



An
Bord
Pleanála

Inspector's Report

ABP-311315-21

Development	Park development project at the Racecourse Park
Location	Located between Baldoyle and Portmarnock, Co. Dublin
Planning Authority	Fingal County Council
Applicant(s)	Fingal County Council
Type of Application	Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment)
Prescribed Bodies	Iarnrod Éireann
Observers	Jimmy O'Byrne Glenn Tier Martha Burke Margaret M. Critchley Malgorzata Skrzypczak Emma Spelman Cllr. David Healy Anthony Dempsey

Baldoyle Forum CLG

Baldoyle United Football Club

Baldoyle Tidy Towns

Date of Site Inspection

11 July 2022

Inspector

Una Crosse

1.0 Introduction

- 1.1. Fingal County Council is seeking approval from An Bord Pleanála to undertake works related to the development of Racecourse Park which is located within/adjacent to the Baldoyle Bay SAC and SPA which are designated European sites. There are other designated European sites (SPAs and SACs) in proximity to the proposed works (see further analysis below). A Natura Impact Statement (NIS) and application under Section 177AE was lodged by the Local Authority on the basis of the proposed development's likely significant effect on a European site/s.
- 1.2. Section 177AE of the Planning and Development act 2000 (as amended) requires that where an appropriate assessment is required in respect of development by a local authority the authority shall prepare an NIS and the development shall not be carried out unless the Board has approved the development with or without modifications. Furthermore, Section 177V of the Planning and Development Act 2000 (as amended) requires that the appropriate assessment shall include a determination by the Board as to whether or not the proposed development would adversely affect the integrity of a European site and the appropriate assessment shall be carried out by the Board before consent is given for the proposed development.

2.0 Proposed Development

2.1. Context

The subject site is located between Baldoyle to the south and Portmarnock to the north. The Portmarnock South LAP and the Stapolin/Baldoyle LAP were prepared and adopted in 2013 (both of which have been extended to 2023) to guide the housing development on the lands north and south of the Racecourse Park catering for the construction of approximately 2500-4000 homes. The LAP's also include a combined masterplan strategy and objectives for the Park which have been further refined within the Park Development Plan which seeks to create an attractive natural amenity area for existing and future residents while protecting the natural habitats. The documentation received also outlines how the proposal and some of the existing features such as the greenway, SUDS ponds and geese feeding site comprise

mitigation measures associated with the AA undertaken for the LAP's given the location of the site vis a vis Baldoyle Bay which is an SAC and SPA.

2.2. Proposed Works

The development comprises the following elements:

2.2.1. 4.5km of new walking and cycling routes including a bridge over the Mayne river and repair to the railway underpass.

Walking and Cycling Routes

The pathway network comprises segregated walking and cycling routes linking the nearby housing developments at Portmarnock, Baldoyle and Clongriffin with the facilities in the park and the wider strategic network of walking and cycling routes in the area.

Railway Underpass

It is proposed to connect the walking and cycling network in the park with the Dublin City Council lands at Clongriffin on the west side of the railway line with a shared walking and cycling facility as far as the railway underpass on the DCC lands. Minor repairs are required to allow for the greenway route to traverse the railway arch.

New Pedestrian and Cyclist Bridge

Construction of a new bridge next to the existing construction haul road bridge across the Mayne River. A 10m long and 5m wide bridge is proposed to provide a shared surface for pedestrians and cyclists to cross the river without creating a bottleneck and avoiding the risk of collisions that comes with a narrower span. It is also proposed to replace the existing design and repainting the railings on the existing pedestrian bridge.

Road Crossings

The development also includes road crossings at Grange Road, Red Arches Road, and Moyne Road. It is also proposed to provide a Toucan crossing and traffic lights across the temporary construction haul route, to be removed when the construction which the haul route facilitates is complete.

Entrances

The following entrances are proposed

- Coast Road, Portmarnock – defined termination and entry point with introduction of low limestone rubble wall.
- Grange Road – Baldoyle - seeks to alleviate the bottleneck between the existing fence to Admiral Park and the wall/fence at Castlerosse View through partial realignment of the fence along Admiral Park.
- Castlerosse View – relocate southern entrance into the park from Castlerosse View 50m to the north.
- Red Arches Road – existing entrance at former marketing suite and new entrance along south side of road will provide access. Existing entrance west of community garden will provide vehicular access to overflow car park with changes to the gates.
- Red Arches Roundabout – existing park entrance arrangement at Red Arches changed to allow for direct access into the park for pedestrians and cyclists.

2.2.2. Public lighting along key walking and cycling routes

Proposed to provide public lighting along the main walking and cycling route from Clongriffin towards the coastal greenway and towards the Grange Road and the main carpark. The public lighting design is based on 6m high columns at 25m centres with LED lanterns with direction lighting with no light spilling towards the park or the estuary with automatic dimming between 11pm and 6am to reduce the impact on sensitive wildlife.

2.2.3. Expanding the existing car park to cater for up to 161 car parking spaces

The car parking proposals comprise:

- A new car park at the Red Arches Road to serve the park, the pitches and the future community centre with space for c.161 cars and comprised of a tarmac driving surface with grasscrete parking bays facilitating natural drainage. EV charging points are proposed.

- A grass overflow car park is proposed on the flat amenity grassland to the west of the community gardens to allow for an overspill on busy summer days which will be accessible via the existing entrance gates west of the community gardens.

Recreational Facilities

2.2.4. Upgrading and expanding the existing playground

Proposed as approximately twice the size of the existing playground allowing it to cater for a wider age range of children from 0-12 with a natural theme in keeping with the natural surroundings including: zipline, trampolines, water & sand play, tower & slide, obstacle course and climbing wall. Timber play equipment is predominantly proposed with the base a mixture of grass, sand and woodchip surfacing. The playground also proposes natural play features with water, sand, stones and tree trunks for the younger age groups.

2.2.5. Skate park, Teenage Adventure Playground and Multi use games area;

A teenzone is proposed for the area north of Red Arches road and comprises of a skatepark, play equipment and a MUGA.

The skate park will cater for skateboarding, rollerblading and BMX including a street style plaza with multiple levels with steps and grind rails, shallow $\frac{1}{4}$ pipes, curved ramps and a large open bowl. Play equipment popular with teenagers such as Ziplines and bird nest swings are proposed in the vicinity of the skatepark.

A Multi Use Games Area (MUGA) will provide opportunities for playing 5-a-side football and basketball.

The design for the Teen Zone includes a generous amount of planting and mounding to integrate these facilities in the natural setting and to provide visual screening for the Silverbank Apartment block with the planting and mounding also providing a natural barrier to deflect the noise generated by these facilities and provide shelter from strong coastal winds.

2.2.6. Bowls green

A bowls green is to be developed immediately north of the pumping station with a grass lawn surface flanked by a sunken edge to retain balls and surrounded by shrubs and trees to provide screening from the coastal winds.

2.2.7. Dog run

A 3 acre dog run will be provided north of the Red Arches road surrounded by hedge planting to allow the area to be visually incorporated into the rest of the park. Tree planting with semi-mature trees and a shrub understorey is proposed along the boundary with the Silverbank apartments to reduce the visual impact for the apartment owners.

2.2.8. Four grass football pitches

Four new grass playing pitches are to be created south of the Moyne road to cater for the extra demand for pitches and while the site is relatively flat site some minor regrading is proposed.

2.2.9. A viewing platform

It is proposed to develop a necklace of ponds to the side of the Snugborough stream to make the water more visible to the visiting public with the ponds fed from the Snugborough stream with a viewing platform is proposed on the edge of the largest pond.

2.2.10. Tracing of circular archaeological feature through soft landscaping and removal of existing fence

The circular enclosure monument (DU015-055) is currently surrounded by broken palisade fencing with the subject proposal to set back the fencing and make this enclosure more visible by placing a 1m high and 1.5m wide embankment on a terram surface on the outer perimeter of the monument with the embankment sown with wildflowers. Signage is proposed at the enclosure to provide more information on the monument.

2.2.11. Extension of existing reedbed south of Mayne river and creation of new brackish grassland north of Mayne river

The existing surface water outfall next to the point where the Snugborough stream discharges in the Mayne river is proposed to be relocated about 25m further south-west and the ground levels lowered between the new outfall point and the river. The excavated area will be planted with reeds collected from the adjoining reedbed. The reedbeds will provide additional water quality treatment of the surface water discharging from this pipe and provide additional breeding habitat for typical reedbed birds such as reed warbler.

Lowered of lands to the north of the river to the same ground levels as the brackish grassland on the south side of the river which will replace the species poor grassland with Mediterranean Salt Meadow habitat (one of the qualifying interests of the Baldoyle Bay SAC).

2.3. Land Ownership

The lands are in the ownership of a number of landowners but with the majority owned by Final County Council. A map included in Appendix 2 of the Planning Report which delineates the ownership. It is proposed that the lands not currently within the Council's ownership will be handed over to the Council once the conveyancing has been completed. Letters of consent from the landowners have been included in the application documentation.

2.4. Phasing

It is proposed to develop the proposal in three phases as follows:

Phase 1 (c.8 months)

Infrastructure such as the main car park, located to the north of Red Arches playing pitches, the walking/ cycling routes south of the Moyne Road, and the sports pitches north of the River Mayne. Also proposed are any regrading and excavations works related to introducing a new aspect of ecology to the site (e.g. planting, ponds, regrading works etc.), as well as any improvements to the northern part of the existing Greenway entrance.

Phase 2 (c.10 months)

Provision of the proposed playgrounds, skate park and dog run.

Phase 3 (c.4 months)

Provision of a further pedestrian/ cyclist link running from the new greenway near the railway arch at Clongriffin, over the River Mayne, Moyne Road and around the paddock to link with the existing coastal greenway.

2.5. Documents Accompanying Application

The following reports were received with the application for approval:

- Planning Report (August 2021)
- Racecourse Park, Park Development Plan (April 2021)
- Map & Preliminary Design Report (March 2021)
- Natura Impact Statement and AA Screening Report
- Ecological Impact Assessment Report
- EIA Screening Report (April 2021)
- Environmental Report (April 2021)
- Letters of Consent from 3 land owners
- Public Notices, cover letter and list of Prescribed Bodies.

3.0 Site and Location

This is a large site of approximately 84 hectares in area extending in a north south direction from Baldoyle to the southern edge of Portmarnock incorporating the lands known as the Racecourse Park located in the north Dublin suburb of Baldoyle and lies south of Portmarnock. It is noted that these lands were used for tillage farming until c.10 years ago and since then have been replaced with a dedicated grazing site for migratory birds and extensive wildflower meadows and two large SUDS ponds. There are also existing pathways within the site to the south of Moyne Road with existing car parking, playing fields, community garden and playground either side of the Red Arches Road from where the site is access with access also available from the Grange Road to the south.

The site is traversed through its centre by the Moyne Road (R123), along its western boundary by the Dublin Belfast rail line and to the south by the Red Arches Road. At its most southern boundary it adjoins the rear of the Admiral Park residential

development. To the north the site follows the new greenway from the Coast Road which traverses the subject site southwards before veering west to traverse the ringfort before heading west/south and west towards the rail line. The eastern boundary of the site adjoins the Coast Road for most of its length with the recently constructed greenway parallel to same within the subject site.

To the north of the site there are a number of dwellings which front the coast road at the junction into Portmarnock village. Along the Coast Road there are four dwellings and an IAA beacon set along the boundary of the park. There are also several houses and a halting site located on both sides of the Moyne Road. To the south and southeast of the site is adjoined by mature residential dwellings within Admiral Park and Castlerosse View. North of the Red Arches Road and west of the Park, there is a large area of recently constructed residential units within the Coast.

4.0 Planning History

4.1. Overview

There are a large number of planning applications, current, extant and expired within the area as well as considerable recent residential development to the north, northwest and southwest of the lands as well as further west of the rail line. The following developments are of note in context of access within and around the lands.

4.2. Ref. ABP-300840-18

Permission was granted by ABP for the construction of a c.1.8km pedestrian and cycleway adjacent to the Coast Road (R106) from Baldoyle (Red Arches Road) to Portmarnock (just south of the Coast Road/Station Road roundabout). This has been completed.

4.3. Ref. F20A/0700

Permission was granted by Fingal County Council for the construction of a construction haul road extending eastwards from the eastern edge of the existing St. Marnocks Bay residential area (Phase 1A & 1B) turning south to connect with Moyne Road of approximately 860m in length and 6.5m wide. An additional east-west spur of approximately 245m in length and 6.5m wide is also proposed from the eastern edge of the permitted residential development (Phase 1C - ABP Ref. ABP-305619-

19 refers) which connects with the primary length of haul road running north-south to Moyne Road.

5.0 Legislative and Policy Context

5.1. The EU Habitats Directive (92/43/EEC)

This Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) and 6(4) require an appropriate assessment of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European Site (SAC or SPA).

5.2. European Communities (Birds and Natural Habitats) Regulations 2011, as amended.

These Regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgements. The Regulations in particular require in Reg 42(21) that where an appropriate assessment has already been carried out by a 'first' public authority for the same project (under a separate code of legislation) then a 'second' public authority considering that project for appropriate assessment under its own code of legislation is required to take account of the appropriate assessment of the first authority.

