



An  
Bord  
Pleanála

## Inspector's Report ABP 304731-19

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### Development

Proposed alteration for the provision of a new waste marshalling yard within the grounds of the new National Forensic Mental Health Service Hospital (case ref. 06F.PA0037)

### Location

Lands at St. Ita's Hospital, Portrane, Co. Dublin

### Planning Authority

Fingal County Council

### Applicant

Health Service Executive

### Type of Application

Application under Section 146B of the Planning & Development Act 2000, as amended.

### Date of Site Inspection

24/10/19

### Inspector

Pauline Fitzpatrick

## 1.0 Introduction

Planning permission was originally granted in 2015, for the new National Forensic Mental Health Services Hospital (hereafter NFMHSH) under ref. 06F.PA0037.

The requester is now submitting this request to An Bord Pleanála, pursuant to section 146B of the Planning & Development Act 2000 (as amended), for alterations to the terms of that permission.

## 2.0 Site Location and Description

The site which has an approx. area of 1200 sq.m., is located within the grounds of the NFMHSH on lands at St. Ita's Hospital, Portrane, Co. Dublin. The overall HSE's lands at St. Ita's comprises of approx. 112 ha. The new hospital is located to the north-west of the original St. Ita's Hospital and will consist of a complex of low rise buildings, with tiled pitched roofs and an elaborate system of security fencing. Construction is nearing completion.

The site subject of this request is located to the north-west of the new build. It is accessed from an existing lane off Portrane Avenue which is the main access to the original hospital complex. The road also serves a terrace of dwellings known as Grove Lodge in addition to Ferns Lodge which is a protected structure and the complex of farm buildings also a protected structure. The said farm buildings are in a derelict condition.

The site is roughly rectangular in shape and is relatively level on which there is a small mock up building associated with the new hospital. Mature trees and overgrown vegetation delineate the northern, western and southern boundaries. The derelict farm buildings to the south date from the early 20<sup>th</sup> century. There is a derelict toilet building associated with the farm buildings to the west. The Crannog Nua special care facility is to the north of the site.

### 3.0 Planning History

#### 3.1. Parent Permission

06F.PA0037 – permission granted in 2015 for a new National Forensic Mental Health Services Hospital within the grounds of St. Ita's Hospital in Portrane subject to 14 conditions.

#### 3.2. Previous Alterations

**06F.PM0006** – in 2015 the Board decided that the proposed alteration to condition 12 dealing with construction hours was not a material alteration.

**06F.PF0001** - point of detail regarding compliance with condition 12(iii) of 06F.PA0037. The HSE and the Planning Authority failed to agree on detailed proposals for the segregation of sports-related activity and construction traffic along part of the temporary construction access road as was required under condition 12(iii) of the parent permission. The Board determined that the proposals as submitted by the applicant were acceptable subject to some amendment.

**06F.PM0009** – in 2016 the Board decided that the alterations pertaining to the changes to the depths of excavation across certain parts of the site, recontouring and infilling and ancillary works would result in a material alteration to the terms of the development and, following the invoking of provisions of section 146B(8)(a) of the Act, decided that the alterations would not be likely to have significant effects on the environment or on any European Site. Conditions 12 and 13 were subsequently altered.

### 4.0 Proposed Alteration

4.1. The proposed alteration is so as to allow for the provision of a new waste marshalling yard of approx. 1,106 sq.m. in area to accommodate storage and management of all waste generated from the development pending its collection. 12 vehicular collections per week are anticipated.

The yard is to be enclosed by a rendered wall 4.2 metre high and is to be partially roofed. A metal sliding gate is proposed on the southern side. It will include a small building c. 54 sq.m. in area containing an office and staff changing facilities.

## 5.0 Section 146B(2)(a) Notice

I refer the Board to the memorandum dated 29/07/19. The applicant's case as presented was summarised therein and it includes my assessment of the materiality of the proposed alteration.

Correspondence dated 31/07/19 informed the requestor that in accordance with section 146B(2)(a) of the Planning and Development Act, 2000, as amended, the Board decided that the proposed alteration would constitute a material alteration of the terms of the development.

As per section 146B of the Act, as amended by the European Union (Planning and Development)(Environmental Impact Assessment)Regulations 2018, the requestor was required to submit the information specified in Schedule 7A of the Planning and Development Regulations 2001, as amended. The requestor was also requested to submit an Architectural Heritage Impact Assessment.

