# COMHAIRLE CONTAE ÁTHA CLIATH THEAS SOUTH DUBLIN COUNTY COUNCIL



**MEETING OF SOUTH DUBLIN COUNTY COUNCIL**

**Monday, 11th January 2021**

**HEADED ITEM No.12**

 **Chief Executive’s Report on Public Consultation in relation to the proposed construction of an Integrated Constructed Wetland development on Council owned lands, Dodder Valley Park, Oldbawn, Tallaght, Dublin 24.**

1. **Introduction**

In accordance with the requirements of Part XI of the Planning and Development Act, 2000 (as amended) (the Act) and Part 8 of the Planning and Development Regulations, 2001 (as amended) (the Regulations), South Dublin County Council is seeking planning consent to construct an integrated constructed wetland (ICW) on SDCC lands in Dodder Valley Park, (Killininny and Oldbawn townlands).

This Part 8 proposal is a component of the innovative Dublin Urban Rivers LIFE (DURL) project which is a collaborative project between South Dublin County Council (SDCC), Dun Laoghaire-Rathdown County Council and the EU LIFE Fund Programme. The project aims to transform water quality in a selection of rivers in both counties including the River Dodder, and this proposal is a key component in that transformation

The purpose of this Chief Executive’s Report is to present the outcome of the consultation, to respond to submissions made during the consultation period and to make recommendations in relation to the proposed development where appropriate.

# Site Description

There are two separate sites within Dodder Valley Park, which is located approximately 1.5km to the southwest of the M50/N81 motorway interchange. Both proposed ICW sites are situated on the northern banks of the River Dodder. They are separated by approximately 250m of open amenity grassland. The valley at this location contains significant areas of riparian woodland in the floodplain of the river–however it is not proposed to remove any of this woodland in order to develop the proposed ICW.

# Scheme Description

Development of public realm works totalling approximately 1.6ha at Dodder Valley Park (Killininny and Oldbawn townlands), on South Dublin County Council lands, including:

Build two new Integrated Constructed Wetlands coded DR033 (Drawing: DURL-SDCC-DVP-D008) and DR035 (Drawing: DURL-SDCC-DVP-D009), to treat and improve surface water quality, before discharging to the River Dodder. Proposed works to include wetland planting scheme to treat surface water while offering greater biodiversity to the surrounding area. Proposed new surface water piped links between the existing surface water system and the Integrated Constructed Wetlands and a new surface water outfall to the River Dodder doe wetland DR033. Reprofiling of levels and small landscaping berms within the two proposed ICW green areas. All ancillary site development and landscaping works, including biodiverse planting, furniture, and pathways.

The Department of the Environment, Heritage and Local Government’s Integrated Constructed Wetlands (ICWs) documents sets out the principles of operation and build for ICWs in the context of Ireland. It notes. ‘’An ‘Integrated Constructed Wetland’ (ICW) is a series of shallow, interconnected, emergent-vegetated, surface-flow wetland compartments that receive/intercept water-flows from a variety of sources.’’

The intention of the proposed ICW is to optimise stormwater treatment and integrate the benefits from its associated wetland infrastructure to deliver a wide range of environmental returns, such as the protection and enhancement of biodiversity, the delivery of good ecological status of rivers, the protection of fisheries and improved landscape aesthetics. The general construction of the ICWs is they have a standing water depth of approximately 30 cm, are planted with a variety of native Irish wetland plants. They are sparsely planted in the beginning and within a few years they form lush wetlands. They are low maintenance water purification systems with the added benefit of high-density biodiversity, and are visually appealing

The proposed wetlands will have a typical standing water depth of 30 cm or approximately 1 ft. which is similar to the adjacent River Dodder in low flow. However, the main difference is the wetlands will have a limit to the amount of water it can accept and therefore, the depth of water in the wetland will not fluctuate very much over the year. The wetlands are also expected to be less than 1 meter below the existing ground level at its deepest point and is on average 0.5 meter below existing ground level. Essentially, the wetlands are like having shallow bowls or drains inserted into the grass at the proposed locations. The sides of the DR035 wetland will also have a slope gradient of minimum 1:5. This means, for every meter below ground level the side would be 5 metres wide sloping back up to ground level

Plans and reports for proposed development are shown on the following links:

[Sheet 1 - Dodder Valley ICWs Summary Report](https://consult.sdublincoco.ie/en/system/files/materials/5576/Dodder%20Valley%20Park%20ICW%20Summary%20Report.pdf)

