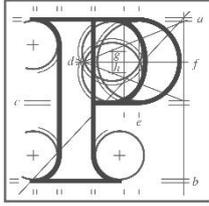


# Inspector's Report



An  
Coimisiún  
Pleanála

**PL 500050-SD**

Development	Retention for widening of entrances and hard standing and permission for story and half dwelling, detached garage, waste water treatment system and all associated site works.
Location	Lands at Slade Road L2005 & Old Slade Road, Saggart, Co Dublin
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD25A/0175
Applicant(s)	John & Ann O'Brien
Type of Application	Retention and Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	John & Ann O'Brien
Observer(s)	John Conway
Date of Site Inspection	16/12/2025
Inspector	Rosemarie McLaughlin

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## 1.0 Site Location and Description

- 1.1. The irregular shaped agricultural site (1.61 ha) is located to the east of Slade Road L2005 and west of Old Slade Road L6042 (a minor road that is access-only), in a rural area, c 1.1 km south of Saggart. The appeal site is set back from both roads. The site is accessed via a recessed entrance on the western side of the site, from the Slade Road L2005 with new gate/fencing and a hard surfaced laneway which are proposed to be retained. On the eastern side of the overall site, it is also proposed to retain a setback agricultural access with a hard surfacing laneway, and new gate off the Old Slade Road L6042. The eastern access is not included within the red line of the application site but is included in the public notices and plans, outlined in blue. Further details on this element of the application are provided in section 2 below.
- 1.2. The general area is at the foothills of the Dublin Mountains and agricultural in nature. The appeal site is c 1.5 km from Verschoyles Hill and Lugg to the south east and southwest, respectively. To the north of the entrance on the L2005 is a house and associated outbuilding.
- 1.3. The River Camac traverses the overall landholding and forms the north eastern boundary of the red line. There is a riparian corridor along the river. A hardstanding surface/roadway (to be retained) has been laid, extending from the western access in an L shape, to the top of the site (south) and continues east to the river. The hard surface works have extended to both sides of the river from the two accesses. A large hardstanding area has been created at the highest point of the site where the proposed house is located.
- 1.4. Two large culvert pipes are located in the river between the hardstanding areas, and it is unclear if they were in place historically or are new as part of the hard surfacing works that have taken place. Further details of this part of the site are available in the assessment.
- 1.5. The terrain on the appeal site slopes significantly from the south downwards to the north from the main hard standing area (to be retained) at the top of the site. Mature hedgerows and trees are present on the field boundaries with trees along the river. The lower part of the site on the north, close to the River Camac was

saturated on inspection and the general lower ground of the site was very soft underfoot. Evidence of livestock and a vehicular track to an open area at the river was noted on the site on the day of inspection.

- 1.6. A Recorded Monument – RMP Ref. R149357 (Holy well) is located within the blue line boundary and just outside the red line boundary to the east. The well is visible from the western entrance on the Old Slade Road.

## 2.0 Proposed Development

- 2.1. The main elements of the application may be summarised as follows.

- **Retention** for “widening of entrances and laying of hard standing over grassland”. The public notices give the address at Lands at Slade Road L2005, and Old Slade Road and the drawings illustrate two entrances to be retained. The site outlined in red consists of one entrance from the Slade Road L2005 and the other entrance at the Old Slade Road is on a site outlined in blue. The total shaded hardstanding area is stated in the drawings as 0.55 ha and includes the hardstanding within the red and blue lines.
- **Permission** for the construction of a storey and a half dwelling (c 316 sqm) and a detached domestic garage (91.6 sqm). The proposed house is c 7.6 m high, with a front facing northern elevation with two protruding bay windows and a gable conservatory to the west. Part of the hardstanding area to the west of the proposed house is to be reinstated with grass. The house is proposed on the highest point of the site. Five parking spaces are proposed in the application form.
- **Permission** for a domestic waste water treatment system, a surface water soakaway and all associated site works.
- Water is to be provided to the proposed house from a well that is not illustrated in the application.

- 2.2. The appeal (13 Oct 2025) also included a set of drawings with proposed revisions which may be summarised.

- Relocates the location of the proposed house c 10 m to the west.

- Change from 2 storeys (previously described as 1.5) to a bungalow.
- Redesigns the house and reduces floor area (does not state new floor area).
- Relocates and changes orientation of garage.

### 3.0 Planning Authority Decision

#### 3.1. Permission was refused for 5 reasons.

**"1. Flood Risk :** The subject site is located within Flood Zone A and Flood Zone B, which is an area identified as being at high risk of flooding. Based on the information submitted, the Planning Authority is not satisfied that the proposed development would not be at risk of flooding or would not give rise to flooding at other locations. In accordance with Policy IE4 of the South Dublin County Development Plan 2022 - 2028, and 'The Plannign (sic) System and Flood Risk Management - Guidelines for Planning Authorities' (2009), and as per the SDCC Strategic Flood Risk Assessment (2022) which forms part of the County Development Plan, the proposed dwelling is considered a highly vulnerable development- which should be avoided in areas at risk of flooding - and does not meet the criteria to justify such development under the afore-mentioned Guidelines. The proposed dwelling cannot be favourably considered by the Planning Authority and is contrary to the proper planning and sustainable development of the area.

**2. Camac River:** A minimum of a 10m setback from the top of the bank of the watercourse is required for all new developments. And as this development is within a primary Green Corridor, an even greater setback would be encouraged as well as the maintenance and enhancement of the riparian corridor in terms of flood risk, biodiversity, ecosystems service provision, water quality and hydrogeomorphology. The proposals currently (sic) breach the minimum 10m setback and is considered detrimental to the Riparian Corridor as well as contrary to GI3 Objectives 2 and 3 of the 2022-28 South Dublin County Development Plan which sets out requirements for riparian setback and vegetation. As such the proposals are considered contrary to the proper planning and sustainable development of the area.

**3. Roads:** The proposal constitutes undesirable development on a substandard rural road. The proposal would lead to demand for the uneconomic provision of services and would set an undesirable precedent for further similar developments in the area.

**4. Rural Housing Need:** The developer has not demonstrated a rural housing need, contrary to Policy H18 Objective 1 and Section 12.6.9 (Rural Housing) of the South Dublin County Development Plan 2022-2028 as well as the Sustainable Rural Housing Guidelines 2005 and as such the proposals are considered contrary to the proper planning and sustainable development of the area. Note: Given the fundamental issues outlined within the planners report, a refusal of permission is recommended, rendering further information unnecessary in this instance.

**5. Landscape:** The proposals would result in the exacerbation of ribbon development along this local road, which would interfere with the character of this rural landscape and further erode the transition from rural hinterland to the metropolitan town of Saggart leading to the loss of visual and landscape amenities contrary to the proper planning and sustainable development of the area and contrary to EDE21 Objective 5 of the County Development Plan 2022-2028.

