Built Heritage, and seeks to, *'Protect, conserve and enhance landscape, natural, cultural and built heritage features, and support the objectives and actions of the County Heritage Plan'*.
- 8.5.24. Special Local Objective 2 (SLO 2) of Policy GI7 seeks, *'To ensure the adequate protection and augmentation of the identified Alluvial Rathcoole Woodlands within the zoning RU, and in recognising their value as green infrastructure and the potential linkages to Lugg Woods and Slade Valley and other amenity areas, provide for sensitive passive amenity uses which have regard to their Annex 1 status'*.
- 8.5.25. The policies and objectives referenced by the PA all seek to protect and preserve natural habitats and biodiversity with specific reference to the Annex I habitat at Rathcoole Woodlands. I note that the application was submitted with an EclA, AA Screening Report, NIS, Landscaping Design Rationale, A HHQRA, CEMP and an Infrastructure Report that sets out the surface water management strategy for the site. I have reviewed the documents submitted and visited the site and I am satisfied that all potential impacts on the Alluvial Rathcoole Forests, from the construction and operational stages of the development, have been considered. These include impacts on hydrological regime in the area and water quality, which were raised as

specific concerns. I am satisfied that the mitigation measures proposed in the EclA, NIS and CEMP are sufficient to prevent significant impacts on the habitat and that the measures proposed would provide sufficient protection to the Rathcoole Woodlands, and to any species and habitats that are protected under the Wildlife Acts 1976 to 2018, the Birds Directive 1979 and the Habitats Directive 1992, the Flora (Protection) Order 2015.

8.5.26. I have carried out an assessment of the EclA in Section 8.5 of this report, and the NIS is assessed under a separate heading, (9.0) below. As the measures proposed to protect the adjoining environment and the Annex I Rathcoole Woodland are sufficient to prevent significant impacts or degradation in quality, I am satisfied that the proposed does not result in a material contravention of Policy NCBH5 and Policy GI7 Specific Local Objective 2 of the South Dublin County Development Plan 2022 – 2028, and therefore the Commission need not rely on the provisions of Section 37(2)(b) of the Planning and Development Act 2000 should they decide to grant permission for the development.

8.6. Green Infrastructure

8.6.1. The report of the Parks department refers to the prior removal of extensive sections of hedgerow throughout the site (in excess of 500m as stated in Department of Agriculture correspondence) and were not satisfied that the landscaping strategy for the site adequately addressed the reinstatement of (GI) within the site. GI connections within the site and to the wider GI network were considered to be insufficient, fragmented and would fail to work as ecological corridors, which is contrary to GI2 Objective 3 of the Development Plan. The PA found the subject proposal inadequate to address the removal of historic GI hedgerows within the site and along its southern boundary. To address this shortfall, PA concluded that the removal of 5 no. houses (No's 9, 10, 34, 36 & 62) along Nature Lane, the central north-south link, would be required along with an additional 5 to 6 units in the south-western corner of the site. Proposed measures along the southern boundary were considered problematic for future management as they contained a swale to the rear of houses which would be difficult to manage and could become a dumping ground.

- 8.6.2. This is refuted by the applicant who submits that the southern boundary hedgerow would be reinstated as a continuous linear landscape feature of approximately 380 metres and the historic north-south landscape structure would be re-established along the eastern site edge. Hedgerow planting would be carefully integrated into public open spaces and would be managed for biodiversity as well as amenity. The applicant notes the presence of ecological buffers along the site boundaries particularly to the east and west which function as habitat transition zones and facilitative species movement and connectivity.
- 8.6.3. I accept that due to the nature of the development the proposed north-south landscape corridors within the site cannot provide continuous linear planting or continuous features that would replace the historic hedgerows. However, I note that continuous segments of hedgerows would be provided in lengths that range from 50 to 60 metres with smaller sections of up to 15 to 30 metres. The issue of Nature Lane was addressed in the Section 8.3 of this report under Public Open Space. This section of the report addressed issues regarding the layout and function of this area in terms of its width and integration with urban design. I agree with the PA that the GI infrastructure along this corridor is unsatisfactory. In terms of its landscape character, it is more passive in nature and has a greater opportunity to provide a meaningful GI connection through the site. However, its present design fails to deliver this due to its narrow width and proximity to development. I would agree with the PA that in order to provide a satisfactory GI connection through the site, that it may be necessary to widen the corridor. This may involve the removal of the HT09 units as proposed by the PA. As noted previously, the transitional nature of the site and the previous historic ecological connections through the site warrant a substantial and strong approach to the provision of GI throughout the site. Development Plan policies support this approach, and, in this instance, I consider Policy GI2 Objective 2 to be relevant. This policy seeks to protect and enhance the biodiversity and ecological value of the existing GI network by protecting where feasible and mitigating where removal is unavoidable. Due to the scale of Nature Lane, in terms of its width, its relationship and proximity to adjoining houses, the fragmented connections (in particular the southernmost sections), I consider the provision of GI in Nature Lane to be insufficient. I note that the provision of GI was raised by the PA during pre-planning meetings. I consider the design details of this

area to be unresolved in terms of urban design and the provision of a meaningful GI connection through the site and to the adjoining lands. Whilst the removal of the HT09 units would also for an opportunity to address the limitations in terms of width, it would result in negative impacts on the passive supervision and urban design of the site. Overall, I consider the design of this area to be unresolved.

- 8.6.4. Existing hedgerows would be retained along the eastern and western site boundaries. This would provide a valuable connection to the neighbouring undeveloped sites and to Rathcoole Woodlands. It is proposed to reinstate the hedgerow along the southern boundary as a continuous feature which would also provide SuDS. This corridor is described as approximately five metres in width and would accommodate a swale and a hedgerow of approximately three metres, which leaves a two-metre-wide margin to facilitate maintenance inspection and long-term management.
- 8.6.5. I share the concern of the PA regarding the location of the swale along the southern site boundary, which is positioned to the rear of house no's 67 to 76. Access to the area is provided from an area of POS located at either end of the terrace of houses. I agree that the primary function of swale and hedgerow area may be unclear to future residents and that it could result in its use for dumping of green or other waste. This would impinge on its use as a swale and a GI corridor. I also consider a corridor of two metres for maintenance to be restrictive in width for access by machinery or for general movement through the space. Drawings also show sections of the boundary where pathways, parking and turning areas are positioned directly adjacent to or adjoining the boundary. This could impact on the width and function of the hedgerow to be reinstated. Third party submissions raise a concern that these sections of hedgerow would be restricted by the site layout and would interrupt continuity. I note that during pre-planning consultations the applicant was advised to consider overland water flows to the site from the hills to the south. However, I agree with the PA that the provision of GI and ecological corridors along the southern site boundary is insufficient and that the overall strategy at this location needs to be revised. The southern and eastern site boundaries provide the best opportunities for the reinstatement and provision of GI connections to the wider area and for this reason they should be managed properly and with greater consideration and integration with the wider area. The eastern site boundary would be retained

and would provide a buffer to the adjoining woodlands. The GI connections along the southern boundary should be strengthened in terms of connectivity and scale. This is particularly important as the southern hedgerow would be removed as part of the development. I note the lands to the south are within the blue line boundary. This may allow an opportunity to improve the scale of the GI connection in terms of hedgerow width and the location of the swale. A greater separation between the hedgerow and hard landscaping could also be accommodated. The sensitivities of the site are noted in terms of its topography, and I acknowledge that amendments to this area could impact on the overall drainage for the site. Therefore, additional consideration is warranted. However, in its current layout, I consider the proposals to reinstate the GI corridors along the southern site boundary are not in accordance with the overall GI policies contained in the Development Plan and in particular, with Policy GI2 Objective 2 which seeks to protect and enhance the biodiversity and ecological value of the existing GI network by protecting where feasible and mitigating where removal is unavoidable. For these reasons I consider the GI corridors proposed at Nature Lane and along the southern site boundary to be insufficient.

