



An
Bord
Pleanála

Inspector's Report

ABP-312429-22

Development

Proposed development at Shanganagh Park (Phase 1) comprising the development of two grass pitches, the amalgamation and upgrade of the baseball and cricket facilities, upgrades at the railway crossing, sprint track with covered canopy to include all earthworks, drainage, fencing and netting, floodlighting and path lighting, tree planting, street furniture, play and calisthenics equipment, new paths and ramps and all ancillary works at Shanganagh Park.

Location

Shanganagh Park, Shankill, Co. Dublin

Planning Authority

Dun Laoghaire Rathdown County Council

Developer

Dun Laoghaire Rathdown County Council

Applicant(s)

1. John Coveney
2. Ruby White

3. Kevin Allwright
4. Bernie Stapleton
5. Derek F. Smith
6. Jamie McKeown

Type of Application

EIA Screening Determination

Date of Site Inspection

1st March 2022

Inspector

Máire Daly

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1.0 Introduction

- 1.1. Under the provisions of Article 120(3)(b) of the Planning and Development Regulations (PDR) 2001, as amended, six members of the public are seeking a determination from An Bord Pleanála, as to whether or not the proposal to develop two grass pitches, the amalgamation and upgrade of the baseball and cricket facilities, upgrades at the railway (DART) crossing, sprint track with covered canopy to include all earthworks, drainage, fencing and netting, floodlighting and path lighting, tree planting, street furniture, play and calisthenics equipment, new paths and ramps and all ancillary works at Shanganagh Park would be likely to give rise to significant effects on the environment, and thereby require the preparation of an Environmental Impact Assessment Report (EIAR).
- 1.2. Dun Laoghaire Rathdown County Council (DLRCC) is of the opinion that the works do not require an EIAR (as per submitted EIA Screening Determination) and has initiated the process set out in Part XI of the Planning and Development Act 2000, as amended, and Part 8 of the Planning and Development Regulations, 2001, as amended.

2.0 Site Location and Description

- 2.1. The subject site which has a total area of approx. 8.7ha is located on the eastern part of Shanganagh Park to the west of the DART line, c. 800m east of the M11 and c.320m northeast of Shanganagh Cemetery. The site is currently comprised of a large open green recreational area, with parts to the southwest and northeast used for sports (baseball and cricket) purposes. The other grassed areas are largely managed as amenity open space and are regularly mowed.
- 2.2. To the west of the subject site is a larger area of open space which contains several grassed open playing pitches and Cuala GAA – Shankill. The southern part of the subject site is bordered by well established mature deciduous trees and thicker coppices. The eastern and northern boundaries also have established treelines, though of a thinner form. This area of the park borders St. Ann's Park to the north and the Castle Farm housing estates to the west. Access to this area of the park is provided from both adjoining housing estates via pedestrian pathways. Shanganagh Castle is located to the west of the subject site. The eastern part of the site is

bordered by the DART/railway line which runs in cut alignment in a north-south direction below park level.

- 2.3. The surrounding area is comprised of a mix of residential properties and commercial uses along the R119 regional road. In addition, community uses are also prevalent with Shanganagh Cemetery located to the immediate south of the site. Shanganagh dog park and an extended area of the parklands are located on the other side of the DART line to the east of the subject site, which is accessible via a pedestrian bridge over the railway line. Beyond this to the east is the coastline and Shanganagh Bay beach. Woodbrook Gold Club is located to the southeast of the site.

3.0 Proposed Development

3.1. Overview and Project Description

- 3.1.1. The proposed development represents Phase 1 of the Shanganagh Park Masterplan (2019) and involves the construction, intensification and rearrangement of sporting facilities towards the rear of the park. The masterplan for Shanganagh Park includes plans for a range of other facilities including a car park extension, a wetland pond for stormwater attenuation, enlargement and relocation of a playground, tea rooms in Shanganagh Castle, a formal herbaceous garden, the renovation of a multi-sport complex and a potential greenway route through the site. These other masterplan elements are not included in the current Part 8 proposal and although referred to in relation to the consideration of cumulative effects as part of the submitted EIA Screening Report, are not otherwise considered. The Council state that these will be subject to separate planning and environmental assessment compliance requirements in due course.
- 3.1.2. The proposed development will comprise the following:
- Grass Pitches: Two GAA sized sand-based grass pitches with floodlights and reinforced warm up area. Floodlights to include 9 no. 24.4m high galvanised steel columns.
 - Baseball/Cricket: Amalgamated cricket and baseball areas with fencing and netting as required.

- Athletics: 6 lane, 100m sprint track with long and triple jump facilities and covered canopy housing and 2 no. 15.24m high galvanised steel columns with lighting on track's western side.
- Park Integration: New tree planting, pollinator areas, etc.
- Other - Improvements to perimeter path and access over DART line, calisthenics, natural play, seating, etc.

3.1.3. The total proposed site area is approx. 8.7 ha.

3.2. **Part 8 Application**

3.2.1. The proposed development is the subject of a Part 8 application. The documentation associated with the Part 8 application included, *inter alia*:

- Part 8 Report and Drawings – prepared by DLRCC.
- Environmental Impact Assessment (EIA) Screening Report prepared by CAAS Consultants.
- Environmental Impact Assessment Screening Determination prepared by DLRCC.
- Appropriate Assessment (AA) Screening Report prepared by Altamar Marine & Environmental Consultancy.
- Ecological Impact Assessment (EclA) prepared by Altamar Marine & Environmental Consultancy.
- Tree Survey and Report prepared by Arborist Associates Ltd.
- Floodlighting Design & Report prepared by Musco Lighting.