## 3.2. **Planning Authority Reports**

### 3.2.1. Planning Report

- Zoning, enforcement and planning history outlined where permission was refused for 5 reasons. Previous permissions also refused dog kennels.
- Pre application consultation outlined Development Plan policies and indicated previous reasons for refusal would have to overcome.
- CDP policies and government policies outlined.
- Lands have not been adequately identified as part of retention outside red line.
- RU zoning seeks to restrict spread of housing.
- Previous reasons for refusal outlined and assessed as not overcome.
- Application considered contrary to CDP and would exacerbate unsustainable ribbon development.

### 3.2.2. Other Technical Reports

- **Public realm planning report (10/9/25)**. Recommends refusal on grounds that there is no Section 50 permission for roadway over stream<sup>1</sup>, there should be a 10 m setback from top of river bank, no flood maps were submitted and parts of development within Flood Zones A and B. Should additional information be sought, several items require clarification.
- **Environmental health report (22/9/25)**. Development is considered acceptable subject to conditions. Details of this report are elaborated in assessment.
- **Roads planning report (1/9/25)**. SDCC Roads section are not satisfied with the site having two accesses. Refusal recommended on grounds that multiple entrances would set an undesirable precedent leading to additional traffic and proposal constitutes undesirable ribbon development on a substandard road.
- **Water Service planning report (10/9/2025)**. Recommends refusal.

**Surface water:** Parts of the development area within Flood Zones A and B and extent unclear. Highly vulnerable development should not occur in Flood Zones A and B. Riparian corridors require protection. SuDs limited in proposals. No development should occur within 10 m of bank to watercourse.

**Flood risk:** Map not provided. Development unclear regarding flood area.

**Water Services:** Should be a 10 m setback from top of river bank. No drawing of hardstanding area and distances to river. Other points as above.

### 3.3. Prescribed Bodies

No comments on file.

### 3.4. Third Party Observations

3.4.1. Two observations were received which in summary related to following.

- Old Slade Road is substandard.

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<sup>1</sup> For information: Section 50 of the Arterial Drainage Act 1945, provides the consent of the Commissioners is required by bodies and persons proposing to carry out construction/alteration works on bridges and culverts.

- Pedestrian safety.
- Previous refusal not addressed.
- No change from previous refusal.
- Disregard for the planning process.
- Unauthorised development has taken place.

## 4.0 Planning History

### 4.1. Application site – relevant history

**SD24A/0264:** Permission **refused on 10/2/2025** to same applicant for retention Permission sought for widening of entrances, laying of hard standing over grassland plus permission for the construction of a storey and half dwelling plus a detached domestic garage. A domestic waste water system plus a surface water soakaway and all associated site works for 5 reasons.

- Flood risk
- Setback from watercourse
- Rural housing need
- Substandard road
- Landscape and Ribbon development

**SD05A/0306/06S.213073** Permission for **refused** 10/11/2005 for building for use as dog kennels and for new bungalow with bored well and waste water treatment unit and construction of access road.

**SD03A.0809** Permission **refused** 15/12/2004 for building for use as dog kennels and for new bungalow with bored well and waste water treatment unit and construction of access road.

**S01A/0642:** Permission **refused** 26/06/2002 for building for use as dog kennels and bored well and access road.

## 5.0 Policy Context

### 5.1. Development Plan

The South Dublin County Development Plan 2022-2028 (CDP) applies.

**Zoning:** The site is zoned objective 'RU' – 'To protect and improve rural amenity and to provide for the development of agriculture'. Residential use (in accordance with Council policy for residential development in rural areas) is open for consideration.

**Riparian Corridor:** Part of the site adjacent to the river is designated within the boundary of riparian corridor.

**Specific Objective:** R149357- Holy well (within blue line).

**Landscape Character Assessment of South Dublin County:** Appendix 9 provides the character landscape assessment. The site is located in the Athgoe and Saggart Hills on Map RH Fig.21 (scale does not allow precise location). Fig. 38 Landscape character types and sensitivity place the appeal site on the border of Medium-High (foothills) (scale does not allow precise location).

**Green Infrastructure:** 1 – Camac River Corridor.

**Aviation Safeguarding:** Casement.

**Protect and Preserve Significant Views –** Blessington Road c 600 m west of proposed house.

**Relevant CDP policies:** There are a large number of relevant CDP policies and the key relevant polices in relation to the appeal are summarised below.

Section 6.9 provides a detailed Rural Housing Strategy where the protection of rural landscapes and of high amenity and environmentally sensitive areas is a priority of the CDP. The entire rural area of South Dublin is under strong urban influence. The CDP should facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing.

Policy CS11: Rural Areas Policy CS11: Area under strong urban influence.

Policy H16: Management of Single Dwellings in Rural Areas

Section 6.9.1 Rural Housing Policies and Local Need Criteria

Policy H16: Management of Single Dwellings in Rural Areas - Restrict the spread of urban generated dwellings in the Rural "RU".

Policy H17: Rural Housing Policy and Local Need Criteria (elaborated in assessment).

Policy H18: Rural Housing in RU Zone - exceptional circumstances.

- The applicant can establish a genuine need to reside in proximity to their employment (such employment being related to the rural community) **or**
- The applicant has close family ties with the rural community.

Section 12.6.9 Rural Housing: Chapter 12 Development management standards.

Policy H23: Rural Housing and Extension Design- minimise visual impact.

H23 Objective 1: Ensure that all new rural housing including Rural (RU) meet a suite of criteria summarised below.

- Is designed and sited to minimise impact on the landscape including views and prospects of ..and
- Will not have a negative impact on the environment including flora, fauna; and
- Is designed and sited to minimise impact on the site's natural contours and natural drainage features; and
- Retains and reinstates .... traditional roadside and field boundaries; and
- Is designed and sited to circumvent the need for intrusive engineered solutions..; and
- Would comply with the EPA's Code of Practice for Domestic Wastewater Treatment Systems.....; and
- Would not create or exacerbate ribbon or haphazard forms of development.

GI1 Objective 4: Incorporate Green infrastructure GI (GI).

G13 Sustainable Water Management.

GI3 Objective 1: To ensure that hydromorphical assessments are undertaken....

GI3 Objective 2: To require development proposals that are within riparian corridors to demonstrate how the integrity of the riparian corridor can be maintained and enhanced having regard to flood risk management, biodiversity, ecosystem service provision, water quality and hydromorphology.

GI3 Objective 3: To promote and protect native riparian vegetation along all watercourses and ensure that a minimum 10m vegetated riparian buffer from the

top of the riverbank is maintained / reinstated along all watercourses within any development site.