5.3. National nature conservation designations

The Department of Housing, Local Government and Heritage and the National Parks and Wildlife Service are responsible for the designation of conservation sites throughout the country. The three main types of designation are Natural Heritage Areas (NHA), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) with the latter two forming part of the European Natura 2000 Network. European sites located within or in proximity to the subject site include:

- Baldoye Bay SAC [000199]
- Baldoye Bay SPA [004016]

- North Bull Island SPA [004006]
- Malahide Estuary SPA [004025]
- Malahide Estuary SAC [000205]
- Rogerstown Estuary SPA [004015]
- Rogerstown Estuary SAC [000208]
- North Dublin Bay SAC [000206]
- Howth Head SAC [000202]
- Ireland's Eye SAC [002193]
- Ireland's Eye SPA [004117]
- Lambay Island SAC [000204]
- South Dublin Bay and River Tolka Estuary SPA [004024]
- South Dublin Bay SAC [000210]
- Rockabill to Dalkey Island SAC [003000]

5.4. **Planning and Development Acts 2000 (as amended)**

Part XAB of the Planning and Development Act 2000, as amended sets out the requirements for the appropriate assessment of developments which could have an effect on a European site or its conservation objectives.

- 177(AE) sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.
- Section 177(AE) (1) requires a local authority to prepare, or cause to be prepared, a Natura impact statement in respect of the proposed development.
- Section 177(AE) (2) states that a proposed development in respect of which an appropriate assessment is required shall not be carried out unless the Board has approved it with or without modifications.
- Section 177(AE) (3) states that where a Natura impact assessment has been prepared pursuant to subsection (1), the local authority shall apply to the

Board for approval and the provisions of Part XAB shall apply to the carrying out of the appropriate assessment.

- Section 177(V) (3) states that a competent authority shall give consent for a proposed development only after having determined that the proposed development shall not adversely affect the integrity of a European site.
- Section 177AE (6) (a) states that before making a decision in respect of a proposed development the Board shall consider the NIS, any submissions or observations received and any other information relating to:
 - The likely effects on the environment.
 - The likely consequences for the proper planning and sustainable development of the area.
 - The likely significant effects on a European site.

5.5. Local Planning Policy

- 5.5.1. The lands to the north of the Moyne Road (R123) form part of the Portmarnock South LAP. The zoning provisions relating to the site as set out in the County Development Plan (Sheet 9) is Objective O5 which seeks to preserve and provide for open space and recreational amenities. This zone is also an ecological buffer zone.
- 5.5.2. The lands to the south of the Moyne Road (R123) are located within the Baldoyle/Stapolin LAP area. The lands are zoned Objective HA in the County Development Plan (Sheet 10) the objective of which is to protect and enhance high amenity areas. There are smaller areas zoned Objective O5 which seeks to preserve and provide for open space and recreational amenities. The cycle/pedestrian route objective runs along the eastern boundary of the site and there are two green infrastructure objectives, one each to the north and south of the Red Arches Road.
- 5.5.3. Appendix 1 (page 19) of the planning report submitted with the application sets out objectives from both LAP's as they relate to the site/proposal.

6.0 Consultations

- 6.1. The application was circulated to the following bodies:

- An Taisce
- The Heritage Council
- Inland Fisheries Ireland
- Minister for the Department of Environment, Climate & Communications,
- Minister for the Department of Housing, Local Government & Heritage
- Dublin City Council
- National Transport Authority
- Irish Water
- Irish Rail
- Dublin Airport Authority
- Irish Aviation Authority

One response was received from the following which I have summarised:

6.2. **Iarnrod Eireann**

- Developer must take account of Railway Safety Act 2005 in Design, Construction and Operation of the Scheme and engage with Iarnrod Eireann on technical requirements for mitigating impacts.
- Boundary adjoins Dublin- Belfast rail line at two locations with plans assuming that property boundary corresponds with OSI mapping which is unreliable approach and probable that development encroaches on CIE/IE lands with no dimension/GPS records provided in documents between boundary wall and the track to allow for comparison with records. Applicant required to engage with IE providing detailed cross sections to agree line of proposed boundary.
- Dart+ Coastal (Northern Line) currently at Phase 2 (Project Concept, Feasibility & Option Selection) and may require land take to facilitate a works corridor for track and bridge upgrade and require that no development take placed within an area

25m east of the nearest running edge of the rail without written permission of IE. Consultation with IE on the Dart + Coastal requested.

- Access to Dart + construction site required to be maintained to R123 Moyne Road with licence agreement to be maintained and updated.
- Proposal to connect a walking/cycling network with DCC lands in Clongriffin on the west side of railway line shown on drawing DN1815-101 incorrectly shows extent of Council ownership adjacent UBB19(Fig 1) with approach and embankments to railway bridge UB19 in full ownership of CIE (section 46 Railway Clauses Consolidation Act 1845 with formal consent required to include lands within CIE ownership in planning application and works proposed to approach road, embankments etc requiring a licence from IE.
- No reference as to how the proposed ground levels of the development may change existing topography with detailed submission of proposed topography including engineering assessment of drainage required to be approved by IE.
- Railway boundary be secured with 2.4m high appropriately designed boundary fence/wall to be maintained by applicant, secured during construction and require applicant build boundary treatment before other work commences on site. No building within 4m of boundary on applicant's site.
- Avoid planting deciduous trees along railway boundary to reduce risk of low rail adhesion during leaf fall season.
- Provision for maintaining security of the railway boundary during construction phase and agreed permanent boundary treatment to be completed early in development.
- Access for IE staff to culverts/bridges should not be hindered.
- Railway mounds and drainage ditches to be preserved except where written consent received.
- No additional surface water/effluent discharged or allowed to seep into railway property.
- Excavations infringing on Track Support Zone require permission and approval of Senior Track and Structures Engineer (drawing provided).

- CIE agreement required for use of crane which could swing over railway property.
- Any proposed services required to cross along, over or under railway property must be subject of wayleave agreement.
- No overhang of any part of the development over railway property.
- Lights from construction or operational phases should not cause glint or glare with survey required to confirm.
- Applicant to be aware of normal vibrations and noise from railway operations and maintenance and 24/7 operation with boundary treatments to be designed to mitigate same.
- Height restricted bridge (UBB20) exists on R123 Moyne Road with clearance 3.85m with traffic management plan required to prevent constriction traffic having to traverse this bridge.
- 21 days written notice to IE of any intended works that could disrupt road traffic being carried out in vicinity of bridge UBB20

7.0 Public Submissions

11 submissions from members of the public/interest groups were received the matters arising within which are summarised as follows:

- Site is within high sensitive landscape and zoned high amenity.
- Proximity of proposal to the Coast development and impact on same of proposed skate park, teenage adventure playground, dog run and car park
- Proposal should include pitch and putt courses given recent resurgence of this activity with one pitch requiring c.2 acres.
- Proposed skate park, teenage adventure playground and car park will not protect, maintain or enhance natural beauty of the area which is a strategic policy of the County Plan or the Baldoyle Development objective of protecting the visual break and open character between Baldoyle and Portmarnock.

- View from apartment blocks (Alder House) facing the scenic park will be disrupted and proposed amenities should be relocated to an area where they will not negatively impact residents.
- Noise pollution from amenities such as skate park, playground, dog run would create high levels of noise and disturbance impacting residents' quality of life with proposed inclusion of a Yalp Fono Interactive DJ booth adding to levels of noise to be endured and should be relocated.
- Noise pollution from dog park and impact on Silverbanks not evaluated or no acoustic screening proposed.
- Noise from dog barking meets criteria for nuisance (EPA Act 1992/EU Directive 2002/49/EC) with noise mitigation measures required.
- Levels of anti-social behaviour in the area in recent years well documented and increasing with history of regular fire, intimidating behaviour, vandalism, noise pollution, motorbike scrambling and violence with addition of skate park attracting further problems.
- Reference to councillors warning of anti-social behaviour posing risk to people in recently opened skate park in Kilkenny and reference to issues at other skate parks around the country and in the UK.
- Existing skate park in Father Collins Park c.1.3km from Racecourse Park and question need for same type of facility or option of upgrading existing facility.
- Refer to statement that skate park and adventure playground will provide visual screening for the Silverbanks Apartment blocks when Development Plan requires that public open spaces should be overlooked to reduce anti-social behaviour through passive surveillance. How can surveillance and screening be achieved (Keeping it Green document).
- Safety will become a huge issue for local residents and visitors to the park given problems with anti-social behaviour with negative impact on property prices.
- Propose skate park moved adjacent to existing playground/or sink skate park into the ground to prevent visual impact and buffer noise.

- Visual impact of proposed skate park, teenage adventure playground and car park on residential properties which will look out of place with particular reference to proposed metal bridge type structure directly in front of residential properties (pg 27 of Racecourse Park Preliminary Design Report – picture titled seating overlooking rubber mound-agility area).
- Question if tree coverage around skate park will extend to overflow car park.
- Car park will act as a park and ride facility for the nearby Clongriffin train station.
- Whether use of skate park and overflow car park permitted within the zoning.
- Capacity of overflow car park not provided, and no calculations provided to justify 161 space requirement.
- Adjoining LAP area has contrasting approach to overprovision of car parking.
- Existing car parking area rarely used with solution to parking provided by infrastructure rather than management with provision of car parking encouraging use of cars.
- Baldoyle Community Hall has no parking and has adopted a green agenda and encourage Active Travel to events and would like to see Active Travel supported in subject proposal and do not consider green space should be removed to provide car parking with limitation of car parking required.
- Question need for scale of parking given transport links and no parking at Father Collins Park with overflow park within ecological buffer zone.
- Question proposed future car park strategy enlargement to Red Arches Road.
- Injure amenities of properties by reason of traffic generation and general disturbance.
- Areas on the plan listed 3, 12, 14 may compromise the European site (Baldoyle Bay) as used by Brent Geese as a secondary feeding site.
- Keeping it green/open space strategy requires consideration provided to all section of the community and do not consider impact on local residents considered.

- Proposed skate park, teenage adventure playground and car park will not integrate into natural landscape as required by objective G122.
- Lighting poles (6m) proposed with the Board in the 'greenway' case (300840) recommending use of bollard lighting which would be more sympathetic and result very positive and urge Board to impose similar condition.
- Urge Board to specify a non-slip surface to steel bridges with existing greenway bridge very slippery.
- Steel arches (boxes) for Grange Road Access inappropriately industrial feel to the entrance with high quality landscaping preferred and better use of resources.
- People of Baldoyle want and need a green area for more markets/open air gigs, free wifi and hang out/recreational opportunities within event spaces.
- Use of graffiti resistant materials/coatings and question resources to deal with removal of graffiti.
- Purpose of haulage route and concern regarding further traffic on Moyne Road.
- Not clear if Old Baldoyle Wall (heritage structure) is to be removed to provide viewing platform/seating area with potential for removal to impact natural ecosystem and potential for anti-social behaviour in seating area with concern at potential disruption of nature reserves.
- Consideration requested to retain as much existing trees/planting as possible.
- Needs of local sports clubs not fully addressed and while 4 pitches welcomed, disappointed that no full size, floodlit all-weather pitch proposed on Council lands with location of same on lands not owned by FCC and subject to future acquisition with no guarantee of implementation and needed now.
- Currently have to rent an all-weather pitch in Kilbarrack at cost and inconvenience to club/members.
- Insufficient sports facilities to cater for substantial growth in population of Baldoyle.
- Should avoid use of concrete and use natural materials with low to zero carbon output and community involvement in building and planting as much as practical.

- Given much of site is unusable for buildings/facilities, proposal concentrates too much in one place (North 3) with park providing ecological, education and recreational functions with impact on brent geese and other birds and loss of community green space.
- Scaled back version of proposed teen area incorporating natural materials good compromise.
- Council should invest in existing facilities such as the Youth Club/pay membership fees for clubs for those who cannot afford.
- No evidence of demand for a skateboard park in the area and cannot justify losing the green space to provide one with other skateparks within the area.

8.0 Response of Applicant to Submissions

In response to a request from An Bord Pleanála dated 6th May & 20 June 2022, the applicant has provided a response to the issues raised in the submissions received which I summarise under broad headings as follows:

Principle of Proposal

- Lands within the Portmarnock and Baldoyle-Stapolin Local Area Plans are Major Urban Housing Development Sites with approved LIHAF funding and permitted SHD and other housing developments currently underway.
- Expansion of housing and the associated growth in population give rise to the need for a regional park as envisaged by the Stapolin and Portmarnock LAPs.
- Proposal will provide necessary recreational space for existing and new communities within the LAPs.
- Park will offer a wide range of recreational facilities to cater for all ages as requested by the local community and it will provide much better access to the Racecourse Park lands for locals and visitors alike, while also protecting and enhancing the nature conservation and historical interests of the park.

Impact of Skatepark and Teenage Playground

- At public consultation events local teenagers expressed their interest in having a skate park in the Racecourse Park as part of a larger teenage hangout area and in the vicinity of the future community centre and public toilets.
- Very little space left in the parkland to the south of the Red Arches road decided to place this facility in its proposed location.
- Skate Park and teen zone are located approx. 100m away from the nearest apartment block and the noise analysis carried out as part of the EIA screening report indicates that this facility does not generate sufficient decibels to create a nuisance for nearby residents.
- Tree planting is proposed within and around the skatepark and teenzone to integrate this facilitate in the surrounding natural landscape.
- Public lighting and CCTV proposed within the area thereby reducing the risk of anti-social activities. Another new skatepark permitted as part of GA1 lands at Stapolin (F16A/0412, ABP -248970) and is to be located in the Haggard Park 340m away.
- Considered that proposed location in the Racecourse Park is a better alternative as it will allow more people to use it but the Board may wish to review the latter approach as provided in this application and amend/condition if required.
- Provision of the skatepark and teen zone at this location is in line with the recently adopted “Space for Play – A Play Policy for Fingal”.

Development of Teenzone would lead to Loss of Event Space

- Significant amount of parkland available on either side of the Red Arches road to provide for events and activity space.
- Development of the teenzone is not considered to have any negative impact on the use of the park.

Noise Pollution from Dog Park

- Council’s experience with dog runs is that they do not produce noise pollution and are only in use during daylight hours.
- Visual screening is provided for in the plans by planting trees and shrubs along the boundary of the dog run.

