

An
Coimisiún
Pleanála

Inspector's Report

PL-501260-DR-26

Development	Amendments to granted D21A/0502 to provide place of worship building, landscaping and amendments to permitted parking.
Location	Ballycorus Road, Kilternan, Dublin 18
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D25A/0333/WEB
Applicant(s)	Kilternan Cemetery Park Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Normal Planning Appeal
Appellant(s)	Kilternan Cemetery Park Limited
Observer(s)	None
Date of Site Inspection	23 rd July 2026
Inspector	Suzanne Kehely

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1.0 Site Location and Description

- 1.1. The site is located in the Dublin mountain foothills approximately 16k south of Dublin City and c. 1 Km outside Kilternan village. It has a stated area of c.1.25 hectares and forms part of a holding of 7.2 hectares in which the Kilternan Cemetery Park extension is located on the southern side of Ballycorus Road. The site is immediately southwest of the operational Kilternan Cemetery Park. The extension in the 7.2-hectare site is under construction.
- 1.2. The immediate environs include the Minehill Business Centre (formerly the Lead Mines) and associated historic workers cottages to the east and one-off houses and otherwise the site is surrounded by agricultural lands and rugby playing fields.
- 1.3. In terms of larger settlements, the site is in close proximity to Kilternan to the west and Cherrywood SDZ to the east.
- 1.4. The Loughlinstown River (Shanganagh waterbody) traverses the landholding and is north of the development site. Ballycorus Pond is to the south and is fed by a stream from the River alongside the site to the east.
- 1.5. There is a construction access off Ballycorus Road, and the site is also accessible to the existing operational cemetery to the east which has its own entrance along the Ballycorus Road.
- 1.6. The site is paddock like and bound by mature vegetation, woodland and riverbank habitats. At time of inspection the subject site was cleared in the centre with evidence of some earthworks as can be seen from my photographs. There was only one other car in the existing cemetery car park on a Thursday afternoon.

2.0 Proposed Development

- 2.1. The application for permission was lodged on 24th April 2025. The proposed development is an amendment to the development permitted under Reg. Re.: D21A/0502, which relates to an extension to Kilternan Cemetery Park.
- 2.2. The proposed amendments relate to the southern portion of the permitted extension to Kilternan Cemetery Park and consist of the following:

- Provision of a Place of Worship building with a total gross floor area (GFA) of c. 900 sq.m, including worship space, multifunction area, reflection pool, courtyard, family rooms and associated facilities;
- Landscaping, including infilling and regrading works for the Place of Worship building, new planting to supplement existing trees and hedgerows on the site, soft and hard landscaping and boundary treatments;
- Associated amendments to permitted parking, burial plots and related infrastructure to facilitate the siting of the new Place of Worship building;
- All other associated site development works.
- Effluent is to be treated by a wastewater treatment plant on site. The wastewater system details are as proposed in response to a request for further information.

2.3. The application details as submitted originally, as a further information on 1/12/2026) and as further clarification include the following documents:

- AA Screening Report (1/12/2025 - updated 6/3/26)
- Habitat Management Plan (1/12/2025 - updated 6/3/26)
- EclA (1/12/25 - updated 10/2/26 and 6/3/26)
- Traffic and Transport Assessment (1/12/25- updated Jan 2026, 6/3/26)
- CEMP as (1/12/2025 and updated 6/3/26)
- Preliminary Bat Roost Assessment ((1/12/2025 - updated 6/3/26)
- Engineering Assessment Report (1/12/2025)
- Site Specific Flood Risk Assessment Report (1/12/2025)
- Further Information Response Report (1/12/2025)
- Updated Hydrogeological & Environmental Assessment Report (1/12/2025)
- Stingray Environmental - engineering details on on-site wastewater treatment system
 - Site characterisation Report (EPA 2021 COP)
- Invasive Species Management Plan (6/3/26)
- Updated Mitigation Planning Report by Veon (6/3/26) addressing pre/construction and operational phases and reviewing of updated CEMP, AA Screening, Prelim. Bat Roost Assessment and Habitation Management Plan EclA.

- Veon letter (received 6/3/26) address Invasive Species (RFI item 6/CFI item 5): INVAS Biosecurity confirms its review of the Invasive Alien Plant Species Management Plan by Veon. The revised ISMP was formally reviewed and approved by invasive species specialist Tom Donovan of INVAS Biosecurity on 5 February 2026, confirming that it meets the requirements.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Following requests for further information on 17th June 2025 and clarification of information on 22nd December 2025 and submissions in response, the planning authority, by Order dated 31st March 2026, issued notification of its decision to REFUSE permission for the following stated reason
- 3.1.2. The subject site is located in an area zoned objective 'B' which seeks 'to protect and improve rural amenity and to provide for the development of agriculture' in the Dun Laoghaire-Rathdown County Development Plan 2022-2028 where non-residential development will only be permitted in such areas where it complies with strict criteria of the County Development Plan. Having regard to the site's objective 'B' zoning, the development proposals, the information submitted some of which is outdated and/or lacks full assessment and the resulting cumulative impact on biodiversity and ecological /biodiversity and the resulting cumulative negative impact on biodiversity and ecological connectivity of the site, it is considered that the proposals do not comply with section 12.3.12 Rural – Non-Residential Development, Section 12.3.10.1 Suitable Sites, Policy GIB18: Protection of Natural Heritage and the Environment, GIB22: Non- Designated Areas of Biodiversity Importance and GIB23: County Wide Ecological Network of the Dun Laoghaire Rathdown County Development Plan 2022-2028 and would not be in accordance with the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports

Issues: The planning report makes reference to the preplanning consultation, the planning history and an extensive range of development plan policies and objectives. The development is appraised under the following headings in summary:

Principle of development:	Compatible in principle with zoning subject to specific site suitability criteria (s.12.3.12 of CDP)
Climate Action	High-quality sustainable building
Context/Baseline	Amendment to part of wider site only to be assessed
Proposed amendments	The worship centre as non-residential is permitted in principle and the justification statement is acknowledged to demonstrate need given the demographics and co-location factors. Condition should limit to cemetery related use only.
Design and Visual Impact	No unacceptable visual impact.
Access and Parking	No change to access arrangement. No objection to development as clarified and subject to conditions.
Biodiversity	FI required While generally acceptable deficiencies identified in terms of complying with section 12.3.12 Rural on-residential development and section 12.3.10.1 suitable site - and ecological concerns.
Archaeology and built heritage	No issues subject to conditions (DAU conditions recommended)
Drainage	FI required but no substantive issue
Residential Amenity	No significant issue due to distances

An extensive range of details were sought in a request for **further information in relation to Environmental matters:**

- Effluent treatment system and layout including a Site Characterisation Report
- Traffic and Transport Assessment
- Updated Ecological Impact Assessment (EclA)
- Updated Screening for Appropriate Assessment Report (AA Screening)
- Updated Mitigation
- Updated Construction Environmental Management Plan (CEMP)
- Preliminary Bat Roost Assessment
- Updated Habitat Management Plan (HMP)
- Invasive Species Management Plan (ISMP)
- Updated Hydrogeological & Environmental Assessment Report
- Environmental Site Management Plan
- monitoring parameters
- Design detail and roof plan Clarification was sought and appraised accordingly

Clarification of FI was subsequently sought regarding matters raised by the Biodiversity Officer, the Traffic and Transport Assessment and the Waste Water treatment system

Conclusions:

Matters in relation to EclA, Mitigation, lighting, lighting bats, Invasive species and habitat management were specifically sought and in the final analysis it is accepted in the planning appraisal that there are fundamental deficiencies in survey and assessment of ecology contrary to development plan policy objectives for Green Infrastructure.

In respect of Traffic and Transport Assessment and drainage/effluent, details as clarified are sufficient and satisfactorily address issue subject to conditions

Based on the amended screening report details the proposed development is considered to significantly impact on any Natura 2000 site. Nor was EIA determined to apply.

3.2.2. Other Technical Reports

- Biodiversity: Further information was reviewed as per report of 18th December) and clarification of information was sought in potential impact on biodiversity. The final report of 26th March 2026 refers to the key issue of the lack of clarity in the Ecological Impact Assessment in not following a coherent structure in line with best practice The revised version of the 6th March is considered to enable a full review of the proposal.

It is considered that fundamental deficiencies remain regarding validity of survey data, The impact and impact evaluation having regard to the nature of development as compared to the parent application.

- Drainage: Further information was sought as per report of 22nd May 2025 and clarification of same was then sought in respect of the wastewater treatment system. Following the submission of these details there is no objection subject to detailed conditions for the WWTS as set out in the report of 20th March 2026. Requirements for surface water as detailed in the report on further information are addressed in conditions relating to surface water, hydrology and flooding in report of December 2025 and recommended to be included in any grant of permission.
- Architects Department/conservation Officer: No objection design considered to be of high quality with a palette of natural material that are considered to complement the existing landscape character of the area.
- Parks and Landscape Services, 26th May 2025: Further information required on tree planting, bridge construction and construction access.
- Transportation Planning: 18th December 2025: A detailed Traffic and Transport Assessment Report (Oct 2025 was submitted as FI but was not considered to adequately address issues pertaining to the imminent traffic pattern changes due to Completion of the Glenamuck District distributor road,

In report of 25th March 2026 response to CFI is acceptable and accordingly there is no objection subject to conditions relating to timing of ceremonies/burials, parking/traffic management, entrance and front boundary design/visibility details and other standard construction matters.