GI3 Objective 4: To uncover existing culverts where appropriate and in accordance with relevant river catchment proposals to restore the watercourse to acceptable ecological standards for biodiversity wherever possible improving habitat connection and strengthening the County's GI network.

GI4 Objective 1: Surface water/SuDs

Policy NCBH1: Overarching - Protect Natural, cultural, and built heritage

Policy NCBH1 Objective 2: To support the objectives and actions of the County Heritage Plan and the County Biodiversity Action Plan .....and to take full cognisance of the County's Landscape Character Assessment....

Policy NCBH4: Proposed Natural Heritage Areas.

Policy IE3: Surface Water and Groundwater

Policy IE4: Flood Risk Management

Policy IE4 Objective 1: Site specific flood risk assessments

Policy EDE21: Tourism and Leisure Activities. Objective 5: To seek to protect the visual and landscape amenity of the Slade Valley and the Slade of Saggart and Crooksling Glen pNHA, support appropriate tourism and amenity related development in the context of the Slade of Saggart and Crooksling Glen pNHA and support the promotion of same as an area of amenity and natural beauty.

## 5.2. **Relevant National or Regional Policy / Ministerial Guidelines**

- National Planning Framework First Revision, Government of Ireland (2025).
- Regional, Spatial & Economic Strategy 2020-2032 (RSES), Eastern & Midlands Regional Assembly (2019)
- The Planning System and Flood Risk Management – Guidelines for Planning Authorities, (2009).
- Sustainable Rural Housing Guidelines for Planning Authorities, (2005).
- Development Management Guidelines for Planning Authorities (2007)

- EPA Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ ) (2021).

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

The site is not in on near a Natura 2000 site. The closest sites are c 4.9 km southwest, Glenasmole Valley SAC Site Code 001209 and c 470 m south, Slade of Saggart and Crooksling Glen ,pNHA. The River Camac flows south from the pNHA, downhill, in a northerly direction connecting into the river Liffey in Dublin city centre (c 14 km).

## 6.0 **EIA Screening**

- 6.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## 7.0 **The Appeal**

### 7.1. Grounds of Appeal

- Site Description, history, proposal and zoning are set out.
- **Response to reason for refusal No.1 (flood risk).** A flood assessment report was compiled. The subject site is located within 2.5 km of the nearest past flood event. There is no record of historic flooding on the subject site. The proposed dwelling is located outside the flood zones A and B but part of the hard standing for retention is within the flood zones. Various methods may be implemented to protect against the risk of flooding by applying green infrastructure like permeable surfaces and rain gardens. The hard standing area is gravel which is a permeable surface which can be replaced with grid pavers which allows vegetation to grow while letting water infiltrate.

- **Response to reason for refusal No.2 (setback from river).** A minimum 10 m set back from the top of the bank is required and the proposed dwelling is 124.7 m from top of bank (and revised to 134.8m) and the wastewater treatment is 72.8m from bank and 67.9 m from the Holy well. Policy GI3 Objectives 2 and 3 are repeated. Permeable grid pavers can be introduced to resolve the issue. The proposed dwelling treatment system complies with CDP and a revised site plan with a greater distance from the proposed dwelling to the top of the bank is included.
- **Response to reason for refusal No.3 (roads).** The proposed access to the Slade Road L 2005 achieves the required sightlines. The site had recessed entrances before the new gates.
- **Response to reason for refusal No.4 (housing need).** The appellant has provided documentation that he lived in the Saggart area from birth to present and currently lives on Mill Road which is his grandparents' home along with his wife and children. The dwelling in Mill Road is shared. The appellant's father runs a successful landscaping business where the appellant works. An amended design is attached for consideration.
- **Response to reason No.5 (landscape).** The proposed dwelling is situated on high ground and is surrounded by existing mature trees which will not affect the visual or landscape of Slade. The proposed natural heritage (pNHA) area currently accommodates an international protection centre which does not protect the visual and landscape amenity of the Slade valley. The proposed house is set back circa 213 m from Slade Road and 142 m from Old Slade Road.
- The existing surface and pathways around the Holy well and banks of the stream had a hard standing walkway which was overgrown owing to non-maintenance by the previous owner. The appellant's father carried out maintenance work along the banks of the river and reinstated the walkways with fresh hardcore and created a hard standing access route from the Slade Road. This work was carried out by the appellant's father without understanding the works required permission.

## 7.2. **Planning Authority Response**

7.2.1. The PA refer to their report and request the decision be upheld.

## 7.3. **Observations**

7.3.1. An observation to the appeal was received from Mr John Conway who owns land to the northwest of the application site, who request that his submission to SDCC is considered as summarised below.

- The application does not comply with the Planning and Development Regulations. The retention of the entrance on the Old Slade Road should be outlined in red. No evidence is provided the site is suitable for on-site effluent treatment.
- Insufficient site layout details and insufficient levels/contours are provided.
- Site lines are inaccurate as should be to near site not in centre of road. The site line intrudes on observer's property.
- Negative impact on Holy Well and river.
- House should not be on high point of site.

## 8.0 **Assessment**

8.1. I consider the main issues in this appeal reflect mainly the reasons for refusal but also involve procedural and other points which are in part new issues. I consider the rural housing policy as the first point to be assessed and the following issues thereafter.

- Principle of development and rural housing need
- Procedural issues
- Landscape and ribbon development
- Flood risk
- Setback from River
- Substandard road

## 8.2. Principle of development and Rural housing need

- 8.2.1. Residential use, in accordance with Council policy for residential development in rural areas, is open for consideration in the applicable 'RU' zoning.
- 8.2.2. Policy CS11 in the CDP core strategy recognises that the rural area of South Dublin County is an area under strong urban influence for housing and restricts the spread of dwellings including the Rural 'RU' zone. In the 'RU' zone, policy H16 is a high level and overarching policy to *"Restrict the spread of urban generated dwellings in the Rural "RU" zone... and to focus such housing into existing settlements..."*. Policy H17 considers rural housing for persons who are "an intrinsic part of the rural community" or "working full-time or part-time in rural areas" as described under Section 3.2.3 of the Sustainable Rural Housing Guidelines DEHLG (2005),
- 8.2.3. The most relevant policies in the applicable zoning are H17 Objective 2: *"To consider persons for a rural house in the RU zone on the basis of their being an intrinsic part of the rural community where such persons have grown up or spent substantial periods of their lives, (12 years), living in the area..."* and Policy H18: *"New or replacement dwellings within areas designated with Zoning Objective 'RU' (to protect and improve rural amenity and to provide for the development of agriculture) will only be permitted in exceptional circumstances."* Accordingly, while one off rural houses in a RU zoning are not encouraged in the CDP, Policy H17 recognise that in limited circumstances, a rural house may be permitted and therefore I will assess the proposal against the CDP rural housing policies.
- 8.2.4. Policy H18 Objective 1 sets out two exceptional circumstances where a new house will be permitted in RU zoning as follows:
- The applicant can establish a genuine need to reside in proximity to their employment (such employment being related to the rural community), or,
  - Applicant has close family ties with the rural community.
- 8.2.5. The confidential section of the planning application form (as prescribed in Form 2 of the Planning and Development Regulations 2001 as amended) with the relevant and required address of the applicants was not provided. The response to the appeal on this reason for refusal, says the appellants live on Mill Road but not

where on Mill Road, which is c. 1 km long with many houses. Letters enclosed with the application, demonstrating local ties to Saggart, refer to the specific address of the first party in Saggart, and the letter of consent also refers to the specific address of the first party. Despite the lack of evidence of the address in the application form, I am assessing this issue on the basis that the first party lives in an identified house number on Mill Road, Saggart from the information available in the file documents.