The relevant public notice and notification of prescribed bodies procedures were also detailed.

The relevant details were submitted to the Board on the 18/09/19.

## 6.0 Applicant's Case

I refer the Board to the summary of the requestor's first submission in the memorandum dated 29/07/19. The said submission was accompanied by:

- Engineering Planning Report
- Outline Specification for the NFMHS Waste Marshalling Yard
- Technical Memo on Waste Management Storage Requirements
- Report for Screening for Appropriate Assessment.

The submission received 18/09/19 following the Board's correspondence dated 31/07/19 contains:

- Covering letter
- Copies of public notices

- Booklet of documents and drawings containing:
  - EIA Screening Report
  - Waste Management Strategy
  - Noise Review of Waste Marshalling Yard
  - Odour Review of Waste Marshalling Yard
  - Architectural Heritage Impact Assessment
  - Ecological Report for Waste Marshalling Yard
  - Tree Survey and Planning Report
  - Lighting Description
  - Site Scoping Memo – Traffic
  - Bat Assessment

#### 6.1. **Basis for the Alteration**

The permission granted under ref. PA0037 envisaged the provision of a waste marshalling yard with reference made to same in Section 14.5.2 and Appendix 1 of the EIS. At the time it was intended that the waste handling infrastructure would be provided jointly with the existing St. Ita's Hospital. Subsequently a review was undertaken on foot of which it was considered that a shared service waste management facility was no longer appropriate. The existing St. Ita's Hospital campus would continue to operate its own waste management plan and will remain unchanged.

#### 6.2. **Documentation Accompanying Request**

The documents can be summarised as follows:

- 6.2.1. *Engineering Planning Report* sets out the site servicing including surface water drainage, access and parking. The site is not at risk of flooding.
- 6.2.2. *Outline Specification* for finishes and materials.
- 6.2.3. *Operational Waste Management* report supplemented by way of a Waste Management Strategy details the likely waste generation on which the equipment and space required for the waste marshalling area are based. Waste will be segregated at source to ensure compliance with legislation, guidelines and best

practice standards while maximising opportunities for recycling and recovery of waste.

- 6.2.4. *EIS Screening Report* sets out the planning history on the site, the locational requirements for the proposal and the required Schedule 7A information. It concludes that the waste marshalling yard is an essential facility to serve the hospital. Having regard to the nature, scale and location it will not have significant environmental effects.
- 6.2.5. *Noise Assessment* report details the anticipated noise arising during both the construction and operational phases.
- 6.2.6. *Odour Assessment* report states that the risk of odour exposure at the nearby odour sensitive receptors due to the waste storage and collection is considered negligible given the quantity of odorous materials, the period of time that bins will be exposed to the atmosphere and the distance to sensitive receptors.
- 6.2.7. *Architectural Heritage Impact Assessment* gives a historical overview and details the site surveys and building inspections carried out. The yard will be in close proximity to the farm buildings which are a protected structure and is within an Architectural Conservation Area. The proposal requires appropriate boundary landscape screening design to reduce the visual impact in the direction of the farmyard buildings and complex. Extra physical protection should be given to Ferns Lodge as it is vulnerable to possible heavy traffic during the construction phase.
- 6.2.8. *Ecological Assessment and Bat Assessment* reports details the desk study and field surveys carried out. The active badger sett located in the woodland at the northern environs of the site will not be directly impacted by the proposed works but will take place within the recommended exclusion area of 30 metres. A licence has been sought from the NPWS. Surveys in 2012 and 2014 confirmed the presence of a brown long eared bat roost in the farmyard buildings adjoining the proposed site. A bat derogation licence was granted for the works which has now expired. 2019 survey work confirmed the presence of four species of bats using the area for foraging and commuting purposes and the presence of roosts for two species just outside the red line boundary of the proposal in the agricultural buildings. The proposal gives rise to the potential impacts on bats arising from the potential barrier to bat activity arising from inappropriate lighting and loss of foraging areas. Measures to

limit the impact are detailed including tree protection, lighting design, provision of roosting and nesting opportunities etc. Sediment control measures, minimisation of site disturbance, contractor briefing and retention of the NFMHSH project ecologist to act as ecological clerk of works proposed.