[Sheet 2 - Dodder Valley ICWs Part 8 Drawings](https://consult.sdublincoco.ie/en/system/files/materials/5576/Dodder%20Valley%20Park%20Part%208%20Drawings.pdf)

[Sheet 3 - Dodder Valley ICWs AA Screening Final Report](https://consult.sdublincoco.ie/en/system/files/materials/5576/Dodder%20Valley%20Park%20ICW%20AA%20Screening.pdf)

[Sheet 4 - Dodder Valley ICWs Preliminary Examination EIA](https://consult.sdublincoco.ie/en/system/files/materials/5576/Dodder%20Valley%20Park%20ICW%20Preliminary%20Examination.pdf)

[Sheet 5 - Dodder Valley ICWs Ecological Survey Report](https://consult.sdublincoco.ie/en/system/files/materials/5576/Dodder%20Valley%20Park%20Ecological%20Survey%20Report.pdf)

[Sheet 6 - Dodder Valley ICWs Archaeological Assessment](https://consult.sdublincoco.ie/en/system/files/materials/5576/Dodder%20Valley%20Park%20Archaeological%20Assessment.pdf)

[Sheet 7 - Dodder Valley ICWs Petrifying Spring Assessment](https://consult.sdublincoco.ie/en/system/files/materials/5576/Dodder%20Valley%20Park%20Petrifying%20Spring%20Assessment.pdf)

[Sheet 8 - Dodder Valley ICWs Hydrogeology Assessment](https://consult.sdublincoco.ie/en/system/files/materials/5576/Dodder%20Valley%20Park%20Hydrogeology%20Assessment.pdf)

# Public Consultation

Plans and particulars of the proposed development were on public display for over six weeks from 5th November 2020 to 18th December 2020 (inclusive). During the public consultation, information on the integrated constructed wetland (ICW) development was disseminated to the public and submissions were invited.

The public consultation on the proposed affordable housing development included the following statutory and non-statutory elements:

* Notice in the Echo newspaper.
* Public consultation displays in South Dublin County Council offices at County Hall in Tallaght.
* Information on social media (Facebook and Twitter).

Submissions and observations on the integrated constructed wetland (ICW) development could be made online and in writing for a period of over six weeks from 5th November 2020 to 18th December 2020 (inclusive).

# Legislative Background

Section 179 (3) (a) of the Act, requires that the Chief Executive shall, after the end of the public consultation period, prepare a written report in relation to the proposed development and submit the report to the members.

Section 179 (3) (b) of the Act outlines that a report shall—

1. Describe the nature and extent of the proposed development and the principal features thereof and shall include an appropriate plan of the development and appropriate map of the relevant area.
2. Evaluate whether the proposed development would be consistent with the proper planning and sustainable development of the area to which the development relates, having regard to the provisions of the Development Plan and giving the reasons and the considerations for the evaluation.
3. List the persons or bodies who made submissions or observations with respect to the proposed development.
4. Summarise the issues, with respect to the proper planning and sustainable development of the area in which the proposed development would be situated, raised in any such submissions or observations, and give the response of the Chief Executive thereto. and,
5. Recommend whether the proposed development should be proceeded with as proposed, or as varied or modified as recommended in the report, or should not be proceeded with, as the case may be.

Under Section 179(4) of the Act, the elected members shall, as soon as practicable, consider the proposed development and the report of the Chief Executive. Following the consideration of the Chief Executive's report, the proposed development may be carried out as recommended in the Chief Executive's report, unless the local authority, by resolution, decides to vary or modify the development, otherwise than as recommended in the Chief Executive's report, or decides not to proceed with the development. A resolution must be passed not later than six (6) weeks after receipt of the Chief Executive's report.

# Environmental Impact Assessment and Appropriate Assessment

The proposal has undergone an Appropriate Assessment Screening under the Habitats Directive (92/43/EEC). This Council has determined that the implementation of the proposed development is not likely to have significant adverse eﬀects on the integrity or conservation objectives of any Natura 2000 network of sites.

It has also undergone a preliminary examination for an Environmental Impact Assessment and the Planning Authority has concluded that there will be no real likelihood of significant effects on the environment arising from the proposed development and therefore an Environmental Impact Assessment is not required.

As a result of the above, in accordance with Part XI of the Act, the elected members of the Council can consider the proposed construction of integrated constructed wetlands (ICW’s) development on SDCC lands in the Dodder Valley Park, Oldbawn, Tallaght, Dublin 24, under Part 8 of the Regulations.

# Other Assessments

It has also undergone a preliminary examination for an Ecological Assessment and the Planning Authority has concluded that there will be no real likelihood of significant effects on the environment arising from the proposed development.