Scale of Car Park

- New car park aims to address parking issues along the Red Arches Road and in adjoining housing estates.
- Park development proposals cater for 161 cars and 4 bus spaces and based on experience in other regional parks in the County people will travel some distance to visit new parks.
- Extra car parking is required during weekends in the summer time when demand is particularly high.
- Car park is to be closed at night time to avoid night time use.
- Council is keen to promote active travel to the park but walking and cycling infrastructure links to the park beyond the immediate surroundings of the park are not in existence yet and likely that many people will continue to use the car to get to the park until a more extensive walking and cycling infrastructure
- is put in place in this part of Fingal and Dublin City and important to cater for sufficient car parking spaces to avoid cars parking along the Red Arches Road and adjoining housing estates.

Protection of Existing trees during development

- Council intends to protect most of the existing trees and shrubs in the park during the park development works with the shrub planting along the northern boundary of the new car park to stay in place.

Overflow Car park

- Only minor changes proposed to the existing landscape to facilitate the creation of an overflow car park and envisaged by the Council that this area will only be used as overflow car parking during peak periods e.g. weekends in the summer when park attendance numbers are higher than normal.
- When in use, the car park will only be open during park opening hours and will be locked otherwise.

- Existing grass surface would be used and no new infrastructure is required with no negative visual impact.

Surface of Steet Bridge

- Agree that it should be not slippery or should be gritted.

Use of low-level lighting instead of lamp poles

- Proposed public lighting regime is set out in para 3.3 of the Preliminary Design report.
- Lighting of the main car park and walking and cycling routes is proposed in order to ensure year round usage, with specific reference to morning and evening movements to the railway station, schools and between the various estates in Baldoyle, Portmarnock and Clongriffin.
- Low level lighting was considered such as the bollard lighting used along the coastal Greenway but the new bollard lighting in the park has been subject to ongoing vandalism and as a result has not been operational for prolonged periods of time.
- Council is proposing to use pole mounted lighting instead which is less susceptible to vandalism and has a lower maintenance requirement.
- 6m high poles with LED lanterns at 25m intervals will light up both the footpath and Cycleway with a light dimming system allowing for lighting to be turned off during sensitive night-time hours such as between 11pm and 6am.
- Design of the lamps ensures that the light footprint only covers the greenway routes and car park with no light spill towards the park.
- As the lamp poles are positioned along the western edge of the park, no interference with the views into the park or the estuary.
- Visual impact of the lamp poles along the edge of the park are minimal compared to the lighting generated by the proposed apartment blocks on the boundary of the park.

Impact on Brent Geese from public lighting

- Ecological impact of the public lighting is considered minimal with no potential for light spill into the estuary as the lighting is located well away from the estuary.
- No lighting proposed within the feeding areas of the Brent Geese so the chance of any collisions with lamp posts is low.
- Feeding patterns by the Geese would not be affected as most of the Geese associated with Baldoyle Bay tend to spend the night at Bull Island and not in the park (based on emerging GPS tracking data collected as part of a Brent Geese study by Exeter University for FCC)

Use of Skatepark site by Brent Geese

- NIS considered the impact of the development of the skatepark and MUGA on Brent Geese using this amenity grassland.
- Significance of the site for Brent Geese seems to vary from year to year with only part of this amenity grassland developed for amenity purposes and additional open amenity grassland created for sports pitches just south of the Moyne Road which would replace existing dry meadow habitat which are currently unsuitable for foraging geese.
- The proposed park will enhance the habitat available to foraging geese resulting in a net gain for foraging geese.

Future use of haulage route

Temporary haulage route to be removed once construction completed.

Plans for old wall in centre of Park

- Propose to keep wall and carry out repairs to ensure conservation

Steel Arches

- Steel arches provide the public with shelter from the rain and the wind and are considered appropriate in a designed parkland setting.

All Weather Pitch

- Masterplan caters for an All-weather pitch south of the Moyne but not part of the current park development proposals as land is not in ownership of the Council but will be pursued in near future.

Pitch & Putt Course

- No indication during consultation of need for same

Response to Irish Rail

- Proposal encroaches on CIE lands underneath the railway arch with Council engaging with Irish Rail, use of the underpass agreed in principle and works to be carried out so that it does not compromise railway safety.
- no development planned within 25m of the railway line, except for the proposed pathway development underneath and to the existing railway arch
- Existing construction haul road from the Moyne Road to remain in place until the housing development in Stapolin/Baldoyle is completed after which it will be removed with heavy vehicle access still possible from the Coast road near Baldoyle over the proposed cycle lane linking the Coast Road and the Railway Arch.
- Ground level changes not proposed near the railway line or the railway arch with pathways draining to the grassland on either side of the pathway with no separate drainage infrastructure proposed.
- 2.4m high paladin fence proposed along the parkland side of the boundary ditch at the base of the railway embankment to be installed at the commencement of proposal.
- No tree planting proposed near the railway line.
- Access to the drain and railway arches easier following completion of the park development works railway mound or drainage ditches not impacted by proposal.
- No separate drainage infrastructure required to drain pathways leading to railway arch.
- No excavation required near the track support zone.
- No crane required to install pathway to railway arch or works to same.

- No buildings or services proposed near railway property/line
- No park features proposed that would overhang the railway line
- Proposed public lighting will be projected downwards to avoid light spillage.
- Works including tarmac pathway and works to railway arch should not cause noise or vibration impacts that would affect the railway line
- Traffic management plan to be included with tender documentation for development.
- No road works proposed near railway bridge UBB20 with nearest location where a pedestrian and cyclist crossing to be installed across the Moyne road approx. 225m to east of this railway bridge

9.0 Assessment

9.1. THE LIKELY CONCEQUENCES FOR THE PROPER PLANNING AND SUSTAINABLE DEVELOPMENT OF THE AREA

This matter has been comprehensively addressed in the documentation received by the Board by way of a planning report and supporting reports. Twelve submissions were received by the Board which included a number of common issues related to proper planning and sustainable development. The applicant was invited to response to the matters arising and has provided a comprehensive response. I will address the matters under the following headings.

9.1.1. Principle of Proposal

In relation to the principle of the proposal, it is considered that the keeping it green/open space strategy in the Development Plan requires that consideration is provided to all sections of the community and some observers feel that the impact on local residents was not appropriately considered. I consider that the plan has been subject to extensive consultation and is part of the multi layered planning policy for this area. The design of the elements of the proposal have been carefully considered with the amenities of local residents in mind which is evident particularly in the

landscaping proposed in the vicinity of the recreational facilities located to the south west of the site.

There is concern that the proposal concentrates too much in one place (North 3) with the park providing ecological, education and recreational functions with the proposal impacting on brent geese and other birds and resulting in the loss of community green space. While the impact on brent geese and other birds is addressed separately in the AA at Section 10.1.3, I would note that the location of the various elements of the proposal have been carefully considered with active areas accessible by paths and car parking as well as the local resident population. Rather than resulting in the loss of community green space, the proposal creates a high-quality recreational area. There is also a query as to whether the use of skate park and overflow car park permitted within the zoning. I consider that the zoning and development objectives specific to this proposed regional park would support both uses.

In their response to the submissions, the applicant provided a succinct overview of the development in principle. Outlining that the lands within the Portmarnock and Baldoyle-Stapolin Local Area Plans are Major Urban Housing Development Sites with approved LIHAF funding and permitted SHD and other housing developments currently underway. Such housing expansion and the associated growth in population give rise to the need for a regional park as envisaged by the Stapolin and Portmarnock LAPs. The proposal would provide necessary recreational space for existing and new communities within the LAPs. It is outlined that the Park will offer a wide range of recreational facilities to cater for all ages as requested by the local community and it will provide much better access to the Racecourse Park lands for locals and visitors alike, while also protecting and enhancing the nature conservation and historical interests of the park.

9.1.2. Impact on Residential Amenity

A common issue within the submissions received relates to the potential impact of the proposed development on the residential amenity of adjoining properties by reason of noise and anti-social behaviour.

In terms of noise, the potential sources of noise, as outlined in the submissions are the skate park, teenage adventure playground, dog run and traffic generation/car park. The proposal is located in close proximity to a number of residential developments to the southwest, centre and north. The Coast residential development, to the southwest of the site, is located to the west of the proposed teenzone/skate park and dog run. An overflow car park is also proposed between the boundary of the site and the teenzone area.

It is considered by some observers that noise pollution from amenities such as the skate park, playground and dog run would create high levels of noise and disturbance impacting residents' quality of life with the proposed inclusion of a DJ booth adding to levels of noise to be endured and should be relocated. It is also suggested that noise pollution from the dog park and the potential impact on Silverbanks has not been evaluated or no acoustic screening proposed.

I note the response from the applicant which outlines that the skate park and teen zone area are approximately 100m from the nearest apartment block and EIA screening undertaken (see next section of this report) outlines that a nuisance would not be created. In terms of the potential impact of noise from the dog run, the applicant outlines that in their experience that such facilities do not produce noise pollution given they are only used in daytime hours. I would tend to agree. Such facilities are becoming more common place in the large parks such as that proposed, and I do not consider it would create a significant negative impact on the amenity of nearby residents. I would also note that tree planting is proposed within and around the skatepark and teenzone to integrate this facilitate in the surrounding natural landscape which would create a buffer.

In terms of anti-social behaviour, many of the submissions are concerned that the proposed uses, such as the teenzone will result in vandalism and other anti-social behaviour. Reference is made to warnings elsewhere in the State and in the UK to problems associated with skate parks. Concern is expressed that safety will be a huge issue for local residents and visitors. In response, the applicant outlines that public lighting and CCTV proposed within the area would reduce the risk of anti-social activities. The matter of anti-social behaviour comes within the remit of An Garda Siochana and in this regard from a land-use and planning perspective I

consider that the location and the measures proposed to integrate the proposal into the area are appropriate.

There is a suggestion that the proposal would injure the amenities of properties by reason of traffic generation and general disturbance. This is unfounded in my opinion. The proposal has been carefully considered with facilities proposed within locations where they can be easily accessed.

9.1.3. Impact on Visual Amenity

A number of submissions reference the potential visual impact of the proposal and the sites' location within a high sensitive landscape and zoned high amenity. The proposal is for a park development within a wide green area adjoining residential development to the west and the Coast to the east. The development when viewed from the Coast Road will be read in the context of the existing residential development. The uses proposed are considered appropriate and expected within such a setting. It is also stated that the view from apartment blocks (Alder House) facing the scenic park will be disrupted and the proposed amenities should be relocated to an area where they will not negatively impact residents. The views from the adjoining apartments are not protected views and therefore the disruption of same would not be sufficient reason to relocate any of the proposed uses.

In terms of the apparent conflict between the visual screening proposed for the Silverbanks Apartment blocks when the Development Plan requires that public open spaces should be overlooked to reduce anti-social behaviour through passive surveillance. I would suggest that the screening is not blanket screening but soft screening and, in this regard, given the scale of the park that surveillance from the adjoining apartments is not the only surveillance within the wider area.

9.1.4. Nature and Scale of Facilities

The submissions received include a broad range of views in respect of the nature and scale of the facilities proposed. One observer suggests that the Council should invest in existing facilities such as the Youth Clubs/pay membership fees for clubs for those who cannot afford. While this may be a beneficial option to some, it does not meet the wide-ranging recreational needs of an area with such population growth with policy provisions to develop the subject site. Another observer considers that

there is insufficient sports facilities to cater for substantial growth in population of Baldoyle which others believe the facilities are over scaled such as the teen area which some consider should be scaled back. While I have addressed matters related to amenity as they relate to the facilities proposed there are a number of other matters arising which I will address in turn.

In terms of the teenzone and in particular the skateboard park proposed, concern is expressed that there is no evidence of demand for such a skateboard park and the loss of the green space to provide one cannot be justified with other skateparks in the wider area. I consider that given the population growth envisaged that facilities such as that proposed should be provided to cater for the youth population rather than suggest they leave this area to find facilities elsewhere. I would also note that the public consultations undertaken highlighted the interest from teenage groups for the use. Its location was proposed given that the lands to the south of the Red Arches Road were proposed for other uses including the proposed future community centre. The applicant outlines that it is considered that the proposed location in the Park would allow more people to use it, but they suggest that the Board may wish to review the latter approach as provided in this application and amend/condition if required. The applicant also outlines that the Provision of the skatepark and teen zone at the proposed location is in line with the recently adopted "Space for Play – A Play Policy for Fingal". I do not consider that it is necessary to relocate the proposed teenzone from its proposed location. The location is appropriate in the context of the layout of the park and its proximity to other proposed amenities.

Concern is expressed that the needs of local sports clubs is not fully addressed and while 4 pitches welcomed, disappointed that no full size, floodlit all-weather pitch proposed on Council lands with the location of same on lands not owned by FCC and subject to future acquisition with no guarantee of implementation and needed now. It is further stated that teams have to rent an all-weather pitch in Kilbarrack at cost and inconvenience to club/members. As outlined in the documentation received and in the applicant's response to the submissions, an All-Weather pitch is proposed south of the Moyne Road next to the railway line to provide a sports facility that can be used throughout the year. These lands are currently in private ownership and the Council proposes to pursue the acquisition of these lands in the near future with the view to progress the development of the All-weather pitch. While this does not

satisfy the immediate needs of the observers, the overall development proposal incorporates same and it is proposed to develop same in time. I consider that this must be accepted in the context of the overall development of the lands.

One observer outlines that the proposal should include a pitch and putt courses given recent resurgence of this activity with one pitch requiring c.2 acres. In response the applicants state that no indication of such a need was outlined during the consultation process. I would suggest that while such a facility would be useful it is not possible to provide every facility within such a scheme.