- 6.2.9. *Report for Screening for Appropriate Assessment* notes that St. Ita's lands are in close proximity to the boundaries of a number of designated sites. No qualifying interests are on the site. Invasive species have been recorded on the wider St. Ita's site. None are recorded within the subject site. Consideration is given to cumulative impacts with other plans and projects. It concludes that there is no likelihood of any significant effects on the designated sites.
- 6.2.10. *Tree Survey Report* notes that the area is heavily overgrown covered by a mix of thick undergrowth along with a number of trees, some of which are a considerable size. The most prominent trees are the mature Monterey Cypress trees which are in a poor and deteriorating condition. The remaining mix of trees include a number of sycamores which contribute to the landscape. Their conservation is recommended. Preliminary management recommendations for trees assessed listed in the tree survey schedule.
- 6.2.11. *Proposed External Lighting*. Luminaires to be selected to ensure that when installed there shall be zero direct upward light emitted to the sky.
- 6.2.12. *Site Scoping* report sets out the vehicular access requirements for the waste facility. The NFMHSH is to be served by one vehicular access and egress from Portrane Avenue off the R216. The chosen site location can be accessed easily by large vehicles.

## 7.0 Local Authority Submission

The submission from Fingal County Council comprising of a report by the CEO with a number of departmental reports included in an Appendix, can be summarised as follows:

### 7.1. Conservation Officer

- The proposed development does not directly impact on any of the protected structures. There is sufficient vegetation growth in the vicinity. Its retention

will ensure that the waste management area is discretely sited within the existing complex.

- There is no objection to the proposal and no specific requirements in relation to the plans and designs.
- The enactment of the commitments for the maintenance of the farm buildings and re-use of vacant buildings as per condition 3 of the original permission is lacking (requirement that mitigation measures and commitments in the EIS, NIS and plans and particulars submitted be implemented in full).

## **7.2. Transportation Planning Section**

- The assumption regarding the generation of trips are reasonable. There would be no significant impact on the road network.
- There are concerns that the retention of the mock up building and potential use as a training facility for hospital staff would give rise to potential pedestrian/HGV conflicts. Sufficient information has not been provided. It is recommended that the Mock Up building be decommissioned prior to the operation of the proposed development.
- Not in favour of Portrane Avenue being used by construction traffic. Existing construction access arrangements for the hospital recommended.
- A detailed Construction Management Plan should be agreed prior to commencement of development.

## **7.3. Water Services Section**

- The surface water drainage has been designed for the overall area of 1200m<sup>2</sup>. Only c.390m<sup>2</sup> is under roof cover. The soakaway would appear to be oversized. However, it is an express requirement not to discharge surface water into the foul sewer. Prior to development the applicant to delineate all drainage areas with a view to minimising unnecessary surface water discharges into the foul sewer.
- The surface water drainage to be in accordance with the Greater Dublin Regional Code of Practice for Drainage Works, V.6, FCC, April 2006.



#### 7.4. Parks Division

- It is recommended that the applicant implement all the findings of the tree survey report.
- Landscape plan drawing Plan B is acceptable. it should be implemented in the first planting season following completion.

#### 7.5. Environment Department

- HSE to apply to Irish Water for Trade Effluent Licence in respect of the discharge from the bin washing area.
- Management of food waste to comply with S.I. No.508 of 2009, Waste management (Food Waste) Regulations.
- Waste generated to be segregated at source to comply with legislation and to support the successful implementation of the Eastern Midlands Region Waste Management Plan, 2015-2021.

#### 7.6. Planning Assessment

- It is noted that the temporary mock up building was provided by the HSE in association with the construction of the hospital and there is no permission for it to be retained in the future on a permanent basis for any use.
- The site of the proposed development is a preferable location for the facility when compared to locating it within the farm yard from both a visual and Architectural Heritage point of view. It will allow the farm buildings complex to be developed for more appropriate uses in the future.
- It is considered that the proposal by reason of its location, scale and the existing and proposed vegetative screening will not adversely impact on either the setting of the farm buildings or on the setting of other protected structures within the Demense nor will it impact on the designated ACA for St. Ita's Hospital and Portrane Demense. The landscape Plan Option B Drawing No.100B should be implemented in full
- A possible expansion zone is indicated to the east side of the proposed yard adjacent to the road turning area. No details have been submitted. It is considered that any expansion, should it be required in the future, would be

best located on the west side where it would be less intrusive from a visual point of view. In the interest of clarity this element should be specifically omitted by condition.