4.0 **Request for Determination**

4.1. **Applicant's Request**

4.1.1. A request was submitted by 6 no. individuals as listed on the cover page above seeking a determination by the Board as to whether EIA would be required for the proposed development. The following summarises the content of these submissions:

- The proposal will have a detrimental effect on wildlife in the surrounding area. Floodlights will have a devastating effect on birds, squirrels and bats in the area.
- Shanganagh Park is designated as a 'Locally Important Biodiversity site' in the DLRCC Shanganagh Park Biodiversity Education Pack. Under Article 44D (1) (e)(vi) of the P&D Regs 2001 (as amended) the site would be considered such a place of ecological interest. Policy Objective GIB18: Protection of Natural Heritage and the Environment applies.
- Birds feed on the open grassed area and in the summer when the Council allow the grass to grow it attracts many insects, birds and flowers.
- There is an abundance of playing fields in the area, there is no requirement for more. The sports complex should be located on the existing pitches in the Park that are near to the existing infrastructure such as the main road from Shankill to Bray – the R119, with high frequency buses and the existing car park.
- In the absence of official guidance on the threshold size of, or what a sports stadium is, the presumption should be towards EIA not away from it, especially given the location in a sensitive biodiverse section of a park that is currently mainly used for passive recreation.
- A further significant concern is the intensification of the use of the proposed Middle Field between the 2019 Masterplan and the current Phase 1 application with the addition of the sprint track. No EIA screening of the 2019 masterplan was done to justify such a radical change from the former 2008 masterplan.
- The 2019 Masterplan was also pushed through with minimal public consultation and the considerable concerns expressed by many local people in 2019 were ignored.
- Traffic/Parking impacts and impacts on population – that the proposal includes no new car parking spaces is of great concern to local residents in Castle Farm and St Annes Park who live adjacent to the existing pedestrian access points. The facilities and floodlights may be in use from 0700 to 2200

which in reality will be in use earlier and later and cause unprecedented noise and traffic impacts in a currently tranquil setting.

- The EIA screening report wrongly tries to downplay the size of the development. It says the site will be 8.7 ha – quite close to the relevant threshold of 10ha - but then says the actual site might be a bit smaller but does not quantify how much less. The screening then tries to claim that the adjacent housing estates are not “built up”, and therefore the actual threshold is 20ha that applies in rural areas.
- Project Type 13 Changes, extension etc. The proposed project is a fundamental change of use of the existing quiet biodiverse middle field to an intensive sports complex.

4.1.2. Below is a review against Schedule 7 Selection Criteria for EIA –

Characteristics

Cumulation:

- The lack of assessment of the project as a whole and cumulatively with the rest of the Masterplan area is contrary to fundamental principles of EIA as clearly expressed in the 2018 EIA Guidelines, which states that EIA screening must consider the “whole development”.
- In addition, no cumulative assessment of the project with the Woodbrook and Shanganagh Castle Developments that have been subject to EIA in the last few years was carried out.
- The cumulative impact assessment contains no mention of the loss in 2021 of the “Two Fields” to the golf course.
- The screening assessment is so bad that it doesn’t even provide a rational basis for the Board to decide on whether an EIA should be done or not. It simply provides yet another reason to invalidate the entire application.

Demolition:

- There will be significant demolition of the natural lie of the land in an area of high amenity parkland. These are significant selection criteria for sub-threshold EIA as stated in the 2018 Guidelines.

Use of Natural Resources:

- The irreversible loss of the Middle Field of the Park from its current state would be a significant use of natural land, soil and biodiversity use.
- In relation to biodiversity, the EIA screening dismisses the impact on biodiversity as minimal despite the fact that edges of the Middle Field are regularly used for feeding by three protected bat species under the Wildlife Acts and Article 12 of the Habitats Directive – that is Leisler’s Bat and Common and Soprano Pipistrelles. This dismissal is presumably based on an inadequate bat report in the Ecological Assessment Report (Appendix 5 of the Application) based on only two field visits in August and September when the floodlighting would not be on.
- One applicant has heard (using a batbox) and seen pipistrelles flying around the edges of Middle Field into the first half of November. This is well into the period when the floodlights would be in use.
- The EIA screening report’s conclusions on biodiversity in relation to bats are completely unfounded as they are based on inadequate field work, no desk study of nearby EIAs and an incomprehensible floodlighting report.

Pollution & Nuisances:

- Local residents and non-sports users will have to put up with the nuisance of traffic and light pollution from the flood lighting. No basis whatsoever is given for the opinion that only “minor traffic” would be generated.

Major Accidents:

- The likely levels of traffic the sport complex will generate at busy times will cause a significant increase the risk of a fatal or life changing accident.

Location

Parks:

- The site of the proposed Phase 1 development is not on the existing sports fields section of the Park. Instead it is in a quiet biodiverse area much used and loved by Park visitors for passive recreation.

Densely Population Areas:

- The current and imminent proximity of densely populated areas should be taken account in requiring an EIA.

Landscapes of cultural significance:

- The EIA screening has not considered at all that the Middle Field as is of cultural significance to the Park Users.

Potential Impacts

- Nature of the Impact - this section only mentions construction phase impacts.
- Intensity & Complexity - The proposal will cause complex changes in the biodiversity and human use of the whole of the park, as well as pollution and nuisance.
- Probability of Impact - irreversible loss of the Middle Field in its current state and loss of biodiversity.
- Onset, Duration, Frequency and Reversibility of Impacts - No information is given on the length of the construction phase or details of floodlighting frequency and use.

4.1.3. There is also no consideration given as to how the recently developed pitches at Stonebridge Road, less than 2km northwest of the site location are serving existing and likely future demand, nor of the forthcoming all weather pitch at Woodbrook School some 2km to the south.

4.1.4. In addition, the applicant requests that the Board declare the current application invalid due to unauthorised pre-emptive development on site which involved the clearance of vegetation adjacent to the railway footbridge. Also, concerns were raised by an applicant regarding the validity of the site notice erected by DLRCC. I note that the applicant has previously communicated with the Council regarding the vegetation clearance and that Council have admitted that this occurred due to a breakdown in communication in the Parks Dept. While I note the concerns, these matters are outside of the remit of the Board and therefore shall not be considered further as part of this determination.

4.1.5. The Council submitted a response to the third party requests in relation to the EIA screening (dated 28th February 2022).

4.2. **Schedule 7A Information (EIA)**

4.2.1. Schedule 7A of the PDR 2001, as amended, relates to information to be provided for the screening of sub threshold development for the purposes of EIA. The planning authority was requested to submit the information set out in Schedule 7A of the PDR, to submit a copy of the documentation relating to the Part 8 application, and to make any submissions or observations they may have in relation to the matter.

