



An  
Bord  
Pleanála

## Inspectors' Report

### ABP-304624-19

#### Development

Greenway between Malahide Demesne and Newbridge Demesne to be known as 'Broadmeadow Way'.

#### Location

Malahide Demesne, Kilcrea, Newbridge Demesne, Donabate, Fingal, County Dublin.

#### Planning/Roads Authority

Fingal County Council

#### Type of Application

175(3), 177 AE, 177S(2)(h) and 226 of the Planning and Development Act, 2000, as amended.

#### Prescribed Bodies

listed in Appendix 1 of report.

#### Observers

listed in Appendix 1 of report.

#### Date of Site Inspection

23<sup>rd</sup> October 2019.

#### Inspectors

Patricia Calleary

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## **1.0 Introduction**

- 1.1. This report relates to an application for approval under sections 175(3), 177AE, 177S(2)(h) and 226 of the Planning and Development Act, 2000, as amended, to carry out the development of a shared cycle and walkway, as a new greenway in the administrative area of Fingal County Council. The application has been accompanied by an Environmental Impact Assessment Report and a Natura Impact Statement. A parallel application with a file reference ABP-304645-19 was also received by the Board from Fingal County Council, which sought the confirmation of a compulsory purchase order (CPO) to facilitate the delivery of this greenway. An initial objection in relation to the CPO application was subsequently withdrawn, therefore, the Board has no further role in that application.

## **2.0 Site Location and Description**

- 2.1. The greenway would travel along a linear site extending c.6km in length between Malahide Castle and Newbridge House and their surrounding parklands. The site travels through various landscapes including demesne landscapes and parklands, estuarine/coastal landscape (foreshore), rural/agricultural lands and urban and residential environments. It commences at Malahide Demesne, then travels along the northern side of the R106 regional road, through a residential laneway (O'Hanlon's Lane) and onto Bissets Strand. At that point it rises to the same level as the Dublin to Belfast railway embankment and crosses Malahide Estuary alongside the existing railway line. The site continues through agricultural lands at Kilcrea and crosses the River Pill at two locations. It continues onwards to Corballis road and then travels westwards through agricultural lands, after which it crosses the new Donabate Distributor road (Phase1). Thereafter it crosses Hearse Road and travels onwards to its finishing point at Newbridge Demesne.

## **3.0 Proposed Development**

### **3.1. Overview**

- 3.1.1. The proposed development, referred to as the Broadmeadow Way, would comprise a shared cycle/walkway as a new greenway for use by cyclists and pedestrians. The

full extent of the proposed greenway is represented on the planning drawings, which accompany the application and an overview of the route design is set out in Section 4.1 of the applicant's submitted planning report. The physical elements of the proposed development are set out in detail on the public notice.

3.1.2. The overall development has been divided by the applicant into six sections as follows:

- Section 1 – Malahide Demesne;
- Section 2 – R106 Dublin Road, Malahide;
- Section 3 – R106 Dublin Road to Bissets Strand;
- Section 4 – Bissets Strand to the North Shore of Malahide Estuary;
- Section 5 – North Shore of Malahide Estuary to R126 Hearse Road;
- Section 6 – Newbridge Demesne;

3.1.3. The majority of the greenway would be four metres in width except at locations where it would use existing laneways or pathways. It would be finished with a macadam surface. A security fence, 2.4m in height, is proposed to be erected along the eastern side of the greenway where it would run adjacent to the Dublin-Belfast railway line.

3.1.4. The construction period is estimated to last 28 weeks. Two site construction compounds are proposed to be established for the duration of the construction period, one at Bissets Strand and the other adjacent to the bridge, south of Corballis Road.

3.1.5. It is stated that the purpose of the proposed greenway is to deliver a safe, high-quality shared cycle and pedestrian path targeted at tourists, day-trippers and local users.

## 3.2. **Accompanying documents**

3.2.1. The application was accompanied by the following documents:

- Environmental Impact Assessment (EIAR) including four volumes;
- Preliminary Environmental Impact Assessment Examination Report;
- Natura Impact Statement (NIS);

- Planning Report;
  - Planning Drawings.
- 3.2.2. Following submissions by observers and prescribed bodies during the course of the application, a written response from the Local Authority was received by the Board on the 22<sup>nd</sup> day of November 2019.
- 3.2.3. As the proposed development would cross the foreshore along the railway causeway, a separate application to the Office of Public Works (OPW) for a foreshore licence or foreshore lease would be required and the applicant has stated their intention to seek a foreshore lease from the OPW in this regard.

## 4.0 Planning History

- 4.1.1. Planning history of specific relevance to the proposed development in the vicinity of the site includes the approval of the Donabate Distributor road – Phase 1, summarised as follows:
- **PL06F.HA0031** – An Bord Pleanála approved the development of Phase one of the Donabate distributor road, approximately 4km in length at Donabate village on the 19<sup>th</sup> day of July 2011 under Section 51 of the Roads Act, 1993, as amended.
- 4.1.2. Other greenway/cycleway proposals which have been considered by the Board include the following:
- **PL07.JA0033** –An Bord Pleanála approved the proposed Connemara Greenway Project - Clifden to Oughterard, County Galway, comprising the development of a walking/cycle track over a distance of approximately 52 kilometres on the 8<sup>th</sup> March 2013 under Section 175 of the Act.
  - **PL16.JP0015** –An Bord Pleanála approved improvements to the R319 regional road and the Great Western Greenway over a length of approximately 1km in the townlands of Owenduff and Tonregee East, County Mayo on the 8<sup>th</sup> of July 2013 under Section 177AE of the Act.
  - **PL06F.300840** –An Bord Pleanála approved a cycleway and footpath between Baldoyle and Portmarnock, County Dublin over a distance of

approximately 1.8 kilometres on the 24<sup>th</sup> of July 2018 under Section 177AE of the Act.

- **L26.301076** –An Bord Pleanála refused to approve the development of a cycle and pedestrian access route (greenway) from Wexford to Curracloe over a distance of 10.7 kilometres on the 16<sup>th</sup> of October 2018 under Section 177AE of the Act.
- **PL08.302450** - An Bord Pleanála are currently considering an application for the South Kerry Greenway under Section 51 of the Roads Act, 2015, as amended, comprising the construction of a 32 kilometre long greenway on the corridor of the abandoned railway line with off-line sections being constructed on adjacent lands and local roads.

## **5.0 Policy Context**

### **5.1. Introduction**

- 5.1.1. The following sets out a list of applicable national, regional and local policy relevant to the assessment of the application.

### **5.2. National Policy**

- 5.2.1. National policy of relevance, which is considered in the planning assessment, includes the following:

- Climate Action and Low Carbon Development Act, 2015;
- Climate Action Plan 2019 (Government of Ireland);
- Project Ireland 2040 - National Planning Framework (NPF) (Government of Ireland);
- Strategy for the Future Development of National and Regional Greenways (2018) (Department of Transport, Tourism and Sport);
- Our Sustainable Future – A framework for Sustainable Development for Ireland 2012 (Government of Ireland) and 2015 progress report;

- People, Place and Policy - Growing Tourism to 2025 (Department of Transport, Tourism and Sport, 2015);
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) (2009) (Department of Heritage and Local Government);
- Smarter Travel – A sustainable Transport Future: A new Transport Strategy for Ireland 2009-2020 (Government of Ireland);
- National Cycle Policy Framework 2009-2020 (Department of Transport);
- A Strategy for the Development of Irish Cycle Tourism 2007 (Fáilte Ireland);
- Irish Trails Strategy (2007);
- Get Ireland Walking Strategy and Action Plan 2017-2020 (Sport Ireland);
- Get Ireland Active (The National Physical Activity Plan for Ireland) 2016 (Government of Ireland);
- Healthy Ireland Framework 2013-2025 (Government of Ireland);
- National Cycle Manual (2011) National Transport Authority (NTA);
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices) (2009).

### 5.3. Regional Policy

5.3.1. Regional policy documents of relevance include the following:

- Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region & Dublin Metropolitan Area Strategic Plan (MASP) 2019-2031;
- Transport Strategy for the Greater Dublin Area, 2016-2035 (NTA);
- Greater Dublin Area Cycle Network Plan 2013 (NTA).

## 5.4. Local Policy

5.4.1. Local statutory planning policy for the subject site is contained within the **Fingal Development Plan 2017-2023**. Within the plan both Malahide and Donabate are identified as moderate sustainable growth towns. The strategic vision for the County, set out in the Plan, includes objectives to:

- Consolidate urban areas to provide a vibrant, attractive environment for living and working, facilitating efficient movement by sustainable modes of transport throughout the County;
- Protect and enhance green infrastructure (including landscape and nature conservation areas);
- Promote active and healthy lifestyles through increased opportunities for walking, cycling and active sport and recreation.

5.4.2. Of particular relevance are **Local Objective 43**, which seeks the completion of Broadmeadow Way between Malahide and Donabate during the lifetime of the plan and **Local Objective 39**, which supports the provision of a public walkway/cycleway on land to the west side of the train line in Donabate and along the existing railway embankment across the Malahide Estuary. **Objective NH03** requires the implementation of the Fingal Biodiversity Plan 2015 and any revisions thereof. Fingal Biodiversity Action Plan 2018 – 2023 is currently in preparation.

5.4.3. Other relevant chapters of the Development Plan are set out and discussed in the Planning Assessment section of this report under the heading of 'Policy Considerations'.

### 5.4.4. Donabate Local Area Plan 2016

Section 4.1.2 sets out provisions for greenways (Improving Accessibility and Creating Links). Section 4.1.7 sets out that the Broadmeadow Way is a critical link in the Fingal Coastal Way route. Figure 4.2 presents a map showing existing and indicative sections of proposed walkways on Donabate peninsula.



## **6.0 Consultation**

### **6.1. Observations**

- 6.1.1. A total of 29 submissions were received from observers. There is broad welcome expressed for the proposal, however, specific issues regarding elements of the proposal, including the chosen route are raised as concerns. A summary of these concerns is set out below.

#### **Connectivity**

- greenway should connect with Donabate village and train station and also Malahide village and train/Dart station. It should also connect with the proposed Metrolink at Lissenhall, Swords and with wider urban settlements and sporting facilities;
- proposal forces a single means of engagement with the scheme, i.e. by driving to the car park at one end and cycling to the other, thus promoting the unsustainable use of the car to access the greenway;

#### **Design and Amenity**

- visual impact has not been clearly set out and urges the use of high quality materials;
- design does not meet standards for passing distances, as set out in the National Cycle Manual or UK Cycleway design standards;
- height of wall along the west side of the section of the greenway from Bissets Strand to north shore of Malahide Estuary is excessive and would create a tunnel like effect with almost no passive security;
- requests that the proposed 1.4m high wall along the route as it crosses the Broadmeadow Estuary would be replaced with a 1m high local stone wall and, if appropriate, topped with a horizontal aluminium rail;
- based on information provided in the NIS, it appears that the main disturbance on birds would be caused by human leg movement and therefore it would not be necessary to provide a 1.4m high wall along the western side of the proposed greenway in the section that traverses the causeway. Such a proposal for a 1.4m high wall would create a long corridor with a tunnel effect,

would lack passive security and would undermine the success and safety of the greenway;

- suggests that a 1.1m high solid wall may be sufficient and points to anomalies and confusion on certain drawings. Refers to examples whereby lower wall heights were constructed at comparable locations;
- another submission also raises concern that 1.4m parapet height may not be sufficient height having regard to cyclists centre of gravity. A copy of a technical note on 'Parapet heights on Cycle routes (2012)' prepared by Sustrans, a UK walking and cycling charity is attached to that submission;
- attractiveness of the route is reduced in places where excessive use of fencing is proposed and any security fencing proposed should be softened with appropriate landscape;
- design width of 4m would be too narrow when constraints are taken into account and suggests the width should be increased to 5m;
- no attempt has been made to reduce the sharp turns that could be averted by acquiring lands at these locations;
- a number of location specific issues are set out in relation to individual sections of the proposed route;

### **Impacts on European Sites**

- concerns that the impacts of higher pressure treated timber on the Malahide Estuary Special Protection Area (SPA) species have not been considered;

### **Biodiversity**

- concerns raised regarding loss of trees and hedgerow habitats and corresponding threats to biodiversity;

### **Traffic and Road Safety**

- sightlines fall below the standards in the National Cycle Manual and there are a number of blind spots along the route;
- gradients fall short of required standards in places posing a safety risks to users, including school children and service vehicles;

- proposed pedestrian crossing of Caves Strand (Bissets Strand) is at an unsuitable location;
- toucan crossing recently constructed (but not yet operational) located on east side of Hogan's gate is a preferred location than that planned for toucan crossing on western side of Hogan's gate;
- increased traffic generated by pedestrians and cyclists would lead to a traffic hazard at Hogan's gate entrance to Malahide Castle. Traffic would also impact on the Casino Apartment development and the adjoining Presbyterian Church and the infant school;
- proposed traffic management system at the Bissets Strand railway bridge needs to be developed to include alternative options (e.g. flashing amber system or user activation system instead of the stop/go system proposed);
- in accordance with TII Guidance - Rural Cycleway Design – DN-GEO-03047, the greenway, catering for high volumes of users, should be increased to 5m in width;
- increased parking at Bridgefield car park (off the R106 Dublin Road) may not have sufficient capacity;

### **Flood Risk**

- proposal should be future-proofed against flooding;

### **Concerns regarding impact a landowner's farm (Farm 6)**

- severance of farm, whereby it would be separated from the house and farm buildings would be damaging and is unnecessary and could be avoided by designing the route around the entire farm or use of other routes, including a route to the north;
- of the five routes considered by the applicant, Option 2 would run south of the landowner's entire farm and this option should have emerged as the most preferred route when safety, integration and construction impacts were assessed;

- alternative route, making use of the cycle lanes on the new Donabate distributor road, would result in the delivery of the greenway without the need for duplication of cycleways, paths and would eliminate farm severance;
- route selection process conducted was flawed for reasons outlined, including that it failed to consider the non-severance route north of the farm;
- use of an underpass for farm animals to be shared with users of the greenway would result in animal fouling occurrences leading to risk of infection and slip/falls for its users;
- the development of the greenway on this farmlands would be incompatible with the High Amenity (HA) zoning;
- landowners privacy and security would be negatively impacted;

## 6.2. Concerns regarding the use of O’Hanlon’s Lane

- increased pedestrian and cycling traffic would result in a serious traffic hazard and diminish residential amenity for those living on O’Hanlon’s Lane because of the inadequate width, poor horizontal alignment of the lane and lack of adequate sightlines at the Dublin Road junction;
- states disagreement with conclusion reached that the option chosen at this location (Option 3) of five options is the most technically suited;
- concern raised that service providers/contractors (e.g. waste collection and fuel delivery) might withdraw service;
- would impact on children attending St. Sylvester’s infant school;
- trimming of hedges is proposed without consultation with residents and would impact negatively on the biodiversity of the area;
- development would result in the erosion of rural character;
- suggests an alternative proposal would be to route the greenway through the development at the Casino apartment development which would have an advantage of linking the route with the train station.

### 6.3. Submissions received from Prescribed Bodies

6.3.1. The Board received written submissions from prescribed bodies and the principal points set out are summarised below.