Green Space Factor

- 8.6.6. The PA were also not satisfied with the accuracy of the GSF scoring in relation to the calculations for open water and the length of hedgerows. This issue was also raised in third party submissions.
- 8.6.7. The SDCC Development Plan requires all development proposals above 2 units and/or 500 sq. m to provide a Green Space Factor (GSF) score. The GSF is a measurement that describes the quantity and quality of landscaping and GI across a defined spatial area. This measurement comprises a ratio that compares the amount of green space to the amount of impermeable 'grey' space in a subject site. This ratio is used to assess both the existing green cover within a site and the impact of new development, based on the quantity and quality of new green space provided.
- 8.6.8. A GSF score of 0.56 was calculated for the development. The minimum score required is 0.5. Third party submissions question the validity of the score and claim that the figure used for length of hedgerow (retained and reinstated) varies across documents submitted and is therefore unreliable. Third parties question how the

results were arrived at and whether the results and individual components are compatible in terms of function.

- 8.6.9. I am satisfied that the information relating to the GSF which was submitted in the appeal is current and I have no reason to doubt the information. Section 4 of Appendix 5 of the grounds of appeal details the components included in the calculation and gives the specified area measurements for each component. The calculation was compiled by the Landscape Consultants for the scheme who have access to the baseline technical details and raw data to calculate the defined area of each component. The applicant notes the PAs comments regarding the calculation of water features and recalculated the score without including the open water. Figures used for the preserved and proposed hedgerows were conservative in nature with only 2,000 sq. m of 2,600 sq. m of new shrubs and hedgerows included and a figure of 750m used for preserved hedgerows, which was lower than the figure originally used. The final score for this calculation was 0.53 which is above the minimum 0.5 required. I am satisfied that the applicant has demonstrated that they can achieve the GSF score required for the development. However, I note that the South Dublin Green Space Factor Guidance Note (2022) does not include a score for 'continuous' hedgerows and instead provides a score for hedgerows of above 3cm and preserved hedgerow. Whilst the GSF score may be above the minimum requirement, the provision of meaningful GI connections through the site is not satisfactory and requires additional design. I consider this issue of GI connections to be of importance given the historical context of the site which provided mature hedgerows throughout, the proposal to remove more hedgerows within the site and the location of the site in a transitional area between the development in Rathcoole and the rural landscape.

8.7. Surface Water Drainage

- 8.7.1. Refusal reason No. 2 cites a lack of appropriate sustainable water management (SuDS) measures. The internal departmental report from Water Services states that underground attenuation is not acceptable on the site as they are not a SuDS system. This issue was also raised in pre-application consultations. The grounds of appeal submit that the PA did not consider the site-specific conditions which require

some level of attenuation. Approximately 70% of the site's attenuation requirement is to be provided by SuDS features with the remaining 30% delivered by underground tanks. The appeal states that this is the maximum proportion of attenuation that can reasonably be provided by SuDS on the site. Specific site constraints that affect the implementation of SuDS includes the topography of the site and soil permeability. There is an approximate 14 to 15 metre level difference from the southern to northern site boundaries which results in a gradient of approximately 1: 20 with local gradients between one 1:15 and 1:25. These gradients present engineering challenges for above ground attenuation as measures such as basins wetlands and swales must sit on relatively flat platforms to function efficiently. This would require major cut and fill operations and extensive retaining structures. In turn this would restrict the availability of public open space throughout the site. In addition to the topography of the site infiltration testing recorded very low permeability values on the site which restricts meaningful storage. For these reasons the applicant argues that detention type suds such as attenuating and restricting outflow are the only viable above ground forms. The applicant notes the planning history of the site which previously found thus underground attenuation was acceptable for the site given the constraints and site conditions.

8.7.2. Section 12.11 of the Development Plan states that all new developments will be required to incorporate SuDS and in some exceptional cases and at the discretion of the PA where it is demonstrated that SuDS devices are not feasible approval may be given to install underground attenuation tanks or enlarged pipes in conjunction with other devices to achieve the required water quality. Such alternative measures will only be considered as a last resort. It also states that development should seek to maximise the use of permeable surfaces as well as opportunities for storm water attenuation on storage through SuDS and limit the use of underground attenuation and storage. Therefore, whilst SuDS measures are the preferred and prioritised option, the Development Plan allows for some flexibility.

8.7.3. I note that during pre-planning consultations, the applicant was requested to maximise the use of SuDS measures in the site; to avoid the use of underground attenuation and, if proposed, to explain why underground attenuation cannot be excluded from the design. In response the applicant increased the level of SuDS measures on the site to provide 70% of the attenuation instead of the 55% originally

proposed. The applicant states that 70% is the maximum amount of SuDS measures that the site can accommodate.

- 8.7.4. The PA also raised a concern regarding the surface water calculations for the development. They considered the proposed surface water attenuation to be undersized by 56% and that insufficient information was provided to calculate more accurately what surface water attenuation required in m³. The information required by the PA would show the areas in m² of proposed different surface types such as green/blue roofs, roads, buildings, pathways, permeable paving, green areas and their respective runoff coefficients. Information on swales and other SuDS measures were also considered to be lacking in detail.
- 8.7.5. This is refuted in the grounds of appeal, which submits that Appendix E of the Infrastructure Report submitted with the application contains Detailed surface water calculations based on a detailed assessment of proposed surface types, run off coefficients and contributing catchments. The inputs informed a MicroDrainage (industry standard software) model and the resulting attenuation volumes. In the grounds of appeal, the applicant noted limitations in the software used to produce the model and applied a sensitivity test where a more conservative runoff coefficient was applied. (The original coefficient used was 0.75 and the revised test used 0.9). This resulted in a minor exceedance within the network of approximately 34 metres cubed which could be accommodated through a modest extension to the proposed underground attenuation tank. The applicant concluded that this demonstrates the drainage strategy remains fundamentally sound even under more conservative assumptions and that any refinements could be addressed at detailed design stage. Typical sections and details were provided for swales, detention basins and permeable paving. The applicant states that detailed sections for all measures will be provided at detailed design stage and that this does not affect the overall drainage strategy.
- 8.7.6. I have reviewed the infrastructure report for the development, and a full set of surface water calculations are included in the report in Appendix E. The report acknowledges risk from overland flows from adjoining lands and surface water storage has been sized based on a 1 in 100-year event plus 20% for climate change. I note that a separate Flood Risk Assessment was carried out for the development and concluded that there would be no flood risk to the development and no

additional flood risk to adjoining sites from the development. I am satisfied that the applicant has compiled sufficient information to inform their drainage strategy. Notwithstanding the opinion of the PA, detailed design details and clarification of capacity can be agreed through compliance with the standard planning conditions that relate to drainage.

8.8. Traffic and Transport

- 8.8.1. Refusal reason No. 4 of the PA's decision relates directly to traffic in the area. This issue was also raised by third parties. A Traffic and Transport Assessment was submitted with the application, but the PA considered it to be lacking in sufficient local details regarding extant permissions, PCU figures for queueing and the TRICS information used. Concerns regarding traffic were also raised by the PA during pre-planning meetings.
- 8.8.2. The TTA was informed by three traffic counts that were undertaken at the roundabout to the north of the site at Stoney Hill Road, the junction at Main Street and Stoney Lane and the roundabout at Beechwood Lawns/Fitzmaurice Road. The PA had no issue with the location of the traffic counts but requested the inclusion of extant permissions for a 20-room primary school, **ABP-321696-25 (PA Ref. SD23A/0336)**, a residential development of 21 units on Main Street, **(SD22A/0096)** and an SHD development of 274 houses at Mill Road, Saggart **(ABP-312501-22)**. The grounds of appeal note that the traffic from the permitted school was already included in the assessment. A review of the traffic conditions for the permitted developments at Saggart (Swiftbanks) and Main Street was carried out. The applicant noted that the study area for the Swiftbanks/Saggart development did not extend past the R120 roundabout but the two-way traffic flow west of the junction is reported as 15 vehicles in the AM peak and 18 vehicles in the PM peak. The Main Street development would generate traffic of 5 vehicles in the AM peak and 6 vehicles in the PM peak. Overall, the review concluded that, whilst the residential developments were not included in the study, the additional traffic associated with the committed developments would be relatively low. The applicant estimates that inclusion of the developments would add an additional 22 vehicles two-way on Main

Street in both the AM and PM peak periods and an additional 12 vehicles two-way on Stoney Lane in the AM peak and an additional 3 vehicles in the PM peak.