4.2.2. In response to the Board's request, the Council submitted a copy of the documentation and drawings associated with their Part 8 application. Their cover letter to the Board, dated 15th February 2022, states that it is the Council's view that the proposed development does not fall into any project type prescribed for EIA, particularly as set out in Part 2 of Schedule 5 of the PDR 2001, as amended, and nor that it is sub-threshold development for EIA purposes. The Schedule 7A information has been provided in the EIA Screening Report which cross references the reports prepared for the Part 8 application (also submitted, including Part 8 Drawings, Appendix 5 – Ecological Impact Assessment, Appendix 6 – Tree Survey & Report and Appendix 7 – Floodlighting Report. The review of this information against the Schedule 7 criteria (set out in section 5.3 of the screening report) finds that "the environmental impacts of the proposed project can be anticipated to be localised, temporary (during construction) and permanent (after construction) and not likely to be significant within the meaning of the Directive".

5.0 **Planning History**

5.1. **Subject site:**

With the exception of the above mentioned Part 8 application (Shanganagh Park Masterplan – Phase 1) on the site, I am not aware of any recent relevant planning history on the site.

5.2. **Site adjacent (west) of subject site:**

ABP Ref: 306583-20 – Application made under Section 175(3) of the Planning and Development Act 2000, as amended. EIAR and NIS included. Permission approved

in July 2020 for a 597 no. residential units (ranging from 1 – 6 storeys in height with 1 no. block comprising a seventh storey setback) in a combination of housing, apartment and Build to Rent apartment units. residential development with ancillary commercial uses (retail unit, café and crèche) on circa 9.69 hectares.

5.3. **Site to southwest of the subject site:**

ABP Ref: 305844-19 – Strategic Housing Development (SHD) Application - Permission granted in February 2020 for 685 no. residential units (207 no. houses, 478 no. apartments), creche and associated site works.

5.4. **Other relevant proposals in the vicinity:**

DLRCC Ref: D20A/0744 –Permission granted in May 2021 for new DART/Railway Station at Woodbrook, just south of the masonry over Rail Bridge OBR 134, Shanganagh Cemetery.

6.0 **Policy Context**

6.1. **Development Plan**

6.1.1. The Dún Laoghaire-Rathdown County Development Plan 2016-2022 is the operative County Development Plan for the area. The subject site is zoned 'Objective F' which seeks 'to preserve and provide for open space with ancillary active recreational amenities'. 'Community Facilities' and 'Sports Facilities' are Permitted in Principle under this zoning objective. The sub text of this objective states 'g - Where lands zoned F are to be developed then: Not more than 40% of the land in terms of the built form and surface car parking combined shall be developed upon'.

6.1.2. Section 2 – Sustainable Communities Strategy

- Policy ST4: Accessibility - It is Council policy to support suitable access for people with disabilities, including improvements to buildings, streets and public spaces.
- Policy ST6: Footways and Pedestrian Routes - The Council will continue to maintain and expand the footway and pedestrian route network to provide for accessible pedestrian routes within the County in accordance with best accessibility practice.

- Policy ST10: Street Lighting - It is Council policy to provide and maintain street lighting on the public road/footway/cycleways throughout the County in accordance with commonly accepted best practice

6.1.3. Section 4 – Green County Strategy

- Policy OSR4: Future Improvements - It is Council policy to continue to improve, landscape, plant and develop more intensive recreational and leisure facilities within its parks and open spaces insofar, as resources will permit, while ensuring that the development of appropriate complementary facilities does not detract from the overall amenity of the spaces.
- Policy OSR7: Trees and Woodland - It is Council policy to implement the objectives and policies of the Tree Strategy for the County – ‘DLR TREES 2011-2015’ - to ensure that the tree cover in the County is managed and developed to optimise the environmental, climatic and educational benefits which derive from an ‘urban forest’.
- Policy OSR10: Sports and Recreational Facilities - It is Council policy to promote the provision and management of high quality sporting and recreational infrastructure throughout the County and to ensure that the particular needs of different groups are incorporated into the planning and design of new facilities.
- Policy OSR14: Play Facilities - It is Council policy to support the provision of structured and unstructured play areas with appropriate equipment and facilities throughout the County and to ensure the needs of all age groups and abilities - children, teenagers, adults and older people - are facilitated in the public parks of Dún Laoghaire Rathdown.

Section 5 - Physical Infrastructure Strategy

- Policy EI8: Sustainable Drainage Systems* It is Council policy to ensure that all development proposals incorporate Sustainable Drainage Systems (SuDS)
- Policy EI21: Light Pollution - It is Council policy to ensure that the design of external lighting schemes minimise the incidence of light spillage or pollution in the immediate surrounding environment and has due regard to the residential amenity of surrounding areas.

Section 7 – Community Strategy

- Policy SIC6: Community Facilities - It is Council policy to support the development, improvement and provision of a wide range of community facilities distributed in an equitable manner throughout the County

Section 8 - Principles of Development

- Policy UD1: Urban Design Principles It is Council policy to ensure that all development is of high quality design that assists in promoting a 'sense of place'. The Council will promote the guidance principles set out in the 'Urban Design Manual – A Best Practice Guide' (2009), and in the 'Design Manual for Urban Roads and Streets' (2013) and will seek to ensure that development proposals are cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking, wayfinding and detailed design

Section 9 – Specific Local Objectives

Map14:

- Objective 76 - To continue the development of Shanganagh Park in accordance with the Masterplan, and to develop a sports facility and improved recreational facilities in the park.

6.2. Woodbrook- Shanganagh Local Area Plan 2017-2023

- 6.2.1. Section 3.6.4 states that it is envisaged that the Masterplan will incorporate the existing Sport Building, immediately adjoining the Castle, to complement and assist in the delivery of a wide range of recreational opportunities and sports campus both for the local community and other park users from further afield.
- 6.2.2. The subject site is identified as an 'active recreational area' and the LAP states that the new Masterplan envisaged to include the following: New and improved recreational facilities to include – improvements to pitches, new outdoor gym equipment, a new senior prunty pitch and all weather lighting, base-ball and cricket area and a junior pitch.