#### **Department of Culture, Heritage and Gaeltacht (DCHG): National Parks and Wildlife Service (NPWS)**

- increased human presence may cause disturbance to diving bird species that occur close to the railway embankment;
- potential disturbance to special conservation interest bird species of Malahide Estuary SPA, including in particular Red Breasted Merganser, Great Crested Grebe and Goldeneye;
- assessment should be undertaken for **individual bird species** to determine significance of impacts using data sets already available/ collected;
- mitigation measures to prevent or reduce bird disturbance within 300m of the causeway should include continuous screening along the length of the causeway;
- mitigation measures need to prevent egress of people and dogs to agricultural lands on the Northern Shore of Malahide Estuary and onto the shore (to avoid disturbance of birds including Greenland white fronted geese);
- confirm no loss of Annex I habitat-Sand and Gravel Shores on the northern shore of Malahide Estuary;
- monitoring should be targeted at bird species at risk of disturbance. Duration of ecological monitoring should be determined using data from other greenway projects;
- remedial measures need to be considered and included in the NIS (if monitoring shows disturbance impacts);
- impact of night time illumination of the causeway area on birds needs to be considered;
- the proposed works are unlikely to pose a risk to marine Annex I habitats provided mitigation is implemented in full;

#### **Inland Fisheries Ireland (IFI)**

- need to consider fish in the assessment;

- importance of River Pill/Turvey for Sea Trout and Brown Trout;
- Broadmeadow System also supports small population of Atlantic Salmon and Brown Trout;
- measures to prevent siltation and release of hydrocarbons into the watercourses and Estuary need to be included and any discharges arising would need to be in compliance with surface water and groundwater regulations;
- construction management plan should be implemented ensuring compliance with environmental legislation and statutory consents;
- detailed drawings and method statements to be agreed with IFI in relation to Malahide crossing and River Pill/Turvey;

#### **Transport Infrastructure Ireland (TII)**

- response received, no specific observations;

#### **National Office for Environmental Health Services**

- states that on review of the application, it is not anticipated that any later consents would be required;
- recommends that any wells in the vicinity of the site should be tested in advance of construction, during the course of the works and in the year following completion of the works;
- local residents should receive regular updates of the progress of the project construction and the contractor should give 24 hours notice to sensitive receptors in advance of critical phases of the works;

#### **Irish Aviation Authority**

- response received, no observations;

#### **DAA (two responses on file)**

- responses received, no observations;

#### **Fáilte Ireland**

- expresses support for the proposal from a tourism perspective and notes that walking and cycling are popular activities among overseas visitors;

## **Geological Survey of Ireland (GSI)**

- there is a County Geological Site (CGS) located proximate to the proposed development, Malahide Point, Co. Fingal (GR 324000 246000) and no impact on the integrity of CGSs is envisaged as a result of the proposed development;
- states that GSI would like to offer its assistance with interpretative signs along the greenway to explain the geological features;

## **Department of Public Health - HSE East**

- expresses support for the proposal which it stated would be fully in-keeping with the Healthy Ireland National policy for improved health and wellbeing 2013-2025, and greenways are important for population health, as they provide infrastructure for physical activity for multiple users;

## **Dún Laoghaire-Rathdown County Council**

- notes the proposed greenway is part of the Cycle Network Plan for the Greater Dublin Area;

### **6.4. Local Authority's response to Submissions and Observations**

- 6.4.1. Submissions made by prescribed bodies and observers were circulated to the local authority. Comments made in the local authority's response are on file and are considered in the assessment below.

## **7.0 Assessment Overview**

### **7.1. Introduction**

- 7.1.1. This application is made under sections 175(3), 177AE, 177S(2)(h) and 226 of the Planning and Development Act, 2000, as amended in which approval for development of a shared cycle and walkway, as a new greenway is sought.
- 7.1.2. **Section 175(3)** requires that where an EIAR has been prepared, the local authority shall apply to the Board for approval. In addition, section 175(6)(a) requires that prior to making a decision in respect of a proposed development under this section, the Board shall consider the EIAR, submissions and observations and other information furnished relating to the likely effects on the environment and the likely

consequences for proper planning and sustainable development in the area in which it is proposed to situate the development.

- 7.1.3. **Section 177AE(3)** requires that where a NIS has been prepared, the local authority shall apply to the Board for approval. Section 17AE(6)(a) requires that prior to making a decision, the Board shall consider the NIS, submissions and observations and other information furnished relating to the likely effects on the environment and the likely consequences for proper planning and sustainable development in the area in which it is proposed to situate the development and the likely significant effects of the proposed development on a European Site.
- 7.1.4. Under **Section 177S(2)(h)** the Board is the competent Authority for the purpose of carrying out Appropriate Assessment under the Habitats Directive.
- 7.1.5. **Section 226(1)** sets out that where development is proposed to be carried out wholly or partly on the foreshore by the local authority, the local authority concerned shall apply to the Board for approval of the proposed development. Section 226(2)(a) sets out that the Board may approve, approve subject to conditions, or refuse to approve the proposed development.
- 7.1.6. The assessment below is set out in three sections under the following headings.
- Section 8.0 - Planning Assessment;
  - Section 9.0 - Environmental Impact Assessment;
  - Section 10.0 - Appropriate Assessment.

## **8.0 Planning Assessment**

### **8.1 Introduction**

- 8.1.1. The proposed development, known as Broadmeadow Way, would comprise the construction of a greenway route for pedestrian and cyclist use from Malahide Castle to Newbridge House and their surrounding regional parklands in Fingal. It is proposed that the greenway would ultimately form part of the proposed 'Fingal Coastal Way', which is a strategic greenway that is proposed to extend along the coast between Kilbarrack to the County boundary north of Balbriggan town. It would also form part of the NTA's greater Dublin Area Cycle Network.



8.1.2. The topics that are particularly relevant to the planning assessment and which are considered in this section of the assessment include the following:

- Policy Considerations
- Justification and Purpose
- Residential Amenity
- Traffic and Transportation
- Flood Risk
- Other (Security Fencing and Wall/Parapet Height)

## 8.2. Policy Considerations

### 8.2.1. National Policy

The **Climate Action and Low Carbon Development Act, 2015** underpins the national objective of moving to a low carbon, climate resilient and environmentally sustainable economy.

**Climate Action Plan 2019** (Government of Ireland) was prepared in response to Agenda 2030 and the Paris Agreement on climate change. Key policies of relevance to the assessment of the current proposal include expansion of walking, cycling and public transport to promote modal shift. There is a particular emphasis on the safety of cyclists, expanding greenways, and the development of over 200km of new cycling network under Dublin BusConnects.

At a strategic planning level, the importance of greenways is identified in **Project Ireland 2040 - National Planning Framework (NPF)** (Government of Ireland). National Policy Objective 22 encourages tourism development and in particular a National Greenways, Blueways and Peatways Strategy. National Policy Objective 27 encourages healthy communities through the provision of alternative means of transport to the car. The NPF notes that countries with extensive cycle infrastructure report higher levels of cycling and lower rates of obesity. It encourages the use of sustainable transport including walking and cycling to help tackle climate change and contribute to a cleaner environment.

The **'Strategy for the Future Development of National and Regional Greenways (2018)'** (Department of Transport, Tourism and Sport) recognises the benefits that

further development of greenways in Ireland would bring for tourism, as well as health and wellbeing. It sets out guidance on matters such as design, accommodation works and consultation with communities and landowners.

**‘Our Sustainable Future – A framework for Sustainable Development for Ireland 2012’** (Government of Ireland) sets out a framework for advancing sustainable development and the green economy in Ireland. It identifies 70 measures to be implemented across Government. Transport is identified as a key area of focus. The 2015 Progress Report notes the increase in cycling year on year with a near 50% increase in cycling journeys in Dublin between 2012 and 2015.

**People, Place and Policy - Growing Tourism to 2025** (Department of Transport, Tourism and Sport, 2015) notes the Government’s support for development of visitor attractions and facilities, including greenways.

The **Guidelines for Planning Authorities - Sustainable Residential Development in Urban Areas (2009)** (Department of Heritage and Local Government) encourages designs for public transport, walking and cycling, making places friendlier for movement of people than for vehicular movement.

The document **Smarter Travel – A sustainable Transport Future: A new Transport Strategy for Ireland 2009-2020** (Government of Ireland) contains a number of policies to encourage a modal shift away from private car use and promoting public transport, walking and cycling.

The **‘National Cycle Policy Framework 2009-2020’** (Department of Transport) has a stated vision that all cities, towns, villages and rural areas would become bicycle friendly and that cycling would be the normal way to get about, especially for short trips.

Fáilte Ireland’s document, **Strategy for the Development of Irish Cycle Tourism, 2007**, highlights the need for renewing the popularity of cycling in Ireland and how tourism generated through this sector can increase visitor spending in rural and urban areas.

The **‘Irish Trails Strategy (2007)’** led to the establishment of a National Trails Advisory Committee (NTAC) and the setting up of a National Trails Office within the Irish Sports Council. The National Trails Office (NTO) have prepared a number of

publications including, A 'Guide to Planning and Developing Recreational Trails in Ireland', 'Classification and Grading for Recreational Trails' and 'Management Standards for Recreational Trails'. The NTO website 'www.irishtrails.ie', includes a register of a wide range of accredited trails.

It is acknowledged in a number of policy documents, including the '**Get Ireland Walking Strategy and Action Plan 2017-2020**' (Sport Ireland) and the '**Get Ireland Active Plan 2016**' (**The National Physical Activity Plan for Ireland**) 2016 (Government of Ireland) that greenway and cycling facilities play a pivotal role in promoting active pursuits such as walking and cycling and providing universal access to these pursuits. Recreational and physical activity infrastructure encourage enhanced health and well-being in society and ultimately a better quality of life.

**Healthy Ireland Framework 2013-2025** (Government of Ireland) includes a vision for a healthy Ireland where everyone can enjoy physical and mental health and wellbeing to their full potential. It's stated four goals are to increase the proportion of people who are healthy, reduce health inequalities, protect the public from health and wellbeing threats and create an environment to achieve a healthy Ireland. HSE-East have expressed its support for the proposal which it stated would be fully in-keeping with this framework and that greenways are important for health, as they provide infrastructure for physical activity for multiple users;

**The NTA Cycle Manual 2011** set outs the required standards for cycleway facilities.

#### 8.2.2. Regional Planning Policy

The recently adopted **Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Assembly** sets out a long term strategic planning and investment strategy for the Dublin area, the surrounding counties and the Midlands area to 2031. It includes a 12-year horizon **Metropolitan Area Strategic Plan (MASP)** for Dublin. Section 5.6 of the MASP, addressing integrated Land Use and Transportation, expresses support for sustainable transport through regional policy objectives (RPO) 5.2 and 5.3. Section 5.6 also identifies cycling and walking as key elements in promoting better traffic management and climate change strategies in the metropolitan area. The MASP promotes the development of a Metropolitan Greenway Network, which it identifies as a strategic network of connected greenways for cycling and walking to enable access to key environmental assets

within the metropolitan area, including coastal areas, while having regard to the environmental sensitivities of the area. RPO 5.8 supports the development of greenway infrastructure.

The NTA's **Transport Strategy for the Greater Dublin Area, 2016-2035** provides a framework for the planning and delivery of transport infrastructure and services in the Greater Dublin Area (GDA) over the period 2016 - 2035. It highlights the need to integrate land use and transport planning. It aims that Dublin would be recognised for a walking and cycling city-region and highlights improvements required to the environment for pedestrians and cyclists.

8.2.3. The NTA's **Greater Dublin Area Cycle Network Plan (2013)** sets out the proposed cycle network in the Greater Dublin Area. The current proposal is identified as a greenway route FG1 and a strategic route intercounty N5-Future East Coast Trail.

#### 8.2.4. Local Policy

The development plan context for the application site comprises the overarching **Fingal County Development Plan 2017-2023**. Within the plan both Malahide and Donabate are identified as moderate sustainable growth towns. The strategic vision for the County, as set out in the Plan, includes objectives to:

- consolidate urban areas to provide a vibrant, attractive environment for living and working, facilitating efficient movement by sustainable modes of transport throughout the county;
- protect and enhance green infrastructure (including landscape and nature conservation areas);
- promote active and healthy lifestyles through increased opportunities for walking, cycling and active sport and recreation.

Of particular relevance are **Local Objective 43** which seeks the completion of 'Broadmeadow Way' between Malahide and Donabate during the lifetime of the plan and **Local Objective 39** which seeks the provision of a public walkway/cycleway on land to the west side of the train line in Donabate and along the existing railway embankment across the Malahide Estuary.

A number of objectives and other provisions set out in the Plan against which the proposal is assessed are set out below in summary form:

- Chapter 5 (Rural Fingal) includes objectives RF111 (support tourism initiatives), RF112 (Support recreational pursuits); RF113 (promote expansion of a network of safe walking trails) and RF114 (support long distance walking trails).
- Chapter 6 (Economic Development) sets out the importance of tourism for the County. It states that a key action of the Fingal Tourism Strategy 2015-2018 set out under Objective CRT5 is the development of a cycleway linking Malahide Castle and Gardens with Newbridge House and Farm. Objectives in support of tourism include ED59 (facilitate and contribute to the implementation of the Fingal Tourism Strategy 2015-2018), ED60 (develop tourism infrastructure) and ED64 (create an integrated pedestrian and cycle network linking key tourist destinations by advancing the proposed Fingal Coastal Way).
- Chapter 7 (Movement and Infrastructure) includes Objective MT13 (promote walking and cycling) and Objective MT14 (implement the Greater Dublin Area Cycle Network plan).
- Chapter 8 (Green Infrastructure) includes objectives that support the provision of walking and cycle routes and the protection of biodiversity and landscape resources, including GI07 (promote pedestrian access, cycling and public transport), GI08 (integrate the provision of green infrastructure with walking and cycling routes), GI28 (provide attractive and safe routes linking key green space sites, parks and open spaces and other foci) and GI30 (develop a Cycle/Pedestrian Network Strategy for Fingal that encompasses the Fingal Way). Malahide Estuary is recognised as being a highly sensitive landscape. Objectives that relate to landscape include GI03 (develop green infrastructure to ensure conservation and enhancement of biodiversity) and GI36 (ensure green infrastructure provision response to landscape character).
- Chapter 9 (Natural Heritage) notes the exceptional value of the Estuary, as recognised by EU designations, and includes Objectives NH33 (preservation of the uniqueness of a landscape character type), NH34 (development reflects the distinctiveness of landscape character types) and NH36 (ensure new development does not impinge on highly sensitive areas). In addition

Objectives NH51 (protect high amenity areas from inappropriate development) and NH52 (ensure development reflects and reinforces distinctiveness and sense of place in High Amenity areas) are relevant. In relation to biodiversity, the objectives that are relevant include NH24 (protect rivers, streams and other watercourses), NH27 (protect existing woodlands, trees and hedgerows) and NH65 (ensure appropriate public access to the coast including provision of coastal walkways and cycleways while taking full account of the need to conserve and enhance natural and cultural heritage of the coast and the need to avoid significant adverse impacts on European Sites and species);

- The proposed greenway portion on the western embankment of the southern arm of the railway causeway lies within the Malahide Estuary. The Malahide Estuary comprises an estuarine and saltmarsh habitat of exceptional ornithological and ecological interest, which is of particular importance for migratory wintering waterfowl. The exceptional value of this estuary is recognised by the EU designations, Malahide Estuary Special Area of Conservation (SAC) – Site Code 000205 and Malahide Estuary Special Protection Area (SPA) – Site Code 004025, proposed Natural Heritage Area (pNHA) and the international designation of wetlands under the Ramsar Convention. Objective NH15 requires the protection of European sites and Objective NH65 requires the need to avoid significant adverse impacts on European Sites and species protected by law through screening for Appropriate Assessment.
- In Chapter 10 (Cultural Heritage), the following objectives are relevant: Objective CH06 (require an Archaeological Impact assessment for linear developments), CH20 (require sensitive design proposals for protected structures) and CH25 (avoid impacts on architectural heritage), CH32 (avoid removal of structures and distinctive elements), CH49 (promote and enhance understanding of archaeology and architectural heritage), CH50 (provide universal access to archaeological and architectural heritage sites) and CH51 (accommodate and improve universal access to Council owned archaeological and architectural heritage sites). The proposed greenway does not require any significant interventions, particularly as existing pathways

would be used for the main part. The Malahide railway viaduct is a protected structure (RPS-40). The proposed route would use the western embankment of the railway viaduct but would not interfere with the structure. A number of protected structures are located along the route. Consideration is given to potential for Cultural Heritage impacts under the heading of Environmental Impact Assessment (Section 9) below. The Local Authority have requested that in the event of a grant of approval that a condition requiring any works within the curtilage of protected structures along the route, including traffic calming works and road crossings, shall seek the prior agreement of the Local Authority's conservation officer and in addition the construction of the greenway should be carried out by a professional, suitably qualified and experienced experts in conservation.

- Chapter 11 sets out land use zoning objectives. The parklands of Malahide and Newbridge Demesnes are zoned '**OS**' (open space), which seeks to 'Preserve and provide for open space and recreational amenities' in which a recreational facility such as that proposed is acceptable in principle. The route would use O'Hanlon's lane, which is an existing public laneway serving established residential development. The route is also adjacent to residential development along Bissets Strand. These areas are zoned '**RS**' – (Residential), with an objective to 'provide for residential development and protect and improve residential amenity'. Lands south of the causeway are zoned '**TC**' – (Town and District Centre) with an objective 'To protect and enhance the special physical and social character of town and district centres and provide and/or improve urban facilities'. Lands, where they exist at one or either side along the causeway and lands at Kilcrea, through which the route would pass, are zoned '**HA**' – (High Amenity) in the Fingal Development Plan. The zoning objective seeks to, 'protect and enhance high amenity areas'. Greenways or recreational facilities are not referenced under RS, TC or HA zoning categories outlined above and therefore require consideration on achievement of the wider zoning objectives and for compliance and consistency with the overall policies and objectives of the Development Plan.

Having regard to the assessment above, it be reasonably concluded that the proposal is compatible with each of the aforementioned zoning objectives and is

consistent and compliant with the overall policies and objectives and related provisions of the Development Plan for Fingal. Concerns raised around residential amenity, where the greenway would run alongside residential development, have been considered under the heading of 'Residential Amenity' below.

