



An
Bord
Pleanála

Inspector's Report ABP-306583-20

Proposed Development

A residential development with ancillary commercial uses (retail unit, café and crèche) partially comprising a "Build to Rent" scheme on circa 9.69 hectares.

Location

The townlands of Shanganagh, Cork Little and Shankill, Co. Dublin.

Planning Authority

Dun Laoghaire Rathdown County Council

Applicant

Dun Laoghaire Rathdown County Council

Prescribed Bodies

Health & Safety Authority
Health Service Executive
National Transport Authority
Transport Infrastructure Ireland
Inland Fisheries Ireland

Observer(s)

John Coveney

Castle Farm Residents Group
Residents of Castle Farm
Councillor Jim Gildea
Paul Deery & Mike Fitzgerald
Brenda Murphy
Corbawn Area Residents Association
Andrew Beck & Dr. Rebecca Beck

Date of Site Inspection

24th June 2020

Inspector

Ciara Kellett

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1.0 Introduction

- 1.1. This is an application for development approval submitted to An Bord Pleanála (the Board) under Section 175(3) of the Planning and Development Act 2000, as amended. Applications under Section 175(3) are made by Local Authorities when the authority proposes to carry out development within its functional area, in respect of which an Environmental Impact Assessment Report (EIAR) has been prepared.

2.0 Site Location and Description

- 2.1. The site is located to the south of County Dublin between Shankill Village and Bray, County Wicklow. It is located within the administrative area of Dun Laoghaire Rathdown County Council (the applicant). The old Dublin Road, the R119, runs in a roughly north-south direction to the west of the site and the M11 motorway is further to the west again. The site is c.975m from the coast to the east.
- 2.2. The site lies within the old demesne grounds of Shanganagh Castle which is a Protected Structure and is listed on the Record of Monuments and Places. The castle itself lies to the east of the site and forms the backdrop to the overall development. The Shanganagh Cemetery lies to the south of the site. The surrounding area is characterised by mature well-established housing developments including Crinken Glen, Castle Farm and the relatively recent development of Olcovar. The other notable use for the area is open space including Shanganagh Park and Woodbrook Golf Club.
- 2.3. The existing DART railway line is located to the east of the site. Shankill DART station is located in Shankill village c.2.1km to the north. A future station is planned to be provided within the Woodbrook lands c.1km to the south. The old Dublin Road is planned to accommodate BusConnects route 19 Bray to city centre.
- 2.4. The site is 9.69 Hectares in area and is currently in use as grassland, a playing pitch, garden allotments, greenhouses and storage sheds as well as localised areas of woodland. A water feature known as the pond is located within the site.
- 2.5. The site is identified for residential development under the Woodbrook – Shanganagh Local Area Plan (LAP) 2017 – 2023. The Board recently granted

permission for a SHD development in February 2020 on the Woodbrook lands to the south of the subject site, ABP Ref. 305844.

2.6. Appendix A includes maps and photos.

3.0 Proposed Development

3.1. The proposed development provides for the following:

- 597¹ no. residential units (ranging from 1 – 6 stories in height with one block comprising a 7th storey) in a combination of housing, apartments and Build to Rent apartments.
 - In detail: 1 no. detached unit; 14 no. semi-detached units; 36 no. terraced houses; 40 no. apartments; and 506 no. Build to Rent apartments in 8 no. blocks of development
- Resident support facilities including: Concierge facilities; Parcel/Store room; Central Energy Centre; waste management areas; and bike storage rooms.
- Crèche facility with capacity for 107 children; local shop of 103sq.m; local café of 125sq.m.
- Landscaping and public realm works including: regeneration of the existing pond within the demesne; playground and kick about areas; new pedestrian and cycle connections.
- Works to Shanganagh Castle entrance to the Dublin Road; upgrade works to facilitate a signalised junction; and, provision of a separate pedestrian entrance and 365 car parking spaces.
- Demolition of a house, glasshouses and maintenance buildings.
- All associated works.

3.2. The dwelling mix is described as follows:

¹ It is noted that flexibility is sought whereby 2 no. 1 bed and 2 no. 2 bed units may be amalgamated into 2 no. 4 bed units thereby reducing the overall unit provision to 595 units should the need arise

Unit Size	Detached	Semi-detached	Terraced	Apartments	% of overall development
Studio				29	4.8
1-bed				165	27.6
2-bed	1	14	15	281	52
3-bed			21	69	15
4-bed				2	0.3
Total	1	14	36	546	100

3.3. The dwelling tenure is as follows:

Unit Format	Unit Type	No. of units
Affordable Sale	Houses	51
Affordable Sale	Apartments	40
BTR Social Units	Apartments	200
BTR Cost Rental Units	Apartments	306

3.4. The development parameters are:

Development Statistics	Gross	Net
No. of residential Units	597	
Gross Site Area	9.69 Ha	7.03 Ha
Density Gross	62 Units/Ha	85 Units/Ha
Gross Floor Area	61,691sq.m	56,641sq.m
Building Height	2-6 storeys with 7 storey set back	
Public Open Space	3.1 Ha	1.76 Ha

3.5. In terms of wastewater services, it is proposed to service the development via a 225mm diameter gravity system through the adjacent Shanganagh Park connecting

to the proposed system for the Woodbrook SHD development. From there foul water will then be pumped to the existing Irish Water system at St. Anne's Park Housing Development to the north of Shanganagh Park via a proposed rising main. Upon completion of the final rising main by Irish Water, wastewater flows will then be transferred to the new rising main and pumped to Shanganagh Wastewater Treatment Plant (WWTP) for treatment. The site is served by a 100mm diameter main which runs through the site connecting the castle. This pipe is connected to an existing 150mm diameter pipe which runs along Dublin Road to the west of the site. A pre-connection enquiry was made to Irish Water, and it has been confirmed that subject to agreement, the connection of the development to the Irish Water network can be facilitated.

- 3.6. In addition to the architectural, landscaping and engineering drawings, EIAR and AA Screening Statement, the application was accompanied by numerous reports including *inter alia* a BTR Justification Report, Planning Report, design statements, engineering reports, flood risk assessment, and a construction management plan.

4.0 Planning History

- 4.1. There is no relevant planning history on the subject site. Information is provided on the history of the ownership of Shanganagh Castle. The castle and its demesne were sold to the state c.1936 when it was extended and used for education purposes. It was then used as an open juvenile prison from 1969 to 2002. Dun Laoghaire Rathdown County Council purchased 8.4 hectares, and 2.5 hectares housing the castle and gardens were sold to a private developer. A depot was constructed to the south of the planted woodland and the adjoining fields to the south and east were developed as Shanganagh Park, containing football pitches and paved paths for walking.
- 4.2. There have been some recent planning applications adjacent to the site
- **ABP-305844-19:** Permission was granted by the Board on 27th February 2020 for a SHD development comprising 685 no. residential units, crèche and associated works. This development is to the south of the site and south of Shanganagh Cemetery and the park.

- **DLR Ref. PC/PKS/02/16:** Part 8 Scheme for the construction of a new crematorium facility at Shanganagh cemetery approved March 2017.

5.0 Relevant Planning Policy

5.1. National Policy

Project Ireland 2040 - National Planning Framework

- 5.1.1. The National Planning Framework includes a specific Chapter, No. 6, entitled 'People, Homes and Communities'. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

Section 28 Ministerial Guidelines

- 5.1.2. Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions, I am of the opinion that the directly relevant section 28 Ministerial Guidelines are:
- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual'), 2009.
 - 'Design Standards for New Apartments – Guidelines for Planning Authorities' (updated 2018).
 - 'Design Manual for Urban Roads and Streets'.
 - 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices').
 - 'Childcare Facilities Guidelines for Planning Authorities'.

- ‘Urban Development and Building Heights – Guidelines for Planning Authorities’, (2018).
- Architectural Heritage Protection – Guidelines for Planning Authorities republished 2011

5.2. County Policy

Dun Laoghaire Rathdown County Development Plan 2016 – 2022

- 5.2.1. The site is zoned ‘A1 – To Provide for new residential communities in accordance with approved local area plan’ as indicated on Map 14 of the County Development Plan. Residential development and Childcare services are ‘permitted in principle’ under this zoning objective.
- 5.2.2. Chapter 1 states that Woodbrook-Shanganagh is identified as a Future Development Area with the potential to deliver between 2,000-2,300 residential units. It is an objective of the Plan to prepare a LAP for Woodbrook-Shanganagh. Woodbrook-Shanganagh is specifically referenced in Section 1.3.4.1 of the Plan where it is stated that the Plan lands when fully developed, will accommodate an additional 5,000 to 6,000 persons in approximately 2,000 to 2,300 units. These figures are based on net densities of 80 to 100 units per hectare at Woodbrook and 65 to 75 units per hectare at Shanganagh Castle.
- 5.2.3. Chapter 2 outlines that the Council is required to deliver c.30,800 units over the period 2014 – 2022. It is stated that the Council in seeking to secure this objective will focus on three strands, namely: increasing the supply of housing; ensuring an appropriate mix, type and range of housing; and, promoting the development of balanced sustainable communities.
- 5.2.4. Housing policies set out in section 2.1.3 include policy **RES3**: Residential Density, which promotes higher residential densities in the interests of promoting more sustainable development whilst ensuring a balance between this and ensuring the reasonable protection of residential amenities and established character of areas; **RES4**: Existing Housing Stock and Densification, which encourages the densification of existing housing stock to retain population levels, and **RES7**: Overall Housing Mix, which encourages the provision of a wide variety of housing and apartment types.

- 5.2.5. Other policies which relate to sustainable land use and travel include **ST2**: Integration of Land Use and Transportation Policies, **ST19**: Travel Demand Management, **ST23**: Car Clubs and **ST27**: Traffic & Transport Assessment and Road Safety Audits.
- 5.2.6. Section 4.2 considers Open Space and Recreation including Policy **OSR5**: Public Open Space Standards.
- 5.2.7. Section 7.1.3 refers to Community Facilities including Policy **SIC11**: Childcare Facilities.
- 5.2.8. Chapter 8 refers to Principles of Development and contains the urban design policies and principles for development including public realm design, building heights strategy, and car and cycle parking. Policy **UD2** requires Design Statements for all medium to large developments, **UD4** refers to Local Area Plans and refers to the Woodbrook-Shanganagh Plan and **UD6** refers to Building Height Strategy.
- 5.2.9. Chapter 9 details the Specific Local Objectives. For the Rathmichael/Old Connaught Map14 objectives in relation to the development of the Woodbrook and Shanganagh area in accordance with the LAP, development of a crematorium at Shanganagh Cemetery, continued development of Shanganagh Park, and provision of a DART station at Woodbrook are of relevance.

5.3. Local Policy

Woodbrook Shanganagh Local Area Plan 2017 – 2023

- 5.3.1. The LAP maps identify this site and the site of the Woodbrook SHD as development parcels with specific objectives. Map 8 provides an overview of the Community Audit and indicates the location of facilities including the DART station within a 1km radius of the site.
- 5.3.2. The LAP states that each of the two development parcels at Shanganagh Castle and Woodbrook are zoned Objective – ‘A1’: “To provide for new residential communities in accordance with approved local area plans”.
- 5.3.3. Chapter 3 refers to the Development Strategy. Objectives H1 to H11 refer to housing. Of note **Policy H7** seeks to promote Build-to-Rent (B2R) projects.
- 5.3.4. Chapter 4 addresses the Key Sites Framework Strategy for Woodbrook and Shanganagh Castle. Seven Guiding Principles are referenced. Principle 4 seeks to

protect the setting and special character of Shanganagh Castle as a Protected Structure. Principle 7 seeks to respect the established character of adjoining residential developments and ensure appropriate height transitions from the site boundaries and to site development to avoid negative impacts on established residential amenity.

- 5.3.5. There are a further 42 Key Site Objectives (KSO). These include **SC4** which states that building heights along the northern boundary shall be restricted to 3-storeys and 2-storeys closest to Castle Farm. **SC5** states that heights generally are 4-5 storeys for the central portion rising to 5-6 storeys towards the south-western quadrant. Of importance it notes that there may be potential for an additional setback level. **SC11** seeks to ensure an overall average minimum density of 60 units/ha and deliver a maximum of circa 540 units. **SC14** seeks to deliver a mix of social, affordable and private housing. **SC16** states that residential is to be the predominant land use with an emphasis on mixed tenures. **SC23** states that any future link between the site and Castle Farm is to be restricted to pedestrian and cyclists.

5.4. Natural Heritage Designations

- Ballyman Glen SAC [000713] is c.2.7km south-west
- Rockabill to Dalkey Island SAC [003000] is 3.1km north-east
- Bray Head SAC [000714] is 3.7km south-east
- Knocksink Woods SAC [000725] is 4.3km south-west
- Dalkey Islands SPA [004172] is c.5.2km north-east
- Wicklow Mountains SAC [002122] is c. 7.1km south-west
- Wicklow Mountains SPA [004040] is c.7.4km south-west
- South Dublin Bay and River Tolka Estuary SPA [004024] is c.8km north
- South Dublin Bay SAC [000210] is c.8km north
- Glen of the Downs SAC [000719] is c.9km south
- Carriggower Bog SAC [000716] is c.12.9km south-west
- The Murrough Wetlands SAC [002249] is c.13.1km south-east
- North Bull Island SPA [004006] is c.13.4km north

- North Dublin Bay SAC [000206] is c.13.4km north
- The Murrough SPA [004186] is c.14.1km south-east

6.0 Third Party Submissions

6.1. Third party submissions were received from 8 individuals/resident's associations/resident's groups/politicians and other groups as listed on the front page of this Report.

6.2. In summary the topics raised are as follows (details in Appendix 1):

- Support development subject to some amendments
- Proposed pedestrian access into Castle Farm to be omitted
- Excessive height, density and scale of development
- Phasing of the development
- Inadequacy of services and social infrastructure
- Proposed tenancy/purchase ratio and tenancy mix concerns
- Inadequate mitigation measures for ecological impacts
- Oral Hearing necessary
- Impact on residential amenities of residents of Castle Farm
- Acknowledge need for affordable housing and believe there are many positive aspects to development
- More affordable housing for sale than the 15% proposed is required
- Impact on Shanganagh Castle
- Alternative proposals suggested
- Aspects of LAP not met
- Positive elements are not enough to mitigate glaring problems endemic in proposal
- Health impact of crematorium
- Other Issues

7.0 Prescribed Bodies

HSA

- No notified COMAH establishments therefore no observations.

HSE

- Landscape and Public Realm Report is a fundamental part of this design as it will allow for the creation of a community.
- Recommend that construction of crèche is a condition of planning.
- Community residential amenity space to be dispersed throughout development.
- Access to large number of green transport facilities for the proposed development is very positive. Note submitted 'Travel Plan' and recommend that the potential for cycle connectivity between Castle Farm and the proposed DART station is fully agreed and made a condition of planning.
- Waste facilities: adequately serviced.
- Note demolitions and recommend a comprehensive construction and demolition management plan is drawn up.
- Recommends noise monitoring is carried out and measures to prevent noise nuisance during construction.
- Lists measures to be taken to prevent air pollution.

