



An
Bord
Pleanála

Inspector's Report

ABP-310119-21

Development

Mixed leisure, entertainment and retail extension to the existing Liffey Valley Centre organised around a large public plaza and pedestrian friendly east-west street with parapet levels varying between c.15m and c.18m above street level. An Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) is submitted.

Location

Immediately adjacent to and south-east of the Liffey Valley Shopping Centre, Fonthill Road, Clondalkin, Dublin 22

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

SD20A/0089

Applicant(s)

Hines Real Estate Ireland Limited

Type of Application

Permission

Planning Authority Decision

Grant with Conditions

| | |
|--------------------------------|--|
| Type of Appeal | Third Party |
| Appellant(s) | <ol style="list-style-type: none"> 1) Downey Planning on behalf of the Square Management Limited 2) Hughes Planning & Development Consultants on behalf of The Moriarty Group, Palmerstown Shopping Centre 3) Liffey Administration Limited |
| Observer(s) | None |
| Date of Site Inspection | 23 rd July 2021 & 8 th October 2021 |
| Inspector | Mary Crowley |

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 9.59ha comprises brownfield lands located to the south/southeast of the existing Liffey Valley Shopping Centre (LVSC). LVSC is located 8km west of Dublin City, 8km north of Tallaght and is situated at the interchange of the M50 Motorway and the N4 National Primary Route. The LVSC is bounded by the M50 to the east, N4 to the north, Fonthill Road to the west and south. The River Liffey is located to the north of the Centre and forms the boundary with South Dublin County Council and Fingal County Council. Areas of residential development are located to the south, east and west/south west of the LVSC. Liffey Valley Retail Park and the Tesco Extra store are located to the south of the Centre with access off Fonthill Road/Coldcut Road.
- 1.2. LVSC which opened in 1998 is one of the largest shopping centres located on the fringes of Dublin City serving the local communities but also the wider Greater Dublin Area. The primary vehicular access to LVSC is currently via the Fonthill Roundabout which is proximate to the M50/N4 interchange. The centre itself has three entrance points, one at either end and a central entrance. Existing car surface parking spaces are located to the north, north-east, north-west, west and limited spaces to the south-western side.
- 1.3. The appeal site is irregular in shape and comprises undeveloped lands, rear service yards and temporary staff car park to the rear of the main Liffey Valley Shopping Centre adjoining Ascaill an Life. The main portion of the site comprises undeveloped greenfield lands.
- 1.4. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer the Board to the extensive photos available to view on the appeal file. These serve to describe the site and location in further detail

2.0 Proposed Development

- 2.1. The application submitted to SDCC on **26th March 2020** sought planning permission for the development of a 2-storey mixed leisure, entertainment and retail extension to the existing Liffey Valley Shopping Centre (LVSC) with a total floor area of 46,783sq.m and 27,917sq.m of car parking. The proposed extension would be organised around

a large public plaza and pedestrian friendly east-west street. The proposal is referred to as 'Liffey Valley Plaza'. The detailed description is set out below:

- Demolition of approximately 2,085sq.m of existing gross floor space over ground and first floor to facilitate the proposed extension;
- Provision of mixed leisure and entertainment units (9,247sq.m gross), food/beverage units (4,052sq.m gross), retail units (21,051sq.m gross) and all ancillary space and circulation areas (12,433sq.m gross);
- Construction of a new central public plaza fronting onto the east-west street covered with a large glass canopy in the form of a curved grid shell structure at a height of c. 20m;
- The main retail area will be anchored by two stores (comprising a total of c.10,090sq.m gross) located on either side of the public plaza;
- Provision of car parking over two levels comprising 900 spaces including 45 universal access spaces and 200 long stay cycle spaces over an area of 27,917sq.m gross, to be located north-east of the extension area;
- Provision of 290 short stay cycle spaces, 27 short stay car parking spaces and car/taxi set down areas on the east-west street; and 100 long stay cycles spaces provided within the existing car park adjacent to the Westend development (Vue Cinema and restaurants);
- Construction of new toucan crossing points for cyclists on Ascaill an Life (Ring Road around the Centre) at the western end of the east-west street to provide safe connection to the existing cycle network; and
- All associated service yards, plant and equipment, photovoltaic panels, electricity substations, all utility connections and works, street lighting, signage, landscaping and boundary treatments.

2.2. Environmental Impact Assessment

- An Environmental Impact Assessment Report (EIAR) is submitted with the planning application, as the development falls within the categories of Infrastructure Projects detailed in Article 10(b) (iii and iv), Part 2, Schedule 5 of the Planning and Development Regulations 2001 (as amended).

2.3. Screening for Appropriate Assessment

- An Appropriate Assessment (AA) Screening Report and Natura Impact Statement (NIS) has been submitted with the planning application.

2.4. A letter of consent from the owner of the site, Retail Impact Assessment, Traffic Impact Assessment and Flood Risk Assessment are also included with this planning application.

2.5. Further information was submitted on **12th February 2021** and may be summarised as follows:

| Item | Response |
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| 1) The Planning Authority requires more details from the applicant on the critical infrastructure, sequencing and the phasing of its delivery in the context of the construction and operation of the proposed extension to Liffey Valley Shopping Centre. | The applicant has provided a report prepared by SYSTRA, details of internal infrastructure improvements including measures internal to the LVSC and the proposed external road and junction improvements. Reference is made to measures internal to the development that were proposed as part of SD19A/0320 that include bus priority measures to tie in with Bus Connects, the signalisation of the roundabout between LVSC and the Fonthill Distributor Road, and a bus interchange within the existing yellow car park. The applicant has also referenced a parking management, way finding system and parking charge system. In terms of external infrastructure improvements, a number of upgrades to external junctions are proposed and are set out in Table 2 of the report. SYSTRA also sets out proposed delivery roadmap, expected completions and operation dates for each element of the critical infrastructure (parking demand management, bus priority measures and the bus interchange) to be provided in advance of the Phase 2 development. |
| 2) The Planning Authority sought road improvements in line with the Transport Infrastructure Ireland (TII) observations, | Report prepared by SYSTRA which details the additional modelling work that has been undertaken to assess options for the redesign of |

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| <p>proposals for a linked traffic signal control improvements at the roundabout south of the N4 and improvement works at the west bound N4 off slip, further detailed design work, further modelling analysis and safety audits of each of the junction improvement locations, recent cost estimates of the required external junction upgrades, information on the increase of trips at each of the junctions to be upgraded split into the three travel modes and information on the background increase in modal travel at each of the junctions to be upgraded over the 20-year design horizon period.</p> | <p>the N4 westbound off-slip junction with the Fonthill Road, the linkage of traffic signal timings and the undertaking of a road safety audit and proposals for a Special Financial Contribution. It is submitted that sufficient design information is included for the junctions outside of the applicants control particularly as these junction improvements are not required prior to the opening of the proposed Phase 2 development. Cost estimates for each external junction based on the preliminary desing proposals are provided within the SYSTRA response. Assumed modal splits as follows as provided:</p> <ul style="list-style-type: none"> ▪ Public Transport – 30% ▪ Walking & Cycling – 20% ▪ Car Traffic – 50% <p>In addition to the above and following consultation with SDCCs Road Section prior to this submission, traffic forecasts over the 20 year design period for public transport journeys, car person journeys and active journeys are also detailed in the SYSTRA response.</p> |
| <p>3) Clarity in respect of the car parking provision and parking management strategy proposed. An assessment of the parking provision of the entire centre including the proposed Phase 2. A car park charging strategy which will have the effect of reducing car journey trips to and from the centre. An implementation timeframe for the introduction of paid parking.</p> | <p>Report prepared by SYSTRA. Table 18 details the Net Car parking provision at the Centre. No dedicated staff car parking is proposed as part of this application. It is intended to base the 10% Electric Vehicle spaces and 5% mobility minimums on the 900 no. carparking provision for Phase 2. The applicant has set out a clear car parking strategy for the proposed development:</p> <ul style="list-style-type: none"> ▪ An initial Charge of €2:00 per hour for the first hour. ▪ No charge for hours 2 and 3 unless staying over 5 hours in which case there will be no free hours (to deter long stay parking) |

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| | <p>The proposed parking charging is expected to result in a reduction of traffic flows from the centre during the 4:00 PM to 7:00 PM Monday to Friday by at least 10 to 15%. Using permanent traffic counters at the centre, the applicant proposes to monitor the performance of the parking management system against a targeted reduction of 10% car trips to the centre. Paid Parking will be implemented prior to the commencement of Phase 2. The introduction of paid parking will be implemented for the existing car parking spaces under Reg Ref SD19A/0320 and is expected to be completed in 2022</p> |
| <p>4) The cycleway to the north and south of the East West street to be designed in accordance with the National Cycle Manual and the Design Manual for Urban Roads and Streets (DMURS) and revise the bicycle parking provision in line with Table 11.22 of the County Development Plan.</p> | <p>The applicant has proposed design revisions of the double cycle track along the proposed east-west street and carpark/service area access at the west end following consultation with SDCC Roads Department and the NTA. The access point to the service area at both the east and west ends of the east-west street, have also been redesigned to provide enhanced pedestrian and cyclist crossing facilities.</p> <p>With regard to cycle parking spaces, 300 no long stay spaces are provided which exceed the long stay cycle parking requirement of 293 no spaces. The short stay cycle parking requirements of 687 no spaces is considered to excessive at this stage, based on the expectant mode share and visitors numbers. In consultation with SDCC it was agreed to provide 350 no short stay spaces.</p> |
| <p>5) Reference is made to the submission by the National Transport Authority (NTA). The subject development interfaces with Core Bus Corridor (CBC) 7 at the south west corner of the development. The applicant is requested to submit revised details of the Bus Corridors to reflect the latest preferred Bus Connects proposals.</p> | <p>The applicant has provided a response to the matters previously raised by the NTA. The applicant has stated that they have engaged with the NTAs Bus Connects Design Team, have developed a preliminary design for the N4 Westbound off-slip junction with the Fonthill Road with the roundabout reconfigured to a signalised junction, has provided details of pay parking, is committed to targeting a reduction in</p> |

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| | baseline traffic volumes of 10% and is committed to monitoring this target with annual reports to be submitted to SDCC, and have provided details of walking and cycling infrastructure. |
| 6) Reference is made to the submission from the Transport Infrastructure Ireland (TII). The applicant is asked to comment on same. | The applicant has provided a response to the matters raised by TII that has been prepared by SYSTRA. The applicant has provided details of pay parking, is committed to targeting a reduction in baseline traffic volumes of 10% and is committed to monitoring this target with annual reports to be submitted to SDCC. The applicant has stated that a preliminary design has been developed for the N4 Westbound off-slip junction with the Fonthill Road with the roundabout reconfigured to a signalised junction. The applicant has noted TII's request for detailed design and safety audits which they have confirmed have been undertaken. The applicant has stated that with regard to the request for detailed designs of the junctions, which are outside the redline boundary, that subject to the receipt of planning approval, a more detailed design for the junctions would be progressed. |
| 7) Surface Water Attenuation proposals | <p>The applicant has provided a report and drawing with a breakdown of the site area, existing roof areas, existing hard standing areas, permeable landscaping area, proposed hard standing areas and proposed roof areas. The applicant has clarified that there are two areas of existing hardstanding within the site:</p> <ol style="list-style-type: none"> 1) A section of the existing internal Liffey Valley Road network that is served by the existing drainage network infrastructure. 2) An area adjacent to the existing roundabout to the west of the proposed development. <p>The applicant has confirmed that it is not proposed to amend either of these areas of hardstanding or alter the drainage which is why these two areas have been excluded from the</p> |

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| | <p>attenuation calculations. The applicant has provided a calculation of the attenuation required using the total site area.</p> <p>The applicant has confirmed that the attenuation tank would be an arched type system and would be located under the footprint of the multistorey car park.</p> <p>The applicant has confirmed that they now propose that the drainage from the Phase II development area would be attenuated and have provided an amended drawing.</p> <p>The applicant has provided details of SuDS and revised drawings that include green roofs, tree pits and a bio retention area, and hydrocarbon interceptors. The applicant has stated that the total attenuation proposed for the 1 in 100-year period of 2708m³ which is less than the total proposed attenuation of 2,865m³.</p> |
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3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. South Dublin County Council issued a notification of decision to grant permission subject to 23 no conditions summarised as follows:

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| 1. | Development in compliance with plans and details submitted with the application and further information |
| 2. | Amendments – (a) a 0.75 – 1.0m buffer zone to be provided between on street spaces and cycle track to the east of the service yard entrance; (b) details of planting in vicinity of exit of the eastern service yard to be agreed |
| 3. | Prior to occupation of this extension the Bus Interchange and bus priority measures shall be implemented |

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| 4. | <p>A Parking Charging Strategy shall be implemented prior to occupation and operation of this development based on the following rates:</p> <p>a) Standard parking charge of €2.00 / hour</p> <p>b) No charge for hours 2 and 3 unless staying over 5 hours in which case there shall be no free hours (to deter long stay parking)</p> |
| 5. | Parking Monitoring Report to be submitted on an annual basis |
| 6. | A maximum total of 900 car parking spaces shall be provided at the proposed development. A minimum of 90 parking spaces shall be EV charging ready on the first opening of the development. |
| 7. | The applicant shall provide 350 bicycle spaces prior to the opening of the proposed development. The number of spaces shall be increased annually over a 5-year period to a minimum of 680 spaces. |
| 8. | Prior to the commencement of development, the applicant/developer shall submit a fully detailed landscape plan, to be agreed with Public Realm, with full works specification, that accords with the specifications and requirements of the Council's Public Realm Section |
| 9. | The mitigation measures contained in the Environmental Impact Assessment Report shall be adhered to |
| 10. | Prior to the commencement of development, the applicant/owner shall lodge a bat and bird survey |
| 11. | The applicant shall engage the services of a suitably qualified, licensed Archaeologist to carry out a programme of Archaeological Testing across the proposed development. |
| 12. | No further advertisement signs advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the development or within the curtilage of the site, unless authorised by a grant of planning permission. |
| 13. | Prior to the commencement of development a detailed SUDS scheme for the proposed development which meets the objectives of South Dublin |

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| | County Council Development Plan 2016-2022 shall be submitted to and approved in writing by the Planning Authority. |
| 14. | Prior to the commencement of works on site the applicant, owner or developer shall lodge a Public Lighting Scheme with the Planning Authority for written agreement |
| 15. | The applicant or developer shall enter into water and wastewater connection agreement(s) with Irish Water and all development shall be carried out in compliance with Irish Water Standards codes and practices |
| 16. | The disposal of surface water shall fully comply with all of the technical requirements of the Council's Water Services |
| 17. | The mitigation measures contained in the Environmental Impact Assessment Report regarding Operational Waste Management shall be adhered to |
| 18. | The measures contained in the Mechanical and Electrical Sustainability Statement shall be implemented in full |
| 19. | All construction waste arising from the development of the site as approved shall be managed in accordance with all relevant statutory provisions and an agreed site specific Construction Waste Management Plan. |
| 20. | All public services to the proposed development shall be located underground throughout the entire site. There shall also be provision for broadband throughout the site. |
| 21. | EHO requirements shall be complied with |
| 22. | Special Development Contribution - External junction upgrades at Fonthill Road/ Coldcut, N4 eastbound off slip, Fonthill Road/ St Lomans Road and the N4westbound off slip and Fonthill Road and associated alignment, traffic management and sustainable transport improvements as submitted as part of this planning application |
| 23. | Financial Contribution |

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Case Planner** in their first report and having considered the proposed development requested the following further information as summarised. Further Information was requested on 13th July 2020.
 - 1) Details on the critical infrastructure, sequencing and the phasing of its delivery.
 - 2) Road improvements in line with the Transport Infrastructure Ireland (TII) observations.
 - 3) Clarity in respect of the car parking provision and parking management strategy
 - 4) The cycleway to be designed in accordance with the National Cycle Manual and DMURS and revised bicycle parking provision in line with Table 11.22 of the County Development Plan.
 - 5) Reference is made to the submission by the National Transport Authority (NTA). The applicant is requested to submit revised details of the Bus Corridors to reflect the latest preferred Bus Connects proposals.
 - 6) Reference is made to the submission from the Transport Infrastructure Ireland (TII). The applicant is asked to comment on same.
 - 7) Surface Water Attenuation proposals
- The **Case Planner** in their second report and having considered the further information submitted recommended that permission be granted subject to conditions. The notification of decision to issues a grant of permission issued by SDCC reflects this recommendation.

3.2.2. Other Technical Reports

- **Parks & Landscape Services** – Overall the landscape proposals are of a high standard and are acceptable subject to conditions.
- **Water Services** – No objection subject to conditions
- **Environmental Health** - No objection subject to conditions

- **Roads Department** – Requested further information relating to parking provision, paid parking implementation, details of Bus Corridors, cycleway, cycling space provision, improvements of the roundabout south of the N4, cost estimates and 20-year design horizon. Draft conditions pending the submission of additional information also provided.
- **Environment, Water and Climate Change** – No objection.

3.2.3. Other Technical Reports – Post Further Information

- **Water Services** – Further information requested in relation to surface water. With regard to Flood Risk conditions are provided.

3.3. Prescribed Bodies

- **Department of Culture, Heritage, and the Gaeltacht** - No objection subject to condition relating to archaeological testing.
- **Irish Aviation Authority** – Condition requiring that the applicant contact Weston and Casement Aerodromes to ensure that any crane operations necessitated during construction do not adversely impact the safety of operations.
- **Irish Water** – No objection subject to conditions.
- **Transport Infrastructure Ireland (TII)** – Advises that it is essential that these mitigation measures and those included in the Liffey Valley Shopping Centre Local Access Study are committed to and implemented. Further details of the proposed parking charging structure and interventions on the roundabout to the south of the N4 with the Fonthill Road and N4 westbound off-slip to be provided. Stated that TII will not be responsible for the funding of any schemes or improvements associated with this application or the Liffey Valley Shopping Centre Local Access Study.
- **National Transport Authority (NTA)** – Broadly supportive of the continuing development of Liffey Valley as a Major Retail Centre and in particular supports the emphasis on facilitating sustainable modes. The NTA engaged with the Local Authority and the applicant in preplanning relating to this application including in the preparation of a Liffey Valley Local Access Study an objective of the current South Dublin County Development Plan. The NTA notes that the subject

application largely reflects the principles as set out in the Liffey Valley Local Access Study. Stated that measures for the wider area as set out in this study should be implemented in order to support continued development. Subject to recommendations set out in the report the development would be consistent with the Transport Strategy.

3.3.1. **Prescribed Bodies – Post Further Information**

- **National Transport Authority (NTA)** - Following the submission of further information the NTA reiterates its support for the growth of Liffey Valley and that subject to conditions outlined in their report is satisfied that the proposed development would be consistent with the Transport Strategy.
- **Transport Infrastructure Ireland (TII)** – Notes that the applicant has proposed a comprehensive suite of measures to mitigate impacts of development on the surrounding road network. TIIS advises that it is essential that these mitigation measures and those included in the LVSC Local Access Study are committed to, and implemented. Also highlighted that a Preliminary Design Report needs to be submitted prior to a decision.
- **Irish Water** – No objection subject to conditions.

3.4. **Third Party Observations**

3.4.1. There are 3 no observations recorded on the planning file from (1) The Square Management Ltd, (2) Palmerstown Shopping Centre and (3) Liffey Administration Limited. The issues raised are summarised as follows:

- Development of this nature is unsuitable at the proposed location;
- The proposed increase in size of Liffey Valley will have a major impact on the Square Shopping Centre and Tallaght Town Centre
- Sufficient retail provision already granted or in the pipeline for the administrative area;
- Extension of this scale and type is both unnecessary and unwarranted and would serve to undermine proposed retail component of Adamstown and Clonburris;

- Development represents a piecemeal approach to the development of Liffey Valley Town Centre and is premature pending adoption of an Urban Design Framework/Local Access Plan;
- Unclear how proposal is consistent with the vision of the Local Area Plan (now expired);
- Will result in excessive car parking provision at a total of 4,500 car parking spaces and will only serve to promote unsustainable car usage / travel
- Road network does not have the capacity to cater for increased levels of activity. The development will give rise to increase in traffic congestion and have a detrimental impact on the local and strategic road network in the vicinity;
- Transport Assessment does not have regard to the existing road network in its assessment but refers to improvements which are dependent on a third party or have not commenced;
- Transport impacts arising have not been accurately indicated within the information and documentation submitted;
- Centre needs investment in public transport commensurate with its status in the county hierarchy;
- Current application for a transport interchange is separate from current application and further demonstrates piecemeal nature of approach to this development.

4.0 Planning History

4.1. The planning history associated with Liffey Valley Shopping Centre is extensive. Relevant history is summarised below. I also refer to Case Planners Report together with the planning application and associated documentation that provides further details of the planning history for this and adjoining sites.

- **ABP-306251-19 (Reg Ref SD19A/0320) – Bus Interchange**

SDCC granted permission subject to 21 no conditions for a new bus interchange facility with associated set down area; street furniture; passenger waiting shelters; signage and lighting; infrastructure and landscaping works at the existing car park, north of the Liffey Valley Shopping Centre, along the ring road (Ascaill na Life) and

the main access road from the Fonthill Road (Bóthar na Life). Following a third party appeal the Board granted permission subject to 14 no Conditions.

▪ **PL06S.247283 (Reg Ref SD16A/0027) - Liffey Valley Shopping Centre – Large Extension)**

SDCC **granted permission** subject to 21 conditions for a mixed leisure, entertainment, commercial and retail extension to the existing Liffey Valley Centre in the form of 3 integrated structures organised around a large public plaza and pedestrian friendly east-west street with parapet levels varying between c.15m and c.18m above street level. The scheme provides for: (a) leisure arena (c.10,567sq.m gross) designed for international standard ice related activities with the capacity to seat up to 2,500 persons. A dance studio, gym and local community office; a multi-functional open area and coach parking; (b) a 2-3 storey extension to the existing Centre (c.51,545sq.m gross) providing for mixed leisure and entertainment units (c.4,217sq.m gross), food/beverage units (c.4,535sq.m gross), retail units (c.29,732sq.m gross) and all ancillary space, circulation areas (c.12,023sq.m gross) and a basement service area (c.1,038sq.m gross) and (c) a central public plaza fronting onto the east-west street. Approximately 1,679sq.m of existing gross floorspace is to be removed/demolished. The proposal includes the construction of new toucan crossing points for pedestrians and cyclists at the western end of the east-west street. A new roundabout is also proposed at the entrance to the multi-storey car park on the eastern boundary. An Environmental Impact Statement (EIS) and a Natura Impact Statement (NIS) are submitted with this application. SDCC **refused permission** for the multi-storey car park over 4 levels (c.1,820 spaces with an area of c.53, 611sq.m) for four reasons. Following both a first party and third party (x2) appeal the Board refused permission for the entire project for 1 no reason summarised as follows:

The Board was not satisfied, on the basis of the information submitted with the application and the appeal, that the proposed development would not have a negative impact on the operation and safety of the strategic road network in the area, in particular the N4 and M50 and important junctions, and on the local road network accessing the site.

4.2. Pre-Planning Consultation

- 4.2.1. Noted that pre-planning consultation took place between the applicant and South Dublin County Council, in relation to the proposed extension to Liffey Valley Shopping Centre on the 22nd October and 20th November 2019.

5.0 Policy Context

5.1. National Level

5.1.1. Statutory Planning Policy Framework

- 5.1.2. **National Planning Framework 2040** represents the overarching national planning policy document setting a course for planning and includes a number of strategic outcomes including compact Growth, careful management of existing public landbanks and brownfield sites to create attractive places for people to live and work while preventing sprawl. The NPF has influenced the preparation of the Regional Spatial and Economic Strategy (RSES) and County Development Plans nationally. Regarding the proposed extension to the Liffey Valley Shopping Centre, the following aims and objectives of the NPF are of relevance:

- National Policy Objective 11: *In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.*
- National Policy Objective 13: *In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.*
- National Policy Objective 64: *Improve air quality and help prevent people being exposed to unacceptable levels of pollution in our urban and rural areas through integrated land use and spatial planning that supports public transport, walking and cycling as more favourable modes of transport to the private car, the promotion of*

energy efficient buildings and homes, heating systems with zero local emissions, green infrastructure planning and innovative design solutions.