6.3. **Shanganagh Park and Cemetery Masterplan 2019**

6.3.1. The Masterplan seeks to cluster the pitches and other sports facilities together. On the subject site the Masterplan proposes the creation of two sand based, grass 'prunty' GAA pitches which will feature cutting edge flood lights. These sand-based grass pitches will be carefully managed and will cater for the high intensity use weekend matches during the year.

6.4. **Other Strategies**

6.4.1. The following strategies have also been adopted by DLRCC and are relevant:

- Space to Play – DLRCC Sports Facilities Strategy 2017-2022
- DLR Green infrastructure Strategy 2016-2022
 - Corridor 1 – Coastal Shanganagh Park – Killiney hill – Newtownsmith Park – people's park – Blackrock park.
 - Corridor 6 – Gateway Parks Marlay Park – Fitzsimons's Wood – Fernhill Park – proposed Jamestown park – proposed Ticknick Park – Rathmichael Wood – Shanganagh Park.
- DLR Age Friendly Strategy 2016-2020

6.5. **Natural Heritage Designations**

6.5.1. Bray Head Special area of Conservation (SAC) (site code:000714) is approximately 3.5km to the south and Rockabill to Dalkey Island SAC (site code:003000) is approximately 2.6km to the north. Ballyman Glen SAC (Site code: 000713) is located c. 3km southwest and Knocksink Wood SAC (site Code:000725) is located c. 4.7km to the southwest. Dalkey Islands Special Protection Areas (SPA) (Site code:004172) is located approx. 4.8km to the north.

7.0 **Legislation and Guidelines**

7.1. **Planning and Development Act 2000, as amended**

7.1.1. **Section 172(1)** states that an EIA shall be carried out in respect of certain applications for consent for proposed development. This includes applications for 'sub threshold' development, namely those which are of a Class specified in Part 2 of Schedule 5 of the PDR, but do not exceed the relevant quantity, area or other limit

specified and the competent authority determines that the proposed development would be likely to have significant effects on the environment.

7.1.2. **Section 172(1A)** specifies that the above is relevant to development that may be carried out by the local authority under Part X.

7.2. **Planning and Development Regulations 2001, as amended**

7.2.1. **Article 120(3)(b)** states that any person at any time before the expiration of 4 weeks beginning on the date of publication of the notice may apply to the Board for a screening determination as to whether a development proposed to be carried out by a local authority would be likely to have significant effects on the environment.

7.2.2. **Article 120(3)(c)** indicates that such applications for screening determination shall state the reasons for the forming of the view that the development would be likely to have significant effects on the environment and shall indicate the class in Schedule 5 within which the development is considered to fall.

7.2.3. **Schedule 5** sets out the classes of development where EIA is required.

- Part 1: Sets out the development classes which are subject to mandatory EIA.
- Part 2: Sets out development classes subject to EIA where they exceed a certain threshold in terms of scale or where the development would give rise to significant effects on the environment.

7.2.4. **Schedule 7** sets out the criteria for determining whether a development would, or would not be likely to have significant effects on the environment, under three headings:

1. Characteristics of the proposed development.
2. Location of the proposed development.
3. Types and characteristics of potential impacts.

7.2.5. **Schedule 7A** relates to information to be provided by the applicant or developer for the screening of sub-threshold development for the purposes of EIA. The requirement for the submission of this information in the case of requests to the Board for a determination under Article 120(3) of the Regulations arises on foot of revisions to Article 120(3) introduced by the EU (Planning and Development)

(Environmental Impact Assessment) Regulations, 2018. The changes to Article 120(3) introduced by these regulations came into effect on 1st September 2018.

8.0 **Assessment**

8.1. **Introduction**

- 8.1.1. The proposed development primarily comprises works to the existing central meadow area of the site and the baseball field and cricket pitch. The proposal would see the development of Phase 1 of the Shanganagh Park Masterplan which mainly involves the construction of new sports amenity facilities and rearrangement of existing sporting facilities. The Council state that the proposal seeks to meet the increasing pressure to provide quality sports facilities within the Dun Laoghaire Rathdown area, converting this space into a high intensity active recreation zone. These sports facilities include for two GAA sized sand-based grass pitches with floodlights and reinforced warm up area, amalgamated cricket and baseball areas, and a 6 lane 100m sprint track. In addition, new tree planting and pollinator areas are proposed and improvements to the perimeter path and access over DART line, calisthenics, natural play and seating. The proposal also involves the removal of trees and hedge vegetation along the north-eastern part of the park, adjacent to the DART line and at the southwestern end of the proposed new GAA pitch, northwest of the existing cricket field. A narrow tree belt is also proposed for removal along the northern boundary of the site between St. Anne's Park and the proposed GAA pitches.
- 8.1.2. The question for determination by the Board is whether the proposed development requires Environmental Impact Assessment to be carried out. An EIA Screening report and screening determination letter supporting the Council's Part 8 application was submitted to the Board. These state that it is the Council's view that the proposed development does not fall into any project type prescribed for EIA, particularly as set out in Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended) and that on this basis it is considered neither to fall into any prescribed project type nor to be sub-threshold development for EIA purposes. The Council conclude that the environmental impacts of the proposed

development are not likely to be significant within the meaning of the EIA Directive and that an EIAR is not required in respect of the proposed development.

8.1.3. In addition to the above, I note that one of the applicant's stated that the Board's procedures re: EIA Determination were confusing and flawed as regards the requirement to adequately inform the public. Having examined these matters, I see no issue with the manner in which the Board has carried out its procedures to date and note the correspondence between the applicant and the Board, all of which appears to be in order.

8.1.4. The following matters are considered relevant in the assessment of whether the submission of an EIAR is required:

- Assessment of project type/class of development under Schedule 5 of the Planning and Development Regulations, 2001, as amended, relevant to the proposed development.
- Assessment of relevant thresholds under Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, as amended.
- Assessment of proposed development under the criteria set out Schedule 7 of the Planning and Development Regulations, 2001, as amended.