- 8.8.3. Traffic models in the TTA used metrics such as the Ratio of Flow to Capacity (RFC) and the Passenger Car Equivalent (PCU) to assess the capacity of junctions in the area. When assessing RFC results, a value of up to 0.85 is indicative of a junction operating within capacity. RFC values above 0.85 are under 1.0 indicate that the junction is within capacity but its efficiency may be impacted with delays and queues.
- 8.8.4. The Stoney Lane / Main Street Junction was found to operate within capacity (0.81 RFC in the AM peak and 0.60 in the PM peak), in 2028 (opening year) but reached capacity in the AM peak on the Stoney Lane arm in the 2038 (opening year +10) and 2043 (opening year +15) scenarios where the RFC was 0.90 and 0.93 respectively. The predicted queueing at the junction was found to be 6.6 in 2038 and 8.2 in 2043. The TTA considered the results to be acceptable as the PCU's were 'manageable and within acceptable limits' and although the junction RFC was 0.93, it still had capacity remaining, (i.e. 0.7 RFC). Traffic figures for the Stoney Hill Roundabout and the proposed site access were all projected to be well within capacity for all arms and for all design years. Based on the outcome of the traffic modelling, the applicant concluded that the development would not have a detrimental impact on the surrounding road network, and no mitigation measures are required.
- 8.8.5. Regarding the queries raised by the PA for baseline AM queue lengths (PCU) at the Stoney Lane/Main Street junction, the applicant states that the baseline figures from 2024 in the TTA were outputs from the Junctions 11 (industry software package) model rather than observed queues. The applicant notes that the PA's traffic counts took place in December when traffic is at a higher level, rather than September when the baseline figures were determined. This could be a reason why the PA observed PCU levels of 7.4 instead of the 1.3 rate used in the TTA. In response to the query raised regarding the use of TRICS data, the applicant states that the sole reason for the reference to Belfast in the TRICS output is as a result of staff in the consultant's Belfast office undertaking the analysis and that this is where the licence for the database is assigned. Whilst the applicant did not carry out additional traffic counts or surveys to supplement their baseline figures, I consider it reasonable that traffic in

the area in the week before Christmas would be much busier than traffic in September. However, actual data would have provided a greater level of comfort to the PA and to the robustness of the data presented. I note that TRICS data includes information from developments in Ireland and the UK and that the software package uses parameters such as development type, site location and characteristics (i.e. edge of city etc.) to determine the appropriate data. The effectiveness of the output therefore relies on the knowledge and ability of the consultants using the software, which I have no reason to question.

- 8.8.6. It is evident from the TTA that the pinch point regarding traffic will be at the Stoney Lane / Main Street junction. However, based on the traffic modelling carried out, this junction will operate within capacity up to the year 2038. In this model, the capacity of the junction to cater for traffic turning left and right from Stoney Lane would be 0.90 RFC. An RFC of 0.90 indicates that a junction is operating at 90% of its capacity. This could result in delays and queues. In 2043 the junction was determined to operate at 0.93 RFC. Whilst there is some capacity left at this level there would be implications regarding queueing during the AM peak. This was indicated in a queue length of 8.2 RFC, (c. 40m in length).
- 8.8.7. The mobility management plan (MMP) submitted with the application highlights that local resident's primary way of commuting to work or school is by private car (either as a passenger or driver) with low levels of commuters using the bus or train/tram. Bus times into the city centre found to be up to an hour during peak times which may account for the low levels of usage. The bus service to Rathcoole is subject to improvements under Bus Connects where there will be additional peak only/express buses. This may encourage greater use of public transport to and from the city centre, which would also help to reduce traffic in the village. Furthermore, I note that the junction at Main Street is currently uncontrolled by traffic lights. It is possible that future upgrade works could improve the junction, however, there are currently no plans for upgrade works.
- 8.8.8. Whilst the information submitted by the applicant indicated future traffic difficulties at the Stoney Lane/Main Street junction, the junction is shown to operate within capacity in the years up to 2038. The junction would still have capacity in 2043, albeit with additional delays and queues. On balance, I consider the information at hand to be sufficient to make a decision and whilst the development will contribute to

future traffic growth in the village, it is acceptable within the context of the development of a zoned site in a designated settlement in the outskirts of the city centre.

8.9. Other Issues

- 8.9.1. Additional issues raised by third parties include the requirement for the creche and the previous issues with developments in the area which were constructed by the same developer.
- 8.9.2. A two storey creche building of 639.2sq.m is proposed for a site at the entrance to the Peyton Estate. Third parties object to the location of the creche and argue that it is not required for residents of the estate. The site was originally reserved for a creche as part of the Peyton development, which was not delivered. The proposed creche facility would cater for the Peyton Estate and the new development.
- 8.9.3. The *Guidelines for Planning Authorities on Childcare Facilities (2001)* requires the provision of at least one childcare facility in new housing developments with an average of one facility per every 75 units. Based on the provision of units in the Peyton Estate and the proposed development, a childcare facility with 90 spaces was appropriate for the area. I consider the location, design and scale of the creche to be acceptable for the site. The use is also open for consideration with the zoning for the site. The report of the PO notes comments from the SDCC Childcare Committee regarding the internal layout and its compliance with Tusla Early Years Regulations. These comments were not available on the digital file or on the public file. However, I note that Circular PL 3/2016, which was issued by the Department of Environment, Community and Local Government on 31 March 2016, and requested that in the interest of expediting the delivery of early childcare facilities across the Country, that Planning Authorities “*solely focus on planning related considerations that fall within the remit of the Planning and Development Act 2000, as amended*” when considering applications for new childcare facilities, leaving all matters outside the scope of the Planning Act to others. On this basis, I am satisfied that the detailed design of the internal building is not a material planning consideration. I consider the creche to be an appropriate element in the development and I am

satisfied that it has been designed to accommodate the population of the Peyton development and the proposed development.

- 8.9.4. Concerns were raised by third parties regarding the developer's history of delivering housing in the area. Submissions state that developments previously constructed by the same developer have yet to be taken in charge with some parts left unfinished with Planning Enforcement notices issued in some cases. (Details of the Enforcement Notices were not provided). The applicant considers the issues raised regarding past compliance to be immaterial to the subject proposal, which should be assessed on its merits. They also state that enforcement issues referred to by third parties relate to issues that are outside the control of the developer.
- 8.9.5. Section 35 of the Planning and Development Act 2000 (as amended) relates to refusal of planning permission for past failures to comply. This section of the Act allows for circumstances where the planning authority can refuse permission for a development in circumstances where they are satisfied that a person or company is not in compliance with the previous permission, or with a condition to which the previous permission is subject. In these circumstances, the relevant planning authority shall only consider failures that are substantial in nature. Third parties have not provided specific details regarding the nature and scale of alleged past failures to comply. The issue was noted in the report of the PA but was not included in the decision to refuse permission. In the absence of any substantive information, I am satisfied that the subject proposal does not meet the threshold for refusal as set out in Section 35 of the Act and that the Commission may consider the application on its merits
- 8.9.6. In response to queries raised by third parties regarding third party land ownership over folios DN49879F and DN178783F, the applicant states that they have sufficient legal title over the site to allow them to make the application. I accept the response of the applicant, and I am satisfied that disputes over land are civil matters which are addressed under a separate legislative process.