National Transport Authority

- Notes development would be proximate to the proposed Woodbrook DART station and the Dublin Road Bus corridor and as such would accord with the principles of Land Use and Transport integration.
- Note Iarnród Éireann is finalising plans for the station design which is due to be lodged in Q1 2020 and expected to be complete by Q2 2022.
- The Bray to City Centre Core Bus Corridor (CBC) design proposes a coach stop at the location of the site access. However the Development Access Junction drawing does not take account of the BusConnects proposals. NTA

recommend that the development should not preclude the implementation of the CBC on the Dublin Road and recommend a condition to this effect.

- NTA is supportive of the greenway proposal running through the cemetery.

Transport Infrastructure Ireland (TII)

- Proposal should be undertaken strictly in accordance with the recommendations of the TIA.

Inland Fisheries Ireland

- Best practice should be implemented at all times in relation to activities that may impact on surface water or riparian habitats.
- Comprehensive surface water management measures must be implemented.
- Mitigation measures for top soil.
- Essential that receiving foul and storm water have adequate capacity.
- All discharges must be in compliance with regulations.

8.0 Oral Hearing Request

The Board decided, by Board Direction dated the 21st May 2020, that an oral hearing was not warranted in relation to the subject case, having regard to the detail accompanying the application including the EIAR and associated appendices, the Appropriate Assessment Screening Report, and the submissions received from prescribed bodies and objectors.

9.0 Further Responses

- 9.1. Following the Board's decision that an Oral Hearing was not warranted in this instance, the applicant was provided an opportunity to comment on the submissions made.
- 9.2. The applicant responded to the comments made by all parties addressing each submission and points therein.
- 9.3. I have had regard to all the submissions and observations as part of my assessment.

10.0 Assessment

- 10.1. Having regard to the requirements of the Planning and Development Act, 2000 as amended, this assessment is divided into a planning assessment and an environmental impact assessment. An Appropriate Assessment screening has also been carried out. In each assessment, where necessary, I refer to the issues raised by Prescribed Bodies and observers in submissions to the Board in response to the application.
- 10.2. There is an inevitable overlap between the assessments, for example, with matters raised falling within both the planning assessment and the environmental impact assessment. In the interest of brevity, matters are not repeated but such overlaps are indicated in subsequent sections of the report.

11.0 Planning Assessment

11.1. I have had regard to all the documentation before me, including, *inter alia*, the application documents; the submissions received; the provisions of the Dun Laoghaire Rathdown County Development Plan 2016 - 2022; Woodbrook Shanganagh Local Area Plan 2017-2023; relevant section 28 Ministerial guidelines; and, provisions of the Planning Acts, as amended and associated Regulations. I have visited the site and its environs. I consider the main issues relating to this application are:

- Principle of proposed development
- Design and layout
- Density
- Tenure
- Residential amenity
- Cultural Heritage
- Traffic and transportation
- Visual Impact
- Social Infrastructure

- Other matters
- Appropriate Assessment

11.2. Principle of proposed development

11.2.1. A number of objectors consider that residential development should not proceed and that the grounds should be included within Shanganagh Park and in particular the castle should be developed for community and amenity purposes.

11.2.2. I note that the CDP and the LAP both clearly identify two discrete areas for development – Woodbrook and Shanganagh. It is clearly highlighted that this area is zoned for residential development and the LAP includes a number of Guiding Principles and Key Site Objectives (KSO) for the subject land which I will address herein. Thus, in terms of the principle of development, the lands have been appropriately zoned for residential development and I am satisfied that the subject proposal fully accords with the principle of development as detailed in the two aforementioned Plans. I note that there are future plans for the castle and the park, but these do not form part of this application.

11.3. Design and Layout

11.3.1. The LAP includes very detailed information regarding the design and layout of the site. This detail includes 7 Guiding Principles and 42 Key Site Objectives (KSO). The KSO have influenced the design of the development on the lands. I will address density, the number of units and tenure mix below, however in terms of other issues raised by objectors relating to design and layout, I consider the key design issues to be the height, scale and BTR design and mix of units. I note that the materials chosen for the buildings have received mostly positive feedback and I consider that the palette mix and materials including the brickwork will result in a high-quality development which will complement the castle and surrounds. Objectors raised concern with the 'open' design at the top of some of the blocks and were of the opinion that it would look like the building is unfinished. However, I am of the view that this adds to the visual variety of the development and is acceptable in my opinion. Furthermore, I am satisfied that the development complies with the Apartment Guidelines 2018.

- 11.3.2. With respect to the **layout**, it is noted in the Architectural Design Statement that the existence of the castle as well as the curved driveway, the ornamental pond and the historic woodland have all influenced the design approach. In addition, the presence of the two storey Castle Farm residential development to the north has further influenced the layout.
- 11.3.3. The curved drive and the avenue are being emphasised to reflect the influence the grounds and the presence of the castle have had on the design. The existence of the Castle Farm estate to the north has resulted in the increase of heights towards the southern half of the site – away from the two storey dwellings. The ornamental pond provides a focal point for the amenity space and will provide a great amenity for the residents of the new development and further afield. I am satisfied that the design of the development has adequately addressed all the site constraints in terms of the layout.
- 11.3.4. A substantial number of objectors referred to concerns with the **height**. The height is stated by the applicant as being in line with guidance in the LAP and scaled from south to north. Six storey units are located towards Shanganagh Park with heights reducing to two storeys to the rear of Castle Farm residential development. I note that there is a 7th storey setback proposed for Block G (most south-westerly unit) which caused some concern amongst objectors.
- 11.3.5. In the first instance, I am satisfied that the layout of the units respects the location of the Castle Farm development. The units to the rear of this development are two storey houses which will face the enhanced curved crescent approach to the castle. There are also three storey terraced houses facing the crescent opposite the two storey dwellings. Block B and C bookend these terrace dwellings and are a mix of 4, 5 and 6 storeys. I note the 6 storey element forms part of the square to the south-west. Block D varies from 3 to 5 storeys opposite the castle and is in the centre of the site. The units to the west/south-west range from 4 to 6 storeys. Unit G incorporates the 7th storey which is setback.
- 11.3.6. Key Objective **SC5** seeks to ensure a general height of 4-5 storeys for the central portion of the site, rising to 5-6 storeys towards the south-west quadrant with potential for an additional setback level in the interest of visual variety. Some of the objectors referred to paragraphs throughout the LAP (on p.38 for example) which

indicate generic heights and refer to height ranges. However, I am satisfied that the height strategy proposed fully accords with the specific KSO **SC4** and **SC5**, as detailed for the Shanganagh Castle lands.

- 11.3.7. Another objector has concerns with the development height as it is considered that it does not respect the castle and is not in accordance with KSO **SC10**. I will further address this under Cultural Heritage below, however I am satisfied that the houses along the crescent and Block D in particular, which is the closest to the castle fully respect the proximity to the castle and the development is in accordance with SC10. Furthermore, Block D has been inflected to ensure the existing trees are retained creating a buffer between the castle and the development.
- 11.3.8. I note the concerns raised about building heights above 4 storeys not being conducive to wellbeing, however the LAP has been considered and adopted by the Council, and I am of the opinion that there are many examples of good quality developments in excess of 4 storeys.
- 11.3.9. In conclusion on the heights proposed, which I acknowledge caused much concerns to the objectors, I am satisfied that the heights are in accordance with the LAP. I consider that the height and design contribute toward the visual variety and interest of the development and contribute towards the sustainable development of this key site.
- 11.3.10. With respect to the **design of the units**, concerns were raised about the design being suitable only for a Build-to-Rent development with limited opportunity for design changes should they be required in the future (e.g. potential for future private ownership will be limited due to different standards for BTR schemes). The applicant submitted a BTR Justification Report as part of the proposal and refers to the Apartment Guidelines 2018 therein. In particular Specific Planning Policy Requirement (SPPR) 7 and SPPR 8 are referred to. The SPPR provide that there are no restrictions on dwelling mix and no requirement for units to exceed floor area standards by 10% which is a requirement for non BTR developments. However, there is no provision for units to be below the identified minimum standards simply by being BTR units. Having regard to the facilities and amenities proposed as well as the requirements of SPPR 7 and 8, I am satisfied that the design standards are met. Furthermore, having regard to the demand for rental units and the commitments

required under SPPR 7 in terms of selling of units, I am satisfied that the BTR design is acceptable and fully in accordance with **Objective H7** of the LAP which seeks '*To promote Build-to-Rent (B2R) projects as a viable attractive type of household tenure*'.

- 11.3.11. In addition, with respect to the **mix of units**, i.e. the numbers of one bed, studios etc., the LAP acknowledges that the 2015 Guidelines for New Apartments² states that it is a policy requirement that mix ranges should not apply to managed build-to-rent projects. This is continued in the 2018 Guidelines as SPPR 8. I note that compared with KSO **SC15** studio/one beds are slightly higher than the 30% provided for at 32.4%, and the 3 bed plus is lower than 20% at 15.3%.
- 11.3.12. In conclusion, I am satisfied that the design and layout will result in a high-quality development for future residents. The site is identified as a key site with many positive attributes including its proximity to public transport, the plans for the park as well as the substantial amenities in the area.

11.4. **Density**

- 11.4.1. The density or the number of units proposed at 597 was the subject of many submissions. Many objectors made the point that they were not opposed to the principle of development but had serious concerns with the number of units proposed. Concerns ranged from the social infrastructure being overwhelmed by the addition of the subject proposal in combination with the development at Woodbrook, to traffic congestion, to the impact on the sense of, and fostering of, community with the very rapid influx of such a large amount of people. In addition, many objectors were of the opinion that the number of units proposed departed significantly from the LAP figures. One of the objectors referred to figures in the DRAFT LAP. As this was a draft, I have not had regard to that version of the LAP. The adopted LAP is considered herein.
- 11.4.2. The density ranges from 62 units per hectare to 85 units per hectare depending on the land included in the calculation. When the net area is considered the density is 85 units. The LAP makes provision for a *minimum* of 60 units per hectare. The

² The newer 2018 Guidelines were not available when the LAP was being prepared.

Sustainable Residential Development Guidelines (2009) states that minimum net density of 50 units per hectare should be applied within public transport corridors.

- 11.4.3. The LAP states that the Woodbrook-Shanganagh Area is identified as a 'Future Development Area' in the CDP Core Strategy. It is further stated that the A1 zoned lands '*have an important contribution to make in terms of future housing supply and accommodating future population growth*' over the lifetime of the Plan. Furthermore, in the Core Strategy of the CDP, it is noted that up to 2,300 units are expected to be delivered on the Woodbrook-Shanganagh lands. It is stated that '*lands, when fully developed, will accommodate an additional 5,000 to 6,000 persons in approximately 2,000 to 2,300 units. These figures are based on net densities of 80 to 100 units per hectare at Woodbrook and 65–75 units per hectare at Shanganagh Castle*'. This is similarly repeated in the LAP, but a modification has been made to facilitate the 'kick start' initiative which refers to the minimum of 60 units per hectare. The LAP at section 1.3.1 states that there is the potential to deliver 1,600 – 2,300 housing units. I further note that the LAP area is identified as a 'Major Urban Housing Development Site' (MUHDS) within the Government's 'Rebuilding Ireland – Action Plan for Housing and Homelessness' 2016.
- 11.4.4. Section 4 of the LAP provides guidance on the number of units to be delivered on the Shanganagh Castle lands. KSO **SC11** states that the site '*shall achieve an overall average net density of 60 units per hectare and deliver a minimum of 380 and a maximum of c.540 residential units*'. (my emphasis)
- 11.4.5. I note that 597 units are proposed which is 10.5% above 540 units. In addition, I note that the overall Woodbrook-Shanganagh lands are required to deliver a range of units up to 2,300. Having regard to the Core Strategy of the CDP, I am satisfied that the quantities identified on the Woodbrook site and the Shanganagh site in the LAP combine to a total of c. 1,860 units which is a shortfall of what is required in the Core Strategy. Hence, I am of the opinion that the proposed number of units at 597, being greater than 540 by 10% of that figure, is within an acceptable range and crucially 'circa' in this instance. I do not consider 10% to be a material difference having regard to the Core Strategy and the LAP objectives. I consider that the same logic can be applied to the density. Moreover I note that the LAP states the following: '*This is the minimum density level appropriate and the Council will promote higher densities as viability and delivery improves, having regard also to the urban design*

framework, qualitative criteria and the potential of the build-to-let model to emerge as a new tenure type’.

- 11.4.6. Furthermore, as noted above I consider the design and layout to be of a high standard and having regard to the importance of this site for sustainable development, I am of the opinion that it is appropriate to maximise the number of units and the density in accordance with the CDP and the LAP. The proposed development is fully in accordance with **Objective H2** of the LAP *To promote sustainable higher densities and quality innovative housing designs.*
- 11.4.7. I address social infrastructure below, however having regard to the objectors concerns about the community of Shankill being overwhelmed in a short space of time, I note that clear phasing plans are included in the application documents and I am of the opinion that there will not be a sudden influx and that community facilities such as a crèche are being provided as part of the scheme. The crèche is included in Phase 1 of the development and while this has been clearly specified by the developer, a condition to this effect could be included, should the Board be minded to grant permission.
- 11.4.8. In conclusion, I am satisfied that the proposal accords with the CDP and in particular the Core Strategy of the CDP. The density and number of units are in accordance with the LAP and while on the high side of the specified numbers, they are within a range that I consider is provided for in the LAP.

11.5. Tenure

- 11.5.1. Many objectors raised concerns with the tenure proposed. Concerns were raised in relation to the number of social and affordable rental units versus the number of units proposed for private sale. As highlighted in Section 3.3 above, 51 houses and 40 apartments are for sale with 200 BTR apartments for social rent and 306 apartments for cost rental.
- 11.5.2. Objectors were of the opinion that the number of units for private sale was too low and that the number of units for use as social housing was too high and the perceived social issues resulting. Others believed that Shankill was being used to address the Council’s obligations to provide social housing across the county. Many objectors welcomed the cost rental and sale but sought an increase in the number of such units. Other objectors referred to the level and robustness of debate that was

held by Councillors during the progress of the LAP in the Council about the number of social units. Another objector considered that this was not a tried model and that there was an absence of national legislation for such type of development. I will address each of these issues below.

- 11.5.3. In the first instance addressing the issue raised about lack of national legislation, as highlighted in section 5 above, the government has produced Section 28 Guidelines '*Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities*' published in March 2018. Section 5 of those Guidelines is dedicated to the BTR type of development. Within this document there are clear guidelines for such types of development in the country relating to ownership, amenities and there are Specific Planning Policy Requirements which must be adhered to. Therefore, I am satisfied that this type of development is provided for at a national level.
- 11.5.4. Of the 597 units proposed, 506 are for rent (200 of which are social). The LAP states that *The Council will proactively encourage quality build-to-rent schemes (B2R), having regard to the reality that nationally circa 30% of households rent their home, whilst in urban areas such as Dublin and Cork this figure rises to circa 40-50%*. It is clear that the Council acknowledge the need for rental units. The objectors refer to '*considerable bias*' towards rental units in the proposed mix. I am satisfied that there is a significant demand for rental units and as noted above this type of tenure is increasing throughout Ireland and in particular in the cities including Dublin. This proposal will go some way towards addressing the need for rental units. Information provided by the applicant indicates the high levels of ownership in Shankill and the need for more units for renting in this area.
- 11.5.5. With respect to the concerns raised about the number of social units, KSO **SC14** seeks '*to deliver a mix of social, affordable and private housing on the site as a best-practice model of a socially inclusive and balanced residential community*'. KSO **SC18** seeks '*That co-operative housing be explored as a sustainable model of delivering mixed ownership of housing on Council-owned lands at Shanganagh Castle Site for those in need of social and affordable housing and rental throughout the County*'. In my opinion the proposed mix of tenure clearly complies with KSO **SC14** and **SC18**. The scheme proposes a mix of social, affordable and private

housing on the site and the scheme will deliver for those in need of social and affordable housing.