- Having regard to the extent and character of the alteration it is considered that it would not be likely to have significant effects on the environment

There is no objection to the making of the alteration to the terms of the permitted development subject to all of the conditions of the permission 06F.PA0037 being retained.

The following conditions are recommended:

- The requirements recommended by Parks Division, Water Services, Transportation and Environment.
- The possible expansion zone indicated on the east side being omitted.
- Temporary mock up building to be removed on completion of the new hospital.
- Existing construction access arrangements for the new hospital to be used unless otherwise agreed with Fingal County Council.
- The landscape Plan Option B Drawing No.100B to be implemented in full.

## 8.0 Observations

None

## 9.0 Prescribed Bodies

Irish Aviation Authority has no observations.

Transport Infrastructure Ireland has no observations.

Irish Water has no objection subject to conditions.

## 10.0 **Assessment**

I consider that the issues arising can be assessed under the following headings:

- Planning Assessment
- Environmental Impact Assessment
- Appropriate Assessment

### 10.1. **Overview**

The undersigned previously prepared a memorandum in relation to the request to alter the terms of the permission for the NFMHSH dated 29/07/19. The scope of the said memo related to a recommendation on whether the proposed alteration would constitute the making of a material alteration of the terms of the development concerned as referred to in Section 146(2)(a) of the Act. The Board decided that the proposed alteration would constitute a material alteration. The requestor was informed of same in correspondence dated 31/07/19.

This report will consider the planning issues arising with the proposed alteration, whether the alteration would be likely to have significant effects on the environment as required pursuant to section 146B(4) of the Act and make a recommendation to the Board on the matter. It will further make a recommendation to the Board as to whether the alteration should be made or not have regard to the provisions of Section 146B(3)(b).

### 10.2. **Planning Assessment**

I consider that the issues arising can be assessed under the following headings:

- Visual Impact
- Architectural Heritage
- Access and Traffic
- Other Issues

### 10.2.1. Visual Impact

The yard is to be located to the north of the farm buildings roughly in the centre of the overall St. Ita's complex, set back from the regional road to the north and from Portrane Avenue to the west. The new NFMHSH is located on the lands to the south and south-west.

The proposed waste marshalling yard is to occupy an area of approx. 1,106 sq.m. with a 4.2 metre high concrete block wall defining the boundaries. The yard will be partially roofed providing space for storage pending collection of waste. It will also include waste baling equipment and bin washing facilities. It will include a small building c. 54 sq.m. in area containing an office and staff changing facilities.

The site is currently well screened from the farm buildings to the south and Crannog Nua special care unit to the north.

A tree survey included in the documentation submitted to the Board on 18/09/19 details a number of trees to be removed to facilitate the proposal with two possible landscaping plans provided.

The context of the yard is such that it would not be visible save from the immediate vicinity. I therefore do not consider that the proposed alteration would have a material impact on the visual amenity of character of the area and would be imperceptible in the context of the overall permitted development. I would concur with the planning authority that Landscape Plan Option B (Drawing No.100 B) received on the 18/09/19 would be the more acceptable proposal. A condition requiring the implementation of the landscaping plan within the first planting season is considered appropriate.

Provision has been made for a future eastwards expansion of the facility should it become necessary. This expansion area is shown on the submitted drawings. I would concur with the Local Authority that any future requirements would more appropriately be located to the west to avail of the site screening. Notwithstanding the said extension is not the subject of this alteration request. It would be required to be subject of a further alteration request and assessment were it to be pursued in the future.

I note that reference is made to the mock up building to the west of the proposed yard and the potential for its use as a training facility in the future. The planning

authority in its submission to the Board seek its removal on completion of the hospital. The said building is not subject of this alteration request. The issue of its removal is a matter for the planning authority within the parameters of the parent permission PA0037.

#### 10.2.2. Architectural Heritage Impact

The site of the waste marshalling yard is immediately to the north of the farm buildings associated with St. Ita's Hospital Complex which are a protected structure in the current Fingal County Development Plan (RPS.No.857). It is also within the Portrane – St. Ita's Hospital Complex Architectural Conservation Area. The new hospital complex is located immediately to the south and south-west of the farm buildings.