- National Policy Objective 75: *Ensure that all plans, projects and activities requiring consent arising from the National Planning Framework are subject to the relevant environmental assessment requirements including SEA, EIA and AA as appropriate.*

5.1.3. **Supplementary Policy Framework**

5.1.4. **Retail Planning Guidelines (2012)** states that 'Retail development must follow the settlement hierarchy of the State and retail development should be appropriate to the scale and function of the settlement or part of the settlement in which it is located as designated by the National Spatial Strategy, relevant Regional Planning Guidelines and Development Plan Core Strategies. These guidelines establish the main steps in the assessment of retail. Annex 5 of the Retail Planning Guidelines states *it is commonly accepted that there are five main steps to the assessment of retail impact:*

- i. Identification of catchment or study area;*
- ii. Estimation of expenditure available within the defined catchment or study area;*
- iii. Estimation of the turnover of existing centres within the catchment area which is likely to be affected by a new development;*
- iv. Estimation of the turnover of the new development for which a planning application is being lodged; and*
- v. Estimation of the quantum of consumer retail spending available in the catchment area which will be diverted from existing centres to the new retail development.*

5.1.5. **Additional National Policy Documents of Relevance**

- Retail Design Manual - A Good Practice Guide, Department of Arts, Heritage and the Gaeltacht (2012)
- Towards Nearly Zero Energy Building in Ireland – Planning for 2020 and Beyond, Department of the Environment, Community and Local Government (2012)
- Design Manual for Urban Roads and Streets 2019- Department of Housing, Planning and local Government (2019)

- Transport Strategy for the Greater Dublin Area, 2016-2035, National Transport Authority
- Spatial Planning and National Roads, Guidelines for Planning Authorities 2012 – National Roads Authority
- Smarter Travel – A Sustainable Transport Future. A New Transport Policy for Ireland 2009 – 2020, Department of Transport, (2009)
- National Cycle Manual – National Transport Authority (2011)
- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, (2009)
- The Planning System and Flood Risk Management - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government & OPW, (2009)
- Waste Management Plan for the Dublin Region 2005-2010, Dublin City Council, Dun Laoghaire-Rathdown County Council, Fingal County Council and South Dublin County Council, (2005)

5.2. Regional Level

5.2.1. Statutory Planning Policy Framework

5.2.2. **Regional Spatial and Economic Strategy (RSES) 2019-2031, Eastern and Midland Regional Assembly, (2019)** provides the basis for the integration of land use and transport planning in the Region informing the preparation and implementation of plans, programmes and projects at all levels. To achieve this the EMRA, in conjunction with local authorities, the NTA and other agencies have set out a number of guiding principles including:

Larger scale, trip intensive developments, such as high employee dense offices and retail, should in the first instance be focused into central urban locations’ and ‘The management of space in town and village centres should deliver a high level of priority and permeability for walking, cycling and public transport modes to create accessible, attractive, vibrant and safe, places to work, live, shop and engage in community life. Accessibility by car does need to be provided for, but in a manner, which complements the alternative available

modes. Local traffic management and the location / management of destination car parking should be carefully provided’.

- 5.2.3. Regional Policy Objective 6.11 states that *‘future provisions of significant retail development within the Region shall be consistent with the Retail Planning Guidelines for Planning Authorities 2012, or any subsequent update, and the retail hierarchy for the Region, expressed in the RSES, until such time as this hierarchy is updated’.*
- 5.2.4. Table 6.1 Retail Hierarchy for the Region identifies Liffey Valley as a ‘Major Town Centre’ within Level 2.
- 5.2.5. **Regional Planning Guidelines for the Greater Dublin Area, 2010-2022:** the Core Principles of the Strategy Vision for the Guidelines include *inter alia* that development within the existing urban footprint of the Metropolitan Area will be consolidated to achieve a more compact urban form.
- 5.2.6. **Retail Strategy for the Greater Dublin Area, 2008-2016 (Expired)** provides strategic guidance to promote the development of a vibrant and competitive retail sector whilst protecting integrity, vibrancy and viability of existing centres. These Guidelines indicate that the Liffey Valley Shopping Centre is designated as a Level 2, Major Retail Centre located within the Metropolitan area. In relation to Liffey Valley it is an objective:

‘To facilitate the continuing development of the Liffey Valley Centre at Quarryvale as the second major town centre in the County by upgrading the urban form of the town centre area to provide for the development of new streets and civic spaces, and a range of people intensive uses appropriate to a major town centre, (including convenience and comparison retail, commercial, residential, recreational, community and cultural activities) based on high quality urban design. Part of this will facilitate the continuation of a strong retailing sector in this centre to meet the needs of its catchment within South Dublin and support the future vitality and viability of the centre’.

- 5.2.7. **Supplementary Policy Framework**
- 5.2.8. **Transport Strategy for the Greater Dublin Area, 2016-2035:** The purpose of the Strategy is to provide a framework for the planning and delivery of transport infrastructure and services in the Greater Dublin Area over the next two decades. A number of strategic transport infrastructure projects are proposed to be delivered

within the lifetime of the Strategy that would serve to improve transport provision in the Liffey Valley area. Their implementation could result in a step change in public transport provision in the Liffey Valley area with the delivery of a LUAS light rail line connected to the wider LUAS network, road improvements and enhancement of bus services.

5.3. Local Level

5.3.1. Statutory Planning Policy Framework

- 5.3.2. The operative plan for the area is the **South Dublin County Development Plan, 2016-2022**. The subject site is zoned Major Retail Centre, which aims ‘*to protect, improve and provide for the future development of a Major Retail Centre*’. A range of uses are permissible under this zoning including Shop-Major Sales Outlet and a car park. The Plan states that:

It is the policy of the Council to seek to ensure adequate retail provision at suitable locations in the County and to protect the vitality and viability of existing centres in accordance with the retail framework provided by the Retail Planning Guidelines for Planning Authorities (2012) and the Retail Strategy for the Greater Dublin area 2008-2016’.

- 5.3.3. With regard to urban areas, it is the aim of the Council to:

‘support the viability and vitality of the existing retail centres in the County, in particular town, village and district centres and to facilitate a competitive and healthy environment for the retail industry, while reinforcing sustainable development’.

- 5.3.4. In addition to the core strategy and policy objectives, the South Dublin County Development Plan also contains qualitative and quantitative development standards. An overview of the relevant development standards, including *inter alia* height, design, plot ratio, open space etc. Relevant Policy in South Dublin County Council Development Plan 2016 – 2022

- Chapter 5 Urban Centres & Retailing
- Section 5.2.0 Retailing
- Section 5.2.1 Strategic Guidance

- Section 5.2.2 Retail Hierarchy
- Table 5.1 South Dublin County Retail Hierarchy - Liffey Valley Shopping Centre – Level 2 Major Retail Centre
- Table 5.2 Settlement Hierarchy and Retail Hierarchy
- Section 5.3.0 Additional Floorspace
- Policy R1 Overarching
- Section 5.4.0 Sequential Approach
- Policy R2 Sequential Approach
- Section 5.6.0 Retail Centres
- Section 5.6.2 Liffey Valley Shopping Centre

Liffey Valley Shopping Centre is designated as a Major Retail Centre. This reflects the Level 2 Retail designation under the Retail Strategy for the Greater Dublin Area 2008 - 2016, the established regional shopping centre use of the site and allows for complementary leisure, retail warehouse and commercial land uses.

- 5.3.5. Retail (R) Policy 4 Liffey Valley Major Retail Centre - *It is the policy of the Council to support the Level 2 retail function of Liffey Valley Shopping Centre.*
- 5.3.6. R4 Objective 1 - *To support Liffey Valley as a Major Retail Centre and allow for the growth of the existing shopping centre and complementary leisure, retail warehouse and commercial land uses.*
- 5.3.7. R4 Objective 2 - *To support and facilitate consolidation of the quantum and quality of the retail offering at the Liffey Valley Major Retail Centre.*
- 5.3.8. R4 Objective 3 - *To support the development of retail warehousing within the Liffey Valley Major Retail Centre.*
- 5.3.9. R4 Objective 4 - *To prepare a Local Area Plan for the Liffey Valley Major Retail Centre with reference to the retail warehousing zone at the adjoining Fonthill Industrial Estate.*
- 5.3.10. R4 Objective 5 - *To promote a high standard of urban design in the Major Retail Centre that contributes to the creation of safe and attractive spaces and creates desirable places within which to work and visit.*
- 5.3.11. **Liffey Valley Access Study (2019)**

5.3.12. Section 6.1.0 of the County Development Plan 2016-2022, identified as an action, the requirement for the preparation of a Local Access Study to support the sustainable growth of Liffey Valley. A Preplanning Working Group (PPWG) was established to progress the study. The PPWG comprised SYSTRA (transport consultants), GVA (planning consultants) and Hines Real Estate Ireland. In addition, South Dublin County Council, the National Transport Authority and Transport Infrastructure Ireland, were appointed on the PPWG in an advisory capacity. Completed in May 2019, the Liffey Valley Access Study (LVAS) sets out a transport framework for the future growth of Liffey Valley based on sustainable transport objectives. The LVAS was signed off by SDCC, TII and the NTA and is deemed to meet the requirements of the above County Development Plan Action and provides a framework for the provision of an integrated transport network within the area.

5.3.13. **Liffey Valley Local Area Plan, 2008 (extended to 2018) (now expired)** was prepared in the context of the South Dublin County Council Development Plan 2004-2010 and was adopted in March, 2008. The Vision Statement for the Plan is:

'to facilitate the development of Liffey Valley as a vibrant and sustainable Town Centre and a place where the whole community can avail of the highest standards of employment, services and amenities. To ensure that Liffey Valley Town Centre is characterised by an attractive built environment, good connections and accessibility, and that Liffey Valley is a place where people choose to be and can be proud of'.

5.4. Natural Heritage Designations

5.4.1. There are eight European sites within c.15km of the proposed development. The proposed development does not overlap with any European sites. The nearest European site is the Rye Water/Carton SAC, which is located c.6.6km to the west of the proposed development site. European sites within c.15km of the proposed development site are as follows:

- 1) Rye Water Valley/Carton SAC [001398]
- 2) Glenasmole Valley SAC [001209]
- 3) South Dublin Bay SAC [000210]
- 4) Wicklow Mountains SAC [002122]

- 5) North Dublin Bay SAC [000206]
- 6) South Dublin Bay and River Tolka Estuary SPA [004024]
- 7) Wicklow Mountains SPA [004040]
- 8) North Bull Island SPA [004006]

5.5. EIA Screening

- 5.5.1. The development falls within the categories of Infrastructure Projects detailed in Article 10(b) (iii and iv), Part 2, Schedule 5 of the Planning and Development Regulations 2001 (as amended). An Environmental Impact Assessment Report (EIAR), is submitted with the planning application.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. There are 3 no third-party appeal from (1) Downey Planning on behalf of the Square Management Limited, (2) Hughes Planning & Development Consultants on behalf of The Moriarty Group, Palmerstown Shopping Centre and (3) Liffey Administration Limited. The issues raised may be summarised as follows:

6.1.2. Downey Planning on behalf of the Square Management Limited

- **Proposed Development Description** - This proposal is retail-led and the description of the development does not make it clear. It references a “central plaza” but this would be enclosed and has been designed using the same template as the existing single storey linear mall and so represents a validation and a continuation of this form of 1980s style car-based complex.
- **Retails & Settlement Hierarchy**
 - 1) **Land Use Zoning** - It is considered that the proposed extension to the existing shopping mall providing retail, food and beverage, and leisure facilities, incorporating car and bicycle parking facilities fails to comply with the zoning objective for the site. It is argued that there would be an overprovision of retail floorspace and an intensification of the existing mall and car park ,such that it goes beyond the type of major retail centre envisaged by this zoning objective.

It would be contrary to the proper planning and sustainable development of the south and west Dublin region. In addition a public plaza is not an acceptable addition to this land use given the out of town location of the shopping centre. This use is not explicitly referred to in the land use zoning tables. A public plaza of this scale is not ancillary and would constitute a new destination space that is more suited to a town centre zoning that has been designated for future growth in the RSES.

2) South Dublin Retail Policy Objectives

- Policy R4 Objective 1 – as with the “MRC” zoning, this objective never allowed for this level of growth, especially in light of the Development Plans compact urban growth objective and settlement hierarchy taken from the National Planning Framework. In addition, no commercial space has been provided, contravening this policy.
- Policy R4 Objective 2 – The proposal is not a consolidation. The extension would go far beyond this and continues the single storey sprawl of the existing mall which is wholly unsustainable and contravenes planning policy.
- Policy R4 Objective 4 –Recent information from the CSO regarding consumer trends and the rapidly changing nature of retail trade brings this objective into question.
- Policy R4 Objective 5 – The proposal does not provide a sustainable high-quality design.

3) **South Dublin Settlement Hierarchy** - The scale of the proposed extension would put Liffey Valley shopping centre into the Level 1 Major Retail Centre category. The proposed completed development would amount to over 1,290,000 sqft in size (approx. 50% increase in floorspace) making it the largest shopping mall in Ireland. It would be rivalled by Dublin City centre in terms of scale and provision. It would be larger than the entire Grafton Street Quarter. Under the National Planning Framework and the SDCC Development Plan, Tallaght is identified as one of a few major economic clusters in Dublin. Liffey Valley is not designated town centre in the Development Plan hierarchy and therefore should be treated as such.

- 4) **Tallaght as the Primary Town Centre** - It is stated Council Policy to reinforce the role of Tallaght as the County Town and Clondalkin as a major Town Centre at the top of the County's urban hierarchy. The proposed expansion would have a devastating economic impact on Tallaght town centre and risk the well-publicised "hollowing out" effect of a town centre which it may never recover from.
- 5) **National Planning Framework** - National Policy Objective 11 – Given the catchment area of Liffey Valley shopping mall, any further expansion at this location would have a devastating effect on county towns and main shopping destinations in the surrounding counties of the East Midlands region.
- 6) **Regional Spatial & Economic Strategy** - Reference is made to RSES Policy RPO 4.3. Liffey Valley is not a suitable location for such an intensification of mixed-use development as it is not an established town or city centre in terms of having a socio-economic or strategic function and does not have a public transport hub or longstanding infrastructural capacity for development. significantly, there is no strategic plan or policy that enables the growth of Liffey Valley and it has been omitted in the most recent spatial planning policies at national and regional level in favour of neighbouring town centres with significant compact urban growth potential. The decision of SDCC is not in line with its own Development Plans spatial planning or economic policies or those of the NPF and RSES and the permission would bestow an incorrect, unjustified and completely damaging status on an out-of-town development that has far exceeded its original purpose.
- 7) **Town Centre First Initiative** - In the Programme for Government (2020) a key policy objective was encapsulated in the Town Centre First Initiative to ensure that our cities and towns become vibrant places for living and working in by removing the blight of underused and vacant urban building blocks. Tallaght town centre is at serious risk of future urban decay if there is any further erosion or cannibalisation of its retail core. There would be hundreds of job losses but also a contagion effect on services, social cohesion and settlement patterns. Such a collapse of its core is a frightening prospect and could set Tallaght back decades.

- **Sustainable Transport & Car Parking**

- 1) **National, Regional and Local Transport Policy Objectives** - Neither the NPF nor the RSES proposes any strategic transport objectives for Liffey Valley. There is a clear move away from facilitating or enabling Liffey Valley as a public transport accessible destination. It is not included within the RSES Strategic Development Corridors, unlike Tallaght Town Centre, which is listed as being part of the South – West Corridor (Kildare Line, DART expansion and LUAS Red Line). The proposed expansion would undoubtedly have a negative impact on the operation and safety of the strategic road network in the area, in particular the N4 and M50 and important junction, and on the local road network accessing the site, thereby creating serious traffic congestion. The proposed development would, therefore not be in accordance with the proper planning and sustainable development of the area. It is considered that an oversupply of car parking is not a balanced approach to both car parking management and sustainable travels. Any extension of the shopping mall envisaged in the Liffey Valley LAP was predicted on transport projects that were never completed.
 - 2) **Previous SDCC Roads Department Comments** - The SDCC planners report of the previous application (SD16A/0027) acknowledged the concerns regarding traffic and car parking. It is strongly argued that the issues raised (N4 and M50 traffic congestion and car parking) still stand and that the application documents, including the travel survey, only reinforce the reliance on road travel and the limited availability of public transport in the area. Despite the granting of planning permission for bus interchange (SD19A/0320), the application is proposing a very large quantum of car parking spaces.
- **Retail Demand and the Sequential Approach**
 - 1) **Incremental Expansion of Liffey Valley** - Between 2008 and 2020 clothing and footwear sales in the state decreased by 14% in value. During the same period Liffey Valley has already expanded by 19,500 sqm (39%) in size adding a new Penney's Store and new TK Maxx store, expanded Next Store, new H&M & New Look stores. Against a backdrop of declining sales in the sector this expansion can only come at the expense of lost sales elsewhere in the centres significant catchment, cannibalising existing town centres. The application documents neglect to provide empirical evidence explain why,

despite a staggering amount of retail floorspace there is still a need to further extend after decades of expansion.

- 2) **Sequential Assessment** - The applicant did not carry out of a sequential assessment as they maintained that the proposed Liffey Valley Plaza development is located within a designated Major Retail Centre and therefore it does no need to be considered. However the proposoal is for an out of town development that would severely impact on surrounding town centres and it is respectfully suggested that the sequential assessment should have been conducted in this case.
- 3) **Vacancy Rates** - The governments retail planning guidelines support the shift towards town centres becoming retail destinations, which can foster more symbiotic relationships with the local economy. The UK retail sector has been suffering very badly since 2016 and many store closures in Ireland are currently emanating from these collapsing UK retailers. It is predicted that the pandemic will encourage more UK retailers to leave the Irish market. According to the Retail Gazette (June 2020) Westfield London, the largest shopping centre owner in the UK, is planning to convert two thirds of its anchor stores into co-working office space as the retail demand is not expected to recover. Plans to expand other Dublin shopping centres such as Dundrum and Blanchardstown have been abandoned.
- 4) **Trade Draw** - The appropriate correction to take account (1) online sales and (2) vacancy rates before and since the Covid 19 pandemic has not been made in the RIA submitted. The design year of 2025 has been based on false assumptions of “business as usual” and this is simply not the case. The consumer survey data of 2016 does not take into account the fundamental changes in retail trade of the last number of years. The Retail Impact Assessment is therefore not an accurate projection of future retail demand at this location.
- 5) **Vitality and Viability** - In the applicants 2016 Shoppers Survey, shoppers expressed a desire to see more shops, leisure and entertainment facilities including restaurants and cafes. The applicant appears to believe that this survey somehow justifies an expansion to over 1,290,000 sqft and that it will enhance the vitality and viability of the existing centre. There was no empirical

evidence to counter the optimism of the shoppers survey and the predicted vitality and viability of the proposal is therefore not based on fact.

- 6) **Existing Turnover** - In light of a changing retail culture a new study should be carried out of retail provision and changing consumer patterns across the Dublin area before any additional floor space is approved including this considerable expansion plan for Liffey Valley shopping centre. The Liffey Valley LAP has a requirement for a new study and this has not been undertaken. The permission is therefore premature.

▪ **Conclusion**

- 1) The proposed extension to the shopping centre is wholly unsustainable and a continuation of an outdated car-base 1980's style mall template. This model is no longer being followed in Europe due to its often devastating social, environmental and economic impacts on surrounding towns. Furthermore, the proposal continues a single storey mall use which is a gross underutilisation of Dublin metropolitan land. This actively moves away from the compact urban growth model set out in national planning policy. It also denies Liffey Valley the chance to establish itself as a smart growth centre for compact commercial space, logistics housing or other much needed land uses. It is already Ireland's largest shopping destination.
- 2) The description of development in the planning permission (Reg Ref SD20A/0089) is completely misleading. This proposal is firmly retail-led and offers a staggering amount of new retail floorspace (total will be over 120,000 sqm compared with just over 22,000 sqm when first built). There has been clear incremental growth at Liffey Valley beyond anything ever envisaged when it was first granted planning permission. If the proposal is built, the entire Liffey valley retail complex (including the retail park etc) will be c1,600,000sqft (148,000sqm). The staggering differences in floorspace at Liffey Valley and surrounding centres. The massive growth of outline sales, which is rising and the increasing vacancy rate in shopping malls are critical issues that have not been accounted for.
- 3) Liffey Valley shopping centre opened in 1997 with 22,827sqm retail floorspace (since the Council had capped this at 23,000sqm). In 1999 planning permission was granted for more than double this amount. It has since been increased

further and now stands at approx. 70,000sqm. the current proposals seeks to bring this to over 120,000sq (over 1,129,000 sqft).

- 4) The proposal completely contradicts the compact urban growth and settlement hierarchy policies being pursued at local, regional and national level. Town centres must be prioritised for retail floor space. Tallaght is the county town and there is a real risk of economic devastation and urban decay if Liffey valley mall is permitted to exceed 1,290,000 sqft of retail space, such is the predicted cannibalisation effect of what is being proposed.
- 5) The primacy of Tallaght as, not just a Major retail Centre, but also a Town Centre as set out in a policy has been completely ignored by the proposal. The Development Plans Policy UC2 Objective 1 states that the Council wish to “promote Tallaght Town Centre as the primary urban centre in the County by directing higher order retail, retail services, residential, cultural, leisure, financial, public administration, restaurants / bars, entertainment and civic uses into and adjoining the Core Retail Area of this scheme.
- 6) The granting of planning permission is premature. This proposal runs contrary to the proper planning and sustainable development of the area and the wider region, given the economic imbalance that would result from such a proposal. Furthermore, it is in direct conflict with the stated policy objectives of South Dublin County Council, the Regional Spatial and Economic Strategy, the National Planning Framework as well as national transport strategy and the retail planning guidelines.

6.1.3. Hughes Planning & Development Consultants on behalf of The Moriarty Group, Palmerstown Shopping Centre and may be summarised as follows:

- The proposed development would significantly add to the overall level of traffic congestion on the N4, M50 motorway and other radial routes in the immediate vicinity of Liffey Valley causing a detrimental and wholly unacceptable impact on the traffic management of the area.
- Presently the existing LVSC causes a serious traffic hazard in the area generating high traffic flows and congested traffic back logs on surrounding arterial roads, particularly on the Kennesford Road, Palmerstown which is situated near the vicinity of the subject site.

- A Technical Note was prepared by Curtins Consulting Engineers and submitted with the planning observation provides a review of the Transport Assessment. From the outset it is noted that the assessment does not have regard to the existing road network in its assessment but refers to improvements which are dependent on a third party or have not been commenced. The following points of concern, as raised in the Technical Note, are noted:
 - *The proposed development and assessment is based on local network improvements which are either related to a separate planning application or are not committed yet.*
 - *The transport enhancements application (SD19A/0320) received planning permission on the 3rd December 2019, however, this is subject to a third party appeal which was not concluded when the TA was submitted and therefore it is queried if this should be included in the assessment.*
 - *In addition the TA and VISSIM modelling references the signalisation of junctions along Fonthill Road as though they are committed and will be in place by 2029 (a comparison is made with these improvements implemented by 2024). This is considered inappropriate as these schemes are not committed and therefore, this proposed development should not be assessed relying on these improvements.*
 - *The combination in including two significant local transport improvements as part of the VISSIM modelling is considered to skew the assessment and conclusions made.*
 - *The current assessment does not demonstrate that it can operate independently without detrimental impact on the local road network.*
- The Technical Note concludes that while the TA submitted is noted to be an improvement on the previous application it is still considered that the proposed development will have a detrimental impact on the local road network.
- It is submitted that the traffic impacts arising from the proposed development have not been accurately indicated within the information and documentation submitted with the planning application. The information provided are dependent on improvements to the local road network, works of which may not be within the control of the applicant, nor have works on these road improvements been

commenced. It is therefore, considered that the proposal, in its current configuration is unsuitable and premature.

- Following the initial assessment of the development proposal by the planning authority a request for further information was issued to the applicant, comprising 7 items. A number of the items related to roads and traffic generation. Whilst the applicant's response was deemed acceptable by SDCC it is prudent to note that a Preliminary Design Report in accordance with DN-GEO-03030 Minor Improvements on National Roads was not submitted. Therefore it is considered that the development is premature and should not be granted planning permission until a full report has been completed.

6.1.4. Conclusion

- Reiterated that the appellant accepts the potential for development in principle on the site provided that such a development is sustainable in manner and adheres to the policies and objectives of the SDCC Development Plan 2016 – 2022 and other relevant regional and national guidance documents. Contended that the proposed development at Liffey Valley will nonetheless attract excessive car travel to the site and result in traffic congestion to the surrounding road network which is unacceptable.
- The appellant has strong reservations with respect to the level of assessment carried out and submitted by the applicant. It is not considered that the current proposal has adequately overcome the previous reasons for refusal at the subject site under a previous application Reg Ref SD16A/0027.
- It is considered that an oversupply of car parking is not a balanced approach to both car parking management and sustainable travels. In addition, the applicant's inclusion of such excessive car parking spaces has failed to recognise the need to limit the impact of traffic congestion and promote sustainable forms of transportation.
- If the development is to be granted the completion of the development should not commence until there have been substantial up-grading to the existing road network of the area to provide for greater access / egress to LVSC / south Lucan and to improve traffic flow and alleviate tailbacks onto the N4.

6.1.5. The appeal was accompanied by a Technical Note completed by Curtins, providing a review of the Transport Assessment submitted with the planning application.

6.1.6. **Liffey Administration Limited**

- **Land Use & Urban Design** - The proposed development represents a piecemeal approach to the development of LV Town Centre and is premature pending the adoption of an Urban Design Framework / Local Area Plan. This represents a continuation of the unsustainable approach that has characterised the development to date and fails to provide any meaningful demand management measures as sought by ABP in the context of the previous refusal.
- **Transportation** - The proposed development will provide 900 additional car parking spaces which will result in a total of over 4,500 car parking spaces in LV. This is excessive and will only serve to promote unsustainable car usage. The Centre needs investment in public transport commensurate with its status in the county hierarchy. There is a current permission for a “transport interchange” (Reg Ref SD19A/0320) however the scope of this application is limited and the fact that it is separated from the current application only further demonstrated the piecemeal nature of the approach to this development.