11.5.6. Furthermore, on Map 14 of the CDP, the site is clearly identified for County Council Housing Programme Site.

11.5.7. In conclusion, it is clear that the proposed tenure mix is fully in accordance with the objectives set out in the CDP and the LAP. This proposal will be a welcome addition to address the clear need for rental units within the county.

11.6. Residential Amenity

11.6.1. Under this heading I address the concerns of the existing residents as well as the amenities proposed for future residents. A large number of objectors from the Castle Farm residential development in particular to the north of the site expressed concerns with the impact of the proposal on their residential amenities particularly relating to overshadowing, overlooking, the pedestrian/cycling link to Castle Farm and the overbearing impact of the proposal.

11.6.2. As discussed above, the design and layout of the development has been influenced greatly by the existence of the two storey dwellings of Castle Farm. The proposal provides for two storey dwellings to the rear of the Castle Farm development with three storeys across the road. I draw the Board's attention to the Proposed Site Layout Plan. As can be seen a number of units in Castle Farm are further divided from the subject site by an internal roadway within that estate.

11.6.3. I am satisfied that the design has fully addressed and considered the existing development. The proposal height rises as it moves away from the Castle Farm development. I do not accept that it is **overbearing** having regard to the distances of the higher blocks from the Castle Farm development. Likewise having regard to the distances and the landscaping, I am satisfied that there will not be significant **overlooking** of habitable rooms. A certain degree of overlooking must be expected within urban and suburban areas.

11.6.4. Objectors raised concerns about the fact that the drawings have not taken account of various rear extensions built onto the rear of their dwellings in Castle Farm. This fact does not change my opinion with respect to overbearing or overlooking impact or other impacts on amenities – the proposal includes for two storey dwellings to the

rear, effectively back to back as with many developments around the country. In addition, I note a number of requests asking the Board, that should it be of a mind to grant permission, that a condition is included restricting the right of new residents to avail of exemption rights with respect to building their own rear extensions. I do not consider the imposition of such a condition restricting rights to avail of the Planning and Development Regulations exemptions to be warranted or indeed fair on future homeowners in this particular case.

- 11.6.5. A shadow study was provided as part of the application documents and illustrates the impact of the proposal on the Castle Farm development. I am satisfied that the south-east facing rear gardens of Castle Farm dwellings will not be impacted at the height of the summer and I note the applicant's response to the submissions indicates that the existing trees cause overshadowing at mid-winter. I do not accept that the proposed development will have a seriously negative impact on **overshadowing** of the existing dwellings.
- 11.6.6. Almost every objector referred to the proposed **pedestrian/cycling link** between the development and Castle Farm. Concerns include the perceived lack of car parking and the potential future use of Castle Farm for parking with easy access via the proposed link between the two developments. I note that there are means of avoiding such unwanted parking including 'pay and display' which is used regularly in suburban areas where this is a problem. I address parking further below, but I do not accept that this is a reason for not pursuing the link.
- 11.6.7. This link is for all resident's benefit – existing and future. It will provide the existing residents an easy means of accessing the park, the castle (including the future plans for the castle) as well as a permeable and legible means of getting to the proposed new DART station. Furthermore, such easy access encourages a modal shift from private cars and is supported by LAP **Objective T9**. Therefore, I am of the opinion that the proposed link between the two developments should be an integral part of the proposal. The short length of the link as well as the fact that it will be overlooked address concerns with potential anti-social behaviour. I do not accept that the existence of the link will provide for social instability due to tenure, to spill over into Castle Farm as suggested by an objector. In addition the greenway proposed as part of the development leading to Woodbrook and to the future DART station provides a safe and easy route for existing and future residents.

11.6.8. With respect to the residential amenities of future residents, as noted above I consider the design and layout has fully integrated the natural advantages of the site into the overall development. The easy access to the castle (with the future plans for the castle to be a community facility) as well as the design around the ornamental pond and the ready-made green areas and tree belts, in my opinion will provide a high quality amenity. The landscape strategy including the works to the pond and the improvements to the green areas will provide amenities immediately for the new residents. The design has taken full advantage of the maturity of the trees and green areas. This will be a great amenity for the future residents. The proximity to Shanganagh Park already, as well as the plans to turn it into a park of regional status is another amenity that will be available to the residents. Moreover, I note that c.25% of the net developable area comprises open space, equating to 1.76 hectares of land. Having regard to the gross area of the overall site, c.35% of the overall site is maintained as public open space equating to 3.31 hectares which I consider to be a welcome amenity for future residents, notwithstanding the further amenity of Shanganagh Park.

11.6.9. In conclusion, I am satisfied that there will be no seriously significant or injurious impact on the amenities of the existing residents as a result of the subject proposal. Furthermore, I am satisfied that the amenities of the future residents will be well catered for and the existence of mature trees and parkland will be an immediate benefit for all the residents. Finally, I consider that the proposed link between Castle Farm and the development will be of immense benefit to the residents of Castle Farm. The existing residents will have easy pedestrian and cycling access to the wide range of facilities existing and proposed including the castle, as well as the new DART station.

11.7. Cultural Heritage

11.7.1. Many concerns were raised about the impact of the development on the castle. The development is being located within the original grounds of the castle. However, the connection between the grounds and the castle itself have been diminished over the years. The Castle Farm housing development was built where the stables were and the Council's depot has been built between the castle and the pond. This is further addressed in Section 12 below. I am of the opinion that the development provides an opportunity to conserve Shanganagh Castle and to reinforce the curved crescent,

and the avenue will provide vistas towards the castle. The LAP states that '*The woodland and the pond west of the Castle are the most significant remains of the original landscaping scheme as shown on the 1837 OS Map (See Map 12) and should be conserved as part of any development proposals*'. The subject proposal is seeking to do this. I also note that Block D has been inflected to avoid damaging trees which will remain in situ.

11.7.2. I am satisfied that the proposal has taken full cognisance of the existence of the castle and main features, and has sought to incorporate them into the overall design and yet achieve the zoning objective for the site which is to provide for new residential development. With appropriate mitigation measures and a condition requiring that an archaeologist be present there will be no seriously negative impacts on the cultural heritage of the site.

11.8. Traffic and Transportation

11.8.1. The development includes cycle lanes, pedestrian footpaths and incorporates DMURS into the design. In addition, there is a proposed greenway/walkway to the Woodbrook area and onto the proposed new DART station. A detailed Travel Plan forms part of the documentation submitted. The proposed development accommodates 365 no. car parking spaces on site and 1,318 bicycle spaces which is in accordance with the LAP.

11.8.2. Concerns were raised about the increase in traffic in an already congested area. This is further addressed in Section 12 below, but I am satisfied that with the availability of public transport including the bus routes and the existing DART station as well as the future BusConnects and new Woodbrook DART station, that the residents will be well served by public transport. A TIA has also been submitted as part of the documentation and forms part of the EIAR.

11.8.3. Works proposed include modifications to the entrance and I note that NTA request that the BusConnects plans are not hindered by the proposal. I am satisfied that this can be addressed by way of condition.

11.8.4. Another objector requested that the DART station be in place before the first units are occupied. I note that the NTA state that plans are well underway for both the new DART station and the BusConnects. I am satisfied that there exists reasonable public transport options and that there are future enhancements well advanced to

further encourage a modal shift away from private cars. The NTA advise that the DART station is anticipated to be completed by Q2 2022 which will coincide with development of this proposal.

- 11.8.5. I note concerns raised about the number of car parking spaces being proposed, however, I am satisfied that the numbers are fully in accordance with the LAP and CDP for such developments. I have also had regard to the existing and future public transport options as well as the Travel Plan submitted with the application. I have addressed concerns with spill-over parking in Castle Farm above.
- 11.8.6. I am satisfied that the proposal provides opportunities to encourage a modal shift away from the private car and note the well-advanced plans to further enhance public transport options. I am satisfied that the proposal is in full compliance with national, county and local objectives with respect to transport.

11.9. **Visual Impact**

- 11.9.1. Concerns were raised about the impact of the proposal on the castle as well as the visual impact on the dwellings in Castle Farm.
- 11.9.2. With respect to Castle Farm, images were supplied by an objector of the perceived views of the development from their house. The applicant provided images prepared by the design team to counter these. Having regard to the distances of the development from the Castle Farm dwellings, the internal road between the developments (to the north-east of the proposal), the landscape strategy and the fact that the proposed dwellings closest to Castle Farm are two storey, I am satisfied that there will not be a significant impact on visual amenities of the residents of Castle Farm.
- 11.9.3. Objectors referred to the impact of the development on the castle. The EIAR addresses the impact of the development on Shanganagh Castle. I draw the Board's attention to the photomontages included in Appendix 14 of the EIAR. Images are provided of the impact of the development on the castle and surrounding area. I fully accept that the landscape will change because of the development. Any development in the grounds of the castle will impact on the landscape. This has to be considered in the context of the LAP objectives for the site. This is further addressed in Section 12 below.

11.10. Social Infrastructure

- 11.10.1. Many objectors raised concerns about the social infrastructure being overwhelmed by the influx of new residents. I note that a retail unit and a crèche are provided within the development which are to be welcomed. The crèche is proposed as part of Phase 1 of the development. A submission requested that a condition to that effect be included. I note that the applicant has committed to this fact and am satisfied that a condition is not necessarily required as the commitment has already been given. However I am satisfied that a condition can be included if the Board are minded to grant permission.
- 11.10.2. With respect to schools I note that a site has been identified for the provision of a new primary school within the Woodbrook lands. There is a selection of secondary schools in the wider area and I note that the applicant states that there are 10 secondary schools within 5km of the site.
- 11.10.3. As noted above, there is substantial open space included as part of the development proposal. I further note that there are plans to upgrade the park to a regional park and the Council have plans to turn the castle into a community facility.
- 11.10.4. I note that one objector considers that it is not appropriate for the development to rely on external facilities such as the castle for community purposes. The development includes many facilities such as gym, cinema room, community rooms etc. I am satisfied that there are many facilities provided for as part of the development and that the use of the castle is for the wider community including the new residents.

11.11. Other Issues

- 11.11.1. A crematorium was permitted under Part 8 in 2016 near the grounds of the cemetery which lies just south of the park. It would appear, based on the information in front of me, that the crematorium was the subject of many objections.
- 11.11.2. With respect to the subject proposal, a substantial objection was received from one objector, and many other objectors referred to the permitted crematorium. Substantial data including medical journal articles on the dangers of air emissions from crematoria were included as part of objections to the subject proposal. The focus of the objection appears to be in relation to the crematorium rather than the

subject proposal. An objector requests that a condition of permission requires that all future occupants be advised about the existence of the crematorium before they take up residence. I address the cumulative impact in section 12 below, under the headings of Population and Human Health and Air Emissions. However, I would note that the information provided in relation to the subject development clearly indicates that it, by itself, will have little or no impact on air emissions. I am satisfied therefore that the subject residential development will not have a significant impact on air emissions cumulatively. I do not therefore consider that a condition as suggested by an objector is required.

11.11.3. Furthermore, I note that the development of a crematorium in this location was the subject of an EIA Direction by the Board (ref. PL06. JD0026). The Board decided in January 2017 that an EIA of the proposed development was not required and as part of that decision regard was had to an air assessment provided.

11.12. Overall Planning Conclusion

11.12.1. I am satisfied that the proposal will provide much needed residential development for the Shankill area. I am satisfied that the number of units and the density of development on this site is acceptable. The mix of tenure including much needed development of units for social and cost rental purposes is to be welcomed.

11.12.2. The development is located on lands zoned for such development. The amenities proposed and the existing amenities to be enhanced will provide recreational facilities for both existing and future residents. The existence of the crescent, the ornamental pond and the Cockburn monument have all influenced the overall design.

11.12.3. It provides for a mix of dwelling types, studio to 3 bedroom + units, in housing and apartment form and will provide distinct character areas in response to the location and the existence of the Castle Farm estate to the north.

11.12.4. The site has been identified for development of housing by the Council and is identified as an important site in the provision of units in close proximity to existing and future planned public transport options.

11.12.5. In conclusion, the proposal accords with the policies and objectives of the National Planning Framework, the Dun Laoghaire Rathdown County Development

Plan and the Woodbrook Shanganagh Local Area Plan and is in accordance with the proper planning and sustainable development of the area.

11.13. **Appropriate Assessment**

11.13.1. **Compliance with Article 6(3) of the Habitats Directive**

11.13.2. **The requirements of Article 6(3)** as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

11.13.3. An Appropriate Assessment (AA) screening report has been submitted by the applicant. It has been prepared by AECOM. The **Stage 1 AA Screening Report** was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence (in this case 15km radius) of the development. The AA screening report concludes *“that there are no Likely Significant Effects on any European site as a result of the Proposed Development, and therefore that there is no requirement to proceed to the next step of Appropriate Assessment and, subject to other requirements, the Proposed Development can be authorised”*.

11.13.4. Having reviewed the documents, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

11.13.5. **Screening for Appropriate Assessment - Test of likely significant effects**

11.13.6. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

11.13.7. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

11.13.8. **European Sites**

11.13.9. The development site is not located in or immediately adjacent to a European site. The closest European site is Ballyman Glen SAC [Site Code 000713], within 2.7km of the proposed development.

11.13.10. A summary of European Sites that occur within 15km of the proposed development is presented in the table below. Where a possible connection between the development and a European site has been identified, these sites are examined in more detail.