An observer also points out that the people of Baldoyle want and need a green area for more markets/open air gigs, free wifi and hang out/recreational opportunities within event spaces. It is also suggested that the proposed teenzone would take up space that could be used as event space. I would suggest that given the scale of the park that there is a significant amount available to provide for events or activities.

9.1.5. Car Parking and Active Travel

Various concerns related to the proposed car parking arrangements proposed are outlined in the submissions. There is concern that the car park will act as a park and ride facility for the nearby Clongriffin train station. The need and capacity of the car park and overflow are also questioned. It is also suggested that rather than providing car parking, active travel should be promoted avoiding the use of cars. It is stated in the submissions that the solution to parking is provided by infrastructure rather than the management with provision of car parking encouraging use of cars.

In response the applicant has outlined that the new car park aims to address parking issues along the Red Arches Road and in adjoining housing estates. This is reasonable. They also state that the proposal to cater for 161 cars and 4 bus spaces is based on experience in other regional parks in the County with people willing to travel some distance to visit new parks. It is also stated that extra car parking is required during weekends in the summertime when demand is particularly high. In terms of controlling the use of the car park, it is stated that it is proposed to close the car park at night-time to avoid night-time use.

In relation to active travel, the applicant states that they are keen to promote active travel to the park but the necessary walking and cycling infrastructure links to the

park beyond the immediate surroundings of the park are not in existence yet and therefore it is likely that many people will continue to use the car to get to the park until a more extensive walking and cycling infrastructure is put in place in this part of Fingal and Dublin City. It is therefore important to cater for sufficient car parking spaces to avoid cars parking along the Red Arches Road and adjoining housing estates. I consider that the rationale underpinning the car parking strategy is reasonable.

In terms of concerns raised in relation to the proposed overflow car park, it is outlined that only minor changes proposed to the existing landscape to facilitate the creation of an overflow car park and it is envisaged by the applicant that this area will only be used as overflow car parking during peak periods e.g. weekends in the summer when park attendance numbers are higher than normal. It is outlined that when in use, the car park will only be open during park opening hours and will be locked otherwise. It is proposed that the existing grass surface is used and no new infrastructure is required with no negative visual impact. I consider that the purpose of the overflow is clear, the design of it provides that there is minimal visual change to the area. I consider it is appropriate.

A submission questioned the purpose of the haulage route and concern regarding further traffic on Moyne Road. The applicant has outlined that the temporary haulage route will be removed once construction has been completed.

9.1.6. Design and Materials

One of the main concerns in this regard is the proposed use of lighting poles (6m) proposed with the Board in the 'greenway' case (300840) recommending use of bollard lighting which some consider would be more sympathetic with the Board urged to impose a similar condition. In terms of the need for lighting, the applicant states that lighting of the main car park and walking and cycling routes is proposed in order to ensure year round usage, with specific reference to morning and evening movements to the railway station, schools and between the various estates in Baldoyle, Portmarnock and Clongriffin. The applicant states that low level lighting was considered such as the bollard lighting used along the coastal greenway but the new bollard lighting in the park has been subject to ongoing vandalism and as a result has not been operational for prolonged periods of time. For this reason, the

applicant is proposing to use pole mounted lighting instead which is less susceptible to vandalism and has a lower maintenance requirement. The lighting arrangement comprises, 6m high poles with LED lanterns at 25m intervals will light up both the footpath and Cycleway with a light dimming system allowing for lighting to be turned off during sensitive night-time hours such as between 11pm and 6am. It is outlined that the design of the lamps ensures that the light footprint only covers the greenway routes and car park with no light spill towards the park or significant visual impact given the lighting generated by the existing and proposed apartment blocks to the west of the site.

In terms of surfaces to steel bridges, the Board was urged to specify a non-slip surface to steel bridges with existing greenway bridge very slippery. The applicant responded in agreement with this matter and I would recommend that a condition is attached requiring same. In relation to the concern that the Steel arches (boxes) for the Grange Road access given an industrial feel to the entrance with high quality landscaping preferred and better use of resources. The applicant states that the rationale for the steel arches is to provide the public with shelter from the rain and wind and are appropriate in a designed landscape. I would agree, the park setting is unique with residential development to the west and the coast to the east.

9.1.7. Matters relating to Irish Rail

In response to the detailed observation received from Irish Rail the applicant has provided a comprehensive response which clarifies a number of matters raised. I would note the following for the Boards information.

One of the main concerns related to the railway arch and underpass. It is proposed to use the underpass to connect the existing DCC lands in Clongriffin to the proposed park. The archway provides an obvious desire line and is currently impassable with debris. It is proposed to undertake minor works to make the underpass accessible. The applicant stated that the use of the underpass has been agreed in principle and the works to be carried out are so that it does not compromise railway safety. It is also clarified that no development planned within 25m of the railway line, except for the proposed pathway development underneath and to the existing railway arch. It is also clarified that works to railway arch should not cause noise or vibration impacts that would affect the railway line.

Ground level changes are not proposed near the railway line or the railway arch with pathways draining to the grassland on either side of the pathway with no separate drainage infrastructure proposed. A 2.4m high paladin fence is proposed along the parkland side of the boundary ditch at the base of the railway embankment to be installed at the commencement of proposal. No tree planting is proposed near the railway line.

It is stated by the applicant that access to the drain and railway arches will be easier for Irish Rail following completion of the park development works with the railway mound or drainage ditches not impacted by the proposal. It is also clarified that no excavation is required near the track support zone, no crane is required to install the pathway to railway arch or works to same, no buildings or services are proposed near railway property/line and no proposed park features would overhang the railway line. As outlined elsewhere in this assessment, the public lighting is proposed to project downwards to avoid light spillage.

It is also stated that a traffic management plan is to be included with tender documentation for development and that no road works are proposed near railway bridge UBB20 with the nearest location for the installation of a pedestrian and cyclist crossing is approx. 225m to east of this railway bridge

I consider that the concerns raised by Irish Rail have been satisfactorily addressed.

9.1.8. Other Matters

Concern is expressed that it is not clear if Old Baldoyle Wall (heritage structure) is to be removed to provide the viewing platform/seating area with the potential for removal to impact natural ecosystem and potential for anti-social behaviour in seating area with concern at potential disruption of nature reserves. In response to same, the applicant states that it is proposed to keep the wall and carry out repairs to ensure conservation

It was requested that consideration is given to retaining as much existing trees/planting as possible. The applicant has outlined that they intend to protect most of the existing trees and shrubs in the park during the park development works with the shrub planting along the northern boundary of the new car park to stay in place. I consider this is an acceptable approach.

9.2. THE LIKELY EFFECTS ON THE ENVIRONMENT

The documentation submitted with the application includes a very comprehensive suite of reports examining the likely effects of the proposed development on the environment. These comprise an Environmental Report and an Ecological Impact Assessment. I will address the relevant environmental factors under the following headings.

9.2.1. Biodiversity

An Ecological Impact Assessment report was submitted with the application. The assessment looks at the effects and mitigation measures required for a number of factors and any residual effects that may result. These are designated sites, habitats, water quality, rare and protected flora species, bats, otter, badger, hare, hedgehog, pygmy shrew and Irish stoat, breeding birds, wintering birds, amphibians and invasive species. While designated sites are addressed specifically in the appropriate assessment in section 10.3 below, I would note that overall, the proposal is likely to result in a positive impact on local biodiversity given the significant enhancement measures and habitat creation goals proposed. Potential significant effects have been identified for a number of habitats and species on the site with mitigation proposed to address same and monitoring for effectiveness where considered necessary. One of the main potential effects is the proposed impact of the works in the vicinity of the watercourses which if done in the absence of mitigation may impact on habitats, water quality and other water dependent species. However, I note that comprehensive mitigation is proposed. A number of rare and protected plants were identified on the site but no works are proposed in the vicinity of same. It is also proposed that a pre-construction survey is undertaken for rare and protected flora which is a satisfactory mitigation measure. Badgers are the most likely to be impacted of the species identified as there is the potential for new setts to be created prior to the construction commencing on the site. Therefore, a suite of mitigation measures to address same are proposed which I consider is appropriate. I will address wintering birds in the Appropriate Assessment below and I note that a pre-construction invasive species survey is proposed. I consider that the likely significant effects on biodiversity have been comprehensively addressed by the

applicant and following the implementation of the mitigation measures proposed that no significant effects are likely.

9.2.2. Land, Soils, Geology and Hydrogeology

It is outlined that the majority of the construction/demolition works are to take place in the southern part of the site with excavated material minimal and all material reused on site with no transportation of soil or stones. A range of mitigation measures are proposed in terms of stockpiling soils, fuel tanks and excavation works. I consider that the matter has been satisfactorily addressed.

9.2.3. Water & Hydrology

The report outlines the network of watercourses which traverse the site with the Mayne River the most important feature as it feeds the Baldoyle Bay SAC. I would note that it provides a comprehensive examination of this matter with the risk of flooding also assessed. I would also note that the use proposed should be considered in the context of the potential risk of flooding with the central and northern areas of the site at risk from medium probability coastal flood events. There is a suite of mitigation measures and I consider that the matter has been satisfactorily examined such that no significant effects would arise in respect of this factor.

9.2.4. Air Quality and Climate

I would note that no significant impacts are predicted provided that the dust minimisation measures outlined in the CEMP are followed. I consider that this is reasonable.

9.2.5. Noise

The matter of noise was raised, as outlined in Section 9.1.2 above in the context of the potential of the use of the teenzone to impact on the residential amenity of the most proximate residential units. The report presented to the Board specifically states that the results have shown that the skate park does not exceed the criterion of 55dB LAeq at the nearest noise sensitive location. It is further stated that it should be noted that the noise result presented is representative of the worst-case

instantaneous noise level but that the average noise level over the course of the day would be much lower. As outlined by the applicant, the skate park is not proposed to operate at night-time. I consider that the matter of noise has been satisfactorily addressed.

9.2.6. Archaeology

The applicants outline that the proposed park can be divided into zones, depending on the current level of knowledge of the archaeological potential. The potential of the zone to the northern perimeter is very high, with a band of enclosures here detected through geophysics which it is proposed will be retained in situ, with every effort to avoid disturbance. Development proposals within this area, such as surface only paths skirting the buffer zone of known archaeological monuments, require minimal intervention in this area to reflect the high archaeological potential here with minimal impact arising.

The area of the proposed playing pitches, south of the Mayne Road in the centre of the site, is unknown in terms of archaeology. The approach by the applicant as set out in the report is that sample areas should have geophysical surveys undertaken, with the proviso for further survey if there is a high level of identifiable archaeological anomalies and test excavation to follow to verify findings should be carried out, if any features identified in the geophysics are in the unavoidable location of construction. This is dependent on the requirement for levelling the ground and installation of drainage etc.

The southern part of the park is considered to be low in archaeological potential. This area has been subject to landscaping, and I note that OS historical maps indicate previous sand and gravel quarrying/ extraction here. It is proposed that archaeological monitoring should be undertaken of groundworks. I consider that a condition should be attached requiring a range of archaeological measures for the three areas of the site.

9.2.7. EIA Screening

EIA screening was undertaken by the applicant, and I note that the document has been submitted with the application.

9.3. THE LIKELY EFFECTS ON A EUROPEAN SITE/S

9.3.1. Article 6(3) of the Habitats Directive

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, section 177AE of the Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed in this section are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- The Natura Impact Statement
- Screening for appropriate assessment
- Appropriate assessment of implications of the proposed development on the integrity each European site

9.3.2. Compliance with Articles 6(3) of the EU Habitats Directive

Article 6(3) of the Habitats Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

9.3.3. The Natura Impact Statement

A Screening Report and Natura Impact Statement, prepared by Scott Cawley, was submitted with the application which is the subject of the Appropriate Assessment. It has been prepared in line with standard methodological guidance, set out in Section 1.2 of the NIS.

The NIS outlines proposals within the proposed development aimed at protecting and enhancing existing biodiversity within the subject site. These include:

Works within Baldoyle Bay SAC

- Creation of new brackish grassland area to the north of the River Mayne, through regrading of existing levels to allow brackish floodwaters to influence conditions, and possibly encourage the establishment of rare plant species, which previously occurred within the site (e.g. Borrer's saltmarsh grass).
- Provision of controlled access to the River Mayne for livestock to reduce bank erosion.

Works to the south of the Moyne Road

- Redesign of shape of existing SUDs pond (Ref.F16A/0412) to merge more naturally with landscape and proposed wetland planting around the perimeter of this pond;
- Removal of c. 25m of the existing outfall pipe of 1.3m internal diameter, and recontouring of surrounding lands, using the existing contours, such that a greater area will be below 1.5m Ordnance Datum (OD) contour, which may encourage the expansion of reed bed habitat along River Snugborough.
- Creation of a new string of attenuation ponds to the west of the River Snugborough to increase the ecological value of this area.

Scientific information was collated from desk study, field surveys, bird surveys and information from the National Biodiversity Data Centre and National Parks and Wildlife Service resources amongst others.

The location of QI Annex 1 saltmarsh habitats [1410] and Atlantic salt meadows [1330] within the site boundary are detailed in Figure 5.

In relation to screening, the NIS outlines the methodology used for determining the Zone of Influence (Zol) of the proposal and identifying European sites within the Zol of the proposal. The sites are shown in Figure 3 and are set out in Table 1 of the NIS with any relevant source pathway receptor linked identified. The conclusions on sites to be screened in for AA and those which can be excluded is set out in Section 5.3.

The information provided in Section 6 of the report to facilitate the Board in undertaking Appropriate Assessment outlines the condition or site and management for the six sites taken forward to Stage 2. The conservation objectives and Key QI attributes or particular relevance to the proposed development are outlined. Table 2 looks at each of the sites, their QI's/SCI's and the conditions underpinning the site

integrity. Table 3 examines the site specific objectives for the sites. Section 6.3 examines the overwintering bird surveys undertaken.