The Architectural Heritage Impact Assessment Report, in addition to surveying the said farm buildings also surveyed several ancillary buildings in the vicinity of the proposed yard including Ferns Lodge located to the south of the farmyard buildings which is also a protected structure and a toilet block and stable block to the north and north-west.

The farm buildings and Ferns Lodge date from approx. 1900 with the toilet and stable blocks dating from the 1930's. The latter were constructed to serve the farm buildings. They are not protected but are within the curtilage of the protected structure. They are not of any architectural or functional merit. Notwithstanding their removal is not required to facilitate the proposed development.

The proposed development does not directly impact on the nearest protected structures with sufficient screening which is to be augmented which will ensure that the waste management area does not adversely impact on their setting and context. Their potential reuse would not be compromised. In terms of the wider demesne landscape and the associated Architectural Conservation Area the impact of the proposed development in such a secluded location would be minimal especially when taken in the context of the extent of new build nearing completion.

The concerns expressed by Fingal County Council's Conservation Officer with regard to the absence of progress in terms of the commitments for the maintenance and re-use of vacant buildings as per condition 3 of the original permission is a

matter for enforcement by the planning authority. As noted above the said protected structure does not form part of the proposed alteration.

### 10.2.3. Access and Traffic

The NFMHSH will be accessed from Portrane Avenue off the R126. There will be no other vehicular access point permitted to the complex due to security requirements for the facility. Therefore, vehicular movements to and from the waste marshalling yard will also be served by this one access. Approx. 12 vehicular movements in and out of the yard is anticipated in a given week. In the context of the vehicular movements that will be generated by the overall complex these additional movements would not be significant and can be adequately accommodated on the access road from Portrane Avenue. A swept path analysis demonstrates that the site can be accessed by appropriate vehicles.

As per page 16 of the booklet submitted to the Board on 18<sup>th</sup> September it is stated that as part of the preparations to hand over the new hospital in spring 2020 the temporary construction access which has served development of the new hospital must be removed in the near future and the lands reinstated. In this event it is proposed to make use of Portrane Avenue to facilitate construction. Whilst I note that the Transportation Planning Section, Fingal County Council is not in favour of this scenario and would prefer the existing construction access arrangements to be continued I consider that in view of the limited number of truck loads (c.100 excluding future export of excavated material) and the anticipated 3 month construction period the alternative access arrangements are acceptable in view of the imperative to reinstate the lands which facilitated the temporary access heretofore. I note that it is proposed to employ smaller size trucks to complete the new yard. I note that the arrangement would be subject of a detailed construction management plan to be agreed with the planning authority. I recommend that condition 12 attached to the parent permission which required the submission of a Construction Traffic Management Plan be altered so as to encompass the issues arising at this juncture.

### 10.3. Other Issues

The Ecological Assessment indicates that there would be limited effects in terms of biodiversity insofar as there would be some impact on adjacent trees and shrubs.

There is a badger sett in the environs of the site which will subject of an appropriate licence from the National Parks and Wildlife Services.

A bat survey carried out established bat species in the vicinity. Mitigation measures include tree protection, lighting design and provision of roosting and nesting opportunities.

It is proposed that NFMHSH project ecologist be retained to act as ecological clerk of works on the development. This is considered appropriate.

#### 10.4. Environmental Impact Assessment

As required under section 146B(4) the Board, having previously determined that the proposed alteration does constitute a material alteration of the terms of the development granted under PA0037, must determine whether the extent and character of the alteration now sought would be likely to have significant effects on the environment. This question will be assessed hereunder with reference to Schedule 7 of the Planning and Development Regulations, 2001 as amended *'Criteria for determining whether a development would or would not be likely to have significant effects on the environment'*. Regard will be had to the Schedule 7A information submitted by the requestor.

##### 10.4.1. Characteristics of proposed development

The proposal entails the construction of a waste marshalling yard to accommodate storage and management of all waste generated from the new NFMHSH as described in section 4 above. The proposal is to form an integral component necessary for the operation of the new hospital.