6.1.7. The appeal was accompanied by a Lease Map.

6.2. **Applicant Response**

6.2.1. The first party response to the appeal has been prepared and submitted by Avison Young and may be summarised as follows:

6.2.2. Noted that the Square Management Limited’s statement also refers to a number of ancillary matters which are associated with the retail assessment of the proposal. These matters are summarised below:

| Ancillary Matters | Summary Response |
|-------------------------------|---|
| Ancillary Expansion of Centre | Regional and local planning policy provides support for the future development of Liffey Valley (MRC Zoning / Level 2 Centre). Planning Officer Report confirms findings of Retail Impact Statement are accepted to support development of the Centre |

| | |
|---|---|
| Sequential Test | Retail Planning Guidelines confirms a sequential test is not required where a proposal complies with the policies / objectives of the Development Plan and / or relevant retail strategy (as applied to the Liffey Valley Centre) |
| Online Sales & Vacancy Rates | The appeal highlights online sales and seems to relate certain closures to same. However the stores they make reference to did not close due to “online sales” as such but rather structural issues including not embracing the shift towards an omnichannel approach. The appellant is correct that the on-line sales figure was approx. 6% pre-Covid and once lockdown occurred it rose to c 66% in April 2020 for the NACEs covering clothing type products. What the appellant did not highlight was that when the Country re-opened in the summer of 2020 the figure fell straight back to pre-Covid figures (c 7%) and a similar trend occurred during the latter period of lockdown and re-opening. It is clear that the retail sector is going through a period of change, but it is widely accepted that its not the end for “bricks and mortar” retailers but instead there will be a reimagining of how they operate with the online retailers now also seeking a physical presence and creating demand. |
| Trade Draw | Retail Impact Statement for proposal demonstrated there would be no significant impact upon trade draw of other centres. Planning Officer Report confirms the findings of the Retail Impact Statement are accepted to support development of the Centre along with negligible impact on other centres. |
| Vitality / Viability | Retail Planning Guidelines 2012 supports competitiveness and choice in the retail sector as a means of promoting the vitality and viability of centres. |
| Retail – Quantitative Assessment | The appeal mistakenly states the quantitative justification is based on 2008 data. The submitted RIS (particularly page 15) clearly sets out the latest CSO data sources used and projection made were carried out in accordance with accepted RIS methodologies. The unreferenced data provided on Page 17 of the appeal deals with “value” of retail sales only and seems to mistakenly equate “value” to “sales” which are not the same thing. This error means that no account is taken of “volume” which forms part of retail “sales” and in turn is a crucial factor in floorspace need. |

6.2.3. Retail Assessment

- Notwithstanding the guidance set out in the Retail Planning Guidelines and GDA Retail Strategy, the applicant provided a comprehensive RIA within the planning application documentation for completeness, and accordingly to demonstrate that the proposal would not have a significant impact upon other centres.
- In the previous appeal (PL06S.247283), the Inspector outlined that the only concern for assessment purposes was that trade draw should have been greater than 1% with respect to Tallaght. The current application has taken due cognisance of the Inspectors comments and as part of the submitted ROS, the trade draw for Tallaght was doubled in the assessment for robustness. In this case, there was still found to be no significant impact upon this centre and it is noteworthy that there is limited overlap in the primary catchments of both centres, hence their common Level 2 designation to ensure they adequately serve these distinct areas of the city.
- In relation to the proposed development, it is important to note that the current scheme is almost 40% smaller than the previous proposal in 2016 (ABP 247284 (Reg Ref DS16A/0027)) in terms of net comparison retail floorspace area. The proposed development is necessary to support the Centre and accords with its MRC zoning and Level 2 designation in the RSES.

6.2.4. Land Use

- The proposal represents the next structured phase of development at Liffey Valley Centre which is brought forward with the key objective to deliver an enhancement of its existing facilities and services. The mix of uses proposed within the scheme, including the public Plaza, is confirmed as being consistent with both the zoning objective and existing Centre in the SDCC Planning Officers Report

6.2.5. Proposed Design

- While the proposed scheme has been subject to amendments since the previous application in 2016 the proposed facade and public Plaza elements have been retained.
- The architectural concept for the proposed extension focuses on delivering a sustainable and high quality design and creating a vision for Liffey Valley to

become a destination that improves the economic, social and environmental value of the area.

- The proposed development incorporates a comprehensive landscaping scheme which is brought forward to enhance the visual appearance of the proposal and to also improve the “arrival experience” at the Centre.
- A green roof and open space area is proposed at first floor level for customers, employees and visitors to avail of the new East-West Street will provide a semi-formal open space with a new wild flower meadow situated adjacent and north west of the proposed extension.
- The design of the external spaces will create a new gain for biodiversity by creating habitat through the use of native tree and plant species.

6.2.6. Traffic & Transportation

- **Number of Parking Spaces** - As part of the Phase 2 expansion of the LVSC a new 900 no space two storey car park is proposed to the east of the centre. This car park will have a capacity of 900 spaces. However as noted in Section 8.6 of the Phase 2 Transport Assessment Report, 517 of these spaces will be displaced from around the centre as a result of the development of the West End, Bus Interchange and Phase 2 Application. Therefore only 383 of the 900 spaces will be new.

| Phase 2 Car Parking Provision | Number of Spaces |
|---|------------------|
| Phase 2 New Car Parking Provision | 900 |
| Relocation of Existing Spaces | 517 |
| Effective New Spaces | 383 |
| Proportion of New Spaces | 43% |
| Proportion of New Spaces Compared to Permissible Development Plan Standards | 37% |

As noted in Section 4 of the Further Information Transport Response dated 9th February 2021, with this level of parking in place the LVSC car parks will operate just over operational capacity but under full capacity during busy periods.

- **Public Transport Availability** - The proposed LVSC Phase 2 expansion is just one part of the overall vision for Liffey valley that will see a significant investment

in sustainable transport infrastructure to improve access to employment, retail and leisure opportunities. The vision to improve access to the Centre is largely informed by the LVLAS which undertook extensive consultation with key stakeholders, residents, employers and staff working at Liffey Valley. The package of recommendations has been used to inform infrastructure that will be front loaded to mitigate the impact of the expansion. These enhancements combined with the Bus Connects plan and associated new Bus Interchange will provide a step change in provision for those using sustainable modes to access the centre. The Bus Connects programme will overhaul the current bus system in the Dublin Region in order to create a better public transport network that is more efficient and reliable. The N4 which runs past LSVC is designated as the “C Spine Route”. LSVC emerges as a major node in the proposed network with a new Bus Interchange planned in the central (Yellow) car park just north of the existing LVSC. In order to improve bus journey times and reliability, several bus priority measures are also proposed on the roads circulating the centre which will enable buses to bypass general traffic queues. Crucially all of these bus infrastructure improvements will be delivered prior to the completion of the Phase 2 development and will be supported by the NTAs proposed implementation of the Bus Connects. The proposals represent a significant improvement in public transport access to the shopping centre and will provide highly visible and much more convenient travel options that are currently in place.

- **Dispersed Customer Base** - The increases in population in West Dublin results in a shortening of trip lengths to Liffey Valley, thereby encouraging more journeys by walking, cycling or public transport, supported by the infrastructure improvements outlined above.
- **Increased Traffic Congestion** – A detailed assessment using a combination of both strategic and microsimulation modelling has been used to assess the impact of the traffic generated by the shopping centre expansion on both the local and national road network. Data from the NTA’s Eastern Regional Model was used to inform a VISSIM microsimulation model of the local and national network. To ensure a robust assessment of the impact of any additional development traffic two “worst-case” peak periods were modelled representing the busiest weekday and weekend peaks:

- 1) Friday evening peak (4-7pm, 5-6pm peak hour) and
- 2) Saturday lunchtime peak (1-4pm, 2-3pm peak hour)

In accordance with TII TTA guidelines three future year models were developed for these peaks; the development opening year (2024), opening year plus 5 years (2029) and opening year plus 15 years (2039).

- 1) The modelling results show that in **2024** prior to the introduction of demand management (pay parking) the additional development does result in an increase in overall delay of 11.4% and 18.2% in the Friday and Saturday peak respectively. However, the introduction of the committed demand management results in significant time savings across the network with the overall increase in delay as a result of Phase 2 reduced to 7.2% and 15.9%. The introduction of the proposed external improvements to the Fonhill Road and N4 intersection in the 2024 Do-Something Scenarios also has considerable benefits for travel times and queuing across the local network and N4 off ramps. The proposed Liffey Development will not have a detrimental impact on traffic flows on this local road.
- 2) In **2029** the additional development traffic results in a 10.3% and 13.4% increase in average delays in the Friday and Saturday peaks respectively. The introduction of the proposed external improvements to the Fonhill Road and N4 intersection on the 2024 Do-Something Scenarios also has considerable benefits for travel times and queuing across the local network and N4 off ramps. The modelling results from the ERM indicate that in the planned year of opening, the Liffey Valley Phase 2 development will contribute only 3.0 – 3.5% additional traffic to Kennelsfort Road in the PM peak period. This is below the transport assessment threshold of 5% for congested or sensitive areas as set out in TIIs “Traffic and Transport Assessment Guidelines” (2014).
- 3) By the design year of **2039** the Phase 2 development results in a 6.3%, 11 second and 5.1%, 5 second, increase in the Friday and Saturday peaks respectively. With the implementation of the GDA strategy, the increase in average delay in the Fridays peak is just 5.3 seconds with travel times and queuing across the network at or below 2019 level even with Phase 2 in place.

A series of proposed mitigation and support measures have been identified to encourage sustainable trip making to both the existing LVSC and the Phase 2 development thus limiting the potential adverse impacts on the surrounding local and strategic national road network. All of the measures outlined are intended to encourage more sustainable travel to the centre and less car demand, improve the efficiency of the operation of the local network and car parks and protect the strategic national network and public transport network.

- **Reliance upon Evidence from Separate Planning Applications** - The applicant is committed to delivering a number of transport enhancements at Liffey Valley to improve accessibility for all models of transport. It is planned that these measures will be implemented by 2024, therefore all such improvements were included within the modelling assessments. The introduction of an external way finding system included in Reg Red SD18A/0430 and demand management measures (pay parking) included within Reg Ref SD19A/0320 have both been granted by SDCC. Detailed design and tendering has been completed for these schemes and construction is due to start in the summer of 2021. Both of these schemes will be completed prior to construction work starting on Phase 2. A number of different scenarios were modelled, both with and without combinations' of proposed improvements in place. In addition a final scenario with the impact of the full Greater Dublin Area Strategy implemented has been tested in 2039 as a sensitivity test.
- **Missing Evidence** - The designs submitted with the further information submission in addition to the significant level of detailed microsimulation model which has been undertaken, demonstrated that the proposed road improvements
 - 1) Can be delivered in accordance with best practise design standards
 - 2) Can be delivered within the extent of the public highway
 - 3) Will improve the operational performance of the adjoining local and national road network
 - 4) Will enable improve journey times for public transport passengers and
 - 5) Will improve safety for vulnerable road users

It was agreed with SDCC that subject to receipt of planning approval that a more detailed design for these junctions would be progressed.

- **Trip Generation Methodology** - Trip generation for the proposed Liffey Valley Phase 2 expansion has been estimated based on existing trips to and from the LVSC. There are permanent counters for each car park within LVSC which capture all car trips to and from LVSC for every hour of each day. This provides an accurate source of the existing vehicle trip generation to the centre, more accurate than other data sources such as TRICS.
- **Uses of Outdated Evidence** - Whilst the research report dates back to 1995 the theory and calculations remain valid today and is still widely used within the industry when estimating the quantum of “New Trips” to a development. The principles set out within the TRICS paper, in relation to “Linked Trips”, “Pass-by-trips” and “New Trips” have become established practice.
- **Lack of Transparency** - The ERM was run with the parking charge component in the model in tandem with the Bus service changes proposed under Bus Connects. The result was a drop in the car mode share to LVSC of between 10 – 15% depending on the time period. Based on the modelling and analysis undertaken this will have a positive impact on the performance of both the local and national network, improving journey times and queuing in both the Friday evening and Saturday Lunchtime peaks modelled.

6.3. Planning Authority Response

6.3.1. SDCC in their response to the appeal x 3 states that the Planning Authority confirms its decision and that the issues raised in the appeal have been covered in the planner’s report. With regard to the commitment of SDCC to Tallaght the Planning Authority set out the following:

- Tallaght is the County Town and SDCC is fully committed to enhancing the public realm, residential, retail, commercial and innovative offering of the County Town in accordance with the current Development Plan and the recently adopted Tallaght Town Centre Local Area Plan 2020.
- In the context of the broad range of projects and initiatives ongoing in Tallaght, the SDCC Capital Programme and the successful funding for Urban Regeneration and Development Funds emphasises the commitment of SDCC to Tallaght.

6.4. **Observations**

6.4.1. None

6.5. **Further Responses**

6.5.1. **Applicant** - The applicant submitted revised public notices on **2nd July 2021** in accordance with Section 132 of the Planning & Development Act 2000 (as amended).

6.5.2. **Hughes Planning & Development Consultants on behalf of The Moriarty Group** – Concurs with arguments put forward by the other two third party appellants.

7.0 **Assessment**

7.1. This assessment is based on the plans and particulars submitted with the planning application on the 26th March 2020, as amended by further plans and particulars submitted by way of further information on the 12th February 2021 together with other details, plans and particulars submitted throughout the appeal process.

7.2. The proposed development comprises a mixed-use leisure, entertainment and retail extension to the Liffey Valley Centre summarised as follows:

- Two storey commercial extension (c46,783 sqm gross floorspace area)
- Public Plaza
- New East-West Street and
- Car and Cycle Parking Area over two levels

7.3. The notification of decision to grant permission issued by SDCC was appealed by the following three third parties:

- The Square Management Limited
- Moriarty Group
- Liffey Administration Limited

7.4. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Retail Impact
- Traffic Impact
- Car Parking
- Development Contributions
- Other Issues
- Environmental Impact Assessment
- Appropriate Assessment

7.5. Principle

7.5.1. As previously noted An Bord Pleanála refused planning permission in 2017 for a similar development subject to a single reason relating to the impact on the operation and safety of the strategic road network in the area, in particular the N4 and M50 and important junctions, and on the local road network accessing the site (Planning Reg. Ref. SD16A.0027, AB Ref. 247283 refers). Issues of traffic impact are discussed separately below. As the previous design was generally accepted by both the Planning Authority and An Bord Pleanála it is submitted that the current design was refined taking account of the assessments by South Dublin County Council and An Bord Pleanála and incorporates a reduced level of development summarised as follows:

- Removal of the ice rink.
- Significant reduction in size of multi-storey car park, reducing from 1,820 spaces to 900 spaces.
- Increased cycle parking and facilities.
- Provisions of a circulation hub to the north of the plaza.
- Minor changes to the retail units on the east mall/south-east corner.
- Improvements to the existing car park and accessibility facilities under application ABP-306251-19 (Reg Ref SD19A/0320) – Bus Interchange

7.5.2. An area schedule comparison is provided in the Design Statement as follows:

| Use | 2016 Application | 2020 Revised Application |
|-----|------------------|--------------------------|
|-----|------------------|--------------------------|

| | | |
|-------------------------------------|---|---|
| Leisure Area (Ice Rink) | 10,567 sqm | Omitted |
| Leisure Units | 4,217 sqm | 9,247 sqm |
| Food & Beverage (F&B) Units | 4,535 sqm | 4,052 sqm |
| Retail Units | 15,739 sqm | 10,961 sqm |
| Anchor Units | 13,993 sqm | 10,090 sqm |
| Circulation | 12,023 sqm | 12,430 sqm |
| Basement Service Area | 1,038 sqm | Omitted |
| Car Park | 53,611 sqm (2 Storey) | 27,917 sqm (2 Storey) |
| Total Retail Area | 29,735 sqm | 21,051 sqm |
| Total Leisure + F&B Area | 19,319 sqm | 13,299 sqm |
| Total Ancillary area | 66,672 sqm | 40,347 sqm |
| Car Parking Spaces | 1890 standard spaces 18 mobility impaired spaces | 855 standard spaces 45 mobility impaired spaces |
| Cycle Parking Spaces | 180 cycle spaces (long stay) | 300 cycle spaces (long stay) 290 cycle spaces (short stay) |

7.5.3. Liffey Valley Shopping Centre is designated as a Major Retail Centre in the County Development Plan. The appeal site is located within the LVSC complex in an area zoned 'MRC' where the objective is "*to protect, improve and provide for a Major Retail Centre*" in the South Dublin County Development Plan 2016-2022. A range of uses are permitted under Zoning Objective 'MRC', including the development of a local/major sales outlet/neighbourhood, restaurant/café, recreational facility, car park and advertisements and advertising structures. It is therefore considered that the proposed extension to the existing shopping centre providing retail, food and beverage, and leisure facilities, incorporating car and bicycle parking facilities, complies with the 'MRC' zoning objective of the area.

7.5.4. With regard to the public plaza, it is noted that this use is not explicitly referred to in the land use zoning matrix. In terms of the function of this space the applicant states that it would serve as a contemporary event space where customers, visitors, employees can meet and engage. I agree with the Case Planner that this use is

considered to be consistent with uses such as open space and recreational which are permitted in principle in the 'MRC' zoning objective.

- 7.5.5. In terms of residential amenity it is noted that the existing Liffey Valley Shopping Centre is located in proximity to the established residential areas of Palmerstown, Clondalkin, Rowlagh / Neilstown and Lucan. The nearest residential properties are located in the established Greenfort estate located approximately 200m to the south west and in Palmerstown to the east within approximately 250m. It is noted, however that the M50 motorway is located between the proposed development and this housing to the east. Having regard to the distances to the nearest residential properties and presence of significant intervening infrastructure, together with the layout and orientation of the site, it is considered that the proposed development would not have a significant adverse impact on the residential amenity of the nearby residential properties.
- 7.6. With regard to the design of the scheme I refer to the Architectural Design Statement prepared by Henry J. Lyons Architects that includes a detailed rationale for the urban design approach, elevational treatment and layout of the proposed development. It is evident that the proposal has been designed through a comprehensive development process at pre-application stage with SDCC. The proposed scheme is in my view a well-considered contemporary development that responds to both its context and the stated development plan objectives for the site while reflecting the existing development at Liffey Valley. Overall, I am satisfied that the building form and layout responds to its site and context and will not detract from the visual amenities of the area. I consider the design response to this site to be of a high quality that accords with current best practice and the Retail Design Guide. Accordingly, there is no objection to the design and layout of the development proposed at this location.
- 7.6.1. Overall I am satisfied that the proposed use accords with the policies for the area as set out in the County Development Plan. I consider the proposed scheme at this location to be acceptable in principle subject to the acceptance or otherwise of site specifics / other policies within the development plan and government guidance.

7.7. Retail Impact

- 7.7.1. The current scheme is almost 40% smaller than the previous proposal in 2016 in terms of net comparison retail floorspace area. The Retail Planning Guidelines confirms a sequential test is not required where a proposal complies with the policies / objectives of the Development Plan and / or relevant retail strategy (as applied to the Liffey Valley Centre). This aligns with the comments of the previous Inspector in 2016 (ABP PL06S.247283) where it was stated that *“the proposal is located on appropriately zoned lands within the grounds of an established Level 2 major town centre and I would be satisfied that a quantitative need for the proposals is not warranted”*.
- 7.7.2. While acknowledging the aforesaid guidance in the Retail Planning Guidelines together with the GDA Retail Strategy, the applicant nonetheless provided a comprehensive Retail Impact Assessment to demonstrate that the proposal would not have a significant impact upon other centres while also addressing the previous Inspectors concerns that trade draw should have been greater than 1% with respect to Tallaght. The current application has taken due cognisance of the Inspectors comments and as part of the submitted RIA, the trade draw for Tallaght was doubled in the assessment. In this case, there was still found to be no significant impact upon this centre and it is noted that there is limited overlap in the primary catchments of both centres, hence their common Level 2 designation to ensure they adequately serve these distinct areas of the city.
- 7.7.3. In terms of retailing in general, it is submitted that Liffey Valley has the potential for development but is in danger of becoming less competitive because of its smaller size and limited retail offer (relative to other Level 2 centres) which is identified in the 2001 and subsequent Retail Strategy for the Greater Dublin Area 2008 – 2016. I agree that the current Development Plan along with the aforesaid Retail Strategy, supports the proposed development in terms of policies, hierarchy, floorspace allocations and objectives. As acknowledged in both local and regional planning policy, the potential exists for an expansion to the existing centre.
- 7.7.4. As set out within the RIS submitted with the planning application it is demonstrated that the proposal adheres to the criteria of the Retail Planning Guidelines as follows:

- The proposal will support the long-term strategy for the Liffey Valley Centre and adheres to the objective of the now expired Liffey Valley Town centre Local Area Plan 2008 (LAP) to develop a Retail Core adjacent and south of the existing Centre;
- The proposal will increase local employment opportunities and promote economic regeneration
- The significant investment in Liffey Valley has the potential to increase competition within the area and retain consumers in the catchment
- The proposal will respond to consumer demands by offering a greater choice of shops, leisure and commercial facilities including restaurants and cafes
- As outlined in the expired LAP 2008 capacity exists for the proposal and it will not cause an adverse impact on existing centres either singly or cumulatively
- The proposed extension will enhance its profile and will attract new retailers to the Centre and will not result in an increase in the number of vacant properties in the existing centre
- The proposal will benefit from the approved road infrastructure improvements and proposed footpath and cycleways around the site and its immediate environs along with additional sustainable transport provision provided by the recently approved Bus Interchange facility as part of the NTA roll out of their Bus Connects Programme and
- The proposed extension will link directly into the existing Centre via proposed East and West Malls which will open up onto the large public Plaza and pedestrian / cyclist friendly East – West Street

7.7.5. In respect of the matter of retail assessment I am satisfied that the scale and nature of the proposed development is wholly appropriate and that it would not give rise to any significant retail impact upon similar centres or Dublin City Centre. When considered in tandem with the Centres Major Retail Centre Zoning in the Development Plan and its Level 2 Centre designation as per the RSES, I am satisfied that the proposed development is justified and can be appropriately accommodated at this location in South Dublin.

7.8. Traffic Impact

- 7.8.1. Detailed concerns are raised with regard to the traffic impact, associated congestion on adjoining routes and associated reliance on car based modes to access the site.
- 7.8.2. The proposed LVSC Phase 2 expansion is just one part of the overall vision for Liffey Valley that will see a significant investment in sustainable transport infrastructure to improve access to employment, retail and leisure opportunities. The vision to improve access to the Centre is largely informed by the Liffey Valley Local Access Study (LVLAS) which undertook extensive consultation with key stakeholders, residents, employers and staff working at Liffey Valley. The final package of recommendations has been used to inform infrastructure that will be front loaded to mitigate the impact of the expansion. The proposed investment in infrastructure improvements combined with the Bus Connects plan and associated new Bus Interchange will provide a step change in provision for those using sustainable modes to access the centre. Wider Infrastructure Improvements are set out below:

| Theme | Liffey Valley Access Measure | External Way Finding System (SD18A/0430) | Transport Access Enhancements (SD19A/0320) | Liffey Valley Phase 2 Application (SD20A/0089) |
|---------------------|--|--|--|--|
| Walking | Continuous pedestrian routes to LVSC with safe controlled crossings | | x | |
| Cycling | Continuous segregated cycle routes to LVSC with safe controlled crossings and enhanced Cycle Parking | | x | |
| Public Transport | Bus Interchange at LV with Bus Priority Infrastructure | | x | |
| Road Infrastructure | Improvements to Fonthill Road | | | x |
| Way Finding | External VMS Guidance System | x | | |

| | | | | |
|---------------------|---------------------------|--|---|---|
| Demand Management | Parking Management System | | x | |
| Mobility Management | Update to the Centre MMP | | | x |

- 7.8.3. Core to the Bus Connects plan is a network of “next generation” bus corridors along the busiest Dublin bus routes to make bus journeys faster, predictable and reliable. The N4 which runs past LVSC is designated as the “C Spine Route”. There are also plans for a number of new local and orbital routes which will interchange with the C spine routes and other existing services at the shopping centre. LSVC therefore emerges as a major node in the proposed network with a new Bus Interchange planned in the central (Yellow) car park just north of the existing LVSC. The Bus Interchange will be key to enabling the sustainable expansion of the LSVC.
- 7.8.4. In order to improve bus journey times and reliability, several bus priority measures are also proposed on the roads circulating the centre which will enable buses to bypass general traffic queues. Crucially all of these bus infrastructure improvements will be delivered prior to the completion of the Phase 2 development and will be supported by the NTAs proposed implementation of the Bus Connects service pattern changes which are due to commence late in 2021.
- 7.8.5. Aligned with the recommendations of the overarching Liffey Valley Access Study the provision of improved walking and cycling facilities and public transport connections in tandem with the parking management strategy will increase the proposition of sustainable trips to the site. In summary the scheme will:
- 1) Deliver safer walking and cycling environment
 - 2) Provide a Bus Interchange and Layover Area to facilitate enhanced bus service delivery to Liffey Valley
 - 3) Improve Bus Journey Times ensuring bus journey times reliability can be maintained in the future
 - 4) Improve wayfinding for cars to and from Liffey Valley
 - 5) Reduce parking times for customers
 - 6) Protect the future efficiency and reliance of the network and
 - 7) Enable the sustainable expansion of the centre

- 7.8.6. Concern was also raised in the appeal with regard to the shopping centre having a substantial regional customer base who will be travelling by private car from surrounding counties.
- 7.8.7. With regard to increased traffic congestion a detailed assessment using a combination of both strategic and microsimulation modelling was used to assess the impact of the traffic generated by the shopping centre expansion on both the local and national road network. Data from the NTA's Eastern Regional Model was used to inform a VISSIM microsimulation model of the local and national network
- 7.8.8. To ensure a robust assessment of the impact of any additional development traffic two "worst-case" peak periods were modelled:
1. Friday evening peak (4-7pm, 5-6pm peak hour) and
 2. Saturday lunchtime peak (1-4pm, 2-3pm peak hour)
- 7.8.9. These peaks represent the busiest weekday and weekend peaks respectively in terms of combined traffic from the shopping centre and background traffic. In accordance with TII TTA guidelines three future year models were developed for these peaks; the development opening year (2024), opening year plus 5 years (2029) and opening year plus 15 years (2039).
- 7.8.10. The modelling results show that in 2024 prior to the introduction of demand management (pay parking) the additional development does result in an increase in overall delay of 11.4% and 18.2% in the Friday and Saturday peak respectively. The additional traffic also results in increased queueing on the local and national network
- 7.8.11. However, the introduction of the committed demand management results in significant time savings across the network with the overall increase in delay as a result of Phase 2 reduced to 7.2% and 15.9%. The maximum queue lengths are also reduced considerably compared to the do-nothing scenario with maximum queueing along the N4 ramps reduced by close to 100m. The increase in travel times along the national network are also reduced as a result of the demand management with the increase as a result of Phase 2 development just 2.1% in the westbound peak direction during the Friday Peak and 3.3% during the Saturday Peak.
- 7.8.12. The introduction of the proposed external improvements to the Fonthill Road and N4 intersection in the 2024 Do-Something Scenarios also has considerable benefits for

travel times and queuing across the local network and N4 off ramps. Journey times are lower than the existing 2019 base year model along many parts of the network as a result of the signalisation of the Fonthill Road junctions. The travel times across part of the local network remain low compared to the base network even in 2029 and 2039 as a result of the upgrades.