- Environment Enforcement/Waste management Senior Executive Scientist: 12th June 2025: On review of the CEMP satisfied that the proposal can be undertaken in accordance with standards subject to inclusion of recommend conditions
- Public Lighting: It is noted that a minimum of 1 lux horizontal illumination is not maintained on the driveway and car park, and a redesign of system is required
- Consultant Ecologist: The PA has also attached a report dated 21st May 2024 which appear to be typing error as it is headed with ref D25A/033. (The Biodiversity report of 18th December 2025 refers in appendix A to a Biodiversity Report prepared by Dr Joanne Denyer on behalf of DLR on 21st May 2025) This specialist report was prepared by consultant Denyer Ecology, and this reviewed compliance with condition 2 of the parent permission D21A/0502 in relation to Biodiversity and a review of the planning application. Further information as set out in Table 1 of that report is required.

3.3. Prescribed Bodies

- 3.3.1. DAU: The Department agrees with these recommendations: the National Monuments Service (NMS), Department of Housing, Local Government and Heritage, in line with national policy —see Section 3.7 of Frameworks and Principles for the Protection of the Archaeological Heritage 1999— recommends that Licensed Archaeological Monitoring, as described below, should be required as a Condition of planning. A report containing the results of the archaeological monitoring and any subsequent required archaeological work should be submitted to NMS and the Planning Authority. Condition C3 in the OPR Practice Note is recommended with appropriate site-specific additions adaptation based on characteristics of the development and informed by the findings of the submitted archaeological report. (5 Conditions)
- 3.3.2. EHO: EHO 6th June 2025 no objections subject to detailed conditions which relate to construction phase
- 3.3.3. Other: The PA circulated the case to the Heirtage council, An Taisce, Uisce Eireann

3.4. Third Party Observations

- 3.4.1. There are two supporting letters from funeral directors based on increasing demand for non-religious ceremonies of various sizes.
- 3.4.2. **Objections** relate to traffic and road safety, impact on river and ecology and biodiversity and building size and scale in terms of its impact on rural character and cemetery as well as concerns **relating to** the need for such a use and its potential future use as a crematorium.

4.0 Planning History

An Bord Pleanála 313719 (Box file attached) refers to an appeal on financial contributions in respect of permission granted under Planning authority reference D21A/0502 for a cemetery extension on the 7.5-hectare site and comprising:

- Traditional burial ground area over c.1.48 hectares with 4,709 no. plots
- Ash plot burial of c.0.65 hectares with 7,011 no. plots
- Reflection gardens with an area of c. 0.56 hectares
- New access from Ballycorus Road in addition to connection to the existing cemetery
- 157 no. car and No. 30 bicycle spaces
- Bridge spanning the Loughlinstown River to provide connection between the burial ground areas north and south of the river,
- Pedestrian paths and walkways,
- Landscaping, infill and regrading works and associated site development works.

An Bord Pleanála PL06D.242619 (D13A/0193) – permission granted for cemetery park.

5.0 Policy Context

5.1 Development Plan

- 5.1.1. The site is principally governed by Zoning Objective B 'To protect and improve rural amenity and to provide for the development of agriculture. A Place of Worship is

permitted in principle. The site is outside any designated flood zone - There is a flood zone to the north of the site.

- 5.1.2. The site outside any designated area in the Supplementary May B1 – Ecological Network (see site photographs for context). It is adjacent to a locally important Biodiversity Site.
- 5.1.3. Appendix 9 – Ecological Network. This refers to GIB23 county wide network and provides context o for the Map. It states the Map has been prepared showing a schematic and indicative County wide Ecological Network stretching from the mountains to the sea (Refer to Supplementary Map B1). It illustrates the strength and wide coverage of the Ecological Network across the County. In this (s.9.1.5) Locally Important Biodiversity Sites are defined as areas that are outside of protected areas, but which form an integral part of the ecological network across a County and are considered important at a local level and provide a range of ecosystem services to communities. They have no formal designation, however, they are sites which are worthy of protection and enhancement. They provide additional benefits to and support the protected areas. They do not include or overlap with protected sites but may be adjacent to them. These include areas in parks, along wildlife corridors, areas of wetlands, grasslands, heath, fen, and other habitats that contain rare or important flora and fauna species.
- 5.1.4. Appendix 14 – Green Infrastructure Strategy
- 5.1.5. Development management criteria for rural location in the written statement: Given the location of the site in a rural location proximate to amenities and heritage areas and nature of development in terms of building type and use, an extensive range of policies apply in relation to the green Infrastructure and biodiversity, design, construction and access. These are listed in the PA report. Of particular note:
- Section 12.3.12 Rural- Non-residential development is applicable to the subject site. This states that: As with rural housing, the Council’s position in relation to non-residential rural development is again essentially restrictive and precautionary. Any application for non-residential development within the rural area will be dealt with on a case-by-case basis and will be assessed having regard to the following:
 - Compliance of the proposed use with the zoning objective of the site.

- The need for such a use within the rural area.
 - The suitability of the site in accordance with Section 12.3.10.1.
 - Potential negative visual impacts on the surrounding properties or landscape and for other negative impacts on the rural amenity – which could result from the design, location, layout, size, and type of the proposed development.
 - Vehicular access arrangements, parking requirements and potential impacts on the existing road network.
 - Waste water treatment and drinking water provisions on site. Any un-serviced site must comply with the 'EPA Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels' (1999) (or any superseding documents) and the requirements of the Environmental Health Office.
 - Ecological Impact.
- Section 12.3.10.1 refers to the criteria for single rural houses and is applicable to non-residential development. It states that the suitability of a rural site for any development will be evaluated according to the following criteria:
 - The landscape must be suitable to accommodate the proposed development.
 - Acceptable visual impact of the development in relation the surrounding countryside and dwellings / structures / features in the vicinity.
 - The site must be capable of accommodating all proposed structures together with the required water supply (borehole) and treatment system (as required) and wastewater treatment system.
 - No other adverse impact on the environment. M Satisfactory capacity of the access road/lane serving the proposed site.
 - Adequate car parking and manoeuvring space on site and suitable vehicular access.
 - Satisfactory screening/shelter.
 - Protection of residential amenity where appropriate.
 - Satisfactory relationship to any nearby dwelling.
 - The adequacy of infrastructure to serve the proposed development.
 - No adverse impact on heritage items, European sites and/or protected areas.
 - Ecological Impact.

- Section 8.3.1 **GIB1: Green Infrastructure Strategy:** It is a Policy Objective to continue to implement, and update, the DLR Green Infrastructure (GI) Strategy, to protect existing green infrastructure and encourage and facilitate, in consultation with relevant stakeholders, the development, design and management of high quality natural and semi-natural areas. This recognises the ecosystems approach and the synergies that can be achieved with regard to sustainable transport, provision of open space, sustainable management of water, protection and enhancement of biodiversity
- Section 8.7.1.1 **GIB18: Protection of Natural Heritage and the Environment:** It is a Policy Objective to protect and conserve the environment including, in particular, the natural heritage of the County and to conserve and manage Nationally and Internationally important and EU designated sites - such as Special Protection Areas (SPAs), Special Areas of Conservations (SACs), proposed Natural Heritage Areas (pNHAs) and Ramsar sites (wetlands) - as well as non-designated areas of high nature conservation value known as locally important areas which also serve as 'Stepping Stones' for the purposes of Article 10 of the Habitats Directive
- **Section 8.7.1.5 GIB22 Non-Designated Areas of Biodiversity Importance:** It is a Policy Objective to protect and promote the conservation of biodiversity in areas of natural heritage importance outside Designated Areas and to ensure that notable sites, habitats and features of biodiversity importance - including species protected under the Wildlife Acts 1976 and 2000, the Birds Directive 1979, the Habitats Directive 1992, Birds and Habitats Regulations 2011, Flora (Protection) Order, 2015, Annex I habitats, local important areas, wildlife corridors and rare species - are adequately protected. Ecological assessments will be carried out for all developments in areas that support, or have potential to support, features of biodiversity importance or rare and protected species and appropriate mitigation/avoidance measures will be implemented. In implementing this policy, regard shall be had to the Ecological Network, including the forthcoming DLR Wildlife Corridor Plan, and the recommendations and objectives of the Green City Guidelines (2008) and 'Ecological Guidance Notes for Local Authorities and Developers' (Dún Laoghaire-Rathdown Version 2014)