The NIS assesses the potential impacts on the habitats and species that are qualifying interests/special conservation interests for the relevant sites under a number of headings: displacement of SCI bird species from ex-situ inland feeding sites; construction related disturbance impacts on light-bellied brent geese using ex-situ inland feeding sites; construction related surface water discharges/accidental pollution during construction; construction related spread of invasive species material; and operation related disturbance impacts on light-bellied Brent Geese.

Mitigation measures for the potential impacts outlined above are detailed and described. A comprehensive assessment of in-combination effects is provided in Section 7 of the report.

The NIS concludes that, subject to the implementation of the recommended mitigation measures, the proposed works would not result in any adverse effects either individually or in combination with other plans or projects on the relevant European sites in relation to the sites conservation objectives.

Having reviewed the NIS and the supporting documentation, I am satisfied that adequate information has been provided in respect of the baseline conditions, the possible impacts are clearly identified using the best scientific information and knowledge to determine those effects. I am satisfied that the scientific information submitted allows for appropriate assessment of the proposed development (see further analysis below).

9.3.4. Screening for Appropriate Assessment

The first test of Article 6(3) is to establish if the proposed development could result in likely significant effects to a European site. Section 177AE sets out the requirements for appropriate assessment of development carried out by or on behalf of a local authority. Section 177(AE) (3) states that where a Natura Impact Statement has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the appropriate assessment.

The applicants, in their screening report, included as Section 5 of the NIS, concluded that the possibility of significant effects could not be ruled out for six sites and therefore the proposed development works must proceed to Appropriate Assessment. The information presented at Table 1 of the report examined all of the 18 sites within the vicinity of the proposed development and the wider Dublin Bay area as illustrated in Figure 4. I have provided a summary of the information in relation to the potential impacts identified in the screening stage, provided in Table 1 of the NIS, below in my own Table 1 below.

Table 1: Summary of potential ecological impacts that may result in significant effects on the sites in the vicinity of the subject development as identified in the applicants screening report.

Site Name Special Areas of Conservation (SAC)	Qualifying Interests (QI's)	Potential receptor-pathway-source links to Development Site/ Can Significant Likely Effect be Excluded
Baldoyle Bay SAC [000199] 0m - part of SAC within development site boundary.	QI's as follows: <ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330] • Mediterranean salt meadows (Juncetalia maritimi) [1410] 	Yes - Surface waters - watercourses within the site discharge into Baldoyle Estuary (SAC) Habitat Loss - Part of SAC within site boundary with potential for habitat loss. Invasive Species – Potential spread. Can potential likely significant effect be excluded – No
Ireland's Eye SAC [002193]	<ul style="list-style-type: none"> • Perennial vegetation of stony banks [1220] 	Yes - Surface waters - watercourses within the site

c.4.3km to east	<ul style="list-style-type: none"> • Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] 	<p>discharge into the Irish Sea coastal body within which this European site is located.</p> <p>Can potential likely significant effect be excluded – Yes – due to substantial open water buffer and dilution.</p>
Malahide Estuary SAC [000205] c.3.3km north	<ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] • Salicornia and other annuals colonising mud and sand [1310] • Spartina swards (Spartinion maritimae) [1320] • Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] • Mediterranean salt meadows (Juncetalia maritimi) [1410] • Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] • Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] 	<p>Yes - Surface waters - watercourses within the site discharge into the Irish Sea coastal body which this European adjoins and is connected to by watercourses.</p> <p>Can potential likely significant effect be excluded – Yes – due to substantial open water buffer and dilution.</p>
Howth Head SAC [000202] c.4.7km south-east	<ul style="list-style-type: none"> • Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] 	<p>Yes - Surface waters - watercourses within the site discharge into the Irish Sea coastal body which this European adjoins</p>

	<ul style="list-style-type: none"> European dry heaths [4030] 	<p>and is connected to by watercourses although the QI's would not be impacted by water pollution as above HWM.</p> <p>Can potential likely significant effect be excluded – Yes – due to substantial open water buffer and dilution.</p>
<p>North Dublin Bay SAC [000206] c.1.2km south</p>	<ul style="list-style-type: none"> Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] – 	<p>Yes - Surface waters - watercourses within the site discharge into the Irish Sea coastal body which this European adjoins and is connected to by watercourses although the sites separated by Sutton which creates a land buffer.</p> <p>Can potential likely significant effect be excluded – Yes – due to substantial open water buffer and dilution.</p>

	<ul style="list-style-type: none"> • Humid dune slacks [2190] • <i>Petalophyllum ralfsii</i> (Petalwort) [1395] 	
Rockabill to Dalkey Island SAC [003000] c.4.4km to east	<ul style="list-style-type: none"> • Reefs [1170] • Phocoena phocoena (Harbour Porpoise) [1351] 	<p>Yes - Surface waters - watercourses within the site discharge into the Irish Sea coastal body which this European adjoins and is connected to by watercourses.</p> <p>Can potential likely significant effect be excluded – Yes – due to substantial open water buffer and dilution.</p>
Rogerstown Estuary SAC [000208] c.9km north	<ul style="list-style-type: none"> • Estuaries [1130] • Mudflats and sandflats not covered by seawater at low tide [1140] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330] • Mediterranean salt meadows (Juncetalia maritimi) [1410] • Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] 	<p>Yes - Surface waters - watercourses within the site discharge into the Irish Sea coastal body which this European adjoins and is connected to by watercourses.</p> <p>Can potential likely significant effect be excluded – Yes – due to substantial open water buffer and dilution.</p>

	<ul style="list-style-type: none"> Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] 	
Lambay Island SAC [000204] c.10.5km north-east	<ul style="list-style-type: none"> Reefs [1170] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Halichoerus grypus (Grey Seal) [1364] Phoca vitulina (Harbour Seal) [1365] 	Yes - Surface waters - watercourses within the site discharge into the Irish Sea coastal body which this European adjoins and is connected to by watercourses. Can potential likely significant effect be excluded – Yes – due to substantial open water buffer and dilution.
South Dublin Bay SAC [000210] c.6.6km south-west	<ul style="list-style-type: none"> Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110] 	Yes - Surface waters - watercourses within the site discharge into the Irish Sea coastal body which this European adjoins and is connected to by watercourses. Can potential likely significant effect be excluded – Yes – due to substantial open water buffer and dilution.
Site Name - Special Protection Areas (SPA)	Special Conservation Interests (SCI's)	Potential receptor-pathway- source links to Development Site. Can Significant Likely Effect be Excluded

<p>Baldoyle Bay SPA [004016]</p> <p>Less than 10m east</p>	<ul style="list-style-type: none"> • Light-bellied Brent Goose (Branta bernicla hrota) [A046] • Shelduck (Tadorna tadorna) [A048] • Ringed Plover (Charadrius hiaticula) [A137] • Golden Plover (Pluvialis apricaria) [A140] • Grey Plover (Pluvialis squatarola) [A141] • Bar-tailed Godwit (Limosa lapponica) [A157] • Wetland and Waterbirds [A999] 	<p>Yes – potential pathway as light-bellied brent geese known to use the area surrounding development site with ex situ feeding sites known to occur at pitches at Red arches and area of amenity grassland north of Red Arches Road.</p> <p>Can potential likely significant effect be excluded – No – as potential for proposal to result in direct loss of an ex-situ foraging resource.</p>
<p>North Bull Island SPA [004006]</p> <p>c.1.1km south</p>	<ul style="list-style-type: none"> • Light-bellied Brent Goose (Branta bernicla hrota) [A046] • Shelduck (Tadorna tadorna) [A048] • Teal (Anas crecca) [A052] • Pintail (Anas acuta) [A054] • Shoveler (Anas clypeata) [A056] • Oystercatcher (Haematopus ostralegus) [A130] • Golden Plover (Pluvialis apricaria) [A140] 	<p>Yes – potential pathway as light-bellied brent geese known to use the area surrounding development site with ex situ feeding sites known to occur at pitches at Red arches and area of amenity grassland north of Red Arches Road.</p> <p>Can potential likely significant effect be excluded – No – as potential for proposal to result in direct loss of an ex-situ foraging resource.</p>

	<ul style="list-style-type: none"> • Grey Plover (<i>Pluvialis squatarola</i>) [A141] • Knot (<i>Calidris canutus</i>) [A143] • Sanderling (<i>Calidris alba</i>) [A144] • Dunlin (<i>Calidris alpina</i>) [A149] • Black-tailed Godwit (<i>Limosa limosa</i>) [A156] - Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] • Curlew (<i>Numenius arquata</i>) [A160] • Redshank (<i>Tringa totanus</i>) [A162] • Turnstone (<i>Arenaria interpres</i>) [A169] • Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] • Wetland and Waterbirds [A999] 	
Malahide Estuary SPA [004025] c.2.9km north-east	<ul style="list-style-type: none"> • Great Crested Grebe (<i>Podiceps cristatus</i>) [A005] • Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] 	Yes – potential pathway as light-bellied brent geese known to use the area surrounding development site with ex situ feeding sites known to occur at pitches at Red arches and area of amenity

	<ul style="list-style-type: none"> • Shelduck (<i>Tadorna tadorna</i>) [A048] • Pintail (<i>Anas acuta</i>) [A054] • Goldeneye (<i>Bucephala clangula</i>) [A067] • Red-breasted Merganser (<i>Mergus serrator</i>) [A069] • Oystercatcher (<i>Haematopus ostralegus</i>) [A130] • Golden Plover (<i>Pluvialis apricaria</i>) [A140] • Grey Plover (<i>Pluvialis squatarola</i>) [A141] • Knot (<i>Calidris canutus</i>) [A143] • Dunlin (<i>Calidris alpina</i>) [A149] • Black-tailed Godwit (<i>Limosa limosa</i>) [A156] • Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] • Redshank (<i>Tringa totanus</i>) [A162] • Wetland and Waterbirds [A999] 	<p>grassland north of Red Arches Road.</p> <p>Can potential likely significant effect be excluded – No – as potential for proposal to result in direct loss of an ex-situ foraging resource.</p>
Rogerstown Estuary SPA [004015] c.8.8km north-east	<ul style="list-style-type: none"> • Greylag Goose (<i>Anser anser</i>) [A043] 	<p>Yes – potential pathway as light-bellied brent geese known to use the area surrounding development site with ex situ feeding sites</p>

	<ul style="list-style-type: none"> • Light-bellied Brent Goose (Branta bernicla hrota) [A046] • Shelduck (Tadorna tadorna) [A048] • Shoveler (Anas clypeata) [A056] • Oystercatcher (Haematopus ostralegus) [A130] • Ringed Plover (Charadrius hiaticula) [A137] • Grey Plover (Pluvialis squatarola) [A141] • Knot (Calidris canutus) [A143] • Dunlin (Calidris alpina) [A149] • Black-tailed Godwit (Limosa limosa) [A156] • Redshank (Tringa totanus) [A162] • Wetland and Waterbirds [A999] 	<p>known to occur at pitches at Red arches and area of amenity grassland north of Red Arches Road.</p> <p>Can potential likely significant effect be excluded – No – as potential for proposal to result in direct loss of an ex-situ foraging resource.</p>
<p>South Dublin Bay and River Tolka Estuary SPA [004024]</p> <p>c.6.6km southwest</p>	<ul style="list-style-type: none"> • Light-bellied Brent Goose (Branta bernicla hrota) [A046] • Oystercatcher (Haematopus ostralegus) [A130] 	<p>Yes – potential pathway as light-bellied brent geese known to use the area surrounding development site with ex situ feeding sites known to occur at pitches at Red arches and area of amenity</p>

	<ul style="list-style-type: none"> • Ringed Plover (<i>Charadrius hiaticula</i>) [A137] • Grey Plover (<i>Pluvialis squatarola</i>) [A141] • Knot (<i>Calidris canutus</i>) [A143] • Sanderling (<i>Calidris alba</i>) [A144] • Dunlin (<i>Calidris alpina</i>) [A149] • Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] • Redshank (<i>Tringa totanus</i>) [A162] • Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] • Roseate Tern (<i>Sterna dougallii</i>) [A192] • Common Tern (<i>Sterna hirundo</i>) [A193] • Arctic Tern (<i>Sterna paradisaea</i>) [A194] • Wetland and Waterbirds [A999] 	<p>grassland north of Red Arches Road.</p> <p>Can potential likely significant effect be excluded – No – as potential for proposal to result in direct loss of an ex-situ foraging resource.</p>
<p>Ireland's Eye SPA [004117] c.4km east</p>	<ul style="list-style-type: none"> • Cormorant (<i>Phalacrocorax carbo</i>) [A017] 	<p>Can potential likely significant effect be excluded – Yes - given distance and marine buffer. No suitable habitat for sea birds at</p>

	<ul style="list-style-type: none"> • Herring Gull (<i>Larus argentatus</i>) [A184] • Kittiwake (<i>Rissa tridactyla</i>) [A188] • Guillemot (<i>Uria aalge</i>) [A199] • Razorbill (<i>Alca torda</i>) [A200] 	subject site. While herring gull recorded within 2km of development site extremely unlikely to be associated with this SPA.
Howth Head Coast SPA [004113] c.5.2km south-east	<ul style="list-style-type: none"> • Kittiwake (<i>Rissa tridactyla</i>) [A188] 	Can potential likely significant effect be excluded – Yes - given distance and marine buffer. No suitable habitat for this sea birds at subject site
Lambay Island SPA [004069] 10.5km north-east	<ul style="list-style-type: none"> • Fulmar (<i>Fulmarus glacialis</i>) [A009] • Cormorant (<i>Phalacrocorax carbo</i>) [A017] • Shag (<i>Phalacrocorax aristotelis</i>) [A018] • Greylag Goose (<i>Anser anser</i>) [A043] • Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] • Herring Gull (<i>Larus argentatus</i>) [A184] • Kittiwake (<i>Rissa tridactyla</i>) [A188] • Guillemot (<i>Uria aalge</i>) [A199] • Razorbill (<i>Alca torda</i>) [A200] 	Can potential likely significant effect be excluded – Yes - given distance and marine buffer. No suitable habitat for this sea birds at subject site. While lesser black-backed gull and herring gull recorded within 2km of development site extremely unlikely to be associated with this SPA given separation distance.