- 7.8.13. With regard to the impact of the proposed development on the local road network specifically the Kennelsfort Road area of Palmerstown it is submitted that the modelling results from the ERM indicate that in the planned year of opening, the Liffey Valley Phase 2 development will contribute only 3.0 – 3.5% additional traffic to Kennelsfort Road in the PM peak period. This is below the transport assessment threshold of 5% for congested or sensitive areas as set out in TIIs Traffic and Transport Assessment Guidelines (2014). I therefore agree with the applicant that the proposed Liffey Development will not have a detrimental impact on traffic flows on this local road.
- 7.8.14. In 2029 the additional development traffic results in a 10.3% and 13.4% increase in average delays in the Friday and Saturday peaks respectively. This delay is generally confined to the local network with journey times increasing on the Fonthill road northbound and both directions on the Coldcut Road. However journey times on the national network increase by just 0.1 – 1.6% during the Friday peak and 0 – 1.2% during the Saturday Peak.
- 7.8.15. The introduction of the proposed external improvements to the Fonthill Road and N4 intersection on the 2024 Do-Something Scenarios also has considerable benefits for travel times and queuing across the local network and N4 off ramps. Journey times are lower than the existing 2019 base year model along many parts of the network as a result of the signalisation of the Fonthill road junctions. The travel times across part of the local network remain low compared to the base network even in 2019 and 2039 as a result of the upgrades.
- 7.8.16. The applicant is committed to delivering a number of transport enhancements at Liffey Valley to improve accessibility for all models of transport. It is planned that these measures will be implemented by 2024, therefore all such improvements were included within the modelling assessments. Whilst it is acknowledged that the signalling of the junctions along the Fonthill Road are not yet committed schemes, they do not form study recommendations of TIIs “N4 / N7 Corridor Study”. With reference

to the Fonthill Road / N4 interchange they are also part of SDCCs Six Year Programme as set out in Table 6.5 of the County Development Plan. As such in the opening year of the proposed development (2024) the modelling assessment have been undertaken with and without the implementation of this junction upgrades. It has been assumed that these measures will be in place by 2029.

- 7.8.17. Concerns raised that a Preliminary Design Report in accordance with DN-GEO-03030 Minor Improvements on National Roads was not submitted are noted. However, it is stated that it was agreed with SDCC Planning and Transportation that a sufficient level of design detail was given in the drawings provided for the planning application stage, particularly given the junctions are outside the redline boundary of the site and not required prior to the opening of the proposed development. The purpose of the designs at the planning stage was to determine that the proposals are technically feasible and to provide robust costings. Subject to a grant of permission a more detailed design for these junctions can be progressed.
- 7.8.18. Trip generation for the proposed Liffey Valley Phase 2 expansion has been estimated based on existing trips to and from the LVSC. There are permanent counters for each car park within LVSC which capture all car trips to and from LVSC for every hour of each day. This provides an accurate source of the existing vehicle trip generation to the centre, more accurate than other data sources such as TRICS. The total observed traffic to and from the centre during each Friday weekday and Saturday represent the busiest weekday and weekend day and have been modelled to represent the “worst case” peak periods for combined LVSC traffic and background traffic on the network.
- 7.8.19. The concerns raised with regards to the use of TRICS paper (Quantitative Analysis of Retail Travel) within the methodology used to calculate “new” trips in the trip generation being outdared is noted. The applicant submits that whilst the research report dates back to 1995 the theory and calculations remain valid today and is still widely used within the industry when estimating the quantum of “New Trips” to a development. The principles set out within the TRICS paper, in relation to “Linked Trips”, “Pass-by-trips” and “New Trips” have become established practise.
- 7.8.20. With regard to the concern raised regarding the lack of transparency in relation to how a value of 15% car demand reduction associated with the implementation of a car parking tariff was calculated the applicant submits that the ERM was run with the

parking charge component in the model in tandem with the Bus service changes proposed under Bus Connects. The result was a drop in the car mode share to LVSC of between 10 – 15% depending on the time period. Based on the modelling and analysis undertaken the applicant states that this will have a positive impact on the performance of both the local and national network, improving journey times and queuing in both the Friday evening and Saturday Lunchtime peaks modelled.

- 7.8.21. I have considered the information available on file. Overall, I am satisfied that given the location of the appeal site and the layout of the proposed scheme together with infrastructure improvement proposals that the vehicular movements generated by the scheme would not have a significant material impact on the current capacity of the road network in the vicinity of the site or conflict with traffic or pedestrian movements in the immediate area.

7.9. Car Parking

- 7.9.1. Each of the appeal submissions raised concerns with regard to the provision of 900 additional car parking spaces and that it represented excessive parking provision.
- 7.9.2. The proposed development incorporates a significant reduction in the quantum of car parking from the previous appclaiton whereby car parking has been reduced from 1,828 to 900 spaces to be provided over two levels within the centre-north portion of the site. As part of the phase 2 expansion of the LVSC a new 900 no space two storey car park is proposed to the east of the centre. This car park will have a capacity of 900 spaces. However as noted in Section 8.6 of the Phase 2 Transport Assessment Report, 517 of these car parking spaces will be displaced from around the centre as a result of the development of the West End, Bus Interchange and Phase 2 Application. Therefore only 383 of the 900 spaces will be new. The allocation of spaces accommodates 45 spaces for those with mobility impairments and also allocates for 10% of the spaces (90) to be equipped with electric vehicle charging infrastructure.
- 7.9.3. I agree with the applicant that the provision of 383 new parking spaces represents an appropriate and acceptable level of parking as it is considerably below the maximum allowed of 1,035 spaces (parking provision is only 37% of the permissible parking provision set out in the County Development Plan). I also agree that a lower level of parking than the maximum allowed is desirable when considering the

recommendations of the Liffey Valley Local Access Study (LVLAS) which seeks to reduce the number of short distance car based trips taking place to the shopping centre.

- 7.9.4. As noted in Section 4 of the Further Information Transport Response with this level of parking in place the LVSC car parks will operate just over operational capacity but under full capacity during busy periods. In addition, a new Vehicle Management System (VMS) will be provided on the main routes leading to the LVSC which will notify customers of where there are spaces available. The demand for parking will therefore be spread more evenly across the various access points. This combined with the parking charges that are set to be introduced, will significantly improve the efficiency of the car park.
- 7.9.5. Roads have provided a technical assessment of the information provided by the applicant and are satisfied with this element of the proposal, subject to conditions in relation to the implementation of the car parking charging strategy prior to Phase 2 and annual monitoring of the strategy including the submission of a Parking Monitoring Report to SDCC. Conditions to this effect are recommended.
- 7.9.6. With regard to bicycle parking the current scheme provides for a significant increase at 590 spaces up from 180 spaces. The Roads Department are satisfied with this number in principle and the fact that space has been identified within the site for further cycle spaces if required. However Roads have also recommended a condition be attached requiring that the number of spaces shall be reviewed on an annual basis and increased to a maximum of 680 spaces over a five year period if required. I agree with the recommendation.
- 7.9.7. Overall, I am satisfied that the car parking proposals represents an appropriate balance between discouraging induced car demand while protecting the operation of the surrounding road network.

7.10. Development Contributions

- 7.10.1. **Condition No 22** of the notification of decision to grant permission sought the payment of a Section 48(2) (c) **Special Development Contribution** for an external junction upgrades at Fonthill Road/ Coldcut, N4 eastbound off slip, Fonthill Road/ St Lomans Road and the N4 westbound off slip and Fonthill Road and associated alignment, traffic

management and sustainable transport improvements as submitted as part of this planning application. This condition has not been appeal by any party to the appeal.

7.10.2. Section 48(2)(c) of the Act states that Planning Authorities may require the payment of a special development contribution in respect of a particular development, where specified exceptional costs not covered by the General Contribution Scheme are incurred by any local authority in respect of public infrastructure and facilities which benefit the proposed development.

7.10.3. I refer to the report of the Case Planner and the SDCC Roads Department. The Planning Authority is satisfied that the Liffey Valley Access Study and the submitted further information identifies the scope of the required works and the expenditure involved. The policy context for the Liffey Valley Access Study is established by the County Development Plan and is an agreed framework. It is noted that the works outlined in the Liffey Valley Access Study are not included in the South Dublin Development Contributions Scheme 2021 – 2025. The Roads Department report provides a substantial basis for the proportion of the cost associated to this substantial development.

7.10.4. It is noted that the applicant has worked with the NTA, TII and SDCC to calculate a reasonable special financial contribution for the identified external works. These external works are identified as exceptional public Infrastructure costs that are not covered under the general contribution scheme but will be of direct benefit to the proposed development. It is stated that the NTA has agreed in principle to contribute funding towards delivery of the wider works, along with the applicant's proposed 'Special Contribution' and other funding sources for the delivery of the external works at Liffey Valley Shopping Centre. Based on the apportionment of cost as derived from the transport modelling, the applicant is to be levied a special development charge of 19.4% of the costs associated with the delivery of the identified external works and a 25% contingency.

7.10.5. As mentioned neither the applicant nor any other party to the appeal has queried either the application of this Special Development Contribution nor the associated cost. It is therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48(2)(c)

Development Contribution in accordance with the Planning and Development Act 2000.

- 7.10.6. **Condition No 23** of the notification of decision to grant permission sought payment of a **Section 48 Financial Contribution**. This condition has not been appealed by any party to the appeal. South Dublin County Council made a Development Contribution Scheme in accordance with the provisions of Section 48 of the Planning and Development Act 2000 as amended; SDC Development Contribution Scheme 2021-2025. The scheme is not exempt from the requirement to pay a development contribution. It is therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

7.11. **Other Issues**

- 7.11.1. **Public Lighting** - Details of the intended lighting design for the proposal has been submitted by the applicant. A detailed lighting design is required to be agreed with the Lighting team of South Dublin County Council prior to commencement of development. It is recommended that a condition to address this matter be applied in the event of a grant of permission.
- 7.11.2. **Signage** - The locations of proposed signage or specific details concerning advertising signage in terms of their design have not been submitted as part of this application. In order to protect the visual amenities associated with this development, a condition to control advertising signage is recommended, should permission be granted.
- 7.11.3. **Irish Aviation** - The report of the Irish Aviation Authority states that in the event of a grant of permission the applicant should be conditioned to contact Weston and Casement Aerodromes to ensure that any crane operations necessitated during construction do not adversely impact the safety of operations. It is recommended that should planning permission be granted that a condition be attached to this effect.
- 7.11.4. **Landscaping & Public Realm** - The applicant has submitted landscape design proposals and associated drawings for the proposed development. The proposed landscaping proposals are generally acceptable to the Parks and Landscape Services Section, whose report states that 'overall the Landscape Proposals prepared by NMP

(Niall Montgomery & Partners Landscape Architects) for the proposed Liffey Valley Shopping Centre phase two extension are of a high standard and are in principal acceptable to the Public Realm Section provided the comments and associated conditions contained within this report in relation to the landscape proposals are implemented'. It is recommended that should the Board be minded to grant permission that a suitably worded condition be attached requesting that all details be agreed prior to commencement of work on site.

7.11.5. Heritage and Biodiversity – I refer to Section 8.10 Biodiversity of the EIA below.

Three common bat species were identified during surveys with suitable degraded foraging habitat identified, however no suitable sites for bat roosting were identified. The application recommends a number of mitigation measures to prevent any significant effect on local bat and bird populations. The EIAR goes on to state however, that despite the implementation measures identified, the proposed development will result in a local and significant negative residual effect on local bird populations as a result of habitat loss. In the event of a grant of permission, it is considered appropriate to attach conditions recommending that all mitigation measures as proposed be adhered to, an up to date bat and bird surveys be undertaken prior to commencement of any development on site, that no building, structure, feature or tree/hedgerow shall be altered, destroyed or removed prior to this assessment and that if bats and/or birds are found to be present on the site or the immediately adjoining sites no development shall take place until the necessary permission/derogation licence has been obtained from the National Parks & Wildlife Service.

7.11.6. Archaeology - Ground disturbance associated with the development may have a direct negative impact on previously unknown archaeological features or deposits. Due to the archaeological potential of the site, the EIAR states that archaeological monitoring by a suitably qualified archaeologist will be carried out for all ground disturbance works. If archaeological materials are discovered, further mitigation measures would be required, subject to the approval of the National Monuments Service Section of the Department of Culture, Heritage and the Gaeltacht. It is recommended that should the Board be minded to grant permission that a suitably worded condition be attached.

8.0 EIAR

8.1. Introduction

- 8.1.1. The relevant classes of development that require EIA are set out in Schedule 5 of the Planning and Development Regulations 2001 (as amended). Schedule 5 transposes Annex 1 and Annex II of the EU EIA Directive (85/337/ECC as amended) into Irish Law as Parts 1 and 2 of the Schedule. Part 1 and 2 of Schedule 5 sets out the categories and scale of development that qualify for mandatory EIA. The most relevant activity class for this proposed development is listed under Class 10(b)(iii) and (iv) (Infrastructure Projects), defined as follows:

(iii) Construction of a shopping centre with a gross floor space exceeding 10,000 square metres.

(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

- 8.1.2. The proposed development will exceed the threshold of 10,000 sqm retail gross floor space and 2 ha in this business district and therefore requires a mandatory EIA. Both the 2014 amending EIA Directive (Directive 2014/52/EU) and the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 are applicable in this instant case.

8.2. Compliance with Legislation

- 8.2.1. The EIAR consists of three sections grouped as follows:

- Non-Technical Summary
- Environmental Impact Assessment Report
- Appendices

- 8.2.2. In accordance with Article 5 and Annex IV of the EU Directive, the EIAR provides a description of the project comprising information on the site, design, size and other relevant features of the project. It identifies, describes and assesses in an appropriate manner, the direct and indirect significant effects of the project on the following

environmental factors: (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 and soils, water (hydrology and hydrogeology), air quality, noise & vibration and climate; (d) material assets, cultural heritage and the landscape and it considers the interaction between the factors referred to in points (a) to (d).

- 8.2.3. The contributors / competent experts involved in the preparation of the EIAR are set out in Section 1.4 and at the start of a number of chapters within the main body of the EIAR. No specific difficulties are stated to have been encountered in compiling the required information or in carrying out the assessment. Where appropriate; surveys and references are provided. The EIAR provides a description of forecasting methods and evidence used to identify and assess the significant effects on the environment. It also provides a description of measures envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects. The mitigation measures are presented in each chapter of the EIAR where proposed, monitoring arrangements are also outlined. Environmental Interactions are addressed in Chapter 18. I am satisfied that the information provided in the EIAR is sufficiently up to date and is adequate for the purposes of the environmental impact assessment to be undertaken.
- 8.2.4. The information provided is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the project on the environment, taking into account current knowledge and methods of assessment.

8.3. Vulnerability to Risk of Major Accidents and / or Disaster

- 8.3.1. The requirements of Article 3(2) of the Directive include the expected effects deriving from the vulnerability of the project to risks of major accidents and/or disaster. The EIAR addresses the risk of potential accidents and unplanned events in Chapter 17 Risk Management. Table 17.5 includes potential major accidents and disasters and includes an indication of how likely these events are to occur at the proposed site. It is noted fire and extreme weather events are the only 2 hazards with a moderate risk rating.
- 8.3.2. The proposal is no more vulnerable than any other development of this type. Subject to the implementation of all the mitigation measures as described in this EIAR and the Outline Construction Management Plan, the risk of Major Accidents and/or Disasters

from the proposed development and the vulnerability of the proposed development from Major Accidents and/or Disasters is considered to be insignificant. I am satisfied that this issue has been addressed satisfactorily in the EIAR.

8.4. Alternatives

- 8.4.1. Article 5(1)(d) of the 2014 EIA Directive requires 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. Chapter 4 provides an overview of alternative sites, designs and concepts that have been considered for the proposed development.
- 8.4.2. Alternative Locations - The decision to extend the Liffey Valley Centre has been informed by the guidance set out in Regional, County and Local planning policy (planning policy context is out in more detail in Chapter 3 "*Planning and Development Context*"). Liffey Valley is identified on Level 2 of the Retail Hierarchy as a '*Major Town Centre*' as set out within the Eastern and Midland Regional Assembly RSES.
- 8.4.3. Alternative Land Use - The land use was driven by the requirements of the Liffey Valley LAP (now expired) and subsequently the Development Plan which proposes a Retail Core to the south of the existing Centre on undeveloped lands. The Development Plan sets out a clear local framework for key development requirements within the area, consistent with the (now expired) Liffey Valley LAP.
- 8.4.4. Alternative Designs - This application follows a previous planning application for a similar development at the subject site that was brought forward in 2016 (Planning Reg. Ref. SD16A/0027, ABP Ref. 247283). Numerous alternative designs were considered throughout the design process and EIAR.
- 8.4.5. None of the environmental aspects considered identified any constraint to development although mitigation is recommended to minimise impacts. It is considered that the final layout, as submitted is the optimum layout for the site having considered all environmental and policy considerations.
- 8.4.6. The consideration of alternatives is reasonable and commensurate with the project. I am satisfied that the requirements of the Directive in terms of consideration of alternatives have been discharged.

8.5. Assessment of Likely Significant Direct and Indirect Effects on the Environment

8.5.1. In total the main EIAR includes 18 Chapters. Chapters 1 to 4 provide an introduction to the project, description of the proposed site and development, relevant legislation and policy, alternatives considered, and consultations undertaken. Chapter 5 addresses population and human health, Chapter 6 addresses Traffic and Transportation, Chapter 7 addresses Lands, Soils, Geology and Hydrogeology, Chapter 8 addresses Hydrology, Chapter 9 addresses Biodiversity, Chapter 10 addresses Waste Management, Chapter 11 addresses Noise and Vibration, Chapter 12 addresses Air Quality and Climate, Chapter 13 addresses Microclimate, Chapter 14 addresses Landscape Visual Impact Assessment and Chapter 15 addresses Archaeological and Architectural Heritage. Chapter 16 addresses Material Assets – Site Services, Chapter 17 addresses Risk Management and Chapter 18 addresses Interaction and Potential Cumulative Impacts. Each of the above chapters are considered in detail below, with respect to the relevant headings set out in the Directive.

8.6. Population and Human Health

8.6.1. EIAR Chapter 5 considers Population and Human Health. It is not envisaged that there will be any significant impact on the regional or local population during the construction phase. It is expected that those employed during the construction phase will for the most part travel from their existing residence rather than taking temporary accommodation in the area. It is anticipated that the potential impacts for the population, such as any growth or decline, arising from the construction phase would be transient. In relation to the operational phase, it is not envisaged that there will be any significant impact on the regional population or employment. It is, however, envisaged that there will be a significant, positive impact on the population of the local study area, specifically the working population, during the operational phase of the proposed development.

8.6.2. It is likely that any impacts emerging from the construction phase of the development will be temporary and will result in a general loss of amenity, for example an increase in the daytime noise levels in the locality, albeit within statutory limits, dust from construction traffic etc. The temporary impacts will mainly affect the employees of the

existing Liffey Valley Centre and will again relate to general amenity loss. The implementation of the remedial and reductive measures proposed during the construction and operational period, will ensure that such impacts will not be significant and will only be temporary in nature.

8.6.3. In addition the provision of the proposed Bus Interchange will improve access to the LVSC and will contribute positively to the amenity of the working and visiting community through new and upgraded infrastructure.

8.6.4. Having regard to the matters discussed above, I am satisfied that impacts that are predicted to arise in respect of population and human health can be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. I am satisfied, therefore, that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on population and human health.

8.7. Traffic and Transportation

8.7.1. EIAR Chapter 6 considers Traffic and Transportation. LVSC is strategically located south-west of the N4/M50 interchange, bounded by the N4 to the north and the M50 to the east. The Centre is well served by public bus and is located within proximity to two Quality Bus Corridors (QBCs) which run directly to the City Centre along Coldcut Road and Fonthill Road. Despite this, the proximity to the strategic road network means there is also a high demand for travel by private car to the Centre – this can result in congestion on the surrounding road network during peak periods. In addition the area is served by a comprehensive network of footpaths and cycle paths, but there are problems with these including a lack of direct/logical routes, poor drainage, disjointed sections, poor transitions from cycle path to road and a lack of safe crossing points.

8.7.2. This expansion is just one part of an overall vision for Liffey Valley. A significant investment package is planned that will front-load infrastructure to mitigate the impact of the development expansion. This has been permitted under a separate Transport Enhancements application (ABP-306251-19 (Reg Ref SD19A/0320) – Bus Interchange). These measures were planned as part of the Liffey Valley Local Access Study (LCLAS) which outlines a multi-modal approach that seeks to provide a step-

change in sustainable transport infrastructure provision, while also improving access to the car parks, and the efficiency of their operation. The Operational phase will therefore have the following measures in place to benefit the scheme:

- New East West Street approximately 440m long with high quality pedestrian and cyclist facilities included with future potential for public transport facilities.
- Designated footpaths and mall routes linking parking, the public transport interchange and wider communities to a central covered pedestrianised plaza at the heart of the centre. Dropped kerbs and tactile paving are to be included on pedestrian crossings at all of the proposed site access junctions.
- A new 4 metre wide shared footway/cycle path with new safe Toucan crossing points around Ascaill na Life linking and developing the pedestrian and cycle network around the LVSC under Application ABP-306251-19 (Reg Ref SD19A/0320) (Bus Interchange).
- The implementation of a fully operational Mobility Management Plan, by the Centre Mobility Manager, to encourage staff to use alternatives to the private car – which would have a very significant effect on commuter peak traffic volumes.
- The new fully integrated interchange will mean buses drop people off at the heart of the LVSC with safe, direct access Shopping Centre, here real-time bus information screens will allow shoppers to monitor their bus service without leaving the centre itself . As part of Application ABP-306251-19 (Reg Ref SD19A/0320) (Bus Interchange) three junctions on Ascaill na Life will be upgraded with increased capacity, bus priority and improved safety for all modes.
- Significantly improved public transport provision with buses using the proposed bus priority measures, new waiting areas, and bus interchange proposed under Application ABP-306251-19 (Reg Ref SD19A/0320) (Bus Interchange). There will also be a future option of operating a Bus only route into the heart of the Phase II plaza. The NTA's Bus Connects programme will also provide faster journey times to surrounding areas, enhanced connections, and an increased catchment for people travelling to and from the shopping centre by bus.

- As part of another application, SD18A/0430, a Car Park Way Finding and Demand Management System will be in place with charges to incentivise customers who travel by car not to arrive/depart in the peak traffic period of 16:00 – 19:00.

- 8.7.3. In keeping with the recommendations of the N4/N7 Corridor Study (2017), the LVLAS also recommended that, to improve accessibility for all transport modes, three roundabouts along Fonthill Road should be converted to signalised junctions. This will be delivered in addition to the three junction upgrades on Ascaill na Life immediately around the development which are part of the Transport Enhancements application. One other improvement at the Coldcut Road access is also planned as part of Bus Connects. These junction upgrades will all include bus priority measures which will improve public transport reliability providing better journey times. It will also facilitate the introduction of safer crossings for pedestrians and cyclists which, in addition to improving road safety, will make active travel journeys more attractive. Improving provision for active models will also connect the surrounding local communities to LVSC.
- 8.7.4. As part of the Greater Dublin Area Transport Strategy 2016-2036, there are further planned improvements to both the road, public transport, walking and cycling networks within the vicinity of the proposed development site. This includes the reconfiguration of the N4, the development of core radial and orbital Public Transport (PT) corridors, the development of the Dublin cycle network and the introduction of a new LUAS line which would directly serve the development. In addition to this, the strategy contains a series of demand management measures (including additional tolling on the M4, M7 and M50), in a bid to manage the volumes of car travel on the primary road network and to encourage the use and attractiveness of public transport alternatives.
- 8.7.5. Private cars and Taxis will only be permitted to pick up and set down in designated areas on the East-West Street, they will not be permitted to drive through.
- 8.7.6. Car parking is provided over two levels and will be located north-east of the extension area (c.900 no. spaces with an area of c.27,917 square metres gross). Initially, 9 spaces will be equipped with electric vehicle charging, while 45 spaces will be dedicated universal access spaces. Just 383 of the 900 spaces will be new as 517 parking spaces are to be displaced as a result of the development plans. The provision

of 383 new spaces is considerably below the maximum allowed of 1,035 spaces under South Dublin County Council policy.