9.0 AA Screening

- 9.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on South Dublin Bay SAC, North Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA in view of the conservation objectives of the sites and that Appropriate Assessment under the provisions of S177V was required.
- 9.2. Following an examination, analysis and evaluation of the NIS all associated material submitted, I consider that adverse effects on site integrity of the South Dublin Bay SAC, North Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA can be excluded in view of the conservation objectives of the site and that no reasonable scientific doubt remains as to the absence of such effects. My conclusion is based on the following:
- The best practice mitigation measures proposed.
 - The weak and indirect hydrological link.
 - The distance between sites.

10.0 Water Framework Directive

- 10.1. An assessment of the proposed development has been undertaken in accordance with Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed by the European Communities (Water Policy) Regulations 2003, as amended, and with regard to the Eastern/South Eastern River Basin Management Plan 2022–2027.
- 10.2. The receiving water environment has been identified and assessed, see Appendix 4 attached. Having regard to the nature, scale, and location of the proposed development, and the mitigation measures incorporated into the design and proposed in the CEMP for the construction phase, it is concluded that the proposed development will not:
- Result in deterioration of the ecological, chemical, or quantitative status of any relevant surface water or groundwater body,
 - Increase pollutant loading or alter the hydrological regime of any receiving Watercourse.

11.0 Recommendation

I recommend that planning permission is refused for the reasons and considerations set out below.

12.0 Reasons and Considerations

1. Having regard to the proposed development, the main portion of which is on a transitional site between the urban development of Rathcoole and agricultural lands zoned RU, it is considered that the development fails to provide a sufficient level of Green Infrastructure within the site and fails to provide Green Infrastructure connections within the site and to the surrounding lands. Policy GI 2 of the South Dublin County Development Plan 2022-2028 seeks to strengthen the existing Green Infrastructure (GI) network and ensure all new developments contribute towards GI, in order to protect and enhance biodiversity across the County. Policy GI 2 Objectives 1 and 2, support this policy and seek to reduce fragmentation of GI networks and to mitigate where removal is required. It is considered that the proposal does not comply with Policy GI 2 Objectives 1 and 2 as it fails to provide a sufficient level of green infrastructure within the development to provide meaningful integration with the surrounding rural environment and emerging woodlands. The landscaping plan for the development would fail to provide properly mitigate the removal of hedgerows within the site and the proposed green corridors within the site and along the southern site boundary would be fragmented in nature and insufficient in scale. As such the development would not be in accordance with the GI2 Objective 1 and GI Objective 2 of the South Dublin County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.
2. The development proposal fails to provide sufficient supporting evidence to demonstrate that the demolition of existing buildings on the site will not result in significant impacts on bats, which are a protected species under the Wildlife Act, 1976 (as amended). In the absence of supporting information regarding

the nature and character of the buildings for demolition, a full and comprehensive understanding of the risks to bats from the development has not been provided. This would be contrary to Policy NCBH5 of the South Dublin County Development Plan 2022-2028, which protects species and habitats that are protected under the Wildlife Acts 1976 to 2018, the Birds Directive 1979 and the Habitats Directive 1992, the Flora (Protection) Order 2015 and would be contrary to the proper planning and sustainable development of the area.

3. The proposed development fails to provide an adequate level of urban design in terms of passive surveillance and supervision of the north-south public open space corridor within the development. This would be contrary to Policy QDP4, Objective 2 of the South Dublin County Development Plan 2022-2028 and would 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Elaine Sullivan
Senior Planning Inspector

19th of May 2026

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ACP-324071-26		
Proposed Development Summary	Development of a 5.8ha site to include the construction of 176 residential units, 245 surface parking spaces, 187 bicycle spaces, 16,056 sq. m of open space, new vehicular access and 2 storey creche building of 632sq. m.		
Development Address			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Class 10 (b) – Infrastructure – Class 10(b)(i) - Construction of more than 500 dwelling units. Class 10(b)(ii) – Construction of a car-park providing more than 400 spaces. Class 10(b)(iv) – Urban development on an area of 10 hectares in the case of a built-up area. Class 14 – Demolition works where such works would be likely to have significant effects on the environment. Class 15 - Any project listed which does not exceed a quantity, area or other limit specified in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required

No	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	<p>Class 10(b)(i) - Construction of more than 500 dwelling units. –</p> <p>Class 10(b)(ii) – Construction of a car-park providing more than 400 spaces.</p> <p>Class 10(b)(iv) – Urban development on an area of 10 hectares in the case of a built-up area.</p> <p>Class 14 – Demolition works where such works would be likely to have significant effects on the environment.</p> <p>Class 15 - Any project listed which does not exceed a quantity, area or other limit specified in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.</p>	Preliminary examination required (Form 2)

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

Inspector: _____

Date: _____

Appendix 2 – Form 3 - EIA Screening Determination – ACP-324071-26

A. CASE DETAILS		
An Bord Pleanála Case Reference	ACP-324071-26	
Development Summary	Development of a 5.8ha site to include the construction of 176 residential units, 245 surface parking spaces, 187 bicycle spaces, 16,056 sq. m of open space, new vehicular access and 2 storey creche building of 632sq. m.	
	Yes / No / N/A	Comment
1. Was a Screening Determination carried out by the PA?	Yes	The PA determined that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and an Environmental Impact Assessment was not required
2. Has Schedule 7A information been submitted?	Yes	An EIA Screening Report was submitted with the application.
3. Has an AA screening report or NIS been submitted?	Yes	AA Screening Report and NIS (The application also had an EclA, Hydrology & Hydrogeological Assessment, Flood Risk Assessment and Engineering Report).
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	No EPA licence required.
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives	Yes	SEA and AA undertaken for the South County Dublin Development Plan. NIS carried out under the Habitats Directive,

		Hydrological and Hydrogeological analysis carried out under the Water Framework Directive.	
B. EXAMINATION	Yes/ No/ Uncertain	<p>Briefly describe the nature and extent and Mitigation Measures (where relevant)</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
This screening examination should be read with, and in light of, the rest of the Inspector’s Report attached herewith			
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The proposal comprises a residential development with creche on a site located at the edge of an urban settlement (Rathcoole). The site adjoins existing residential development to the north at Rathcoole Park and the Peyton development to the north-west, on the opposite side of Stoney Hill Road.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposed residential development will result in site excavations and the construction of a new development within the existing greenfield site, which is subject to the zoning objectives ‘OS’ – Open Space and ‘Res N’, ‘To provide for new residential communities in accordance with approved area plans.’ as per the	No

		South Dublin County Council Development Plan 2022 – 2028, that applies to these lands.	
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	Construction materials will be typical for the type of development proposed. The loss of natural resources as a result of the development of the site is not regarded as significant in nature. A Resource Waste Management Plan (RWMP) and an Operational Waste Management Plan (OWMP) has been prepared for the development.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard measures outlined in the CEMP would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	No – the application was accompanied by a CEMP. Measures outlined for the management of construction materials on site are sufficient to mitigate against significant impacts.
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Yes	Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances, and will give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local, and temporary in nature. The implementation of standard measures outlined in CEMP would satisfactorily mitigate the potential impacts.	No

		Operational waste would be managed. Other significant operational impacts are not anticipated.	
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	Yes	<p>There is a risk of accidents and spills during the construction stage, which could lead to pollutants entering the groundwater and/or surface water or subsoil.</p> <p>The implementation of standard measures and site safety outlined in CEMP would lower the risk of such events and would satisfactorily mitigate the potential impacts.</p> <p>No operational impacts in this regard are anticipated.</p>	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	<p>There is potential for the construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts would be suitably mitigated by the operation of standard measures listed in a Construction Environmental Management Plan.</p>	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Yes	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of standard measures within a CEMP would satisfactorily address potential risks on human health.</p>	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	<p>No risk from the proposed development and the site is not located in vicinity of any major accident sites.</p> <p>No flood risk was identified to or from the proposed development.</p>	No