- 8.2.6. Saggart is not in a rural area but the nearby town to the rural appeal site. The owner of the appeal site does not live in Saggart or in the vicinity of the appeal site and has consented to his son and daughter in law making the application. A statement in the application on the headed paper of the agent, states that the applicant's father purchased the appeal site for him to build a house, so he can live in the area and that he works with his father's landscaping business. The appeal states that the first party appellants live in a house that was a grandparents' home with their children, and that the dwelling on Mill Road "is at present shared". It is unclear if this means that the dwelling is in shared occupancy, if the dwelling has shared ownership, or, that there is more than one dwelling unit on the site. No details have been provided about the level/type of accommodation available to the applicants and I note many of the houses on Mill Road are generally on larger plots and may have potential for subdivisions for additional residential accommodation, subject to planning permission.
- 8.2.7. The critical elements of the rural housing policy are that the PA recognise a new rural house in the RU zone may be considered based on the applicant being an "intrinsic part of the rural community". The applicant was raised in the settlement of Saggart, in a suburban type area. Saggart is a designated self-sustaining town in the CDP. There is no link to between Mill Road and the rural community of the appeal site and indeed the applicant states his extended family are from Saggart.
- 8.2.8. The appellants employment also has no connection to the appeal site. According to the submitted details, the agricultural land was bought for the purpose of building a house by one of the applicant's father who has a successful landscape business. The agent for appellant states the applicant has demonstrated that he

complies with H18 Objective 1, but I disagree and consider that the appellant does not come within policy H18 objective 1.

- 8.2.9.** Section 12.6.9 Rural Housing outlines the details which support the rural housing policies and objectives. Applications for residential development will be assessed, on a case-by-case basis, and must establish the following , which I comment on in order.
- 8.2.10. ***Documentary evidence to show how the applicant complies with rural housing policy.*** The details provided are outlined in the application, appeal and summarised above. I do not consider that the applicants comply with the housing policy.
- 8.2.11. ***A map showing all existing family-owned property and lands.*** Lands at the appeal site are outlined in red and blue but no details are given if there are other family lands.
- 8.2.12. ***A rationale as to why a particular site has been chosen for development.*** The site was bought by the owner so his son could build a house. The house is located on the highest part of the site and no justification for this location has been provided. An area has been hard surfaced, and this is sought to be retained.
- 8.2.13. ***A strong justification in relation to the need for an additional dwelling in the rural area.*** The details provided are outlined in the application/appeal and as above, I do not consider that the applicants comply. I do not consider that the justification provided comes within the rural housing policy.
- 8.2.14. ***How their existing or proposed business contributes to and enhances the rural area supported by evidence of investment.*** This has not been submitted. There is no connection between one of the applicant's employment and the subject lands.
- 8.2.15. ***A rationale clearly detailing why a family flat is not a suitable alternative.*** This has not been submitted. As above, no details have been provided about the nature of the existing accommodation which is family property or the landowner's other lands.
- 8.2.16.** ***A site suitability report in relation to waste treatment (See further detail below).*** This has been submitted.

### **8.2.17. Conclusion**

8.2.18. I consider the appellants have failed to overcome the rural housing need reason for refusal. I consider the applicants do not comply with a rural housing policy and I concur with the PA that the development of a house in this rural zone should be refused. I consider the objectives for rural housing to be reasonable and do not consider that there are any exceptional circumstances provided in the appeal.

### **8.3. Procedural issues**

#### **8.3.1. Validity of appeal- NEW ISSUE**

8.3.2. From my site inspection, I can confirm that the address provided for the appellants in the appeal does not appear to be their actual address, as their address given in the appeal is that of the development site location, which is undeveloped rural land (Lands at Slade Road L2005 & Old Slade Road, Saggart, Co. Dublin).

8.3.3. Section 127(1)(b) of the Planning and Development Act 2000, as amended, requires that an appeal state the name and address of the appellant and of the person, if any, acting on his or her behalf. In my opinion, the address of the appellants has not been provided in the submitted appeal and therefore, I highlight Section 127(2)(a) of the Planning and Development Act 2000, as amended, that an appeal which does not comply with the requirements of subsection (1) shall be invalid. Further details of the first party address are outlined in section 8.2 above. Notwithstanding this issue, I have continued to assess the appeal and substantive issues as above and below.

### **8.4. Application site boundary**

8.4.1. The site is outlined in red off the Slade Road L2005 which includes the western access. Lands in control of the applicant are outlined in blue (drawing no. JA0B 24-20) and include the eastern access at the Old Slade Road. The applicant indicates in the drawings and in the public notices development to be retained outside of the red line and within the blue line area. Drawing no. JA0B 24-14 illustrates the hard standing to be retained (0.55 ha) across the overall site including the river crossing. This procedural issue was noted in the Planner's report that the "full extent of all lands the subject of the application has not been

properly identified”. The observation to this appeal includes this issue and while this has not been recirculated, I do not consider that this is a new issue. It may be noted this was also addressed in the Planner’s report on the previous refusal for the same development on the site and they noted they did not seek further information as there was a substantive reason for refusal.

8.4.2. Art. 22(2)(b) of the Planning and Development Regulations 2001 as amended (PDR2001) provides that the content of planning application shall... *“identify clearly: (i) the land or structure to which the application relates and the boundaries thereof in red, (ii) any land which adjoins, abuts or is adjacent to the land ....under the control of the applicant or the person who owns the land ..in blue. (iii) any wayleaves in yellow.* No further information was sought and five reasons for refusal issued. I consider that this is a serious error in the application which was highlighted in the Planner’s report but not included in the reason for refusal.