- 8.7.7. Approximately 300 dedicated secure short stay cycle parking spaces will be provided along the boundary of the proposed East-West street with space for further provision if and when required. 200 long stay cycle parking will be provided on the lower level of the new car park, with showers and lockers for staff.
- 8.7.8. Access to new and expanded service yards to East and West of LVSC is to be provided in such a way that there is sufficient space to manoeuvre with no conflicts with public transport vehicles or those arriving by bike or on foot. Emergency Vehicles will be permitted to drive through the East-West Street. Dismountable bollards controlled by management will ensure access to the pedestrianised areas is only used in the case of emergencies.
- 8.7.9. The profile of traffic arriving at and departing the existing LVSC indicates that the 5-6 PM peak is the most critical period as it coincides with the evening peak hour on the wider network. A traffic assessment has been carried out in line with TII's most recent Traffic and Transport Assessment Guidelines (2014). To ensure a robust assessment of the impact of any additional development traffic two three hour 'worst-case' peaks were modelled; Friday evening peak (4-7pm, 5-6pm peak hour) and Saturday lunchtime peak (1-4pm, 2-3pm peak hour). These peak represent the busiest weekday and weekend peaks respectively in terms of combined traffic from the shopping centre and background traffic.
- 8.7.10. The traffic modelling results of the operational phase indicate that, in the 2024 Do Nothing Scenario (prior to the introduction of demand management – pay parking), the additional development does result in an increase in overall delay and queueing on the local and national network. Once demand management is introduced, the network performs much more favourably. The scenario including all proposed junction upgrades showed considerable benefits. Journey times were lower than the existing 2019 base year model along many parts of the network as a result of the signalisation of the Fonthill Road junctions. The travel times across part of the local network remain low compared to the base network even in 2029 and 2039 as a result of the upgrades. In 2029 and the design year of 2039, the additional development traffic results in

additional delay, but this is generally confined to the local network with journey times increasing on the Fonthill Road northbound and both directions on the Coldcut Road.

- 8.7.11. A 2039 Friday Peak sensitivity test, which includes the impact of the GDA strategy, shows the likely impact of the development on the context of the full implementation of the strategy. This include Bus Connects, improvements to the Heavy and Light Rail networks, and demand management on the national network. In this scenario, the increase in average delay in the Friday's peak is just 5.3 seconds with travel times and queuing across the network at or below 2019 levels even with Phase 2 in place.
- 8.7.12. Overall, it is considered that, with the proposed demand management measures and front loading of local improvements on the local Transportation Network, this will be more than adequate to accommodate the proposed development expansion. This will be further improved by all planned infrastructure upgrades as part of the GDA strategy.
- 8.7.13. The following are the conclusions of the analysis of the transport impact of the Liffey Valley Phase II development expansion.
- The LVLAS study has identified several transportation interventions that prioritise sustainable modes and improve the efficiency of the local network;
 - The detailed modelling analysis has indicated that when this infrastructure is in place, it will be more than adequate to accommodate the proposed development expansion; and
 - The local transportation network will be able accommodate the proposed construction impact as construction traffic is projected to be far lower than the projected operational traffic and will avoid the peak hours.
- 8.7.14. An Outline Construction and Demolition Management Plan has been produced which details the impact of the Construction Phase. It is considered that the local Transportation Network is more than adequate to accommodate the proposed impact. This is because construction traffic is projected to be far lower than the projected operational traffic and will peak outside of the busiest hours. Site vehicles will have their speed restricted and this will be strictly enforced. Any vehicles carrying material with potential to generate dust will be enclosed or covered to limit the impact on surrounding areas. In line with best practice, the contractor will make provision for cleaning and hosing down operations to minimise the impact on local areas. The

condition of the roads around the site will be monitored continuously throughout the construction works to ensure they do not get too dirty.

- 8.7.15. All of the transportation elements of the existing Centre (car parking, vehicular circulation, servicing, public transport, cycle and pedestrian facilities) that are expected to be impacted on during the construction phase will be adequately reinstated and/or improved.
- 8.7.16. Having regard to the matters discussed above, I am satisfied that impacts that are predicted to arise in respect of traffic and transport can be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. I am satisfied, therefore, that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on traffic and transport.

8.8. Lands, Soils, Geology and Hydrogeology.

- 8.8.1. EIAR Chapter 7 considers Lands, Soils, Geology and Hydrogeology. In late 2015 14 no. trial pits were excavated at the site to investigate the soil conditions on-site at depths ranging from 1-4.5mbgl. The predominant soil make-up is as follows:
- Topsoil
 - Made Ground in a number of locations (grey sandy GRAVEL)
 - Slightly sand Slightly gravelly CLAY
 - Sandy Clayey silty GRAVEL
 - Possible highly weathered rock as gravelly COBBLES
- 8.8.2. The results from the soil and leachate analysis show that no heavy metal parameters exceeded their relevant groundwater threshold limits. Furthermore, no Mineral Oils, PCBs and BTEX compounds were detected in any of the trial pits.
- 8.8.3. The samples were analysed for compliance according to the Waste Acceptance criteria (WAC). All but one sample, TP-3 (2.6-2.7mbgl) meet the requirements of the inert WACT criteria. The TP-03 sample exceeded the inert WAC criteria for dissolved

sulphates and total dissolved solids. It is stated that these results may be anomalous due to relatively low levels recorded throughout the rest of the site.

- 8.8.4. Soil samples were tested for polycyclic aromatic hydrocarbons (PAHs), polychlorinated biphenyls (PCBs) and volatile organic compounds (VOCs) including benzene, toluene, ethylbenzene and xylenes. All parameter tested recorded values below the most conservative threshold value for the LQM/CIEH for HHRA (Human Health Risk Assessment) Residential Threshold at 1% SOM. The sample results compared to the LQM/CIEH limits can be seen in Appendix 7.2.
- 8.8.5. The main civil engineering works to be undertaken onsite that could impact on the soils, geology and hydrogeology environments is the excavation of the soil overburden and the construction of foundations (concreting works), floors, building envelope, drainage and attenuation pond. The construction works may potentially result in contamination from spillage/leakage of oils from fuels stored onsite and construction machinery. Construction activities may generate silt in addition to concrete and cement which may be released into the environment.
- 8.8.6. To minimise any impact on the underlying subsurface strata from material spillages, all oils, solvents and paints used during construction will be stored within temporary bunded areas. Furthermore, a site specific construction management plan will be developed and maintained by the contractors during the construction phases of the proposed project. All personnel working on the site will be trained in the implementation of the procedures. Spill kits will be provided to protect against accidental spillages.
- 8.8.7. Localised dewatering of the unconnected perched groundwater and near to surface rockhead may be required during excavations associated with the attenuation pond and drainage infrastructure. However, based on the 2015 investigation which noted the relative lack of an interconnected perched water table and the lack of groundwater recorded in the strata recorded as “possible weathered rock” large scale dewatering will not be required.
- 8.8.8. Provided that mitigation measures outlined in section 7.7 are implemented, no significant residual impacts are expected during the construction phase of the proposed development on the soils, geology and hydrogeology environments. Any impacts during the construction phase will be short term and imperceptible.

- 8.8.9. No significant residual impacts are expected during the operational phases of the proposed development on the soils, geology and hydrogeology environments. The site will be mostly covered by hard standing which will protect the underlying environment from accidental spillages which will be contained within the stormwater system.
- 8.8.10. Having regard to the matters discussed above, I am satisfied that impacts that are predicted to arise in respect of Lands, Soils, Geology and Hydrogeology can be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. I am satisfied, therefore, that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on Lands, Soils, Geology and Hydrogeology.

8.9. Hydrology

- 8.9.1. EIAR Chapter 8 considers Hydrology. The River Liffey is the main hydrological feature in the area which is located c.840m north of the proposed development, however the nearest watercourse to the development is the Quarryvale system which is located c.800m from the north-west. There is no watercourse located within or adjacent to the site boundary. The section of the River Liffey in close proximity to the proposed development was not assigned a WFD water quality status in the 2013-2018 monitoring period, however the River Liffey and Quarryvale Stream have been assigned a project of "At Risk" meaning they are at risk of not achieving a good status as per the current WFD period.
- 8.9.2. As part of the planning process a Flood Risk Assessment was undertaken for the site and concluded that the proposed development does not increase the risk of flooding within the development or to adjacent areas.
- 8.9.3. The main civil engineering works to be undertaken onsite that could impact on the hydrological environment is the excavation of the soil overburden and the construction of foundations (concreting works), floors and building envelope. The construction works may result in contamination from spillage/leakage of oils from fuels stored on site and construction machinery. Construction activities may generate silt in addition concrete and cement which may be released into the environment.

- 8.9.4. To minimise any impact on the hydrological environment (surface water) a site specific construction management plan will be developed and maintained by the contractors during the construction phases of the proposed project. All personnel working on the site will be trained in the implementation of the procedures.
- 8.9.5. As part of the mitigation measures outlined any impact from material spillages, all oils, solvents and paints used during construction will be stored within temporary bunded areas. Refuelling of construction vehicles and the addition of hydraulic oils or lubricants to vehicles, will take place in a designated area (or where possible off-site) which will be away from surface water gullies or drains. In the event of a machine requiring refuelling outside of this area, fuel will be transported in a mobile double-skinned tank. Furthermore, all ready-mixed concrete will be brought to site by truck.
- 8.9.6. Water generated on site from either perched groundwater egress or surface water run-off will be collected via sumps and undergo treatment via silt traps and hydrocarbon interceptors to remove grit and hydrocarbons.
- 8.9.7. During the operational phase, surface water run-off will be collected by the storm water system which will be passed through oil interceptors to remove any hydrocarbons and subsequently through an attenuation system to provide storage and remove suspended solids. The discharge is controlled by a hydro-brake system to maintain outflows to the GDSDS design standards. Periodic visually checks should be undertaken of the hydrocarbon interceptors for excessive build-up of hydrocarbons and the attenuation tank for signs of contamination which should be included in a maintenance programme.
- 8.9.8. Provided that mitigation measures outlined above are implemented, no significant residual impacts are expected during the construction phase of the proposed development on the surface water environment. Any impacts on watercourses during the construction phase will be short-term and imperceptible following mitigation.
- Provided that mitigation measures outlined above are implemented, expected impacts during the operational phase of the proposed development will be long term and imperceptible.
- 8.9.9. Having regard to the matters discussed above, I am satisfied that impacts that are predicted to arise in respect of hydrology can be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation

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

8.10. Biodiversity

- 8.10.1. EIAR Chapter 9 considers Biodiversity. I refer to Table 9.3 that sets out SACs, SPAs and pNHA's located within the vicinity of the proposed development site. There are 8 European designated sites located within 15km of the proposed development (5 Special Areas of Conservation and 3 Special Protection Areas). The nearest European designated site is the Rye Valley/Carton SAC, which lies c.6.6km west of the proposed development site.
- 8.10.2. It was not possible to rule out the potential for likely significant effects on the following European sites located downstream of the proposed development site in Dublin Bay: South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA (i.e. no other European sites are at risk of potential impacts from the proposed development). Therefore, it was determined that a full Appropriate Assessment would be required. A Natura Impact Statement was prepared and submitted with the application. The implementation of the site-specific mitigation measures will ensure no risk of adverse effects on the integrity of the European sites in Dublin Bay, either along or in-combination with any other plans or projects, for the relevant European sites.
- 8.10.3. There are three nationally designated sites (i.e. Natural Heritage Area or Proposed Natural Heritage Area) located within 5km of the proposed development site. The nearest of which is the Liffey Valley NHA [000128], which is located c.770m north of the proposed development site. Nationally designated sites located downstream of the proposed development are subject to the same potential impacts as the European designated sites.
- 8.10.4. The Red List plant species blue fleabane *Erigeron acris* is recorded within the proposed development site. No other protected, Red List (Wyse Jackson *et al.*, 2016) or rare flora species were recorded at the proposed development site. No non-native invasive species listed on the Third Schedule of the Birds and Habitats Regulations were recorded within the proposed development site during any of the surveys. A total

of 25 bird species have been recorded within the boundaries of the proposed development site, including two BoCCI Red-listed species (i.e. herring gull and meadow pipit) and nine BoCCI Amber-listed species (including skylark and common snipe).

8.10.5. With regard to Bats I refer to Section 9.4.6.2 and Table 9.5 therein that sets out the results of bat activity surveys undertaken at the proposed development site. There were no suitable sites for roosting bats within the site. Three common bat species were recorded during the bat activity surveys, i.e. common pipistrelle, soprano pipistrelle and Leisler's bat. While the proposed development site contains suitable foraging habitat for bats, the quality of this habitat is limited by the existing high level of light pollution in the surrounding environment.

8.10.6. Potential impacts arising from the proposed development that may result in significant negative effects on Key Ecological Receptors are set out in Section 9.6 and include:

- An accidental pollution event during construction and/or operation affecting water quality in the River Liffey and as a result downstream European sites and nationally designated proposed Natural Heritage Areas;
- Permanent loss of blue fleabane as a result of vegetation removal during construction;
- Loss of breeding/wintering bird habitat and/or risk of bird mortality and/or injury because of vegetation removal/building demolitions during construction; and
- Permanent artificial lighting associated with the operation of the proposed development could displace foraging and/or commuting bats from lands within the proposed development site and in the locality.

8.10.7. The following mitigation measures have been recommended to address potential impacts on birds and bats (as summarised). I refer to Section 9.7 Mitigation Measures that provide detailed mitigation measures. Whilst it is considered that the proposed development will not result in a significant negative effect on local bat populations at any geographic scale, lighting mitigation has been provided to minimise any effect on bats during construction.

- Site-specific water protection mitigation measures;

- Vegetation removal and building demolitions to be undertaken outside the breeding bird season (i.e. 1st March to 31st August inclusive);
- Lighting during construction to be designed in accordance with relevant guidance document including “*Bats and lighting – Guidance for Planners, engineers, architects and developers*” (Bat Conservation Ireland 2010); and
- Operational lighting plan to be revised by a suitably qualified ecologist.

8.10.8. A suitably qualified and experienced ecologist will monitor the areas of translocated soil for the presence of blue fleabane and the areas of species rich grassland creation for a duration of a minimum of three years.

8.10.9. A number of biodiversity enhancement measures have been proposed, including:

- the creation of species-rich calcareous grassland by utilising the existing soils of this habitat type;
- the creation of a pollinator-friendly wildflower meadow; and
- planning of native tree and shrub species.

8.10.10. The proposed development will result in a local significant negative residual effect on:

- Population of the Red list species blue fleabane at a local geographic scale;
- Populations of meadow pipit, skylark and stonechat at a local geographic scale as a consequence of loss of suitable breeding habitat; and
- Population of common snipe at a local geographic scale as a consequence of loss of suitable winter roosting habitat.

8.10.11. Following the implementation of the mitigation measures, the proposed development will not result in any significant residual effect on the other Key Ecological Receptors identified, i.e. habitats, other breeding birds and bats. However in order to compensate for the local significant residual effect on blue fleabane it is proposed that soils from the areas where this species is present are translocated into the proposed gravel areas located at the attenuation basins within the proposed development site (c0.54ha in total area).

8.10.12. It is noted that despite the implementation of mitigation and compensatory measures, the proposed development will result in a local significant negative residual effect on:

- Populations of meadow pipit, skylark and stonechat at a local geographic scale as a consequence of loss of suitable breeding habitat; and
- Population of common snipe at a local geographic scale as a consequence of loss of suitable winter roosting habitat.

8.10.13. The successful implementation of the proposed compensatory measures set out in Section 9.11 will reduce the overall residual impact on local populations of Red List species blue fleabane to negligible.

8.10.14. With regard to the impact to bats and birds I refer to Section 7.11.5 Heritage and Biodiversity above where it is recommended that in the event of a grant of permission, it is considered appropriate to attach conditions recommending that all mitigation measures as proposed be adhered to, an up to date bat and bird surveys be undertaken prior to commencement of any development on site, that no building, structure, feature or tree/hedgerow shall be altered, destroyed or removed prior to this assessment and that if bats and/or birds are found to be present on the site or the immediately adjoining sites no development shall take place until the necessary permission/derogation licence has been obtained from the National Parks & Wildlife Service.

8.10.15. Having regard to the matters discussed above, I am satisfied that impacts that are predicted to arise in respect of biodiversity can be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. I am satisfied, therefore, that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on biodiversity.

8.11. Waste Management

8.11.1. EIAR Chapter 10 considers Waste Management. The proposed site works will include the demolition of an area of approximately 2,085sqm of the existing Liffey Valley Centre to facilitate the new development and access routes between the new and

existing buildings. The demolition waste generated will typically comprise of concrete, steel cladding, steel beams, gypsum, mixed ferrous metals, stainless steel, aluminium, copper, hard plastic, glass and WEEE. It is estimated that approximately 1,251 tonnes of waste will be generated from the demolition phase of the project, of which it is targeted to reuse/recover 231 tonnes, recycle 864 tonnes and dispose of no more than 157 tonnes. It is stated that until a detailed survey of the building elements to be demolished is carried out it is difficult to predict with a high level of accuracy the demolition waste that will be generated from the works. A demolition plan will be prepared prior to commencement of the demolition phase which will refine the demolition waste figures detailed in Table 10.1 of the EIAR.

8.11.2. The proposed development area is mainly a brownfield site and will require excavations for foundations. The project engineers, have estimated that the total volume of material to be excavated will be approximately 142,000m³ (approximately equivalent to 255,600 tonnes based on density of 1.80 tonnes per cubic metre). During the construction phase, waste will be produced from surplus materials such as broken or off-cuts of timber, plasterboard, concrete, tiles, bricks, etc. Waste from packaging (cardboard, plastic, timber) and oversupply of materials may also be generated. It is estimated that approximately 373 tonnes of waste will be generated from the construction phase of the project, of which it is targeted to reuse/recover 83 tonnes, recycle 190 tonnes and dispose of no more than 100 tonnes. None of the material sampled was classified as hazardous for disposal. The estimated waste amounts and indicative reuse / recycle / disposal targets for the construction waste are presented in Table 10.2.

8.11.3. A project specific Construction and Demolition Waste Management Plan (C&DWMP) has been prepared to deal with waste generation during the demolition and construction phases of the project and is included as Appendix 10.1. The C&DWMP outlines mitigation measures to be implemented to ensure optimum levels of waste reduction, reuse, recycling and recovery are achieved during the Construction and Demolition phase.

8.11.4. The mitigation measures to be implemented during the Construction and Demolition phase will ensure the waste arising is dealt with in compliance with the provisions of the Waste Management Acts 1996 – 2011 as amended, associated Regulations, the Litter Pollution Act of 1997 and the EMR Waste Management Plan (2015 – 2021). A

carefully planned approach to waste management and adherence to the C&DWMP during the construction phase will ensure that the impact on the environment will be neutral, short-term and imperceptible.

- 8.11.5. The proposed development will also give rise to a variety of waste streams during the operational phase. These waste streams will be similar to those already being generated from retail activities at the Liffey Valley Centre i.e. dry mixed recyclables (paper, plaster packaging and bottles, aluminium cans, tins and Tetra Pak cartons), cardboard, plastic shrink wrapping, mixed non-recyclables, organic food waste and glass. The estimated operational waste generation for the new development for all waste types is 81.5 tonnes per month. A project specific Operational Waste Management Plan (OWMP) has been prepared to deal with waste generation at the proposed development during the operational phase of the project and outlines mitigation measures to be implemented.
- 8.11.6. The implementation of the OWMP will ensure that the waste arising from the development is dealt with in compliance with the provisions of the Waste Management Acts 1996 – 2011 and associated Regulations, the Litter Pollution Act of 1997 as amended and the EMR Waste Management Plan (2015 – 2021). It will also ensure optimum levels of waste reduction, reuse, recycling and recovery are achieved. Provided the OWMP is implemented and a high rate of reuse, recycling and recovery is achieved, the predicted impact of the operational phase on the environment will be neutral, long term and imperceptible.
- 8.11.7. No significant impacts in relation to waste management are predicted during the construction or operational phases of the proposed development. Adherence to the mitigation outlined in Section 10.6 will ensure that there are no significant impacts on waste management from the proposed development. The management of waste during the construction phase in accordance with the C&DWMP will meet the requirements of regional and national waste legislation and promote the management of waste in line with the priorities of the waste hierarchy. The residual impact will be neutral and imperceptible.
- 8.11.8. Having regard to the matters discussed above, I am satisfied that impacts that are predicted to arise in respect of waste management can be avoided, managed and mitigated by the measures which form part of the proposed development, the

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

8.12. Noise and Vibration

8.12.1. EIAR Chapter 11 considers Noise and Vibration. The existing noise climate has been surveyed during both daytime and night-time periods in the vicinity of the proposed development. Section 11.4.5 refers. The existing noise environment has been found to be typically of a suburban area in close proximity to a major motorway. Prevailing noise levels are primarily due to road traffic associated with the M50 although local traffic was also noted to be contributing to the measured levels.

8.12.2. Table 11.11 presents the predicted daytime noise levels from an indicative construction period on site at the nearest off-site receptors. Taking into account the assessment assumptions and allowing for the attenuation of sound over distance, the worst case construction noise levels at nearest sensitive properties at 95m from construction activity are predicted to be below the threshold for significant impact during the general construction phase. Therefore during the construction phase it is expected that there will be negligible temporary impact on the nearest noise sensitive locations due to noise emissions from the site. Furthermore, the application of binding hours of operation, along with implementation of appropriate noise and vibration control measures, will ensure that the noise and vibration impact is controlled to be within acceptable standards. In terms of construction vibration it is expected that vibration levels will be well below a level that would cause disturbance to building occupants or even be perceptible.

8.12.3. During the operational phase, potential causes of disturbance vary depending on the development as follows. Section 11.6.3 refers.

- Building services noise;
- Additional vehicular traffic on public roads;
- Car parking on site, and
- Waste and service yard areas.

- 8.12.4. With the application of mitigation measures for building services noise and delivery noise as described in Section 11.6.2 the range of potential noise levels is not expected to add significantly to the existing noise environment. The resultant noise effect from this source will be of neutral, not significant, permanent impact. The predicted change noise levels associated with additional traffic is predicted to be of imperceptible impact along the existing road network. The overall effects from noise contribution of increased traffic is considered to be of neutral, imperceptible and permanent effect to nearby noise sensitive locations.
- 8.12.5. Subject to the implementation of appropriate noise and vibration control measures, it is expected that activities during the construction and operational phase of the development will not increase the existing noise climate sufficiently or with such frequency so as to be likely to cause disturbance.
- 8.12.6. Having regard to the matters discussed above, I am satisfied that impacts that are predicted to arise in respect of noise and vibration can be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. I am satisfied, therefore, that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on noise and vibration.

8.13. Air Quality and Climate

- 8.13.1. EIAR Chapter 12 considers Air Quality & Climate. In terms of the existing air quality environment, baseline data and data available from similar environments indicates that levels of nitrogen dioxide, carbon monoxide, particulate matter less than 10 microns and less than 2.5 microns and benzene are generally well below the National and European Union (EU) ambient air quality standards.
- 8.13.2. Impacts to air quality and climate can occur during both the construction (fugitive dust emissions) and operational phases (change in traffic flows or congestion) of the proposed development. Impacts to climate can occur as a result of vehicle and machinery emissions.
- 8.13.3. With regard to mitigation measures I refer to Section 12.7 of the EIAR. Any potential dust impacts can be mitigated through the use of best practice and minimisation measures which are outlined in this report. Therefore, dust impacts will be short-

term and imperceptible at all nearby sensitive receptors. It is not predicted that significant impacts to climate will occur during the construction stage due to the nature and scale of the development.

- 8.13.4. The local area quality modelling assessment concluded that levels of traffic-derived air pollutants resulting from the development will not exceed the ambient air quality standards either with or without the proposed development in place. Using the assessment criteria outlined in Transport Infrastructure Ireland's guidance document 'Guidelines for the Treatment of Air Quality During the Planning and Construction of National Road Schemes' the impact of the development in terms of PM10, PM2.5, CO, NO2 and benzene is long-term and imperceptible.
- 8.13.5. The proposed development is not predicted to significantly impact regional air quality and climate during the operational stage. Increases in traffic derived levels of NOX, VOCs and CO2 have been assessed against Ireland's obligations under the EU Targets and emissions ceilings set out by Directive (EU) 2016/2284 "On the Reduction of National Emissions of Certain Atmospheric Pollutants and Amending Directive 2003/35/EC and Repealing Directive 2001/81/EC". Impacts to regional air quality and climate are deemed imperceptible and long-term with regard to NOX, VOCs and CO2 emissions.
- 8.13.6. As the National and EU standards for air quality are based on the protection of human health and concentrations of pollutants for both the construction and operational stages of the proposed development are predicted to be significantly below these standards, the impact to human health is predicted to be imperceptible and not significant in the short and long term. Accordingly no significant impacts to either air quality or climate are predicted during the construction or operational phases of the proposed development.
- 8.13.7. Should the construction phase of the proposed development coincide with the construction of any other permitted developments within 350m of the site then there is the potential for cumulative dust impacts to the nearby sensitive receptors according to IAQM guidance (2014). With appropriate mitigation measures including dust mitigation measures as outlined in appendix 12.3 in place the predicted cumulative impacts on air quality and climate associated with the construction phase of the proposed development are deemed short-term and not significant.