8.1.5. An assessment of the proposal against the above criteria is carried out in the sections that follow.

8.2. **Relevant Project Types / Class of Development**

8.2.1. The referrers make reference to the size of the development which will be on a site of 8.7ha which they argue is quite close to the relevant threshold of 10ha. They also highlight that the EIA screening report tries to claim that the adjacent housing estates are not "built up", and therefore that the actual threshold that applies is 20ha in rural areas. The referrers argue that the proposal is barely sub-threshold when referring to Class 10 Infrastructure projects (b) (iv) (iv) *Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere*. In addition the referrers also state that the scale of the overall planned development as provided for in the Shanganagh Park Masterplan meets the required threshold (not least given the cumulative impacts of this and linked developments) under Schedule 5 Part 2

Section 10 Clause (b)(iv) i.e. Urban development which would involve an area greater than 10 hectares in the case of other parts of a built-up area (they highlight that the current extent of Shanganagh Park extends to c.36 hectares (89 acres)).

- 8.2.2. Reference is also made to 'Project Type 13 Changes, extensions, etc.' which would appear to relate to Class 13 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended. The referrers state that this is another attempt at misdirection by the Council and suggests that the proposed sports complex is minor change of existing use, where in fact it is a fundamental change of use of the existing quiet biodiverse middle field to an intensive sports complex.
- 8.2.3. Additionally, the referrers state that Shanganagh Park is designated by DLRCC as a Locally Important Biodiversity Site, and as such, it could justifiably also be considered as meeting the threshold for an EIA according to *Matters which must be regarded* under Article 44D (1) (e) (vi) i.e. *a place, site or feature of ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan, draft development plan or draft local area plan, or proposed variation of a development plan, for the area in which the development is proposed*. However, having reviewed this information, I note that this article refers to applications for 'Extension of Duration of Planning Permission' under the Planning and Development Regulations 2001 (as amended). As the current application does not seek to extend an existing permission this article and the relevant subsections are not relevant in the subject determination and therefore shall not be considered further.
- 8.2.4. Having reviewed the details of the proposed development and the relevant legislation, I consider that it constitutes an infrastructure project, comprising the development of a public amenity in an urban area and therefore an urban development due to the location of the site in a developed area and on zoned lands within the identified development boundary of the Dun Laoghaire Rathdown Development Plan 2016-2022 and the Woodbrook- Shanganagh Local Area Plan 2017-2023. Therefore, I consider that the only class of development which would be potentially applicable to the proposed development is class 10(b)(iv) of Part 2 of Schedule 5 of the PDR 2001, as amended: "*Urban development which would involve*

an area greater than 2 hectares in the case of a business district¹ , 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.”

8.3. Assessment of Relevant Thresholds under Part 2 of Schedule 5 of the Planning and Development Regulation 2001, as amended

8.3.1. The threshold cited under Class 10(b)(iv) in the Regulations is an area ‘greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere’. The proposed development would be accommodated on a site of less than 8.7 hectares. Therefore, while the proposed development is of a Class listed in Part 2, it is sub-threshold for mandatory EIA.

8.3.2. An assessment as to whether the proposed development should be subject to EIA having regard to the criteria set out Schedule 7 of the PDR is set out below.

8.4. Assessment of the development under the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended

8.4.1. Schedule 7 of the Regulations lists the criteria for determining whether a development would or would not be likely to have significant effects on the environment under the following headings:

- Characteristics of proposed development.
- Location of proposed development.
- Types and characteristics of potential impacts.

8.4.2. Each of these criteria is assessed below.

8.5. Characteristics of proposed development

Size and design of proposed development

8.5.1. The proposed development is described at Section 3 above. According to the submitted Screening Report, an area of 8.7ha is involved, although it is highlighted that not all of this area will be subject to works. No definitive area for proposed works is however presented. The proposal involves the following three main elements:

¹ The PDR states that “business district” means a district within a city or town in which the predominant land use is retail or commercial use.

- Sand Based Grass Pitches: The topsoil will be stripped and set aside on the site for re-use. The area is to be re-graded using a cut and fill method to create a level platform for the two pitches with falls and crossfalls. The topsoil will then be placed on the final levels and sand will be ameliorated into the surface. A warm-up area will also be located north of the proposed pitches between them and the sprint track. This area is to be surrounded by 9 no. floodlights of height 24.4m, with an average light level of 500 lux.
- Cricket & Baseball Facilities: The cricket and baseball facilities will be amalgamated to an area to the south of the proposed pitches where the cricket pitch currently stands. This will include a standard baseball field with synthetic surface 60/90 dimensioned diamond and a competition standard cricket field with synthetic crease. In addition, it is proposed to install a fixed batting cage/cricket cage with 16z soft netting and artificial surface for practice including all associated fencing, netting and storage.
- Sprint Track: It is proposed to install a 6 lane 100m sprint/hurdles track on polymeric surfacing to World Athletics standards with long and triple jump facilities. This will include a storage area, a perimeter path and weldmesh fencing at a height of 1.2m. In addition, floodlighting for this area is proposed which includes 2no. 15.4m high galvanised steel columns with a light level of 200 lux.

8.5.2. I note that Section 5.1 of the Screening Report states that '*as the site is adjacent to but not in a built-up area, the 20 ha threshold would apply if this were considered to be a type 10(b)(iv) development type*'. I would not concur with the report in this regard and consider the proposal is located in a built-up area given the location of the development on lands with Zoning Objective F and located immediately adjacent to both existing and permitted large residential developments (see applications approved under Section 5 of this report above) and also existing community uses (e.g. Shanganagh Cemetery).

8.5.3. The lands in question primarily comprise existing amenity areas including sports facilities (Cricket and Baseball fields), a large area of greenspace, perimeter pathways, treelines, tree clusters/coppices and hedging. I therefore consider that the lands in question are not part of a 'business district' but are instead 'other parts of a

built-up area', where the threshold for mandatory EIA is 10 ha. The proposal generally comprises proposed improvements to existing public amenities and while I acknowledge that the site at 8.7ha is a larger site in this context, having regard to the size/scale of the proposed development, which is still below the thresholds set out in Part 2 of Schedule 5 of the PDR, and which generally entails the improvement of existing public amenities, I do not consider that a requirement for EIA arises.