8.4.3. The question arises if An Coimisiún is precluded from assessing the development to be retained outside the red line in this appeal? The PA appear to have accepted the red line/blue line error as there were substantive reasons for refusal. I consider that only development on land to which the application relates, i.e. within the red line may be assessed, and the documentation as proposed goes beyond a minor error. I consider that this issue should be included in the reasons for refusal and I consider that the development inside the blue line should not form part of the application or current appeal. The level of detail provided within the blue line is also in my opinion wholly insufficient, in that it includes the most basic details of river crossing, and this confirms my view that the development outside the red line cannot form part of the planning application, despite being included in the public notices.

## 8.5. **Non-compliant drawings NEW ISSUE**

8.5.1. An issue raised in the observation relates to Art. 23(1)(c) of the PDR2001, that the site layout plan and other plans shall show the level or contours, where applicable, of the land and the proposed structures relative to OS datum or a temporary local benchmark, whichever is more appropriate. Drawing no. JA0B 24-11 provides a benchmark of +100 outside the proposed development but no corresponding levels or contours across the site have been provided. The Planner’s report incorrectly

states the site is level which may refer to the entrance area, and I estimate there is c 10-12 m level difference from the south to the north of the site. The southern boundary of the site where the house is proposed is approximate to the 160m contour line and the north east boundary of the red line is lower than the 150m contour line (as available on OSI mapping and GSI EPA Hydrological DTM 20m Contours 10m interval Ireland (ROI) ITM). Given the north-south slope of the site, and the slope to the east on the bank of the river, I consider the absence of corresponding levels to the provided benchmark results in an inadequate set of drawings, but I consider I can make an assessment having regard to my site inspection and my access to GSI contour mapping. The applicant has also failed to illustrate the significant stands of trees on the site contrary to Art.23. As the issue of levels was raised in an observation to ACP and was not circulated, this is likely a new issue for the purpose of the appeal.

8.5.2. Further, as detailed below in the issue relating to flooding, a site specific flood risk assessment should provide information per 'The Planning system and Flood Risk Management – Guidelines for Planning Authorities 2009', and should include inter-alia, surveys of site levels and cross-sections relating to relevant development levels to sources of flooding.

8.5.3. Overall, I consider the application drawings and particulars to be inadequate but as this is a new issue, I consider it can be included as an advisory note as a substantive reason for refusal has been recommended above.

#### 8.6. **Proposed well/Site characterisation report NEW ISSUE**

8.6.1. The planning application form states the proposed water supply is a private well and this is not identified on the site plans. It is stated in the Site Characterisation Report (SCR), section 3.1 under Wells, "*Area Mains*" "*Not in use -Holy well -over 60m from percolation area*". The Holy well is within the blue line, and I assume a new well is proposed. The location of the well and the SCR are inter-related and a new issue. The SCR has not considered the location of the proposed well as it has not provided, and it may be that the author believed a mains water supply was to be provided given the comment in section 3.1.

8.6.2. The EPA Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ ), 2021 (EPA COP 2021) applies. The SCR recommends a BAF

secondary treatment unit, pump and soil polishing filter with a 90sqm percolation area. The slope of the proposed infiltration/treatment area is stated as flat and this is not so, and I assume the area will be levelled. The SCR does not include a site specific cross section of the site and proposed layout in accordance with section 3.4 subsection 5 of the EPA COP 2021 and no section of the percolation area has been provided. The details of the manufacturer of the system proposed are not provided. The Environmental health report notes that the author of the SCR was contacted by them to clarify the suitability of a WWT system, but no details are provided about the discussion which was included in their reason the proposal was acceptable. This is also noted in the Planner's report.

- 8.6.3. The groundwater flow direction is not illustrated in accordance with the requirements of the, EPA COP 2021 but it may be assumed to be downhill, to the north and to the north east/east towards the river reflecting the different slopes within the site. From the information provided, it cannot be ascertained if the recommended minimum distance between a receptor well and a percolation area in the EPA COP 2021, can be achieved.
- 8.6.4. This issue has not been raised in the appeal and may be considered a new issue. As there is a substantive reason for refusal, I consider that under the Development Management Guidelines that this issue could be highlighted as an advisory note rather than be circulated or seeking additional information.

## 8.7. **Holy Well- procedural point**

- 8.7.1. The Holy well inside the blue line is a Recorded Monument – RMP Ref. R149357 (Holy well). The monument is in a zone of notification (ZON) for any works to the Minister for Arts Heritage and the Gaeltacht. The ZON extends marginally into the red line of the site and is within the blue line and development to be retained within that area. I would have a concern that while the SCR states the Holy well (within the blue line) is not used, that it is clear to the applicant that no connection to the Holy well is under consideration in this application and the new hard standing close the well is outside of the application. It appears that the application was not referred to the DAU and given the substantive reasons for refusal, such referral is not recommended.

## 8.8. Conclusion

8.8.1. As there is a significant and substantive reason for refusal outlined in the proceeding section, I consider that this is unnecessary and contrary to the Management Guidelines for PAs 2007 to seek further information, clarification or circulation on procedural issues. I recommend that the new issues be included as an advice note outlining that the application fails to comply with the PDR 2001 in several ways.

## 8.9. Landscape and ribbon development

8.9.1. I consider that this issue should follow the rural housing policy assessment. The reason for refusal relates to exacerbation of ribbon development, interference with the character of rural landscape, erosion of the transition from rural hinterland to the town of Saggart and contrary to EDE21 Objective 5 (protect visual and landscape amenity of the Slade Valley and the Slade of Saggart and Crooksling Glen pNHA). The appellant contends the dwelling is situated on high ground, set back, surrounded by trees and refers to an IPAS centre in the Crooksling Glen pNHA which does not protect the landscape or visual amenity of the area.

8.9.2. The reason for refusal consists of several separate elements and I proposed to deal with them systematically.

8.9.3. **Ribbon development:** The proposed house is set back from the public roads and located centrally within the site. I do not consider that it reads as a ribbon development in the normal sense, where a house is located in a row of houses fronting a road. I concur with the appeal that the house is screened by mature planting, and I note the appeal proposal to reduce the house by one storey to a bungalow.

8.9.4. While not ribbon development, I consider that the proposal would be contrary to H23 Objective 1 criteria in that it would exacerbate a haphazard form of development. I also consider that this type of development on unserved rural sites leads to demand for the uneconomic provision of services.

8.9.5. **Transition from rural hinterland:** I consider that the proposal is a haphazard type of development that would erode the transition of the rural area and settlement area by introducing a house on this rural site close to Saggart.