Table 11.1. Summary Table of European Sites within a possible zone of influence of the proposed development

European Site (code)	List of Qualifying interest /Special conservation Interest	Distance from proposed development (Km)
Ballyman Glen SAC [000713]	Petrifying springs with tufa formation [7220] Alkaline fens [7230]	2.7km
Rockabill to Dalkey Island SAC [003000]	Reefs [1170] Harbour porpoise <i>Phocoena phocoena</i> [1351]	3.1km
Bray Head SAC [000714]	Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] European dry heaths [4030]	3.7km
Knocksink Wood SAC [000725]	Petrifying springs with tufa formation [7220] Alluvial forests with alder <i>Alnus glutinosa</i> and ash <i>Fraxinus excelsior</i> [91E0]	4.3km
Dalkey Islands SPA [004172]	Roseate tern <i>Sterna dougallii</i> [A192] Common tern <i>Sterna hirundo</i> [A193] Arctic tern <i>Sterna paradisaea</i> [A194]	5.2km
Wicklow Mountains SAC [002122]	Oligotrophic waters containing very few minerals of sandy plains [3110] Natural dystrophic lakes and ponds [3160] Northern Atlantic wet heaths with cross-leaved heath <i>Erica tetralix</i> [4010] European dry heaths [4030] Alpine and boreal heaths [4060] Species-rich mat-grass <i>Nardus stricta</i> grasslands, on siliceous substrates in mountain areas [6230] Blanket bogs* [7130] Siliceous scree of the montane to snow levels [8110] Calcareous rocky slopes with chasmophytic vegetation [8210] Siliceous rocky slopes with chasmophytic vegetation [8220] Old sessile oak <i>Quercus petraea</i> woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0] Otter <i>Lutra lutra</i> [1355]	7.1km

Wicklow Mountains SPA [004040]	Merlin <i>Falco columbarius</i> [A098] Peregrine <i>Falco peregrinus</i> [A103]	7.4km
South Dublin Bay and River Tolka Estuary SPA [004024]	Light-bellied brent goose <i>Branta bernicla hrota</i> [A046] Oystercatcher <i>Haematopus ostralegus</i> [A130] Ringed plover <i>Charadrius hiaticula</i> [A137] Grey plover <i>Pluvialis squatarola</i> [A141] Knot <i>Calidris canutus</i> [A143] Sanderling <i>Calidris alba</i> [A149] Dunlin <i>Calidris alpina</i> [A149] Bar-tailed godwit <i>Limosa lapponica</i> [A157] Redshank <i>Tringa totanus</i> [A162] Black-headed gull <i>Chroicocephalus ridibundus</i> [A179] Roseate tern [A193] Arctic tern [A194] Wetland and waterbirds [A999]	8km
South Dublin Bay SAC [000210]	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]	8km
Glen of the Downs SAC [000719]	Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220] Atlantic salt meadows [1330] Mediterranean salt meadows [1410] Calcareous fens with great fen-sedge <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210] Alkaline fens [7230]	13.1km
North Bull Island SPA [004006]	Light-bellied brent goose [A046] Shelduck <i>Tadorna tadorna</i> [A048] Teal <i>Anas crecca</i> [A054] Pintail <i>Anas acuta</i> [A054] Shoveler <i>Anas clypeata</i> [A056] Oystercatcher [A130] Golden plover <i>Pluvialis apricaria</i> [A140] Grey plover [A141] Knot [A143] Sanderling [A144] Dunlin [A149] Black-tailed godwit <i>Limosa limosa</i> [A156] Bar-tailed godwit [A157] Curlew <i>Numenius arquata</i> [A160] Redshank [A162] Turnstone <i>Arenaria totanus</i> [A169] Black-headed gull [A179] Wetland and waterbirds [A999]	13.4km
North Dublin Bay SAC [000206]	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows [1330] Mediterranean salt meadows [1410] Embryonic shifting dunes [2110]	13.4km

	Shifting dunes along the shoreline with marram grass <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] Petalwort <i>Petalophyllum ralfsii</i> [1395]	
The Murrrough SPA [004186]	Red-throated diver <i>Gavia stellata</i> [A001] Greylag goose <i>Anser anser</i> [A043] Light-bellied brent goose [A046] Wigen <i>Anas penelope</i> [A050] Teal [A052] Black-headed gull [A179] Herring gull <i>Larus argentatus</i> [A184] Little tern <i>Sterna albifrons</i> [A195] Wetland and waterbirds [A999]	14.1km

11.13.11. Table 2 within the applicant's Screening Assessment lists the *Potential impact sources and pathways for effects on European designated sites from the proposed development*. It identifies the potential impact source, the pathway to European designated sites, the potential for effects on receptors and the European designated sites within potential zone of influence (Source-Pathway-Receptor model). It considers the construction phase and the operational phase. During the construction phase it assesses:

- Disturbance as a result of increased noise, artificial lighting and/or the presence of personnel, plant and machinery
- Direct loss of or damage to qualifying or supporting habitat(s)
- Waterborne pollution of qualifying or supporting habitats
- Airborne pollution of qualifying or supporting habitats or QI species
- Spread of invasive non-native species
- Disruption of groundwater or reduction in volume of groundwater as a result of earthworks

During the operational phase it assesses:

- Disturbance as a result of increased number of people and corresponding increase in recreational pressure
- Waterborne pollution of qualifying or supporting habitats
- Increase in number of predators, specifically domestic cats

- Spread of invasive non-native species

11.13.12. The table identifies the European designated sites within potential zone of influence. It is noted that there is no pathway for effects to SCI bird species when present within any SPA but there is the potential for disturbing birds occurring within 750m of the development *during construction* which I concur with. In addition, during the operation phase there could be additional recreation pressure on the SPAs. The SPAs designated for bird species for which there is potentially suitable habitat present within this distance are: Dalkey Island SPA, Wicklow Mountains SPA, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA and The Murrough SPA.

11.13.13. I am satisfied that there is no potential for Likely Significant Effects on any SAC as a result of increased number of residents and an increase in recreational pressure during the operational phase having regard to the distances and conservation objectives. Increasing visitor pressure is unlikely to result in significant effects to the Qualifying Interest habitats of any SAC because existing access arrangements, including footpaths, will continue to be used. It is therefore very unlikely that there would be any significant increase in disturbance / damage to habitats as a result of, for example, trampling. It is therefore possible to screen out any likely significant effect on all SACs.

11.13.14. Thus, the only impacts identified which could result in likely significant effects relate to disturbance of SCI bird species of the SPAs either during the construction phase or the operation phase. Further consideration is given to the potential for disturbance impacts to result in significant effects on the SPAs.

11.13.15. The conservation objectives for Dalkey Island SPA, Wicklow Mountain SPA, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA and The Murrough SPA are described. The conservation objective of the Dalkey Islands SPA, and the Wicklow Mountain SPA is to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests. The conservation objectives in relation to the SCI species of the South Dublin Bay and River Tolka Estuary SPA are:

to maintain the favourable conservation condition of the Special Conservation Interest species:

– to be favourable, the long-term population trend for each waterbird Special Conservation Interest species should be stable or increasing;

– to be favourable, there should be no significant decrease in the range, timing or intensity of use of areas by the waterbird species of Special Conservation Interest, other than that occurring from natural patterns of variation; and,

to maintain the favourable conservation condition of the wetland habitat in South Dublin Bay and River Tolka Bay SPA as a resource for the regularly-occurring migratory waterbirds that utilise it:

– the permanent area occupied by the wetland habitat should be stable and not significantly less than the area of 2,192 ha, other than that occurring from natural variation.

The conservation objectives in relation to the SCI species of the North Bull Island SPA are:

to maintain the favourable conservation condition of the Special Conservation Interest species:

– to be favourable, the long-term population trend for each waterbird Special Conservation Interest species should be stable or increasing;

– to be favourable, there should be no significant decrease in the range, timing or intensity of use of areas by the waterbird species of Special Conservation Interest, other than that occurring from natural patterns of variation; and,

to maintain the favourable conservation condition of the wetland habitat in North Bull Island SPA as a resource for the regularly-occurring migratory waterbirds that utilise it:

– the permanent area occupied by the wetland habitat should be stable and not significantly less than the area of 1,713 ha, other than that occurring from natural variation.

The objectives of the Murrough SPA are:

to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA; and,

to maintain or restore the favourable conservation condition of the wetland habitat at the Murrough SPA as a resource for the regularly-occurring migratory waterbirds that utilise it

- 11.13.16. Data sources and field survey methods are listed and targeted field surveys were carried out to establish the use of the proposed site and immediate surrounds by non-breeding birds during the winter period. No waterbirds which are SCI species of the five SPAs within 15 km were identified within the project boundary. Survey of the grass fields in Shanganagh Park, to the south of the Proposed Development, identified relatively low numbers of three gull species. The proposed development and its immediate surrounds are therefore apparently only rarely used by small numbers of a limited assemblage of wintering bird species.
- 11.13.17. There is no potential for construction related or direct disturbance of birds within the boundaries of the designated sites. I am satisfied based on the data and surveys that during the construction phase there would not be any significant effects on any of the SPAs for which SCI species were recorded. During the operation phase, I am satisfied having regard to the fact that Dalkey Islands SPA is an island, Wicklow Mountains SPA is very large and the SCIs nest in remote and difficult to access locations which are unlikely to be subject to significant increase in numbers, and the Murrough SPA is located 14.1km away that these SPAs can be excluded from potential significant effects. The remaining SPAs are already subject to high visitor numbers and they are consequently managed to mitigate the potential effects of recreation pressure.
- 11.13.18. With respect to cumulative effects, I note that the LAP has already been subject to AA Screening. Other projects including the Woodbrook scheme as well as consideration of other areas for development have been considered in the applicant's screening report. I am satisfied that there is no potential for in-combination effects to arise with other projects or plans.
- 11.13.19. The proposed development site lies outside the boundaries of the Natura sites identified above and therefore there will be no reduction in habitat. The project is not directly connected with the management of any Natura 2000 site. It is concluded within the Appropriate Assessment Screening that the proposed development will have no significant impacts upon any Natura 2000 sites. Having regard to the

'source-pathway-receptor' model, the proposal either individually or in-combination with other plans or projects could not be considered to have likely significant effects in view of the sites' conservation objectives. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

11.13.20. I have had due regard to the screening report and data used by the applicant to carry out the screening assessment and the details available on the NPWS web-site in respect of the Natura 2000 sites identified, including the nature of the receiving environment and proximity to the nearest European site. I consider it is reasonable to conclude that on the basis of the information on the file which includes *inter alia*, the AA screening report submitted by the applicant and all of the planning documentation, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European site, in view of the said sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

12.0 Environmental Impact Assessment

12.1. Statutory Provisions

- 12.1.1. This application was submitted to the Board after 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.
- 12.1.2. The application was accompanied by an Environmental Impact Assessment Report (EIAR), which is mandatory for the development in accordance with the provisions of Part X of the Planning and Development Act 2000, as amended, (PDA) and Schedule 5 of the Planning and Development Regulations 2001, as amended, (PDR).
- 12.1.3. Item 10(b) of Part 2 of Schedule 5 of the PDR provides that an EIA is required for infrastructure developments comprising of urban development which would exceed 500 dwellings.

- 12.1.4. The subject proposal is for a development of 597 dwellings and is accompanied by an EIAR.
- 12.1.5. The EIAR is laid out in two folders with the non-technical summary and the main document in one bound folder and appendices in another. Chapter 1 sets out the introduction including a list of the competent experts involved in preparing the EIAR. Chapter 2 provides a description of the project and Chapter 3 sets out the Planning policy context. Chapter 4 sets out the Project Scoping and Consultation, while Chapter 5 sets out the alternatives examined.
- 12.1.6. As is required under Article 3(1) of the amending Directive, the EIAR describes and assesses the direct and indirect significant effects of the project on the following factors: (a) population and human health; (b) biodiversity with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape, in chapters 5 - 17. Chapter 19 is a summary of the Mitigation Measures. Chapter 18 considers the interaction between the factors referred to in points (a) to (d). Article 3(2) includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered.
- 12.1.7. With respect to Article 3(2), section 2.5 of the EIAR refers to the risk of accidents. It is stated that the risk of accidents and mitigation measures during construction considered necessary to address same, has been considered and is presented under an assessment of each environmental variable in the EIAR. Operation of the development is not likely to give rise to any significant impacts.
- 12.1.8. I have carried out an examination of the information presented by the applicant, including the EIAR and the submissions made during the course of the application. A summary of the results of the submissions made by the observers and prescribed bodies has been set out at Section 6 and 7 of this report and in detail in Appendix 1. The main issues raised specific to EIA can be summarised as follows:
- Potential impact on Human Beings, specifically during construction and on Health with respect to cumulative air emissions.
 - Potential impact on Air Quality from dust emissions during the construction phase and cumulatively during the operation phase.

- Potential impact on Cultural Heritage, specifically on Shanganagh Castle and its setting.
- Potential traffic impacts during the construction and operational phase.
- Potential impact on Landscape and Visual Impact.

These issues are addressed below under the relevant headings, and as appropriate in the reasoned conclusion and recommendation.

12.1.9. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR and supplementary information provided by the developer is up to date, adequately identifies and describes the direct and indirect effects of the proposed development on the environment, and complies with article 94 of the Planning and Development Regulations 2000, as amended.

12.2. Alternatives

12.2.1. **Chapter 5** addresses the alternatives considered. Article 5(1)(d) of the 2014 EIA Directive requires:

(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment;

Annex (IV) (Information for the EIAR) provides more detail on 'reasonable alternatives':

2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

12.2.2. It is stated that spatial planning policy as outlined in chapter 3 provides support for development on the subject site and it is policy that dictates the types of use and extent of development of the site.

12.2.3. The rationale for the development is explained. It is noted that key environmental and practical considerations influenced the design. Alternative locations, a 'Do Nothing' alternative, alternative processes with respect to construction are addressed and alternative designs considered as part of the iterative design approach are described. Table 5.1 provides a summary of the design amendments and environmental improvements as part of the iterative process.

12.2.4. The consideration of alternatives is an information requirement of Annex IV of the EIA Directive, and the single most effective means of avoiding significant environmental effects. Having regard to this requirement and its purpose (i.e. avoidance of significant environmental effect), I am satisfied that the consideration of alternatives is adequate.

12.3. **Consultations**

12.3.1. Details of the consultation entered into by the applicant as part of the preparation of the application and EIAR are set out in the section 4 of the EIAR and are considered adequate. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

12.4. **Likely Significant Direct and Indirect Effects**

12.4.1. The likely significant direct and indirect effects of the development are considered under the following headings, after those set out in Article 3 of the EIA Directive 2014/52/EU:

- (a) population and human health;
- (b) biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
- (c) land, soil, water, air and climate;
- (d) material assets, cultural heritage and the landscape;
- (e) the interaction between the factors referred to in points (a) to (d).

12.4.2. My assessment is based on the information provided by the applicant, including the EIAR, in addition to the submissions made in the course of the application, as well as my site visit.

12.5. Population and Human Health

- 12.5.1. Chapter 6 considers Population and Human Health. The assessment **methodology** is described. The desktop information and its sources are detailed. Census information at national, settlement and District Electoral Division (DED) were utilised. A land use analysis informed the location of potential receptors.
- 12.5.2. The **receiving environment** in terms of existing demographics, health status of the area and the location of potential receptors are described. It is stated that a description of the baseline environment of those factors under which human health effects might occur have been addressed elsewhere in the EIAR under the headings of traffic and transportation, townscape and visual, water quality, cultural heritage and biodiversity. The economic and employment activity, social patterns, housing stock and structure, landuse and settlement pattern and health and safety are described.
- 12.5.3. The **likelihood of impacts** is detailed. It is stated that while four different phases are proposed this could change but that should the phases cumulatively progress together the overall impacts are unlikely to be different. Do-nothing scenario, as well as construction and operational impacts are described. Potential impacts are also dealt with under other headings throughout the EIAR whereby the population could be impacted. It is noted that despite the implementation of remedial and mitigation measures during construction there will be some minor temporary residual impacts on population and human health most likely with respect to nuisance. It is considered that in terms of operational impact the proposal will result in a generally positive alteration to the existing undeveloped site with the provision of residential units and other facilities in accordance with policy objectives. Appendix 6.1 identifies recently approved or pending developments which may have a cumulative impact including the Part 8 crematorium which was commented upon in some submissions. It is considered that the cumulative impact will be long term, positive and permanent.
- 12.5.4. A **description and significance of impacts** are described during construction and operation under the same headings referred to above, i.e. economic and employment activity, social patterns, housing stock and structure etc. Air, noise & vibration and traffic are detailed. The risk of major accidents during construction and operation are addressed.