It is to occupy an area of approx. 1,106 sq.m. with a 4.2 metre high concrete block wall defining the boundaries. The yard will be partially roofed providing space for storage pending collection of waste. It will also include waste baling equipment and bin washing facilities. It will include a small building c. 54 sq.m. in area containing an office and staff changing facilities.

The proposal itself will not produce waste but will act as a marshalling yard for waste produced in the new hospital for its onward removal for re-use or disposal elsewhere. Waste will be generated in new buildings, namely the 7 no. residential

blocks, reception building, village centre and the energy centre as well as from external maintenance, horticultural activities undertaken by patients and landscaping works. The average waste arisings for the hospital are estimated to be in the region of 42 cubic metres per week comprising of three streams namely non-hazardous healthcare, healthcare risk waste and production/kitchen and horticultural waste. An outline waste management plan for the new hospital was included in Appendix 12 of the EIS that accompanied the parent application, and which was assessed as part of same. The proposal will not alter the existing waste management arrangement of the existing St. Ita's hospital.

No demolition of existing structures is proposed. A disused toilet block and mock up room to the west of the site will be not be affected. The site is a brownfield site and the construction and operation of the yard will not use a significant amount of natural resources. The site is fully serviced with surface water to be disposed to a soakaway. A number of trees along the site boundaries are to be removed but the existing screening is to be augmented with further appropriate planting.

During the construction phase small amounts of solid wastes will be produced which will be appropriately disposed of in accordance with the Construction and Demolition Management Plan prepared for the overall hospital site. Construction will also entail the importation of materials onto the site. Within the context of the nature and scale of the works nearing completion on the overall lands such works that would be generated would not be to a scale which would merit concern in terms of significant impacts.

As per the Noise Assessment report there will be some noise during operational activity, but the 4.2 metre high perimeter wall will have a screening effect.

Operational hours will be limited to business hours. Noise will not give rise to material concerns in terms of the nearest noise sensitive receptors. Construction noise will be temporary and will be considerably less than described in the EIS that accompanied the parent application.

An Odour Assessment has been prepared in which it is concluded that odours will be minimal with collections and transport of waste off site to occur up to 12 times per week.



It is not considered likely that the proposed development would have any adverse impact in terms of accidents.

#### *10.4.2. Location of proposed development*

The site is within the St. Ita's Hospital grounds and to the north-west of the NFMHSH nearing completion.

The site can be characterised as a brownfield site having accommodated early 20<sup>th</sup> century farm buildings which were demolished a long time ago.

In terms of natural heritage, the resource closest to the site are Rogerstown Estuary SAC and SPA which are 0.01km to north-east of overall HSE's land holding. The subject site is c. 600 metres to the south-west of same. The location of the site roughly in the centre of the holding is buffered from the designated sites by existing development. In the context of the location, nature and scale of the proposal it is my opinion that potential effects on the conservation objectives of the designated site would be unlikely to arise. I refer the Board to section 10.4 of my assessment in this regard.

St. Ita's Demense is an Architectural Conservation Area and the hospital complex is designated as a series of protected structures, the nearest being the farm buildings to the south of the subject site

#### *10.4.3. Characteristics of Potential Impacts*

From the assessment above, it is my opinion that the extent of the impact in terms of geographical area and population are limited.

The aspects of the environment which could potentially be affected by the proposed development include its impact on architectural heritage, landscape and biodiversity.

As noted in section 10.2 above the proposed development does not directly impact on the farm buildings which are the nearest protected structures with sufficient screening, which is to be augmented, which will ensure that the waste management area does not adversely impact on their setting and context. Their potential reuse would not be compromised. In terms of the wider demesne landscape and the associated Architectural Conservation Area the impact of the proposed development in such a secluded location would be minimal especially when taken in the context of the extent of new build nearing completion.

In terms of landscape the context of the yard is such that it would not be visible save from the immediate vicinity. I therefore do not consider that the proposed alteration would have a material impact on the visual amenity or character of the area and would be imperceptible in the context of the overall permitted development. A condition requiring the implementation of the landscaping plan within the first planting season is considered appropriate.

There would be limited effects in terms of biodiversity insofar as there would be some impact on adjacent trees and shrubs. There is a badger sett in the environs of the site which will be subject of an appropriate licence from the National Parks and Wildlife Services. A bat survey carried out established a number of bat species in the vicinity with mitigation measures including tree protection and lighting design detailed.