- 8.9.6. **Interference with the character of rural landscape:** The proposed house is on the highest part of the rural site. While there is sporadic development in the general area, the appeal site and surrounding fields are agricultural lands, and I consider introducing a one off house where there is no rural housing need would damage the character of the rural landscape.
- 8.9.7. Policy H23 Objective 1, seeks to ensure inter alia, that all new rural housing is designed and sited to minimise impact on the landscape and sited to minimise impact on the site's natural contours and natural drainage features. This is not raised as an issue in the application or appeal, but I consider the location has been positioned on the highest part of the site and is not in accordance with policy H23.
- 8.9.8. The proposed house is c 600 m from the protected Views on Blessington Road towards the site. In the absence of a Landscape and Visual impact assessment, it is not possible to fully assess the visual impact from that road, but on balance, I consider it may be low visual impact, if suitably screened and has offered to be reduced to a bungalow. This is not raised in the application/appeal.
- 8.9.9. **Policy EDE21:** Objective 5 seeks to protect the visual and landscape amenity of the Slade Valley and the Slade of Saggart and Crooksling Glen pNHA, support appropriate tourism and amenity related development in the context of the Slade of Saggart and Crooksling Glen pNHA, and support the promotion of same as an area of amenity and natural beauty. The appeal site is c 470, north of the pNHA and down slope. Policy NCBH4 aims to protect the amenity value of the County's pNHAs and areas adjacent. It is also an objective to restrict development within or adjacent to a proposed Natural Heritage Area to development that is directly related to the area's amenity potential. In this regard, given the distance and location down slope with the river running in a northerly direction, I do not consider that there is an impact on the pNHA. I do not consider it is a reasonable to include this element in a reason for refusal.
- 8.9.10. **Conclusion**
- 8.9.11. I consider the development represents a haphazard and unsustainable form of development in an unserved area, would lead to demand for the uneconomic

provision of services, would contribute to the encroachment of random rural development in the area and would further erode the transition from rural hinterland to the self-sustaining town of Saggart.

#### 8.10. **Flood risk**

- 8.10.1. The assessment below relates to development within the red line. I also highlight in points about development within the blue line as it formed part of the SDCC deliberations in the internal reports.

##### **Flood risk within red line of application.**

- 8.10.2. The appellant states that a site specific flood risk assessment report (SSFRA) has been carried out. Please note the submitted SSFRA does not have sequential numbering or page numbers and this assessment follows the document layout. The SSFRA has contradictory statements. The SSFRA states in (existing site) section 1.2, *“the lands generally fall from east to west ....with a well and stream within its boundaries”*. The SSFRA states in section 3.31 (Existing hydrological features) *“There are no water courses, rivers, or streams on the site or in the immediate vicinity of the site”*. The SSFRA in section 3 (Flood risk assessment), section 1.1 (Flood zone) states *“This FRA confirms the proposed development footprint within the subject site as wholly within the Flood Zone A/B”*. The SSFRA makes a number of conclusions including *“The type of development is defined as highly vulnerable development. As the development site is in Flood Zone A/B as per the Matrix of Vulnerability, no justification test was necessary and it is deemed as appropriate development.”*
- 8.10.3. A red outline is provided in the SSFRA that corresponds with the red line of the application. Contrary to the SSFRA statements, there is not a well identified within the red line, and the Holy well is within the blue line outside the SSFRA boundary. The site slopes to the north mainly which is not acknowledged in the SSFRA and to the east towards the river. The SSFRA appears to relate in part to the location of the proposed house rather than the site outlined in red and the SSFRA does not address the access to the house. I consider the submitted SSFRA as lacking in detail, coherency and accuracy. The SSFRA and application/appeal, unhelpfully, does not overlay the development on the available flood maps and does not

provide a survey of site levels and cross-sections relating relevant development levels to sources of flooding, and likely flood water levels which bound the site. The SSFRA submitted does not consider the effect of the river crossing / culverts within the blue line, on conveyance in the river or flood risk.

8.10.4. Having examined the CFRAM mapping, I consider the river bank part of the site bounding the red line at the north east of the site overlaps with Flood Zone A and B, and I am also reasonably satisfied that the proposed road to be retained from the western access and new development are outside the flood zones. The access to be retained within the red line is close to the western boundary of the site rather than the red line boundary along the river.

8.10.5. The PA were not satisfied that on the information submitted that the proposed development would not be at risk of flooding or would not give rise to flooding at other locations and this decision appears to include the development inside the blue line to the west of the River Camac. I am satisfied that the all the development to be retained and proposed within the red line is outside the relevant Flood Zones and therefore the justification stage is not required.

#### **Flood risk within blue line of application**

8.10.6. While outside of the red line and this assessment, the Planning report noted the hardstanding traverses the flood zone and this appears to relate to the hardstanding on the east side of the river within the blue line. The water services report also noted there was other development, and it was unclear if it was within the flood zone. I consider that there is wholly insufficient detail to assess the retention of the path and river crossing outside the red line which is within the flood zone (river and land to east) and I am excluding that development as outside the application.

#### **8.10.7. Setback from River**

##### **Development within red line of application site**

8.10.8. The second reason for refusal, in summary, is that the proposals breach the minimum required 10m setback from the top of the bank and is considered detrimental to the Riparian Corridor as well as contrary to GI3 Objectives 2 and 3 of CDP. This reason for refusal appears to relate to development within the blue

line as the development within the red line is set back by 10m from the bank. The response to the appeal states the dwelling is well set back and permeable grid pavers may be introduced. I accept that the proposed house is setback from the bank, but I consider the proposed access road off the L2005 to be retained, is located within the red line and is within the identified riparian corridor in the CDP. While no overlay has been provided, from assessing the site plan and the riparian corridor boundary on the CDP interactive map, there is an encroachment of the access road into the riparian corridor to a modest degree. I consider the set back of the access road as well in excess of 10 m from the bank. The issue of the blue /red line is the same as the flood risk issue above, and while excluded from this assessment is commented on below.

8.10.9. The submitted drawings with the appeal illustrate an option to add permeable grid pavers to the hard standing. While such could be conditioned on the main access off the L2005 in the red line, no details have been provided, and it is up to the applicant in this application and appeal to demonstrate full compliance with all objectives in GI3. Objective 1 of GI3 seeks to ensure that hydromorphic assessments are undertaken where proposed development is within lands which are partially or wholly within the Riparian Corridors identified as part of the Development Plan. A hydromorphological risk assessment was not submitted and the PA did not seek such. The planning application drawings do not indicate the significant tree stands, on, adjoining or in the vicinity of the land to which the application relates shall be shown in accordance with Art. 23 of the PDR 2001 and I noted there are significant stands of trees along the river and the boundaries of the site.