Potential for cumulative impacts with other existing and/or approved projects

- 8.5.4. The development site is located within the eastern area of Shanganagh Park, other areas of the park are in amenity/recreation and sporting use. The area to the immediate north of the park is comprised of a large established residential area, the lands to the south are occupied by Shanganagh Cemetery and the DART railway runs in a north south direction along the eastern boundary.
- 8.5.5. To the immediate west and south of the site two large residential developments have received approval in 2020 (ABP 306583 and ABP 305844) both of which were subject to EIARs. Another relevant project is the new Dart station development at Woodbrook c. 350m south of the subject site. Should the construction of the proposed development occur in tandem with other urban development such as the aforementioned, given the limited nature of works (i.e. no significant structures) and the location/area of lands to be developed, I do not consider that there is potential for cumulative impacts to arise. Any impacts would be of a temporary nature and short-term.
- 8.5.6. The proposed development forms Phase 1 of the Shanganagh Masterplan 2019. I note that the submitted EIAR Screening Report states that prior to the development of subsequent phases, any proposals will be subject to compliance with their own planning and environmental assessment requirements as applicable and as they are currently at masterplan stage they do not affect this screening.
- 8.5.7. Based on the information available, including the nature and scale of the proposed development and the existing site context, it is considered unlikely that cumulative impacts would be of a magnitude that would generate the need for EIA.

Nature of any demolition works, use of natural resources, production of waste, pollution and nuisances

- 8.5.8. There are no buildings/structures on the site that require demolition. The nature and scale of the development would not result in a significant use of natural resources.
- 8.5.9. Production of waste will arise in relation to the excavated material from the site. This is not anticipated to be of any significant level and no significant waste streams will be generated. Topsoil excavated is proposed for re-use on site.
- 8.5.10. The potential for pollution and nuisance arising from a development of this scale would be limited. While I acknowledge that the construction phase will result in noise, dust and traffic related impacts with the potential to cause nuisance and impact on the amenities of adjoining dwellings, these impacts will be temporary and short lived and will be controlled as part of the standard construction management plan.
- 8.5.11. I consider that a project of the scale proposed has limited potential for significant effects arising from the use of natural resources, the production of waste or the generation of pollution and nuisance and does not warrant EIA.

Risk of major accidents and/or disasters including those caused by climate change

- 8.5.12. Having regard to the location, nature, scale and characteristics of the proposed development, comprising the creation/improvement of public amenities/recreational uses, it is considered that there is negligible risk of a major accident and/or disaster.

Risk to human health

- 8.5.13. There are no significant risks to human health associated with the proposed development. The risk to human health arising from water contamination, air pollution, noise etc is considered to be negligible and not of a magnitude to generate a requirement for EIA. The area will continue to be used for recreational/amenity purposes and will provide a positive impact to human health.

8.6. Location of proposed development

Existing and Approved Land Use

- 8.6.1. As noted above, the proposed development primarily comprises improvements to existing public amenities and does not entail a change of land use. The proposed development is compatible and will complement the existing use of the land for

amenity/recreational purposes. I am satisfied that no significant adverse impacts in relation to land use are likely to arise.

Relative abundance, availability, quality and regenerative capacity of natural resources

- 8.6.2. As noted in Section 6.5 above, there are a number of designated natural heritage sites within c. 5km of the proposed development. Potential impacts on these sites are considered in the Ecological Impact Assessment (EclA) and Habitats Directive Appropriate Assessment Screening Determination submitted as part of the Part 8 application.

Habitats and Species

- 8.6.3. I noted on site visit that the central green open space area displays a high level of disturbance from dog walkers, and casual users, as well as those engaging in sporting activities. Such levels of activity, in addition to the type of habitat present (GA2 – Amenity grassland and GS2 – Dry meadows and grassy verges) in this area do not provide for habitat that bird species would depend upon as significant feeding grounds. The proposed works will not be extensive and as noted from the survey carried out by the Council, bird species landing at the development site and adjacent lands are habituated to high levels of disturbance and as such given the minor nature of the proposed works it is unlikely that significant effects would arise. I note that according to the submitted EclA and the AA Screening Report that the Council has commissioned Wintering Bird Surveys, which are currently ongoing. The Council state that impact determination on SPA's where wintering birds are qualifying interests is pending these results. For the purpose of this EIA Screening Determination, I would not consider the impacts to be of a level of significance that would require EIA and consider that the potential impacts on Natura 2000 sites can be adequately dealt with under the AA process.
- 8.6.4. Habitat surveys and mapping undertaken as part of the EclA found that habitats were generally of 'local importance' and included, inter alia, Treelines, Amenity Grassland (GA2), Dry meadows and Grassy verges (GS2), Mixed Broadleaved Woodland (WD1) and Buildings and Artificial Surfaces (BL3). No rare or protected habitats or plant species were noted in the vicinity of the proposed site. No sightings of mammals were noted on site; however two potential fox burrows were recorded.

No evidence of badger activity was noted. No water courses or drainage ditches in the vicinity of the proposed works were noted. Although no newts were recorded in the vicinity of proposed works, given the known presence of this species within Shanganagh Park and the potential for dust and surface water impacts, it was determined that mitigation measures are required in relation to newts. These measures include for ecological supervision and the control of silt, petrochemical and dust during construction, as well as the requirement for pre-construction surveys.

Bats

- 8.6.5. A bat survey was carried out for the proposed development. Foraging activity was noted on site particularly along the tree lines at a height just above the existing public lighting along the paths. Three soprano pipistrelles (*Pipistrellus pygmaeus*), a common pipistrelle (*Pipistrellus pipistrellus*) and Leisler's bat (*Nyctalus leisleri*) were recorded foraging over the site. Pipistrelle activity was primarily concentrated along the edges of the woodland while Leisler's bats were observed in more open areas. No buildings or trees of bat roosting potential were noted on site. The Council note that the proposed development will change the local environment as new lights are to be erected and some of the existing vegetation will be removed, however as no bat roosts will be lost due to this development, species expected to occur on site should persist. Minor loss of foraging areas through the site (not at the perimeter) will be seen when lighting is on, however provided mitigation in relation to the design and operation of both lighting is included and landscaping is provided to enhance bat foraging on site no significant effects on this species are likely. Discussions took place between Altemar and Musco Lighting consultants to ensure that the proposed floodlighting did not significantly impact on foraging bat activity within the park and introduce excessive light spill into the surrounding environment. Several iterations of the lighting strategy were prepared and assessed for potential negative impact on bats. The strategy proposed represents the final version of this consultation process. The submitted EclA Report states that floodlighting will be operational, when required, potentially from 7am until 22:00, 7 days a week from October 15th to March 31st, during the main bat hibernation period. From April 1st to October 14th should lights be deemed necessary they will cease operation at civil twilight (rounded hour) e.g. 8pm in April, 9pm in May, 9pm in August and 8pm in September, in order to further protect bat foraging activity. As seen in Figure 4 of the submitted EclA, the