	<ul style="list-style-type: none"> • Puffin (<i>Fratercula arctica</i>) [A204] 	
Dalkey Islands SPA [004172] c.13.3km south east	<ul style="list-style-type: none"> • Roseate Tern (<i>Sterna dougallii</i>) [A192] • Common Tern (<i>Sterna hirundo</i>) [A193] • Arctic Tern (<i>Sterna paradisaea</i>) [A194] 	Can potential likely significant effect be excluded – Yes - given distance and marine buffer. No suitable habitat for terns at subject site.

9.3.5. Screening Determination

Having regard to the information presented in the Screening Report and NIS, submissions, the nature, size and location of the proposed development and its likely direct, indirect and cumulative effects, the source pathway receptor principle and sensitivities of the ecological receptors, I concur with the applicant's screening that the significant effects cannot be ruled out for the following sites:

- Baldoyle Bay SAC [000199]
- Baldoyle Bay SPA [004016]
- North Bull Island SPA [004006]
- Malahide Estuary SPA [004025]
- Rogerstown Estuary SPA [004015]
- South Dublin Bay and River Tolka Estuary SPA [004024]

in view of the conservation objectives of these sites.

The other SAC's and SPA's within the wider area, as follows:

- Ireland's Eye SAC [002193]
- Malahide Estuary SAC [000205]
- Howth Head SAC [000202]
- North Dublin Bay SAC [000206]

- Rockabill to Dalkey Island SAC [003000]
- Rogerstown Estuary SAC [000208]
- Lambay Island SAC [000204]
- South Dublin Bay SAC [000210]
- Ireland's Eye SPA [004117]
- Howth Head Coast SPA [004113]
- Lambay Island SPA [004069]
- Dalkey Islands SPA [004172]

could not be significantly affected by the proposed development works. I am satisfied that the applicant has demonstrated this objectively with reference to the geographical separation from those sites, the marine buffer and the absence of/ or weak ecological pathways between those sites and lack of suitable habitat for SCI's. No reliance on avoidance measures or any form of mitigation is required in reaching this conclusion.

9.3.6. **Appropriate Assessment of Relevant European sites**

The following is an objective assessment of the implications of the proposal on the relevant conservation objectives of the European sites using the best scientific knowledge (provided in the NIS). All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are examined and assessed for effectiveness. I have relied on the following guidance:

- DoEHLG (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service. Dublin
- EC (2021) Assessment of plans and projects in relation to Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC

9.3.6.1. Proposed Methodology for Assessment

Six sites as outlined above could not be excluded from the screening exercise undertaken on the basis that significant effects could not be ruled out for a number of reasons. One site, Baldoyle Bay SAC which incorporates part of the subject site could not be ruled out for reasons related to potential for significant effects on some of its qualifying interests which are habitats. The remaining five sites are all SPA's and could not be excluded on the basis of potential significant effects on one of the SCI's present within each of the 5 sites – the light-bellied Brent Goose. Therefore, I propose to assess the potential for adverse affects on the sites under a series of headings given the commonality of the potential likely significant effects on the SAC and the particular SCI within the five SPA's which could not be excluded.

9.3.6.2. European site: Baldoyle Bay SAC [000199]

Table 2 – Qualifying Interests and Conservation Objectives

Qualifying Interest	Conservation Objectives
Mudflats and sandflats not covered by seawater at low tide [1140]	To maintain the favourable conservation condition
Salicornia and other annuals colonising mud and sand [1310]	To maintain the favourable conservation condition
Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]	To maintain the favourable conservation condition
Mediterranean salt meadows (Juncetalia maritimi) [1410]	To maintain the favourable conservation condition

Figure 5 in the NIS outlines the location of the Annex 1 habitats within the development site boundary. An area of Mediterranean salt meadows [1410] and Atlantic salt meadows [1330] are located within the site boundary which forms part of the SAC. It is stated and clarified in the NIS that no works are proposed within the boundary of the SAC with no potential loss of QI habitat as no works proposed in the area within which it is recorded.

In respect of the attributes, measure and targets expressed in the Conservation objectives for each of the qualifying Interests. I note that each of the QI's are stable or increasing and the conservation objectives for each seek to maintain same.

As detailed in the NIS, a fundamental attribute to the qualifying interests of the Baldoyle Bay SAC is water quality including nutrient levels, water clarity and sediment levels. In the absence of mitigation, the condition may be impacted upon as a result of an accidental pollution incident occurring within any of the four watercourses which flow through the proposed development site during the construction stage which could result in potential effects to reach these European sites.

Therefore, as outlined in respect of the screening above, I consider that the potential likely effects on this site in my opinion are as follows:

- Construction related surface water discharges/accidental pollution during construction; and
- Construction related spread of invasive species material.

9.3.6.3. European Sites – Special Protection Areas

Table 3 – Special Conservation Interests and Conservation Objectives for five SPA's.

Baldoyle Bay SPA [004016]	
Special Conservation Interest	Conservation Objectives
Light-bellied Brent Goose (Branta bernicla hrota) [A046] , Shelduck (Tadorna tadorna) [A048], Ringed Plover (Charadrius hiaticula) [A137], Golden Plover (Pluvialis apricaria) [A140], Grey Plover (Pluvialis squatarola) [A141], Bar-tailed Godwit (Limosa lapponica) [A157], Wetland and Waterbirds [A999]	To maintain the favourable conservation condition. Wetland habitat of c.263ha.
North Bull Island SPA [004006]	
Special Conservation Interest	Conservation Objective

Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] , Shelduck (<i>Tadorna tadorna</i>) [A048], Teal (<i>Anas crecca</i>) [A052], Pintail (<i>Anas acuta</i>) [A054], Shoveler (<i>Anas clypeata</i>) [A056], Oystercatcher (<i>Haematopus ostralegus</i>) [A130], Golden Plover (<i>Pluvialis apricaria</i>) [A140], Grey Plover (<i>Pluvialis squatarola</i>) [A141], Knot (<i>Calidris canutus</i>) [A143], Sanderling (<i>Calidris alba</i>) [A144], Dunlin (<i>Calidris alpina</i>) [A149], Black-tailed Godwit (<i>Limosa limosa</i>) [A156] - Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157], Curlew (<i>Numenius arquata</i>) [A160], Redshank (<i>Tringa totanus</i>) [A162], Turnstone (<i>Arenaria interpres</i>) [A169], Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179], Wetland and Waterbirds [A999]	To maintain the favourable conservation condition. Wetland habitat of c.1,713ha.
Malahide Estuary SPA [004025]	
Special Conservation Interest	Conservation Objective
Great Crested Grebe (<i>Podiceps cristatus</i>) [A005], Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] , Shelduck (<i>Tadorna tadorna</i>) [A048], Pintail (<i>Anas acuta</i>) [A054], Goldeneye (<i>Bucephala clangula</i>) [A067], Red-breasted Merganser (<i>Mergus serrator</i>) [A069], Oystercatcher (<i>Haematopus ostralegus</i>) [A130], Golden Plover (<i>Pluvialis apricaria</i>) [A140], Grey Plover (<i>Pluvialis squatarola</i>) [A141], Knot (<i>Calidris canutus</i>) [A143], Dunlin (<i>Calidris alpina</i>) [A149], Black-tailed Godwit (<i>Limosa limosa</i>) [A156], Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157], Redshank (<i>Tringa totanus</i>) [A162], Wetland and Waterbirds [A999]	To maintain the favourable conservation condition. Wetland habitat of c.765ha.
Rogerstown Estuary SPA [004015]	
Special Conservation Interest	Conservation Objective

Greylag Goose (<i>Anser anser</i>) [A043], Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] , Shelduck (<i>Tadorna tadorna</i>) [A048], Shoveler (<i>Anas clypeata</i>) [A056], Oystercatcher (<i>Haematopus ostralegus</i>) [A130], Ringed Plover (<i>Charadrius hiaticula</i>) [A137], Grey Plover (<i>Pluvialis squatarola</i>) [A141], Knot (<i>Calidris canutus</i>) [A143], Dunlin (<i>Calidris alpina</i>) [A149], Black-tailed Godwit (<i>Limosa limosa</i>) [A156], Redshank (<i>Tringa totanus</i>) [A162], Wetland and Waterbirds [A999]	To maintain the favourable conservation condition. Wetland habitat of c.646ha.
South Dublin Bay and River Tolka Estuary SPA [004024]	
Special Conservation Interest	Conservation Objective
Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] , Oystercatcher (<i>Haematopus ostralegus</i>) [A130], Ringed Plover (<i>Charadrius hiaticula</i>) [A137], *Grey Plover (<i>Pluvialis squatarola</i>) [A141], Knot (<i>Calidris canutus</i>) [A143], Sanderling (<i>Calidris alba</i>) [A144], Dunlin (<i>Calidris alpina</i>) [A149], Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157], Redshank (<i>Tringa totanus</i>) [A162], Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179], Roseate Tern (<i>Sterna dougallii</i>) [A192], Common Tern (<i>Sterna hirundo</i>) [A193], Arctic Tern (<i>Sterna paradisaea</i>) [A194], Wetland and Waterbirds [A999]	To maintain the favourable conservation condition. Wetland habitat of c.2,192ha. *(Grey plover proposed for removal for this site with no site-specific conservation objective).

Table 3 in the NIS outlines each of the sites in respect of the specific Conservation Objectives and outlines the attributes, measure and target for the SCI's. In each case, other than for the 3 tern species in South Dublin Bay and River Tolka Estuary SPA, the population trend target is that the long term population of the SCI's are stable or increasing and in terms of distribution the target is no significant decrease in the range, timing and intensity of use of areas by the species, other than that which occurs from the natural patterns of variation. The targets for the tern species is

no significant decline with human activities to occur at levels which would not adversely affect the populations.

As detailed in the NIS, there are two attributes that underpin the special conservation interests of all five SPA sites, which have the potential to be impacted upon as a result of the proposed development: these are foraging habitat and food supply. Particular attention in this regard is brought to the loss of part of the Red Arches pitches and the amenity grassland area to the north of Red Arches Road which are utilised by Light-bellied Brent Geese as ex-situ inland feeding sites. The potential concern is that such a loss may result in a reduction in the proportion of the existing foraging habitat in the Dublin area available to Light-bellied Brent Geese with a potential impact on the existing terrestrial food supply of Light-bellied Brent Geese in Dublin. No scientific evidence has been put forward to suggest that any of the other SCI's use the subject site, principally as they comprise sea birds. In this regard, the potential affect on these SCI's relates to the potential effect which might arise in respect of surface water pollution of the wetland habitat.

In this regard, I would refer the Board to the survey work undertaken to support and inform the NIS as outlined in Section 6.3 of the NIS. In addition to sourcing information from a number of reports including previous bird surveys carried out (2017), as detailed, 8 overwintering bird surveys were undertaken in February and March 2019 (last 5 weeks of season) on the Red Arches playing pitches and the area of amenity grassland to the north of the Red Arches Road in order to ascertain the level of usage by this SCI of areas within the subject site. It is also stated that there is a known roost site close to the subject site but not within same and this was checked as part of the survey. For ease of reference Figure 6 in the NIS plots the roost site, the area of the Red Arches pitches and the area of amenity grassland. The methodology for the surveys is set out in detail in the NIS. The survey results for the Red arches pitches are outlined showing goose numbers of international importance (+401) on three of the days with less usage on other days and over the weekends when the pitches are in use. Disturbances within the site were also recorded which range from dogs, runners, children playing and seagulls with the geese either walking away from the source or leaving the site. In terms of the amenity grassland north of the Red Arches Road, the survey recorded only one very brief occurrence with the geese landing in the vicinity of the proposed skate park and

MUGA but were observed flying over the site with a low number of droppings present. I also note the conclusion reached in the NIS about no apparent relationship between the amenity grassland and the pitches in respect of the potential for geese to move between the two sites. The surveys clearly indicate that the Red Arches pitches are of international importance for the geese associated with the SPA network with the amenity grassland seen to support the SCI.

Another attribute that is fundamental to the special conservation interests of both Baldoyle Bay SPA and as outlined above in respect of Baldoyle Bay SAC is water quality including nutrient levels, water clarity and sediment levels and in the absence of mitigation, the condition may be impacted upon as a result of an accidental pollution incident occurring within any of the four watercourses which flow through the proposed development site during the construction stage which could result in potential effects to reach these European sites. Given the distance of the subject site to the 4 SPA's other than the Baldoyle Bay SAC and the dilution available within the coastal waterbody between the subject site and the 4 SPA's an impact on water quality would not in my opinion be likely to cause adverse effects on the remaining 4 SPA's.

As outlined in the applicants screening report and NIS as confirmed in the overwintering bird surveys, the potential exists for effects to arise in respect of one of the SCI's common to the five sites above, that being the Light-bellied Brent Goose (*Branta bernicla hrota*) [A046].

I also note that some of the submissions received outline concern in respect of the loss of foraging area for the brent geese although no scientific evidence is provided to support the contention. Concern was also expressed in respect of the potential effects which might arise to brent geese in relation to the proposed public lighting.

In this regard I am satisfied that the potential effects which might arise in respect of the SCI's are as follows:

- Displacement of SCI bird species from ex-situ inland feeding sites
- Construction related disturbance impacts on light-bellied brent geese using ex-situ inland feeding sites
- Operation related disturbance impacts on light-bellied Brent Geese.