<p>1.10 Will the project affect the social environment (population, employment)</p>	<p>Yes</p>	<p>The population in the area will increase and employment would be provided in the creche. It is anticipated that the development will positively affect the social environment</p>	<p>No</p>
<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>No</p>	<p>No – the project is a stand-alone development on an urban site that is zoned for development.</p>	<p>No</p>
<p>2. Location of proposed development</p>			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve - Designated refuge for flora or fauna - Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 	<p>No</p>	<p>No National or European sites located on or adjacent to the site. The closest Natura 2000 sites is the Glenasmole Valley SAC, c. 4km from the site.</p> <p>Screening for Appropriate Assessment was provided in support of the application and an NIS was prepared.</p> <p>The site is adjacent to the Rathcoole Woodlands which is classified as WN6 – Alluvial Woodland, corresponding to Annex I habitat 91E0. The site is not designated for protection, but the Development Plan contains objectives to protect it (<i>Policy G17 Specific Local Objective 2</i>). The implementation of measures in the CEMP during construction and SuDS during operation will mitigate against adverse impacts on the woodlands. (See Sections 8.5 and 9.0 of the Inspector’s Report).</p>	<p>No</p>
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding,</p>	<p>No</p>	<p>No protected species were identified within the site, and the site is not suitable as an ex-situ site</p>	<p>No</p>

nesting, foraging, resting, over-wintering, or migration, be affected by the project?		for designated species. (See AA Screening and NIS). Implementation of the CEMP would prevent impacts from dust, noise, water borne pollution and disturbance to species on adjoining sites such as the Rathcoole Woodland.	
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No	There are no protected structures, known archaeological sites, or recorded monuments on the site. The closest recorded monuments are within 500m of the site and will not be impacted. The site is not within a landscape designated for conservation and is not part of a protected view or prospect.	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	Yes	The Rathcoole Woodland is a naturally regenerating woodland adjacent to the development site. It is not designated for statutory protection but is of local importance and contains habitats corresponding to Annex I habitats. Potential impacts will be mitigated through the implementation of the CEMP and through SuDS measures.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	No	There are no watercourses or streams within or traversing the site. There is no flood risk to or from the development. SuDS measures will be implemented to ensure surface water runoff is maintained at a greenfield rate	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	No risks identified.	No

<p>2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>Yes</p>	<p>The site is approximately 1km to the south of the N7. Additional construction traffic during the construction stage.</p>	<p>No</p>
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>	<p>No</p>	<p>The subject site is c. 500m (overland) from the Holy Family Community School. No impact is anticipated in respect to air pollution on the nearest adjoining sensitive land uses given the separation distances between sites.</p>	<p>No</p>
<p>3. Any other factors that should be considered which could lead to environmental impacts</p>			
<p>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</p>	<p>No</p>	<p>No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project. Whilst some extant permissions were identified within proximity to the site, any cumulative environmental impacts would be related to the construction phase and would be temporary in nature. All permitted development would be subject to a CEMP to mitigate impacts. Any cumulative traffic impacts that may arise during construction would be subject to a project construction traffic management plan.</p>	<p>No</p>
<p>3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?</p>	<p>No</p>	<p>No transboundary considerations arise due to the nature, scale and location of the site.</p>	<p>No</p>
<p>3.3 Are there any other relevant considerations?</p>	<p>Yes</p>	<p>Aeronautics – An Aeronautical Assessment Report was completed by O’Dwyer and Jones Design (2025) to assess the potential aviation impact of the Proposed Development. The site is located approximately 1.97km from Runway 04 Threshold of Casement Aerodrome, the proposed creche site is located approximately</p>	<p>No</p>

		1.67km from Casement Aerodrome and at approximately 1.87km from its Runway 04 Threshold.	
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C. CONCLUSION

No real likelihood of significant effects on the environment.	X	EIAR Not Required
Real likelihood of significant effects on the environment.		EIAR Required

D. MAIN REASONS AND CONSIDERATIONS

EG - EIAR not Required

Having regard to: -

1. the criteria set out in Schedule 7, in particular
 - (a) the limited nature and scale of the proposed housing and creche development, in an established residential area served by public infrastructure
 - (b) the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of the designated archaeological protection zone
 - (c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)
2. the results of other relevant assessments of the effects on the environment submitted by the applicant, i.e. AA Screening Report, Natura Impact Statement, Flood Risk Assessment, Hydrological and Hydrogeological Qualitative Risk Assessment, Engineering Report and EIA Screening Report which were provided in support of the application.

The Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector _____

Date _____

Approved (DP/ADP) _____

Date _____

Appendix 3: Standard AA Screening Determination

Test for likely significant effects

Screening for Appropriate Assessment

Test for likely significant effects

Case Reference Number: ACP324071-26

Step 1: The Site of the Proposed Development is located immediately to the east of Stoney Hill Road in Rathcoole, County Dublin. The N7 national road is approximately 550 meters (m) north of the Site. An important local woodland (Rathcoole Woodlands) is located to the east of the Site. The lands to the north and west of the Site are residential, and the lands to the south of the Site are agricultural.

The site comprises two parts; a brownfield site to the north of the Peyton Estate entrance and a larger site to the east of Stoney Hill Road and to the south of Rathcoole Park. The larger site comprises two fields with some boundary hedgerows and existing residential properties to be demolished. It is characterised as greenfield grassland, that has been previously used for arable farming. The topography of the site falls from in elevation from southwest to northeast with local undulations. Drainage on the site is primarily overland to drainage ditches and to Crockshane Stream, which flows to the east and southeast of the site. No watercourses were identified within the site boundary. The Camac River flows along the eastern boundary of the Rathcoole Woodland and is approximately 80m to the south-east of the site boundary.

Brief description of project

See Section 2.0 for a full description of the development.

The development would include the demolition of all buildings on the site (5 houses and outbuildings), and the construction of 176 residential units (76 houses and 100 duplexes), surface car parking for 245 cars, 8,732 sq. m open space, new roads, infrastructure and drainage, including SuDS.

<p>Brief description of development site characteristics and potential impact mechanisms</p>	<p>The site has a stated area of 5.8 ha. It is not within or adjoining any designated European Site. The closest European Site is the Glenasmole Valley SAC (001209), which is approximately 6km from the site overland.</p> <p>Potential impact mechanisms would arise from the construction phase through the release of emissions to air and water, habitat fragmentation, disturbance – noise / lighting / human activity, and from the operational phase through the release of surface and foul water and disturbance to species.</p>
<p>Screening report</p>	<p>Yes</p>
<p>Natura Impact Statement</p>	<p>Yes</p>
<p>Relevant submissions</p>	<p>One of the reasons for refusal relates to the quality of the information in the NIS. The PA did not agree with the conclusion of the NIS and considered that the downstream impact of the development had not been properly considered.</p>

The PA were not satisfied that the impact of the proposal was adequately considered on the adjoining Annex I habitat and that any adverse impacts to this habitat could have subsequent effects on European sites downstream.

The impact on the Annex I habitat is assessed in Section 8.5 of this report.

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

The AA Screening Report concluded that due to the separation distance between the subject site and the closest European sites that no viable pathways existed via air or land. An indirect hydrological and pathway exists from the site via the Camac River to the European sites in the immediate vicinity of the depositing point into the Irish Sea (approximately 22km downstream) are South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006) and North-West Irish Sea SPA (004236).

The potential for the site to act as an ex-situ site for foraging SCI bird species was considered but ultimately discounted given the distance between the site and the nearest SPA (Poulaphouca Reservoir SPA (004063); over 10km) and the abundance of alternative *ex-situ* foraging sites to the south of the Site (agricultural land).

The Camac River is approximately 80m to the south and south-east of the site.