### **Donabate Local Area Plan 2016 (LAP)**

Section 4.1.2 sets out Greenways – Improving Accessibility and Creating Links. It provides for a network of approximately 30km of looped cycleways and pedestrian linkages through Peninsula lands. Section 4.1.7 sets out that the Broadmeadow Way is a critical link in the Fingal Coastal Way route. Figure 4.2 presents a map showing existing and indicative sections of proposed walkways on Donabate peninsula. It includes an indicative line for the Broadmeadow Way. The greenway would predominately benefit recreational users and as set out by the applicant, its delivery would improve connectivity with Donabate town centre and strategic development lands set out in the Donabate LAP.

#### **8.2.5. Concluding Comment on Policy Considerations**

There is clear planning policy support for the proposed greenway development at a national, regional and local policy level. It would provide many benefits in terms of its recreational and amenity value. The development is strongly supported by policies and objectives expressed in the Fingal County Development Plan 2017-2023 and in the Donabate Local Area Plan 2016 in terms of improving tourism facilities, which is the main purpose of the development, and in providing sustainable transport infrastructure and improving connectivity for commuters. It would also provide infrastructure for outdoor physical activity in an attractive landscape setting, supporting the health and well-being of its users and providing social and economic benefits.

### **8.3. Justification and Purpose**

- 8.3.1. As set out above, the main purpose of the proposed greenway centres around providing a recreational amenity for use by the local and visiting communities. Malahide Castle and Newbridge House and their surrounding parklands are attractive heritage properties and as visitor attractions they both draw in tourists and day visitors. Their locations offer strong attractive links that would be enhanced by the greenway. As a recreational amenity, the greenway would link the tourist



attractions along a safe and attractive outdoor journey. In turn this would strengthen the tourist offering resulting in increased visitor numbers to both heritage properties and regional parks that would bring a wide range of benefits to its users and to this area of Fingal.

- 8.3.2. The greenway would also improve sustainable transport offering as an alternative to the private car. Some observers express their disappointment that it would not directly connect Malahide and Donabate rail/Dart stations and that the route starts and ends at car parks. These are reasonable points. However, the greenway's primary purpose is to deliver a recreational and tourism offering. It would be connected with both Malahide and Donabate centres and train stations and bus services through existing and proposed links. It would be accessible from Donabate Village and train station and bus services via Newbridge Avenue to the east of Newbridge Demesne. An alternative route would also be provided to Donabate via the new Donabate Distributor road. The greenway would be accessible from Malahide village and train station, as well as bus services via the existing rail-bridge to the east of Bissets Strand. It would also be linked with an established walking route to Swords along the southern side of Malahide Estuary.
- 8.3.3. It is planned to align with other routes in Fingal, including linking with the Sutton to Malahide Greenway Scheme which is a proposal currently at design stage. A section of that greenway, 1.8 km in length, between Baldoyle North and Portmarnock South, known as the Baldoyle to Portmarnock greenway, previously approved by the Board (**PL06F.300840**) is currently under construction. At a strategic level, the proposed greenway would form part of the planned Fingal Coastal Way.
- 8.3.4. The greenway would provide an attractive, safe and sustainable route between Malahide and Donabate for cyclists and pedestrians. The route chosen would utilise existing pathways. This approach would minimise excavations and large earthworks and overall would be less intrusive on the environment, than if new pathways were to be constructed. The applicant's response to submissions received by the Board on 22<sup>nd</sup> November 2019 was accompanied by a drawing, 'Broadmeadow way Greenway connectivity', which illustrates the proposed greenway in the context of the aforementioned links.

### 8.3.5. **Concluding Comment on Justification and Purpose**

The purpose of the development has been clearly set out and is strongly justified in planning terms. It is intended to deliver a safe, high quality shared cycle and pedestrian path, linking key tourist attractions and its delivery is primarily targeted at tourists, day trippers and local users. It would provide a recreational amenity and promote outdoor physical activity. The route for the greenway would make use of existing walking and cycling paths which are already in a recreational setting. It would help to deliver a sustainable transport route for commuters through established and future planned links and would support the future development of a national sustainable transport network.

### 8.4. **Residential Amenity**

- 8.4.1. At the location close to Malahide Demesne, the route is intended to travel along the northern side of the R106 (Malahide-Dublin road) on a new dedicated surface, adjacent to detached and semi-detached period dwellings that are well set back from the road and screened by mature trees. Within the Kilcrea area, there are three residential properties and one farm complex proximate to the route. I have dealt with the impact on this farm and other farms under the heading of Material Assets in the Environmental Impact Assessment section of this report.
- 8.4.2. Concerns are raised by residents around the proposal to incorporate an existing laneway, O'Hanlons Lane. These concerns have been set out in Section 6.1 above and primarily centre around inadequate width, poor horizontal alignment of the lane and the lack of adequate sightlines at the Dublin road junction. It is submitted that the lane is too narrow to accommodate the existing traffic, including residents' day-to-day use and access to their properties, and the anticipated increase in cyclists and pedestrians. Concerns are also raised around causing inconvenience to those who live on the route arising from conflicts between residents and new cyclists and walkers and loss of privacy for established houses. In response, the Local Authority state that a full route options study was carried out in which feasible route options were considered and routes were rated using engineering, cost and environmental criteria. The Board will be aware that a route options report is set out in Volume 4B of the EIAR, Appendix 2 – Route Options report. O'Hanlon's lane was evaluated as the 'most preferred' route under engineering and environmental criteria and

'preferred' in relation to cost criteria. It is submitted that following public consultation, the O'Hanlon's Lane option was subsequently assessed against an additional route option, Hogan's Gate-Dublin Road-Main Street-Old Street-Strand Court-Bissets Strand. The O'Hanlon's Lane option was evaluated as the preferred option largely on the basis that the alternative route would impact on protected structures as well as requiring the removal of significant on-street parking and a bus pull-in. In addition, this alternative route was considered to be heavily trafficked.

- 8.4.3. Based on a review of the documents on file and information gathered during a site inspection, I firstly note that O'Hanlon's Lane is a public laneway in a quiet residential area. Where the lane widens to 7.5m, it is proposed that pedestrians would use the footpath and the cyclists and vehicular traffic would share the carriageway. The lane narrows to 3m over a short section of 130m south of its junction with the R106 Dublin Road. No through vehicular traffic is permitted to or through this end, which forms part of a 190m section separated from the remainder of the wider lane by bollards and this existing situation would not change. It is submitted by the applicant that a further width of up to 0.5m is available through hedge trimming where appropriate, though this is disputed by the residents of the laneway who express concerns that any such trimming of the hedge boundaries would result in an unacceptable loss of habitat. Having inspected the area, I do not consider that hedgerow trimming would have any detrimental impact on the biodiversity of the area and noting the short section involved, the use of the laneway for pedestrians and cyclists only along this short stretch is acceptable.
- 8.4.4. The use of the lane for the greenway would inevitably result in an increase in cyclists and pedestrian movements leading to some inconvenience for some individual property owners who live and access their properties along the lane. I note the points raised around the use of the lane for waste collection and indeed for access for the emergency services, including the fire brigade. The removal of waste would not be compromised but rather contractors would likely experience some slight inconvenience as they adjust to the increased numbers of cyclists and pedestrians using the lane, however, having regard to the overall amenity benefits to the wider community, this type of minor inconvenience is acceptable. Access for the fire tender or other emergency services would not be altered and in the event of an emergency,

users would be required to adhere to directions from emergency personnel including evacuation procedures if so required.

- 8.4.5. I do not consider that this existing arrangement along the lane would compromise the safety or amenity for both users and residents of the lane. The applicant submits that the laneway is currently used by cyclists and pedestrians, although the proposed use of it as part of the greenway would bring a noticeable increased numbers through the lane. It is also stated that research from the UK and other European countries has shown that areas popular for cyclists tend to be safer than average as motorists become more attentive and change their behaviour when exposed to higher numbers of pedestrians and cyclists and that improved interplay can be expected in the shared street environment.
- 8.4.6. The majority of residential properties either side or front onto the laneway and the building lines are generally well set back from the lane. No significant works along the lane are proposed and the type of works that are proposed include resurfacing, signage and hedge trimming. No encroachment onto properties on this lane would occur.
- 8.4.7. It is acknowledged that an increased flow of cyclists and pedestrians would result. However, given the context, layout and orientation and setbacks available, the resultant increase in greenway traffic, primarily comprising cyclists and walkers, would not adversely affect properties established amenity or privacy to any unacceptable degree.
- 8.4.8. Some residents along the laneway would benefit from a direct connection to the greenway facility which would be a positive impact for those users. I also note the activity along the lane from additional users would introduce a slight positive impact or benefit in terms of introducing an element of passive surveillance and it is proposed to erect signage asking users to respect residents' privacy.
- 8.4.9. Having regard to all of the above, and noting the concerns raised and responses to those concerns received from the Local Authority, I conclude that the use of O'Hanlon's lane is acceptable particularly in terms of the overall provision for a high quality and safe route for cycling and walking. The existing character of the laneway would not be substantially altered.

8.4.10. Properties located along Bissets Strand, just north of O’Hanlon’s Lane would not be adversely affected by proposals for new car parking arrangements given their separation distance and elevated position above the route. A new landscape space is proposed at this location which would be a positive addition.

8.4.11. **Concluding Comment on Residential Amenity**

Having regard to the above, the proposed development is considered to be an acceptable proposal that can readily be accommodated along residential areas, including O’Hanlon’s lane in particular, and also along Bissets Strand, without any unacceptable impacts to residential amenity and the approval of the project should not be withheld on grounds of impacts on residential amenity.

8.5. **Traffic and Transportation**

8.5.1. Chapter 4 of the EIAR provides an overview of the existing transport infrastructure along the route of the proposed greenway. It was informed by traffic surveys, topographical surveys, visual observations and consultations with stakeholders.

8.5.2. It is estimated by the applicant that the proposed greenway would result in an average of 1,200 trips per day, in both directions, with an estimated 720 users (when taking return trips into account) and an annual number of trips of 438,000. The breakdown of the estimated 1,200 trips per day is set at 28 trips per day (2%) as commuter trips and 1,172 trips per day (98%) as recreational trips. While noting the primary purpose of the greenway is to provide a recreational amenity, I consider the applicant’s estimate of 28 commuter trips a day may be underestimated given the current and future potential for connectivity in the area including links between Malahide and Donabate and the availability of a mix of Dart/Train, proposals to extend the Dart service northwards and also the likely increase in modal shift from the private car to cycling, all of which would encourage users to arrive by bicycle or foot, reduced car dependency and minimising impacts on traffic.

8.5.3. New controlled and uncontrolled pedestrian and cyclist crossings are proposed at six locations. Their locations are set out in Table 4.15 of the EIAR and are all stated give rise to a low impact on general traffic and would lead to improved safety for pedestrians and cyclists. Included in these crossings are signalised shuttle systems at Bissets Strand railway underbridge and at the underbridge at Corballis road. I would agree as submitted that shuttle systems at these locations are necessary

because the existing underbridge widths are insufficient to safely accommodate pedestrians and cyclists alongside two-way vehicular traffic and that the bridges cannot be widened as they are both protected structures. At Bissets Strand, two-way traffic is already operating as a shuttle system on a courtesy basis at the railway underbridge and no collisions have been recorded on the Road Safety Authority's collisions database. Concerns are raised by observers about the traffic management changes at this railway bridge and it is suggested that a flashing amber system or user activation system should be provided. In response, the Local Authority have clarified that the new traffic signalised system would include lights flashing orange for vehicular traffic on both sides of the bridge at all times allowing the existing courtesy system to continue. Cyclists would have an option of an on-call button, which would signal a red light for vehicles and allow the cyclist to pass under the bridge safely and the traffic signal system would revert to the flashing orange when cyclists pass through. I consider this to be acceptable in terms of road safety and orderly use and would improve cyclist and pedestrian safety.

- 8.5.4. O'Hanlon's lane would effectively act as a shared street. While it is anticipated that the number of cyclists and pedestrians on the lane would significantly increase from the current baseline use, the resultant impact on vehicular traffic is expected to be minimal as traffic speeds and volumes are already low on the laneway given that it is a cul-de-sac for vehicular traffic and as it serves a small number of properties. Annual average daily traffic (AADT) estimated on the northern end of O'Hanlon's Lane is 63 vehicles, and on Bissets Strand Road is 4,950 vehicles, based on traffic counts dating from September 2017 at the junction of O'Hanlon's Lane and Bissets Strand Road.
- 8.5.5. It is stated that a 150m section of Kilcrea road would also become a shared street and the impact on vehicular traffic is also expected to be minimal as this section of the road would become a cul-de-sac serving two private property access points, once the Donabate Distributor road (Phase 1) is fully operational.
- 8.5.6. A 150m section of the R106 Dublin Road carriageway, between Hogan's Gate entrance to Malahide Demesne and O'Hanlon's Lane, would be reduced in width from 7.45m to 6.50m in order to facilitate widening of the footpath along the southern side and to accommodate pedestrian/cyclist shared path along the northern side. The impact on general traffic is anticipated to be minimal.

- 8.5.7. The existing junction between Bissets Strand and O’Hanlon’s Lane is proposed to be realigned and its minor arm carriageway width narrowed to 7.0m, which I am satisfied would improve safety for pedestrians and cyclists.
- 8.5.8. Some carriageway narrowing and realignment of Hearse Road is also proposed. Such measures are aimed at improving cyclist and pedestrian safety and while an impact on general traffic is anticipated because of slight delays on traffic when crossings are in demand, such delays would be negligible.
- 8.5.9. The entrance to Newbridge Demesne is located within a 60kph zone on Hearse Road. It is proposed to reduce the speed limit to 50kph, which would improve road safety at this location.
- 8.5.10. Car parking demand would increase, especially at the Malahide Demesne and Newbridge Demesne end locations, however, I am satisfied that the parking arrangements would have capacity to cater for the greenway users who would arrive by car.
- 8.5.11. As stated above, the greenway would be typically 4m in width, with some reductions at locations that are utilising existing roads, tracks and pathways. Existing paths vary in width from 2.5m to 3.8m wide. It is stated by an observer that by reference to TII guidance (Rural Cycleway Design – DN-GEO-03047), the greenway should be 5m in width. In response, the Local Authority submit that the 4m width is considered sufficient to meet/exceed the standard for a one-step relaxation for a high volume route. I have examined the guidance referenced above, including Table 4, which provides for varying widths for cycleways. In relation to high volume cycleways the desirable width of 5m is set out, however, the guidance also accepts that the desirable width may not be achievable for various factors and allows for a one step below desirable width at 3m width and a two-step below desirable width at 2.5m. Having regard to the nature of the development and its location and to the design details proposed, I am satisfied that the varying widths of the completed greenway to be acceptable and would meet national design standards for greenway design.
- 8.5.12. It is also stated by observers that sightlines and gradients fall short of required standards and that increased traffic generated by pedestrians and cyclists would lead to a traffic hazard at Hogan’s cottage and that increased activity would impact on Casino Apartments and both the adjoining Presbyterian Church and St.

Sylvester's Infant Catholic school. It is proposed to realign the existing kerbs at the entrance to the Casino apartment complex, improve the junction and to provide a safer crossing point for pedestrians and cyclists at this location.

8.5.13. In terms of public transport, the demand is anticipated to increase by 187 trips on weekends during peak season. This is a 10% increase in overall public transport trips and it is estimated that it would be spread evenly across busses and rail services.

8.5.14. Construction impacts would arise due to additional traffic and temporary road closures/diversions or traffic controls. These would inevitably result in some delays or inconvenience to road users, but would be temporary and transient as the works move along the proposed route. Such matters would be addressed in the traffic management plan to be prepared by the contractor in consultation with the Local Authority.

8.5.15. Measures to reduce traffic impacts are outlined and include use of intelligent signalised shuttle systems so that traffic signal sequencing would be optimised, sufficient car parking provision and monitoring, optimising pedestrian and cyclist crossings, traffic calming measures, control of construction hours and the requirement for construction traffic management. It is stated that demand for train/DART services would be monitored and any need for increased services at peak times would be under review by Irish Rail.

#### 8.5.16. **Concluding comment on Traffic and Transportation**

With the adoption of measures outlined, I am satisfied that no unacceptable residual operational impacts on traffic would result. While construction activity may result in some inconvenience and traffic delays for road users, these impacts would be of short term duration and are considered to be normal and acceptable.

### 8.6. **Flood Risk**

8.6.1. Sections of the greenway route which are and would be vulnerable to **coastal flooding** are identified as an area adjacent to Bissets Strand and sections that run through the causeway embankment of the Dublin-Belfast Railway. Along the section of the greenway that runs through Kilcrea Land, an approximate length of 2.4 km is identified as having potential for **fluvial flooding** to occur. Other sections vulnerable



to fluvial flooding in the scheme include Pill River Crossings and some lands in Newbridge Demesne. By reference to the OPW flood zone categorisation and as set out on the OPW flood maps viewer ([www.floodinfo.ie](http://www.floodinfo.ie)), approximately 14% of the proposed greenway would be located in flood risk areas categorised as 'Flood Zone A'<sup>1</sup> with the majority of the route located in flood risk areas 'Flood Zone B'<sup>2</sup> and C'<sup>3</sup>.