ground light levels in the vicinity of the surrounding woodland is primarily < 1 lux (blue contour) and would therefore not prohibit bats from using existing foraging corridors. I note that the lighting design has been prepared in compliance with the Chartered Institute of Building Services Engineers Lighting Guide 4: Sports Lighting (CIBSE LG4) & the Institute of Lighting Professionals (ILP), Guidance Note for the Reduction of Obtrusive Light GN01:2021 and Guidance Note for Bats and Artificial Lighting in the UK GN08:2018. Noting the range of design measures and mitigation measures outlined in the EclA, it is unlikely that significant effects on bats would arise as a result of the proposed development.

Birds

- 8.6.6. As per the surveys completed and detailed in the EclA, birds noted on site included Blackbird, Dunnock, Chaffinch, Song Thrush, Wren, Great Tit, Robin, Blue Tit, Hooded Crow and Magpie. The site is c. 7.9km from the South Dublin Bay and River Tolka SPA where the Light-bellied Brent goose is a qualifying interest. This species is known to frequent terrestrial grassed sites near the SPA. This species however has not been recorded by the NBDC or the NPWS on the subject site, however as noted previously a wintering bird assessment is currently being carried out and will be completed in March 2022. The impact of the proposed development on birds is pending the completion of this series of surveys. However, as previously indicated and also confirmed by the Council following discussion with an ornithologist on the project, the park has a significant amount of pedestrian and canine (off lead) activity and therefore ground nesting birds have not been recorded or would not be expected within the park.

Trees

- 8.6.7. The submitted Arborists report (Appendix 6 - Tree Survey & Report) states that the current site layout has been finalised and modified based on the information provided in the initial condition tree assessment of the site area and the creation of the tree constraints plan (DWG. No.SGSF001 of Appendix 6) and a number of design team consultations, which has resulted in changes being made in the layout to ensure that any impact on the trees to be retained have been kept to a minimum.
- 8.6.8. The objective of the proposed development layout was such as to try and retain as much of the important tree lines, groups and belts of trees as possible particularly

around the perimeter of this site area and to incorporate these into the completed development. In summary, 19 individually tagged trees (5 no. Category B and 14 no. category C) plus one Tree Group (779m² of tree belts/wooded areas) and c.80m length of hedging are proposed for removal to facilitate the proposed development of this area for a new sporting facility. The loss of the above listed tree vegetation is being mitigated against with the planting of trees, shrub and hedging as part of the landscaping of the completed development. I note from drawing DWG. No.SGSF002 that it is stated that the woodland edge of Tree Belt no.3 is to be reviewed once the baseball pitch is in place and that some of the outer trees may be removed at this stage to facilitate the play of the pitch. Similarly Woodland Block no.1 is also to be reviewed for this reason.

- 8.6.9. For the tree vegetation proposed for retention, it will be necessary for tree protective fencing to be erected and all other mitigation measures required to be put in place prior to the development works commencing on site to protect the root zones. See drawing DWG No.SGSF002, for the position of the protective fencing and other mitigation measures. Subject to the identified mitigation measures, it is not considered that the proposed development would have a significant impact on trees or vegetation in the locality.

Conclusion

- 8.6.10. In terms of biodiversity, the proposed development will result in the loss of some habitats that exist on site. Direct negative effects will be manifested in terms of the removal of the site's habitats during site tree clearance and reprofiling. This will result in the loss of areas of grassland and woodland that are relatively poor in biodiversity value. Although bats were recorded using the site for foraging, no roosts were identified on site. I also note that no third schedule invasive species were recorded on site.
- 8.6.11. Overall, the nature of the proposed development is such that the natural resources used in the proposed development are limited and there would be minimal ongoing use of natural resources from the proposed use of the site. There is, therefore, no potential for significant effects in this regard.

The absorption capacity of the existing environment

- 8.6.12. The site includes a public park and is located within a built-up area adjacent to existing and approved residential developments and a transport corridor in the form of the DART line. The Council has prepared an EcIA to address biodiversity issues arising and to identify suitable mitigation measures and construction methodologies. The ecological value of existing habitats within the site is assessed as locally important and the removal of these habitats will result in a loss of species of low biodiversity importance. There is no indication within the Council documentation that the development site contains habitat for any protected or rare species (the results of the bat survey have already been discussed above).
- 8.6.13. The Council has also screened the proposed development for Appropriate Assessment and submitted an AA Screening Report. I note that the site does not have any hydrological link to any Natura 2000 sites within the identified 15km Zone of Influence, I consider 15km to be an adequate zone to exam given the nature and scale of the proposed development. I note ex-situ impacts on the qualifying interests of the surrounding SPAs are currently under examination and the Council is awaiting the results of the Wintering Bird surveys which will inform the Appropriate Assessment process. The current request to the Board relates to an EIA determination and does not include for an Appropriate Assessment determination. If the circumstance arises following the winter bird survey results that a Natura Impact Statement is required then under the provision of Section 177AE of the Planning and Development Act 2000, as amended, DLRCC may submit an application for approval for the development to the Board. In addition to the likely significant effects on European sites, the likely consequences for the proper planning and sustainable development of the area would also require consideration and assessment. Given that this issue can be addressed by the Board at a future stage if required, I do not believe that this issue alone would generate the requirement for an EIA.
- 8.6.14. A number of protected structures are located in the vicinity of the proposed development. These include a castle, country house, monument, gates, railings and walls and gate lodge. The closest is Shanganagh Castle which is approx. 110 m from the proposed development. This is also a national monument and listed on the NIAH. Given the proposed nature of the works and the separation distance to the

above site, I do not consider that the proposal will give rise to significant effects on the environment.