8.13.8. Having regard to the matters discussed above, I am satisfied that impacts that are predicted to arise in respect of air quality and climate can be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. I am satisfied, therefore, that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on air quality and climate.

8.14. Microclimate

8.14.1. EIAR Chapter 13 considers Microclimate. This Chapter assesses and evaluates the potential impacts associated with daylight, sunlight, overshadowing, solar glare and wind during the construction and operational phases of the proposed Liffey Valley Plaza development.

- ***Daylight, Sunlight, Overshadowing and Solar Glare*** - Following modelling assessments, no significant daylight issues are envisaged as part of the proposed Liffey Valley Plaza development. The proposed Liffey Valley Plaza sits to the south of the existing Liffey Valley Centre and as such any shadows that are cast are primarily over the existing Liffey Valley Centre and thus amenity areas located further away will remain unaffected. There are a few instances of solar glare all of which considered to be generally acceptable given the location within the field of views and as such no significant detrimental impact from the proposed development is envisaged. It is considered that there are no daylight, sunlight, overshadowing or solar glare implications associated with the construction stage of the proposed development.
- ***Light Pollution*** - Given the distance that existing neighbouring residential properties are located from the proposed development, a light pollution assessment is not considered necessary.
- ***Wind*** - The baseline conditions of the existing site are expected to be suitable for strolling during the windiest season and standing during the summer season. As the proposed landscaping scheme is substantial throughout the ground level and rooftop amenity area, it is expected that the majority of adverse wind conditions would be alleviated with the proposed landscaping alone.

8.14.2. Having regard to the matters discussed above, I am satisfied that impacts that are predicted to arise in respect of microclimates can be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. I am satisfied, therefore, that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on microclimates.

8.15. Landscaping and Visual Impact

8.15.1. EIAR Chapter 14 considers Landscape and Visual Impact. At present, the majority of the site occupies part of a large area of waste ground with uneven topography, with several mounds of what appears to be spoil. The site has been colonised by the flora typical of waste ground. As the proposed development connects with the existing Centre, part of the development also includes the existing delivery yards and service areas for the Centre. The site is of very low visual quality with no landscape features of value or sensitivity on the site.

8.15.2. As this is a relatively open site, views in are available from the surrounding infrastructure and developments. Sensitive views into the site are potentially from residential areas from the west and the burial ground to the east. There are no sensitive views from residential properties or Liffey Valley SAA to the north or from open space areas to the north-west (Greenfort Laws and residential areas/hotel beyond). This is due primarily to the position of the existing Centre which will screen the majority of the proposed structure. Other views have also been considered in the study, but these are of low value and sensitivity and are not impacted by the proposed development.

8.15.3. During construction stage, the character of the space will change and the scrubby hedgerow and other scrub vegetation will be removed. This is considered a slight negative landscape impact. Moderate negative visual impacts will also occur due to construction activity for most of the users of the area and local residents with views of the site.

8.15.4. In the medium to long term, when the proposed Liffey Valley Plaza is complete, including the planting and landscape works, the landscape impacts would overall be moderate and positive. This is primarily due to the quality of the buildings and public

realm, and the proposed planting would substantially increase the tree resource and quality in the area, as well as introducing new landscape features and spaces.

- 8.15.5. The predicted visual impacts following implementation and establishment of the proposed landscape measures (medium term) are also generally positive. Views from west of the site (Greenfort Crescent) are likely to be perceived as an improvement in the visual environment compared with the existing landscape. This is therefore considered a slight, positive impact. From East of Site (Palmerstown Square, Palmers Avenue, Heather Grove, Laburnum Walk and Cedar Drive and cemetery), there will be slight negative impact as the new buildings will be more visible on the skyline than the existing, although the proposed planting will soften the building line. Views from local roads for drivers and pedestrians using the Centre will be improved in general.
- 8.15.6. Views from the proposed development, which are currently unavailable to the general public, include views of the Dublin Mountains to the south. The proposed development includes a public plaza which will result in a positive visual impact by framing and making available these views to the general public from a public open space with a strong visual identity and sense of place.
- 8.15.7. Having regard to the matters discussed above, I am satisfied that impacts that are predicted to arise in respect of landscape and visual impact can be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. I am satisfied, therefore, that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on landscape and visual impact.

8.16. Archaeological and Architectural Heritage

- 8.16.1. EIAR Chapter 15 considers Archaeological and Architectural Heritage. There are no Recorded Monuments or Protected Structures located within or in the immediate proximity of the proposed development area. The nearest recorded archaeological sites comprise a tower house (DU017-023) and the site of an unclassified castle (DU017-067), 580-680m to the south-west. The nearest built heritage structures comprise a post box (NIAH 11202027) and a gate lodge and demesne features (PS 066, NIAH 11202025-26) on the Old Lucan Road.

- 8.16.2. No previously unidentified features of archaeological potential or stray finds have been identified within the area of proposed development or surrounding lands. However, a small Bronze Age burnt spread with pottery was excavated to the immediate west of the development area during the development of the Liffey Valley Centre. The proximity of the recorded Bronze Age site indicates that ground disturbances associated with the proposed development may have a negative impact on previously unknown archaeological features or deposits that have the potential to remain below the current ground surface.
- 8.16.3. As such a programme of archaeological monitoring will be carried out for all grounds works associated with the proposed development, in order to ascertain the level of previous disturbance and to investigate the potential for any previously undisturbed in situ archaeological features. In addition the proposed development site traverses the junction of three townland boundaries, although these have been subject to some truncation to date. These sections are to be removed during proposed works and will be subject to archaeological monitoring of ground clearance.
- 8.16.4. An area of up to 500m that surrounds the proposed development areas was examined in order to identify any buildings or areas of architectural significance. There are 2 no NIAH structures; post box and gate lodge / demesne entrance on the Old Lucan Road located within 500m of the proposed development. The gate lodge and entrance is also included in the RPS. A number of gardens are also recorded within 1km. There is no anticipated impact on the architectural heritage resource by the proposed development.
- 8.16.5. Having regard to the matters discussed above, I am satisfied that impacts that are predicted to arise in respect of archaeological and architectural heritage can be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. I am satisfied, therefore, that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on archaeological and architectural heritage.

8.17. Material Assets - Site Services

- 8.17.1. EIAR Chapter 16 considers Material Assets – Site Services. It is stated that the applicant had a pre-consultation meeting with South Dublin County Council in November 2019.
- 8.17.2. **Surface Water** - It is stated that following discussions with South Dublin County Council, it is intended to attenuate surface water flows from the majority of the new development buildings and hardstanding areas to be built on the existing brownfield lands south of the existing Centre and which drains eastwards towards Palmerstown. The smaller section of the new development which outflows to the existing sewer going northwards will not require attenuation as the area of this section of the development is currently hardstanding. Furthermore, it is believed that the quick release of surface water direct to the River Liffey through the existing sewer heading northwards will be beneficial in preventing accumulation of flood waters at the point of outfall to the River Liffey. Petrol and oil (hydrocarbon) interceptors will be provided at all surface water discharge points of the development to the existing surface water drain in order to prevent any deterioration of water quality in downstream watercourses. No other amelioration, remedial or reductive measures are considered necessary, apart from good practise in the hydraulics and engineering design of the foul water drainage system. Periodic inspections, emptying and maintenance of the hydrocarbon interceptors by a licensed waste disposal contractor will be undertaken.
- 8.17.3. **Foul Water** - The existing Liffey Valley Centre foul sewage drains to two main outfall pipes, north to the Quarryvale pumping station and south to sewer in Coldcut Road. The new development will increase the foul sewage outfall volume from the Centre from 214m³/day to 367m³/day. The foul water combined future peak demand in terms of peak flow (6 x DWF) is 25.54/s for the Liffey Valley Centre on completion of the works. It is stated that from discussions with South Dublin County Council it is understood that the existing pumping station and Coldcut Road foul sewer have sufficient reserve capacity to cater for these increases. The volume of foul discharge from the proposed development is within the capacity of the existing foul drainage network. Water meters will be installed to monitor consumption within the development.

- 8.17.4. **Water Supply** – Stated that from previous discussion with SDCC / Irish Water it is considered that the current infrastructure should be sufficient to meet the development demands. It is also intended to provide rainwater harvesting in the form of a below grey water storage ground tank (circa 10m³) this tank is to be located in the north east service yard and collected grey water is to be used for irrigation of the general planting areas and for general wash down. The water is also to be used for flushing toilets and urinals. The volume of water required is within the capacity of the existing water supply. Water meters will be installed to monitor consumption within the development.
- 8.17.5. All works will be designed and constructed to current best practise, keeping impacts to a minimum. SUDs measures and surface water attenuation measures will be employed for the undeveloped lands keeping residual impacts to a minimum. There will be an increase in demands on the wastewater and potable water infrastructure as a result of the development but there is capacity in the local infrastructure to cater for these increased demands.
- 8.17.6. Having regard to the matters discussed above, I am satisfied that impacts that are predicted to arise in respect of material assets – site services can be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. I am satisfied, therefore, that the proposed development would not have any unacceptable direct, indirect or cumulative impacts on material assets – site services.

8.18. Interactions and Potential Cumulative Impacts

8.18.1. Interaction of Environmental Factors

- 8.18.2. Chapter 18 of the EIAR describes interactions between the various impacts identified under Environmental Factors described in each of the previous Chapters of the EIAR during both the various phases of the development proposal. Potential impacts identified can be eliminated by the implementation of mitigation measures as detailed in each Section of the EIAR. The proposed development has the potential to impact on various environmental aspects, and there are interactions and inter-relationships between these aspects, as presented and summarised below:

| Interaction of Environmental Factors | Description |
|--|---|
| Population and Human Health with Traffic and Transportation | <p>During construction, there will be a temporary increase in the number of Heavy Goods Vehicles on the surrounding road network. The impact of construction traffic on human health will be mitigated through measures contained in the Outline Construction and Demolition Management Plan as well as through the Construction Stage Traffic Management Plan.</p> <p>It has been predicated that with the proposed demand management measures and front loading of local improvements on the local Transportation Network will be more than adequate to accommodate the proposed development.</p> |
| Population and Human Health with Waste Management | <p>The potential impacts on human health in relation to the generation of waste during the construction and operational phases are that incorrect management of waste could result in littering which could cause a nuisance to the public and attract vermin. Adherence to the Construction and Demolition and Operational Waste Management Plans as well as the Outline Construction and Demolition Management Plan will ensure appropriate management of waste.</p> |
| Population and Human Health with Noise and Vibration | <p>Given the temporary nature of the construction phase noise emissions from the site will not be excessively intrusive. The application of binding hours of operation and the implementation of appropriate control measures will ensure that the impact is controlled to be within acceptable standards.</p> <p>During the operational phase, potential causes of disturbance will include: building services noise; additional vehicular traffic on public roads; carparking on site, and; waste and service yard areas. Subject to the implementation of appropriate control measures, none of the activities will increase the existing noise climate sufficiently or with such frequency so as to be likely to cause disturbance.</p> |
| Population and Human Health with Air Quality and Climate | <p>There is potential for loss of amenity due to dust during the construction phase that could impact upon human health. A Dust Minimisation Plan has been formulated in order to reduce potential dust emissions and once implemented, fugitive emissions of dust from the site will be insignificant and pose no nuisance at nearby receptors. Mitigation</p> |

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|---|--|
| | measures will be put in place to ensure that the impact of the development complies with all ambient air quality legislative limits. |
| Population and Human Health with Visual Impact | <p>The resident community is likely to experience visual impact attributable to a change in visual amenities during the construction phase. From those locations where construction activity is visible, the visual impact of construction activity and of the emerging development is likely to be negative at first but becoming more positive as the development proceeds.</p> <p>The existing landscape is of low value and the development will result in the removal of waste ground. Once operational, the proposed development is predicted to have a positive visual character and result in positive visual impacts as it completes the landscape pattern in the area.</p> |
| Population and Human Health with Archaeological, Architectural and Cultural Heritage | There are no structure of architectural merit located within the proposed development are or its immediate environs. No potential or predicted adverse negative impacts on the architectural resource are anticipated as a result of the proposed development going ahead. The nature of the receiving environment will not be subject to significant change. |
| Traffic and Transportation with Waste Management | Traffic and Transportation will be impacted by the additional vehicle movements generated by removal of waste from the site during the construction and operational phases of the development. During the construction phase the increase will be temporary in duration and there will be an imperceptible increase in waste collections during the operational phase. |
| Traffic and Transportation with Noise and Vibration | The predicted impact of noise generated by additional traffic is not expected to change the character of the existing noise environment significantly. The overall effect from noise contribution of increase traffic is considered to be of neutral, imperceptible and permanent effect to nearby noise sensitive locations. |
| Traffic and Transportation with Air Quality and Climate | The impact of the proposed development on air quality is assessed by reviewing the change in annual average daily traffic on roads close to the site. The impact of the interactions between traffic and air quality are considered to be imperceptible. |

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| Traffic and Transportation with Soils, Geology and Hydrogeology | The excavation and removal of soils the site during the construction phase of the project will have an impact on the traffic levels around the site. During the construction phase, vehicles to and from the site will contribute to an additional traffic impact in particular additional traffic movements |
| Land, Soils, Geology and Hydrogeology with Hydrology | In the absence of implementing the proposed mitigation measures, there is a potential for a slight increased run-off due to the introduction of additional impermeable surfaces and the compaction of soils during the construction phase which may reduce the infiltration capacity and increase the rate the volume of direct surface run-off, potentially impacting local drainage patterns. |
| Land, Soils, Geology and Hydrogeology with Noise and Vibration | During construction, earthworks related activities and truck movements associated with the removal of excavated soil off site will lead to noise and vibration. However, given that the construction phase of the development is temporary in nature, it is expected that the various noise sources will not be excessively intrusive. In addition, the application of binding noise limits and hours of operation, along with implementation of appropriate control measures, will ensure that noise and vibration impact is kept to a minimum. |
| Land, Soils, Geology and Hydrogeology with Air Quality | Construction activities across the site may lead to the generation of dust and odours should excavated soils be found to contain contamination. However, the implementation of a Dust Minimisation Plan will ensure that dust impact is kept to a minimum. |
| Soils, Geology and Hydrogeology with Waste Management | A potential impact on the soils, geological and hydrogeological environment includes the excavation and removal of made ground and overburden and reuse/recovery/disposal of this material off site. Proposed mitigation includes the controlled excavation of made ground and overburden in accordance with the relevant waste legislation and best practice standards. Implementation of the Construction and Demolition and Operational Waste Management Plans as well as the Draft Construction Management Plan will ensure appropriate management of waste and the use of permitted hauliers and authorised receiving facilities. |
| Biodiversity with Hydrology | Failure to implement mitigation measures could result in a discharge of pollutants to receiving watercourses. Any excess discharges would be detrimental to water quality and local flora and fauna. Following |

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| | implementation of mitigation measures, no significant residual impacts are anticipated either during the construction phase or the operational phase of the proposed development. |
| Waste Management with Air Quality and Climate | Construction and Demolition and Operational Waste Management Plans have been prepared to outline procedures for management of waste arising during the construction and operational phases. Furthermore, a Dust Minimisation Plan has been formulated in order to reduce potential dust emission. |
| Air Quality and Climate with Biodiversity and Hydrology | The construction and operation of the proposed development will lead to emissions to the atmosphere which have the potential to impact on sensitive flora, fauna and water. However, the effect of these emissions is predicted to be neutral for both the construction and operational phase following the implementation of mitigation measures. |
| Visual Impact with Archaeological, Architectural and Cultural Heritage | There are no recorded architectural heritage sites located within the proposed development area or its immediate environs. No potential or predicted adverse negative impacts on the architectural resource are anticipated as a result of the proposed development going ahead. |

8.18.3. Potential Cumulative Impacts

8.18.4. In terms of the potential for cumulative impacts, the EIAR has had regard to permitted developments in the surrounding area. The potential for cumulative effects arising from construction and operational traffic have been identified but are not considered to be outside of emerging trends and with respect to construction will be temporary in nature. The potential for cumulative effects arising from concurrent construction periods with respect to air quality is something that can be mitigated appropriately and, again will be temporary in nature.

| Potential Cumulative Impacts | Description |
|-------------------------------------|---|
| Traffic and Transportation | There are no planned developments in the immediate vicinity that merited inclusion within the future year models. Instead, traffic growth has been based on the change in demand flows from a number of ERM future reference case runs. The NTA's National Planning Framework (NPF) Reference case includes for growth in the Greater Dublin Area |

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| | as set out in the NPF and Eastern and Midlands Regional Spatial and Economic Strategy (RSES). This includes for the delivery of key nearby development areas in South Dublin, including Clonburris SDZ and Adamstown SDZ. The potential cumulative traffic impacts of these development areas have therefore accounted for. |
| Biodiversity | <p>There are granted planning permissions for residential or other small-scale developments such as extensions to existing dwellings, construction of new car parking spaces, etc. in the vicinity of the proposed site, some of which may be in construction at the same time as the proposed development. There is potential for cumulative impacts to arise with other local developments that would also result in the increased noise, vibration, human presence and lighting. Any disturbance effects from other such local developments are likely to be relatively minor nature, temporary, localised and over a similarly short duration, they are not likely to cumulatively affect the bird or bat populations in conjunction with the proposed development.</p> <p>There is potential for cumulative impacts on fauna in the area to arise as a result of habitat loss (i.e. meadow pipit, skylark and common snipe), if further semi-natural grassland areas are replaced by areas of hard standing or buildings and artificial surfaces. However, given the nature of permitted development in the immediate surrounding environment and the protection offered the lands north of site within Waterstown/Liffey Valley Park, no significant cumulative effects are predicated that would increase the magnitude of the residual impacts associated with the proposed development as a result of habitat loss and habitat fragmentation, in conjunction with the proposed development.</p> |
| Hydrogeology | The primary potential cumulative impact considered is an increase in hardstanding and subsequent increase in surface water run-off. The inclusion of the attenuation tank will limit the discharge volume from the site to the greenfield run-off rate therefore limiting the impact of the development during the operational phase. |
| Air Quality and Climate | Once appropriate mitigations are put in place during the construction of the proposed development and the permitted projects in the vicinity of the site it is predicted that impacts on air quality and climate will not be significant. |

8.19. Reasoned Conclusion

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

- There are potential positive impacts for employment opportunities and retail activities. Impacts arising from noise, dust, traffic, and construction will be mitigated by a Construction Management Plan including traffic management measures. There will be no negative impacts subject to mitigation measures outlined or otherwise addressed by condition.
- Traffic & Transport – Construction and operational phase impacts in the form of short term increases in the traffic on the road network are recognised and addressed in the EIAR. The mitigation measures are reasonable and practicable. With the recommended mitigation measures in place, no significant adverse roads and traffic related environmental impacts are anticipated during the construction or operational phases of the proposed development.
- Construction phase impacts are recognised and addressed in the EIAR. The mitigation measures are reasonable and practicable. Noise and vibration levels would be within acceptable emissions limits during normal operation.
- The proposed development entailing a series of large modern buildings would have an impact on the visual character of the area. This impact is considered acceptable given the location of the site on lands zoned Major Retail Centre
- Soils, Geology and Hydrogeology: Subject to implementation of mitigation measures no significant residual impacts expected during construction phase. Any impacts will be short term and imperceptible. Operational phase impacts will not be significant.
- Hydrology: Subject to implementation of mitigation measures, no significant residual impacts expected during construction phase. Any impacts will be short term and imperceptible. Expected impacts during operation phase will be long term and imperceptible.

- Biodiversity impacts, which will be mitigated by a range of pollution prevention means to protect surface water quality during construction and operation; compensatory measures, landscaping; lighting control measures and post construction monitoring.
- Risk Management: subject to implementation of all mitigation measures as described, the level of risk identified is insignificant.
- Interactions and Potential Cumulative Impacts: The cumulative effect arising from the proposed development would create some adverse cumulative change, this would be mitigated by the implementation of appropriate mitigation measures where possible.

8.19.2. Having regard to the above, it is my view that the likely significant environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described and assessed. I consider that the EIAR is compliant with Article 94 of the Planning and Development Regulations, 2001, as amended.

9.0 Appropriate Assessment

9.1. Overview

9.2. As documented the development will consist of a mixed leisure, entertainment and retail extension to the existing Liffey Valley Centre organised around a large public plaza and pedestrian friendly east-west street. A full description of the development is set out in Section 2.0 of this report.

9.3. **Surface Water** - Surface water run-off generated from c.80% of the new development's roof and hardstanding areas will discharge by gravity to the below ground gravity surface water sewer network. The proposed attenuation chamber is sized to accept 1 in 100 year rainfall event (with additional capacity for 10% increase for climate change). The restricted outfall from the attenuation chamber will then flow by gravity into the existing public surface water sewer network. A smaller section of the proposed scheme (c.20% by area) will drain to the existing surface water system heading west and then northwards to the N4/River Liffey public sewer outfall. It is not intended to attenuate surface water run-off that drains to the northbound N4/River Liffey outfall. Quick release is preferable to slow release during times of heavy rainfall

as upstream volumes would accumulate at times of heavy rainfall. Petrol and Oil (Hydrocarbon) interceptors will be provided at all surface water discharge points of the development to the existing surface water drain to prevent any deterioration of water quality in downstream watercourses.

9.4. **Foul Water** - The proposed development will result in an overall increase of between 7,000 to 12,000 P.E. (population equivalent) foul effluent. Foul effluent and any process wastewater from the proposed development site will be transferred to Ringsend Wastewater Treatment Plant (WWTP) for treatment prior to discharge to Dublin Bay. The most recent information from Irish Water indicates that the plant is operating above its capacity of 1.64 million P.E. (Irish Water, 2017), with a current operational loading of c.2.2 million P.E. An Bord Pleanála have granted planning permission to upgrade Ringsend WWTP, which will facilitate additional treatment capacity. The works are being undertaken on a phased basis commencing in February 2018. When all the proposed works are completed in 2025, the plant will be able to treat wastewater to the required standards for a population equivalent of up to 2.4 million people. Ringsend WWTP operates under a discharge licence from the EPA (D0034-01) and must comply with the licence conditions.