European sites with a potential indirect pathway are listed below.

The AA Screening report submitted with the application also considered the North Bull Island SPA (004006) and the North-west Irish Sea SPA (004236), which are c. a linear distance of 24km from the site. Due to the distance between the sites, no meaningful pathway exists and there is no likelihood of significant effects from the development on the conservation objectives of these European sites.

The proposed surface water drainage for the site involves discharging to the existing public surface water network on Stoney Hill Road.

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
South Dublin Bay SAC (000210)	https://www.npws.ie/protected-sites/sac/000210 (date accessed 05/05/2026)	Approx. 17km (overland).	A weak and indirect hydrological link exists via surface water drainage.	Y
North Dublin Bay SAC (000206)	https://www.npws.ie/protected-sites/sac/000206 (date accessed 05/05/2026)	Approx. 21 km (overland).	A weak and indirect hydrological link exists via surface water drainage.	Y

South Dublin Bay and River Tolka Estuary SPA (004024)	https://www.npws.ie/protected-sites/spa/004024 (date accessed 05/05/2026)	Approx. 18km (overland)	A weak and indirect hydrological link exists via surface water drainage.	Y
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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
<p>Site 1:</p> <p>South Dublin Bay SAC (000210)</p> <p>QI's 1210 Annual vegetation of drift lines. 1310 <i>Salicornia</i> and other annuals colonising mud and sand. 2110 Embryonic shifting dunes. 1140 Mudflats and sandflats not covered by seawater at low tide.</p>	<p>Direct: No direct impacts.</p> <p>Indirect: Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentary and construction related pollution.</p> <p>Negative impacts on surface water quality during the operational phase due to the release of uncontrolled surface water runoff.</p>	<p>Negative affect on habitat quality and function could undermine conservation objectives related to water quality.</p> <p>Possibility of significant effects cannot be ruled out without further analysis and assessment</p>
	<p>Likelihood of significant effects from proposed development (alone): Y – uncertainty exists.</p>	

	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
	Impacts	Effects
<p>Site 2: North Dublin Bay SAC (000206)</p> <p>QI's 1140 Mudflats and sandflats not covered by seawater at low tide</p> <p>1210 Annual vegetation of drift lines</p> <p>1310 <i>Salicornia</i> and other annuals colonising mud and sand</p> <p>1330 Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>)</p> <p>1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p> <p>2110 Embryonic shifting dunes</p> <p>2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)</p> <p>2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)*</p> <p>2190 Humid dune slacks</p> <p>1395 Petalwort (<i>Petalophyllum ralfsii</i>)</p>	<p>Direct: No direct impacts.</p> <p>Indirect: Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentary and construction related pollution.</p> <p>Negative impacts on surface water quality during the operational phase due to the release of uncontrolled surface water runoff.</p>	<p>Negative affect on habitat quality and function could undermine conservation objectives related to water quality.</p> <p>Possibility of significant effects cannot be ruled out without further analysis and assessment</p>
	Impacts	Effects

<p>Site 3: South Dublin Bay and River Tolka Estuary SPA (004024)</p> <p>QI's:</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Sanderling (Calidris alba) [A144]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Redshank (Tringa totanus) [A162]</p> <p>Black-headed Gull (Chroicocephalus ridibundus) [A179]</p>	<p>Direct:</p> <p>No direct impacts.</p> <p>Indirect:</p> <p>Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentary and construction related pollution.</p> <p>Negative impacts on surface water quality during the operational phase due to the release of uncontrolled surface water runoff.</p>	<p>Negative affect on habitat quality and function could undermine conservation objectives related to water quality.</p> <p>Possibility of significant effects cannot be ruled out without further analysis and assessment</p>
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<p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>		
	<p>Likelihood of significant effects from proposed development (alone):</p> <p>Y – uncertainty exists.</p>	
	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</p>	
<p>Step 4: Conclude if the proposed development could result in likely significant effects on a European site</p>		
<p>It is not possible to exclude the possibility that proposed development alone would result significant effects on South Dublin Bay SAC (000210), North Dublin Bay SAC (000206) and South Dublin Bay and River Tolka Estuary SPA (004024) from effects associated with uncontrolled surface water run-off.</p> <p>An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.</p> <p>Proceed to AA.</p>		
<p>Screening Determination:</p> <p>Significant effects cannot be excluded</p> <p>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 it is not possible to exclude that the proposed development alone or in combination with other plans and projects will give rise to significant effects on South Dublin Bay SAC (000210), North</p>		

Dublin Bay SAC (000206) and South Dublin Bay and River Tolka Estuary SPA (004024) in view of the sites conservation objectives. Appropriate Assessment is required.

This determination is based on:

- The indirect hydrological and hydrogeological pathway from the site to the European sites.

Appendix 4 – Stage 2 Appropriate Assessment

Appropriate Assessment

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

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of 176 residential units with all associated works which include roads, drainage and landscaping works in view of the relevant conservation objectives of **South Dublin Bay SAC (000210)** and **North Dublin Bay SAC (000206)** based on scientific information provided by the applicant and available from the National Parks and Wildlife Service (NPWS).

The information relied upon includes the following:

- Natura Impact Statement prepared by *Enviroguide Consulting*,
- Documents submitted with the application that include -
- The Hydrological and Hydrogeological Qualitative Risk Assessment
- Ecological Impact Assessment Report
- Infrastructure Report
- CEMP
- Flood Risk Assessment

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. All aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness

Submissions/observations

No observations or submissions were made regarding AA issues by prescribed bodies.

Third party observations raised concerns regarding the impact of the proposal on the downstream European sites.

The PA considered the NIS did not properly consider the impacts on downstream sites.

Site 1: North Dublin Bay SAC (000206):

Summary of Key issues that could give rise to adverse effects (from screening stage):

(i) Deterioration of Water Quality during the construction and operation phases (surface water runoff)

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects:	Mitigation measures (summary)
[1140] Mudflats and sandflats not covered by seawater at low tide	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in North Dublin Bay SAC.	<p>The potential effects on this habitat type are related to water quality deterioration and subsequent deterioration of the habitat during both the Construction and Operational Phase.</p> <p>Habitat area was estimated using OSI data as 578ha. This habitat is present within the lagoons west and north of North Bull Island, and along its eastern shoreline.</p>	<p>Construction phase- Implementation of good working practices and standard emissions control measures during the construction phase of development, as per of the NIS.</p> <p>Operational phase – Implementation of embedded design measures such as SuDS, interceptors, hydrobrakes and connection to public wastewater services.</p> <p>See the following sections of the NIS for a full list of mitigation measures;</p>
[1310] Salicornia and other annuals colonising mud and sand	To restore the favourable conservation condition of Salicornia and other annuals colonizing mud and sand in North Dublin Bay SAC.	The potential effects on this habitat type are related to water quality deterioration and subsequent deterioration of the habitat during both the Construction and Operational Phase.	<p>4.5.2.1 – <i>CEMP</i>;</p> <p>1.3.3 & 4.5.2.2 – <i>SuDS measures</i>;</p> <p>4.5.3.1 – <i>Water Quality Protection</i>;</p> <p>4.5.3.2 – <i>Air Quality Protection</i>;</p>

		<p>Habitat surveyed and mapped at a single sub-site, giving a total estimated area of 29.10ha including mosaics. Salicornia is an annual species, so its distribution can vary significantly from year to year. The largest area of Salicornia flats occurs north of the central causeway.</p> <p>Sediment supply is particularly important for this pioneer saltmarsh community, as its distribution depends on accretion rates. Wildfowl and water birds graze and forage on the Salicornia flats at Bull Island.</p>	
[1330] Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>)	To maintain the favourable conservation condition of Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) in North Dublin Bay SAC.	The potential effects on this habitat type are related to water quality deterioration and subsequent deterioration of the habitat during both the Construction and Operational Phase.	
[1410] Mediterranean salt meadows (<i>Juncetalia maritimi</i>)	To maintain the favourable conservation condition of Mediterranean salt meadows	The potential effects on this habitat type are related to water quality deterioration and	

