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Dublin Simon Community  
c/o Eva Bridgman  
Downey Planning

Planning Reference: SD22A/0412

15<sup>th</sup> September 2023

Dear Eva,

With reference to your project at Old Nangor Road, Clondalkin, Dublin 22 it is noted that South Dublin Council have made the following observations as part of their request for further information dated November 1<sup>st</sup> 2022:

*1. The Planning Authority has concerns regarding the proposed development located directly over an existing culverted stream. It is council policy to open culverted streams where possible and to require a minimum setback distance of 10m to a structure.*

*(i) the applicant is required to investigate the culvert and to provide further details with relation to its location, quality, flow and course.*

*(ii) the applicant is required to explore alternative design solutions to provide for a minimum 10m setback from the culvert or alternatively demonstrate that development as proposed is appropriate by including all necessary mitigation measures or engineering details / design solutions to ensure that the proposal would not result in an unacceptable impact on the culverted stream or riparian zones.*

The council policy that is referred to relates to Green Infrastructure and is taken from the South Dublin County Development Plan 2022-2028:

**GI3 Objective 3:**

*To promote and protect native riparian vegetation along all watercourses and ensure that a minimum 10m vegetated riparian buffer from the top of the riverbank is maintained / reinstated along all watercourses within any development site.*

There are good reasons for this objective as many of the waterways in and around Dublin have been culverted or enclosed in artificial embankments, resulting in negative effects to biodiversity and water quality. These kinds of modifications remove riparian habitats and particularly impact upon migratory fish, such as Atlantic Salmon *Salmo salar*, European Eel *Anguilla anguilla* and Lamprey *Lampetra sp.* 'Day-lighting' (i.e. reopening) culverts can restore the upper reaches of rivers for these species as well as offering opportunities to reinstate riparian habitat. It can also provide resilience to changes in hydrological patterns, particularly in view of changes to the climate.

The proposed development occurs on a site through which a former mill race flows. This is a diversion from the nearby River Camac. The route of the mill race was investigated by IE Consulting for this FI response and the figure below is reproduced from this report. It shows that water from the mill pond, south of the proposed development site, enters a culvert on Mill Lane and travels in a straight line, in a northerly direction, to the culvert outlet at the River Camac.

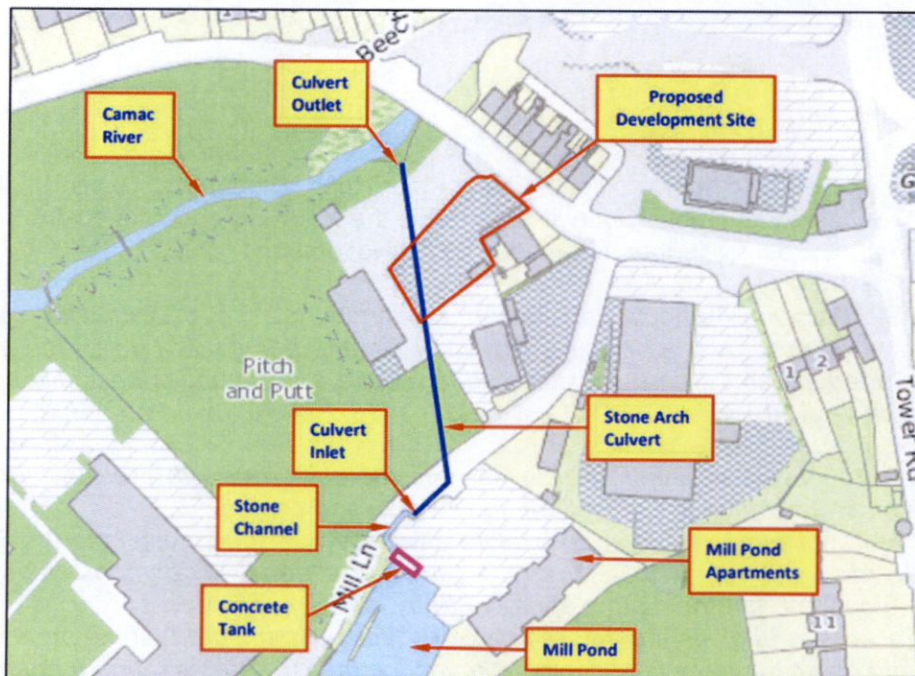


Figure 1 - Culvert Layout Plan

This shows that the mill race is not a natural water course. Indeed, it is not identified as a water course by the Environmental Protection Agency.