- 8.6.2. Table 3.1 of 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' published by the OPW in 2009 (OPW Guidelines) sets out that local transport infrastructure including non-residential lands used for leisure and holidays can be considered 'less vulnerable development'. According to Table 1 of the guidelines 'Matrix of vulnerability verses flood zone', a justification test is required for sections of the scheme that lie within Flood Zone A, while the areas of the greenway within Zones B and C can be considered appropriate and do not require to proceed to the justification test.
- 8.6.3. It is put forward in observations that the proposal should be future-proofed against flooding. The design approach taken by the applicant has been to align to near or at existing ground levels. Much of the route of the greenway is in place and follows existing pathways and roads. The estimated development runoff as result of the scheme would be low and would naturally drain to the verges. The preliminary design of crossings of the River Pill has included an allowance for climate change based on Mid-Range Future Scenario (MRFS). In this regard, I can refer the Board to Table 8 (Fluvial Flooding Status along sections of interest in the scheme) as presented in the Flood Risk Assessment Report contained in Volume 4C of the EIAR, Appendix 17.
- 8.6.4. Table 10 of the Flood Risk Assessment includes an assessment based on justification test criteria. It is stated that it would not be feasible to design a flood protection system to allow for the area to be protected during the 1% annual exceedance probability (AEP) flood event occurrences in Flood Zone A. Instead it is stated that during any such adverse weather events, Fingal County Council would

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<sup>1</sup> **Flood Zone A** – where the probability of flooding from rivers and the sea is highest (greater than 1% AEP or 1 in 100 for river flooding or 0.5% AEP or 1 in 200 for coastal flooding).

<sup>2</sup> **Flood Zone B** – where the probability of flooding from rivers and the sea is moderate (between 0.1% AEP or 1 in 1000 and 1% AEP or 1 in 100 for river flooding and between 0.1% AEP or 1 in 1000 year and 0.5% AEP or 1 in 200 for coastal flooding)

<sup>3</sup> **Flood Zone C** – where the probability of flooding from rivers and the sea is low (less than 0.1% AEP or 1 in 1000 for both river and coastal flooding).

close the greenway and that any users would be able to return to their starting point. I am satisfied that weather forecasting can give advanced warning to allow the greenway to be closed in unsuitable weather conditions, including flood events. This approach is the normal procedure for outdoor public amenity places and is considered a reasonable measure for the proposed greenway.

#### 8.6.5. **Concluding Comment on Flood Risk**

Overall, I am satisfied that the issue of flood risk has been adequately considered and that the development would be appropriate and justified, including in areas identified in Flood Zone A where the probability of flooding would be highest. I am also satisfied, that given the nature of the development, it would not exacerbate flooding occurrence or consequences.

#### 8.7. **Other Matters**

##### Security Fencing

- 8.7.1. Some observers raise concern around the use of security fencing where the greenway route would cross the estuary. In response to submissions, the Local Authority submit that the provision of security fencing is a requirement of Irish Rail to ensure that the security of the rail line is preserved at all times. I am satisfied that the case for a 2.4m high security fence along the inner (railway) side of the proposed greenway as it crosses the estuary is a reasonable requirement and would prevent access to the rail line and on that basis it is justified and acceptable. I suggest that it should be a galvanised welded wire mesh fence, green in colour for aesthetic purposes. Such type of security fences are relatively common features of the landscape and are visually acceptable given that the landscape can be readily viewed through the fence. This type of security fencing can be required and regulated by way of attaching a condition in the event of a grant of approval.

##### Wall / Parapet Height

- 8.7.2. Some observers raise concerns regarding the proposed wall with a 1.4m parapet height on the western side of the greenway where it would cross the estuary and query if it is high enough. Other observers consider the height of 1.4m proposed to be excessive and state that it would give rise to a tunnel-like effect along the estuary section, reducing its attractiveness. In this regard examples are given of

developments where lower wall heights were constructed in comparable locations, including where walls were built along SPA sites with a height well below 1.4m. Specific examples given include a wall built between Baldoyle village and Sutton Dart Station with a height of 700-800mm in the area of Baldoyle SPA and Baldoyle SAC. Another example given includes a recently constructed wall along Clontarf road bounding the North Bull Island SPA and North Dublin Bay SAC, with a stated height of 550mm to 750mm. It is submitted by observers that having regard to the information provided in the NIS, the main impact which would cause disturbance to bird species in the Malahide SPA would be via human movements (including walking with dogs) of the greenway users. It is further submitted that a one metre solid wall would be sufficient and that if required, a 300mm horizontal rail above this height could be constructed for safety reasons.

- 8.7.3. A cross-section drawing submitted with the application indicates the 1.4m high wall is required for the protection against wind. However, no reference is provided in the documentation received by the Board regarding the need for a solid wall for wind protection.
- 8.7.4. In its submission received by the Board on 22<sup>nd</sup> November 2019, the Local Authority state that a waist high solid screen wall at the location along the greenway on the causeway is a requirement of the NPWS and is necessary to minimise the effect of the movement of pedestrians (and their dogs) and cyclists on the water birds in the estuary below. The 1.4m high wall is based on the recommendation from the Sustrans Design Manual (Chapter 8) which recommends that parapet height for new bridges is normally 1.15m high for pedestrians and 1.4m high for cyclists. At this point, the Local Authority set out their intention to revise the solid wall height to 1.2m with a 0.2m high railing and that this would maintain the requirement for the 1.4m barrier for safety reasons while lowering the wall height and maintaining a waist-high wall as required by NPWS. Drawing 12-160-007 is enclosed with their submission, which presents this new design element for the Board's consideration.
- 8.7.5. I would tend to agree that a 1.4m high solid block or stone wall, as originally proposed, would interfere with the users' enjoyment of views across the estuary. The revised design of 1.2m would present an improved situation for the majority of adult users of the greenway. I note that it is clearly stated in the response to submissions

received and referred to above, that the NPWS have set out their requirement of a waist high solid screen wall and this was requested during consultation meetings.

- 8.7.6. The protection of bird species of the Malahide Estuary SPA is of utmost importance. Surveys have shown that the area close to the embankment is regularly used by diving ducks. Potential disturbance of waterbirds can be significantly reduced by the installation of screening measures. It is therefore appropriate to require a solid wall height of 1.2m with a 0.2m railing section on top, as set out by the Local Authority in its revised proposal. I recommend a condition to modify the wall/screen structure to reflect the revised proposals should be attached in the event that the Board approve the development. This is a minor design change and does not change the nature and extent of the development as set out on the public notice.

#### **8.8. Overall Conclusion on proper planning and sustainable development**

- 8.8.1. There is clear planning policy support for the proposed greenway at a national, regional and local policy level as outlined above. The need for the proposal has been strongly justified in terms of improving tourism facilities and providing a safe and sustainable transportation route, both which accord with multiple wider policies identified above. It would form part of an identified network of greenways within Fingal and the Greater Dublin Area. The development would bring significant benefits in terms of addressing the impacts of climate change, economic development, tourism, health and leisure amenity. Its design including the route selected is considered acceptable and can readily exist alongside residential areas without any unacceptable impacts on existing residential amenity. No unacceptable traffic hazard would arise and the development is considered appropriate and justified in terms of flood risk. Notwithstanding some inconveniences noted, it is considered that, subject to compliance with conditions, the delivery of the greenway would be in the interest of the common good and would be in accordance with the proper planning and sustainable development of the area. This is contingent on ensuring that the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable and that the integrity of European Sites would not be adversely affected, in view of the relevant sites' conservation objectives. I have dealt with these matters under the following sections of my assessment.

## **9.0 Environmental Impact Assessment**

### **9.1. Introduction and Statutory Provisions**

9.1.1. An Environmental Impact Assessment Report (EIAR) accompanied the application. It is laid out in four volumes including:

- Volume 1 – Non-Technical Summary.
- Volume 2 – EIAR Main Text.
- Volume 3 – EIAR Figures and Drawings.
- Volume 4A – EIAR Appendix 1, Volume 4B – EIAR Appendix 2 and Volume 4C – EIAR Appendices 3-18.

9.1.2. The main volume (Volume 2) is set out in Chapters including Chapter 1 (introduction), Chapter 2 (Policy Background and Alternatives), Chapter 3 (Project Description) and Chapter 4 (Traffic and Transportation). Chapters 5 to 14 inclusive examine the various environmental factors both as a baseline and with the development in place and provide an outline of predicted impacts and measures proposed to reduce or remove any significant negative impacts (mitigation measures). Chapter 15 provides a description of the interactions which are likely to occur between the environmental factors and this chapter also considers cumulative impacts. A schedule of environmental commitments is provided in Chapter 16. It is stated that no difficulties were encountered that would have precluded the ability to assess the potential significant impacts of the development.

9.1.3. Details of stakeholder consultations undertaken are provided, the main element of which included a public display from 14<sup>th</sup> February 2014 to 14<sup>th</sup> March 2014 at three venues including Malahide Public Library, Donabate/Portrane Community Care and Fingal County Hall. The current application also allowed for the normal statutory consultation and the receipt of written submissions.

9.1.4. I am satisfied that the information provided in the EIAR is sufficiently complete and up to date and that the EIAR has been prepared by competent experts to ensure its completeness and quality. The information contained in the EIAR and supplementary information provided by the developer, adequately identifies and describes the direct, indirect and cumulative effects of the proposed development on the environment and

complies with the requirements of the Planning and Development Regulations 2001-2020 and the provisions of Directive 2011/92/EU as amended by Directive 2014/52/EU.

9.1.5. The issues raised by observers and prescribed bodies in relation to likely significant effects on the environment are set out at Section 6 (Consultations) and are addressed in the assessment below.

## 9.2. **Consideration of Reasonable Alternatives**

9.2.1. The consideration of alternatives is set out in Chapter 2 of the EIAR. It is stated that a preliminary examination was conducted regarding the potential for the greenway to link Malahide Castle and Newbridge House via Swords, but this was ruled out for reasons set out, including that it would double the proposed length and for other technical constraints.

9.2.2. A number of options were examined as part of the route selection. These are described in detail in Volume 4B-Route Options report and the principal elements are summarised as follows:

- Section 1 – Malahide Demesne – Options 1 to 6 which are all physically fixed, options relate to design and signage;
- Section 2 – Malahide to Dublin Road – Options 1 to 5;
- Section 3 – Malahide Village – Options 1 to 5 commencing on the north side of the Malahide-Dublin Road and end at Bissets Strand;
- Section 4 – Railway Causeway – The route is physically fixed and options relate to detailed design and barriers to protect greenway on its western and eastern margins;
- Section 5 – Kilcrea Townland. The Route Options Report considers the greenway in the absence of the proposed Donabate bypass, however it is stated that the bypass was considered at detailed design. It is stated that an environmental route analysis was carried out initially on six routes through Kilcrea. The emerging preferred route was presented at public consultation stage. It is stated that following this consultation and concerns around farm severance, it was reduced to five options, post the public consultation;

- Section 6 – Newbridge Demesne. This is the most northerly section of the project. The principal route ends at the car park in front of Newbridge House. A subsidiary link is provided within the demesne to the railway station in Donabate. The route is physically fixed and options relate to detailed design issues.

9.2.3. An **option analysis** was carried out on all routes selected in which preference for each option was selected against each environmental factor. Preference was then ranked in order of first to sixth with first referring to ‘most preferred’ and sixth referring to ‘least acceptable’ in each of the six sections referred to above. An **engineering analysis** of the routes was also carried out using the criteria ‘technical, safety, integration and construction’ impacts. In addition, a **budget cost analysis** was carried out. The results of all three analyses were combined to determine the emerging preferred route, which led to the identification of the emerging preferred route across the six sections.

9.2.4. Overall, a description of the reasonable alternatives studied by the developer, which are relevant to the proposed project and its specific characteristics, have been clearly presented, together with an indication of the main reasons for selecting the chosen option for each section of the greenway, taking into account the effects on the environment.

### 9.3. **Vulnerability to risks of major accidents and/or natural disasters**

9.3.1. Directive 2014/52/EU requires that the development is assessed in terms of vulnerability to the risks of major accidents and/or disasters which are relevant to the project. Appendix 18 of Volume 4C of the EIA sets out an assessment of the likely significant adverse effects on the environment arising from the vulnerability of the proposed development to risks of major accidents and/or natural disasters.

9.3.2. In relation to consideration of the vulnerability of the project to risks of major accidents and/or natural disasters on the environment, the applicant puts forward their view that based on the wording of the EIA Directive that a major accident and/or natural disaster assessment should mainly be applied to Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2015 (COMAH) sites or nuclear installations.

- 9.3.3. There are no 'Seveso' sites as defined in the COMAH Regulations 2015 in close proximity to the proposed development. According to information on the Health & Safety Authority's site, the closest is a 'Lower Tier Establishment', CLH Aviation, at Dublin Airport, located approximately 4.7km south east of the closest part of the route where it commences at Malahide Castle.
- 9.3.4. The applicant has included a risk assessment, which I have examined. It includes a risk identification, risk classification, likelihood and consequence and a risk evaluation. A risk register was developed and is presented in the assessment (Table 4 – Risk Register). A risk evaluation summary is presented in Table 6 which includes 11 identified risks. Those with the highest risk score include risk of train derailment, risk of bridge collapse and risk of injury or health problems for pedestrians. Mitigation measures are put forward in each case. Flooding risk has been considered in the planning assessment above. It is intended that in adverse weather / storm events, Fingal County Council can deal with this risk by closing off the more exposed areas of the greenway based on weather status warnings.
- 9.3.5. Having regard to the nature and scale of the proposed development and to the nature of the receiving environment, I am satisfied that the risk of a major accident or natural disaster have both been adequately considered and given the nature of the development, the low probability of such an occurrence and the mitigation measures proposed, it is not likely that significant effects on the environment would arise as a result of risks of major accidents and/or natural disasters.

#### 9.4. **Assessment of Environment Effects**

- 9.4.1. The likely significant direct and indirect effects of the development are considered below under specific headings, which collectively address the factors set out in Article 3 of the EIA Directive 2014/52/EU, including the following:
- Population and human health;
  - Biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
  - Land, soil, water, air and climate;
  - Material assets, cultural heritage and the landscape and;
  - The interaction between those factors.



9.4.2. This assessment of the effects of the project on the receiving environment follows by considering the following environmental factors:

- Population and Human Health
- Biodiversity
- Land and Soil
- Water
- Air and Climate
- Noise and Vibration
- Material Assets
- Cultural Heritage
- Landscape
- Interactions and Cumulative Impacts

9.4.3. The assessment is based on the information provided by the applicant, including the EIAR and the submissions made in the course of the application by the prescribed bodies and observers, and the subsequent response to submissions received from the Local Authority as the applicant in this case.

## 9.5. **Population and Human Health**

9.5.1. Chapter 5 of the EIAR considers the potential effects of the proposed development on population and human health. The core study area within which the greenway would be located, comprises the Electoral Divisions (EDs) of Donabate, Malahide West and Malahide East, which collectively experienced a growth in population from 21,885 in 2011 to 22,977 in 2016, equating to an increase of 5% over this census period. The wider study area comprises an additional 15 EDs and has experienced a growth in population from 113,660 in 2011 to 121,946 in 2016 with an equivalent increase of 7.3%. By comparison, Fingal has grown by 8% and Dublin City and suburbs has grown by 5.6% in the same five-year period.

9.5.2. Malahide is a vibrant town that has diverse range of retail outlets and community services. It has an attractive setting along the coastline where coastal walking along the estuary is a popular activity. In terms of public transport, it is served by the train/DART service to Dublin city and further south to Greystones and northwards to Belfast. It is also served by a regular Dublin Bus service. It is a popular destination

for day trips and overnight accommodation is also available with a number of guesthouses, various accommodation providers and a 150-room hotel (Grand Hotel).