8.10.10. New trees are proposed along the hardstanding avenue to the house, but no planting is proposed along the river within the riparian zone which would enhance the zone in accordance with GI3 Objective 2. On inspection, an access track used by vehicles to the river is also visible on the site from the hard surfaced access (to be retained within the riparian corridor) at a point where the bank is very low and near level with the field. Given the saturated nature of the soil around this access to the river, and evidence of livestock using this area, this access appears to be used for water provision for livestock. This was not raised in the application/appeal. There are no details if animals will continue to use the large site and I consider a

condition in relation to planting the riparian corridor would be inappropriate without further information. On balance, despite the hard standing only encroaching part of the riparian corridor east of the river, I consider that the applicant has failed to demonstrate how the integrity of the riparian corridor can be maintained and enhanced in accordance with GI3 Objectives 2 and 3 of the CDP.

- 8.10.11. I consider part of GI3 Objective 3 can be achieved in relation to the minimum 10m setback as the western access road is more than 10 m from the riverbank, but it cannot be achieved on the eastern side where the access has occurred, as outlined below.

#### **Development within blue line of application site**

- 8.10.12. From inspection, I note that the area to be retained within the blue line linking both sides of the river appears to include a binding material such as asphalt or tar which appears to have been extended onto the pipes in the river and collapsed in part. Very limited detail has been provided, just two lines on a site map and no sections where the area east of the river is wholly in the riparian corridor. It appears from inspection that the applicant intends to use the pipes in the River Camac as a culvert with a c 3m access laid in some manner on top of the pipes. No information has been provided on how the applicant traverses the watercourse, which is sought to be retained, and I have serious concerns about the lack of detail and potential implications from this development (to be retained) on the river. The development of an access across the river proposed to be retained is contrary inter alia to GI3 Objective 1 as no assessment on the river has been provided, and the development to be retained is inadequately detailed and should not be considered as part of an assessment.

#### **8.11. Substandard road**

- 8.11.1. Permission was refused for the reason that the development constitutes undesirable development on a substandard rural road, would lead to the uneconomic provision for services and would be an undesirable precedent. The issue of sightlines was not raised in the reason for refusal. The appellant contends the accesses were already in place and adequate sightlines can be achieved. The observer maintains the sightlines encroach onto other lands.

- 8.11.2. I consider that the development fails to accord with the rural housing policy as set out in section 8.2 above and consider it would be undesirable to have a house and 5 parking spaces in this rural location accessed off a local rural road. I also consider the development of a house would lead to the requirement for the provision of additional services and traffic movements on a county road.
- 8.11.3. I consider the application site includes the western access off the Slade Road L2005 which is not a substandard road, and that the sight lines can be achieved on the L2005. I consider the Old Slade Road L6042 is a substandard road but outside the application being assessed and not within the red line. As the substandard road is outside the red line of the application, I do not consider that the specific reason for refusal of a substandard road is required.

## 8.12. **Conclusion**

- 8.13. I consider, inter alia, the first party appellants fail to meet the criteria for rural housing need in an area zoned RU and that a house in this area represents a haphazard form of development in a rural under strong urban influence. The Development Management Guidelines 2007 provide in section 5.7 that further information on one aspect of a proposal should not be sought where there is a fundamental objection to the proposed development on other grounds; applicants should not have to suffer unnecessary delay or expense if a refusal is likely. Given the substantial reasons for refusal, I do not see any purpose in seeking further information on other issues, and I consider the PA have taken the same approach. I also consider that the application details are inadequate and incorrect in relation to the requirements of the PDR 2001,

## 9.0 **AA Screening**

- 9.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.1.2. The site is not in on near a Natura 2000 site. The closest sites are c 4.9 km (southwest), Glenasmole Valley SAC Site Code 001209 and c 470 m (south), Slade of Saggart and Crooksling Glen, Proposed NHA. The river Camac which

traverses the site flows south from the proposed NHA downhill in a northerly direction linking into the river Liffey in Dublin city centre (c 14 km).

- 9.1.3. The proposed development comprises of one rural house and wastewater system and retention of roads and gates.
- 9.1.4. While the impact on a pNHA was raised in a reason for refusal, pNHAs are not statutory definitions and no specific nature conservation concerns were raised in the planning appeal.
- 9.1.5. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.
- 9.1.6. The reason for this conclusion is as follows:
- Small scale and nature of the development.
  - The Location-distance from nearest European site
- 9.1.7. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 9.1.8. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## 10.0 **Water Framework Directive**

- 10.1. The Camac River bounds the appeal site, Code,IE\_EA\_09C020100, with a status designated as Moderate.
- 10.2. The proposed development comprises a rural house and wastewater treatment system and retention of access roads and gates.
- 10.3. The reasons for refusal included the site is located within Flood Zone A and Flood Zone B, which is an area identified as being at high risk of flood risk and the development had an inadequate set back from the watercourse, but no specific water deterioration concerns were raised in the planning application or appeal. The application for development to be retained, included lands which are outside the red line of the application site. The development of retention of an access over a

watercourse (which is outside the application red line but within the blue line) is noted in internal Council reports, as requiring permission from the Office of Public works, which has not been obtained.

10.4. The hard standing to the east of the red line, gate at Old Slade Road and hard standing route and access across the river, sought to be retained is considered outside of this application as it is not included as within the red line of the application. It is also considered to retain an access across the river requires works which are not included in the planning application and appeal and cannot therefore be assessed. The area to be retained and to be developed within the red line is outside Flood Zones A and B.

10.5. I have assessed the development within the red line and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project and in particular the development to be retained, I am not satisfied on the basis of the information provided that there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

10.6. The reason for this conclusion is as follows :

- The moderate ecological status of the river.
- The objective to seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status.
- The application includes development to be retained outside of the red line of the application site.
- To retain an access across the river requires works which are not included in the planning application and appeal.

I conclude there is a possibility the development could result in a risk of deterioration of the River Camac.

## 11.0 Recommendation

11.1. I recommend that permission be refused.

## 12.0 Reasons and Considerations

1. Policy H16 in the South Dublin County Development Plan 2022-2028 is to restrict the spread of urban generated dwellings in the Rural 'RU' zone, which has the objective to protect and improve rural amenity and to provide for the development of agriculture, and to focus such housing into existing settlements in line with the Settlement Hierarchy. The site of the proposed development and development to be retained is located in a 'RU' zone, where Policy H17 considers rural housing for persons who are "an intrinsic part of the rural community" or "working full-time or part-time in rural areas". Policy H18 Objective 1 provides that dwellings within areas designated with 'RU' zoning objective will only be permitted in exceptional circumstances. Having regard to the documentation submitted with the planning application and appeal, the Commission is not satisfied that the applicants have demonstrated that they meet the local need criteria in Policy H17 or meet either of the exceptional circumstances in Policy H18, and that the housing need of the applicants could not be met elsewhere. Accordingly, it is considered that the applicants do not come within the scope of the housing need criteria as set out in the South Dublin County Development Plan 2022-2028 for a house at this rural location. The proposed development and development to be retained is therefore contrary to the proper planning and sustainable development of the area.
2. Having regard to Policy H16 of the South Dublin County Development Plan 2022-2028, to focus housing into existing settlements and Policy H23 which ensures that any new residential development in rural areas, would not create or exacerbate haphazard forms of development, it is considered that the proposed development would result in a haphazard and unsustainable form of development in an unserviced area, would lead to demand for the uneconomic provision of services, would contribute to the encroachment of random rural development in the area, would further erode the transition from rural hinterland to the town of Saggart and would militate against the preservation of the rural environment. The

proposed development and development to be retained is therefore contrary to the proper planning and sustainable development of the area.