- **GIB23 - County Wide Ecological Network of the CDP:** It is a Policy Objective to protect the Ecological Network which will be integrated into the updated Green Infrastructure Strategy and will align with the DLR County Biodiversity Action Plan. Creating this network throughout the County will also improve the ecological coherence of the Natura 2000 network in accordance with Article 10 of the Habitats Directive. The network will also include non-designated sites
- Other GIB Policy objectives:
 - GIB2 - Landscape Character Areas
 - GIB6 - Views and Prospects
 - GIB18 - Protection of Natural Heritage and the Environment
 - GIB21 - Designated Sites
 - GIB24 - Rivers and Waterways
 - GIB25 – Hedgerows
 - GIB28 – Invasive Species
 - GIB29 – Nature Based Solutions
- Chapter 9 Open space, Parks and Recreation
 - Policy objective OSR7: Trees, woodland and Forestry

5.2 National/Regional Plans/Policies

- 5.1.6. National Biodiversity Action Plan 2024: This plan sets the basis for the local authorities to have a Biodiversity Action Plan and this is currently aimed to be achieved by 2026 for all such authorities (Action 1C6). It is intended that a robust clear and enforceable legislative frameworks for biodiversity is in place by 2027

Objective two is to meet urgent conservation and Restoration needs: within this the intended outcomes are:

- Outcome 2A: The protection of existing designated areas and protected species is strengthened and conservation and restoration within the existing protected area network are enhanced – This focuses on the Habitats and Birds Directives in addition future protection areas to be pledged and management of threatened species.

- Outcome 2H: Invasive alien species (IAS) are controlled and managed on an all-island basis to reduce the harmful impact they have on biodiversity, and measures are undertaken to tackle the introduction and spread of new IAS to the environment.

Objective Three is to secure nature's contribution to people

Objective Four is to enhance the evidence base for action on biodiversity: The actions proposed will continue and establish new long-term data collection and monitoring programmes and help to standardise the collection and dissemination of biodiversity and ecosystem data.

Objective Five is to strengthen Ireland's contribution to international biodiversity initiative

- 5.1.7. Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (DoH LG) –Section 5 refers to Projects – AA and Development Management

5.4 Natural Heritage Designations

- 5.1.8. There is no designated SPA or SAC site within the immediate vicinity of the site. The nearest sites of interest are:

Dingle Glen pNHA - site code 001207 to the north

Ballyman Glen SAC is c 2.8km to the south

Knocksink Wood Sac is c 3km southwest

Wicklow Mountains SPA and SAC are c. 5km to the southwest

6.0 EIA Screening

- 6.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations.)

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. The agent for the applicant sets out the planning context in support of the nature of the proposed development by reference to compliance of the principle of a place of worship in Zone B with planning policy, planning history for the site and for other burial grounds and its general justification in terms of the emerging settlement trends.
- 7.1.2. The reason of refusal is rebutted in that the applicant confirms that:
- The development is within an already permitted and disturbed area (not undisturbed grounds)
 - Extensive consultation and updated ecological assessment were provided addressing the feedback of the Biodiversity Officer
 - The proposal does not introduce new land-use changes, nor does it introduce a barrier to wildlife movement or materially affect the ecological connectivity of the Bride Glen Ecological Corridor.
 - The sensitive habitat such as the alluvial wildlife corridor is retained and protected.
 - The Biodiversity Action Plan is a non-statutory plan and its wildlife corridor mapping is indicative and not a statutory basis for refusal.
 - The applicant has not been given a fair opportunity to address concerns during the process contrary to best practice.
 - In addition to meeting a need and complying with the zoning objective B, the proposal meets all criteria for rural non- residential development in terms of site suitability, visual impact, transport, drainage and protection of heritage. No objections for example were raised by the Transportation or Drainage Divisions
 - In respect of protecting biodiversity, the design incorporates mitigation and enhancement measures for biodiversity such as native tree planting, retention of wildlife corridors and management of invasive species.

7.2. Planning Authority Response

- No further comments

7.3. Observations

None

8.0 Assessment

8.1. Scope of Issues

- 8.1.1. This application relates to an amendment to part of a cemetery extension permitted in 2022 by the planning authority (the appeal in that case related only to financial contributions) and is in a part of the site where there is permission for burial plots. It is proposed to replace over 800 of these 3901 plots with a worship centre as part of an ancillary facility for the overall cemetery grounds. It is a single storey structure with a total ground floor area of 900 sq.m. (worship space, multifunction area, reflection pool, courtyard, family rooms and associated facilities) and associated landscaping modifications.
- 8.1.2. In terms of principle, there is no dispute between the planning authority and applicant on the matter of a place of worship at this location in cemetery lands in agricultural zoned lands and in lieu of burial plots which will be reduced in number while retaining the ash plots as permitted. The main changes are the introduction of an above ground structure and on-site effluent treatment facilities for visiting groups and some new landscape features. There are no changes to the number of car parking spaces which remain at 162, although site layout, site usage and travel patterns will be altered. While I note concerns by third parties on file about the need for the building, nature of use and traffic and safety implications and also the speculation of a crematorium use, the planning authority has approached the assessment of the principle of development as being an amendment to plans for a permitted cemetery extension rather than a new facility and I concur with this approach in the context of the planning history and development land use objective which permits such development.

- 8.1.3. The concerns regarding traffic, amenity and biodiversity have been robustly considered by the planning authority in its detailed assessment of the site suitability criteria by reference to the considerations set out in sections 12.3.10.1 and 12.3.12 of the CDP. While the planning authority is satisfied that the criteria has been met in terms of its building design and visual impact having regard to the architectural design quality and visual assimilation into the immediate and wider environs, other aspects of site and infrastructure capacity were subject of further interrogation. Issues of traffic generation and management, aspects of landscaping and wastewater treatment system and interface of these elements with the terrain and landscaping were ultimately to the satisfaction of the planning authority in its assessment of the submitted details by reference to the reports of its respective technical divisions. In respect of traffic, I note new traffic counts were carried out in order to generate updated and robust modelling for the assessment and the revised Traffic and Transport Assessment includes an assessment of worst-case trip generation during peak operational periods of the proposed place of worship while it also demonstrated that car parking is sufficient. Traffic and drainage issues are further safeguarded by way of conditions of permission. I do not consider these matters to give rise to any substantive issues that necessitate further review and assessment in consideration of the appeal grounds.
- 8.1.4. Accordingly, having reviewed the documentation on file including the submissions in relation to the appeal and having regard to the provisions of the development plan and national policy and guidance, I consider the substantive issue in this case for assessment relates to the potential adverse impact on ecology and biodiversity that being the basis for the reason for refusal of permission.

8.2. Biodiversity

- 8.2.1. The planning authority in its assessment of site suitability in this rural landscape context has had particular regard to the Green Infrastructure policy objectives of its Development Plan and impact on ecology. While accepting the amendment to the permitted burial plots, there are concerns about the reliance on the original EclA in supporting the case of no significant impact.

8.2.2. In the context of current development policy for biodiversity, the absence of Ecological Impact Assessment for the proposed development was the subject of a request for further information. The Biodiversity Officer then raised concerns about the validity of data used in the EclA notwithstanding the further information and clarification of further information. For example, the Biodiversity Officer's report on the submitted details questions the validity in noting the following:

- The **nature of the development departs substantially from the parent application of D21A/052** whereby a portion of the site which included traditional burial grounds with parking away from the hedgerows, treeline and woodland margins now involves the construction of a permanent building, reflection pool and courtyard with 900sq.m. footprint and fundamentally alters the ecological connectivity of the landscape and introduces barriers to movement. The installation of this hard vertical structure permanently and irreversibly alters the connectivity of habitats of ecological significance and disturbs the overall function of the **Brides Glen Ecological Corridor**.
- The **EclA fails to sufficiently address the potential impacts** of the footprint of the building and abruptness of vertical structure alongside relocated parking and courtyard, to the connectivity. The installation of this would diminish the functional value of woodland and riparian habitat for species
- The **EclA fails to consider cumulative impact** and combined disturbance along boundaries of key habitats and refuges - displacement of species is likely to arise. It fails to consider daylight hours construction may still disturb nocturnal species during these hours.

8.2.3. These matters are clearly set out in the request for Further Information which I also noted was informed by a consultant ecologist to the planning authority.

8.2.4. The commission should note that there may be confusion in regard to the context of the PA consultant's report as the date in that report predates (in error) the planning application date. The Biodiversity Officer report of 18/12/25 however is clear in the use of the consultant's report by Dr. J. Denyer dated 21 May 2025 in its reviewing of the subject application and has appended these details arising in their internal reports (the final one on Clarification of FI being 26/3/2025) to the planning department.