- Construction related surface water discharges/accidental pollution during construction

9.3.6.4. **Potential Effects (Direct & Indirect) and Mitigation Measures**

The potential effects from the proposed development that may arise in respect of the sites are set out with the mitigation proposals for each identified and considered as follows:

Displacement of SCI bird species from ex-situ inland feeding sites

Potential Effects

This potential effect may arise in each of the five SPA's identified which support the light-bellied Brent Geese. As outlined above in respect of the bird surveys undertaken, this SCI use areas of the subject site – the Red Arches pitches and less so the amenity grassland north of the Red Arches Road as inland feeding habitat during the wintering bird season. Therefore, the proposed development of a skate park and MUGA in the west of this area will result in the displacement of geese from amenity grassland to the north of Red Arches Road which is known to be used by Light-bellied Brent Geese as an ex-situ inland feeding site. The loss of this area as an ex-situ inland feeding site may in turn result in a reduction in the proportion of the existing foraging habitat in the Dublin area available to Light-bellied Brent Geese.

South of and adjacent to the Red Arches Road and north of the playing pitches at Red Arches which are an internationally important foraging area for this species, the proposal includes for the provision of a new car park. I would however note that, as outlined in the NIS, the car park area is not regularly used by foraging geese, with the rationale supporting same, its proximity to the road. It is also noted that no geese were recorded within the footprint of the proposed car park during surveys undertaken here. It is outlined that foraging geese tend to be found towards the centre of the playing pitches rather than at the perimeter. It is suggested in the NIS that the loss of this area is not considered significant given the low usage by the geese and by reason of the large area of the playing pitches remaining which provide a substantial foraging area for the SCI.

The NIS examines in detail the potential loss of such ex-situ feeding sites to result in a loss of numbers within the SPA network which would have the potential to

adversely affect the conservation objectives which seeks to maintain the favourable conservation condition. I would refer the Board in this regard to section 6.4.1 of the NIS which outlines the detail in respect of the targets for the sites but I note that as outlined in the review of the bird surveys undertaken, the amenity grassland to the north of the red arches road where the skatepark and MUGA is proposed thereby reducing the area available to the geese for feeding is only occasionally used and unlike the internationally important site to the south (the pitches), is considered to be of moderate significance with an inconsistent use.

In addition, the proposed development comprises the development of additional pitches to the west of the site on lands which are currently unsuitable for foraging geese. The development of these pitches will result in additional suitable habitat for the geese resulting in a net gain of foraging habitat. The phasing plan proposes to develop the additional pitches prior to the works proposed on the amenity grassland taking place. It is also noted that lands to the north of the Moyne Road are being managed for foraging with the species recorded on these lands over the 2019-2020 wintering season thus creating further foraging resources for the geese. I am satisfied that it can be concluded that the loss of the amenity grassland to the north of the Red Arches Road as a foraging resource will not adversely affect the light-bellied Brent Geese in view of their conservation objectives given the availability of suitable foraging habitat of a greater size within the immediate vicinity of this area and with additional habitat proposed as part of the proposed development by way of the proposed new pitches.

Mitigation Measures Proposed

While the NIS does not specifically include mitigation measures for this potential effect, I consider that the availability of additional habitat in the area of the site to the north of Moyne Road and the proposed new pitches to the west of the site which will be available prior to the works on the amenity grassland commencing would mitigate against any potential displacement by providing improved habitat within the area.

Conclusion

The availability of additional foraging habitat within the vicinity of the site, coupled with the programming of works to ensure that the proposed pitches will be completed prior to works on the ex-situ lands will ensure that no adverse effects on the

conservation objectives of the five SPA sites will arise as a result of the proposed development.

Construction related disturbance impacts on light-bellied brent geese using ex-situ inland feeding sites

Potential Effects

This potential effect may arise in each of the five SPA's identified which support the light-bellied Brent Geese as the proposal has the potential to result in increased disturbance impacts on foraging Light-bellied Brent Geese over the course of the construction stage. This relates in particular to the area to the north of the Red Arches playing pitches at Red Arches where it is proposed to create a new car park fronting onto Red Arches Road, and the area of amenity grassland to the north of Red Arches Road where a skate park and MUGA are proposed as addressed in the previous section.

Research referenced in the NIS notes that irregular noise above 50dB may cause maximum disturbance to birds and that birds respond more severely to disturbance from groups of people and it is advised that groups of construction personnel should retain a larger distance from foraging waterbirds than individual persons. It is considered that construction in the playing pitches and the area of amenity grassland at Red Arches would result in increased visual and noise disturbance which could lead to a reduced foraging success for geese during the winter bird season. It is therefore considered that in the absence of mitigation, the proposal has the potential for disturbance related impacts to result in negative effects on the conservation objectives of the five relevant SPA sites.

Mitigation Measures Proposed

The following mitigation measures are proposed in respect of the light-bellied Brent Geese:

Timing of Construction

Construction activities associated with both the proposed car park at Red Arches playing pitches and the proposed skate park in the area of amenity grassland to the north of Red Arches Road restricted to the period May- August (inclusive) so as to

avoid construction related disturbance to foraging geese (which are only winter visitors).

If the timing of works cannot be complied with, due to an incompatible project program, then a visual screen will be erected around the perimeter of construction works on the pitches or amenity grassland area, to avoid visual disturbance to foraging geese.

Conclusion

I would agree with the authors of the NIS that the implementation of the mitigation measures in full will ensure that no adverse effects on the conservation objectives of the five SPA sites will arise during the construction stage of the proposed development.

Operation related disturbance impacts on light-bellied Brent Geese.

Potential Effects

This potential effect may arise in each of the five SPA's identified which support the light-bellied Brent Geese

The proposed provision of an additional car park in the northernmost part of the existing Red Arches playing pitches site could result in increased disturbance to foraging geese during the car parks operation. As outlined in the NIS, a wide variety of human activities are known to cause disturbance, but their effects on birds depend on their nature, frequency and extent. People walking their dogs can affect feeding and roosting birds and, due to the fact that many estuaries are used by dog walkers, this activity has the potential to affect a large proportion of the wintering populations of many waterbirds. The NIS references research undertaken in South Dublin Bay with interesting observations in respect of the impact of disturbance to birds as it relates to the use of the estuaries within which these waterbirds feed.

In terms of the provision of a car park in the northernmost part of the existing Red Arches playing pitches site, in the absence of mitigation, this has the potential to result in increased disturbance to foraging geese who forage at the pitches in large numbers. The provision of a car park so close to the pitches could result in an increase in the number of people and dogs who run directly onto the pitches from

this area, disturbing any foraging geese, thereby having the potential to create an adverse affect on the conservation objectives of the five relevant SPAs.

Another potential effect brought up by an observer which might arise at operational stage is the impact of the proposed public lighting on the brent geese. I note the response of the applicant to this concern whereupon they consider such an impact to be minimal as there is no potential for light spill into the estuary as the lighting is located well away from the estuary and no lighting is proposed within the feeding areas of the Brent Geese so the chance of any collisions with lamp posts is low.

It is further stated that feeding patterns by the Geese would not be affected as most of the Geese associated with Baldoyle Bay tend to spend the night at Bull Island and not in the park This is based on emerging GPS tracking data collected as part of a Brent Geese study by Exeter University for FCC.

Mitigation Measures Proposed

It is considered that the design of the park already includes measures to address the potential effect such as the provision of a dog park within the park. Research in the area promotes initiatives as follows which aim to minimise contact between dogs and waterbirds:

- good design and maintenance of paths to encourage people to use them;
- unobtrusive barriers to prevent dogs running onto intertidal areas;
- provision of alternative areas for dog-walking and other pursuits;
- zoning important feeding and roosting areas as “dog-free” during sensitive times of the year; and;
- public education to encourage people to keep dogs on a leash in areas where they could disturb birds.

Specific and detailed mitigation measures have been proposed to address the potential adverse effects that may arise from operation-related disturbance impacts on Light-bellied Brent Geese as a result of the proposed development as outlined below:

- The car park design leads visitors from the car park to a designated entrance to the playing pitches, located to the south-west of the proposed car park to ensure

people use a defined entrance as opposed to simply running onto the pitches from any location in the car park.

- Screen planting and fencing has been provided around the perimeter of the car park to ensure that loose dogs cannot simply run onto the pitches from the car park.
- Playing pitches and potentially the other areas in the wider park which are to be managed for geese will be zoned as “dog-free” for the winter bird season (September – April) and signs will be erected to convey this message to the public. These signs will also act as a means of public education to describe how disturbance such as loose dogs can impact geese.
- Park policy that all dogs must be kept on a lead at all times while in the park, with the exception of the dog park to be implemented by a by-law and enforced by Fingal County Council Park Rangers who will monitor the park.

Conclusion

I would agree with the authors of the NIS that the implementation of the mitigation measures in full will ensure that no adverse effects on the conservation objectives of the five SPA sites will arise during the operational stage of the proposed development.

Construction related surface water discharges/accidental pollution during construction

Potential Effects

This potential effect may arise in the Baldoyle Bay SAC and Baldoyle Bay SPA where wetland habitat is a qualifying interest. As outlined elsewhere in this assessment, the distance to and dilution within the coastal waterbody would provide that the integrity of the wetland habitat in the other four SPA's, North Bull Island SPA [004006]; Malahide Estuary SPA [004025]; Rogerstown Estuary SPA [004015] and South Dublin Bay and River Tolka Estuary SPA [004024], would not be likely to be impacted.

Given the nature of the proposed development and the construction required In the absence of mitigation, accidental spillages of oils, cement or other potential pollutants, during construction works could potentially be released into the surface water network on the site, namely the - Mayne River, Snugborough River, Maynetown Stream or Snugborough Stream and/or the existing surface water drainage network in the area and transferred into Baldoyle Bay.

The qualifying Interest habitats for which Baldoyle Bay SAC is designated include the following; Mudflats and sandflats not covered by seawater at low tide [1140]; *Salicornia* and other annuals colonising mud and sand [1310]; Atlantic salt meadows (*Glauco-Puccinellietalia maritima*) [1330]; and; Mediterranean salt meadows (*Juncetalia maritimi*) [1410]. These habitats are all found in estuaries and areas with a brackish influence and would be potentially at risk from an accidental pollution incident, if it was of sufficient magnitude and duration to significantly affect water quality in Baldoyle Bay. The potential impact in the absence of mitigation would be a low risk of an adverse effect on the site integrity from accidental fuel, oil or concrete spills, dependent on the magnitude of the pollution event.

All Qualifying Interest habitats for which Baldoyle Bay SAC is designated and the special conservation interest bird species of Baldoyle Bay SPA utilise the intertidal and estuarine habitats in Baldoyle Bay for feeding and/or roosting with these species vulnerable to the following:

- an accidental pollution incident either directly e.g. through direct contact with oil or other polluting chemicals, or indirectly by affecting the habitats and food supply on which they rely for feeding and/or roosting within the Baldoyle Bay area.
- it is possible that silt-laden or otherwise contaminated runoff from the construction site could be released into the various watercourses which flow through the site and/or the existing surface water drainage network and transferred into Baldoyle Bay, particularly from the regrading and excavation works proposed within the boundary of the Baldoyle Bay SAC.
- at risk from run-off of sediment during construction of the proposed development, if it was of a sufficient quantity, magnitude and duration to significantly affect water quality in Baldoyle Bay.

- increase in run-off of sediment indirectly by affecting the habitats and food supply on which the SCI's rely for feeding and/or roosting within the Baldoyle Bay area.

The NIS considers that all of the above, in the absence of mitigation, would comprise a low risk of an adverse effects on the integrity of the sites.

Mitigation Measures Proposed

Specific measures to prevent the release of sediment over baseline conditions to the Mayne River, Snugborough River, Maynetown Stream and Snugborough Stream (and subsequently Baldoyle Bay) during the construction work, which will be implemented as the need arises. These measures include, but are not limited to:

- the use of silt traps, silt fences, silt curtains, settlement ponds and filter materials.
- Provision of exclusion zones and barriers (e.g. silt fences) between earthworks, stockpiles and temporary surfaces to prevent sediment washing into any of the watercourses on site and/or existing drainage systems and hence the downstream receiving water environment.
- Silt traps will not be constructed immediately adjacent to the existing watercourses, *i.e.* a buffer zone between the trap and the watercourse with natural vegetation must be left intact.
- Imported materials such as terram, straw bales, coarse to fine gravel will be used either separately or in-combination as appropriate to remove suspended matter from discharges.
- Provision of temporary construction surface drainage and sediment control measures to be in place before the construction of any pipeline and/or earthworks commence.
- Weather conditions will be taken into account when planning construction activities to minimise risk of run-off 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 of the watercourses on site and/or surface water drainage features, or drainage features connected to same. Pumped concrete will be monitored to ensure no accidental discharge. Mixer washings and excess concrete will not be discharged

to any watercourses or existing surface water drainage systems. Concrete washout areas will be located remote from any watercourses or any surface water drainage features, where feasible, to avoid accidental discharge to watercourses.

- Any fuels or chemicals (including hydrocarbons or any polluting chemicals) will be stored in a bunded area to prevent any seepage of same into any of the watercourses, local surface water network or groundwater, and care and attention will be taken during refuelling and maintenance operations.
- Temporary oil interceptor facilities shall be installed and maintained where site works involve the discharge of drainage water to receiving rivers and streams. Works where this may be applicable include the removal of the existing outfall and creation of extended reed bed area in the vicinity of the River Snugborough; the creation of brackish grassland habitat to the north of the River Mayne; and; the installation of culverts in drainage ditches to the north of the construction road and cycle path.
- All containment and treatment facilities will be regularly inspected and maintained.
- All mobile fuel bowzers will carry a spill kit and operatives must have spill response training.
- All fuel containing equipment such as portable generators will be placed on drip trays.
- All fuels and chemicals required to be stored on-site will be clearly marked.
- Implementation of response measures to potential pollution incidents.
- Emergency procedures and spillage kits will be available and construction staff will be familiar with emergency procedures in the event of accidental fuel spillages.
- All trucks will have a built-on tarpaulin that will cover excavated material as it is being hauled off-site and wheel wash facilities will be provided at all site egress points.