9.5. **Stage 1 Screening for Appropriate Assessment**

- 9.5.1. The application included a Natura Impact Statement, including the Screening Stage to evaluate the potential impacts(s) of the proposed development on European Sites located within 15km radius. While 15km is not a statutory requirement I am satisfied that it is a reasonable parameter and that the sites identified in Stage 1 of the AA are acceptable.
- 9.5.2. There are eight European sites within c.15km of the proposed development. The proposed development does not overlap with any European sites. The nearest European site is the Rye Water/Carton SAC, which is located c.6.6km to the west of the proposed development site. European sites within c.15km of the proposed development site are listed below together with the site specific conservation objectives:

| European Site | Distance (km) | Qualifying Interests |
|---|---|--|
| Rye Water Valley/Carton SAC [001398] | c.6.6km west of the proposed development site | <ul style="list-style-type: none"> ▪ Petrifying springs with tufa formation (cratoneurion) ▪ Narrow-mouthed Whorl Snail <i>Vertigo angustior</i> ▪ Desmoulin's Whorl Snail <i>Vertigo moulinsiana</i> |
| Glenasmole Valley SAC [001209] | c.10.4km south of the proposed development | <ul style="list-style-type: none"> ▪ Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuo-Brometalia</i>) (*important orchid sites) ▪ <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) ▪ Petrifying springs with tufa formation (<i>Cratoneurion</i>) |
| South Dublin Bay SAC [000210] | c.11.7km east of the proposed development | Annex I Habitats <ul style="list-style-type: none"> ▪ Mudflats and sandflats not covered by seawater at low tide ▪ Annual vegetation of drift lines ▪ <i>Salicornia</i> and other annuals colonising mud and sand ▪ Embryonic shifting dunes |
| Wicklow Mountains SAC [002122] | c.12.7km south of the proposed development | Annex I Habitats <ul style="list-style-type: none"> ▪ Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) ▪ Natural dystrophic lakes and ponds ▪ Northern Atlantic wet heaths with <i>Erica tetralix</i> ▪ European dry heaths ▪ Alpine and Boreal heaths ▪ <i>Calaminarian</i> grasslands of the <i>Violetalia calaminariae</i> ▪ Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas in Continental Europe) ▪ Blanket bogs (*if active bog) ▪ Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) ▪ Calcareous rocky slopes with chasmophytic vegetation ▪ Siliceous rocky slopes with chasmophytic vegetation ▪ Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles |

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| | | Annex II Species <ul style="list-style-type: none"> ▪ <i>Lutra lutra</i> (Otter) |
| North Dublin Bay SAC [000206] | c.13.5km east of the proposed development | Annex I Habitats <ul style="list-style-type: none"> ▪ Mudflats and sandflats not covered by seawater at low tide ▪ Annual vegetation of drift lines ▪ <i>Salicornia</i> and other annuals colonising mud and sand ▪ Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) ▪ Mediterranean salt meadows (<i>Juncetalia maritima</i>) ▪ Embryonic shifting dunes ▪ Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) ▪ Fixed coastal dunes with herbaceous vegetation (grey dunes) ▪ Humid dune slacks Annex II Species <ul style="list-style-type: none"> ▪ Petalwort <i>Petalophyllum ralfsii</i> |
| South Dublin Bay and River Tolka Estuary SPA [004024] | c.10.6km east of the proposed development | <ul style="list-style-type: none"> ▪ Light-bellied Brent Goose <i>Branta bernicla hrota</i> ▪ Oystercatcher <i>Haematopus ostralegus</i> ▪ Ringed Plover <i>Charadrius hiaticula</i> ▪ Grey Plover <i>Pluvialis squatarola</i> ▪ Knot <i>Calidris canutus</i> ▪ Sanderling <i>Calidris alba</i> ▪ Dunlin <i>Calidris alpina</i> ▪ Bar-tailed Godwit <i>Limosa lapponica</i> ▪ Redshank <i>Tringa tetanus</i> ▪ Black-headed Gull <i>Croicocephalus ridibundus</i> ▪ Roseate Tern <i>Sterna dougallii</i> ▪ Common Tern <i>Sterna hirundo</i> ▪ Artic Tern <i>Sterna paradisaea</i> ▪ Wetland and Waterbirds |
| Wicklow Mountains SPA [004040] | c.13.6km south of the proposed development | <ul style="list-style-type: none"> ▪ Merlin <i>Falco columbarius</i> ▪ Peregrine <i>Falco peregrinus</i>. |
| North Bull Island SPA [004006] | c.13.6km north-east of the proposed development | <ul style="list-style-type: none"> ▪ Light-bellied Brent Goose <i>Branta bernicla hrota</i> ▪ Shelduck <i>Tadorna tadorna</i> ▪ Teal <i>Anas crecca</i> ▪ Pintail <i>Anas acuta</i> |

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| | | <ul style="list-style-type: none"> ▪ Shoveler <i>Anas clypeata</i> ▪ Oystercatcher <i>Haematopus ostralegus</i> ▪ Golden Plover <i>Pluvialis apricaria</i> ▪ Grey Plover <i>Pluvialis squatarola</i> ▪ Knot <i>Calidris canutus</i> ▪ Sanderling <i>Calidris alba</i> ▪ Dunlin <i>Calidris alpina</i> ▪ Black-tailed Godwit <i>Limosa limosa</i> ▪ Bar-tailed Godwit <i>Limosa lapponica</i> ▪ Curlew <i>Numenius arquata</i> ▪ Redshank <i>Tringa tetanus</i> ▪ Turnstone <i>Arenaria interpres</i> ▪ Black-headed Gull <i>Croicocephalus ridibundus</i> ▪ Wetland and Waterbirds |
|--|--|--|

9.5.3. Based on the baseline ecological environment and the extent and characteristics of the proposed development the following potential impacts have been identified:

- 1) Habitat loss and fragmentation
- 2) Habitat degradation as a result of hydrological impacts
- 3) Habitat degradation as a result of hydrogeological impacts
- 4) Habitat degradation as a result of introducing/spreading non-native invasive species
- 5) Habitat degradation as a result of air quality impacts
- 6) Disturbance and displacement impacts

9.5.4. In establishing which European sites are potentially at risk (in the absence of mitigation) from the proposed development, a source-pathway-receptor approach was applied and where uncertainty existed, the precautionary principle was applied.

- 1) **Habitat Loss and Fragmentation** - The proposed development does not overlap with the boundary of any European site. There is no potential risk for impacts to occur on the populations of any SCI bird species of any European site given the significant distances between the proposed development site and the nearest designated sites and the relatively low numbers of gulls recorded within the

proposed development site. The proposed development site is not an *ex-situ* site supporting populations of any SCI species of any European site. Therefore, there are no European sites at risk of direct habitat impacts and ***there is no potential for habitat fragmentation to occur.***

- 2) **Habitat degradation as a result of surface water run-off related hydrological impacts** - An accidental pollution event during construction or operation and an increase in the concentration of hydrocarbons in run-off during operation has the potential to affect water quality in the River Liffey and in turn receiving aquatic and marine environments (either alone or in combination with other pressures on water quality) to an extent ***that the conservation objectives of the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA could be undermined.***
- 3) **Habitat degradation as a result of foul water discharge related hydrological impacts** - Foul water, comprising sewage and industrial effluent (and some surface water run-off), from the Dublin area has historically been, and will continue to be, treated at Ringsend WWTP prior to discharge to Dublin Bay which is operating above its capacity of 1.64 million P.E. (Irish Water, 2017), with a current operational loading of c.2.2 million P.E.

Despite the capacity issues associated with the Ringsend WWTP, the Liffey Estuary Lower and Dublin Bay are currently classified by the EPA as being of “*Unpolluted*” water quality status. The Tolka Estuary is currently classified by the EPA as being “*Potentially Eutrophic*”. The pollutant content of future surface water discharges to Dublin Bay is considered likely to decrease in the long-term for the following reasons:

- An Bord Pleanála granted planning permission for an upgrade to the Ringsend WWTP in April 2019, which will increase capacity at the plant, and
- Irish Water has submitted a planning application for the Greater Dublin Drainage (GDD) Project to An Bord Pleanála. The GDD will involve the construction of a new regional wastewater treatment facility in Clonsaugh in North County Dublin, the development of which will help alleviate capacity issues at Ringsend WWTP.

Considering the above, particularly the current unpolluted status of Dublin Bay, and that foul water discharges from the proposed development would equate to a very small percentage of the overall discharge volumes sent to Ringsend WWTP for *treatment, the proposed development will not impact on the overall water quality status of Dublin Bay.* Therefore, there is **no possibility of the proposed development undermining the conservation objectives** of any of the qualifying interests or special conservation interests of the European sites in, or associated with, Dublin Bay as a result of foul water discharges.

- 4) **Habitat degradation as a result of hydrogeological impacts** - Whilst there is a possibility that groundwater may be encountered during the excavation works associated with the proposed development, this would be very localised and is considered ***not likely to result in the degradation of existing off-site groundwater conditions.*** Furthermore, there are no groundwater dependent habitats or species associated with the European sites in Dublin Bay and the nearest European site, which does support groundwater dependent habitats and species i.e. Rye Water Valley/Cartron SAC [001398], is located c.6.6km west of the proposed development.
- 5) **Habitat degradation as a result of introducing/spreading non-native invasive species** - Construction and/or routine maintenance works at the proposed development site could result in the accidental introduction and/or spread of terrestrial non-native invasive species to the proposed development site and lands located in the immediate vicinity; however, no potential impacts on European sites are predicted in consideration of the following reasons:
- There are no non-native invasive species listed on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations, 2011, within the proposed development site;
 - There is no potential risk of likelihood of a non-native invasive species spreading or being introduced from the proposed development site to any European site due to the substantial distance between the proposed development site and the nearest downstream European site i.e. South Dublin Bay and River Tolka Estuary SPA, located c.10.6km east of the proposed development site) and the distance between the nearest watercourse (i.e.

Quarryvale Stream, located c.890m to the north of the proposed development site) and the proposed development site.

Therefore, there is **no risk any non-native invasive species**, listed on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations, 2011, **being introduced into any European sites**.

- 6) **Habitat degradation as a result of air quality impacts** - Dust generation and deposition during construction has the potential to degrade habitats within several hundred metres of the proposed development site, however, the majority of dust deposition occurs within c.50m of the proposed construction works and will be temporary in nature. The nearest European site are Rye Water Valley/Cartron SAC, which are located c.6.6km west of the proposed development site. Due to this distance between the proposed development site and all European sites, there is no potential risk for impacts to arise due to the generation and deposition of dust during construction. **No potential impacts on air quality during operation are predicted.**
- 7) **Disturbance and displacement impacts** - Construction related disturbance and displacement of fauna species could potentially occur within the vicinity of the proposed development. For birds, disturbance effects would not be expected to extend beyond a distance of c.300m, as noise levels associated with general construction activities would attenuate to close to background levels at that distance. The nearest European site designated for Special Conservation Interest bird species is the South Dublin Bay and River Tolka SPA, which is located c.10.6km east of the proposed development site and therefore beyond the zone of influence of potential noise disturbance impacts. The nearest known light-bellied brent geese site is Le Fanu Park, located in Ballyfermot c.2.1km south-east of the proposed development site. **There is no potential risk of disturbance and displacement impacts to occur** on the populations of any SCI bird species of any European site. The proposed development site is not an ex-situ site supporting populations of any SCI species.

9.6. Summary and Conclusions

- 9.6.1. On the basis of the findings of the Screening for Appropriate Assessment, it is concluded that the proposed development is not directly connected with or necessary

to the management of a Natura 2000 site. The only impacts associated with the proposed development that could potentially affect the receiving environment are:

- An **accidental pollution event during construction** affecting water quality in the River Liffey, which drains to the Liffey Estuary/Dublin Bay.
- An **accidental pollution event during operation** affecting surface water quality in the River Liffey, which drains to the Liffey Estuary/Dublin Bay.

9.6.2. Following an examination, analysis and evaluation of the relevant information, including in particular the nature of the proposed development and its potential relationship with European sites, it is possible to rule out significant impacts (direct and indirect) on all European sites except for the following:

- South Dublin Bay SAC [000210]
- North Dublin Bay Sac [000206]
- South Dublin Bay and River Tolka Estuary SPA [004024]
- North Bull Island SPA [004006]

9.6.3. These are the only European sites for which a source-pathway-receptor link exists from the proposed development. All other European sites are located beyond the Zone of Influence and therefore, any possibility of there being any significant effects on any other European sites may be excluded, on the basis of objective information set out in the AA Screening Report and this report. There is no reasonable scientific doubt about that conclusion. Therefore, appropriate assessment is required to examine and assess the possible impacts taking account of the conservation objectives of the South Dublin Bay SAC, North Dublin Bay Sac, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA.

9.7. **Stage 2 Appropriate Assessment**

9.7.1. **Ecological Baseline Description**

- **North Dublin Bay SAC** covers the inner part of North Dublin Bay, the seaward boundary extending from the Bull Wall lighthouse across to the Martello Tower at Howth Head. The North Bull Island is the focal point of this site. The site is

designated for a range of coastal, estuarine and intertidal habitats that support a diverse range of flora and fauna species.

- **South Dublin Bay SAC** lies south of the River Liffey in County Dublin, and extends from the South Wall to the west pier at Dun Laoghaire. It is an intertidal site with extensive areas of sand and mudflats. The site is designated for a range of coastal, estuarine and intertidal habitats that support a diverse range of flora and fauna species.
- **North Bull Island SPA** covers all of the inner part of North Dublin Bay, with the seaward boundary extending from the Bull Wall lighthouse across to Drumleck Point at Howth Head. Saltmarsh extends along the length of the landward side of the island and provides the main roost for wintering birds in Dublin Bay. The island shelters two intertidal lagoons which are divided by a solid causeway. These lagoons provide the main feeding grounds for the wintering waterfowl. The site is designated for a range of over-wintering waterbirds.
- **The South Dublin Bay and River Tolka Estuary SPA** comprises a substantial part of Dublin Bay. It includes the intertidal area between the River Liffey and Dun Laoghaire, and the estuary of the River Tolka to the north of the River Liffey, as well as Booterstown Marsh. A portion of the shallow marine waters of the bay is also included. In addition to the over-wintering water birds for which the site is designated, it also supports a nationally important colony of breeding Common Tern and is an internationally important passage/staging site for Common Tern, Arctic Tern and Roseate Tern.

9.7.2. The qualifying interest of South Dublin Bay SAC and North Dublin Bay SAC and the South Dublin Bay and River Tolka Estuary SPA and North Bull Island, and the overall conservation objectives for each, are listed below:

| European Site | Distance (km) | Qualifying Interests | Conservation Objective |
|--------------------------------------|---|--|--|
| Rye Water Valley/Carton SAC [001398] | c.6.6km west of the proposed development site | <ul style="list-style-type: none"> ▪ Petrifying springs with tufa formation (cratoneurion) ▪ Narrow-mouthed Whorl Snail <i>Vertigo angustior</i> | To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II |

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| | | <ul style="list-style-type: none"> Desmoulin's Whorl Snail <i>Vertigo moulinsiana</i> | species for which the SAC has been selected |
| Glenasmole Valley SAC [001209] | c.10.4km south of the proposed development | <ul style="list-style-type: none"> Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuo-Brometalia</i>) (*important orchid sites) <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) Petrifying springs with tufa formation (<i>Cratoneurion</i>) | To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected |
| South Dublin Bay SAC [000210] | c.11.7km east of the proposed development | Annex I Habitats <ul style="list-style-type: none"> Mudflats and sandflats not covered by seawater at low tide Annual vegetation of drift lines <i>Salicornia</i> and other annuals colonising mud and sand Embryonic shifting dunes | <ul style="list-style-type: none"> To maintain favourable conservation status To restore favourable conservation status To maintain favourable conservation status To restore favourable conservation status |
| Wicklow Mountains SAC [002122] | c.12.7km south of the proposed development | Annex I Habitats <ul style="list-style-type: none"> Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) Natural dystrophic lakes and ponds Northern Atlantic wet heaths with <i>Erica tetralix</i> European dry heaths Alpine and Boreal heaths | <ul style="list-style-type: none"> To maintain favourable conservation status To maintain favourable conservation status To restore favourable conservation status To restore favourable conservation status To restore favourable conservation status |

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| | | <ul style="list-style-type: none"> ▪ <i>Calaminarian</i> grasslands of the <i>Violetalia calaminariae</i> ▪ Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas in Continental Europe) ▪ Blanket bogs (*if active bog) ▪ Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) ▪ Calcareous rocky slopes with chasmophytic vegetation ▪ Siliceous rocky slopes with chasmophytic vegetation ▪ Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles <p>Annex II Species</p> <ul style="list-style-type: none"> ▪ <i>Lutra lutra</i> (Otter) | <ul style="list-style-type: none"> ▪ To maintain favourable conservation status ▪ To restore favourable conservation status ▪ To restore favourable conservation status ▪ To maintain favourable conservation status ▪ To restore favourable conservation status ▪ To restore favourable conservation status ▪ To restore favourable conservation status ▪ To maintain favourable conservation status |
| North Dublin Bay SAC [000206] | c.13.5km east of the proposed development | <p>Annex I Habitats</p> <ul style="list-style-type: none"> ▪ Mudflats and sandflats not covered by seawater at low tide ▪ Annual vegetation of drift lines ▪ <i>Salicornia</i> and other annuals colonising mud and sand ▪ Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) | <ul style="list-style-type: none"> ▪ To maintain favourable conservation status ▪ To restore favourable conservation status ▪ To restore favourable conservation status ▪ To maintain favourable conservation status |

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| | | <ul style="list-style-type: none"> ▪ Mediterranean salt meadows (<i>Juncetalia maritima</i>) ▪ Embryonic shifting dunes ▪ Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) ▪ Fixed coastal dunes with herbaceous vegetation (grey dunes) ▪ Humid dune slacks <p>Annex II Species</p> <ul style="list-style-type: none"> ▪ Petalwort <i>Petalophyllum ralfsii</i> | <ul style="list-style-type: none"> ▪ To maintain favourable conservation status ▪ To restore favourable conservation status ▪ To restore favourable conservation status ▪ To restore favourable conservation status ▪ To restore favourable conservation status ▪ To maintain favourable conservation status |
| South Dublin Bay and River Tolka Estuary SPA [004024] | c.10.6km east of the proposed development | <ul style="list-style-type: none"> ▪ Light-bellied Brent Goose <i>Branta bernicla hrota</i> ▪ Oystercatcher <i>Haematopus ostralegus</i> ▪ Ringed Plover <i>Charadrius hiaticula</i> ▪ Grey Plover <i>Pluvialis squatarola</i> ▪ Knot <i>Calidris canutus</i> ▪ Sanderling <i>Calidris alba</i> ▪ Dunlin <i>Calidris alpina</i> ▪ Bar-tailed Godwit <i>Limosa lapponica</i> | <ul style="list-style-type: none"> ▪ To maintain favourable conservation status ▪ To maintain favourable conservation status ▪ To maintain favourable conservation status ▪ Grey Plover is proposed for removal from the list of Special Conservation Interests for South Dublin Bay and River Tolka Estuary SPA. As a result, a site-specific conservation objective has not been set for this species. ▪ To maintain favourable conservation status ▪ To maintain favourable conservation status ▪ To maintain favourable conservation status ▪ To maintain favourable conservation status |

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| | | <ul style="list-style-type: none"> Redshank <i>Tringa tetanus</i> Black-headed Gull <i>Croicocephalus ridibundus</i> Roseate Tern <i>Sterna dougallii</i> Common Tern <i>Sterna hirundo</i> Artic Tern <i>Sterna paradisaea</i> Wetland and Waterbirds | <ul style="list-style-type: none"> To maintain favourable conservation status To maintain favourable conservation status To maintain favourable conservation status To maintain favourable conservation status To maintain favourable conservation status To maintain favourable conservation status |
| Wicklow Mountains SPA [004040] | c.13.6km south of the proposed development | <ul style="list-style-type: none"> Merlin <i>Falco columbarius</i> Peregrine <i>Falco peregrinus</i> | To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA: |
| North Bull Island SPA [004006] | c.13.6km north-east of the proposed development | <ul style="list-style-type: none"> Light-bellied Brent Goose <i>Branta bernicla hrota</i> Shelduck <i>Tadorna tadorna</i> Teal <i>Anas crecca</i> Pintail <i>Anas acuta</i> Shoveler <i>Anas clypeata</i> Oystercatcher <i>Haematopus ostralegus</i> Golden Plover <i>Pluvialis apricaria</i> Grey Plover <i>Pluvialis squatarola</i> Knot <i>Calidris canutus</i> Sanderling <i>Calidris alba</i> Dunlin <i>Calidris alpine</i> | <ul style="list-style-type: none"> To maintain favourable conservation status To maintain favourable conservation status To maintain favourable conservation status To maintain favourable conservation status To maintain favourable conservation status To maintain favourable conservation status To maintain favourable conservation status To maintain favourable conservation status To maintain favourable conservation status To maintain favourable conservation status To maintain favourable conservation status |

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| | | <ul style="list-style-type: none"> ▪ Black-tailed Godwit <i>Limosa limosa</i> ▪ Bar-tailed Godwit <i>Limosa lapponica</i> ▪ Curlew <i>Numenius arquata</i> ▪ Redshank <i>Tringa tetanus</i> ▪ Turnstone <i>Arenaria interpres</i> ▪ Black-headed Gull <i>Croicocephalus ridibundus</i> ▪ Wetland and Waterbirds | <ul style="list-style-type: none"> ▪ To maintain favourable conservation status ▪ To maintain favourable conservation status ▪ To maintain favourable conservation status ▪ To maintain favourable conservation status ▪ To maintain favourable conservation status ▪ To maintain favourable conservation status ▪ To maintain favourable conservation status |
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9.7.3. The NIS states that in conjunction with considering the generic conservation objective for SACs “*to maintain or restore the favourable conservation condition of the Annex I habitats(s) and/or the Annex II species for which the SAC has been selected*”, and for SPAs “*to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA*”, the available site specific conservation objectives document for North Dublin Bay SAC, South Dublin Bay SAC, North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA also informed this assessment.

9.8. Potential Direct and Indirect Impacts

9.8.1. The direct and/or indirect impacts by which the proposed development could (in the absence of mitigation measures) potentially affect the conservation objective attributes and targets supporting the conservation condition of the qualifying interests of North Dublin Bay SAC and South Dublin Bay SAC, and the special conservation interests of North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA, are:

- Habitat degradation as a result of hydrological impacts

9.8.2. The table below presents a summary of the potential impacts on the qualifying interests of the North Dublin Bay SAC, South Dublin Bay SAC and the Special Conservation Interest bird species of the North Bull Island SPA and the South Dublin

Bay and River Tolka Estuary SPA as a result of the proposed development and how these impacts relate to potentially affecting the site's conservation objectives

| North Dublin Bay SAC | |
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| Mudflats and sandflats not covered by water at low tide - To maintain the favourable conservation condition of the habitat in the SAC | |
| Potential Impacts Requiring Mitigation | Yes. An accidental pollution event during construction or operation could affect surface water downstream in Dublin Bay. An accidental pollution event of a sufficient magnitude, either alone or cumulatively with other pollution sources, could affect the quality of the intertidal habitats and the fauna communities they support. |
| Are mitigation measures required? | Yes. The mitigation measures described below to protect water quality in the receiving environment will ensure that surface water quality in the River Liffey and Dublin Bay is protected during construction and operation of the proposed development. |
| Residual Impacts? | No |
| Annual Vegetation of drift lines - To restore the favourable conservation condition of the habitat in the SAC | |
| Potential Impacts Requiring Mitigation | Yes. An accidental pollution event during construction or operation could affect surface water downstream in Dublin Bay. An accidental pollution event of a sufficient magnitude, either along or cumulatively with other pollution sources, could potentially affect the quality (vegetation structure and composition) and area/distribution of intertidal/coastal habitats. |
| Are mitigation measures required? | Yes. The mitigation measures described below to protect water quality in the receiving environment will ensure that surface water quality in the River Liffey and Dublin Bay is protected during construction and operation of the proposed development. |
| Residual Impacts? | No |
| Salicornia and other annuals colonising mud and sand - To restore the favourable conservation condition of the habitat in the SAC | |
| Potential Impacts Requiring Mitigation | Yes. An accidental pollution event during construction or operation could affect surface water downstream in Dublin Bay. An accidental pollution event of a sufficient magnitude, either along or cumulatively with other pollution sources, could potentially affect the quality (vegetation structure and composition) and area/distribution of intertidal/coastal habitats. |
| Are mitigation measures required? | Yes. The mitigation measures described below to protect water quality in the receiving environment will ensure that surface water |

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| | quality in the River Liffey and Dublin Bay is protected during construction and operation of the proposed development. |
| Residual Impacts? | No |
| Atlantic salt meadows - To maintain the favourable conservation condition of the habitat in the SAC | |
| Potential Impacts Requiring Mitigation | Yes. An accidental pollution event during construction or operation could affect surface water downstream in Dublin Bay. An accidental pollution event of a sufficient magnitude, either along or cumulatively with other pollution sources, could potentially affect the quality (vegetation structure and composition) and area/distribution of intertidal/coastal habitats. |
| Are mitigation measures required? | Yes. The mitigation measures described below to protect water quality in the receiving environment will ensure that surface water quality in the River Liffey and Dublin Bay is protected during construction and operation of the proposed development. |
| Residual Impacts? | No |
| Mediterranean salt meadows - To maintain the favourable conservation condition of the habitat in the SAC | |
| Potential Impacts Requiring Mitigation | Yes. An accidental pollution event during construction or operation could affect surface water downstream in Dublin Bay. An accidental pollution event of a sufficient magnitude, either along or cumulatively with other pollution sources, could potentially affect the quality (vegetation structure and composition) and area/distribution of intertidal/coastal habitats. |
| Are mitigation measures required? | Yes. The mitigation measures described below to protect water quality in the receiving environment will ensure that surface water quality in the River Liffey and Dublin Bay is protected during construction and operation of the proposed development. |
| Residual Impacts? | No |
| Embryonic shifting dunes - To restore the favourable conservation condition of the habitat in the SAC | |
| Potential Impacts Requiring Mitigation | No. Terrestrial habitats located above the high tide line are not at risk of effects from water pollution in Dublin Bay |
| Are mitigation measures required? | None |
| Residual Impacts? | No |
| Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) - To restore the favourable conservation condition of the habitat in the SAC | |
| Potential Impacts Requiring Mitigation | No. Terrestrial habitats located above the high tide line are not at risk of effects from water pollution in Dublin Bay |

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| Are mitigation measures required? | None |
| Residual Impacts? | No |
| Fixed Coastal dunes with herbaceous vegetation (grey dunes) - To restore the favourable conservation condition of the habitat in the SAC | |
| Potential Impacts Requiring Mitigation | No. Terrestrial habitats located above the high tide line are not at risk of effects from water pollution in Dublin Bay |
| Are mitigation measures required? | None |
| Residual Impacts? | No |
| Humid dune slacks [2190] To restore the favourable conservation condition of the habitat in the SAC | |
| Potential Impacts Requiring Mitigation | No. Terrestrial habitats located above the high tide line are not at risk of effects from water pollution in Dublin Bay |
| Are mitigation measures required? | None |
| Residual Impacts? | No |
| Petalwort - To maintain the favourable conservation condition of the species in the SAC | |
| Potential Impacts Requiring Mitigation | No. As a terrestrial flora species of damp calcareous dune slacks, found above the high tide line, it is not at risk of effects from water pollution in Dublin Bay |
| Are mitigation measures required? | None |
| Residual Impacts? | No |
| South Dublin Bay SAC | |
| Mudflats and sandflats not covered by water at low tide - To maintain the favourable conservation condition of the habitat in the SAC | |
| Potential Impacts Requiring Mitigation | Yes. An accidental pollution event during construction or operation could affect surface water downstream in Dublin Bay. An accidental pollution event of a sufficient magnitude, either along or cumulatively with other pollution sources, could affect the quality of the intertidal habitats and the fauna communities they support. |
| Are mitigation measures required? | Yes. The mitigation measures described below to protect water quality in the receiving environment will ensure that surface water quality in the River Liffey and Dublin Bay is protected during construction and operation of the proposed development. |
| Residual Impacts? | No |
| Annual vegetation of drift lines - To restore the favourable conservation condition of the habitat in the SAC | |