- 8.2.5. In the appeal grounds submitted by the planning consultant, an attached report by Veon Consultants (who were responsible for the EclA) addresses the ecological and biodiversity concerns in so far as it is clarified that the proposal does not represent a significant barrier to species movement and also refers to landscape plans, tree removal to date and stage of development in addition to the extensive consultation with the Biodiversity Officer of DLRCC in responding to the further information requests. Ultimately the case is made that the council Biodiversity Plan will not be hindered and that the proposed development aligns with policy objective and specifically the GIB18 and GIB22 policy objectives in respect of biodiversity management. If this were the case the reason for refusal has no substantive rational basis.
- 8.2.6. In view of the nature of the dispute centring on the veracity of the ecological data based on methodology, survey dates and changing circumstances, I sought the expert input of the Commission's Environment Team and Paula Kearney, Senior Ecologist reviewed the adequacy of EclA and planning authority assessment and also the appeal grounds including the updated report by Veon and overall impact on ecology. A technical note is attached on file.
- 8.2.7. In summary I note some key observations and opinions of the senior ecologist. The relevant guidance is cited in details and the CIEEM guidelines are noted to place an emphasis on diminishing value of data due to dates. While noting the dates of field surveys in 2021 and 2021 and subsequently the date and time of the walkover bat surveys of 2025, there are limitations with the validity of data.

In the CIEEM 2019 advice note, survey data is generally considered likely to be valid for up to 12 months in most circumstances, potentially still valid between 12 to 18 months if there have been no significant changes to the site or species distributions and requiring professional review if older than 18 months. With respect to data that is between 18 months and 3 years old, it is stated that the likelihood of surveys needing to be updated increases with time, particularly for mobile species or in circumstances where the habitat or its management has changed significantly, and surveys over three years old are unlikely to remain valid without substantial updating or up to date fieldwork.

8.2.8. While the senior ecologist generally accepts the approach for habitats and invasive species as the surveys were undertaken in July 2026 which is within the optimum survey period for habitats (April through September)¹ and identifying invasive species, the mammal species surveys however are considered more challenging due to vegetation cover and it is difficult to identify resting places and field signs. However, the critical matter relates to the Bat surveys. The ecologist notes the dates but there are underlying concerns with methodology due to timing and change in circumstances:

- Daytime bat surveys were undertaken on the 16th, 17th, and 24th July 2025 for the amendment application and the findings are discussed in the revised EclA (Veon, 2026) and Preliminary Roost Assessment (Veon, 2026). It is stated in the revised EclA that *“The surveys were undertaken to assess whether the findings of the Ash Ecology & Environmental (AEE, 2022) Bat Survey Report remain broadly consistent, with no significant changes”*. They also state that the surveys followed the CIEEM 2019 guidance *“...to determine whether new roosts may now be present, whether trees or buildings have developed features not previously recorded, and to assess whether further bat activity surveys may be required.*
- The Preliminary Roost Assessment (Veon, 2026) refers to the application of Marnell (2022)² and Collins (2023)³ which are the relevant best practice guidance for bat surveys and mitigation. Collins 2023 guidance refers to the classification system used for Potential Roost Features (PRFs) which includes a grading protocol for assessing structures, trees and commuting/foraging habitat for bats. The protocol is divided into four Suitability Categories: High, Moderate, Low and Negligible. The daytime inspections concluded *“...all trees within the 1.25-ha amendment area were classified as having negligible bat roost potential”*.
- As per Collins 2023, bat activity surveys are required where development proposals are likely to impact on habitats suitable for flight paths, foraging and

¹ Smith et. al. (2011) *Best Practice Guidance for Habitat Survey and Mapping*. The Heritage Council, Kilkenny.

² Marnell, F., Kelleher, C. & Mullen, E. (2022). Bat mitigation guidelines for Ireland v2. Irish Wildlife Manuals, No. 134. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage, Ireland.

³ Collins, J. (ed) (2023) *Bat Surveys for Professional Ecologists – Good Practice Guidelines* (4th edn.) The Bat Conservation Trust, London.

social behaviours. The applicant relies on the CIEEM 2019 guidelines to defend their approach regarding bat surveys. Bats are mobile species and the habitats within the subject site have changed significantly since the 2022 surveys, through site clearance and vegetation removal as part of the consented parent application. These changes may have altered foraging and commuting routes and consequently bat behaviour within the site. The applicant did not undertake bat activity surveys of the subject site considering the altered landscape and in the context of the amendments to the parent application which now includes a permanent building and changes to parking provision and associated lighting closer to hedgerows, and woodland margins. Therefore, the bat survey data from 2022 is no longer valid to inform the amendments to the parent consent and is contrary to the CIEEM 2019 guidelines.

- 8.2.9. The senior ecologist emphasises the requirement that biodiversity baseline data must fundamentally be fit for purpose by being up-to-date and sufficient and in this case is not satisfied that the Commission has been provided with the necessary up to date ecological baseline within the subject site to inform the impacts of the proposed development on ecological receptors.
- 8.2.10. On review of the impact of the structural elements and the provisions of lighting which are key changes from the parent permission, it is noted that a permanent building and changes to parking provision and associated lighting will be closer to hedgerows and woodland margins. This raises the issue of potential new impacts from Artificial Light at Night (ALAN) which can affect insects, birds, mammals, including bats, and aquatic species. Lighting is also identified as acting as an ecological barrier, fragmenting habitats for sensitive nocturnal and crepuscular species including bats and otter. It can also disturb roosting and breeding birds, disorient migratory birds, disrupt insect ecology and interferes with the foraging activities of nocturnal mammals.
- 8.2.11. The lighting layout is noted to differ considerably from the parent application. While it is noted that the impact of public lighting on woodland fringes, treelines, hedgerows, and the river corridor as commuting habitat for bats is discussed in the VEON Preliminary Bat Roost Assessment (February 2026) and lighting has been favourable amended around the river corridor, the proposed permanent building, changes to

parking provision and associated lighting closer to hedgerows and woodlands and the potential light spill from the buildings' interior on adjacent habitats remain unaddressed. While acknowledging the use of timers and sensors, the following remains to be addressed in reaching a satisfactory lighting layout:

- The proposed specification of public lighting comprising LED Bollards at 1.1m, (while it is stated by the applicant to be in accordance with the Bat Conservation Trust & Institution of Lighting Professionals Guidance Note,) is contrary to the Guidance Note GN08/23 and The Heritage Council's Dark Sky Ireland Environmentally Friendly Lighting Guide in which the warm colour temperature $\leq 2700\text{K}$ is advised and not 3000K as stated in the External Lighting Report.
- There is conflict between below 3 lux level recommended in the Preliminary Bat Roost Assessment, and the statement in the lighting report that "*It is not possible to light the roadway to 3 lux or preferably below 1 lux at ground level...*".
- There is also an issue with interference with hibernation, commuting and foraging behaviours and vulnerabilities to temperature change.

8.2.12. Accordingly in the opinion of the senior ecologist, in respect of impacts and mitigation, it is considered that it is not feasible, on the basis of the information presented, specifically the validity of the baseline data, to determine whether the mitigation proposed is sufficient to mitigate effects on ecological receptors during construction and operational stages of the proposed development.

8.2.13. In overall terms the senior ecologist concludes that the documentation submitted in with respect the appeal case reference is inadequate in the context of supporting the findings of the EclA that that there is insufficient information regarding the baseline environment, quantitative impacts to habitats and species, and site-specific mitigation measures, available for the Commission to reach a determination on the likely significant ecological effects from the proposed development.

Conclusion on ecology and biodiversity

8.2.14. In noting the particular shortcomings of the Bat survey absence of up-to-date nocturnal surveys and mitigation measures for this protected species there is I

consider a clear conflict with the policy GIB22 which states it is policy objective 'to protect and promote the conservation of biodiversity in areas of natural heritage importance outside Designated Areas and to ensure that notable sites, habitats and features of biodiversity importance - including species protected under the Wildlife Acts 1976 and 2000..... Ecological assessments will be carried out for all developments in areas that support, or have potential to support, features of biodiversity importance or rare and protected species and appropriate mitigation/avoidance measures will be implemented.'

8.2.15. While I concur in many respects with the appellant that a degree of proportionality could be applied to the validity of data as updated having regard to the footprint of permitted development and earthworks. I say this in the context of the County Development Plan Supplementary Map B1 – Ecological Network Map which I have examined. In this map the site lies outside a Local Important Biodiversity Site and therefore spatially falls outside both formal statutory designation and development plan designation. I also note the more schematic Green Network Plan in Appendix 14 and that the appellant states that the alluvial woodlands are to be retained as a woodland corridor to maintain connectivity. I have also reviewed the National Biodiversity Plan and do not consider any of the 5 objectives would be materially compromised by the modifications in general terms of the permitted development on the subject site. While these plans and objectives give context for the need of accurate habitats surveys and protection within directly impacted sites and perhaps give some latitude for development impacts in sites outside non-statutory designated areas, it does not however override the requirements which have been clearly breached for determining impact an Annex IV species under the EU Habitats Directive. In this case the ecologist has identified a clear breach in the case of data on Bat species. Accordingly, while certain shortcomings have been identified in the ecological surveys, I consider a more specific reason for refusal that identifies the element that precludes a grant of permission is more appropriate in this case.