	(<i>Juncetalia maritimi</i>) in North Dublin Bay SAC.	subsequent deterioration of the habitat during both the Construction and Operational Phase.	
Other QI's		Rationale for Exclusion (as per NIS):	
[1210] Annual vegetation of drift lines	To restore the favourable conservation condition of Annual vegetation of drift lines in North Dublin Bay SAC.	This habitat was recorded from both North Bull and South Bull sub-sites by the Coastal Monitoring Project (CMP) (Ryle <i>et al.</i> , 2009) but was only recorded in South Bull by the Sand Dune Monitoring Project (SDM) (Delaney <i>et al.</i> , 2013). This habitat is very difficult to measure in view of its dynamic nature, which means that it can appear and disappear within a site from year to year.	
[2110] Embryonic shifting dunes	To restore the favourable conservation condition of Embryonic shifting dunes in North Dublin Bay SAC.	Embryonic shifting dunes were surveyed and mapped at two sub-sites, giving a total estimated area of 6.07ha. This habitat is very difficult to measure in view of its dynamic nature and is more extensive on North Bull island than South Bull island. Mechanical beach cleaning may be contributing to limited distribution of this habitat, particularly at South Bull Island. Negative indicators include non-native species, species indicative of changes in nutrient status and species not considered characteristic of the habitat.	
[2120] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)	To restore the favourable conservation condition of Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ('white dunes') in North Dublin Bay SAC.	These dunes were surveyed and mapped at two sub-sites, giving a total estimated area of 3.18ha. Habitat is very difficult to measure in view of its dynamic nature. At South Bull Island and North Bull Island this habitat forms a continuous strip at or near the seaward edge of the dunes. No pathway exists between the Proposed Development and recorded locations of this terrestrial habitat.	
[2130] Fixed coastal dunes with herbaceous	To restore the favourable conservation condition of Fixed coastal dunes with herbaceous	Habitat was surveyed and mapped at two sub-sites to give a total estimated area of 104.85ha with the main area occurring along the southern shore of Bull Island. One of the main pressures on this	

vegetation (grey dunes)	vegetation ('grey dunes') in North Dublin Bay SAC.	habitat is increased pedestrian trampling and grazing by rabbits (<i>Oryctolagus cuniculus</i>). Pedestrian tracks that are devoid of vegetation occur throughout the island. No pathway exists between the Proposed Development and recorded locations of this terrestrial habitat.
[2190] Humid dune slacks	To restore the favourable conservation condition of Humid dune slacks in North Dublin Bay SAC.	The dune slack on North Bull Island consists of a long stretch of habitat that lies between successive dune ridges over a distance of approx. 700m. The dune slack topography is similar on South Bull Island with a number of individual long slacks between dune ridges. Habitat was surveyed and mapped at two sub-sites to give a total estimated area of 12.11ha. On Bull Island there is some concern that the alder marsh at the North Bull Island is becoming increasingly brackish in nature. There is also the potential problem of fertiliser run-off, leading to an increase in nutrient levels. Water abstraction could result in a lowering of the water table, negatively affecting the dune slacks. No pathway exists between the Proposed Development and recorded locations of this terrestrial habitat.
[1395] Petalwort <i>Petalophyllum ralfsii</i>	To maintain the favourable conservation condition of Petalwort in North Dublin Bay SAC	The known population of <i>Petalophyllum ralfsii</i> at Bull Island occurs along the track that cuts through the Alder marsh, south and east of St. Anne's Golf Club. The width of the track is estimated to be about 1m. The length, measured by GPS co-ordinates, is 741m. The maximum area is thus 741m ² . <i>Petalophyllum ralfsii</i> grows in compacted, sandy ground, maintained at this site by rabbit grazing and trampling (by walkers). No pathway exists between the Proposed Development and recorded locations of this terrestrial species.
Site 2: South Dublin Bay SAC (000210):		

Summary of Key issues that could give rise to adverse effects (from screening stage):

(i) Deterioration of Water Quality during the construction and operation phases (surface water runoff)

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects:	Mitigation measures (summary)
[1140] Mudflats and sandflats not covered by seawater at low tide	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC	The potential effects on this habitat type are related to water quality deterioration and subsequent deterioration of the habitat during both the Construction and Operational Phase.	<p>Construction phase- Implementation of good working practices and standard emissions control measures during the construction phase of development, as per of the NIS.</p> <p>Operational phase – Implementation of embedded design measures such as SuDS, interceptors, hydrobrakes and connection to public wastewater services.</p>
[1310] Salicornia and other annuals colonising mud and sand	To maintain the Favourable conservation condition of Salicornia and other annuals colonizing mud and sand in South Dublin Bay SAC	The potential effects on this habitat type are related to water quality deterioration and subsequent deterioration of the habitat during both the Construction and Operational Phase.	<p>See the following sections of the NIS for a full list of mitigation measures;</p> <p><i>4.5.2.1 – CEMP;</i></p> <p><i>1.3.3 & 4.5.2.2 – SuDS measures;</i></p> <p><i>4.5.3.1 – Water Quality Protection;</i></p> <p><i>4.5.3.2 – Air Quality Protection;</i></p>

Other QI's		Rationale for Exclusion (as per NIS):	
[1210] Annual vegetation of drift lines	To maintain the Favourable conservation condition of Annual vegetation of drift lines in South Dublin Bay SAC,	No information as to its extent as not included within the Conservation Objectives document for this SAC. The SDF for the SAC gives an area of 0.01ha for this habitat. This habitat is very difficult to measure in view of its dynamic nature, which means that it can appear and disappear within a site from year to year. No pathway exists between the Proposed Development and this terrestrial habitat. No mitigation required.	
[2110] Embryonic shifting dunes	To maintain the Favourable conservation condition of Embryonic shifting dunes in South Dublin Bay SAC	No information as to its extent as not included within the Conservation Objectives document for this SAC. The SDF for the SAC gives an area of 0.03ha for this habitat. No pathway exists between the Proposed Development and recorded locations of this terrestrial habitat. No mitigation required.	
<p>Site 3: South Dublin Bay and River Tolka Estuary SPA (004024):</p> <p>Summary of Key issues that could give rise to adverse effects (from screening stage):</p> <p>Deterioration of Water Quality during the construction and operation phases (surface water runoff)</p>			
Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects:	Mitigation measures (summary)
Light-bellied Brent Goose (Branta bernicla hrota) [A046]	To maintain the favourable conservation condition of this species.	The potential effects on the waterbirds designated within this SPA are related to water quality deterioration and subsequent	Construction phase- Implementation of good working practices and standard emissions control measures during the