3. Policy GI3 Objective 2 of the South Dublin County Development Plan 2022-2028 requires development proposals that are within riparian corridors to demonstrate how the integrity of the riparian corridor can be maintained and enhanced having regard to flood risk management, biodiversity, ecosystem service provision, water quality and hydromorphology. No proposals have been included in application or appeal in relation to the maintenance and enhancement of the riparian corridor. Based on the information provided in the application and appeal, the Commission is not satisfied that the applicant has demonstrated compliance with Policy GI3: Objective 2. The proposed development and development to be retained is therefore contrary to the proper planning and sustainable development of the area.
  
4. Article 22(2)(b) of the Planning and Development Regulations 2001, as amended, provides that the content of a planning application shall identify clearly the land or structure to which the application relates and the boundaries thereof in red. The application for development to be retained includes hard standing development, a river crossing and a gate that is outside the red line of the planning application. The Commission is precluded from considering development outside of the red line boundary and it is considered that the proposed development to be retained is therefore contrary to the proper planning and sustainable development of the area.

#### **ADVISORY NOTE**

The applicants to be advised the application is inadequate to allow an assessment and contrary to the proper planning and development of the area.

- A. The applicants have failed to provide the location of the proposed well to facilitate the proposed house and therefore the Commission is not satisfied that the Site Characterisation Report has adequately addressed the potential impact of the wastewater system and that the minimum distance between a well and a percolation area as required in table E2 of the in the EPA Code of Practice Domestic Waste Water Treatment Systems (Population Equivalent  $\leq$  10) can be achieved.
- B. The submitted drawings within the red line are inadequate with the absence of relevant levels/contours/benchmark showing the levels across the site. The applicant has not included stands of trees as required in the Planning and Development Regulations 2001 as amended.

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

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Rosemarie McLaughlin

Planning Inspector

19th January 2026

## Appendix A: Form 1 EIA Pre-Screening

<b>Case Reference</b>	PL-500050-SD
<b>Proposed Development Summary</b>	Retention for widening of entrances and hard standing and permission for story and half dwelling, detached garage, waste water treatment system and all associated site works.
<b>Development Address</b>	Lands at Slade Road L2005 & Old Slade Road, Saggart, Co Dublin
<b>IN ALL CASES CHECK BOX / OR LEAVE BLANK</b>	
<b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(For the purposes of the Directive, "Project" means:  - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. <b>EIA is mandatory. No Screening required. EIAR to be requested.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	

<p><b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b></p>	
<p><input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>Class 10b(i) Construction of more than 500 dwelling units.</p> <p>Proposal is for one house and garage ann retention of hard standing.</p>
<p><b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b></p>	
<p>Yes <input type="checkbox"/></p>	<p><b>Screening Determination required (Complete Form 3)</b></p>
<p>No <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

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

## Appendix B: Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	<b>PL-500050-SD</b>
<b>Proposed Development Summary</b>	Retention for widening of entrances and hard standing and permission for story and half dwelling, detached garage, waste water treatment system and all associated site works.
<b>Development Address</b>	Lands at Slade Road L2005 & Old Slade Road, Saggart, Co Dublin
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b> (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The development consists of 1 no. dwelling within a rural area.</p> <p>The development consists of retention of accesses and new gates. Access is to be retained that traverses the river.</p> <p>The development consists of typical construction and related activities and site works.</p> <p>Surface water discharged to a soakpit.</p> <p>Wastewater discharged to wastewater system</p>
<b>Location of development</b> (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<p>The subject site is not located within a European site.</p> <p>The development is situated in a rural area on agricultural land which is abundant in the area. The development is removed from any NATURA or designated sites in the County Development Plan.</p> <p>The River Camac bounds the site.</p> <p>My Appropriate Assessment screening concludes that the proposed development would not likely have a significant effect on any European Site.</p> <p>My WF assessment concludes that a risk to the river cannot be excluded owing to development being included that is not within the red line of the application and inadequate information.</p>

<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the modest nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
<p><b>Conclusion</b></p>	
<p><b>Likelihood of Significant Effects</b></p>	<p><b>Conclusion in respect of EIA</b></p>
<p><b>There is no real likelihood of significant effects on the environment.</b></p>	<p>There is no real likelihood of significant effects on the environment</p>
<p><b>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</b></p>	
<p><b>There is a real likelihood of significant effects on the environment.</b></p>	

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

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

(only where Schedule 7A information or EIAR required)

Appendix D: WFD Impact Assessment Stage 1: Screening

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

<b>An Bord Pleanála Ref. No.</b>	<b>PL-500050-SD</b>	<b>Townland, Address</b>	Lands at Slade Road L2005 & Old Slade Road, Saggart, Co Dublin
<b>Description of project</b>	Retention sought for widening of entrances, and permission of story and half of dethatched garage and all associated site works .		
<b>Brief site description, relevant to WFD Screening</b>	The rural site is c 1.1 km from the centre of Saggart. The sloping site is bounded by the Camack river and riparian areas. The site consists of Sandstone sand and gravels around the river and shale subsoil, alluvium adjacent to the river. The soils are designated as well drained wither side of the river.  Flood risk A and B along the river corridor.		
<b>Proposed surface water details</b>	Soak pit		
<b>Proposed water supply source &amp; available capacity</b>	Well – no details proceed		
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>	System manufacturer not provided. Proposed BAF secondary treatment unit, pump and soil polishing filter. 90sqm percolation area.		
<b>Others?</b>			

**Step 2: Identification of relevant water bodies and Step 3: S-P-R connection**

Identified water body	Distance to (m)	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)
River Camac	0 m	Code: IE_EA_09C020100 River Camac SubCatchmentsLiffey_SC_090	Moderate	At risk	N/A	Bridging river with access

**Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.**

CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Bridging river outside of red line of application and hard standing outside red line	Code: IE_EA_09C020100	Over river	Work not described, existing route has fallen away	None proposed	Yes	Yes
2.							
OPERATIONAL PHASE							
3.	N/A						
4.							
DECOMMISSIONING PHASE							

5.	N/A						
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