8.2.16. I further note that other protected non-volant mammal species protected by the Wildlife Act were recorded with a 10km² as summarised in the EcIA (Table 3.1). These are badger, hedgehog, Irish hare, Irish Stoat, Otter, Pine Marten, Pygmy shrew, Red Deer, Fallow Deer, Silka Deer and Red Squirrel. Notably a badger sett was identified in the order of 30m from the site in 2021. Otter activity was also

evident in the adjacent riverbank. While I note extensive assessment and mitigation of impacts, such species may be directly or indirectly impact differently due the proposed building nature, lighting and nocturnal use presenting new disturbances.

9.0 AA Screening

- 9.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Ballyman Glen SAC (site code 000713), Knocksink Wood SAC (000725), Wicklow Mountains SAC (002122), Wicklow Mountains SPA (004040) or any European Site in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- the scale, location and nature of the works associated with the development proposal and
- the location and distance from the nearest European site and lack of connections.

10.0 Water Framework Directive

- 10.1. Access to the site is over an existing bridge over Loughlinstown River (Shanganagh_10) which lies to the north of the site. A tributary stream which connects this river with Ballycorus Pond bounds the site to the east. No works are proposed in these rivers. The proposed development comprises modifications to permitted works associated with the provision of burial plots in that over 800 plots are being replaced with a single storey building structure and associated landscaping lands layout revisions. The building will generate effluent in an un-serviced site. In terms of effluent treatment and discharge, the proposed involves the installation of 12PE BAF secondary package treatment plant in compliance with national standard NSAI S.R.66-2015 and International Standard IS EN12566-3:2005 on proposed site to serve the worship centre and ancillary rooms.

10.2. In the site characterisation form for the proposed wastewater treatment system details are provided in terms of groundwater vulnerability. The main target at risk is the groundwater and surface water (Loughlinstown and Ballycorus Pond). The following characteristics were identified:

- Groundwater was not encountered on-site, at a depth of 2100mm below ground level.
- Bedrock was not-encountered on-site at a depth of 2100mm.
- The average T-Value was 21.25min/25mm.
- The average P-Value was 20.83min/25mm.
- The proposed development is sited over a Poor aquifer.
- The vulnerability rating is High.
- There are no wells on or adjacent to the site.

10.3. The proposed location of the Wastewater Treatment Plant (WWTP) can be seen in Waterman Moylan drawings KIL-WAT-2X-XX-DR-C-P200-Proposed Drainage Layout- Rev B enclosed with the cover letter lodged 6th March 2026. The location of the proposed WWTP was adjusted to allow the 5 metres separation from the surface water features, and the detention basin format was slightly adjusted. The consultants confirm that the proposed development complies with all separation distance requirements. The density of wastewater treatment systems in close vicinity of the site is addressed in Item c of the Stingray Environmental cover letter. Provided that the recommended setback distances are achieved, the site is deemed suitable for construction of an on-site wastewater treatment system and effluent disposal system.

10.4. There are no changes in terms of impacts on the watercourses in the immediate vicinity of the appeal site, and all matters in relation surface water have been addressed to the satisfaction of the Drainage Division.

10.5. I have assessed the proposed development and considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status.

10.6. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater bodies, for the following reasons:

- the nature and scale of the works as amendments to burial grounds
- The provision of secondary package treatment planning in accordance with the requirements of the planning authority
- the provision in the CEMP to protect the nearest waterbodies and the absence of any direct hydrological connections.

10.7. I conclude on the basis of objective information that the proposed development will not result in a risk of deterioration on any water body and consequently can be excluded from further assessment.

11.0 Recommendation

11.1. I recommend that permission refused for the proposed development based on the following reasons and considerations.

12.0 Reasons and Considerations

Having regard to the information provided in the application and with the appeal, including the Ecological Impact Assessment as supplemented by further details submitted by the applicant, the Commission is not satisfied, on the basis of the information provided, the Ecological Impact Assessment was informed by sufficiently up to date ecological surveys. Accordingly, all likely significant ecological effects on bats (including cumulative and residual effects) in terms of geographical scale of significance has not been adequately described or assessed. The Commission cannot therefore be satisfied that the development proposed is not likely to result in unacceptable impacts on Habitats Directive Annex IV species. In such circumstances, the Commission is precluded from granting permission for this development.

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.

Suzanne Kehely

Senior Planning Inspector

26th August 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference 501260	
Proposed Development Summary	The development is for a worship centre building in place of burial plots as part of a permitted extension to a cemetery in lands that are zoned agriculture and is rural/open space in character. It involves modification to the layout of the permitted development area and construction of single storey building and landscaping,
Development Address	Ballycorus Road, Kilternan, Co. Dublin
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ 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)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
☒ No, it is not a Class specified in Part 1. Proceed to Q3	

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?	
☒ 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. No Screening required.	The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	
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)?	
Yes ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Appendix 2:

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: 501260-DR-26	
Step 1: Description of the project and local site characteristics	
Brief description of project	Worship Centre with wastewater treatment system and ancillary landscaping and car parking in cemetery grounds. See section 2 of this report.
Brief description of development site characteristics and potential impact mechanisms	The site of 1.25 ha is in a rural zone and part of cemetery lands. It is in an un-serviced area with access to public mains water supply. Some low-density housing and industrial development is in the vicinity. It is adjacent to a Locally Important Biodiversity Area in the development plan. The site has been surveyed for EclA. Habitats within the 1.25-ha survey area: • Dry Meadows and Grassy Verges (GS2) (~0.8 ha): Managed grassland with low to moderate biodiversity value, to be partially replaced by the Place of Worship with SuDS and new planting. • Hedgerows (WL1) (~200 m): Hawthorn and blackthorn-dominated, supporting nesting birds, retained with a 5 m buffer. • Scrub (WS1) (~0.1 ha): Gorse and bramble patches in the southeastern corner, preserved with a 10 m buffer for bat foraging. • Alluvial Woodland (WN5) (~0.08 ha, Annex I [91E0]): Located near the Shanganagh River, outside the 1.25-ha survey area but within the broader permitted extension, protected by a 10m buffer and CEMP measures
Screening report	Y Concluded proposed development will not have significant effects on any European site, either individually or in combination with other plans or projects. Stage 2 Appropriate Assessment is not required. Note: Erroneous

Natura Impact Statement	N			
Relevant submissions	EcIA, Invasive Species Management Plan, CEMP, Habitats Management Plan, SuDs measures supported by site specific flood risk assessment. Site layout with buffer zone from alluvial woodland.			
The PA consulted its water services division in preparation of its statement of AA and has no concerns in this regard. The DAU has not raised any concerns.				
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
The proposed development site lies within 15km of 16 Natura 2000 sites, protected areas under the EU Habitats Directive (92/43/EEC) and Birds Directive (2009/147/EC), comprising of Special Areas of Conservation (SACs) for habitats and species and Special Protection Areas (SPAs) for birds. These sites are shown in Table 3.1 the AA Screening Report. The following sites are the nearest relevant sites				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening Y/N
Ballyman Glen SAC (000713)	• Petrifying springs with tufa formation (Cratoneurion) • Alkaline fens. NPWS, July 2019 CO000725.pdf	2.83 km south	None No hydrological connectivity. (it is in different sub catchment) It is outside the 2.5km zone of Influence. No QIs are present on site and negligible air emissions addressed though	N

			distance and embedded CEMP	
Knocksink Wood SAC (000725)	• Petrifying springs with tufa formation (Cratoneurion) • Old sessile oak woods with Ilex and Blechnum in the British Isles • Alluvial forests with Alnus glutinosa and Fraxinus Excelsior (Alno-Padion, Alnion incanae, Salicetum albae) NPWS Dec 2021 CO000725.pdf	C 3km to southwest	None No hydrological connectivity. It is outside the 2.5km zone of Influence. No Qis are present on site and negligible air emissions addressed through distance and embedded CEMP	N
Wicklow Mountains SAC (002122)	Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) • Natural dystrophic lakes and ponds • Northern Atlantic wet heaths with Erica tetralix • European dry heaths • Alpine and Boreal heaths • Calaminarian grasslands of the Violetalia calaminariae • Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) • Blanket bogs (* if active bog) • Siliceous scree of the montane to snow levels	c.5km southwest	None No hydrological connectivity It is borderline at the 5km aquatic and zone of Influence and outside the 2.5km terrestrial zone of Influence. No Qis are present on site and negligible air emissions addressed through distance and embedded CEMP. The protection of the woodland	N