- 8.6.15. In summary, I consider that the site has the capacity to absorb the proposed development without generating significant effects on the environment and the requirement for EIA.

8.7. Types and Characteristics of the Potential Impact

Nature, magnitude and extent of the impact

- 8.7.1. The extent of the impact in terms of geographical area and the size of the population likely to be impacted is limited to the immediate area of Shanganagh and Shankhill area where the development will be located. The construction stage will result in limited impacts on the local population arising from dust, noise and traffic. These will be of short duration and capable of effective mitigation by normal good construction and best practice methodologies. The operational phase may see increased user numbers on site, however given the availability of public transport and public parking nearby it is not anticipated that any significant impacts will occur on the local population as a result of the proposal. The proposed development will not impact on any protected views identified in the development plan.
- 8.7.2. In terms of biodiversity, the proposed development will result in some loss/disruption of habitats existing on site and disturbance/displacement of species using the site. These habitats include amenity grassland, treelines, buildings and artificial surfaces. Species include various bird, bat, other mammal and possible aquatic species (newts), as identified above. A series of measures are identified in the EclA to address and mitigate these impacts. Having regard to the nature and scale of the proposed development, it is not considered that significant adverse impacts on biodiversity are likely to arise. In addition, it should be noted that the existing habitat is extensively utilised by dog walkers, recreational users and sports events and as such would not be suitable or of significant value to provide refuge or significant foraging habitat to mammals or bird species. Given the high level of human activity at this site it is not considered that significant displacement of species would be likely to occur as a result of the proposed development.
- 8.7.3. The proposed development will result in limited impacts on land and soil which will be negligible having regard to the limited size of the site.

- 8.7.4. There is potential for impacts on air and climate and noise and vibration to occur during the construction phase. Having regard to the temporary nature of the works, these impacts would be short term and capable of effective mitigation through good construction practice. The site is within a built-up area and is removed from any protected structures. There are no known archaeological monuments proximate to the site. No potential significant impacts on cultural heritage have been identified.
- 8.7.5. Arising from these limited impacts, the nature and scale of the development and its relationship with the surrounding land uses, it is not considered that the proposed development would have a significant impact on material assets in the locality.
- 8.7.6. There is potential for interactions between various environmental factors, notably between land and biodiversity and population. Subject to the identified mitigation measures, significant interactions are not considered likely or such that would give rise to significant additional environmental impacts.

Probability, intensity and complexity of impacts

- 8.7.7. The proposal will result in the loss of 19 no. trees and wooded areas, as well as areas of amenity grassland and dry meadows and grassy verges. Having regard to the limited scale of the proposal, the nature of the environmental impacts are not complex or intense.
- 8.7.8. The proposed development will result in the loss of a small area of habitat and disruption to other habitats including treelines and grassland areas. Temporary noise, dust and traffic impacts may also arise. Having regard to the limited scale of the proposed development and noting the mitigation measures outlined in the Part 8 application it is considered that the nature of the environmental impacts during the construction phase are not particularly complex or intense.

Expected onset, duration, frequency and reversibility of the impact

- 8.7.9. Having regard to the nature of the proposed development, it is expected that the impacts will be on-going, long term and will generally only be reversible if the constructed elements of the scheme are removed. The construction phase impacts will be of short duration and limited frequency.

Transboundary nature of impact

- 8.7.10. There will be no transboundary impacts associated with the proposed development.

Cumulative

8.7.11. The site is zoned for open space and active recreational amenity uses and is surrounded by a built-up area (residential) for the purposes in the development plan. The only projects that I am aware of in the vicinity with the potential to result in a cumulation of impact have been previously outlined in Section 5 above and discussed under Section 8.5. The adopted Development Plan has been subject to Strategic Environmental Assessment which concludes that the adopted development scenario is the optimal solution having regard to environmental and planning effects. The Schedule 7A report submitted states that no cumulative effects are expected. I have had regard to the status of the surrounding lands, which is largely in use for recreational, community and residential purposes, and I am satisfied that the proposal would not give rise to concerns in relation to significant cumulative effects.

Possibility of effectively reducing impact

8.7.12. Implementation of standard best practice methodologies during the construction phase of the proposed development will result in a reasonable probability of effectively reducing potential impacts.

9.0 Recommendation

9.1. Having regard to the above assessment, I consider that the proposed development of two grass pitches, the amalgamation and upgrade of the baseball and cricket facilities, upgrades at the railway crossing, sprint track with covered canopy to include all earthworks, drainage, fencing and netting, floodlighting and path lighting, tree planting, street furniture, play and calisthenics equipment, new paths and ramps and all ancillary works at Shanganagh Park would not be likely to have significant effects on the environment. I therefore recommend that Dun Laoghaire Rathdown County Council be advised that the preparation and submission of an environmental impact assessment report is not required in respect of the proposed development.

10.0 Reasons and Considerations

Having regard to the following:

- a) The criteria set out in Schedule 7 and the information provided in Schedule 7A of the Planning and Development Regulations 2001, as amended,
- b) The limited nature and scale of the proposed development which is under the threshold in respect of Class 10b(iv) (Infrastructure – Urban Development) of the Planning and Development Regulations 2001, as amended,
- c) The location of the site on lands zoned for the preservation and provision of open space with ancillary active recreational amenities under the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the Woodbrook - Shanganagh Local Area Plan 2017-2023 and the results of the Strategic Environmental Assessment of these Plans undertaken in accordance with the SEA Directive (2001/42/EC),
- d) The location of the site in a built-up area served by public infrastructure and the existing pattern of development in the vicinity,
- e) The limited potential for significant impacts arising from the proposed development,
- f) The submissions made by the applicants requesting a determination and by the local authority, and
- g) The report and recommendation of the Inspector,

It is considered that the proposed development would not be likely to have significant effects on the environment and, accordingly, that the preparation and submission of an environmental impact assessment report is not, therefore, required.

Máire Daly

Planning Inspector

29th March 2022