- 9.5.3. Donabate has a more limited offering of retail than that available in Malahide and is not as strong a tourist destination as Malahide, though day-trippers stop on their way to Donabate beach, located c.2km to its east and it also caters for overnight accommodation with a hotel (Shoreline hotel) located to the east of Donabate and other guesthouses and various providers of accommodation.
- 9.5.4. Malahide Castle Demesne with its 270 acre parkland is an important facility in Malahide and is a key element of the Council's tourism strategy. It receives approximately 120,000 visitors each year. Newbridge Demesne, with its 370 acres of parkland is a Georgian house and visitor attraction is located to the north of the Malahide Estuary.
- 9.5.5. It is submitted that the greenway would provide a significant positive impact because of the amenity value for cycling, walking and for birdwatching across the estuary. It is projected that the greenway would be used by 720 people daily generating around 1,200 trips on average. It is also submitted that by improving connectivity, the development would reduce the severance between Malahide and Donabate. It is anticipated that the amenity in addition to use by the local community, would also attract users outside of the local area to include Dublin, Leinster and visitors from other parts of Ireland and those visiting from overseas. Users would have a choice of arriving by bicycle, car and public transport including local bus and nearby DART stations. Local users would also have the choice of walking to and along the greenway. Concerns have been raised in observations that the greenway would not directly connect the train/dart station at Malahide and the train station at Donabate. As set out under the heading of 'Justification and Purpose' within the overall Planning Assessment section of my report above, while the main purpose and function of the greenway is clearly to provide a recreational amenity, it has the potential to function as a commuter route, in that it would also be accessible from both Malahide and Donabate centres and train stations via existing links with proposals for future additional links to be developed.
- 9.5.6. In terms of residential and journey amenity, the greenway would bring a positive benefit to the majority of residents who live close to the route and who could readily

access the facility. Some inconveniences have been highlighted in the EIAR, including traffic delays, as a result of new signalised crossings proposed for the R106 Dublin Road and Hearse Road and for the railway underbridge at Bissets and Corballis road. Notwithstanding the short delays, these measures would increase the safety for all road users and thus provide a moderate positive impact. Construction impacts would lead to inconvenience for people living near the works, for example at O'Hanlon's Lane and Bissets Strand, with an increase in traffic anticipated associated with construction deliveries. Such impacts would be short term in duration and would not be significant.

- 9.5.7. Concerns have been raised by residents around the proposal to incorporate O'Hanlons Lane as part of the greenway route. These concerns have been addressed in the Planning Assessment above where I have dealt with the concerns largely under the heading of 'Residential Amenity'. In this regard, I have concluded that while pedestrian and cyclist numbers would increase, the greenway can readily exist along residential areas, including O'Hanlon's lane, without any unacceptable impacts on residential amenity or compromise road safety.
- 9.5.8. In relation to assessment of health, the proposal would undoubtedly result in indirect health benefits by encouraging activity in the form of walking and cycling in a scenic and pleasant area. There is medical evidence to strongly support that cycling and walking activities are hugely beneficial for physical health and psychological well-being. According to information on the HSE website, only one out of three people in Ireland is active on a regular basis and four out of five children in Ireland are not getting enough exercise. It is also set out that being active can reduce one's chances of developing a chronic disease by up to 50% and reduce the risk of premature death by between 20% and 30%. The greenway amenity has enormous potential to lead to a significant positive impact on the quality of life as well as health and well-being for those who would use it. Given its location, such benefits would most likely be experienced by persons and families who live locally, and who would use the facility more frequently.
- 9.5.9. In terms of the local economy, the greenway would attract visitors into the area which would result in day trip spending in the demesne cafés at both ends and also in Malahide, in particular with its wide choice of retail offering and also its diverse range of cafés, restaurants and pubs. Accommodation spend is also likely to

increase as visitors come from elsewhere in Ireland or overseas to use the facility as an activity, resulting in a reason for an overnight stay for some. It is anticipated that most expenditure would occur in Malahide given the existing range of facilities and the projection that 84% of users would commence their trip from this location.

- 9.5.10. During construction, the overarching mitigation measure proposed is the implementation of the Construction and Environmental Management Plan (CEMP) and the interaction between residents and the construction team in order to minimise potential impacts on local people. During operation, directional and advisory signage would be provided to minimise disruption from noise or nuisance in the vicinity of existing properties. Wayfinding and information signage would also be provided to enhance user experience.
- 9.5.11. Overall, I am satisfied that mitigation measures identified throughout the EIAR are sufficient to ensure that no unacceptable residual impacts or effects on population or human health are likely to arise during construction.
- 9.5.12. In the operational phase, while there may be some minor to moderate residual impacts on individual landowners, any such impacts would be imperceptible in my view, and the benefits of the scheme at a community level would outweigh any such localised negative impacts. Impacts on individual farms are considered under the heading of Material Assets in Section 9.11 below.
- 9.5.13. Other factors which could impact on human health include noise, air quality, water and soils during the construction phase. These are dealt with under their respective headings below, but insofar as they would interact with human health, it can be concluded that with appropriate site management and adoption of mitigation measures, as proposed, no adverse impacts on human health would conceivably arise because of these environmental impacts.

#### Concluding Comments – Population and Human Health

- 9.5.14. No change to resident population is anticipated, however, the visiting population would undoubtedly increase and would bring positive social and economic benefits. It can readily be concluded that the impact on health and user experience at a community level would be significantly positive. Localised inconvenience, largely during construction, would be imperceptible and acceptable. Impacts on residential amenity have been considered in the planning assessment above.

## 9.6. Biodiversity

- 9.6.1. Chapter 6 of the EIAR considers the potential for significant effects on biodiversity as a result of the development. I consider the technical content contained in this chapter is adequate to undertake a full assessment of the direct and indirect effects of the proposed development. Ecological methods are in accordance with best practice and data presented is up to date.

### Protected sites for Nature Conservation

- 9.6.2. The proposed greenway crosses Malahide Estuary along the western side of the existing railway embankment and includes the installation of a new section of cycle/footbridge on existing masonry piers. The Estuary is protected by two European Site designations, namely Malahide Estuary SAC under the Habitats Directive (92/43/EC) and Malahide Estuary SPA under the Birds Directive (2009/147/EC). Malahide Estuary is also a pNHA under the Wildlife Act 1976 and a Ramsar site (Wetlands Convention).
- 9.6.3. A Natura Impact Statement (NIS) has been prepared to inform Appropriate Assessment under the Habitats Directive, which assesses the implications of the proposed development on the integrity of European Sites including Malahide Estuary SAC and SPA and other relevant coastal and estuarine SPAs including Lambay Island SPA, Ireland's Eye SPA, Rogerstown Estuary SPA, Bull Island SPA, Baldoyle Bay SPA and Skerries Islands SPA in view of the sites conservation objectives. While there are overlaps between the Biodiversity assessment and the Appropriate Assessment, they are considered separately in view of the different tests required.
- 9.6.4. The NIS contains detailed information and assessment of bird data related to the Special Conservation Interest species of the SPA sites. Disturbance of wintering waterbirds is a key consideration and conclusion of the Appropriate Assessment is that with the application of proven mitigation measures, there is no potential for adverse effects of the Greenway either alone or in combination with other plans and projects on the integrity of Malahide Estuary SPA or any other coastal SPA in view of the sites conservation objectives.
- 9.6.5. Similarly, with the application of mitigation measures, particularly those proposed for the temporary construction access along the weir, the Appropriate Assessment

concludes that there would be no adverse effects on the integrity of the Malahide Estuary SAC.

### Habitats

- 9.6.6. Habitat types including summaries of floral composition and conservation value are described for the route of the proposed development in Chapter 6 of the EIAR. Records of rare and protected flora were examined for the wider 10km area however, there are no known records along the proposed route and no rare, protected or scarce plant species were recorded during field surveys.
- 9.6.7. The sections of the proposed greenway that are located along existing pathways within Malahide Demesne, Malahide Village and Newbridge Demesne do not involve any alteration or impacts on habitats described for these areas which include moderate-high conservation value habitats such as mixed broadleaved woodland and parkland. As submitted by the applicant, I would agree that where existing pathways are proposed to be used for the greenway route, no potential exists for significant impacts to occur on habitats or fauna for these sections for both the construction and operational phases.
- 9.6.8. The design of the proposed greenway utilises the existing causeway along the railway embankment. Notwithstanding the location of the causeway within the Malahide Estuary SAC and Malahide Estuary SPA, the causeway itself does not support habitats of conservation interest. The potential impacts on European sites are considered in detail in the Appropriate Assessment, including the temporary alteration of the weir crest to facilitate the construction of the new bridge deck on the causeway.
- 9.6.9. I note that the Fingal Biodiversity Action Plan 2010-2015<sup>4</sup> identifies the townlands of Kilcrea and Corballis as part of an ecological buffer along the northern margin of the Malahide Estuary SAC and Malahide Estuary SPA. As submitted by the applicant, I would agree that this function would not be adversely impacted by the proposed development. Sensitive coastal habitats including the Annex I habitats of shingle and gravel shore and saltmarsh would not be directly impacted and mitigation measures including fencing will ensure that egress by people and dogs is prevented. The

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<sup>4</sup> While the date of this plan has passed, it continues to be referenced in the current Fingal Development Plan.

proposal to realign a section of road East of Kilcrea railway bridge would provide an increased buffer to saltmarsh and mudflat habitats at this location.

- 9.6.10. Two crossings of the River Pill/Turvey are proposed. Both bridge crossings are clear span with limited vegetation clearance required along the channel banks required at the crossing points. I am satisfied that with the application of the standard environmental control measures for working near watercourses including control of invasive alien species, mitigation measures described in Chapter 8 and managed through the CEMP, no significant residual effects are predicted for the riparian habitats, aquatic species or water quality at these locations.
- 9.6.11. Submissions on the proposed development include concerns raised regarding the loss of trees and hedgerow habitat and corresponding threats to biodiversity. I note that 200m of hedgerow will be removed to accommodate the greenway along Corballis Cottage Road and some 720m of hedgerow would be reinstated on this road. I consider the mitigation measures proposed which include appropriate timing of vegetation removal, pre-construction survey, ecological supervision of works and the planting of 2.3kms of new hedgerow comprising a mix of native species would ensure that there would not be any significant residual impact to biodiversity including the maintenance of ecological corridors.

#### Birds

- 9.6.12. A considerable amount of data on wintering birds in Malahide Estuary has been presented in Chapter 6 and in the NIS covering a temporal period from 2011-2018. This is compendium of various bird surveys conducted in the Estuary/SPA with an updated 2017/2018 survey more **targeted** on the likely zone of influence of the proposed development. Based on a review of the scientific literature, the nature and scale of the development and likely disturbance triggers, the possibility for significant effects on birds was determined to be within 500m of the proposed greenway, with the area along the causeway considered the most sensitive. Results show clearly that the permanently inundated waters close to the crossing of the inner estuary generally holds a relatively low diversity and abundance of bird species. However, three diving duck species, Red-breasted Merganser, Great Crested Grebe and Goldeneye are noted to regularly occur in significant numbers within several hundred meters of the viaduct crossing. A complete, precise and definitive assessment of the

implications of the development on SCIs associated with the SPA sites is presented in the Appropriate Assessment report attached. I am satisfied that any possible significant disturbance to birds using the inner estuary would be prevented due to the timing of construction works, the proposed solid wall screening along the viaduct, the proposed lighting design and measures including fencing to prevent egress of people and in particular, loose dogs onto the shoreline. General pollution control measures as described are considered adequate to prevent any possible habitat deterioration.

- 9.6.13. The agricultural land at Kilcrea and Corballis and adjoining habitats of the Pill river and wetlands occasionally hosts foraging flocks of wintering water birds including, Light bellied Brent Geese, lapwing, Black tailed Godwit, Shelduck, Teal and Wigeon. The area also supports passerine species typical of agricultural and riparian habitats including Kingfisher and no significant impact is likely for these species due to the relatively low level of habitat alteration proposed. The presence of people using the greenway along the headlands of the agricultural fields at this location is unlikely to result in significant disturbance of foraging geese or reduce the foraging habitat available to wintering waterbirds. I accept that there is potential for some birds to be temporarily displaced from areas adjacent to the greenway during periods of highest usage. However, there is no likelihood that such a temporary localised disturbance effect could result in any significant adverse effects to the overall distribution and abundance of wintering waterbirds.
- 9.6.14. Concerns were raised in a submission that the impacts of high pressure treated timber on the Malahide Estuary SPA species have not been considered. I note that Fingal County Council do not consider any effect would arise in relation to this aspect, however no detail is provided. I note that no such boundary treatment is proposed over the causeway itself and that pressure treated timber fencing is proposed for use on terrestrial habitats at Kilcrea/Corballis where this form of boundary treatment is standard in agricultural practice.
- 9.6.15. Based on the information and analysis presented on potential impacts on wintering waterbird species, I am satisfied that with the application of mitigation measures, particularly the design of the solid wall screening of 1.2m in height along the causeway and other fencing of sensitive areas on the north shore of the railway embankment at Kilcrea that no adverse effects would occur.



9.6.16. Post construction monitoring of bird abundance and distribution is proposed in line with standard commitments of the EIA process. In response to the NPWS submission regarding longitudinal information, follow up bird surveys in years 1, 3 and 5 of the operational phase of the Greenway are proposed to be undertaken.

#### Mammals

9.6.17. Walkover surveys and the employment of trail cameras was focused along the railway embankment and the agricultural habitats at Kilcrea. Several mammal species typical of the coastal and agricultural habitats were recorded including Otter, Badger, Fox and Hare. No breeding or resting places of protected species were recorded. Pre-construction confirmatory surveys in advance of vegetation clearance are proposed to ensure that the baseline findings have not changed. The potential for temporary disturbance during the construction period is not considered a significant effect on any protected species and I consider the proposed mitigation measures adequate to prevent any adverse impacts.

9.6.18. The potential for significant effects on bats is unlikely. Bat activity recorded outside of the Demesne landscapes was relatively low. Bat activity was recorded along hedgerows and the Pill River, however no evidence of roosting bats was found. As for non-volant species, a pre-construction survey is proposed in advance of vegetation clearance and vegetation clearance would be supervised by an ecologist. Lighting of the proposed greenway has been considered for the operational phase to ensure minimal disturbance of nocturnal species. Over time, the replanting of native hedgerow species would compensate for the low levels of hedgerow removal. Given the low levels of bat activity and the lack of suitable roost sites in areas identified for habitat removal, I consider the mitigation proposed adequate to address any potential impacts on bat species.

9.6.19. Monitoring of non-volant mammal and bat activity is proposed for the year of construction and for the first two years of the operation of the Greenway. For the avoidance of doubt, I do not consider that mitigation effectiveness is dependent on monitoring or that there is any uncertainty in relation to predicted impacts.

#### Concluding Comments-Biodiversity

9.6.20. I am satisfied that provided the mitigation measures outlined are implemented in full, no significant adverse impacts are expected for biodiversity in terms of the terrestrial

or estuarine habitats within the footprint of the proposed development, or the wider environment and no significant impacts are predicted for birds or mammals, including bats during construction or operation of the Broadmeadow Way Greenway.

## 9.7. Land and Soil

- 9.7.1. Chapter 7 of the EIAR considers the potential for significant effects on soils and underlying geology as a result of the development.
- 9.7.2. Landtake and associated impacts are addressed separately under the heading of Material Assets. The greenway route would cross a variety of geological environments, the majority which are underlain by the Malahide Formation comprising calcareous shales, siltstones and sandstones, and limestone. There are some small eskers up to a few metres in height within the study area. According to GSI mapping there is a small isolated spring located within Section one of the proposed development, but the risk of karst development is considered to be low in this area and along the wider greenway route.
- 9.7.3. There are no sites of geological heritage within the greenway route. The closest such site, Malahide Point, is a large dune system and beach formed by a long sand and shingle spit, located within 5km of the route and is designated under IGH 13 Coastal Geomorphology Theme. Having examined the application, GSI have stated that the proposed development is not expected to have any impact on the Malahide Point site. It is evident that where existing pavements are proposed to be used for the greenway, no potential exists for significant impacts on the geological environment to occur along these sections.
- 9.7.4. The construction of the proposed development would require the removal of approximately 4,000 cubic metres of subsoil resulting in a negative permanent direct minor effect on the soils environment. This impact is inevitable and I would agree with its rating as 'slight'. It is proposed that much of the excavated subsoils which would be removed during construction would be re-used on site for landscaping where suitable (e.g. east of the realigned junction of O'Hanlons Lane and Bissets Strand, Corballis Road and Kilcrea). Unsuitable material would be removed to licensed sites for treatment/recycling/ disposal.
- 9.7.5. Other impacts would arise from soil compaction as a result of vehicular movement. There is a possibility for contamination of soil and subsoil as a result of leakage or

spillage from machinery during construction, which would give rise to a negative short-medium term moderate effect on the soils and subsoils environment at, and down-gradient of the proposed greenway development.

9.7.6. I would also agree as submitted that there would be no significant adverse impacts on the underlying soils and geology as a result of the operation phase including maintenance of the proposed development.

9.7.7. To reduce impacts arising during the construction phase, mitigation measures are outlined, many of which are based on CIRIA (Construction Industry Research and Information Association, UK) technical guidance documents and on other best practice. The quantity of soil movement would be minimised and its movement would be supervised by a competent professional. Any soil imported to the site would be subject to assessment to identify any invasive alien species present. All potentially polluting materials would be stored in bunded areas and machinery refuelling would be carried out by competent personnel.

#### Concluding Comments - Land and Soil

9.7.8. Overall, with the adoption of the mitigation measures outlined, it is anticipated that no significant adverse direct or indirect impact on the land, underlying soils or geology as a result of the construction or operation phase of the development would arise.