	(Androsacetaliaalpinae and Galeopsietaliaaladani) • Calcareous rocky slopes with chasmophytic vegetation • Siliceous rocky slopes with chasmophytic vegetation • Old sessile oak woods with Ilex and Blechnum in the British Isles • Lutra lutra (Otter) July 2017 ConservationObjectives.rdl		habitats along the river and landscaping provides a buffer from the river where otters are present, but this is not connected.	
Wicklow Mountains SPA (004040)	• Merlin • Peregrine NPWS July 2024 CO004040.pdf	4.9 km southwest	None No hydrological connectivity. It is outside the 5km aquatic and 2.5km terrestrial zone of Influence. though distance and embedded CEMP. No SCI are present on site and birds are habituated to existing disturbances. Impacts inhibited by distance and buffering of development.	N
*Please note that this SAC overlaps with South Dublin Bay and River Tolka Estuary SPA (004024). See map 2. The conservation objectives for this site should be used in conjunction with those for the				

overlapping site as appropriate. IMPORTANT: This 'Version 2' document includes 3 additional QIs (1210/1310/2110). The conservation objectives for pre-existing QIs have generally not been updated

¹ Summary description / **cross reference to NPWS website**

² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

³ if no connections: N

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

From my review of the AA Screening Report, the PA assessment and the NPWS portal I consider that no European sites need further consideration taking the following into account:

- (a) Absence of hydrological or ecological connectivity with any of the nearest European Sites.
- (b) The nature and scale of the development and the site development area within the footprint permitted works.
- (c) While there may be potential for indirect impact on groundwater via discharge of sub-standard effluent into groundwater if system WWTS is insufficient or not functioning properly However this is addressed though standard design measures and standard maintenance. It is a very small plant
- (a) Standard practice measures for construction would be implemented regardless and would reduce the risk of air pollution and impacts to surface water in the greater area that may be connected to a European Site?

I am satisfied that adequate information is provided in respect of the baseline conditions for the purposes of AA screening and potential impacts are clearly identified, and sound scientific information and knowledge was used. While noting inaccuracies regarding Ballyman Glen SAC this has been clarified and it is not hydrologically connected to the site. The information contained within the submitted reports is considered sufficient to allow me to undertake an Appropriate Assessment screening of the proposed development. The screening is supported by associated reports, including ecological surveys involving habitat and species survey and a Construction and Environmental Management Plan. I do not consider that any European Sites fall within the zone of influence of the project, based on a combination of factors including the intervening distances and the lack of hydrological or

other connections. While I note reference to mitigation in the AA screening report, no reliance on avoidance measures or any form of mitigation is required in reaching this conclusion.

Step 4: Conclusion on likely significant effects on a European site

I conclude that the proposed development alone with other plans and projects would not result in likely significant effects on Ballyman Glen SAC (site code 000713), Knocksink Wood SAC (000725), Wicklow Mountains SAC (002122), Wicklow Mountains SPA (004040) or any other European site. The proposed development would have no likely significant effect in combination with other plans and projects on these or any European site(s). No further assessment is required for the project.

No mitigation measures are required to come to these conclusions.

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Ballyman Glen SAC (site code 000713), Knocksink Wood SAC (000725), Wicklow Mountains SAC (002122), Wicklow Mountains SPA (004040) or any European Site in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- the scale, location and nature of the works associated with the development proposal and
- the location and distance from the nearest European site and lack of connections.

Appendix 3: WFD IMPACT ASSESSMENT STAGE 1: SCREENING

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

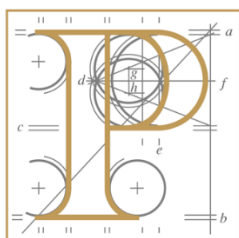
ACP ref.	501260-DR-26	Townland, address	Ballycorus Road, Kiltarnan
Description of project and site description, relevant to WFD Screening	The site is in a rural area and bound by Loughlinstown River and Ballycorus stream and Ballycorus Pond is to south est which is fed by the stream. The development area is in a former paddock type area where ground has been disturbed with earthworks associated with the development of burial grounds as part of the permitted cemetery extension and where a worship centre and ancillary building and landscaping work are now proposed. The watercourses are flanked by mature river bank vegetation. Groundwater flows north in direction of River.		
Proposed surface water details	Surface system with attenuation and outlet to River. Proposes to incorporate SuDs as part of the development such as green roof, gass swales and filter drains. See Engineering Assessment Report Prepared by Waterman Moylan for details.		
Water supply	New Public Water Mains connection.		
Proposed wastewater treatment system	On -site treatment system		

Other matters	Engineering Assessment Report prepared by Waterman Moylan Hydrogeological & Environmental Assessment Report submitted. This explains the need for infill material and states: The proposed infill material will need to be clean and sourced locally and will be of similar consistency of the natural overburden material on-site. The infill material will therefore have a similar permeability to the existing overburden so as not to influence site drainage activities. A groundwater and surface monitoring programme should be undertaken at existing groundwater monitoring wells and surface water monitoring points during construction and operation of the cemetery site to ensure no impact from site activities. Monitoring to be on a quarterly basis. throughout the construction phase and for a minimum of eighteen months during the operational phase of the development. In respect of surface water, it is clarified in FI that Attenuation system with 91.20 m³ of underground storage and 26.58m³ of above-ground storage will be enough to cater for the proposed new road layout and revised network. The approved attenuation system is limited by a hydrobreak set to 1.96l/s that is not proposed to be changed, and the network has a proposed petrol interceptor prior to the final discharge point. This was further reviewed by the Drainage Division.
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
Groundwater	Underlying site	Wicklow IE_EA_G_076	Good	At risk		Yes – site is underlain by poorly protective bedrock.
River	Adjacent to north and west	SHANGANAG H_010 IE_EA_10S01 0600 Sub catchment Dargle	Good	Not at risk	Not stated	
Stream (Ballycorus Stream)	Adjacent to east	SHANGANAG H_010 IE_EA_10S01 0600				
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' /'uncertain' proceed to Stage2.
1.	<u>Surface water run-off</u>	SHANGAN AGH_010	surface water run-off discharges public sewer	Siltation, hydrocarbon spillages, siltation, ph concrete	SuDs and natural drainage to limit run-off and filter Standard construction practice and mitigation measures included in CEMP	No	Screened Out
2.	<u>Earthworks and seepage to Ground water</u>	Wicklow IE_EA_G_076	The pathway is through soil.	Hydrocarbon spillages	groundwater to be protected through infill material and Construction environmental Management Plan	No	Screened Out
OPERATIONAL PHASE							

1	<u>Surface water run-off</u>	SHANGAN AGH_010		Siltation, hydrocarbon spillages, siltation, ph concrete	Standard maintenance. SUDS/nature-based measures proposed to address surface water run-off	No	Screened Out
2		Wicklow IE_EA_G_076	The pathway is through soil if unfiltered	Hydrocarbon spillages	SUDS/nature-based measures which incorporate pollution mitigation	No	Screened Out
2	<u>Effluent discharge</u>	Wicklow IE_EA_G_076	Via a WWS with secondary treatment discharges to this groundwater		WWS to include a secondary package treatment plant in compliance with national standards and conditions of PA	No	Screened out
DECOMMISSIONING PHASE /NA							



An
Coimisiún
Pleanála

Appendix 4

Technical Note: Ecology

R501260TN

Development

Amendments to permitted burial ground extension to Kilternan Cemetery Park.

Location

Ballycorus Road Dublin 18

Planning Authority

Kilternan Cemetery Park Limited

Type of Application

1st Party Appeal

Ecologist

Paula Kearney

Inspector

Suzanne Kehely SPI

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13.0 Introduction

13.1. Background

13.1.1. Case reference PL-501260-DR-26 (Planning Authority (PA), Dun Laoghaire-Rathdown County Council, Ref.: D25A/0333/WEB) relates to a proposal for amendments to a previously permitted extension to Kilternan Cemetery Park, Ballycorus Road Dublin 18 (PA Ref.: D21A/0502). The proposed amendments include the following:

- Provision of a Place of Worship building with a total gross floor area (GFA) of c. 900 sq.m, including worship space, multifunction area, reflection pool, courtyard, family rooms and associated facilities;
- Landscaping, including infilling and regrading works for the Place of Worship building, new planting to supplement existing trees and hedgerows on the site, soft and hard landscaping and boundary treatments;
- Associated amendments to permitted parking, burial plots and related infrastructure to facilitate the siting of the new Place of Worship building;
- All other associated site development works.

13.1.2. The PA sought further information and clarification on ecological matters on 17th June and 22nd December 2026, respectively. Informed by the PA's Biodiversity Officer's report on the submissions in response, the planning authority refused permission by Order dated 31st March 2026. The biodiversity officers report states the following:

- The nature of the development departs substantially from the parent application of D21A/052 whereby a portion of the site which included traditional burial grounds with parking away from the hedgerows, treeline and woodland margins now involves the construction of a permanent building, reflection pool and courtyard with 900sq.m. footprint and fundamentally alters the ecological connectivity of the landscape and

introduces barriers to movement. The installation of this hard vertical structure permanently and irreversibly alters the connectivity of habitats of ecological significance and disturbs the overall function of the Brides Glen Ecological Corridor.