<p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Sanderling (Calidris alba) [A144]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Redshank (Tringa totanus) [A162]</p> <p>Black-headed Gull (Chroicocephalus ridibundus) [A179]</p> <p>Roseate Tern (Sterna dougallii) [A192]</p> <p>Common Tern (Sterna hirundo) [A193]</p>	<p>This conservation objective relates to all QI species apart from species A141- Grey Plover, which does not have a set Conservation Objective.</p>	<p>deterioration of waterbird habitat and food source during both the Construction and Operational Phase.</p>	<p>construction phase of development, as per of the NIS.</p> <p>Operational phase – Implementation of embedded design measures such as SuDS, interceptors, hydrobrakes and connection to public wastewater services.</p> <p>See the following sections of the NIS for a full list of mitigation measures; 4.5.2.1 – CEMP; 1.3.3 & 4.5.2.2 – SuDS measures; 4.5.3.1 – Water Quality Protection; 4.5.3.2 – Air Quality Protection;</p>
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Arctic Tern (<i>Sterna paradisaea</i>) [A194] Wetland and Waterbirds [A999]			
<p>The above tables are based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.</p>			
<p>Assessment of issues that could give rise to adverse effects view of conservation objectives;</p> <p>During the construction phase of development there is potential water quality impacts in designated sites arising from surface water run-off during the Construction/Infill Phase, in particular during flooding events and wet weather.</p> <p>During the operational phase of development, the potential exists for water quality impacts in designated sites arising from increased human activity (surface water).</p> <p>I note that third party submissions and the PA considered that the potential impact on European sites downstream from the potential deterioration of the Annex I – Alluvial Forest habitat, was not considered. It is unclear as to what impact the potential deterioration of the habitat would have on the European sites downstream as the sites are not functionally connected. The Annex I woodland does not act as an ex-situ site for the downstream sites and it is not necessary for the management of the designated sites. The impact of the proposal on the Annex I habitats in the Rathcoole Woodlands was considered in full in Section 8.5 of the Inspectors Report under 'Ecology'.</p> <p>Documented threats to the Woodland habitats include changes to the water chemistry and invasive species. The specified habitats also rely on the availability of ground water with periodic inundation. In the event of deterioration of the habitat, there is the potential for additional surface runoff through the site due to a loss in vegetation. I am satisfied that the potential impacts from the development that relate to water quality have been adequately considered in the NIS and that the mitigation measures proposed for the construction and operational phases are sufficient to address the impact from the development itself.</p>			
<p>In-combination effects</p> <p>I am satisfied that in-combination effects has been assessed adequately in the NIS. Section 4.4.2 of the NIS addresses the Potential for In-combination Effects. Permitted developments within a 500m radius were examined as well as relevant plans and policies. The planning search identified an extant permission for a new 20-classroom primary school (SD23A/0336) within the designated radius. The development shares hydrological and hydrogeological pathways with the Proposed Development via the</p>			

River Camac. However, the AA screening for the application concluded that the development would have no significant effects on any European site such that no mitigation was required and in-combination effects can be ruled out.

Relevant plans and policies considered were the *South Dublin County Development Plan 2022-2028* and the *South Dublin County Council Biodiversity Action Plan*. Both plans contain policies that seek to protect designated sites and biodiversity and as such no in-combination effects are expected with the relevant policies and plans.

The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

I am satisfied that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and conclusions

I have determined that following the implementation of mitigation measures, the operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of any European site.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the appropriate Assessment. Direct and indirect impacts as a result of emissions arising from the proposed development have been ruled out on the basis of predicted pollutants entering the surface water system during the construction and operational phases of the proposed development in isolation and cumulatively. Best practice mitigation measures are proposed for both phases, which are effective and can be implemented.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment Conservation objectives of the South Dublin Bay SAC, North Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on South Dublin Bay SAC, North Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA in view of the conservation objectives of the sites and that Appropriate Assessment under the provisions of S177V was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted, I consider that adverse effects on site integrity of the South Dublin Bay SAC, North Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA can be excluded in view of the conservation objectives of the site and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- The best practice mitigation measures proposed.
- The weak and indirect hydrological link.
- The distance between sites.

Appendix 5 - WFD IMPACT ASSESSMENT SCOPING TABLE

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

An Coimisiún Pleanála ref. no.	ACP-32407 -26	Townland, address	Stoney Hill Road, Rathcoole, Co. Dublin
Description of project	Construction of a 176 no. dwellings on the site to the east of Stoney Hill Road comprising 100 no. duplex units and 76 no. houses and with a mix comprising of 16 no. 1 beds, 50 no. 2 beds, 70 no. 3 beds and 40 no. 4 beds with detached, semi-detached and terraced units, a creche facility with all associated site works. The development would be connected to the public wastewater and foul water services.		
Brief site description, relevant to WFD Screening,	The site is in an urban area and is connected to the public wastewater and foul water services. The topography of the site slopes from south to north with a c. 15m level difference between the northern and southern boundaries with local undulations through the site. There are no water courses on the site. Two drainage ditches are located adjacent to the northeastern and eastern site boundaries. A small portion of the site at the south-eastern corner is in Flood Zone A and Flood Zone B. This area is designated as open space and includes a riparian corridor. Most of the site is located in Flood Zone C.		
Proposed surface water details	Surface water from the development will be managed on site through the use of SuDS features, including bioretention areas, swales , green roofs, permeable paving and tree pits. Two underground attenuation tanks are also proposed. Surface water that can't be attenuated on site will be discharged to the existing surface water drainage system on Stoney Hill Road. This discharge will be controlled by means of a flow restrictor to reflect the present greenfield runoff from the site.		
Proposed water supply source & available capacity	It is proposed to make a connection to the existing 200mm uPVC Watermain on Stoney Hill Road. A Confirmation of Feasibility for the connection was issued by Uisce Éireann.		

Proposed wastewater treatment system & available capacity, other issues	<p>The proposed development will be connected to the public wastewater network. There are existing foul water drainage pipes which run east to west along Rathcoole Park and Stoney Lane, as well as an existing 150 mm concrete foul water pipe along Mulallys Lane which converges at the roundabout with the existing foul water network along Stoney Lane.</p> <p>To accommodate a connection, upgrade works are required to increase the capacity of Rathcoole (Tay Lane) Pumping Station. Uisce Éireann currently has a project underway which will provide the necessary upgrade and capacity. This upgrade project is scheduled to be completed by Q1 2030 (this may be subject to change) and the proposed connection could be completed as soon as possibly practicable after this date.</p> <p>The wastewater will be treated at Ringsend Wastewater Treatment Plant, which has capacity.</p>
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Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

Identified water body	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater) (Consider all phases)	Mitigation Measures proposed	Is mitigation sufficient? Will there be any residual impacts?
River	Camac_020	Good	At Risk	Urban Run-off Agriculture	Pathway to the Camac from the site via overland surface water flows to drainage ditches along	CEMP – mitigation measures for construction phase. Onsite attenuation, SuDS,	Mitigation is sufficient to manage pollutants in surface water run-off.

					the eastern site boundary – that flow into the Camac. Could carry pollution in the construction and operational phases.	hydrobrake and petrol interceptors will be used for the operational phase.	
<p>*Note – A Hydrological Assessment submitted with the appeal identified an unnamed stream (Stream X) which is also unidentified on EPA maps. It diverges from the Crockshane Stream (a tributary to the Camac River) c. 160m to the southeast of the site boundary and flows along a section of the southeastern boundary. Stream X discharges to the Coolmine Stream to the north of the site (also unidentified on EPA maps), which in turn outflows to the Camac River. Two drainage ditches are also located along the eastern boundary of the site. Mitigation measures included in the CEMP are sufficient to prevent construction related pollution in surface waters from entering these watercourses. During the operational phase of development mitigation measures, including embedded design measures, SuDS, petrol interceptors and hydro brakes will prevent pollution from entering the adjoining watercourses.</p>							
Groundwater	Kilcullen groundwater body IE_EA_G_003	Good	At Risk	Forestry Anthropogenic pressures Agriculture	Pathway via subsoils on the site.	CEMP – mitigation measures for construction phase. Onsite attenuation, SuDS, hydrobrake and petrol interceptors will be used for the operational phase.	Mitigation is sufficient to manage pollutants in surface water run-off and to prevent spills.
Transitional	Liffey Estuary Lower Transitional waterbody	Moderate	At Risk		Wastewater from the development will join the	The plant operates under EPA licence.	Licence conditions are sufficient to manage

	IE_EA_090_0300				public sewer and discharge to Dublin Bay following treatment at Ringsend Wastewater Treatment Plant		pollutants in foul water.
Coastal	Dublin Bay IE_EA_090_0000	Good	Not at Risk		Surface water from the Camac will eventually discharge to Dublin Bay	CEMP – mitigation measures for construction phase. Onsite attenuation, SuDS, hydrobrake and petrol interceptors will be used for the operational phase.	Mitigation is sufficient to manage pollutants in surface water run-off and to prevent spills