#### **9.8. Water**

9.8.1. Chapter 8 of the EIAR considers the potential for significant effects on the water environment as a result of the development.

#### Groundwater and Surface Water

9.8.2. The bedrock underlying the proposed greenway is part of the Swords and Dublin groundwater bodies (GWBs). The Swords GWB comprises bedrock aquifers that are classified as mostly LI (locally important aquifer moderately productive only in local zones), some PI (poor aquifer which is generally unproductive except for local zones) and small amounts of Lm (bedrock which is generally moderately productive). In general permeability is moderate to low (1-10m<sup>2</sup>/d). The groundwater vulnerability of the Swords GWB is generally moderate with areas of higher vulnerability around hills and along river channels. The Dublin GWB comprises bedrock aquifers that are classified as mostly LI and some PI. Permeability is moderate to low (1-10m<sup>2</sup>/d). The

groundwater vulnerability of the Dublin GWB is generally extreme to moderate. Under the Water Framework Directive, the Swords and Dublin GWBs have been classified as having 'good' status and 'not at risk' risk category. Groundwater gradient flows towards Malahide Estuary.

- 9.8.3. One ancient well, sourced from a spring, has been identified within the Malahide Castle Demesne. It is currently not used as a drinking water source. Apart from this Spring, no other karst features have been identified along the greenway route.
- 9.8.4. As submitted by the applicant, I would agree that where existing pathways are proposed to be used for the greenway route, no potential exists for significant impacts to occur on the hydrogeological environment for these sections for both the construction and operational phases. In other areas, construction activities in the form of soil movement would not occur in areas of 'high' or 'extreme' aquifer vulnerability.
- 9.8.5. Any removal and disturbance of soil would result in the vulnerability of the groundwater to surface contaminants being increased. In addition, there is a risk that contaminants from oils or hydrocarbons could enter the groundwater regime during the construction phase. In the absence of mitigation, these impacts could lead to negative short to medium term moderate effects on groundwater and surface water quality at, and down-gradient of the proposed greenway. There would be no discharge of effluent to groundwater or surface water during the construction phase.
- 9.8.6. Mitigation measures based on CIRIA technical guidance outlined above and accepted best practice are proposed. The contractor's construction method statements are also stated to indicate how silt run-off would be managed so as to prevent contamination of ground or surface waters as a result of soil particles. It is stated that lands would only be stripped as necessary, to minimise soil erosion, and that all materials required for the maintenance of the proposed greenway would be stored according to good practice. All wastewater from the construction facilities would be stored and removed off-site for disposal and treatment. Overall, works would be carried out in line with the CEMP.

#### Water - Aquatic Environment

- 9.8.7. As highlighted by IFI, the coastal waters serve as an important habitat for providing natural linkages for species including salmon and sea trout migrating between

freshwater and ocean environments. IFI also highlight the importance of the River Pill, which they refer to as the Turvey system, in supporting sea trout and brown trout.

- 9.8.8. The aspects of the proposed greenway with the potential for significant impacts to the aquatic receiving environment include the three crossing structures proposed along the route, i.e. Malahide Estuary crossing along the railway viaduct, the crossing of the Pill River beneath the railway embankment and the second crossing of the Pill River about 750m further upstream.
- 9.8.9. In relation to the bridge crossing at the Malahide Estuary, a 180m freestanding structure is proposed to be constructed parallel to the railway viaduct to its west. This new bridge would be a 12-span precast concrete structure at a minimum height of 2.8m above the weir crest with a 4m wide track with a viewing area on the southern side and with ramps at both ends. As each new span of the structure is placed, its ends would be shuttered and grouted. Imported clean stone would be used to create a temporary level running surface along the weir on the inner side (west) of the viaduct. This would increase the average level of the weir for an eight week period. It is stated that once the bridge decking is complete, the stone infill used to create the temporary level running surface would be removed and the original profile of the weir channels would be restored. The inner estuary would then revert to the pre-works level. I would agree as submitted that this impact would be temporary and would have a minor adverse impact on the aquatic environment for that period.
- 9.8.10. In relation to the two pedestrian/cycle way bridge crossings over the Pill River, these are proposed to be each 4m in width. It is stated that their construction would not require any in-stream works or crossing of channels by construction vehicles. This part of the estuary lies wholly outside of the Malahide Estuary SAC. The access tracks to the works area at the Pill River bridges would be lined with a geogrid and geotextile and clean crushed stone would be placed on top to prevent ground damage and potential subsequent escape of suspended solids into the river and Malahide Estuary. Where dewatering of excavations would be necessary, the water arising would be treated by settlement or filtration before being discharged to the Pill River to prevent solids-contaminated water entering the watercourse.

- 9.8.11. The project involves the realignment of c.175m stretch of the existing road at Corballis cottages. This stretch of road adjoins an area of saltmarsh and a roadside drain runs along its northern edge. It is stated that the receiving waters have high levels of turbidity which is characteristic of the estuarine environment. This is especially the case where the Pill River discharges into the Malahide Estuary. The saltmarsh habitat is influenced by accretion and erosion and sediment supply is a key element for the continued development and natural functioning of a saltmarsh system. Notwithstanding the mitigation proposed which is considered appropriate and effective, any temporary elevation in turbidity of the discharging water at this location is unlikely to have a significant negative impact.
- 9.8.12. The overriding mitigation measure proposed is to undertake the construction works in accordance with the previously referenced CEMP which it is stated would include measures for the prevention of suspended solids, cement and hydrocarbons entering the water environment.

#### Concluding Comments – Water

- 9.8.13. I am satisfied that provided the mitigation measures outlined are implemented in full, no significant adverse impact is expected on the surface water, groundwater or aquatic environment along the route of the proposed greenway during construction. The CEMP and the mitigation measures proposed, if implemented, are sufficient to ensure that discharges would be in compliance with the European Communities (Surface Water) Regulations 2009 and the European Communities (Groundwater Regulations 2010). In addition, having regard to the nature and the use of the development as a greenway, no harmful impacts on the groundwater or surface water or aquatic environment would conceivably arise during the operational phase.

### **9.9. Air and Climate**

- 9.9.1. Chapter 9 of the EIAR considers the potential for significant effects arising from impacts on air and climate as a result of the development.

#### Air Quality and Dust

- 9.9.2. In relation to air quality, information on the existing environment as presented in the EIAR was drawn from monitoring programmes by the EPA and local authorities.

Meteorological data was obtained from the nearest representative weather station at Dublin Airport located approximately 6.5km south west of the site.

- 9.9.3. The assessment focused in the first instance on identifying the existing baseline levels of Nitrogen Dioxide (NO<sub>2</sub>) and atmospheric particulate matter with 10 micrometres or less in diameter (PM<sub>10</sub>) in the region of the proposed greenway by an assessment of EPA monitoring data. The applicant's presented baseline values or background levels for these parameters at Malahide and Donabate are set out in Table 1 below.

**Table 1 – Background Air Quality Parameters provided by applicant**

	<b>Background (without project) NO<sub>2</sub> levels</b>	<b>Background (without project) PM<sub>10</sub> levels</b>
Malahide	20µg/m <sup>3</sup>	18µg/m <sup>3</sup>
Donabate	12µg/m <sup>3</sup>	14µg/m <sup>3</sup>

- 9.9.4. Each of the background values **NO<sub>2</sub>** and **PM<sub>10</sub>** levels lie well below those permitted under the Air Quality Regulations 2011.
- 9.9.5. In relation to **dust**, existing / background dust deposition values presented in the applicant's assessment are based on estimates by reference to a study by the UK Office of the Deputy Prime Minister (now the Ministry of Housing, Communities and Local Government) (UK ODPM, 2000). The value chosen and referred to as a 'worst case scenario' for background/existing dust deposition of 127mg/(m<sup>2</sup>\*day) is stated to align with that for a 'purely industrial area'. Having regard to the location of the greenway, a lower value of 59mg/(m<sup>2</sup>\*day) which the ODPM references as being typical for 'outskirts of town' would be a more accurate reflection of the proposed development site. It is also unclear why a 'worst case scenario' level for existing dust deposition (background levels) is set out in any case.
- 9.9.6. In relation to air quality, impacts which could arise include emissions to air from construction activities and the generation of dust. It is stated that the construction of the proposed greenway would occur in distinct phases and as such, the potential for dust nuisance and significant levels of PM<sub>10</sub> and atmospheric particulate matter with

2.5 micrometres or less (PM<sub>2.5</sub>) concentrations would vary as the construction activities develop through different phases of the project and at different locations.

- 9.9.7. There appears to be a gap in the information provided in this chapter as while potential for significant levels of **PM<sub>2.5</sub>** are referenced by the applicant, no baseline figure or predicted value for **PM<sub>2.5</sub>** during the construction phase has been presented. In addition, background levels for **NO<sub>2</sub>**, **PM<sub>10</sub>** values have been presented, however, no predicted levels (with project) are provided. Therefore the relevance of providing background levels alone is unclear.
- 9.9.8. However, I note that the construction activities do not require any significant excavations having regard to the nature of the development, which relies primarily on existing infrastructure and also the construction of new cycleways/pathways and pedestrian/cycle path crossings. Therefore, notwithstanding my concerns outlined above in relation to the information gap, I am satisfied that the absence of the information is not critical to the assessment as no such impacts would conceivably arise in relation to raised levels of PM<sub>2.5</sub>, PM<sub>10</sub> or NO<sub>2</sub>. It is evident that the primary impact that would arise on air quality from the project would be from dust generated during the construction phase and mitigation is addressed below.
- 9.9.9. In order to minimise impacts from dust arising, a series of mitigation measures are put forward. These are all standard in nature and include cleaning and maintaining of site roads and restriction of vehicular speeds on hard surfaced roads. A dust minimisation plan is proposed to be prepared and it is stated that this plan would be reviewed at regular intervals during the construction phase to ensure the effectiveness of the planned procedures and mitigation measures.
- 9.9.10. With the implementation of mitigation proposed, it can be reasonably concluded that the construction phase of the proposed greenway would not conceivably result in any adverse impacts on the air quality. Any impacts on sensitive receptors as a result of dust generated during this phase, would be imperceptible, short-term and reversible.
- 9.9.11. I would agree as submitted that no mitigation measures would be required for the operation phase as no noticeable change to air quality or dust would arise having regard to the nature of the development.



## Climate

- 9.9.12. Noting the short-term duration of the construction phase and the type of construction envisaged, the impact of the construction of the proposed greenway on climate and achievement of these emissions targets would not be significant.
- 9.9.13. Impacts which would arise during the operational stage would be positive given the nature of the greenway which would provide cycling and walking facilities which are activities that do not result in greenhouse gas (GHG) emissions. I acknowledge that an increase in cars travelling to the facility is likely to arise but on balance, and noting the availability of connections with the public transport, and that the greenway would act to encourage modal shift to cycling and walking, car generated traffic and any associated increase in emissions would be significantly outweighed by the greenway and its intended use for walking and cycling.

## Concluding Comments – Air Quality and Climate

- 9.9.14. Overall, the construction impact of the proposed greenway on air quality and climate would be insignificant and I conclude that the impact during operation would be significant positive in terms of reduced carbon emissions, improvement of air quality and achievement of climate change objectives.

## **9.10. Noise and Vibration**

- 9.10.1. Chapter 10 of the EIAR examines the potential for significant effects arising from noise and vibration as a result of the development. A description of the noise environment along various sections of the proposed development is detailed with an ambient noise level ( $L_{Aeq}$ ) for day, evening and night set out for each of the sections of the proposed greenway. Daytime levels varying from 40 to 60dB are presented. Current background noise sources include traffic noise generated along the local road network, noise from the railway line when in use by trains and Dart service and aircraft flight paths having regard to the proximity to Dublin Airport.
- 9.10.2. The noise sensitive locations primarily consist of residential houses located in the towns of Malahide at the southern end of the proposed development and along local roads where the proposed development passes through the townland of Kilcrea and Newbridge Demesne. Other sensitive areas include the Malahide Estuary SPA for its amenity and ecological value and Newbridge Demesne for its amenity value.

- 9.10.3. Given the nature of the project, I would agree that the main potential noise that would occur during the construction phase of the project would be from noise generated by site traffic and other construction activities.
- 9.10.4. Overall, impacts due to noise are rated as slight negative during construction phase. I would agree that the proposal would not alter the existing noise environment to any significant degree during operation. Due to the distance of activities from the greenway to the nearest sensitive location, no vibration impact above imperceptible is anticipated.
- 9.10.5. It is proposed to apply appropriate noise limits and to control hours of construction activity to minimise impacts. I am satisfied that these measures along with implementation of specific noise and vibration control measures, would ensure that potential noise and vibration impact during construction would not be significant. Any construction noise impacts would be temporary and short term in nature. Guidance set out in BS 5228 1: 2009 (Code of practice for noise and vibration control on construction and open sites – Noise) and National Roads Authority (NRA) [now Transport Infrastructure Ireland (TII)] publication ‘Guidelines for the Treatment of Noise and Vibration in National Road Schemes’ would be followed during construction. I agree as submitted that no mitigation is required for the operational phase.

#### Concluding Comments – Noise and Vibration

- 9.10.6. Subject to implementation of mitigation outlined, no residual impacts on sensitive receptors arising from noise and /or vibration would arise during construction and noise or vibration impacts would not conceivably arise during operation. The specific matter of noise impact on the SCIs of the Malahide Estuary SPA are considered under the headings of Biodiversity and also in the Appropriate Assessment report, which is a separate report attached to this assessment report.

#### **9.11. Material Assets**

- 9.11.1. Chapter 11 of the EIAR considers the potential for significant effects on the landscape and visual environment as a result of the development.

### Agricultural / Agronomy

- 9.11.2. The potential impacts on agricultural/agronomy are identified as being as a result of landtake, severance and disturbance during the construction and operational phase. The area of agricultural land that would be directly affected would comprise 116.4ha across five farms (Reference Nos. 3, 6, 7, 10 and 13), as shown in Volume 3 – Figure 40 and listed in Table 11.5 of the EIAR.
- 9.11.3. While not experiencing landtake or land severance, an area of 1.8ha of Farm 3, is identified as having a low level of disturbance from construction activity.
- 9.11.4. An area of 18ha of Farm 6 is identified as having medium sensitivity due to the presence of a dry stock beef enterprise. It would have a landtake area of 1.22ha. During operation, it is submitted that it would be subject to major adverse impact from separating the house and farmyard from the remainder of farm.
- 9.11.5. In relation to Farm 7, 80ha is identified as having a high sensitivity due to the presence of a horse training track and the growing of field vegetables. It is submitted that this farm would be subject to a very low impact from loss of land at the operation stage.
- 9.11.6. Farm 10 is a 1.9ha holding comprising a single grass field around a dwelling house, which is grazed and may be cut for hay and/or silage. It is identified as having a low to medium sensitivity and would be subject to low impact from loss of land during the operation phase.
- 9.11.7. Farm 13 is a 13.9 hectare tillage land parcel. This farm was originally split by the Donabate Distributor Road (Phase 1) leaving this separated plot on the southern side of this road and north of the Corballis Road. It is identified as having a medium sensitivity and would be subject to moderate impact from the loss of land during operation.
- 9.11.8. A number of observations have been received in relation to impacts on Farm 6, a dry stock beef farming enterprise. The matters raised specific to this farm are outlined in Section 6.1 above and generally include concerns around severance of the house and farm buildings from the working farm. It is stated that the severance could have been avoided by directing the greenway along alternative routes. In response, the Local Authority state that the route was designed to minimise severance on the

landowner's farm and while the farm would be separated from the house and farm outbuildings, it would result in the farmstead remaining intact on the other side of the greenway.

- 9.11.9. It is also stated in observations that the route at this location should not have emerged as the most preferred route when safety, integration and construction impacts were considered. It is also submitted that, with the recent construction of the new Donabate distributor road, there may be unnecessary duplication of cycle lanes and paths and that the use of these cycle lanes and paths along the distributor road could also offer a means of avoiding the severance to the farm holding.
- 9.11.10. Submissions received from observers query why the route could not continue north along the railway line until it intersects with the new Donabate Distributor road. In response, the Local Authority state that this route was ruled out due to topography as the levels of the Donabate Distributor road is approximately 7m higher than the ground level at this location. Observers also raise queries as to why the route was not designed to continue onwards to Corballis road to the front of the farmstead. In response, the Local Authority state that this route was discounted by the design team because of difficulties in providing safe crossing points and the inability to achieve required sightlines due to topography and the winding road alignment.
- 9.11.11. The rationale for the scoring of the various options is set out by the applicant in their route options report contained in Volume 4B of the EIAR and further clarification is provided in the applicant's response to submissions received. Overall, I am satisfied that it has been demonstrated that the chosen route emerged highest in the overall ranking based on the collective consideration of engineering, cost and environmental factors. In relation to submissions raised around the potential for animal fouling along the route and underpass at this farm, Fingal County Council responded by stating that, as operators of the proposed greenway, they would carry out maintenance as required.
- 9.11.12. General mitigation measures are set out, which deal with severance and disturbance. I would agree as is set out that land loss cannot be mitigated. Compensation for the compulsory acquisition of land and all related matters are dealt with separately under that procedure.