12.5.5. **Remedial and mitigation measures** are described. A Construction and Environmental Management Plan (CEMP) will be prepared during the construction phase.

12.5.6. **Residual impacts** are expected to be positive, long-term & imperceptible impact on Human Health. There are no predicted adverse impacts with respect to health factors primarily due to the location and its residential characteristics.

Assessment

12.5.7. I note many of the submissions raised concerns with the impact on the population of the area as a result of what was perceived to be an influx of people. As noted above I am satisfied that with the development of the crèche and other facilities proposed as part of the application, as well as the phasing there will not be an unacceptable impact on the social infrastructure. I note the future public transport proposals as well as the existence of numerous schools within a 5km radius. The employment provided during the construction phase will be a positive impact. The provision of much needed accommodation of a mix of tenures including in excess of 306 cost rental units, will be a positive impact during the operation phase. There will be some nuisance issues on the existing residents during construction, but with the mitigation measures proposed in the outline Construction Management Plan, these will be reduced and will not result in a seriously negative impact. Furthermore, they are temporary in duration.

12.5.8. With respect to Health, a number of objectors referred to the crematorium recently approved under Part 8 by the Council. The objectors submitted that crematoria cause harmful emissions to air which have implications for human health. The crematorium has already been approved and is not the subject of this proposal. However having regard to the cumulative impact of both developments, I am satisfied that the air emissions as a result of this proposal will not have a significant effect on the environment either individually or cumulatively, having considered the conclusion of the air emissions assessment (see further below). As previously noted above, the crematorium proposal was the subject of an EIA Direction by the Board (Ref. PL06 JD0026)

12.5.9. I have considered all of the written submissions made in relation to population and human health. Having regard to the development of residential accommodation on

zoned and serviced lands, and having regard to the need for residential development for the increasing population, I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on population and human health.

12.6. Biodiversity

- 12.6.1. Biodiversity is addressed in Chapter 7 of the EIAR. The **assessment methodology** is noted as being informed by consultation with various statutory and non-statutory bodies. The consultations with the Council's Biodiversity Officer, the NPWS and Birdwatch Ireland are detailed. The Zone of Influence (Zol) is noted as varying depending on the ecological features. Desk studies and field surveys are described. Habitat surveys, bat surveys, otter surveys, badger surveys, amphibian surveys and bird surveys were carried out.
- 12.6.2. The **receiving environment** is described. The pond is noted as a single waterbody within the site. The site is currently dominated by intensely managed grassland, garden allotments, greenhouses and storage sheds. Table 7.2 lists the Designated Sites within 15km of the site. The closest is Loughlinstown Woods proposed Natural Heritage Area (pNHA) which lies c.1.9km to the north. The closest European Designated Site is the Ballyman Glen SAC which is c.2.7km to the south-west. Table 7.3 lists protected and rare flora species within a 5km radius. Surveys recorded no plant species protected under the Flora Protection Order and no rare or threatened species identified in national Red Lists. No scheduled invasive species were identified. Habitats including the pond are described. No habitats listed on Annex I of the Habitats Directive were recorded. Fauna are described including the wintering and breeding bird surveys.
- 12.6.3. In terms of the **likelihood of impacts** it is noted that only likely effects on 'significant' ecological features (i.e. those valued at Local Importance (Higher Value) or above) are assessed. It is noted that the AA Screening Report concluded that there would be no Likely Significant Effects on any European Designated sites either alone or in combination with other plans or projects. The proposal will not directly impact on any nationally designated sites. Table 7.8 summarises all significant ecological features

identified within the Zol of potentially significant impacts. Of note, badgers are present on the site. Inherent mitigation is detailed.

- 12.6.4. The **significance of impacts** is described. It is noted that most of the potential impacts relate to the construction stage albeit there are some during operation as a result in the increased population. It is noted that there will be direct habitat loss during the construction stage, albeit non-Annex I. Potential impacts are detailed during construction and operation including on non-native plant species, bats due to loss of trees, otters, badgers, and other protected mammals, smooth newts, common frogs, common lizard, birds, and invertebrates. The cumulative impacts are described with reference to Local Plans and planning applications. It is noted that there will continue to be significant area of open land maintaining areas of suitable habitat and connectivity for important species.
- 12.6.5. Specific **mitigation measures** will be implemented to minimise the significant effects on the important ecological features. Mitigation measures are listed including the development of a CEMP which will set out general environmental management measures, including in relation to pollution prevention and the roles and responsibilities of Site Personnel. It is noted that as a non-scheduled invasive species, winter heliotrope, is present there is no legal requirement to manage or control it on site. A Biosecurity Management Plan will be prepared to manage it. Pre-construction surveys of the badger sett on the site will be carried out.
- 12.6.6. The only significant effects predicted prior to the implementation of mitigation are on non-Annex I habitats as a result of pollution incident during construction, non-native plant species spread, loss of bat roosts, otter, badger and smooth newt as a result of mortality. With the implementation of the mitigation measures there will be no **residual significant effects**.

Assessment

- 12.6.7. One objector refers to concerns in relation to bats and the surveying carried out. As part of this project no works are proposed on the castle and therefore there will be direct disturbance to bats should they exist in the castle. I note that bat roost surveys were carried out on all trees within the site and an inspection of the occupied house due for demolition was carried out. Mitigation measures are described which include

retaining the existing large woodland blocks to the north-west and south-east of the site, retention of hedgerows as well as additional planting of trees and bat boxes.

12.6.8. With respect to concerns raised in relation to smooth newts and common frog as well as the 'amenification' of the pond, mitigation measures are proposed for the pond including measures to improve the suitability of the pond. I further note that connections between the pond and the woodland block will be maintained. Mitigation measures with respect to the badger setts are detailed.

12.6.9. The outline Construction Management Plan details measures to protect the adjoining watercourses including the pond.

12.6.10. I have considered all of the written submissions made in relation to Biodiversity. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on Biodiversity.

Land, soil, water, air and climate are addressed over 4 chapters of the EIAR including Noise & Vibration

12.7. Land & Soils

12.7.1. Land & Soils are addressed in Chapter 8 of the EIAR. The **assessment methodology** is detailed including the desktop study, site investigations and site visits. The geotechnical investigations carried out are listed.

12.7.2. The **receiving environment** is described, and it is noted that a review of the site's history using OSI historical maps was conducted. The site was wooded in the 1800s but has been cleared of trees since 1995. The GSI soils maps are included. The bedrock geology comprises the Maulin Formation. A submission from the GSI confirms that the closest County Geological Site is located c.1km from the site, namely Killiney Bay.

12.7.3. The **likelihood of impacts** during the demolition, construction and operation phase are described. It is expected that the greatest potential impact on the underlying geology will be during construction. During the operation impacts on lands and soils will largely be limited to the risk of fuel leaks from parked cars.

- 12.7.4. A description and **significance of impacts** are detailed including during the demolition and construction phase. They include stripping of topsoil, excavation of subsoil layers, construction traffic, and accidental spills and leaks. During operation the possible impact from oil leaks into the soils will be treated with an impervious liner. Cumulative impacts are detailed including the progressive natural soil removal from the wider area. The impact is considered long-term and low.
- 12.7.5. **Remedial and mitigation measures** are listed to ensure that the soils geology environment is not adversely impacted during normal and/or emergency conditions during both construction and operation phases. It is considered that no further mitigation measures are required during the operation phase.
- 12.7.6. It is stated that if mitigation measures are implemented the risk of impact and **residual impact** is negligible. Construction stage monitoring by the contractor should be carried out.

Assessment

12.7.7. I have considered all of the written submissions made in relation to Land & Soils. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on Land & Soils.

12.8. Hydrology & Hydrogeology

12.8.1. Hydrology & Hydrogeology are considered in Chapter 9 of the EIAR. The **assessment methodology** included a desktop study of soils, bedrock, groundwater and surface water data sources, and a review of available water levels monitoring and site investigation data and sensitive receptors in the area. Site investigations were undertaken across the site including a hydrogeological assessment of Shanganagh pond and its environs.

12.8.2. The **receiving environment** is described. Ground elevations across the site broadly fall from north-west to south-east ranging from 28.9mOD and 24.1mOD. The site is located on the boundary between the Dublin Urban GWB and the Wicklow East GWB. The WFD Water Maps were consulted. The site is underlain by the Ordovician

Metasediments classified as being a locally important bedrock aquifer which is moderately productive only in local zones (LI). The 2019 surveys confirmed that shallow groundwater is present across the site. Table 9.2 lists the boreholes within 2km of the site. Interpretation of groundwater levels suggest that the pond is receiving some form of groundwater baseflow. The outfall of the pond discharges to a drain along the southern boundary of the site before discharging into the drainage network of the park.

- 12.8.3. The site is not mapped within any river flood extents. A Site Specific Flood Risk Assessment was prepared. The development is proposed in Flood Zone C for fluvial flooding. A portion of the site is located in Flood Zone A for pluvial flooding. It is considered that this will be managed through the construction of a new surface water drainage network and will therefore be in Flood Zone C for pluvial flooding. Site specific measures have been incorporated into the development design. No development will take place in the floodplain.
- 12.8.4. The **likelihood of impacts** is considered. Surface water is to be collected across the site and reduced to a greenfield run-off. The drainage system will incorporate SuDS measures. It is anticipated that the likelihood of impact is considered to be low. The main risk is considered to relate to general construction activities.
- 12.8.5. The **significance of impacts** are detailed in table 9.7 and 9.8. The construction activities are listed and assessed as well as the operational impacts.
- 12.8.6. Table 9.9 details the recommended **mitigation measures**. It is considered that no further mitigation measures are required at operation stage. Monitoring measures are to be included in the CEMP.

Assessment

- 12.8.7. I have considered all of the written submissions made in relation to Hydrology and Hydrogeology. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on Hydrology and Hydrogeology.

12.9. Air Quality & Climate

- 12.9.1. Air quality and Climate are addressed in Chapter 10. It is considered that the construction phase impacts will be from potential fugitive dust emissions and that emissions from construction vehicles and machinery have the potential to impact climate. The primary potential sources of emissions during operation are deemed long term and will involve a change in traffic flows on road links nearby. The **assessment methodology** is described with reference to DMRB Assessment. It is noted that TII guidance states that the assessment must progress to detailed modelling if concentrations exceed 90% of the air quality limit values or sensitive receptors exist within 50m of a complex road layout.
- 12.9.2. The impact has been assessed by modelling emissions from the traffic generated. The three receptors modelled represent the worst-case locations close to the proposed development and were chosen due to their close proximity (within 200m) of road links. Background information is provided with respect to air quality, dust deposition, and climate agreements.
- 12.9.3. The **receiving environment** is described. Meteorological data, trends in air quality and baseline information on air quality and climate are described.
- 12.9.4. The **likelihood of impacts** during the construction and operation phase are described. As noted above, the construction phase impacts relate to fugitive dust emissions and engine emissions. These are considered to be short-term in duration. During operation it is the change in traffic that has potential impact. The potential sources of air and climatic emissions are deemed long-term.
- 12.9.5. The **significance of impacts** is detailed and include the Do Nothing scenario as well as construction and operation phase. It is noted that while construction dust tends to be deposited within 200m of a site, the majority of the deposition occurs within the first 50m. There are a number of sensitive receptors predominantly residential properties in close proximity to the site. A series of mitigation measures have been prepared in the form of a dust minimisation plan. There is the potential for greenhouse gas emissions during the construction phase. It is noted that best practice mitigation measures are proposed for the construction phase which will focus on pro-active control of dust and other air pollutants.
- 12.9.6. The Local Air Quality modelling assessment is described. Levels of traffic-derived air pollutants from the development will not exceed the ambient air quality standards

either with or without the development in place. The impact of the development in terms of PM₁₀, PM_{2.5}, CO, NO₂ and benzene is long-term, localised and imperceptible. The impacts on climate during the operational stage are predicted to be imperceptible and long-term. The impact on human health will be long-term and imperceptible. Cumulative impacts during construction and operation are addressed including the SHD Woodbrook development. With appropriate mitigation measures it is considered that the impacts will be short-term and not significant.

12.9.7. Remedial and **mitigation measures** are detailed during construction and the operational phase.

12.9.8. It is considered that when dust minimisation measures are implemented the impact of fugitive emissions from the site will be short-term and not significant. No **residual impacts** of significance are predicted on climate. During operation, the results of the air dispersion modelling study demonstrate that the impact on air quality and climate are predicted to be imperceptible.

Assessment

12.9.9. With respect to climate, I note that the design strategy includes a whole life cycle approach to the managing and planning of the development. All dwelling units will be a minimum of a BER rating of A2 and one centralised plantroom is proposed for all the apartments. Furthermore, I note that 10% electrical vehicle charging points will be provided.

12.9.10. The aforementioned development of the crematorium raised many objections. As noted above the crematorium was approved under Part 8 and is not the subject of this application. I am satisfied that cumulatively this development will not have a significant impact on the air quality. The Board carried out a detailed assessment on the need or otherwise for an EIA of the crematorium (ABP Ref. PL06 JD0026) and concluded that an EIA was not required.

12.9.11. I am satisfied that the potential dust emissions during construction will be mitigated as detailed in the outline CMP.

12.9.12. I have considered all of the written submissions made in relation to Air and Climate. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed

mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on Air and Climate.

12.10. Noise & Vibration

- 12.10.1. Noise and vibration are addressed in Chapter 11 of the EIAR. Baseline noise monitoring has been undertaken across the site to determine the range of noise levels as part of the **assessment methodology**. Predictive calculations have been performed during construction and operational phase.
- 12.10.2. The **receiving environment** is described. Figure 11.1 identifies the location of the measurement positions and the noise sensitive locations. Road traffic noise from the Dublin Road was the dominant source of noise.
- 12.10.3. The **likelihood of impacts** is assessed. It is noted that there is no published statutory Irish guidance relating to maximum permissible noise levels that may be generated during the construction phase but that Councils control construction activities by imposing limits on hours. BS5228 sets out guidance. Vibration with respect to residential development is detailed. During the operation phase, the potential noise is the additional traffic. Reference is made to the Residential Inward Noise Impact Criteria, Crèche inward noise and mechanical plant criteria. It is stated that there are no expected sources of vibration associated with the operational phase. Do Nothing and cumulative are addressed.
- 12.10.4. In terms of the **significance of impacts** it is predicted that the construction programme will create typical construction activity related noise on site. Table 11.11 details the predicted noise levels at distances of 10m, 20m and 50m. It is predicted that there may be some significant impacts at the boundary of the site adjacent to NSL1 (Castle Farm) albeit these occurrences would be temporary and the vast majority of works will take place at distances from the receptors where no significant impacts are predicted. Figure 11.4 illustrates where construction activities are predicted to cause a potential significant noise impact. Vibration levels are not expected to pose any significance in terms of cosmetic or structural damage. During operation, the results of the TIA have been reviewed to predict any impact of the development on noise in the area. For both the opening and future design years the prediction indicates the increase will be approximately 2.5dB. The cumulative impact

is characterised as not significant. Outward noise is described including noise breakout from the gym, crèche etc. Given the distances to the properties to the north it is not expected that noise emissions will cause impacts.