Based on the assessment above it is my opinion that the overall magnitude of the main impacts would be localised. A number of the potential effects identified are considered to have a high degree of probability however the impact of the impacts will not be significant, and the overall magnitude is at worst likely to be low.

The proposed development which would entail site clearance and construction will be permanent and not reversible. The construction phase of the proposed development would be short term.

#### *10.4.4. Conclusion*

In view of the above assessment I would conclude that the aspects of the environment likely to be affected by the development would be localised with those likely during construction e.g. emissions to air and noise being temporary. The impacts I consider to be of any material consideration is that of landscape and cultural (architectural) heritage, namely the construction of the yard and impact on the context and setting of the farm buildings. However, in view of the nature and extent of the development and the screening afforded by existing vegetation which is to be augmented I conclude that the impact not be significant. On this basis I submit that the provisions of Section 146C of the Planning and Development Act 2000, as amended, are not applicable and that the preparation of an EIAR in relation to the proposed alteration is not required.

## 10.5. Appropriate Assessment - Screening

A NIS was prepared and submitted as part of the original planning application PA0037. The Board completed an Appropriate Assessment in relation to the effects of the development proposed on the following sites that were not screened out:

- Rogerstown Estuary SAC (site code 000208)
- Rogerstown SPA (site code 004015)

The Board concluded that the proposed development, by itself, or in combination with other plans or projects, would not be likely to adversely affect the integrity of these European Sites in view of the sites' conservation objectives.

### 10.5.1. Project Description and Site Characteristics

The site location and proposed development are as described in section 1 and 4 above.

### 10.5.2. Natura 2000 Sites, Qualifying Interests and Conservation Objectives

The overall lands are approx. 10 metres from the nearest points of Rogerstown Estuary SAC and SPA with the subject site c. 600 metres from same. The conservation objectives of the designated sites include a mix of aquatic habitat and species and wetland and waterbirds

Detailed conservation objectives have been drawn up for the sites, the overall aim being to maintain or restore the favourable conservation status of the said habitats and species.

### 10.5.3. Assessment of Likely Effects

As the site is not within a designated site no direct impacts will arise.

No suitable habitats occur within the site for the relevant qualifying interests.

There is no surface water connectivity between the site and the designated sites with no watercourses recorded on site. The nearest drain is that which runs along the southern boundary of the Portrane Football club grounds over 100 metres to the west of the subject site. The site is separated from the designated sites by a regional road and existing institutional and residential development. No source pathway receptor chain for significant impact during the construction phase is

identified. During the operational phase the site will be fully serviced in terms of water and sewerage. Potential for indirect impacts on the European Sites can be excluded.

In terms of cumulative impacts, the screening report details the plans and projects considered including the NFMHSH, the Donabate Distributor Road, Donabate waste water treatment plant and housing development. All have been screened for AA or undergone AA themselves.

#### *10.5.4. Screening Statement and Conclusions*

Having considered the Board's determination on Appropriate Assessment on PA0037, the nature, scale and extent of the alteration relative to the permitted development, and the information on file, which I consider adequate to carry out AA Screening, I consider it reasonable to conclude that the alteration proposed, individually or in combination with other plans or projects, would not be likely to have a significant effect on European sites Rogerstown Estuary SAC (site code 000208) and Rogerstown SPA (site code 004015) in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

In reaching this conclusion, I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects on the projects on any European Sites.

## 11.0 Recommendation

In conclusion and having regard to the foregoing I recommend that the Board invoke the provisions of section 146B(3)(b)(ii) of the Planning and Development Act 2000, as amended, and alter the decision made under reference number 06F.PA0037 in accordance with the following draft order.