- Water supplies shall be recycled for use in the wheel wash. All waters will 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 will 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).

In addition to the above, the following measure will also be applied:

- Any works in close proximity to watercourses will be restricted to taking place during the summer period only (May- August (inclusive)), when weather is drier to avoid sediment and other harmful materials being transferred to watercourses, and subsequently to downstream European sites, by precipitation and surface waters flowing overland and will help to ensure the early re-colonisation of any cleared areas by opportunistic plants, which will help to bind soil together and prevent any further transfer of sediment. Proposed pond/pool creation works and preparatory works for proposed playing pitches to the north of the River Mayne (e.g. vegetation clearance and regrading) will abide by this measure.

Conclusion

I would agree with the authors of the NIS that the implementation of the suite of mitigation measures outlined above will ensure that no adverse effects on the conservation objectives of the Baldoyle Bay SAC and Baldoyle Bay SPA will arise during the construction stage of the proposed development or as a consequence of run-off of sediment/silt or contaminated waters into any of the watercourses present on site during the construction stage of the proposed development.

Construction related spread of invasive species material

Potential Effects

This potential effect may arise in the Baldoyle Bay SAC given the nature of the development. As outlined in the consideration of the ecological environment in the NIS, three invasive species, all of which are listed on the Third Schedule of the Birds and Natural Habitats Regulations (2011), were recorded within the survey area: Giant Hogweed *Heracleum mantegazzianum*, Japanese Knotweed *Reynoutria japonica* and Three-cornered Leek *Allium triquetrum*.

A single Giant Hogweed plant was recorded along the southern boundary of the area of amenity grassland to the north of Red Arches road. Stands of Japanese Knotweed were noted within the Moyne Park halting site and along the Moyne Road. Three-cornered Leek was recorded at the entrance to a field just south of the Moyne Road and this species was also present at the entrance to the allotments in Baldoyle Racecourse Park. Survey work undertaken in 2017 also recorded one Giant Hogweed plant in the area of grassland/ scrub to the west of the Snugborough Stream.

With the existence of such species and in the absence of mitigation, there is potential for construction related activities such as earthworks, regrading, landscaping and excavations to exacerbate the spread of invasive species both within and outside the proposed development site. This leads to the potential for invasive plant material to be spread to downstream European sites such as Baldoyle Bay SAC with the potential for the qualifying Interest habitats for which Baldoyle Bay SAC is designated to be potentially at risk from the spread of invasive species during construction. The NIS suggests a moderate risk of adverse effects on site integrity from the spread of invasive species in the absence of mitigation.

Mitigation Measures Proposed

The NIS outlines, in my opinion, appropriate measures to address this particular matter as follows:

- Prior to any works commencing on site any areas of invasive species will be clearly

- demarcated and an exclusion zone around these areas will be established.
- All contractors on site will be given a toolbox talk in relation to the invasive species present on site and the biosecurity risks associated with them. Biosecurity protocols/procedures to be employed while working on site will be clearly conveyed to all contractors in advance of any works commencing.
- All invasive species listed on the Third Schedule of the Birds and Natural Habitats Regulations (2011), will be eradicated prior to any other works commencing in affected areas.
- An Invasive Species Management Plan (ISMP) will be prepared to inform the contractor on how to deal with invasive species within the construction site. The ISMP will clearly outline the control methods to be employed for each Third Schedule invasive species recorded on site. A suitably qualified contractor, with experience in dealing with invasive species, will be employed to execute the ISMP. This ISMP will be lodged with the relevant authority.
- The site will be monitored for the presence of invasive species for a period of 3 years post development. Any subsequent regrowth of invasive species will be treated accordingly by a suitably qualified contractor, following best guidance.

Conclusion

I consider that it would be appropriate to condition the requirement to prepare an Invasive Species Management Plan (ISMP) and other related conditions to avoid the spread of such species and that with the implementation of the mitigation measures in full there will be no adverse effects on the conservation objectives of the Baldoyle Bay SAC and Baldoyle Bay SPA sites will arise during the construction stage of the proposed development.

Overall Conclusion on Likely Potential Adverse Effects and Mitigation

Measures

Overall, I am satisfied that the measures as described will be effective in avoiding and reducing any potential adverse effects to a level that is not significant in view of the conservation objectives of the sites. I consider that conditions should be attached

by the Board, if they are minded to grant permission in respect of the timing of works, the preparation of an Invasive Species Management Plan and the appointment of a Project Ecologist to oversee the construction works and particularly the timing of works. Therefore, following the implementation of mitigation, the proposed park development works will not adversely affect the integrity of these European site and no reasonable doubt remains as to the absence of such effects.

9.3.7. In combination effects with other plans and projects

The potential for effects of the proposed development to act in combination with other plans and projects or ongoing activities at the site and give rise to adverse effects is addressed in Section 7 of the NIS.

The ecological significance of the area is acknowledged in the County and Local Planning policy with developments within the wider area subject to the policies and objectives contained within same. As noted in the NIS, any future plans/projects, which could potentially result in-combination effects with the proposed public park, will have to demonstrate that they will not result in adverse impacts on European sites. I would agree that these protective policies prevent in-combination effects arising and as such, in-combination effects as a result of zoning and future development can be excluded.

In terms of the increased visitor pressure in the area I consider that, as outlined in the NIS, the provision of the proposed Racecourse Park is part of a strategy to assist in maintaining the conservation condition of Baldoyle Bay SAC and Baldoyle Bay SPA, by providing an alternative area for recreational activities, thereby reducing recreational pressures on the adjacent SAC and SPA. Given the increased population envisaged for the area, protecting the SAC and SPA especially from the identified disturbances from dog walking and human activities will have a positive effect.

As outlined elsewhere in this report, the wider area within which the site is situated has been and is proposed to be subject of considerable residential development. Section 7.1.3 of the NIS outlines a number of the significant developments. The proposed development, I would note, will have a positive in-combination effect with

other developments providing as it does a high quality amenity space and creating linkages within the wider area through connections under the rail line and connections to the greenway.

9.3.8. Appropriate Assessment Conclusion

Following an examination and evaluation of the material submitted with the application, my findings are that the information before the Board comprehensively addresses all issues and concerns regarding potential adverse effects on the Baldoyle Bay SAC [000199]; Baldoyle Bay SPA [004016]; North Bull Island SPA [004006]; Malahide Estuary SPA [004025]; Rogerstown Estuary SPA [004015] and South Dublin Bay and River Tolka Estuary SPA [004024]. I consider that the information provided in the NIS allows for a detailed assessment of the implications of the proposed development works on the SAC and SPA's and complete, precise, and definitive findings for the purpose of Appropriate Assessment.

Following Appropriate Assessment, my recommendation is that it can be ascertained beyond reasonable scientific doubt that the proposed park development proposal, individually or in combination with other plans or projects would not adversely affect the integrity of the Baldoyle Bay SAC [000199]; Baldoyle Bay SPA [004016]; North Bull Island SPA [004006]; Malahide Estuary SPA [004025]; Rogerstown Estuary SPA [004015] and South Dublin Bay and River Tolka Estuary SPA [004024] in view of the sites Conservation Objectives.

This conclusion is based on the following:

- A full and detailed assessment of all aspects of the proposed works including proposed mitigation and ecological monitoring in relation to the conservation objectives of the Baldoyle Bay SAC [000199]; Baldoyle Bay SPA [004016]; North Bull Island SPA [004006]; Malahide Estuary SPA [004025]; Rogerstown Estuary SPA [004015] and South Dublin Bay and River Tolka Estuary SPA [004024]
- The proposed park development proposal will not undermine the conservation objectives which seek to maintain the favourable conservation condition of the following qualifying interest habitats: Mudflats and sandflats not covered by seawater at low tide [1140], Salicornia and other annuals colonising mud and

sand [1310], Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330] and Mediterranean salt meadows (*Juncetalia maritimi*) [1410].

- With the application of all mitigation measures the proposed park development proposal will not undermine the conservation objective of maintaining the favourable conservation condition of the light-bellied Brent Geese and while an area of an ex-situ feeding site is proposed to be developed suitable alternative habitat exists within the site with additional habitat to be available following the completion of the proposed playing pitches thereby providing greater feeding opportunities for this SCI than currently exists.

10.0 Recommendation

On the basis of the above assessment, I recommend that the Board approve the proposed development subject to the reasons and considerations below and subject to conditions including requiring compliance with the submitted details and with the mitigation measures as set out in the NIS.

Reasons and Considerations

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

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011 as amended,
- (c) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,
- (d) the conservation objectives, qualifying interests and special conservation interests for the Baldoyle Bay SAC [000199]; Baldoyle Bay SPA [004016]; North Bull Island SPA [004006]; Malahide Estuary SPA [004025]; Rogerstown Estuary SPA [004015] and South Dublin Bay and River Tolka Estuary SPA [004024]

- (e) the policies and objectives of the Fingal County Development Plan 2017-2023, Baldoyle-Stapolin Local Area Plan May 2013 and Portmarnock South Local Area Plan July 2013
- (f) the nature and extent of the proposed works as set out in the application for approval including the response received to the submissions received,
- (g) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (h) the submissions received in relation to the proposed development, and
- (i) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

Appropriate Assessment

The Board agreed with and adopted the screening assessment and conclusion carried out in the inspector's report that the Baldoyle Bay SAC [000199]; Baldoyle Bay SPA [004016]; North Bull Island SPA [004006]; Malahide Estuary SPA [004025]; Rogerstown Estuary SPA [004015] and South Dublin Bay and River Tolka Estuary SPA [004024], are the European sites for which there is a likelihood of significant effects.

The Board considered the Natura Impact Statement and the revision to same and all other relevant submissions and carried out an appropriate assessment of the implications of the proposal for the Baldoyle Bay SAC [000199]; Baldoyle Bay SPA [004016]; North Bull Island SPA [004006]; Malahide Estuary SPA [004025]; Rogerstown Estuary SPA [004015] and South Dublin Bay and River Tolka Estuary SPA [004024], in view of the Sites Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

In completing the assessment, the Board considered, in particular, the

- (i) Likely direct and indirect impacts arising from the proposal both individually or in combination with other plans or projects, specifically upon the Baldoyle Bay SAC [000199]; Baldoyle Bay SPA [004016]; North Bull Island SPA [004006]; Malahide Estuary SPA [004025]; Rogerstown Estuary SPA [004015] and South Dublin Bay and River Tolka Estuary SPA [004024].

- (ii) Mitigation measures which are included as part of the current proposal, and
- (iii) Conservation Objective for these European Sites,

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Sites, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the site's conservation objectives.

Proper Planning and Sustainable Development/Likely effects on the environment:

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the residential amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area and would not interfere with the existing land uses in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars, including the mitigation measures specified in the Natura Impact Statement, submitted with the application to An Bord Pleanála on the 7th day of September, 2021 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be prepared by the local authority, these details shall be placed on file prior to commencement of development and retained as part of the public record.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The mitigation measures and monitoring commitments identified in the Natura Impact Statement, and other plans and particulars submitted with the application shall be carried out in full except as may otherwise be required in order to comply with other conditions.

Reason: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.

3. Works shall not take place in relation to the proposed car park, skate park and MUGA during the period October – April.

Reason: To prevent impacts on the light-bellied Brent Geese qualifying interest.

4. Prior to the commencement of development, the local authority shall agree with the relevant statutory agencies a Construction Environmental Management Plan and Method Statement, incorporating:

(a) all mitigation measures indicated in the Natura Impact Statement and revision to same;

(b) Methods to be employed to sterilise the equipment and machinery:

This Construction Environmental Management Plan shall be placed on file prior to commencement of development and retained as part of the public record.

Reason: In the interest of protecting the environment.

5. A suitably qualified ecologist shall be appointed by the County Council to oversee the site set-up and works and the ecologist shall be present on site on a basis to be agreed with the Council. Upon completion of works, an audit report of the site works shall be prepared by the appointed ecologist and submitted to the County Council to be kept on record.

Reason: In the interest of nature conservation, to prevent adverse impacts on the European sites and to ensure the protection of the Annex 1 habitats

and Annex 11 species and their Qualifying Interests/Special Conservation Interests for which the sites were designated.

6. Prior to the commencement of development, the County Council shall prepare an Invasive Species Management Plan for the site which shall incorporate the mitigation measures included at Section 6.5.3 of the Natura Impact Statement.

This Invasive Species Management Plan shall be placed on file prior to commencement of development and retained as part of the public record.

Reason: In the interest of the proper planning and sustainable development of the area and to ensure the protection of the European sites.

7. The County Council and any agent acting on its behalf shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

Reason: In the interest of the proper planning and sustainable development of the area and to ensure the protection of the European sites.

8. A non-slip surface material shall be applied to the bridge and other relevant surfaces. A report outlining the materials to be incorporated into the Park Design shall be prepared and retained as part of the public record.

Reason: In the interest of the proper planning and sustainable development of the area

9. The County Council and any agent acting on its behalf shall facilitate the preservation, recording, protection or removal of archaeological materials or features that may exist within the site. A suitably qualified underwater archaeologist shall be appointed by the County Council and the archaeologist shall be present on site during the regrading and excavation works. The requirements of the Department of Housing, Local Government and Housing as set out in their response dated 11 March 2022 shall be complied with and a report on same shall be kept on record,

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.

Una Crosse
Senior Planning Inspector

14 July 2022