- The EclA fails to sufficiently address the potential impacts of the footprint of the building and abruptness of vertical structure alongside relocated parking and courtyard, to the connectivity. The installation of this would diminish the functional value of woodland and riparian habitat for species
- The EclA fails to consider cumulative impact and combined disturbance along boundaries of key habitats and refuges - displacement of species is likely to arise. It fails to consider daylight hours construction may still disturb nocturnal species during these hours.

13.2. Sope of Report

13.2.1. On the 17th July the Senior Planning Inspector requested expert input from an ecologist to assist in the appraisal of the ecological aspects of the development. The main issue is the reliance on the data and reports submitted in PA case reference D21A/0502, which is considered to be out of date and not relevant in the context of the nature of the proposal development which includes a new structure. Therefore, ecological support is sought on the following:

1. Review of EclA as clarified and Biodiversity Officer for PA report.
2. Review of appeal grounds on matters of ecology and notably associated Veon report in response to ecological issues

13.2.2. My assessment, as directed by the Senior Planning Inspector, responds to their request, as set out under Section 1.2.1 above.

13.2.3. This report includes a review of the application documentation including the Ecological Impact Assessment (EclA), PA documents and 3rd party submissions, drawings and design details on file.

- 13.2.4. In my capacity of Senior Ecologist, with over 25 years professional experience, I have the relevant expertise to advise on ecological matters as they relate to the 1st party appeal.

14.0 Ecological Impact Assessment

14.1. Background

- 14.1.1. An EclA was not submitted with the amendment application to Dun Laoghaire-Rathdown County Council in April 2025. An FI request, informed by an assessment from the Biodiversity Officer, was issued on 17th June 2025 to update the EclA from the planning application D21A/0502, as the building and associated works were not included in the former EclA. In response the applicant submitted a revised EclA on the 1st December 2025 and a further revision to the EclA was submitted to the PA on the 3rd March 2026, following a request for Clarification of FI.
- 14.1.2. The Biodiversity Officer, in their assessment of the Clarification to FI response, found that fundamental deficiencies in the survey and assessment of biodiversity in the revised EclA were not addressed. The deficiencies related principally to the validity of survey data for the amendment application, evaluation of impact and mitigation and conflicts with the Dún Laoghaire-Rathdown County Development Plan including policies on biodiversity and DLR's Biodiversity Action Plan.

14.2. Validity of survey data for amendment application

- 14.2.1. The revised EclA, was informed by ecological field surveys undertaken to inform the EclA for the parent application (D21A/0502) including habitat, general mammal surveys with specific surveys for otter and bats, bird and invasive species surveys were carried out between April and September 2021, with bat surveys carried out between April and September 2021 and January 2022. Additional multidisciplinary surveys, including daytime bat walkover surveys and invasive species surveys, were carried out on three dates in between April and September 2025 to inform the amendment application. It is stated in the EclA that it followed the CIEEM 2018 *Guidelines for Ecological Impact Assessment in the UK and Ireland. Terrestrial,*

Freshwater, Coastal and Marine (Version 1.3), which I acknowledge are the recognised best practice guidelines for EclA.

14.2.2. The Chartered Institute of Ecology and Environmental Management *Advice Note on the Lifespan of Ecological Reports and Surveys* (CIEEM, 2019), provides general advice, in the absence of species or taxa specific guidance, for the lifespan of ecological survey data.

14.2.3. In the CIEEM 2019 advice note, survey data is generally considered likely to be valid for up to 12 months in most circumstances, potentially still valid between 12 to 18 months if there have been no significant changes to the site or species distributions and requiring professional review if older than 18 months. With respect to data that is between 18 months and 3 years old, it is stated that the likelihood of surveys needing to be updated increases with time, particularly for mobile species or in circumstances where the habitat or its management has changed significantly, and surveys over three years old are unlikely to remain valid without substantial updating or up to date fieldwork.

14.2.4. It is stated in the EclA (Veon 2026) “...*that the baseline ecological surveys undertaken for Reg. Ref.: D21A/0502 (Enviroguide final EclA, 2022) were reviewed by Veon Ecology. As these surveys were approximately three years old at the time of initial review, updated site walkover surveys were undertaken to assess any material changes in ecological conditions*”.

14.2.5. I agree with the approach for habitats and invasive species, as the surveys were undertaken in July 2026, which is within the optimum survey period for habitats (April through September)⁴ and identifying invasive species. However, conducting mammal surveys species such as badger and otter, during July is more challenging due to vegetation cover and it is difficult to identify resting places and field signs.

14.2.6. Daytime bat surveys were undertaken on the 16th, 17th, and 24th July 2025 for the amendment application and the findings are discussed in the revised EclA (Veon, 2026) and Preliminary Roost Assessment (Veon, 2026). It is stated in the revised EclA that “*The surveys were undertaken to assess whether the findings of the Ash Ecology & Environmental (AEE, 2022) Bat Survey Report remain broadly consistent,*

⁴ Smith et. al. (2011) *Best Practice Guidance for Habitat Survey and Mapping*. The Heritage Council, Kilkenny.

with no significant changes". They also state that the surveys followed the CIEEM 2019 guidance "...to determine whether new roosts may now be present, whether trees or buildings have developed features not previously recorded, and to assess whether further bat activity surveys may be required.

- 14.2.7. The Preliminary Roost Assessment (Veon, 2026) refers to the application of Marnell (2022)⁵ and Collins (2023)⁶ which are the relevant best practice guidance for bat surveys and mitigation. Collins 2023 guidance refers to the classification system used for Potential Roost Features (PRFs) which includes a grading protocol for assessing structures, trees and commuting/foraging habitat for bats. The protocol is divided into four Suitability Categories: High, Moderate, Low and Negligible. The daytime inspections concluded "...all trees within the 1.25-ha amendment area were classified as having negligible bat roost potential".
- 14.2.8. As per Collins 2023, bat activity surveys are required where development proposals are likely to impact on habitats suitable for flight paths, foraging and social behaviours. The applicant relies on the CIEEM 2019 guidelines to defend their approach regarding bat surveys. Bats are mobile species and the habitats within the subject site have changed significantly since the 2022 surveys, through site clearance and vegetation removal as part of the consented parent application. These changes may have altered foraging and commuting routes and consequently bat behaviour within the site. The applicant did not undertake bat activity surveys of the subject site considering the altered landscape and in the context of the amendments to the parent application which now includes a permanent building and changes to parking provision and associated lighting closer to hedgerows, and woodland margins. Therefore, the bat survey data from 2022 is no longer valid to inform the amendments to the parent consent and is contrary to the CIEEM 2019 guidelines.
- 14.2.9. It is fundamental that biodiversity baseline data are fit for purpose, up-to-date and sufficient. Where the lifespan of ecological survey data exceeds the typical validity period as set out in recognised guidelines, the applicant is required to provide up to date information or justification on the sufficiency of the information provided with respect to site condition, species mobility, species population and distribution trends

⁵ Marnell, F., Kelleher, C. & Mullen, E. (2022). Bat mitigation guidelines for Ireland v2. Irish Wildlife Manuals, No. 134. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage, Ireland.

⁶ Collins, J. (ed) (2023) Bat Surveys for Professional Ecologists – Good Practice Guidelines (4th edn.) The Bat Conservation Trust, London.

and clearly disclose any limitations in reporting. From the information provided, I am not satisfied that the Commission has been provided with the necessary up to date ecological baseline within the subject site to inform the impacts of the proposed development on ecological receptors.

14.3. Evaluation of Impact and Mitigation

- 14.3.1. As I set out under Section 2.2.8 above, the proposed amendments are different to the parent application which now includes a permanent building and changes to parking provision and associated lighting closer to hedgerows and woodland margins. Artificial light at Night (ALAN) can affect insects, birds, mammals, including bats, and aquatic species. Lighting can act as an ecological barrier, fragmenting habitats for sensitive nocturnal and crepuscular species including bats and otter. It also disturbs roosting and breeding birds, disorients migratory birds, disrupts insect ecology and interferes with the foraging activities of nocturnal mammals.
- 14.3.2. An extract from the Public Lighting layout drawing and the Horizontal Luminance (LUX) drawing extracts from Lighting Report (McElligott Consultation Engineers, March 2022) to inform the parent application (D21A/0502) are provided for reference below, under Figure 1, Figure 2 and 3 respectively. An extract from the Public Lighting layout drawing and Horizontal Luminance (LUX) drawing from the amendment application External Lighting Report (McElligott Consultation Engineers, April 2025), is provided for reference below, under Figure 4.