It has also undergone a preliminary examination for an Archaeological Assessment and the Planning Authority has concluded that there will be no real likelihood of significant effects arising from the proposed development.

It has also undergone a preliminary examination for a Hydrogeological Assessment and the Planning Authority has concluded that there will be no real likelihood of significant effects on groundwater arising from the proposed development.

It has also undergone a preliminary examination for a Petrifying Spring Assessment and the Planning Authority has concluded that there will be no real likelihood of significant effects on a local Annex I petrifying spring arising from the proposed development.

# Outcome of Public Consultation Programme

A total of two (2) submissions/observations were received.

A list of all persons, organisations and bodies that made submissions is provided in the table below together with links to copies of the submissions received:

|  |  |
| --- | --- |
| **Person/Prescribed Body** | **Link to Submission** |
| Tallaght Community Council (TCC)  | [Link](https://consult.sdublincoco.ie/en/submission/sd-c169-2) |
| Inland Fisheries Ireland (IFI) | [Link](https://consult.sdublincoco.ie/en/submission/sd-c169-1)  |

# Summary of Issues Raised and Chief Executive’s Responses and Recommendations

The **Tallaght Community Council’s** submission is supportive of wetlands generally but questioned the siting at the locations chosen and queried why other location were not chosen.

The submission supports the ICW on the sloped site but had a number of concerns in relation to the second site. The Heritage of the site and the history of Mills was raised. The existing sports use and conflict with nature of a wetland with these uses. TCC requested that the wetland bring colour to the park and not just shades of green. Sightlines for personal safety were raised, as were fly-tipping and the type of fencing proposed.

# Response:

The support for wetland in the submission is acknowledges. The EU funded Dublin Urban Rivers Life Project (DURL) has a specific purpose in relation to improving the water quality in the rivers in South Dublin. This is the removal of pollutants from the surface water drainage network prior to discharge to the rivers and streams in the county. The siting of the proposed wetland went through a detail process in order to achieve this goal and there were only a limited number of locations meeting the requirements.

In relation to the heritage of the location as highlighted in the submission, as part of this planning process an Archaeological Assessment of the location was carried out. The milling heritage of the area is in the report, no known archaeological monuments within the footprint or 100m buffer around the proposed ICW’s. The recommendation in the report in relation to archaeological monitoring and the National Monuments Service will be followed through the design and construction process, should planning be approved.

In relation to the compatibility with other uses such as sport and recreation, the ICW can add to the amenity value and the enjoyment of the park for park users. As the ICW is close to the river Dodder it will add to the biodiversity that currently exists along the riparian zone of the river.

The ICW will be planted with some flowering species as outlined in the Summary report, the items raised in relation to dumping and fencing will be assessed during the design process should planning be granted.

The **Inland Fisheries Ireland** submission raised a number of items as follows:

IFI highlighted that ICW’s are only part of the solution and the door-to-door inspections and encouraging proper connection of grey water to the foul sewer is also important.

IFI have requested to see the detailed design to endure that the riparian zone is protected and that it is an environmentally sensitive design. All construction work must be done in line with a detailed site specific Construction Environmental Management Plan (CEMP), using the best construction practices and minimise the generation of sediment and silt. IFI also suggested a comprehensive water quality programme of physico-chemical and biological parameters in order to confirm the treatment performance of the ICW and the impacts on the receiving waters.

# Response:

Work in relation to door-to-door inspection and encouraging proper connection to the foul sewer is also part of the Dublin Urban Rivers Life Project (DURL) and will be progressing as part of the DURL project. In relation the design process the DURL project will liaise with IFI through the process. The requirement for a detailed site specific Construction Environment Management Plan (CEMP) will be included in the tender process and in place for the construction phase should the development be approved. Finally in relation to a comprehensive water quality programme, water quality monitoring is currently happening and will continue throughout the DURL project.

# Recommendation

Following detailed contemplation of the submission as outlined above it is considered that the issues raised in those submissions are appropriately responded to and can be satisfactorily addressed where appropriate as outlined in the foregoing report.

Accordingly, it is considered that the proposed development, as advertised, is in accordance with the proper planning and sustainable development of the area, the County Development Plan 2016-2022 with no amendments required and therefore it is recommended that the Council adopt the following Motion:

*“As the proposed development is in accordance with the proper planning and sustainable development of the area, the Council approves the development of an integrated constructed wetland (ICW) and new stormwater outfall on Council owned lands in* Dodder Valley Park, (Killininny and Oldbawn townlands)*.”*

*Daniel McLoughlin 4th January 2021*

Chief Executive Date