The River Camac in this location (water body code: IE\_EA\_09C020500) is assessed as 'poor status' under the Water Framework Directive period 2016-2021. The river has not been identified as a priority area for action. This sub-catchment (Liffey SC\_090) has been analysed and in 2019 21 out of the 34 water bodies were failing to reach the required 'good status'. The significant

pressures include culverts as well as combined sewer overflows, diffuse runoff, industry, farm yards and unidentified 'anthropogenic pressures'.

Indeed, substantial portions of the River Camac are culverted including under the Mill Shopping Centre and the Ninth Lock Road, immediately downstream of the proposed development site, while further downstream it flows under a number of roads, including the M50 motorway. Substantial sections are culverted underneath the JFK Industrial Estate.

In 2022, the EPA proposed designating two waterbodies along the River Camac as 'highly modified', which would essentially remove the requirement for restoration of hydromorphology in order to achieve 'good status'. A decision on this has not yet been made and the third River Basin Management Plan has not been published.

The mill race underneath the proposed development site is not a natural water course and never was. For this reason objective GI3 Objective 3 of the County Development Plan does not apply.

Daylighting this culvert would not improve ecological connectivity for aquatic species as it is already diverted from the main channel of the River Camac and it would not help in the work needed to achieve 'good status' throughout the length of the River Camac (as it is not a water course to start with).

Following receipt of the FI, written consultation was requested of Inland Fisheries Ireland (IFI). This outlined the proposed project and why it is the view of the developer that daylighting the culvert, and instating a 10m setback would render the project inviable. A written response from IFI was not received.

The possibility of diverting the culvert around the footprint of the proposed building was explored. According to Hayes Higgins Partnership:

*The current layout of the culvert and possible alternative layouts and design of the culvert on the site were considered with IE consulting as part of the overall design for the development. Opening up of the culvert on the site was considered however, there is a risk of drowning, possibility it could be subject to pollution by waste given its proximity to residential units and also the increased risk of vermin associated with such watercourses. Also, opening up of the culvert can present a residual flood risk due to potential culvert blockage and/or culvert surcharge which would present a significant risk to this development. On this basis opening up of the culvert is not considered feasible. Good practice is for culverts to be as straight runs where possible to maintain a steady hydraulic profile through the culvert and limit the potential for blockage. Having considered this, it is deemed best to maintain the current location of the culvert.*

This text is taken from the FI response.

Therefore the only option left to the developer is to reinstate the culvert along its existing route.

It is my view that daylighting the culvert through which the mill race runs would provide minimal ecological benefit for aquatic species and would provide no benefit at all in terms of reaching the aims of the Water Framework Directive. It is also my view that because it is not a water course, GI3 Objective 3 of the County Development Plan does not apply.

Yours sincerely,

Pádraic Fogarty

#### About OPENFIELD Ecological Services

OPENFIELD Ecological Services is headed by Pádraic Fogarty who has worked for 25 years in the environmental field and in 2007 was awarded an MSc from Sligo Institute of Technology for research into Ecological Impact Assessment (EclA) in Ireland. Since its inception in 2007 OPENFIELD has carried out numerous EclAs for Environmental Impact Assessment (EIA), Appropriate Assessment in accordance with the EU Habitats Directive, as well as individual planning applications. Pádraic is a full member of the Institute of Environmental Management and Assessment (IEMA).