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| Potential Impacts Requiring Mitigation | Yes. An accidental pollution event during construction or operation could affect surface water downstream in Dublin Bay. An accidental pollution event of a sufficient magnitude, either along or cumulatively with other pollution sources, could potentially affect the quality (vegetation structure and composition) and area/distribution of intertidal/ coastal habitats |
| Are mitigation measures required? | Yes. The mitigation measures described below to protect water quality in the receiving environment will ensure that surface water quality in the River Liffey and Dublin Bay is protected during construction and operation of the proposed development. |
| Residual Impacts? | No |
| Salicornia and other annuals colonising mud and sand - To restore the favourable conservation condition of the habitat in the SAC | |
| Potential Impacts Requiring Mitigation | Yes. An accidental pollution event during construction or operation could affect surface water downstream in Dublin Bay. An accidental pollution event of a sufficient magnitude, either along or cumulatively with other pollution sources, could potentially affect the quality (vegetation structure and composition) and area/distribution of intertidal/ coastal habitats. |
| Are mitigation measures required? | Yes. The mitigation measures described below to protect water quality in the receiving environment will ensure that surface water quality in the River Liffey and Dublin Bay is protected during construction and operation of the proposed development |
| Residual Impacts? | No |
| Embryonic shift dunes - To restore the favourable conservation condition of the habitat in the SAC | |
| Potential Impacts Requiring Mitigation | No. Terrestrial habitats located above the high tide line are not at risk of effects from water pollution in Dublin Bay |
| Are mitigation measures required? | No |
| Residual Impacts? | No |
| North Bull Island SPA | |
| Light-bellied Brent Goose, Shelduck, Teal, Pintail, Shoveler, Oystercatcher, Golden Plover, Grey Plover, Knot, Sanderling, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Turnstone, Black-headed Gull - To restore the favourable conservation condition of the special conservation interests of the SPA, | |
| Potential Impacts Requiring Mitigation | Yes. An accidental pollution event during construction or operation could affect surface water downstream in Dublin Bay. An accidental pollution event of a sufficient magnitude, either along or cumulatively with other pollution sources, could potentially affect |

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| | the quality (vegetation structure and composition) and area/distribution of intertidal/ coastal habitats that support the special conservation interest bird species of the SPA. This could potentially affect the use of habitat areas by birds and have long-term effects on the SPA populations. |
| Are mitigation measures required? | Yes. The mitigation measures described below to protect water quality in the receiving environment will ensure that surface water quality in the River Liffey and Dublin Bay is protected during construction and operation of the proposed development |
| Residual Impacts? | No |
| Wetlands [A999] To maintain the favourable conservation condition of wetland habitats within the SPA | |
| Potential Impacts Requiring Mitigation | Yes. An accidental pollution event during construction or operation could affect surface water downstream in Dublin Bay. An accidental pollution event of a sufficient magnitude, either along or cumulatively with other pollution sources, could potentially affect the quality of the intertidal/ coastal habitats that support the special conservation interest bird species of the SPA. This could potentially affect the use of habitat areas by birds and have long-term effects on the SPA populations. |
| Are mitigation measures required? | Yes. The mitigation measures described below to protect water quality in the receiving environment will ensure that surface water quality in the River Liffey and Dublin Bay is protected during construction and operation of the proposed development. |
| Residual Impacts? | No |
| South Dublin Bay and River Tolka Estuary SPA | |
| Light-bellied Brent Goose, Oystercatcher, Ringed Plover, Knot, Sanderling, Dunlin, Bar-tailed Godwit, Redshank, Black-headed Gull (Note: Grey Plover is proposed for removal from the list of SCI's for the site so no site specific conservation objective is included for the species) - To maintain the favourable conservation condition of the special conservation interests of the SPA | |
| Potential Impacts Requiring Mitigation | Yes. An accidental pollution event during construction or operation could affect surface water downstream in Dublin Bay. An accidental pollution event of a sufficient magnitude, either along or cumulatively with other pollution sources, could potentially affect the quality of the intertidal/coastal habitats that support the special conservation interest bird species of the SPA. This could potentially affect the use of habitat areas by birds and have long-term effects on the SPA populations. |

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| Are mitigation measures required? | Yes. The mitigation measures described below to protect water quality in the receiving environment will ensure that surface water quality in the River Liffey and Dublin Bay is protected during construction and operation of the proposed development. |
| Residual Impacts? | No |
| Roseate Tern - To maintain the favourable conservation condition of the special conservation interests of the SPA | |
| Potential Impacts Requiring Mitigation | Yes. An accidental pollution event during construction or operation could affect surface water downstream in Dublin Bay. An accidental pollution event of a sufficient magnitude, either along or cumulatively with other pollution sources, could potentially affect the abundance of prey fish species and the quality and suitability of roosting sites within the SPA. This could potentially have long-term effects on the SPA's breeding population. |
| Are mitigation measures required? | Yes. The mitigation measures described below to protect water quality in the receiving environment will ensure that surface water quality in the River Liffey and Dublin Bay is protected during construction and operation of the proposed development. |
| Residual Impacts? | No |
| Common Tern - To maintain the favourable conservation condition of the special conservation interests of the SPA | |
| Potential Impacts Requiring Mitigation | Yes. An accidental pollution event during construction or operation could affect surface water downstream in Dublin Bay. An accidental pollution event of a sufficient magnitude, either along or cumulatively with other pollution sources, could potentially affect the abundance of prey fish species and the quality and suitability of roosting sites within the SPA. This could potentially have long-term effects on the SPA's breeding population. |
| Are mitigation measures required? | Yes. The mitigation measures described below to protect water quality in the receiving environment will ensure that surface water quality in the River Liffey and Dublin Bay is protected during construction and operation of the proposed development |
| Residual Impacts? | No |
| Arctic Tern - To maintain the favourable conservation condition of the special conservation interests of the SPA | |
| Potential Impacts Requiring Mitigation | Yes. An accidental pollution event during construction or operation could affect surface water downstream in Dublin Bay. An accidental pollution event of a sufficient magnitude, either along or cumulatively with other pollution sources, could potentially affect |

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| | the abundance of prey fish species and the quality and suitability of roosting sites within the SPA. This could potentially have long-term effects on the SPA's breeding population. |
| Are mitigation measures required? | Yes. The mitigation measures described below to protect water quality in the receiving environment will ensure that surface water quality in the River Liffey and Dublin Bay is protected during construction and operation of the proposed development |
| Residual Impacts? | No |
| Wetlands - To maintain the favourable conservation condition of wetland habitats within the SPA, | |
| Potential Impacts Requiring Mitigation | Yes. An accidental pollution event during construction or operation could affect surface water downstream in Dublin Bay. An accidental pollution event of a sufficient magnitude, either along or cumulatively with other pollution sources, could potentially affect the area and quality of the intertidal/coastal habitats that support the special conservation interest bird species of the SPA. This could potentially affect the use of habitat areas by birds and have long-term effects on the SPA's breeding population. |
| Are mitigation measures required? | Yes. The mitigation measures described below to protect water quality in the receiving environment will ensure that surface water quality in the River Liffey and Dublin Bay is protected during construction and operation of the proposed development. |
| Residual Impacts? | No |

9.9. Mitigation Measures

9.9.1. This section presents the mitigation measures that will be implemented during construction and operation to avoid the potential impacts of the proposed development on the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA. It is stated that all the mitigation measures will be implemented in full and that they are in accordance with best practice, and tried and tested, effective control measures to protect the receiving environment.

9.9.2. Construction Phase

9.9.3. A site-specific Outline Construction and Demolition Management Plan (OCDMP) is also included with the applicant's planning documentation submitted to South Dublin County Council. This brings together the specific measures and contractor requirements that relate to the construction phase of the project.

9.9.4. The construction contractor will be required to implement the following specific mitigation measures as a condition of planning, all of which will be incorporated into the OCDMP, for release of hydrocarbons, polluting chemicals, sediment/silt and contaminated waters control:

- Specific measures to prevent the release of sediment over baseline conditions to the existing surface water drainage network, during the construction work. These measures include, but are not limited to, the use of silt fences, silt curtains, settlement lagoons and filter materials.
- Provision of exclusion zones and barriers (e.g. silt fences) between earthworks, stockpiles and temporary surfaces to prevent sediment washing into the existing drainage systems and hence the downstream receiving water environment.
- Provision of temporary construction surface drainage and sediment control measures to be in place before earthworks commence.
- Weather conditions will be taken into account when planning construction activities to minimise risk of runoff from the site.
- Prevailing weather and environmental conditions will be taken into account prior to the pouring of cementitious materials for the works adjacent to any surface water drainage features, or drainage features connected to same. Pumped concrete will be monitored to ensure no accidental discharge. Mixed washings and excess concrete will not be discharged to existing surface water drainage systems. Concrete washout areas will be located remote any surface water drainage features, where feasible, to avoid accidental discharge to watercourses. Washing out of any concrete trucks on site will be avoided (dry brush shoots will be used instead).
- Any fuels or chemicals (including hydrocarbons or any polluting chemicals) will be stored in a designated, secure bunded area(s) to prevent any seepage of potential pollutants into the local surface water network. These designated areas will be clearly sign-posted and all personnel on site will be made aware of their locations and associated risks.

- All mobile fuel bowzers shall carry a spill kit and operatives must have spill response training. All fuels and chemicals required to be stored on-site will be clearly marked. Care and attention will be taken during refuelling and maintenance operations. Particular attention will be paid to gradient and ground conditions, which could increase risk of discharge to waters.
- A register of all hazardous substances, which will either be used on site or expected to be present (in the form of soil and/or groundwater contamination) will be established and maintained. This register will be available at all times and shall include as a minimum:
 - 1) Valid Safety Data Sheets;
 - 2) Health and Safety, Environmental controls to be implemented when storing, handling, using and in the event of spillage of materials;
 - 3) Emergency response procedures/precautions for each material; and
 - 4) The Personal Protective Equipment (PPE) required when using the material.
- Implementation of response measures to potential pollution incidents.
- Robust and appropriate Spill Response Plan and Environmental Emergency Plan will be prepared prior to works commencing and they will be communicated, resourced and implemented for the duration of the works. Emergency procedures/precautions and spillage kits will be available and construction staff will be trained and experienced in emergency procedures in the event of accidental fuel spillages.
- All trucks will have a built-on tarpaulin that will cover excavated material s it is being hauled off-site and wheel wash facilities will be provided at all site egress points.
- If groundwater is encountered during the proposed works and temporary pumping at a very localised location is required:
 - 1) An appropriate dewatering system and groundwater management system specific to the site conditions will be designed and maintained. These will include measures to minimise any surface water inflow into the excavation,

where possible, and the prolonged exposure of groundwater to the atmosphere will be avoided.

2) Qualitative and quantitative monitoring will be adopted to ensure that the water is of sufficient quality to discharge. The use of silt traps will be adopted if the monitoring indicates the requirement for same with no silt or contaminated water permitted to discharge to the receiving water environment.

- Water supplies shall be recycled for use in the wheel wash. All waters shall be drained through appropriate filter material prior to discharge from the construction sites.
- The removal of any made ground material, which may be contaminated, from the construction site and transportation to an appropriate licenced facility shall be carried out in accordance with the Waste Management Act, best practice and guidelines for same.
- A discovery procedure for contaminated material will be prepared and adopted by the appointed contractor prior to excavation works commencing on site. These documents will detail how potentially contaminated material will be dealt with during the excavation phase.
- Implementation of measures to minimise waste and ensure correct handling, storage and disposal of waste (most notably wet concrete, pile arisings and asphalt).
- All of the above measures implemented on site will be monitored throughout the duration of construction to ensure that they are working effectively, to implement maintenance measures if required/applicable and to address any potential issues that may arise.

9.10. Operation Phase

9.10.1. Surface water run-off generated from the majority of the proposed development site will be discharged to the existing surface water sewer network and then a below ground attenuation chamber. From there, it will be discharged to the River Liffey at the existing Palmerstown/River Liffey outfall. Surface water run-off generated from a smaller section of the proposed development site will drain to the existing surface water system and then discharge to the N4/River Liffey public sewer outfall. Petrol and oil (hydrocarbon) interceptors will be provided at all surface water discharge points of

the development to the existing surface water drain. This is intended to prevent any deterioration of water quality in downstream watercourses. These interceptors will also include silt collection and storage capacity to prevent silt discharge from the development to the receiving environment.

9.11. Residual Impacts

- 9.11.1. The proposed development has the potential to negatively affect water quality in the receiving surface water environment during construction and operation and, therefore, there is the potential for the conservation objectives of the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA to be negatively affected. Mitigation measures will be implemented reducing the risk of negatively affecting water quality in the receiving surface water environment and ensuring that the receiving surface water network is protected and the conservation objectives of the above Natura sites are not negatively affected by the proposed development. There are therefore, no residual direct or indirect impacts associated with the proposed development that could adversely affect the integrity of the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA.

9.12. In Combination Assessment

- 9.12.1. This section of the report presents the assessment carried out to examine whether any other plans or projects have the potential to act in combination with the proposed development to adversely affect the integrity of the four European sites within its Zol: South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA. All other European sites fall beyond the Zol of the proposed development. Therefore, there is no potential for any other plans or projects to act in combination with the proposed development to adversely affect the integrity of any other European sites.
- 9.12.2. Following the implementation of the mitigation measures outlined above, none of the potential impacts associated with the proposed development will result in any perceptible residual effect on the receiving environment. Therefore, there will not be any residual impacts associated with the proposed development that will affect the

conservation objectives supporting the conservation condition of the qualifying interests of the South Dublin Bay SAC and North Dublin Bay SAC or the special conservation interests of the South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA, and the proposed development will not adversely affect the integrity of those European site.

9.12.3. There is the potential for other pollution sources within the River Liffey Catchment and any other catchments that also drain to Dublin Bay (e.g. the River Dodder and River Tolka catchments) to cumulatively affect water quality in the receiving estuarine and marine environments. Any plan or existing/proposed project that could potentially affect these European sites in combination with the proposed development must adhere to the overarching environmental protective policies and objectives of the relevant land use plans (such as the *South Dublin County Development Plan 2016-2022*, *Dublin City Development Plan 2011-2017*, *Fingal Development Plan 2011-2017* and *Dun Laoghaire-Rathdown County Development Plan 2010-2016*), as dependent on the location of the specific plan or project. These policies and objectives will ensure the protection of the European site within the zone of influence of the proposed development, and include the requirement for any future plans or projects to undergo Screening for Appropriate Assessment and/or Appropriate Assessment to examine and assess their effects on European sites, along and in combination with other plans and projects.

9.12.4. As the proposed development itself will not have any perceptible effects on the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA, and considering the protective policies and objectives of the overarching land-use plans to protect European sites and the receiving environment, there is no potential for any other plan or project to adversely affect the integrity of the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA in combination with the proposed development.

9.13. **Conclusion**

9.13.1. Following an examination, analysis and evaluation in light of best scientific knowledge of all relevant information in respect of the Qualifying Interest habitats and species of

the SAC and Special Conservation Interests of the SPA, the potential impacts and mitigation measures, and whether or not the predicted impacts would affect the conservation objectives that support the conservation condition for the qualifying interests concerned, it has been concluded that the proposed development does not pose a risk of adversely affecting (either directly or indirectly) the integrity of the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA, either alone or in combination with other plans or projects and there is no reasonable scientific doubt with the conclusion. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effect.

10.0 Assessment Conclusion

- 10.1. The proposed development before the Board comprising a substantial extension to the Liffey Valley Shopping Centre is acceptable in principle having regard to the zoning objective for the site to maintain Liffey Valley as a Major Retail Centre in the County. However, as documented, in the previous appeal on this site, for a similar development albeit of a larger scale, the Board refused planning permission on the basis that the proposed development would have a negative impact on the operation and safety of the strategic road network in the area, in particular the N4 and M50 and important junctions, and on the local road network accessing the site thereby creating serious traffic congestion.
- 10.2. It is noted that significant steps have been taken to overcome the previous reason for refusal. For example in the intervening time the applicant in conjunction with key stakeholders (SDCC, NTA and TII) have prepared the Liffey Valley Access Study, the vision statement for which is to *'create a sustainable, efficient and attractive transport network connecting Liffey Valley with South Lucan, North Clondalkin and Palmerstown to support the social, economic and environmental well-being of the local area'*. In addition, separate planning applications have been made that would also contribute to addressing the previous reason for refusal by An Bord Pleanála, in terms of traffic management and the impact on the surrounding road network. These include a bus interchange which will accommodate improved public transport access via bus, and which was approved by An Bord Pleanála last year.

- 10.3. In response to a request for further information the applicant included critical infrastructure both within and outside of the site boundary, sustainable transport improvements, car parking and parking management including monitoring, cycle parking and cycle routes, improved public transport and external transport improvements, appropriate and timely delivery of critical pieces of infrastructure and demand management measures, which address the previous reason for refusal and all of which would facilitate the development as well as the future growth of the surrounding area,
- 10.4. Overall, I am satisfied that the previous reason for refusal on this site has been adequately addressed and that subject to conditions that the proposed scheme now before the Board is acceptable.

11.0 Recommendation

- 11.1. I have read the submissions on file and visited the site. Having due regard to the provisions of the Development Plan, together with all other issues arising, I recommended that permission be **granted** for the following reasons and considerations.

12.0 Reasons and Considerations

- 12.1. Having regard to:

- a) The zoning objectives for the site as a Major Retail Centre in the South Dublin County Development Plan, 2016-2022
- b) The planning history associated with the site
- c) The nature and extent of existing and permitted development on the site and in the vicinity,
- d) The proposed improvements to the road network and public transport infrastructure in the area,
- e) The nature, scale and design of the proposed development including the public realm provision and enhancements

it is considered that subject to compliance with the conditions set out below, the proposed development would constitute an appropriate form of development, would

not be contrary to the retail policy as set out in the South Dublin County Development Plan, 2016-2022, would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of pedestrian and traffic safety and convenience and would be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

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| 1. | <p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 12th day of February 2021 and by the further plans and particulars received by An Bord Pleanála, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity</p> |
| 2. | <p>All environmental mitigation measures set out in the Environmental Impact Assessment Report and associated documentation submitted by the developer with the application, by way of further information and the appeal shall be implemented in full except as may otherwise be required in order to comply with the conditions of this order.</p> <p>Reason: In the interest of clarity and to protect the environment during the construction and operational phases of the development.</p> |
| 3. | <p>Prior to the occupation of this Liffey Valley Shopping Centre Extension development, the permitted Bus Interchange and bus priority measures shall be fully implemented and operational at Liffey Valley Shopping Centre</p> <p>Reason: In the interest of sustainable travel, amenity, and in the interest of proper planning and sustainable development of the area</p> |

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| 4. | <p>a) The applicant shall implement a parking charging strategy prior to the occupation and operation of this development based on the following rates:</p> <ul style="list-style-type: none"> ▪ A standard Parking Charge of €2:00 per hour. ▪ No charge for hours 2 and 3 unless staying over 5 hours in which case there shall be no free hours (to deter long stay parking). <p>This parking management strategy shall be reviewed on an annual basis and any changes shall be agreed in writing with the Planning Authority and be subject to the results of the Parking Monitoring Report.</p> <p>b) The applicant shall submit a Parking Monitoring Report to the Planning Authority on an annual basis. The report shall contain origin and destination surveys using the permanent counters detailed on Figure 14 of the Transport Response Report. This report shall target a 10% reduction in car trips to the Centre based on 2019 car trip data after the implementation of the paid parking strategy. These figures shall also analyse the impact on traffic using the national road network and the two N4 slips onto the Fonthill Road and inform decisions within the annual review of parking charges.</p> <p>Reason: In the interest of sustainable travel and compliance with the Council's Development Plan.</p> |
| 5. | <p>a) A maximum total of 900 car parking spaces shall be provided at the proposed development.</p> <p>b) A minimum total of 90 parking spaces shall be EV charging ready on the first opening of the development. The remaining spaces shall be ducted for future EV connections.</p> <p>c) There shall be a total of 45 (5% of additional) mobility impaired parking spaces provided.</p> <p>Reason: In the interest of amenity and in the interest of proper planning and sustainable development of the area.</p> |

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| 6. | <p>The applicant shall provide 350 bicycle spaces prior to the opening of the proposed development. The number of spaces shall be increased annually over a 5-year period to a minimum of 680 spaces. Details shall be agreed with the Planning Authority prior to commencement of work on site.</p> <p>Reason: In order to encourage and facilitate sustainable travel patterns in the interests of the proper planning and sustainable development of the area.</p> |
| 7. | <p>Prior to the commencement of development, the developer shall submit the following for the written agreement of the Planning Authority:</p> <ul style="list-style-type: none"> a) A 0.75-1.0m buffer zone shall be provided between the on-street parking spaces and the cycle tracks to the east of the service yard entrance, replicating that proposed on the western side of the entrance. b) Details of the proposed planting in the vicinity of the exit of the eastern service yard shall be submitted that include low level planting only or should be omitted in order to ensure the safety of pedestrians and cyclists by providing for maximum visibility around this exit. <p>Reason: In the interests of pedestrian and cyclist safety and the proper planning and sustainable development of the area.</p> |
| 8. | <p>A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:</p> <ul style="list-style-type: none"> a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development that accords with the specifications and requirements of the Council's Public Realm Section. b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings; c) details of proposed street furniture, including bollards, lighting fixtures and seating; d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes. |

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| | <p>The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.</p> <p>Reason: In the interest of visual amenity</p> |
| 9. | <p>Prior to the commencement of development, the applicant/owner shall lodge the following for the written agreement of the Planning Authority:</p> <ol style="list-style-type: none"> 1) A bat and bird survey for bat and bird usage carried out across the entire site and immediately adjoining sites to assess roosting and feeding/foraging activities and assessing potential impact on these species arising from the proposed development. 2) No building, structure, feature or tree/hedgerow shall be altered, destroyed or removed prior to this assessment. 3) The survey shall be undertaken by a suitably qualified and experienced bat surveyor (carrying professional indemnity insurance) in consultation with the Heritage Officer during the correct time of the year and under the weather conditions appropriate for a survey of such species. <p>If bats and/or birds are found to be present on the site or the immediately adjoining sites no development shall take place until the necessary permission/derogation licence has been obtained from the National Parks & Wildlife Service.</p> <p>Reason: In the interests of bat protection and in the interests of the proper planning and sustainable development of the area.</p> |
| 10. | <p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:</p> <ol style="list-style-type: none"> a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and |

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| | <p>c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order 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> |
| 11. | <p>Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no further advertisement signs (including any signs installed to be visible through windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the development or within the curtilage of the site, unless authorised by a grant of planning permission.</p> <p>Reason: To protect the visual amenities of the area and in the interest of the proper planning and sustainable development of the area.</p> |
| 12. | <p>Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.</p> <p>Reason: In the interests of amenity and public safety</p> |
| 13. | <p>a) Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>b) Prior to the commencement of development a detailed SUDS scheme for the proposed development which meets the objectives of South Dublin County Council Development Plan 2016-2022 shall be submitted to and approved in writing by the Planning Authority</p> <p>Reason: In the interest of public health</p> |

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| 14. | <p>Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of the visual amenities of the area.</p> |
| 15. | <p>No external security shutters shall be erected on any of the commercial premises fronting onto public roads and public spaces, unless authorised by a further grant of planning permission. Details of all internal shutters shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p> |
| 16. | <p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p> |
| 17. | <p>Prior to commencement of development, the developer shall submit to, and obtain the written agreement of the planning authority, a plan containing details for the management and safe disposal of all waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities.</p> |

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| | Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment |
| 18. | <p>The construction of the development shall be managed in accordance with a Site Traffic and Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p> <ul style="list-style-type: none"> a) hours of construction and operation, b) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse. c) Location of areas for construction site offices and staff facilities. d) Details of site security fencing and hoardings. e) Details of on-site car parking facilities for site workers during the course of construction. f) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site if required g) Measures to obviate queuing of construction traffic on the adjoining road network. h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network. i) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works. j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels. k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater. |

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| | <p>l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.</p> <p>m) details of construction lighting, and</p> <p>n) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.</p> <p>A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.</p> <p>Reason: In the interests of amenities, public health and safety</p> |
| 19. | <p>Prior to commencement of work on site the developer shall contact Weston and Casement Aerodromes to ensure that any crane operations necessitated during construction do not adversely impact the safety of operations.</p> <p>Reason: In the interest of proper planning and sustainable development of the area.</p> |
| 20. | <p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.</p> <p>Reason: In the interests of visual and residential amenity.</p> |
| 21. | <p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site on cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> |

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| | Reason: To ensure satisfactory reinstatement of the site. |
| 22. | <p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p> |
| 23. | <p>The developer shall pay to the planning authority a financial contribution as a special contribution under Section 48(2) (c) of the Planning and Development Act 2000 in respect of the external junction upgrades at Fonthill Road/ Coldcut, N4 eastbound off slip, Fonthill Road/ St Lomans Road and the N4westbound off slip and Fonthill Road and associated alignment, traffic management and sustainable transport improvements as submitted as part of this planning application. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.</p> |

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| | Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development |
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Mary Crowley

Senior Planning Inspector

20th October 2021