9.11.13. In relation to Farm 6, it is proposed to provide an agricultural access from the farmyard and maintenance of field access from the public road. It is submitted that the Local Authority would provide a security fence to the property and gated access across entrances to the farm as part of the accommodation works.

9.11.14. Issues expected to result from disruption during the works would be addressed during consultations between the landowners and the developer. Post mitigation, no significant residual impacts are stated to result on Farms 3, 7 and 10, as a result of the development alone. Moderate adverse residual impacts would remain on Farms 6 and 13 for the reasons outlined above.

#### Non-agricultural assets

9.11.15. Non-agricultural assets include the road network, potable water supply, surface water drainage, foul sewer drainage, waste arising and electricity. There would be no significant impact on the local road network arising from the operation of the proposed development. All works proposed to be carried out to the local road network, as dealt with throughout this assessment, would clearly improve safety for pedestrian and cyclists.

9.11.16. The construction and operation of the proposed development would have no effect on the potable water supply, foul drainage or electricity in the area. The additional impermeable area would not affect the local drainage network as the drainage for the new pathways are proposed to discharge to ground using filter drains.

9.11.17. The newly constructed Donabate Distributor road – Phase 1 would not be impacted on as a result of the development. It would provide an alternative option for access to Donabate along the cycle lane on this new road.

9.11.18. Wastes arising during the construction process would be recycled and re-used within the project, insofar as possible. Residual waste would be disposed of by licensed haulier to a licensed site. Waste arising from operation is not anticipated and signage is proposed to be provided alerting users of the 'leave no trace' principle and no rubbish bins are proposed except at the start and end points of the greenway.

#### Concluding Comments – Material Assets

9.11.19. Having regard to the above, I am satisfied that the proposed development would not have any significant direct or indirect impacts on Material Assets. Works which would

be carried out to the local road network would provide a positive impact / benefit in that it would improve safety for pedestrian and cyclists.

## 9.12. Cultural Heritage

9.12.1. Chapters 12 and 13 of the EIAR considers the potential for significant effects on the cultural heritage environment as a result of the development.

### Archaeology

- 9.12.2. The greenway would be located within 50m of the church (DU012-031001), graveyard (DU012-031006), sheela-na-gigs (DU012-031002 & 003), chest tomb (DU012-031005) and an architectural fragment (DU012-031004) associated with Malahide Castle. Malahide Castle (DU012-030) lies c.100m to the west of the greenway. There are three recorded archaeological sites in Malahide, including a holy well (DU12- 023001), the church on Bissets Strand road (DU12- 023002) and levelled earthwork (DU12- 023003) located c.100m away from the proposed greenway. None of the above archaeological sites would be affected by the proposal having regard to the nature and scale of the development, where minimal interventions are proposed and because of the separation distances involved.
- 9.12.3. The proposed greenway would not directly impact on the railway line (CHS 1), which would remain unaltered. It would, however, have potential to impact on the railway embankment by its use of the weir maintenance access track and by the construction of a bridge parallel to the railway line. I am satisfied that this impact would be no greater than minor in terms of archaeology. Construction of three bridges would directly impact on the other two cultural heritage sites, including the Malahide Estuary (CHS2) and the River Pill (CHS3).
- 9.12.4. The proposed greenway has potential to impact on potential archaeological remains which may exist below ground level in parts of Kilcrea townland, where there is previously undisturbed ground.
- 9.12.5. Newbridge House (DU012-060) lies c.50m from the northern end of the proposed greenway and it would not be impacted by the proposal.
- 9.12.6. I would agree as is submitted that no mitigation would be required for the majority of the proposed development where it follows existing pathways, as little or no new disturbance would occur. Where the three bridges would be constructed over the

Malahide Estuary and the River Pill, driven piles are proposed to be used, which as a construction methodology would result in minimal intervention on any potential subsurface archaeology. Where subsurface disturbance is to take place on any part of the proposed greenway, including bridge construction, consultation would take place in advance of the works with the National Monuments Service of the DCHG.

- 9.12.7. Monitoring of topsoil stripping would be carried out in Kilcrea and at the River Pill, where the proposed greenway would cross agricultural lands and the river. Archaeological monitoring would also take place in an area adjacent to Bissets Strand where topsoil would be removed from the grassed area and a new path laid.
- 9.12.8. Post the adoption of mitigation outlined, I am satisfied that no residual impact of significance on archaeology arising from construction or operation of this greenway would remain.

#### Architectural Heritage

- 9.12.9. There are 20 sites and structures of architectural heritage merit identified within the study area and these are summarised in Table 13.1 within Chapter 13 of the EIAR. Three of these are of national importance and the remaining 17 are of regional importance in terms of their architectural heritage. A total of 17 **new sites and structures** of architectural heritage merit were identified during the applicants surveys and these are listed in Table 13.2 of Chapter 13, of which 14 are recorded as having statutory protection. Of these structures, 15 are deemed to be of regional importance and two are deemed to be of local importance. The two demesnes of Malahide and Newbridge are both designated as part of Architectural Conservation Areas (ACAs).
- 9.12.10. Sites, structures and features of architectural heritage merit identified during the desktop study were assigned an Architectural Heritage Constraint (AHC) number. Malahide Castle (AHC001) is a protected structure of national importance. It would not receive any physical impact and therefore the overall magnitude of impact would be neutral. The impacts on Malahide Demesne (AHC002), are considered to be slight negative as a result of the provision of a new footpath and pedestrian exit/entrance.
- 9.12.11. Mitigation measures are outlined and in this regard a number of structures and/or their boundary treatments are proposed to be monitored and fenced off if necessary

during construction to prevent physical damage. These structures include: The railway bridge at Bissets Strand (AHC022), The Casino (AHC024), Presbyterian Church (AHC026), Sonas Town House (AHC027), Rosca Town House (AHC028), Railway Bridge at Corballis road (AHC031) and Newbridge House (AHC044).

9.12.12. It is submitted that all mitigation measures should be approved by the relevant local authority Conservation Officer and, for sites listed on the Record of Monuments and Places, approval should be sought from the National Monuments Service at the DCHG. I propose that this can be addressed by way of a condition in the event of approval of the proposal.

9.12.13. Having regard to the low-impact nature of the proposed development including the low intervention construction methodology and the mitigation measures proposed, no residual impacts are predicted on the architectural heritage of the area apart from the impact on Malahide Demesne (AHC002) as a result of the new footpath and pedestrian exit/entrance necessitating the removal of existing plantation within the car park area. This residual impact is rated as slight negative, however given that it would improve access to this architectural site of significance in a planned way, on balance, it can be considered to be a positive impact which I would rate to be moderate positive.

#### Concluding Comments – Cultural Heritage

9.12.14. Overall, I am satisfied that the proposed development would not have any unacceptable significant direct, indirect or cumulative impacts on Archaeology, Cultural Heritage or Architectural Heritage. Positive impacts would result in improving access to archaeological and architectural sites and enhancing the understanding of archaeological and architectural sites, as is encouraged in Chapter 10 (Cultural Heritage) of the current Fingal Development Plan.

### 9.13. **Landscape**

9.13.1. Chapter 14 of the EIAR considers the potential for significant effects on the landscape and visual environment as a result of the development. The proposed route runs through a variety of landscape types. These have been set out in the EIAR, in which the study area has been divided into zones of common landscape character including Zone 1 – Malahide Demesne (Section 1), Zone 2 – Malahide village (Sections 2 and 3), Zone 3 – Railway Causeway (Section 4), Zone 4 – Kilcrea



townland (Section 5) and Zone 5 – Newbridge Demesne (Section 6). The railway causeway where the route works would be carried out is the Estuary Landscape Character type, which has a very high/exceptional value attached.

- 9.13.2. Views from the southern shores of the development facing northwards and the northern shores facing southwards are protected over the estuary by Objective NH40 (protect views and prospects that contribute to the character of the landscape) and NH35 (resist development which would interfere with a view or prospect of amenity which is necessary to preserve) within Chapter 9 (Natural Heritage) of the current Fingal Development Plan.
- 9.13.3. To the north of the estuary at Kilcrea the agricultural lands are zoned 'HA - high amenity' and designated as part of a 'highly sensitive landscape'. The applicable zoning objective seeks to protect and enhance high amenity areas. I am satisfied that given the nature, design and purpose of the proposed greenway, it is an acceptable form and use within these high amenity zoned lands.
- 9.13.4. Malahide Castle Demesne and Newbridge House Demesne are both designated with ACA status and they are also offered protection under the Development Plan, as they are designated as Designed Landscape – Historic Gardens, Demesnes and Estates. Objectives CH45 and CH36 seek to promote such historic designed landscapes. Green Infrastructure Mapping Objective 2, seeks to protect the natural and built heritage of the demesnes, and recognises the demesne sites as being within highly sensitive landscape.
- 9.13.5. The zone of visual influence (ZVI) is represented by a visual envelope map (VEM) in Volume 3-Figure 6 of the EIAR. Views are most open and prominent along Bissets Strand and across the estuary in Zone 2 and in Kilcrea townland within Zone 4. A selection of viewpoints are presented in Figures 10 to 20 in Volume 3 of the EIAR. While existing views are presented, the proposed views are not, apart from a written description provided on each.
- 9.13.6. Potential impacts on the landscape and visual environment during the construction stage would result from hedgerow removal, construction activities, compounds and storage of materials. Impacts arising during operation would arise on the landscape and visual environment from fencing and screens, bridges, lighting at Kilcrea and across the causeway, signage and the users of the greenway.

- 9.13.7. Mitigation would include design of screening and choosing materials that are visually appropriate, design of lighting so as to minimise light spillage and carefully located and designed signage. Measures outlined in the CEMP would address adverse impact avoidance measures and mitigation strategies during construction.
- 9.13.8. A number of concerns have been raised around the proposal for boundary treatment and the need to soften security type fencing with landscaping. These are reasonable concerns and while I suggest the type of fencing should be a green mesh which is a common feature on similar landscapes where security is a requirement, it is not necessary to introduce any new landscaping alongside the security fence but is preferable to afford visibility of the natural landscape through the fencing.
- 9.13.9. It is stated that new signage could have a detrimental visual impact and should be carefully located. I am satisfied that the proposed lighting across the causeway and within Kilcrea would be in character with the nature and setting of the railway embankment. Noting the purpose of the proposed development, the plans for lighting these sections would also result in positive benefits for the users by increasing the extent of time that the facility would be available for use without impacting unduly on the landscape. Views of increased visitors is an intended consequence of the development and supported by policy, in a landscape capable of accommodating the change envisaged and so in this regard, visual effects would be neutral.

#### Concluding Comments - Landscape

- 9.13.10. No significant negative landscape or visual impacts are envisaged. The proposed development would create a significant positive contribution to the recreational amenity of the area and region, improving the users' ability to appreciate and enjoy the existing landscape.

#### **9.14. Interactions and Cumulative Impacts**

- 9.14.1. Chapter 15 addresses the main **interactions** between different aspects of the environment that may have been affected as a result of the proposed development. The likely significant interactive impacts arising from the proposed greenway development are outlined in Table 15.4. I am satisfied that post adoption of mitigation measures proposed, no residual significant interactive impacts would arise.

- 9.14.2. **Cumulative impacts** have been covered, where applicable, under the relevant chapters within the EIAR and are also addressed in summary form in Chapter 15. A number of EU Directives, as well as national and local plans and projects have been considered.
- 9.14.3. Taking into account proposals for developing the Fingal Way, the Baldoyle to Portmarnock Greenway (currently under construction) and other cycle routes presented by the Local Authority in its response to submissions made and the NTA's greater Dublin Area cycle network, it is clear that the development would have a significant cumulative positive impact on population and health (including tourism and economic impacts), transport, addressing climate change and air quality. Reference is made in the EIAR for plans for complementary infrastructure including delivery of aspects of the public realm strategy, extending the Dart Service northwards and improved links. There is no doubt but that these would contribute positively to the area, in particular to Malahide and Donabate as they develop further and in that context, the proposed development would have a significant positive cumulative impact.
- 9.14.4. It is concluded in the EIAR that while no significant impacts would result on two farms, No.3 or 10, major adverse cumulative residual impacts would result on these farms after considering the cumulative impacts of the current greenway development and the Donabate distributor road – Phase 1. However, I am satisfied that this is as a result of landtake and while landtake cannot be mitigated against, the matter was dealt with under the relevant applications for the Donabate distributor road project and I would conclude that beyond this, the cumulative impact arising from the current proposal and the Donabate distributor road project would be no greater than slight which is acceptable.

#### Concluding Comments – Cumulative Impacts and Inter-relationships

- 9.14.5. In light of the assessment above, it can be concluded that no significant effects are likely to arise from interactions between any of the various environmental factors and that where cumulative impacts arise, they would be significantly positive.

### 9.15. **Reasoned Conclusion**

- 9.15.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the applicant

and the submissions received from prescribed bodies and observers in the course of the application, it is considered that the main significant effects of the proposed development on the environment are those arising from the impacts listed below. Where short term negative impacts have been identified, including traffic delays and inconvenience during the course of construction, these would be avoided, managed or mitigated by measures forming part of the proposed development, proposed mitigation measures and measures within suitable conditions. The Traffic Management Plan would provide for interaction between residents and the appointed contractor, such as would minimise potential impacts on residents as a result of construction traffic.

The main significant effects, both positive and negative are:

- The development would result in significant positive impacts/benefits on **Population and Human Health** arising out of the delivery of a recreational amenity, which would bring health benefits by encouraging an active lifestyle in the form of cycling and walking. The proposal would also attract visitors into the area which would result in a positive benefit to tourism and the economy of the area. It would also improve connectivity between Malahide and Donabate. The linking of the proposed greenway into the wider walking and cycle network would be greatly positive in that it would encourage users to arrive by bicycle or foot, reducing car dependency and minimising impacts on existing traffic. As complementary infrastructure is delivered, the proposed development would have a positive cumulative impact.
- Impacts on **biodiversity** including key ecological receptors of wintering water bird species, mammals including bats, natural and seminatural habitats, watercourses, could arise from human disturbance, habitat modification, accidental spillages of construction related contaminants or release of sediment laden water runoff during construction. Mitigation measures to be applied follow a mitigation hierarchy of avoidance where possible and mitigation by design and remedy with monitoring measures also to be implemented. Possible significant disturbance to birds would be prevented due to the timing of construction works, the proposed continuous solid wall providing screening along the viaduct, proposed lighting design and measures including fencing to prevent egress of people and in particular, loose dogs

onto the shoreline. Pollution control measures would prevent deterioration of riparian, estuarine and coastal habitats. With the application of mitigation measures, there would be no adverse effects on sites designated for nature conservation including Malahide Estuary SAC and SPA. Such measures would be implemented through a Construction and Environmental Management Plan and ecological supervision and monitoring would be undertaken by a suitably qualified and experienced ecologist.

- While it is acknowledged that an increased flow of cyclists and pedestrians would result along O’Hanlons Lane, given the context, layout and orientation and established building lines and setbacks available, the increase in such activity would not adversely affect the established amenity or privacy of these properties to an unacceptable level and would not give rise to any **traffic** hazard. This is particularly so as traffic speeds and volumes are low on the existing laneway and no through vehicular traffic would occur.
- Impacts identified on farms including **landtake**, severance and disturbance during the construction and operational phase would arise. A farm, identified as Farm 6, comprising approximately 18 hectares, would be subject to a major adverse impact arising from separating the farmyard from the remainder of farm. It is noted that land loss cannot be mitigated, however, compensation for the compulsory acquisition of land and all related matters is dealt with separately under the CPO procedure. In relation to this farm, the severed land parcel would be provided with permanent agricultural crossings on the proposed greenway and it is proposed to provide an agricultural access from the public road.
- Impacts on the receiving **water** environment and on key ecological receptors could arise from accidental spillages of chemicals, hydrocarbons or other contaminants or release of sediment laden water runoff during construction. These impacts are proposed to be mitigated by design and avoidance in the first instance and thereafter by the adoption of specific measures including the development and adherence to a Construction and Environmental Management Plan and the adherence to Inland Fisheries Ireland guidelines. Consultation would continue between the developer and the Inland Fisheries

Ireland and National Parks and Wildlife Service and a suitably qualified and experienced ecologist would be engaged during the construction phase to advise on the preservation of water quality and biodiversity.

- Positive impacts would arise on **air quality** and **climate** change due to encouraging a modal shift to cycling and walking as an alternative to the private car with a consequent reduction in greenhouse gas emissions and improved air quality.
- Positive impacts on **cultural heritage** would result because of improved access to key historic structures, Malahide Castle and Newbridge House and their associated parklands which would enhance the understanding of archaeological and architectural sites as is encouraged in the current Fingal Development Plan.