- 12.10.5. The results of the noise model are described. Figure 11.7 identifies those facades where the noise levels are higher and where mitigation in the form of enhanced glazing and ventilation will be required.
- 12.10.6. Remedial and **mitigation measures** are detailed. During construction best practice control measures for noise and vibration will be used. The mitigation measures are listed including erecting hoarding at least 2.4m high along the boundary with NSL1 sensitive receptors. During operation one mitigation measure is proposed with respect to the facades highlighted in Figure 11.7. Monitoring is detailed.
- 12.10.7. In terms of **residual impacts**, it is noted that there is potential for significant effects based on a worst-case scenario when working at the closest location to the dwellings. Residual impacts are detailed within 50m and over 50m. Vibration impacts are predicted to be not significant and short-term.

Assessment

- 12.10.8. In terms of noise and vibration I consider that there may be nuisance with noise during the construction phase. Mitigation measures have been detailed as part of the outline CMP. I note that concerns were raised about the height of the hoarding proposed. However, I am satisfied having regard to the hoarding, the distances involved as well as the temporary nature of the construction that there will not be an unacceptable impact.
- 12.10.9. I have considered all of the written submissions made in relation to Noise and Vibration. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on Noise and Vibration.

Material assets, cultural heritage and the landscape are addressed over chapters 12 – 17. Traffic & Transport are also addressed in the EIAR.

12.11. Archaeology & Cultural Heritage

- 12.11.1. Chapter 12 addresses archaeology and cultural heritage. The **assessment methodology** includes a desktop study supported by field inspections including test excavations under licence. It is noted that geotechnical works as detailed in chapter 8 were also archaeologically monitored. A geophysical survey was carried out. Responses received from various groups are noted.
- 12.11.2. The **receiving environment** is described including the archaeological and historical background of the site. It is noted that the Record of Monuments and Places lists 10 sites within a 1km radius of which Shanganagh Castle is the closest situated to the east of the site. The zone of archaeological potential around the castle extends into the proposed development area (albeit Figure 12.1 shows the zone external to the red line boundary). The results of test excavation and geotechnical site investigations indicate a significant amount of modern ground disturbance.
- 12.11.3. The **likelihood of impacts** is detailed. It is concluded that the development will not directly impact any known archaeological monuments or features and the likelihood of impact on sub-surface remains is low. There is no likely direct impact on the upstanding fabric of the castle. The development is likely to impact one Area of Archaeological Potential (AP), namely the townland and civil parish boundary between Shanganagh and Shankill. This AP may take the form of the remains of a ditch which would have formed the boundary marker. No trace of this ditch was found. The greenway and pipeline running across Shanganagh Park to the Woodbrook SHD also follows the townland boundary in a south-eastern direction for approximately 135m. Do Nothing and cumulative impacts are addressed. It is noted that the cumulative effect upon the heritage landscape will be altered considerably. There is a significant and cumulative effect to the cultural heritage of the area, but this is mitigated by the preservation of historic vistas.
- 12.11.4. In terms of the **significance of the impacts**, the development posed a potentially significant direct impact to the townland boundary between Shanganagh and Shankill. Mitigation has established that the impact on this boundary within the development area is reduced to imperceptible as the route of the greenway and

pipeline follows the line of the townland boundary to the south albeit there is a potentially significant direct impact on the boundary in this location.

12.11.5. Remedial and **mitigation measures** are proposed. While no evidence of archaeological remains was identified, due to the proximity of several recorded monuments and the scale of the development monitoring is proposed. Monitoring is proposed during any works that may impact on the townland boundary.

12.11.6. **Residual Impacts** with the implementation of mitigation measures are considerably reduced as detailed in Table 12.4.

Assessment

12.11.7. Many objectors referred to the potential impact on the castle and the former demesne. There is overlap with the assessment below and above. I note the castle itself has been much altered over the years and is currently boarded up and falling into disrepair. I am of the opinion that the subject proposal will result in the restoration of legibility of the castle and grounds. The features of the castle and grounds have influenced the design and the pond and crescent approach will be restored as part of this proposal. I note that there are no recorded archaeological sites in the Record of Monuments and Places (RMP) or on the Sites and Monuments Record (SMR) within the proposed development site.

12.11.8. I have considered all of the written submissions made in relation to Archaeological and Cultural Heritage. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on Archaeological and Cultural Heritage.

12.12. Architectural & Cultural Heritage

12.12.1. Architectural & cultural heritage are addressed in Chapter 13 of the EIAR. It is stated that this chapter is concerned with the designed, cultural and architectural heritage of the extant demesne at Shanganagh Castle and should be read in tandem with Chapter 12. The **assessment methodology** includes a desktop survey and a field inspection. The sources of information are listed.

- 12.12.2. The **receiving environment** is described. The castle is recorded on the NIAH and is a Protected Structure. There are 6 Protected Structures within c.300m of the site. The c.1925 gate lodge, the castle and Crinken cottage have direct historic links to the site. There are 13 sites recorded on the NIAH within c.300m of the site. Protected views and vistas are identified as well as Trees & Woodland to be retained. The history of the castle, historic paths and the ornamental pond are described in detail with accompanying maps and photos.
- 12.12.3. The **likelihood of impacts** is described. It is asserted that the development will directly, significantly and negatively impact a number of identified architectural and cultural or landscape heritage assets in and surrounding the development site largely due to the heritage importance and sensitivity of the site. In taking account of the proposed mitigation measures, it is concluded that the impacts are generally reduced to significant and moderate negative impacts. It is noted that there are a number of positive impacts on heritage interpretation and building conservation as well as historic landscape management. In the Do Nothing scenario it is noted that in the absence of the sufficient footfall to the area it is possible that the castle would remain in obsolescence. The proposed development offers a catalyst for bringing greater awareness to the rich history of the demesne which is intended as a separate development being pursued under the objectives of the LAP. Proper woodland management and the preservation of the ornamental pond is likely to arise as a result of the proposal. Cumulative impacts are detailed. It is considered that the interdependent developments of Shanganagh and Woodbrook offer opportunities for much needed heritage interpretation and awareness of the area.
- 12.12.4. The **significance of the impacts** is addressed. It is noted that the red line boundary terminates roughly 50m to the west of the castle and that would make many kinds of development impactful on the setting of the castle. The proposed axial route, or Avenue, through the centre of the site is in keeping with Guiding Principle No.4 of the LAP. It is noted that its presence will help maintain a relationship between the castle and Dublin Road. The materials proposed respect the tonality of the castle. There are no direct impacts on the character or medieval fabric of the castle.
- 12.12.5. The development is proposed between the castle and the gate lodge which will dilute the visual relationship between both. Mitigation measures proposed reduce

the impacts on this relationship from very significant to significant. The thinning of a band of trees will reduce the secluded nature of the setting of the Cockburn monument. The impact of the development on Crinken cottage, Kiltuc church ruins, landscape features & vistas, trees, paths and avenues and boundary walls is addressed in substantial detail. A summary of the impacts is provided in Table 13.4. The impact ranges from very significant to significant to imperceptible.

12.12.6. Remedial and **mitigation measures** are detailed. Mitigation is described for the pre-construction phase as well as the construction phase. Construction phase measures include repairing of the Cockburn monument and to protect the ornamental pond from changes to its salient, irregular form and size and to ensure protection during construction. During operation 5 mitigation measures are listed including the incorporation of the Shanganagh Castle name into the development as well as in relation to the proposed steering group which is being set up to manage the integration and refurbishment of the castle. These mitigation measures will considerably mitigate the residual impacts on the castle.

12.12.7. The **residual impacts** are listed in table 13.5. It is stated that when the mitigation measures are taken into consideration the level of impacts and the effects are at times notably reduced. The impacts range from slight, positive to significant.

Assessment

12.12.8. The development will take place in the former grounds of the castle and therefore the grounds will be permanently altered as a result of the proposed development. The impacts range from slight to significant. There is no doubt that the development will have an impact on the setting of the castle, however this is in the context of grounds that have already been altered by various uses over the years. I am satisfied that the proposal will also bring benefits to the grounds in terms of the reinstatement of the pond, the Cockburn monument and the crescent.

12.12.9. The facts are that dwellings will be built in the grounds which will have a significant impact on the setting of the castle. I am of the opinion that given the inherent nature of the site any extent of development is likely to adversely impact on the setting of the castle and grounds. There will be no direct impacts on the castle itself and the features such as the pond, the woodland and crescent approach will benefit from the development. There will be benefits by virtue of the extra footfall in

the area, the future plans for the castle and the enhancement of views of the pond, castle, gate lodge and woodland. Thus, while there will be a significant impact on the setting of the castle, having regard to the aforementioned benefits I do not consider that this is a reason for refusal of development.

12.12.10. As stated, I am of the view that there will be a negative impact on the setting of the castle. This has to be considered in the context of the zoning for the site and the benefits to the interpretation of the castle and grounds as a result of the works to the pond and crescent approach.

12.12.11. Notwithstanding the conclusion reached in respect of the inability of the proposed measures to fully mitigate the impact, it is considered that the environmental effects would not justify a refusal of planning permission having regard to overall benefits of the proposed development and in particular having regard to the context and zoning of the site.

12.13. The Landscape

12.13.1. Chapter 14 of the EIAR considers the landscape. It is supported by photomontages. The **assessment methodology** is detailed. Desktop based research and fieldwork are described. Viewpoint selection has been carried out in accordance with best practice standards. It is noted that photography has been taken from viewpoints which are representative of the nature of visibility at various distances and in various contexts. A study area of 1km radius was selected to identify potential significant landscape and visual effects.

12.13.2. The **receiving environment** is described. The development is located outside of any of the designated Landscape Character Areas (LCA) identified in the County Development Plan. The majority of the surrounding area is located in LCA 12 'Shanganagh'. It is described as the area between Shankill and Bray and includes the cemetery, the park and Woodbrook golf course. The western and northern sections of the study area outside of the development boundary includes sections of LCA 10 – Rathmichael. To the west and south-west the wider study area extends to a limited section of LCA 11 'Ballyman'. The relevant policies of the County Development Plan and the Shanganagh – Woodbrook LAP are listed.

12.13.3. The **likelihood of impacts** during construction and operation have been identified. The 6 photomontages are described. Landscape and visual effects and

their significance at construction stage will be temporary, adverse and range from Not Significant – Imperceptible in the wider area, to Moderate – Very Significant Adverse within c.250m radius of the site. Operational effects will result in effects on landscape resource and character and effects on view and visual amenity.

- 12.13.4. The **significance of impacts** is addressed. It is stated that a significant alteration in landscape character will occur at the site location. Direct and long-term change or modification will occur locally where the proposal is located. It is noted that development over the years has previously compromised the quality of the historic landscape and it does not currently exist as an intact, preserved historic landscape anymore. The magnitude of landscape change is considered high and the resulting landscape significance is Significant Adverse, however the development is in line with policies and objectives. Indirect change will occur within a distance of 250m and beyond 250m to 1km changes are considered to range from low to negligible and the significance is considered to range from slight adverse to Not Significant Neutral. It will integrate into the existing prevailing suburban character. Therefore it will not result in a material change or modification of the wider landscape. Table 14.13 provides a summary of the landscape effects.
- 12.13.5. The photomontages are addressed under Visual Effects. Six photomontages are provided and a description of visual effects on visual receptors is described. Table 14.14 provides a summary of Visual Effects from representative viewpoint locations.
- 12.13.6. The visual effects on Views and Prospects are described. The 12 viewing locations within the LAP are considered. It is noted that Views 1, 2 and 4 located within or in close proximity to the proposed development site will have significant visual effects. Table 14.15 addresses cumulative developments.
- 12.13.7. Remedial and **mitigation measures** are described. The principle mitigation is inherent in the design which has evolved through an iterative process. Mitigation measures have been developed in tandem with the landscape masterplan and are listed under the headings of Avoidance Measures, Reduction Measures, Remedial Measures and Operational Measures.
- 12.13.8. In terms of **residual effects**, the development will become a long-term feature extending the suburban fringe. Effective execution and establishment of the

proposed mitigation measures will have a positive impact and help to 'soften' landscape and visual effects. Long-term residual effects will arise from the change in landscape character from an area of green open space to that of a new suburban quarter. Significant residual landscape effects will be greatest within a distance of 250m. It will alter significantly and permanently the landscape character. While it is recognised that permanent adverse residual landscape effects will arise it should be noted that the proposals will align with current policies and objectives.

12.13.9. Residual visual effects will be highest in the short and middle-distance views. The landscape design will beneficially alter the visual perception within the site as the proposed vegetation matures. Table 14.17 details the residual effects from each photomontage viewpoint.

Assessment

12.13.10. I note that a number of objectors raised concerns with the landscape impact and the views to and from the castle. It is acknowledged that a significant alteration to the landscape character will occur at the site and residual visual effects will be highest in short and middle distances. The development will alter the existing landscape character. The photomontages assist in the understanding of the impact.

12.13.11. I note concerns were raised about views from individual residents' dwellings in Castle Farm. However as noted above, I am satisfied that the design has taken full cognisance of the two storey dwellings and having regard to distances, internal roads and the landscape strategy there will not be seriously adverse impacts on visual amenities from these dwellings.

12.13.12. As stated above under Architectural Heritage, the proposal aligns with current policies and objectives within the CDP and LAP. A significant alteration in landscape character will occur at the site. I am satisfied that the principal mitigation measure is in the design of the proposal which has sought to incorporate the key features of the grounds within the overall development. However the development will alter the existing landscape character.

12.13.13. Notwithstanding the conclusion reached in respect of the inability of the proposed measures to fully mitigate the impact, it is considered that the environmental effects would not justify a refusal of planning permission having

regard to overall benefits of the proposed development and in particular having regard to the context and zoning of the site.