### **DRAFT ORDER**

REQUEST received by An Bord Pleanála on the 21st day of June 2019 from Health Services Executive, care of Doyle Kent Planning Partnership Ltd. of 71 Carysfort Avenue, Blackrock, County Dublin under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of the National Forensic Mental Health Services Hospital on lands at St. Ita's Hospital, Portrane, County Dublin, a strategic infrastructure development the subject of a permission granted under An Bord Pleanála reference number 06F.PA0037

WHEREAS the Board made a decision to grant permission, subject to conditions, for the above-mentioned development by order dated the 29th day of May, 2015,

AND WHEREAS the Board has received a request to alter the terms of the development, the subject of the permission,

AND WHEREAS the proposed alteration is described as follows:

- Provision of Waste Marshalling Yard

AND WHEREAS the Board considered that the alteration would result in a material alteration to the terms of the development, the subject of the permission,

AND WHEREAS having regard to the nature of the issues involved, the Board invoked the provisions of section 146B(8)(a) of the Planning and Development Act, 2000, as amended, to invite submissions or observations in relation to the matter from members of the public

AND WHEREAS having considered all of the submissions/observations and documents on file and the Inspector's reports, the Board considered that the making of the proposed alteration would not be likely to have significant effects on the environment or on any European Site,

NOW THEREFORE in accordance with section 146B(3)(b) of the Planning and Development Act, 2000, as amended, the Board hereby alters the above-mentioned decision so that the permitted development shall be altered in accordance with the plans and particulars received by An Bord Pleanála on the 21<sup>st</sup> June, 2019 and 18<sup>th</sup> September 2019 and the Board also hereby alters the above-mentioned decision so that Condition 3 of its order shall be altered, condition 12 of its order shall be altered to include Condition Number 12(v) and condition 15 shall be inserted as set out below:

## **CONDITIONS**

**Condition 3:** The mitigation measures and commitments identified in the environmental impact statement and the Natura impact statement, in the plans and particulars submitted with the planning application, and in the further plans and particulars received by An Bord Pleanála on the 16<sup>th</sup> day of February, 2015, 21<sup>st</sup> day of June, 2019, and 18<sup>th</sup> day of September, 2019, shall be implemented in full, except as may otherwise be required in order to comply with the following conditions, and in accordance with a time schedule for implementation that shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interests of clarity and of orderly development.

**Condition 12(v):** the construction haul route for the waste marshalling yard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Condition 15:** the waste marshalling yard shall be landscaped in accordance with Drawing Landscape Plan Option B, Drawing No. 100B received by An Bord Pleanála on the 18<sup>th</sup> day of September, 2019. All planting/landscaping required to comply with the specification of the landscaping scheme shall be maintained, and if any tree or plant dies or is otherwise lost within a period of five years, it shall be replaced by a plant of the same species, variety and size within the planting season following such loss.

**Reason:** In the interests of clarity and visual amenity

## **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included the submissions and observations received by it in accordance with statutory provisions.

## **REASONS AND CONSIDERATIONS**

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

- (a) The nature and scale of the proposed alteration,
- (b) The documentation and submissions on file, including the submissions received in response to the public notice dated the 17<sup>th</sup> day of September 2019, and
- (c) The report of the Inspector

The Board was satisfied that the information before it was adequate to undertake a screening for appropriate assessment and a screening for environmental impact assessment in respect of the proposed alteration.

### **Appropriate Assessment Screening**

In conducting a screening exercise for appropriate assessment, the Board considered the nature, scale and context of the proposed alteration, the documentation on file, in particular the Appropriate Assessment screening report submitted in support of the proposal, the submissions on file – including those from the planning authority - and the assessment of the Inspector in relation to the potential for effects on European Sites. In undertaking the screening exercise, the Board accepted the analysis and conclusions of the Inspector. The Board concluded that, by itself and in combination with other development in the vicinity, the alteration would not be likely to have significant effects on any European Site in view of their conservation objectives.

In reaching this conclusion, the Board took no account of mitigation measures intended to avoid or reduce the potentially harmful effects on the projects on any European Sites.

## Environmental Impact Assessment Screening

Under file reference PA0037 approval was granted for the development of a major hospital complex at this existing campus, entailing a significant construction project. This proposal seeks to provide a waste marshalling yard to service the hospital. The Board considered the potential environmental impacts that might arise due to the proposed alteration, both by itself and in combination with other development in the vicinity. Having regard to the characteristics of the receiving environment, the planning history of the site, the characteristics of the proposed alteration and the submissions on file, the Board is satisfied that the proposed alteration would not be likely to have significant effects on the environment. The Board concurred with the analysis and conclusions of the Inspector in this matter. The Board, therefore, concluded that the preparation of an environmental impact assessment report is not required, either by means of any mandatory requirement or following sub-threshold analysis.

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**Pauline Fitzpatrick**  
**Senior Planning Inspector**

**November, 2019**