## 10.0 Appropriate Assessment

10.1.1. An Appropriate Assessment has been undertaken by Dr. Maeve Flynn, Senior Ecologist, An Bord Pleanála and is attached under separate cover (Appendix 2 - Ref. ABP-R303726A-19). I concur with the conclusion reached that proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of Malahide Estuary SAC, Malahide Estuary SPA or any other European site, in view of the sites Conservation Objectives. No reasonable scientific doubt remains as to the absence of such effects.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of Malahide Estuary SAC, Malahide Estuary SPA and other SPA sites in the wider Dublin Bay area including Lambay Island. SPA, Ireland's Eye SPA, Rogerstown Estuary SPA, Bull Island SPA, Baldoyle Bay SPA and Skerries Islands SPA.
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.

- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Malahide Estuary SAC following the application of all mitigation measures.
- The application of mitigation measures including the continuous solid wall along the inner estuary which will ensure no adverse effects on the distribution of wintering bird species including Great Crested Grebe, Red-breasted Merganser and Goldeneye of Malahide Estuary SPA or bird species from other SPA sites within the wider area of Dublin Bay.

## 11.0 Recommendation

On the basis of the above assessment, I recommend that the Board **APPROVE** the proposed greenway development in accordance with the following reasons and considerations.

## 12.0 Reasons and Considerations

In coming to its decision, the Board had particular regard to:

- (a) the relevant provisions of the Planning and Development Act 2000, as amended and the Planning and Development Regulations 2001-2020;
- (b) the relevant provisions of EU Directive 2014/52/EU, amending Directive 2011/92/EU (EIA Directive);
- (c) the relevant provisions of Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives), Wildlife Acts 1976, as amended;
- (d) national and regional policies of relevance, as set out in the inspector's report including policies aimed at securing the establishment of a national cycle network, policies that promote walking and cycling and an active lifestyle and policies in support of recreation and tourism;
- (e) the provisions of the Fingal Development Plan 2017- 2023 and the Donabate Local Area Plan 2016;

- (f) the conservation objectives, qualifying interests and special conservation interests for the relevant European sites including in particular, those related to the Malahide Estuary Special Protection Area (site code: 004025) and the Malahide Estuary Special Area of Conservation (site code: 000205);
- (g) the nature and extent of the proposed works as set out in the application for approval;
- (h) the information submitted with the application including the Planning Report, Environmental Impact Assessment Report, Natura Impact Statement and associated documentation, and the range of mitigation measures set out;
- (i) the likely effects and consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites;
- (j) the submissions received from the local authority, prescribed bodies and observers in the course of the application, and
- (k) the report and recommendation of the inspector and the ecologist.

### **Appropriate Assessment – Stage 1 (Screening)**

The Board agreed with and adopted the screening determination reached in the Inspectorate Ecologist's report that the proposed Broadmeadow Way may result in significant effects on Malahide Estuary Special Area of Conservation (SAC) and Malahide Estuary Special Protection Area (SPA) in view of the conservation objectives of those sites. Due to the potential for interactions of Special Conservation Interest bird species from other SPA sites in the wider Dublin Bay area, significant effects could not be excluded for the following European sites: Lambay Island. SPA, Ireland's Eye SPA, Rogerstown Estuary SPA, Bull Island SPA, Baldoyle Bay SPA and Skerries Islands.

### **Appropriate Assessment - Stage 2**

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspectorate Ecologist's assessment. The Board completed an Appropriate Assessment of the implications of



the proposed greenway development for the affected European Sites, namely Malahide Estuary SAC and Malahide Estuary SPA and SPAs in the wider Dublin Bay area where interaction with Malahide Estuary SPA was likely, namely, Lambay Island. SPA, Ireland's Eye SPA, Rogerstown Estuary SPA, Bull Island SPA, Baldoyle Bay SPA and Skerries Islands SPA in view of those sites' conservation objectives. The Board considered that the information before it was adequate to allow for a complete assessment of all aspects of the proposed development alone and in combination with other plans and projects.

In completing the Appropriate Assessment, the Board considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed greenway development both individually or in combination with other plans or projects;
- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the conservation objectives for the European Sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspectorate Ecologist's report in respect of the potential adverse effects of the proposed greenway development on the aforementioned European Sites, having regard to the sites' Conservation Objectives. In overall conclusion, the Board was satisfied that the proposed Broadmeadow Way development, by itself or in combination with other plans and projects, would not adversely affect the integrity of Malahide Estuary SAC, Malahide Estuary SPA or any other European site in view of the sites' conservation objectives and there is no reasonable scientific doubt remaining as to the absence of such effects.

### **Environmental Impact Assessment**

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the characteristics, nature, scale and location of the proposed greenway development;
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application;

(c) the submissions received from the local authority, prescribed bodies and observers in the course of the application, and

(d) the inspector's report and the report of the inspector.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application. The Board was satisfied that the Inspector's report sets out how these various environmental issues were addressed in the examination and recommendation and are incorporated into the Board's decision.

### **Reasoned Conclusion on the Significant Effects on the Environment:**

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the Local Authority, provided information that is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed greenway development on the environment, taking into account current knowledge and methods of assessment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report, is up to date and complies with the provisions of EU Directive 2014/52/EU, amending Directive 2011/92/EU and with the provisions of the Planning and Development Regulations 2001-2020. The Board considered that the main significant effects of the proposed development on the environment are those arising from the impacts listed below. Where short term negative impacts have been identified, including traffic delays and inconvenience during the course of construction, these would be avoided, managed or mitigated by measures forming part of the proposed development, proposed mitigation measures and measures within suitable conditions. The Traffic Management Plan would provide for interaction between residents and the appointed contractor, such as would minimise potential impacts on residents as a result of construction traffic.

The main significant effects, both positive and negative are:

- The development would result in significant positive impacts/benefits on **Population and Human Health** arising out of the delivery of a recreational amenity, which would bring health benefits by encouraging an active lifestyle

in the form of cycling and walking. The proposal would also attract visitors into the area which would result in a positive benefit to tourism and the economy of the area. It would also improve connectivity between Malahide and Donabate. The linking of the proposed greenway into the wider walking and cycle network would be greatly positive in that it would encourage users to arrive by bicycle or foot, reducing car dependency and minimising impacts on existing traffic. As complementary infrastructure is delivered, the proposed development would have a positive cumulative impact.

- Impacts on **biodiversity** including key ecological receptors of wintering water bird species, mammals including bats, natural and seminatural habitats, watercourses, could arise from human disturbance, habitat modification, accidental spillages of construction related contaminants or release of sediment laden water runoff during construction. Mitigation measures to be applied follow a mitigation hierarchy of avoidance where possible and mitigation by design and remedy with monitoring measures also to be implemented. Possible significant disturbance to birds would be prevented due to the timing of construction works, the proposed continuous solid wall providing screening along the viaduct, proposed lighting design and measures including fencing to prevent egress of people and in particular, loose dogs onto the shoreline. Pollution control measures would prevent deterioration of riparian, estuarine and coastal habitats. With the application of mitigation measures, there would be no adverse effects on sites designated for nature conservation including Malahide Estuary SAC and SPA. Such measures would be implemented through a Construction and Environmental Management Plan and ecological supervision and monitoring would be undertaken by a suitably qualified and experienced ecologist.
- While it is acknowledged that an increased flow of cyclists and pedestrians would result along O'Hanlons Lane, given the context, layout and orientation and established building lines and setbacks available, the increase in such activity would not adversely affect the established amenity or privacy of these properties to an unacceptable level and would not give rise to any **traffic** hazard. This is particularly so as traffic speeds and volumes are low on the existing laneway and no through vehicular traffic would occur.

- Impacts identified on farms including **landtake**, severance and disturbance during the construction and operational phase would arise. A farm, identified as Farm 6, comprising approximately 18 hectares, would be subject to a major adverse impact arising from separating the farmyard from the remainder of farm. It is noted that land loss cannot be mitigated, however, compensation for the compulsory acquisition of land and all related matters is dealt with separately under the CPO procedure. In relation to this farm, the severed land parcel would be provided with permanent agricultural crossings on the proposed greenway and it is proposed to provide an agricultural access from the public road.
- Impacts on the receiving **water** environment and on key ecological receptors could arise from accidental spillages of chemicals, hydrocarbons or other contaminants or release of sediment laden water runoff during construction, but such impacts are proposed to be mitigated by design and avoidance in the first instance and thereafter by the adoption of specific measures including the development and adherence to a Construction and Environmental Management Plan and the adherence to Inland Fisheries Ireland guidelines. Consultation would continue between the developer and the Inland Fisheries Ireland and National Parks and Wildlife Service and a suitably qualified and experienced ecologist would be engaged during the construction phase to advise on the preservation of biodiversity.
- Positive impacts would arise on **air quality** and **climate** change due to encouraging a modal shift to cycling and walking as an alternative to the private car with a consequent reduction in greenhouse gas emissions and improved air quality.
- Positive impacts on **cultural heritage** would result because of improved access to key historic structures, Malahide Castle and Newbridge House and their associated parklands which would enhance the understanding of archaeological and architectural sites as is encouraged in the current Fingal Development Plan.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the

mitigation measures referred to above, and other measures set out in the Schedule of Commitments that accompanied the application and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the inspector.

### **Proper Planning and Sustainable Development**

12.1.1. There is clear planning policy support for the proposed greenway at a national, regional and local policy level as outlined above. The need for the proposal has been strongly justified in terms of improving tourism facilities and providing a safe and sustainable transportation route, both which accord with multiple wider policies identified above. It would form part of an identified network of greenways within Fingal and the Greater Dublin Area. The development would bring significant benefits in terms of addressing the impacts of climate change, economic development, tourism, health and leisure amenity. Its design including the route selected is considered acceptable and can readily exist alongside residential areas without any unacceptable impacts on existing residential amenity. No unacceptable traffic hazard would arise and the development is considered appropriate and justified in terms of flood risk. Notwithstanding some inconveniences noted, it is considered that, subject to compliance with conditions, the delivery of the greenway would be in the interest of the common good and would be in accordance with the proper planning and sustainable development of the area. This is contingent on ensuring that the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable and that the integrity of European Sites would not be adversely affected, in view of the relevant sites' conservation objectives. I have dealt with these matters under the following sections of my assessment.

## 13.0 Conditions

1.	<p>The proposed development shall be carried out and completed in accordance with the plans and particulars and other associated documentation, lodged with An Bord Pleanála on the 6<sup>th</sup> day of June, 2019, and the further information received by An Bord Pleanála on 22<sup>nd</sup> November 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be prepared by the local authority, these details shall be placed on file prior to commencement of development and retained as part of the public record.</p> <p><b>Reason:</b> In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.</p>
2.	<p>Prior to commencement of development, the local authority, or any agent acting on its behalf, shall prepare in association with the relevant statutory agencies a Construction and Environmental Management Plan (CEMP) based on the preliminary CEMP submitted and it shall incorporate all mitigation measures indicated in the Environmental Impact Assessment report, the Natura impact statement and the application documentation. The CEMP shall include hours of working, an invasive species management plan to prevent the spread of hazardous invasive species and pathogens. The CEMP shall be placed on file prior to the commencement of development and retained as part of the public record.</p> <p><b>Reason:</b> In the interest of protecting the environment, the protection of European Sites and in the interest of public health.</p>
3.	<p>(a) The mitigation measures and associated monitoring, outlined in the plans and particulars relating to the proposed development, shall be carried out in full, except as may otherwise be required in order to comply with the following conditions.</p> <p>(b) A suitably qualified ecologist shall be retained by the local authority, or any agent acting on its behalf, to oversee site set-up and the construction of the proposed development and implementation of mitigation and all monitoring measures relating to ecology set out in the NIS and outline CEMP. The ecologist shall be present during site construction works.</p>

	<p>Ecological monitoring reports detailing all monitoring of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.</p> <p><b>Reason:</b> In the interest of nature conservation and the protection of terrestrial and marine biodiversity.</p>
4.	<p>A qualified ecologist /ornithologist with relevant experience shall be appointed by the local authority to develop, undertake and co-ordinate a bird monitoring programme during the construction phase and for the operational phase of the development with surveys being undertaken in year 1, year 3 and year 5 of the operation of the greenway. Such monitoring may be a continuation of surveys of the overall bird usage of the inner and outer Estuary using standard survey methodologies, but it must also include the following:</p> <ul style="list-style-type: none"> <li>• Targeted monitoring of distribution, abundance and behaviour of diving ducks including Red Breasted Merganser, Great Crested Grebe and Goldeneye within 500m of the Greenway crossing of the inner Estuary</li> <li>• Bird distribution and usage of agricultural lands through which the greenway traverses (including Kilcrea North, Kilcrea South and Corballis)</li> </ul> <p>Data collected over the survey period should be analysed taking account of greenway user numbers and reports shall be put on the public file.</p> <p><b>Reason:</b> In the interest of nature conservation and the protection of terrestrial and marine biodiversity.</p>
5.	<p>The design and construction of culverts and stream crossings shall have regard to the provisions of National Roads Authority (now Transport Infrastructure Ireland) publication 'Guidelines For the Crossing of Watercourses During the Construction of National Road Schemes' and Inland Fisheries Ireland 'Requirements for the Protection of Fisheries Habitat during the Construction and Development Works at River Sites'.</p> <p><b>Reason:</b> In the interest of ecological and fisheries protection.</p>

6.	<p>(a) The local authority shall facilitate the preservation, recording and protection of archaeological materials or features that may exist along the route or lands immediately adjoining the route. In this regard, the local authority shall:</p> <ul style="list-style-type: none"> <li>(i) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works along the route, and</li> <li>(ii) provide arrangements for the recording and for the removal of any archaeological material which the local authority considers deemed appropriate to remove.</li> </ul> <p>(b) Works carried out within the curtilage of protected structures along the route including traffic calming works and road crossings shall seek the prior agreement of the local authority's conservation officer.</p> <p><b>Reason:</b> In order to conserve the archaeological and architectural heritage of the area.</p>
7.	<p>Where the greenway would cross the estuary, a solid wall with a height not exceeding 1.2m with a 0.2m high quality railing on top would be provided on the west side and the details of this boundary treatment shall be set out in a detailed drawing (based generally on Drawing 12-160-007 submitted to the An Bord Pleanála on the 22<sup>nd</sup> day of November 2019) and the details shall be placed on the public file.</p> <p><b>Reason:</b> To ensure the boundary treatment allows users to experience the overall appreciation of the surrounding landscape, while also meeting the requirements of the National Parks and Wildlife service and in the interest of safety and visual amenity.</p>
8.	<p>(a) Landscaping shall be carried out at the locations set out in the Environmental Impact Assessment. Worked up detailed drawings shall be developed and maintained on the public file.</p> <p>(b) The security fence proposed to be placed along the west side of the railway line, east of the proposed greenway, as it crosses the Malahide Estuary shall be galvanised welded wire mesh fence, green in colour. Details of the fence shall be maintained on the public file.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>



*Patricia Calleary.*

Patricia Calleary  
Senior Planning Inspector

27<sup>th</sup> March 2020.

## **Appendix 1 – List of Prescribed Bodies and Observers set out below.**

### Prescribed Bodies

- Department of Culture, Heritage and Gaeltacht (DCHG): National Parks and Wildlife Service (NPWS)
- Inland Fisheries Ireland (IFI)
- Transport Infrastructure Ireland (TII)
- National Office for Environmental Health Services
- Irish Aviation Authority
- DAA (two responses on file)
- Fáilte Ireland
- Geological Survey of Ireland (GSI) (as a division of the Department of Communications, Climate Action and Environment) (DCCAE)
- Department of Public Health - HSE East
- Dún Laoghaire-Rathdown County Council

### Observers

- Adrian Henchy
- Albert and Susan Ellingboe
- Ann Moran
- Aylwyn Bryan
- Brendan Fleming
- Brian Sheehan
- Caroline Murray
- Casquai Management Company
- David Dallaghan
- David Healy
- Donal and Liz McCarthy
- Dublin Airport Authority
- Fingal Public Participation Network

- Frank J. Walsh
- Gareth Lee
- Hendrik Van der Kamp
- Cycling Advocacy Network
- Ita O'Farrell
- James Cleary
- Joseph and Pauline Duddy
- Kathleen Martin
- Malahide Community Forum
- Hanlon's Lane Residents Association
- Olive Moran (Sheehan Planning)
- Pat Sharkey
- Paul Kiernan
- Paul Mulville
- Rossa Mac Canna
- Sandra Leyden
- Sheila and Christopher Curran

**Appendix 2 – Appropriate Assessment Report by Dr. Maeve Flynn**  
(Inspectorate Ecologist) – attached. Ref. ABP-R303726A-19