12.14. **Material Assets - Traffic & Transport**

- 12.14.1. Traffic and Transport are addressed in Chapter 15 of the EIAR. A Traffic and Transport Assessment was completed and is included as Appendix 15.1. In terms of **assessment methodology**, the chapter was prepared having regard to the requirements of TII. An initial site inspection reviewed the existing access as well as the volume of traffic.
- 12.14.2. The **receiving environment** is described. It is noted that the site is currently accessed from the Dublin Road via an existing private lane which also provides access to two houses, council depot and the castle. The surrounding road network is detailed as well as the bus and train services.
- 12.14.3. The **likelihood of impacts** notes that the Dublin Road will be modified and upgraded to facilitate the connection of the existing road, pedestrian and cycling network. TRICS data is provided. It is expected that due to its location a significant number of trips will be by public transport, bicycle and on foot albeit the use of the private car will be a primary mode for a portion of residents and visitors. Reduced car parking will be provided for the apartment development relative to the local authority standards. Additionally, 10 car parking spaces will be allocated to GoCar car sharing use. Construction traffic will initially use the existing vehicular entrance from the Dublin Road. An alternative access c.120m north of the existing entrance will be constructed and used for access which coincides with the cycle/pedestrian access. The existing access will then be closed off. At a later stage the permanent site access will be constructed.
- 12.14.4. In terms of the **significance of impacts**, the increase in traffic volumes as a result of construction is not considered to be excessive and will be spread out. There will be no significant disruption on the traffic on Dublin Road. The volumes of traffic at peak traffic are unlikely to be in excess of 15 two-way trips per hour for a short period.
- 12.14.5. During the operation phase, access will be facilitated via a new signalised junction from Dublin Road. The TTA has assessed the impact on the existing road network for an opening year of 2024 and a design year of 2029 and 2039. The

impact on various junctions is described including the development itself, Corbawn Lane roundabout, Quinn's Road roundabout, Olcavor junction, Crinken Lane junction and Wilford roundabout. Corbawn, Quinn and Wilford are all noted to be at or above capacity. It is noted that the proposed development would be imperceptible as they already perform poorly. Do Nothing and cumulative are addressed including the Woodbrook development.

12.14.6. Remedial and **mitigation measures** are listed during construction, including the preparation of a Construction Traffic Management Plan (CTMP) which will be incorporated into the CEMP for the site. During operation the design of the site layout, roads and accesses is likely to mitigate any potential impact. There is likely to be a slight long-term impact on the surrounding roads as a result of the proposal.

12.14.7. There will be no **residual impact** as a result in the construction phase. During operation the volumes of traffic generated will have a slight effect and can be considered within the norms for urban development. The impacts will be slight long-term effects.

12.14.8. Monitoring will include the Residential Travel Plan being updated to ensure reduced dependency on car based trips.

Assessment

12.14.9. As addressed in my Planning Assessment under Section 11 above, many objectors raised concerns with the increase in traffic as a result of this proposal. It is considered that there is already serious congestion on the surrounding roads. I note that a Traffic & Transport Assessment accompanies the application as well as a Travel Plan for which there is a commitment to monitor traffic. I note the reduced number of car parking spaces proposed having regard to the availability of public transport options as well as future proposals for a new DART station and BusConnects.

12.14.10. I have considered all of the written submissions made in relation to Traffic and Transport. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on Traffic and Transport.

12.15. Material Assets – Water Services

- 12.15.1. Water services are addressed in Chapter 16 of the EIAR and includes an assessment on drainage and water supply. A Foul and Potable Water Engineering Report accompanies the application. The **assessment methodology** is described.
- 12.15.2. The **receiving environment** is detailed. A 225mm sewer runs to the north of the site. Run off from the site is collected by an old cut and cover land drain routed through the existing pond which eventually connects with a ditch to the south-east of the site in Shanganagh Park ultimately connecting to the Crinken Stream. An existing 4" uPVC watermain traverse the site in an east-west direction serving the castle. A 6" cast-iron watermain runs north-south along the Dublin Road. A 100mm uPVC watermain serves Castle Farm.
- 12.15.3. The development will require a new surface water sewerage, foul sewerage and potable water supply. Redundant pipes will be removed. **The likelihood of impacts** is described. All proposed services will require excavations to install. Irish Water have confirmed that their networks have capacity. Surface water will be treated using a variety of SuDS measures.
- 12.15.4. In terms of **significance of impacts**, excavations will be required. The area of the works will be unavailable to the general public. This is considered to be short-term and negligible. Do Nothing and cumulative impacts are assessed.
- 12.15.5. Remedial and **mitigation measures** are listed during construction and operation.
- 12.15.6. In terms of **residual impacts**, it is considered that there will be a short term period where the area of the development cannot be used by the general public and the diversion of existing services may result in some buildings being without services for a short period. In the operation phase the addition of infrastructure is considered a benefit to the development.

12.16. Material Assets – Resources and Waste Management

- 12.16.1. This is addressed in Chapter 17 and considers electricity, gas and telecommunications. A separate Operational Waste Management Plan has been submitted and is included as Appendix 17.1. The **assessment methodology** is

described. A site specific C&D Waste Management Plan (WMP) has been prepared during construction and an Operational WMP for the operational phase.

- 12.16.2. The **receiving environment** is detailed in terms of the services in the area.
- 12.16.3. It is envisaged that the proposed development will not result in any significant long-term effects however there is likely to be some minor impacts by way of temporary disruption during the construction phase. Do Nothing and Cumulative effects are described.
- 12.16.4. The existence of the project is likely to increase the demand on all services.
- 12.16.5. Remedial and **mitigation measures** are listed including reference to a project specific C&D WMP.
- 12.16.6. I have considered all of the written submissions made in relation to water and waste. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on water and waste services.

12.17. **Interaction between the factors above**

- 12.17.1. Chapter 18 of the EIAR details the interaction of the above factors. Interactions are described throughout each chapter of the report. Table 18.1 provides a matrix of potential interaction. Table 18.2 indicates the key elements and activities of the proposed development during both the site preparation and operational phases and how they inter-act and inter-relate with the various environmental aspects considered in Chapter 5.0 through to Chapter 17.0 of the EIAR.
- 12.17.2. Cumulative effects are addressed. A review was undertaken of permitted development in and around Shanganagh over the last five years (including extension of duration of previous permissions). Table 18.3 indicates developments considered including the Part 8 for the crematorium.
- 12.17.3. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable when considered on an individual basis.

12.17.4. In my assessment of each environmental topic, I have considered the likelihood of significant effects arising as a consequence of interrelationships between factors. Most interactions e.g. the impact of noise and air quality on the population and human health are addressed under individual topic headings. Given the generally modest impacts which are predicted to occur having regard to the nature of the proposed development, mitigation measures, or as a consequence of proposed conditions, I do not foresee any likelihood of any of these interrelationships giving rise to significant effects on the environment.

12.17.5. In conclusion, I am satisfied that there are no such effects and, therefore, nothing to prevent the granting of permission on the grounds of interaction between factors.

12.18. Reasoned Conclusion on Significant Effects

12.18.1. Having regard to the examination of the environmental information contained above, and in particular to the EIAR and the submissions from the prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- **Population and Human Health:** There will be a slight to moderate nuisance impact during construction which will be mitigated by measures described in the outline Construction Management Plan and the production of a Construction Environmental Management Plan. During operation the development of additional housing will result in a positive impact. There will be no significant cumulative impact on air quality or climate associated with the operational phase of the development to significantly impact on human health.
- **Air Quality:** During the construction phase there is potential for dust emissions from earthworks and construction activities. A number of mitigation measures are set out to control potential impacts during the construction phase. A Construction Environmental Management Plan will be prepared prior to the construction of the development. There will not be an unacceptable impact cumulatively with other developments in existence or permitted in the area during operation.

- **Architectural Heritage:** There will be an impact on the setting of the castle as the development is to be located in the castle grounds. This impact will be mitigated due to the design of the proposal, the repair of the Cockburn Monument, inclusion of protective measures for the ornamental pond and historic woodland and the emphasis on the crescent approach to the castle.
- **Traffic and Transport:** Potential traffic impacts during both the construction and operational phase will largely be mitigated through the implementation of a Construction Traffic Management Plan and monitoring provided for in the Travel Plan.
- **Visual Impact:** The development will present as a new development in the landscape. There will also be changed views for some viewers in the short to middle distance. A significant alteration in landscape character will occur at the site. The potential impact will be mitigated by the design and landscape strategy and screening.

12.18.2. The submitted EIAR has been considered with regard to the guidance provided in the EPA documents 'Guidelines on the Information to be Contained in Environmental Impact Assessment Reports' (draft August 2017) and 'Advice Notes for Preparing Environmental Impact Statements' (draft September 2015). The assessments provided in the individual EIAR chapters are considered satisfactory. The likely significant environmental effects arising as a consequence of the proposed development have therefore been satisfactorily identified, described and assessed. Notwithstanding the conclusion reached in respect of the inability of the proposed measures to fully mitigate the landscape and architectural heritage impact, it is considered that the environmental effects would not justify a refusal of planning permission having regard to overall benefits of the proposed development.

13.0 Recommendation

I recommend that permission is granted for the proposed development subject to conditions.

14.0 Reasons and Considerations

Having regard to the following:

- a) the site's location close to the established settlement of Shankill village
- b) the policies and objectives set out in the Dun Laoghaire Rathdown County Development Plan 2016 - 2022,
- c) the policies and objectives set out in the Shanganagh Woodbrook Local Area Plan 2017 – 2023,
- d) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- e) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- f) the Design Manual for Urban Roads and Streets (DMURS), 2013
- g) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- h) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018
- i) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- j) the nature, scale and design of the proposed development,
- k) the availability in the area of a wide range of social, community and transport infrastructure,
- l) the pattern of existing and permitted development in the area,
- m) the planning history within the area,
- n) the submissions and observations received, and
- o) the report of the Inspector

Appropriate Assessment Screening

The Board accepted and adopted the screening assessment carried out by the Inspector and the conclusion in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and

assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' conservation objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the following European sites:

- Ballyman Glen SAC [000713] is c.2.7km south-west
- Rockabill to Dalkey Island SAC [003000] is 3.1km north-east
- Bray Head SAC [000714] is 3.7km south-east
- Knocksink Woods SAC [000725] is 4.3km south-west
- Dalkey Islands SPA [004172] is c.5.2km north-east
- Wicklow Mountains SAC [002122] is c. 7.1km south-west
- Wicklow Mountains SPA [004040] is c.7.4km south-west
- South Dublin Bay and River Tolka Estuary SPA [004024] is c.8km north
- South Dublin Bay SAC [000210] is c.8km north
- Glen of the Downs SAC [000719] is c.9km south
- Carrigower Bog SAC [000716] is c.12.9km south-west
- The Murrough Wetlands SAC [002249] is c.13.1km south-east
- North Bull Island SPA [004006] is c.13.4km north
- North Dublin Bay SAC [000206] is c.13.4km north
- The Murrough SPA [004186] is c.14.1km south-east

in the light of their conservation objectives, having regard to the nature of the proposed development and the distances from the site to these European sites.

Environmental Impact Assessment

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

- The nature, scale, location and extent of the proposed development;

- The Environmental Impact Assessment Report and associated documentation submitted with the application;
- The submissions from the objectors and the prescribed bodies in the course of the application; and
- The Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the EIAR complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

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 is satisfied that the Inspector's report sets out how these were addressed in the assessment and recommendation (including environmental conditions) and are incorporated into the Board's decision.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, as set out in the schedule of Mitigation Measures in Chapter 19 of the EIAR, and, subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting inspector.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- **Population and Human Health:** There will be a slight to moderate nuisance impact during construction which will be mitigated by measures described in the outline Construction Management Plan and the production of a Construction Environmental Management Plan. During operation the development of additional housing will result in a positive impact. There will be

no significant cumulative impact on air quality or climate associated with the operational phase of the development to significantly impact on human health.

- **Air Quality:** During the construction phase there is potential for dust emissions from earthworks and construction activities. A number of mitigation measures are set out to control potential impacts during the construction phase. A Construction Environmental Management Plan will be prepared prior to the construction of the development. There will not be an unacceptable impact cumulatively with other developments in existence or permitted in the area during operation.
- **Architectural Heritage:** There will be an impact on the setting of the castle as the development is to be located in the castle grounds. This impact will be mitigated due to the design of the proposal, the repair of the Cockburn Monument, inclusion of protective measures for the ornamental pond and historic woodland and the emphasis on the crescent approach to the castle.
- **Traffic and Transport:** Potential traffic impacts during both the construction and operational phase will largely be mitigated through the implementation of a Construction Traffic Management Plan and monitoring provided for in the Travel Plan.
- **Visual Impact:** The development will present as a new development in the landscape. There will also be changed views for some viewers in the short to middle distance. A significant alteration in landscape character will occur at the site. The potential impact will be mitigated by the design and landscape strategy and screening.

The Board is satisfied that this reasoned conclusion is up to date at the time of taking this decision.

Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this suburban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The

proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

15.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures set out in the Environmental Impact Assessment Report or any conditions of this Approval require further details to be prepared by or on behalf of the Local Authority, these details shall be placed on the file and retained as part of the public record.</p> <p>In default of agreement, the matter(s) in dispute shall be referred to An Board Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report, and other plans and particulars submitted with the application shall be carried out in full except as may otherwise be required in order to comply with other conditions. Prior to commencement of the development, details of a time schedule for implementation of the mitigation measures and associated monitoring shall be prepared by the Local Authority and placed on the file and retained as part of the public record.</p> <p>Reason: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.</p>
3.	<p>Prior to the commencement of development, Dun Laoghaire Rathdown County Council or any agent acting on its behalf shall prepare in consultation with the relevant statutory agencies, a Final Construction Environmental Management Plan (CEMP), that adheres to best practice environmental management. The CEMP shall include the appointment of a full-time liaison officer and specific proposals for monitoring of the effectiveness of the environmental management measures outlined in the</p>

	<p>CEMP and shall be placed on the file and retained as part of the public record.</p> <p>Reason: In the interest of protecting the environment, and in the interest of sustainable development and proper planning.</p>
4.	<p>During construction stage, any site operation (including hydrological and geotechnical investigations) associated with the proposed scheme shall be subject to full time archaeological monitoring by a suitably qualified archaeologist under licence from the Department of Culture, Heritage and the Gaeltacht. Provision shall be made available for the resolution of any archaeological features or deposits that may be identified.</p> <p>Reason: To conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site</p>
5.	<p>Prior to commencement of development, Dun Laoghaire Rathdown County Council or any agent acting on its behalf shall enter into water and waste water connection agreements with Irish Water.</p> <p>Reason: In the interest of public health</p>
6.	<p>A minimum of 10% of all car parking spaces should be provided with electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of electric vehicle charging points/stations at a later date.</p> <p>Reason: To provide for and/or future proof the development such as would facilitate the use of electric vehicles.</p>
7.	<p>Prior to commencement of development Dun Laoghaire Rathdown County Council or any agent acting on its behalf shall liaise with the National Transport Authority regarding the design of the site access and external road including bus infrastructure.</p> <p>Reason: In the interest of proper planning and sustainable development</p>
8.	<p>Retained trees and hedgerows shall be protected from damage during construction works. Within a period of six months following the substantial</p>

	<p>completion of the proposed development, any planting which is damaged or dies shall be replaced with others of similar size and species</p> <p>Reason: In the interests of amenity, ecology and sustainable development</p>
9.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interest of orderly development and the visual amenities of the area.</p>
10.	<p>A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be placed on the file and retained as part of the public record prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste, and in particular recyclable materials, in the interest of protecting the environment.</p>
11.	<p>Prior to the commencement of any works on site, Dun Laoghaire Rathdown County Council or any agent acting on its behalf shall ascertain and comply with all requirements of Inland Fisheries Ireland in relation to this development.</p> <p>Reason: In the interest of protecting the environment, and in the interest of sustainable development and proper planning.</p>
12.	<p>The crèche shall be developed as part of the first phase of construction</p> <p>Reason: In the interest of sustainable development</p>
13.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p>

	<p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
14.	<p>Dun Laoghaire Rathdown County Council or any agent acting on its behalf shall retain the professional services of a qualified Landscape Architect as Landscape Consultant throughout the life of the site development works. The Landscape Consultant shall be engaged to procure, oversee and supervise the landscape contract for the implementation of the permitted landscape proposals. When all landscape works are inspected and completed to the satisfaction of the Landscape Consultant, he/she shall submit a Practical Completion Certificate (PCC) to the planning authority to be placed on the public file, as verification that the approved landscape plans and specification have been fully implemented.</p> <p>Reason: To ensure full and verifiable implementation of the approved landscape design proposals for the permitted development, to the approved standards and specification.</p>
15.	<p>The development hereby permitted shall be for build to rent units (where specified) which shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (March 2018) and be used for long term rentals only. No portion of this development shall be used for short term lettings.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area and in the interest of clarity.</p>
16.	<p>Prior to the commencement of development, the Local Authority shall place on the public file details of a proposed covenant or legal agreement which confirms that the development of the Build-to-Rent units hereby permitted shall remain owned and operated by the Local Authority or any agent acting on its behalf for a minimum period of not less than fifteen years and where no individual residential units shall be sold separately for that period. The period of fifteen years shall be from the date of occupation of the first apartments within the scheme.</p>

	Reason: In the interests of proper planning and sustainable development of the area.
17.	<p>Prior to expiration of the fifteen-year period referred to in the covenant, the Local Authority shall place on the public file, ownership details and management structures proposed for the continued operation of the development as a Build-to-Rent scheme. Any proposed amendment or deviation from the Build-to-Rent model as authorised in this permission shall be subject to a separate planning application.</p> <p>Reason: In the interests of orderly development and clarity.</p>

Ciara Kellett
Inspectorate

29th June 2020

Appendix 1

There are a number of overlapping comments by objectors – they have been summarised under the following themes to avoid repetition.