Figure 1 Public Lighting Layout relevant to the subject site from the parent application (D21A/0502)

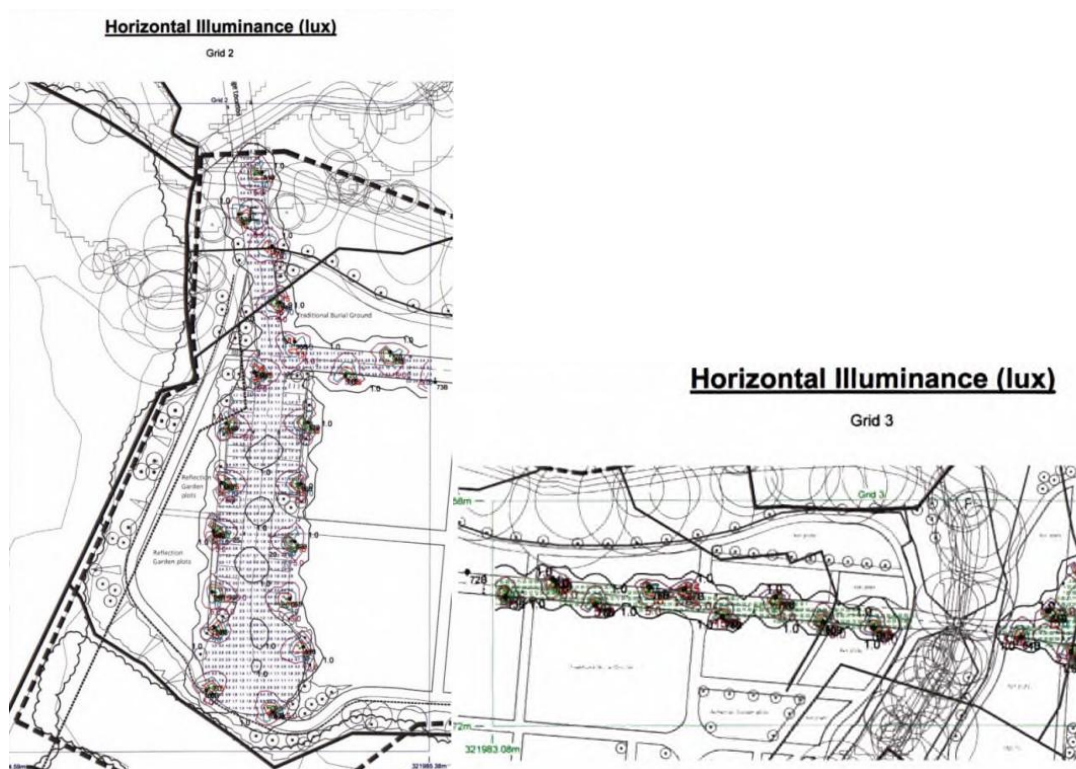


Figure 1 and Figure 2 Horizontal Luminance (LUX) drawing extracts from parent application (D21A/0502)

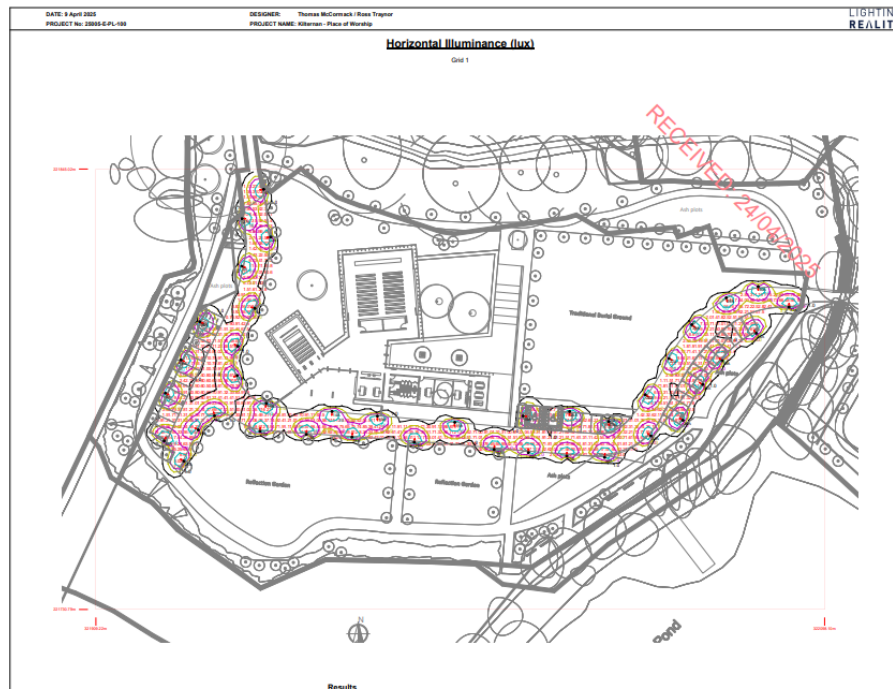


Figure 3 Horizontal Luminance (LUX) drawing extract from amendment application (D25A/0333/WEB)

- 14.3.3. As evidenced in the figures above, the lighting layout differs considerably from the parent application. The impact of public lighting on woodland fringes, treelines, hedgerows, and the river corridor as commuting habitat for bats is discussed in the VEON Preliminary Bat Roost Assessment (February 2026). I acknowledge and welcome that lighting has been removed from bridge and river corridor, however the proposed permanent building, changes to parking provision and associated lighting closer to hedgerows and woodlands and the potential light spill from the buildings' interior on adjacent habitats has not been assessed.
- 14.3.4. The proposed public lighting will comprise LED Bollards at 1.1m high throughout with colour temperature of 3000k stated as 'Dark sky friendly'. It is discussed in the Preliminary Bat Roost Assessment that the mitigation measures are in accordance with the Bat Conservation Trust & Institution of Lighting Professionals Guidance Note GN08/23 Bats and Artificial Lighting at Night (2023). However, the Guidance Note GN08/23 and The Heritage Council's Dark Sky Ireland Environmentally Friendly Lighting Guide propose the use warm colour temperature $\leq 2700\text{K}$ not 3000K as stated in the External Lighting Report.
- 14.3.5. In the Preliminary Bat Roost Assessment, it is recommended that low level lighting that is as directional as possible and below 3 lux at ground level, preferably below 1

lux is used. However, it is also noted in the lighting report that *“It is not possible to light the roadway to 3 lux or preferably below 1 lux at ground level as called up in BAT report with bollards and adhere to any standards”*.

14.3.6. It is acknowledged however in the lighting report that the bollards are time clock controlled, with dusk-to-dawn sensors when the ambient light levels drop below 35 lux, however the site will not be lit up past working hours, which will be limited to 08:30-17:30, Monday to Friday only, with no external lighting in operation at the weekends.

14.3.7. Notwithstanding the above, the Preliminary Bat Roost Assessment concludes that the lighting mitigation measures for bats were fully incorporated into the Lighting Report, however as discussed under Section 2.2.5 above, this is not the case. Therefore, I question the validity of the conclusion on this basis.

14.3.8. In addition, animals that hibernate, such as bats, are particularly susceptible to the adverse effects of shortened winters and fluctuations in temperature as a result of climate change, and studies are showing that some species may emerge in winter. Therefore, public lighting and light spill from the building may also have a negative effect on nocturnal and crepuscular species such as bats, badger and otter commuting and foraging behaviour, which has not been assessed.

14.3.9. The applicant submitted a comprehensive Mitigation Planning document in response to PA Clarification of FI request. However, I consider that it is not feasible, on the basis of the information presented, specifically the validity of the baseline data, to determine whether the mitigation proposed is sufficient to mitigate effects to ecological receptors during construction and operation stages of the proposed development.

14.4. Conflicts with Dún Laoghaire-Rathdown County Development Plan policies

14.4.1. The Dún Laoghaire-Rathdown CDP policy GIB22 states the following *“It is a Policy Objective to protect and promote the conservation of biodiversity in areas of natural heritage importance outside Designated Areas and to ensure that notable sites, habitats and features of biodiversity importance - including species protected under the Wildlife Acts 1976 and 2000, the Birds Directive 1979, the Habitats Directive*

1992, Birds and Habitats Regulations 2011, Flora (Protection) Order, 2015, Annex I habitats, local important areas, wildlife corridors and rare species - are adequately protected. Ecological assessments will be carried out for all developments in areas that support, or have potential to support, features of biodiversity importance or rare and protected species and appropriate mitigation/ avoidance measures will be implemented. In implementing this policy, regard shall be had to the Ecological Network, including the forthcoming DLR Wildlife Corridor Plan, and the recommendations and objectives of the Green City Guidelines (2008) and 'Ecological Guidance Notes for Local Authorities and Developers' (Dún Laoghaire-Rathdown Version 2014)".

14.4.2. Based on my discussion under Section 2.2 and 2.3 above I consider that there is insufficient information regarding the baseline environment, quantitative impacts to habitats and species, to comply with policy GIB22.

14.5. Conclusion

14.5.1. I consider that the documentation submitted in with respect the appeal case reference PL-501260-DR-26 (Planning Authority (PA), Dun Laoghaire-Rathdown County Council, Ref.: D25A/0333/WEB) is inadequate in the context of supporting the findings of the EclA. I consider that there is insufficient information regarding the baseline environment, quantitative impacts to habitats and species, and site-specific mitigation measures, available for the Commission to reach a determination on the likely significant ecological effects from the proposed development.

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

Paula Kearney
Senior Ecologist

5th August 2026