Pedestrian Access to Castle Farm – remove direct access

- As there will only be 365 car parking spaces there will be high demand for parking in and around the development. Proposed pedestrian access would facilitate the use of Castle Farm estate roads.
- Parking already an issue in Castle Farm.
- Potential anti-social behaviour due to social stability under the tenancy arrangements could spill over to Castle Farm due to access.
- Castle Farm access should be the subject of a future grant of permission where concerned members of the public will have their views heard.
- Access should be subject to a Part 8 procedure.

Scale of proposal

- Request Board to reduce scale especially due to other developments recently approved.
- Density is inappropriate for Shankill village at 62 units/ha with a net density rise to 85 units/ha.
- Residential Density Guidelines for Planning Authorities provides that a density of 35-50 units/ha is appropriate for outer suburban sites.
- LAP recommends a minimum of 60 units/ha – this is more appropriate albeit a minimum – could be achieved by lowering the height by omission of floors.
- Density exceeds even the uppermost end of the total density band in the DRAFT LAP – note table does not appear in the adopted LAP. Note that DLR Planning Department state that there are to be “residential buildings ranging from 2- 6 storeys” and “maximum of circa 540 dwelling units” – both of these have been departed from.
- Scale more suitable for inner-city location where transport would be less of a concern.

- Scale and density including the proposed Woodbrook development will add another 1200 units which is too large for Shankill to absorb in the short time frame proposed.
- Height is inappropriate for an outer-suburban village and is not consistent with prevailing pattern of development nor does it propose a reasonable increase given the site's surrounding context of two storey semi-detached dwellings.
- Shanganagh LAP states that vast majority of accommodation can be met by buildings of fairly modest height of 4-5 storeys (LAP p.38). The LAP only provides for 6 storeys where this may be considered appropriate for reasons of legibility, identity and visibility and/or to support a particular activity (LAP p.38). Height proposed is to support increased density and not for reasons mentioned in LAP. The 7 storeys proposed goes beyond the 6 levels in the LAP.
- Height does not align with and is more aggressive than the LAP for which the public have had a right to participation.
- Key Site Objectives SC4 and SC5 are breached with the heights proposed.
- The heights adopted are inconsistent with Key Site Objective SC10 which seeks to respect the significance of Shanganagh Castle.
- Concerned with height of development – request the Board to limit the scale to four storeys. International advice shows that structures above 4 stories are not conducive to wellbeing.
- Distribution of 6 and 7 storeys are at variance to the stated objectives of the LAP and will impact on leisure amenity of Shanganagh Park and adjoining estates. Houses at northern boundary are in accordance with LAP objective but Block A, B and C are at variance. Development to the south-east is at variance and does not protect the sylvan woodland and curtilage of the castle.

Visual Impact

- Impact will be overbearing and visually dominant. EIAR notes that the visual impact is significant, and photomontages are not representative.

- EIAR notes that the development will have a significant adverse change from certain viewing locations.
- Visual amenity of Shanganagh Castle will be adversely impacted.
- Overall the visual effects are overwhelmingly negative and adverse as per table 14.17 of the EIAR.
- The preserved Prospect and Views enjoyed from the park are undoubtedly damaged by the proposed plans and building heights.
- Visual and residential amenity of Castle Farm estate will be severely damaged.
- The photomontages are not representative of the full effects on Castle Farm.

Mix of tenancy

- This is an untried tenancy mix that is not supported by National Legislation.
- Considerable bias towards rental rather than purchase. Proposal should be rejected because it is vital that the new development stabilises and thrives around a core of community minded people that develop long term ties.
- Note LAP aim is to foster an inclusive and socially balanced community – do not consider this has been achieved. Better proposition is to provide for a balance of private and public housing. Proposal is overly reliant on rental accommodation – request proposal includes a much higher percentage of affordable housing and some private housing to encourage long-term residents.
- Suggest Block B could be used in its entirety for affordable purchase.
- Application is for 51% affordable rental with a mere 15% for affordable purchase and while the Department has promised legislation in this area no such affordable schemes exist in the country. Understand it is not the Board's role to decide on tenure but it should be borne in mind that it will not be possible for elected members to change the allocation if the Board grants permission for 85% of the development under 'Build to Rent'.

- There is a need for 3 bed apartments in the affordable purchase scheme – Board should refuse to grant permission under BTR for Blocks A and C or Block B. Essential to have more affordable purchase units.
- Affordable housing has been reduced from 60% to 15%.
- When combined with Woodbrook SHD the population of Shankill is set to increase by 35%. Shankill has a long history of providing social housing and is classed as containing one of the ‘most disadvantaged small areas’ in DLR.
- Shankill already has major problems in terms of unemployment.
- Rentals will be controlled by the LDA which is not a good idea.
- Area will become a ghetto due to social problems and divided community. Shankill cannot be used by the Council to sort out their entire social housing lists. Attempt is being made to set aside balance of social and affordable housing agreed during very protracted debate in the Council in 2017 – strikes at the heart of good planning and the democratic process.
- For reasons not understood, the affordable housing portion has been reduced to 15% with BTR now making up the majority of the site at 51% - will introduce a predominantly transient population which contradicts ‘Guiding Principle No.1’ in the LAP and SC14.

Transport

- Woodbrook DART station has not been built yet nor is BusConnects or the LUAS extension to Bray.
- Essential to include a condition that the DART must be operational before the first unit is occupied.
- Unacceptable severe impacts on local traffic and public transport.
- Public transport infrastructure not in place.
- Under provision of car parking spaces – will lead to inappropriate parking on footpaths and in neighbouring streets creating a traffic hazard.
- Under-provision of car parking implies lack of entitlement to private transport for proposed occupants.

- Lack of plans to provide services and transport options in advance of increasing the population by 4,000 people is not sustainable.
- Planned new town at Woodbrook will add to gridlock.
- Obverse of development at Cherrywood where Council insisted developers put in place community elements first.
- No definite plan to upgrade the existing road network.
- No plans for feeder buses to the LUAS at Cherrywood or the DART at Shankill.
- Welcome commitment that construction traffic will not come through Shankill village or down Quinn's Road

Services – Community

- Three primary schools in Shankill already full.
- Only one secondary school to serve the existing population of 14,000 – imperative that schools are built, fitted out and patron-appointed before the residential units are allocated/sold/rented.
- Note LAP requires development strategy to provide a community hub/focal point on each parcel – objective has not been achieved in this scheme - not appropriate for it to rely on Shanganagh Castle as a recreational resource – should stand on its own merits or to rely on adjoining development site at Woodbrook as the local neighbourhood centre.
- 1,500 new residents will place significant strain on existing community and social infrastructure.
- Proposal is premature pending delivery of appropriate social, medical, transport and recreational facilities to the area.
- A condition should be applied that a legally binding agreement must be reached between the Department of Education and the developer of lands at Woodbrook regarding the provision of a site for the national school before any units are occupied.

- A condition should be applied that the proposed crèche must be constructed before the units are occupied.
- Adjacent to future incinerator type crematorium and associated emissions.
- In contrast to nearby Cherrywood the proposed development is largely housing led with social facilities and other infrastructure to follow. Services already under pressure.
- Make delivery of development contingent on facilities being planned and provided.

Ecological Impact

- Do not agree that there is little evidence that the pipistrelles roost locally – often seen around twilight and much greater effort should have been made. EIAR is deficient for not checking buildings such as Shanganagh Castle and other buildings for evidence of roosts and for not explaining why this was not done.
- Strip of woodland should be maintained to maintain flight lines for bats.
- Good work done on the pond, newts and frogs. The position of access to the greenway to the site should be moved some metres to protect spawning location.
- Concerned with ‘amenification’ of the pond – will reduce its conservation value and it will not succeed because pond will be a hazard to small children and prone to rubbish being dumped – should be fenced off along with the adjacent woods – management for conservation should be done as part of Park Management plan.
- Understand reason for restricted information on badgers but there should be more of a general nature on mitigation.
- Strongly recommend a condition requiring an Ecologist.
- EIAR states that the development will cause a significant adverse impact on the environment including species with protection or conservation concern; notes risk of sedimentation on p.214, impact of invasive species, loss of

disturbance of bat roosts during construction – development should be amended to adequately address the points raised in the EIAR.

- Development proposes complete destruction of an established hedgerow along northern boundary – hedgerow also provides important screening as well as habitat. Hedgerow should be retained and bolstered with additional planting.

Oral Hearing

- Request an Oral Hearing but consider that this development is not open to an Oral Hearing request – defect in current procedures.
- Consider a decision to grant permission without an Oral Hearing for a development that does not have a proper legal underpinning is open to review by the High Court.
- Board should grant an Oral Hearing because lack of procedures for local residents to request an Oral Hearing, breaches fair procedures for residents who have a ‘sufficient interest’. These specialised schemes are new and have not been properly tested in law which would constitute ground for review.

Residential Amenity

- Development has not adequately taken into account the loss of daylight and sunlight on Castle Farm to the north. Shadow analysis not adequate and has not taken account of extensions built.
- Development is overbearing (photos included).
- Development will overlook main habitable rooms.
- Noise pollution and vibration will damage housing. 2 metre high screen during construction is unacceptable.
- Inadequate open/recreational space being provided – Park will become a no-go area and will be overwhelmed.
- Building standards that apply to BTR are inferior.

- Dust and noise mitigation measures are inadequate and vague and should be specific as construction duration will be 3 years. It is highly likely that the two major construction projects will run in tandem.

Cultural Heritage

- Development has excessive adverse impact on Shanganagh Castle and is in the grounds of a Protected Structure. This view is supported by the EIAR.
- Proposal is short-sighted and would materially negatively impact on the character, heritage and touristic potential of the Castle.

Policy

- Housing tenure mix is contrary to policies including NPF, LAP and CDP.
- National Planning Framework has two priorities about scale and nature of future housing provision.
- LAP for Woodbrook – Shanganagh 2017 – 2023 seeks to foster an inclusive and socially balanced community.
- County Development Plan states that a good mix of housing types creates neighbourhoods for people of different ages and lifestyles.
- Development will not lead to the creation of a sustainable community as envisaged in the governments Social Housing Strategy 2014.

Climate Change

- Shankill Tidy Towns was awarded the DLR Climate Action Award in 2019. Understand that the move to higher density is part of action on climate change but this is another reason underpinning the need for DART.
- The energy needs of the development must be met by renewable energy. The Energy Report proposes gas fired boilers in a large plant room.
- Unable to identify any concrete provision for electric car charging points.
- Dispute need to fell high number of trees.

Health Issues (in relation to the adjacent crematorium)

- Substantial submission relating to health concerns about the crematorium with a large number of supporting documents.
- Note development will house c. 1,467 people and provide a crèche for 107 children. The pollutants emitted by crematoria include mercury, persistent organic pollutants, nitrogen dioxide and particulate matter.
- Notes the development includes a large proportion of social housing and that pollution related disease are concentrated among the poor.
- No consideration has been given to the health risks to the occupants of the planned development from crematorium emissions in the EIAR.
- DLR is aware of the widespread concern in the community regarding the crematorium, but the EIAR gives no consideration to the health risks from it. The Part 8 for the crematorium and the publishing of the Draft LAP were done in March 2017. It was apparent that DLR planned to house thousands of people in proximity at the time.
- The community have proposed that DLR adopt innovative clean technology which would eliminate the health risks to the occupants from crematorium. DLR has accepted that it is a serious proposal but designs are still awaited.
- Conclude that it is contrary to proper planning and sustainable development to house 1,467 people and provide for a crèche in proximity to a crematorium. The EIAR does not appear to take account of the crematorium in terms of human health. Refer to Emissions Report dated 4th October 2016 commissioned by DLR as part of the Part 8 process – note there is no regulation of crematoria in Ireland. Concerns about toxins raised. Notes concerns were dismissed in the report submitted to the Council under Part 8. The subject development was not taken into account in the grant of permission for the crematorium. Question wisdom of locating a source of air pollution at the heart of DLR's new Regional Park. Request that at a minimum it must be a condition of development that all potential occupiers be fully warned of the health risks from crematorium.

Other Issues

- Notable errors in the application – many houses in Castle Farm have been extended and this is not shown on site layout plans considerably reducing separation distances. Demonstrates impact on Castle Farm has not been adequately addressed.
- Request that a condition is added that any future extension proposals to dwellings must be done through the medium of a planning application.
- Alternative proposal – much better to retain the grounds as parkland and sportsgrounds – restore the castle – develop grounds into community garden – provide for balanced medium density residential development on a portion of the site with a balanced mix of tenure. Large residential developments being advanced across Shankill, Cherrywood and the wider area.
- Recommendations in the event of a grant: Habitat protection, revisit landscape proposals; protection of residential amenity by way of requiring planning permission for any future extensions; two additional blocks for affordable housing; reassess height.
- Support development subject to amendments including: reduce height and mass; high number of units under ‘Build to Rent’; social housing should not be built under ‘Build to Rent’; density of development; local infrastructure in place.
- Many positive aspects to the design including the use of brick facing, the open space programming and the housing in the Crescent.
- Construction is 3 years – important that the Board set strict conditions.